S. 331

At the request of Mr. SCHUMER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 331, a bill to increase the number of Federal law enforcement officials investigating and prosecuting financial fraud.

AMENDMENT NO. 46

At the request of Mr. KYL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 46 proposed to H.R. 2, a bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 65

At the request of Mr. MARTINEZ, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 65 proposed to H.R. 2, a bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 65 proposed to H.R. 2, supra.

At the request of Mr. CORKER, his name was added as a cosponsor of amendment No. 65 proposed to H.R. 2, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. ENZI, Mr. TESTER, Mr. THUNE, Mrs. MCCASKILL, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. BARRASSO, and Mr. CONRAD):

S. 337. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, today I introduce the Foot and Mouth Disease Prevention Act of 2009 with my colleague from Wyoming, Senator MIKE ENZI, and with broad organizational support. I drafted this bill with one goal in mind: to keep America Foot and Mouth Disease, FMD, free.

The United States Department of Agriculture, USDA, under the Bush administration proposed throwing open our borders to Argentine livestock, fresh meat and fresh product. While the United States of America has been free of FMD without vaccination since 1929, Argentina has consistently struggled with the disease, experiencing outbreaks as recently as 2006. Argentina has failed to remain FMD free for any length of time and arguably lacks the infrastructure necessary for this proposal to fly. In fact, a 2001 outbreak in Argentina went unreported and was hidden by the Argentine government, raising serious questions regarding their communication on this front.

The Foot and Mouth Disease Prevention Act of 2009 doesn't interrupt the status quo. Argentina can import product that is dried or cooked, for example, that doesn't pose a risk for disease transmission. And we're not saying that increased trade is permanently prohibited. We are simply asking for Argentina to comply with certain acceptable standards for trade that would ensure the country as a whole is FMD free, and FMD free without vaccination. Additionally, our requirement that the Secretary of Agriculture ''certifies to Congress'' that Argentina as a country is free of FMD is merely a reporting process regarding Argentina's disease status.

Senator ENZI and I consulted extensively with nationally recognized livestock health experts on USDA's proposal. These livestock health experts resoundingly voiced their concern for USDA's plan, which fails to put American farmers and ranchers first. Dr. Sam Holland, South Dakota State Veterinarian and Past President of the National Assembly of State Animal Health Officials, NASAHO, has been instrumental with offering his guidance and expertise. A poll was taken within NASAHO and the majority of state veterinarians oppose regionalizing for FMD. While regionalization may be an appropriate approach in various other circumstances, it is unequivocally unacceptable in responding to Foot and Mouth Disease. An FMD outbreak in the United States is projected to cost our agricultural economy billions of dollars, and it is with good reason that the American Veterinary Medical Association, AVMA, has deemed FMD to be the most devastating of all livestock diseases.

USDA Animal and Plant Health Inspection Services, APHIS, arguably violated its own World Organization for Animal Health–complaint regionalization plan in proposing increased meat trade with Argentina. APHIS must address eleven points when initiating the regionalization process, including points six and seven which speak to the degree of separation of the region and the extent to which movement can be determined and controlled. Nationally recognized livestock health experts believe that in the case of regionalizing for FMD, sound scientific evidence argues against USDA's proposal.

This past fall, USDA APHIS Chief Veterinarian Dr. Clifford discussed with my staff his intention not to proceed with the Argentina plan until a review of the 2005 risk assessment was completed. It is my understanding that a team will be sent to Argentina to conduct this review in late February. Additionally, the new Administration is reviewing proposed rules, of which the Argentina plan is included. While both of these developments are encouraging, it is essential that we continue to communicate the potentially disastrous consequences of this plan.

Organizations across the agricultural industry support this legislation, including the American Sheep Industry Association, United States Cattlemen's Association, R–CALF, National Farmers Union, South Dakota Stockgrowers Association, South Dakota Cattlemen's Association, Wyoming Stock Growers Association, South Dakota Farmers Union, Women Involved in Farm Economics, and Dakota Rural Action.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

SOUTH DAKOTA
ANIMAL INDUSTRY BOARD,
Pierre, SD, January 27, 2009.

Hon. TIM JOHNSON,
U.S. Senator, Hart Office Building, Washington, DC.

DEAR SENATOR JOHNSON: As a follow-up to our conversation on Regionalization of Argentina for FMD:

As you recall NASAHO was overwhelmingly opposed to such regionalization during the last session of congress.

As I understand a more current review and risk assessment is planned regarding such regionalization. While a recent review will provide useful risk information, concerns remain.

Personally, the issues I stated in the past appear still valid.

(1) Economic benefits do not justify the risk of embarking on a regionalization for this disease.

(2) Inability to effectively monitor risk on an ongoing basis.

(3) Resources, Biosecurity, and experience in monitoring FMD freedom are inadequate.

(4) Regionalization for one of the world's most highly contagious virus disease(s) (FMD) is much more complicated than regionalization for tuberculosis, brucellosis and many other diseases. FMD virus is not only arguably the most contagious virus known for animals, but also is particularly resilient in the environment and may persist in fomites and be transmitted by such through aerosol or contact.

While I certainly support trade based on science, prioritization must occur. Regionalization efforts should start at home and resources should be spent on enhancing animal health in the United States, along with efforts to increase our exports, prior to spending precious resources in foreign countries in attempts to increase food imports.

Sincerely,

SAM D. HOLLAND,
State Veterinarian and Executive Secretary.

U.S. CATTLEMEN'S ASSOCIATION,
San Lucas, CA, January 28, 2009.

Hon. TIM JOHNSON,
Hon. MIKE ENZI,
U.S. Senate,
Washington, DC.

DEAR SIRS: The U.S. Cattlemen's Association (USCA) applauds your leadership in introducing the Foot and Mouth Disease Prevention Act. This bill would prohibit the importation of ruminants and swine and fresh or frozen ruminant and pork products from any region of Argentina until the United States Department of Agriculture (USDA) can certify to Congress that Argentina is free of Foot and Mouth Disease (FMD).

This bill is extremely important as it protects the U.S. cattle herd from FMD. If FMD

infiltrates our borders, entire herds would be destroyed leaving ranchers in financial ruin. Furthermore, the scare would immediately shut global markets to U.S. beef products, a move that would have a disastrous economic effect on rural economies.

The American Veterinary Medical Association has deemed FMD the most economically devastating of all livestock disease. A recent study by Kansas State University found that an outbreak of FMD would cost the State of Kansas alone nearly $1 billion.

Despite the risks, the Department of Agriculture continues to consider the implementation of a regionalized beef trade plan with Argentina. FMD is an airborne disease that will not stop at an imaginary border controlled by a foreign nation. Argentina has proven time and time again that it does not have America's best interests at heart. This is a country that has attacked U.S. agriculture in the World Trade Organization (WTO) and has intentionally turned its back on, and still refuses to pay, billions in U.S. loans despite U.S. court judgments mandating it do so.

USCA is committed to working with you and moving this bill forward by garnering support both on Capitol Hill and in the country. USCA is firmly resolved to ensuring the U.S. cattle industry is protected by the highest import standards possible, and to seeing that this bill becomes law.

Sincerely,

JON WOOSTER,
President.

NATIONAL FARMERS UNION,
Washington, DC, January 27, 2009.

Hon. TIM JOHNSON,
U.S. Senate,
Washington D.C.

DEAR SENATOR JOHNSON: On behalf of the family farmers, ranchers and rural residents of National Farmers Union (NFU), I write in strong support of your legislation to prohibit the importation of Argentine ruminants, swine, fresh and frozen meat, and fresh and frozen products from ruminants and swine until the U.S. Department of Agriculture (USDA) Secretary certifies the country Foot and Mouth Disease (FMD) free without vaccination. I applaud your leadership to ensure all measures are employed to protect the American livestock industry and consumer confidence in our meat supply.

The ban proposed in your legislation is necessary in order to prevent jeopardizing our own efforts to eradicate livestock diseases, and thereby protecting the food supply. Your legislation enhances food safety through requiring every region of Argentina to be FMD-free without vaccination before exporting ruminants, swine and meat products to the United States.

FMD is a highly infectious virus that, if introduced into the United States, could contaminate entire herds and leave producers in financial ruin, as infected herds must be culled to prevent the spread of the disease. FMD is so devastating the American Veterinary Medical Association considers it to be the most economically destructive of all livestock diseases. The United States suffered nine outbreaks of FMD in the early twentieth century, but has been FMD-free since 1929. According to USDA's Animal and Plant Health Inspection Service, the economic impacts of a re-occurrence of FMD in the United States could cost the economy billions of dollars in the first year alone.

America's family farmers and ranchers produce the safest, most abundant food supply in the world. FMD presents a very real threat to American agriculture and its introduction into the United States can and must be prevented. Requiring a country like Argentina, with such an apparent problem with this devastating disease, to prove FMD-free status is an acceptable standard to trade. Opening our borders to Argentine ruminant products is a risk that American producers simply cannot afford. Your legislation is needed to ensure harmful products are not allowed into the United States and that Argentina is not an exception to the rule.

I thank you for introducing this important legislation, and look forward to working with you to ensure its passage.

Sincerely,

TOM BUIS,
President, National Farmers Union.

R-CALF
UNITED STOCKGROWERS OF AMERICA,
Billings, MT, January 26, 2009.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.
Hon. MIKE ENZI,
U.S. Senate,
Washington, DC.

DEAR SENATORS JOHNSON AND ENZI: On behalf of the thousands of cattle-producing members of R-CALF USA located throughout the United States, we greatly appreciate and strongly support the reintroduction in the 111th Congress of your joint legislation to prohibit the importation of certain animals and animal products from Argentina until every region of Argentina is free of foot-and-mouth disease (FMD) without vaccination.

Foot-and-mouth disease is recognized internationally as one of the most contagious diseases of cloven-hoofed animals and it bears the potential to cause severe economic losses to U.S. cattle producers. Your legislation recognizes that the most effective prevention measure against this highly contagious disease is to ensure that it is not imported into the United States from countries where FMD is known to exist or was recently detected.

R-CALF USA stands ready to assist you in building both industry and congressional support for this important disease-prevention measure. Thank you for reintroducing this needed legislation in the 111th Congress to protect the U.S. cattle industry from the unnecessary and dangerous exposure to FMD from Argentinean imports.

Sincerely,

R.M. THORNSBERRY,
President,

SOUTH DAKOTA
CATTLEMEN'S ASSOCIATION,
January 26, 2009.

Senator TIM JOHNSON,
Hart Senate Office Building,
Washington, DC.
Senator MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS JOHNSON AND ENZI: I'm writing on behalf of the 1,000 beef producer members of the South Dakota Cattlemen's Association (SDCA) to express support for the Foot and Mouth Disease Prevention Act of 2009. In light of numerous unanswered questions regarding the status of Foot and Mouth Disease in Argentina, we believe passage of the Foot and Mouth Disease Prevention Act is critical to ensure this devastating disease doesn't enter the U.S. cattle herd through the importation of Argentine cattle and beef products.

SDCA supports free and fair trade based on OIE standards that will protect the health of our cattle herd and the economic livelihood of our cattlemen. Our top trade priority is to regain market access for U.S. beef in order to recapture the lost value of exports that occurred after the occurrence of BSE in 2003. To that end, we've worked closely with elected and regulatory officials to ensure adequate measures are taken to protect our herd health and maintain consumer confidence in U.S. beef.

We commend your willingness to stand up for South Dakota's beef producers and look forward to working with you on this important issue.

Regards,

JODIE HICKMAN,
Executive Director.

By Mrs. FEINSTEIN:

S. 338. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce the Lytton Gaming Oversight Act, a bill that will ensure federal law is followed when a Native American tribe seeks to operate any new gaming facilities.

This legislation is simple, straightforward, and fair. It would amend language inserted in the Omnibus Indian Advancement Act of 2000 that required the Secretary of the Interior to take a card club and adjacent parking lot in the San Francisco Bay Area into trust for the Lytton tribe as their reservation. That legislation also required that the acquisition be backdated to October 17, 1988, before the passage of the Indian Gaming Regulatory Act, IGRA.

The ''two-part'' determination process in the Indian Gaming Regulatory Act is a critical component to tribal land acquisition for gaming purposes and should not be circumvented. Specifically, it requires the Governor's consent and the Secretary of the Interior to consult with nearby tribes and the local community and its representatives.

The legislation that I am introducing would require the Lytton Band of Pomo Indians to follow these same critical oversight guidelines laid out in Section 20 of the Indian Gaming Regulatory Act before engaging in Class III, or Nevada-style, gaming on land acquired after the passage of IGRA in 1988.

The bill allows the tribe to continue operating a Class II facility at the current site provided the tribe follows IGRA regulations for gaming on newly-acquired lands in the future. The bill also precludes any expansion of the tribe's current Class II facility.

The bill would not modify or eliminate the tribe's federal recognition status, alter the trust status of the new reservation, or take away the tribe's ability to conduct gaming through the standard process prescribed by the Indian Gaming Regulatory Act. The bill serves only to restore the jurisdiction of IGRA over the gaming process, as originally intended by Congress.

Section 20 of the Indian Gaming Regulatory Act provides an established and clear process for gaming on newly-

acquired lands taken into trust after the enactment of IGRA in 1988. The ''two-part determination'' process allows for federal and state approval, and for input from nearby tribes and local communities.

Circumventing this process can have negative and severe impacts on local citizens and deprive local and tribal governments of their ability to represent their communities on an incredibly important and contentious issue.

If this bill is not approved, the Lytton tribe could take the former card club that serves as their reservation and turn it into a large gaming complex operating outside the regulations set up by the Indian Gaming Regulatory Act. In fact, this is exactly what was proposed in the summer of 2004.

I am pleased that the tribe has abandoned a plan seeking a sizable Class III casino, but without this legislation the tribe could reverse these plans at any time. Allowing this to happen would set a dangerous precedent in California and any state where tribal gaming is permitted.

Instead, Congress should reaffirm its intent that all new gaming facilities should be subject to IGRA without preference or prejudice.

Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. INOUYE):

S. 342. A bill to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay for members of the Armed Forces; to the Committee on Armed Services.

Ms. MURKOWSKI. Last Thursday evening I came to the floor to speak to a decision by the United States Army, I understand at the urging of the Department of Defense, to reverse its position on whether service in the Alaska Territorial Guard during World War II is creditable toward military retirement. I have asked repeatedly for a copy of the legal opinion supporting this decision. I am still waiting.

One of the most troubling aspects of the decision was that it was to come into effect on February 1, 2009, in the dead of Alaska winter, and without any advance warning to those affected. The decision reduces the retirement pay received by 25 or 26 former members of the Territorial Guard by as much as $557 a month for one individual. The reduction in retirement pay to several others exceeds $500 a month. That is a substantial loss of income at any time of the year but it is especially difficult during the winter.

This afternoon, Pete Geren, the Secretary of the Army, announced that the Army would make a onetime gratuitous payment from funds appropriated to cover emergency and extraordinary expenses to these individuals, representing 2 months of the difference between what each would receive if service in the Alaska Territorial Guard were included in the retirement pay calculation and what each will receive as a retirement check beginning on February 1, 2009. I deeply appreciate Secretary Geren's compassionate decision. Increases in the cost of food and heat are making it very difficult for our Native people in rural Alaska to make ends meet this winter. I understand that the vast majority, if not the entire list of people who will receive this additional payment live in the villages of rural Alaska.

However, I remain disappointed that the Army cannot continue its policy of paying retirement benefits on account of Alaska Territorial Guard service. Today I join with my colleagues in introducing legislation that clarifies that service in the Alaska Territorial Guard during World War II is creditable toward military retirement.

Since I raised this issue on the floor last Thursday evening the response I have received from around the country has been nothing but overwhelming. I deeply appreciate all of those who have called and written to express their support for our efforts to protect the benefits that the members of our Alaska Territorial Guard earned through their legendary service.

Mr. President, I ask unanimous consent that the text of the bill and supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS A MEMBER OF THE ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 71, 371, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after August 9, 2000. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

[From the Anchorage Daily News, Jan. 25, 2009]

FIX THIS NOW—CUT IS NO WAY TO TREAT OLD VETS

The Army has decided that some veterans of the World War II Alaska Territorial Guard have been mistakenly drawing retirement pay. So they've cut off some men in their 80s who worked for nothing to defend Alaska during the war. The argument is that a law that recognized their service was only intended to provide benefits like health care, not retirement pay. The Army says the law was misinterpreted. Then the Army should stand by its misinterpretation and pay these men. They're in their 80s. They served their country at a time when neither their country nor their territory fully recognized their rights because they were Natives. Their guard service should count toward retirement pay out of sheer decency. Sens. Lisa Murkowski and Mark Begich are working on legislation to make the misinterpretation stand by making it the law. Good. We don't care if the means is legislation, executive order, administrative waiver or papal dispensation. Just fix this so that some old men who did honorable service get their due. Now. These soldiers earned their retirement pay. They should receive it.

[From the Fairbanks Daily News-Miner, Jan. 25, 2009]

CREDIT FOR SERVICE: RESTORE RETIREMENT PAY TO THE ESKIMO SCOUTS

The wheels of bureaucracy turn slowly, but they grind no less thoroughly for their lack of speed. Unless the federal administration and Alaska's congressional delegation can reverse a recent decision, retirement pensions for a few dozen old soldiers from Alaska's Territorial Guard will fall victim to those wheels. The question of whether service in the Territorial Guard—better known as the Eskimo Scouts—counted as active-duty service for purposes of calculating military retirement pay was answered years ago. In 2001, Congress said yes, it counts. At least that's what most people thought Congress said. The Department of Defense, for example, concluded as much and began sending retirement checks to elderly Alaskans based on their service as Eskimo Scouts. Recently, the Department of Defense reversed its decision. It now asserts that the law requires credit when calculating military benefits such as health care—but not when calculating retirement pay. So, as of Feb. 1, according to the congressional delegation, retirement benefits will be cut by more than $500 per month in some cases. An Army spokesman said the decision simply reinterprets the 2001 law as it should have been all along. If that's the case, the law should be clarified. That could take some time for the congressional delegation to accomplish, though. In the meantime, the Defense Department needs to find a better solution than simply cutting the pay to a group of elderly military pensioners. The issue arises because the Eskimo Scouts from 1942 to 1947 were volunteers. Their service was no less real than others in the military, especially since they worked in Alaska, the only place in the country where enemy forces successfully occupied territory during World War II. The Japanese held several islands in the Aleutian chain and bombed Dutch Harbor. It was real military service; those who signed up deserve full credit for it, as Congress intended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 24—COMMENDING CHINA'S CHARTER 08 MOVEMENT AND RELATED EFFORTS FOR UPHOLDING THE UNIVERSALITY OF HUMAN RIGHTS AND ADVANCING DEMOCRATIC REFORMS IN CHINA

Mr. CASEY (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations: