

money, end up freezing these leftover embryonic stem cells in case their effort is unsuccessful so they can try again.

When they are successful the question then arises, what happens to these embryonic stem cells? If there is no purpose for them, many of these couples say, Discard them; we don't need them anymore. And they are discarded and thrown away.

So the question which we face is whether or not those stem cells should be taken and used in medical research. Why would we want to? Because they are special. Because of the nature of these stem cells, they have the greatest potential to be helpful in curing diseases and in dealing with medical challenges that no other branch of research has been able to address.

This stem cell research was addressed by President George W. Bush in August of 2001. He came up with a morally curious position. He said that all of the stem cell lines that had been created to the date preceding his speech could be used for medical research, but no others in the future.

I don't follow the moral argument of how some stem cells can be used with immunity and from that date forward no others can be used. Sadly, the stem cell lines that he identified were very limited. Some had been contaminated. Their potential for medical research is extremely restricted. So the debate has moved from the President's decision to Capitol Hill.

The House of Representatives has passed legislation. If you would pick up the calendar of the Senate, you would find H.R. 810. H.R. 810 is a legislative measure that has passed the House of Representatives and has come to the Senate and has been sitting on this calendar for 1 year. In the course of that period of time, we have received the assurance of the Republican leader, BILL FRIST, a medical doctor, that he will support the passage of stem cell research. For 1 year we have been waiting, 1 year in which thousands of Americans suffering from diabetes, Parkinson's disease, Alzheimer's, Lou Gehrig's disease, spinal cord injuries have been waiting. They have been waiting to get on the political calendar of the United States Senate. I don't understand why we have not called up this bill for consideration.

Look at what we have done in the month of June. We have considered two constitutional amendments which have been defeated, neither of which are high priorities for Americans. Don't take my word for it. In a poll of Americans they said, pick out the most important things you think the Senate can work on, and out of 40 choices that people volunteered, No. 32 on the list was gay marriage—out of 40 choices—and the flag amendment didn't even make the list. We ate up the precious time of the Senate during the month of June on these measures which were defeated. Weeks went by when we could have considered stem cell research,

medical research that offers an opportunity for cures for people who are suffering across America.

Then the Republican majority leader said, it isn't enough that we are going to spend time on constitutional amendments going nowhere; we are now going to consider a change in the estate tax which will give extraordinary tax breaks to the richest people in America. The estate tax affects 3 out of every 1,000 Americans who die. Only 3 out of 1,000 pay any Federal estate tax. They are very wealthy people. By and large they make a lot of money. America has been very good to them. They have enjoyed a comfortable life because of their own talents and perhaps the good fortune of being born into a wealthy family.

Senator FRIST has suggested that rather than focus on the tens of thousands of Americans who would be benefited by stem cell medical research, we need to focus on a handful of Americans who are well off and give them a bigger tax break.

I am afraid that is why most Americans are losing hope in this Congress. They look at this Republican-led Congress and wonder, What are they thinking? Why aren't we debating an energy policy for America when gasoline prices are going through the roof? Why aren't we talking about health insurance for the 46 million Americans without health insurance and for the millions who have health insurance that isn't worth much? Why aren't we spending time passing the stem cell medical research bill, which passed on a bipartisan basis in the U.S. House of Representatives?

There is no explanation. The only explanation is, it doesn't fit into the campaign game plan of the Republican leadership. Do you know why? Because when you ask the American people, do you want us to move forward on medical research involving stem cells, 70 percent of the American people say yes.

It is an overwhelmingly popular bipartisan issue which the Republican side is scared to death of. That is unfortunate. We need to call on this.

I guarantee that when we return after the Fourth of July recess, the month of July is going to be stem cell month in the Senate. We are going to, with regularity, come to the floor and not only speak to this issue but ask unanimous consent to move to this issue. And every single day, the Republican leadership will have a chance to say, yes, to give hope to millions of people across America who want to see this medical research go forward or, no, to stick to their narrow political agenda in the hopes that the American people won't notice. I think they will. I think a lot of people will notice this one.

I have had a chance to meet with people in Chicago and across Illinois suffering from these diseases. They are heart-breaking meetings. Sit down with the parents of a child suffering

from juvenile diabetes and let them tell you what their life is like as they wake up their little girl two times in the middle of the night to take a blood sample to see if perhaps her diabetes is out of control. Talk to the family of that young man suffering from Lou Gehrig's disease who looks like the picture of health but confined to a wheelchair and can no longer speak. His wife speaks for him while tears roll down his face. Talk to my friend suffering from Parkinson's disease, including my great friend and colleague, Congressman LANE EVANS from Rock Island, IL, a young man suffering from Parkinson's and decided that he must step aside from Congress because of this battle.

Speak to those people and tell them that we have higher priorities than this medical research. I don't think you can. I can't. That is why stem cell month is going to be the month of July. This Senate is going to have its chance. We are going to continue to bring this up until Senator FRIST keeps his promise to bring this measure before the Senate before he leaves at the end of this year.

We are running out of time. America is running out of time. We need this medical research, and we need it now. There are no good excuses left.

#### MEDICAID DOCUMENTATION REQUIREMENT

Mr. DURBIN. Madam President, it has been less than 4 months since passage of the Deficit Reduction Act. That bill cut Medicaid health benefits for our Nation's low-income children, seniors, pregnant women, and people with disabilities.

One provision of the bill requires Medicaid beneficiaries to present a passport or birth certificate as proof of citizenship before they are eligible for benefits or to renew their benefits.

All States had the legal authority to require beneficiaries to furnish these documents before we passed the Federal law. However, 47 States have made the decision not to require that identification of Medicaid recipients.

Many low-income Americans don't have these documents, and most States have decided that requiring them would create a hardship and a barrier to health care for some of the poorest people in America.

Instead, States allowed written self-declaration of citizenship and had what are called prudent person policies in place if State personnel were suspicious and wanted further proof.

The inspector general of the Department of Health and Human Services conducted a review of these self-declaration policies and found that most States that conducted post-eligibility quality control measures have not found any problems with self-declaration of citizenship. The system was working.

Nevertheless, Congress passed the documentation requirement which will

go into effect on Saturday, only 3 weeks after the Department of Health and Human Services sent guidelines out to the States. That is hardly adequate time to implement a very difficult provision.

This is going to hurt a lot of vulnerable Americans. Foster children who met citizenship requirements to enter the foster care system will have to go out and prove that they are Americans.

The 850,000 Alzheimer's patients on Medicaid will have to somehow locate these documents or run the risk of losing Medicaid protection.

Nursing home residents, 75 percent of whom have some cognitive impairments, such as Alzheimer's or Parkinson's or dementia, are going to have to come up with citizenship documents or be cut off from Medicaid.

For example, Kevin Harris, who lives in Chicago, is blind and mentally impaired. Kevin does not have a birth certificate, and his legal guardian does not know where to begin looking because Kevin doesn't remember where he was born. As of Saturday, Kevin will have to find his birthplace or he will become ineligible for health benefits when it comes time to renew.

At the very least, States should have more time to work with these unfortunate individuals who are struggling with serious medical illnesses. Throwing these paperwork requirements at people who are struggling to live day to day is not right.

The Akaka bill, sponsored by the Senator from Hawaii, which I am proud to cosponsor, will allow States to delay implementation of this rule until January 31 of next year. It will give them an additional 6 months to at least get this in place. That will give all of those involved time to figure out how to avoid letting people like Kevin Harris lose health care protection in America.

#### UNANIMOUS-CONSENT REQUEST— S. 3590

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3590, a bill to delay the effective date of the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid Program.

The PRESIDING OFFICER. On behalf of the leadership, I object.

Mr. DURBIN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

#### JAPANESE BAN OF U.S. BEEF IMPORTS

Mr. NELSON of Nebraska. Madam President, I rise today to discuss the devastating Japanese ban on imports of American beef and a bill that I have introduced that would ban imports of Japanese beef until such time as fair

trade is resumed and Japan is once again importing U.S. beef. I am raising this issue because of its importance in my State of Nebraska and to the entire American beef industry.

Today, Japanese Prime Minister Koizumi visits with President Bush—in fact, they are together right now. I hope they are talking about the beef ban, but if they are not; I am. It is important that this devastating and unfair ban on U.S. beef does not get ignored.

Japan has now banned imports of U.S. beef for over 5 months. This ban has had significant effects on the U.S. beef industry and it has hit home in Nebraska.

First, Japan used to represent a \$1.4 billion market every year for U.S. beef, which equals about \$115 million every month—and Nebraska was the leading beef exporting State to Japan. That means Japan's most recent ban has directly cost the U.S. beef industry at least \$575 million.

But this is only part of the problem. In December of 2003, Japan closed its borders to U.S. beef over purported concerns about BSE or mad cow disease. Their borders remained closed for over 2 years, until December 2005 and were opened barely a month before closed again in January 2006. This in spite of the low prevalence of BSE in the U.S. herd, especially compared to its prevalence in the Japanese herd.

Second, my home State of Nebraska has been hit especially hard. The beef industry is a big part of Nebraska's economy—we were one of the top States in cattle fed and cattle slaughtered in 2005 and Japan imported \$350 million of Nebraska beef products in 2003.

We have estimated that both Japanese bans on U.S. beef imports have caused great damage in the State—up to \$875 million and more than 1,300 jobs, including two plants in West Point and Norfolk that were closed due in part because of this ban.

Because of this I write to Japanese Ambassador Kato every week to urge Japan to end the ban as quickly as possible. Each time, I emphasize two main points: (1) That American beef is the best and safest in the world and (2) that Japan needs to end its ban on U.S. beef immediately. Unfortunately, I have now written 18 letters with more on the way.

Because the beef industry cannot tolerate this unfair ban much longer, I have introduced a bill that will ban all U.S. imports of Japanese beef until such time as the U.S. Trade Representative reports to Congress that Japan has actually resumed imports of U.S. beef.

My bill is about fairness and I urge my colleagues to become cosponsors.

I want to emphasize that my bill is about fairness in our trade relations: Japan's ban on U.S. beef simply cannot be considered a fair trade practice.

Last December Japan finally agreed to lift its initial ban on U.S. beef after

a long series of negotiations and overwhelming evidence of the safety of American beef.

In January, the very first shipment of U.S. beef to Japan was found by Japanese inspectors to contain a few boxes of beef that did not comply with the export protocol that Japan and the U.S. had agreed to; the very first shipment!

It is extremely important to note that this shipment posed absolutely no risk to human health, it was merely in violation of the strict export agreement between the U.S. and Japan.

And how did Japan react? They immediately banned all imports of U.S. beef. They didn't send the shipment back or even de-list the company that sent the non-compliant shipment.

No, they punished the entire U.S. beef industry for a single instance of noncompliance—a situation that came about because of human error in the implementation of the export procedures—and their actions have caused great harm to a \$1.4 billion industry.

I agree that mistakes were made by U.S. officials and facilities. But fair trade requires a reasonable and fair response to mistakes.

Japan's total embargo is not, in my opinion, a fair and reasonable response.

Because of that, I am bringing this matter to the attention of my colleagues on the day that Prime Minister Koizumi meets with President Bush, as a reminder of this unfair trade practice.

I have met with Ambassador Kato multiple times and I greatly appreciate all of his efforts to resolve this situation and end Japan's ban. Unfortunately, the Japanese bureaucracy has dragged this process out entirely too long.

Let me set out a timetable of events and discuss what this slow process has cost the U.S. beef industry in real dollars:

On January 20, 2006, Japan instituted the current ban on U.S. beef imports;

Within the first month of this second ban, two beef processing plants in Nebraska were closed, costing these communities over 1300 jobs and an untold amount of money;

I wrote my first letter on February 22 and by that time USDA had already conducted a thorough investigation of the incident and delivered a report to Japan with its findings and the steps it would take to correct the mistakes;

By the time of that letter, the U.S. beef industry had lost an estimated \$116 million in exports;

By the end of March, when Japanese officials finally met with a technical team from the USDA to answer lingering concerns Japan had about beef safety—even though the noncompliant shipment posed no danger to human health—the ban had cost the beef industry an estimated \$264 million;

In April, Japan held a series of public meetings to communicate to Japanese consumers that there were no risks to health from American beef. These