

service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Joshua's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joshua.

LOSS OF FORMER CONGRESSWOMAN SHIRLEY CHISOLM AND CONGRESSMAN ROBERT MATSUI

Mr. CORZINE. Mr. President, this week, our Nation suffered the loss of two of the finest Americans to grace the public stage in my life time.

Congressman MATSUI and I served here together, and as a result of our passionate efforts to preserve and protect Social Security, and from leading our respective caucus's campaign efforts last year, BOB and I became friends.

BOB was a man of strong beliefs and principles and a tireless advocate for children, women, minorities, seniors and virtually every segment of society that too often has been left behind. I am saddened by his passing and my heart goes out to his family, friends and constituents.

Those of us who knew BOB are richer for the experience, and the institution of Congress is poorer now that he is gone.

Shirley Chisholm too was a woman of strong belief and character. I am deeply saddened by her death and my thoughts and prayers are with her family.

When Shirley Chisholm was elected the first African-American woman to Congress in 1968 America was in the midst of dramatic change. Congresswoman Chisholm's refusal to be labeled or marginalized by what she called "a small group of old men" in Washington challenged the status quo and changed America for the better. Her barrier-breaking run for the 1972 Democratic Presidential nomination represented the best qualities of our democracy. Her unique friendships, bi-partisan style and staunch advocacy for the people she represented are a lesson to us all. She will be missed.

ROTARY CENTENNIAL

Mrs. BOXER. Mr. President, as we begin a new year and a new Congress, more than 1.2 million Rotarians in 166 countries are beginning the centennial celebration of Rotary International.

On February 23, 1905, the Rotary Club of Chicago was formed by Paul P. Harris, an attorney who wanted to recapture the friendly spirit of small-town America in a big-city professional club. The new group took its name from the practice of rotating club meetings among members' offices.

Rotary quickly grew, with clubs forming across the country and around the world. At the same time, the organization's interests expanded from social and professional interests to community service.

Along with public service, Rotary has given the world a high standard of ethics known as the 4-Way Test. This test asks the following four questions of the things we think, say, or do:

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build goodwill and better friendships?
4. Will it be beneficial to all concerned?

During and after World War II, Rotary International became deeply involved in efforts to promote global peace and understanding. Rotary members actively supported the founding of the United Nations and helped to establish UNESCO, the United Nations Educational, Scientific, and Cultural Organization.

In recent years, Rotary International has helped communities around the world to address some of the critical needs of our day, including disease, hunger, illiteracy, environmental degradation, and children at risk. Rotary has been the lead organization in PolioPlus, a global effort to immunize all the world's children against polio.

On the occasion of the Rotary Centennial, I send my sincere appreciation and best wishes to Rotary International and Rotarians everywhere.

MAD COW DISEASE

Mr. BURNS. Mr. President, in today's Federal Register, the United States Department of Agriculture has published a final rule that could have significant adverse impacts on our domestic cattle industry. The regulation I am referring to designates Canada as a "minimal risk region" for BSE, known as mad cow disease, and allows Canada to export more beef and beef products to the United States.

I understand the desire of the administration to work with Canada, and I know how frustrated Canadian cattlemen are with the current situation. It is the same frustration my Montana cattlemen feel, as they watch Australia and New Zealand expand market share in the Pacific Rim, while those markets remain closed off to the U.S. But this rule has some significant problems, and to the extent that those flaws could harm domestic consumer confidence and the reopening of international markets, I'm not going to support the administration's decision to open the U.S.-Canadian border to increased Canadian exports.

As I am sure everyone recalls, in May 2003, Canada discovered a case of BSE in Alberta. To protect the safety of America's food supply, USDA banned all imports of Canadian beef. In December of that same year, a Canadian-born dairy cow in Washington State with BSE was discovered and so we have the

cow that stole Christmas. Important export markets around the world closed their doors to U.S. beef, the highest quality beef in the world. USDA then instituted a rapid screening pilot program to test random cattle samples for BSE. To date, the United States thankfully has never had a case of BSE in a U.S.-born cow.

Since BSE jumped to the forefront of the cattle industry in 2003, USDA has been working with other nations, such as Japan and Korea, to reopen markets to U.S. beef. In October 2004, Japan agreed in principle to begin accepting U.S. beef and beef products from cattle under 20 months of age. While that agreement represents an important step forward, exports have not yet started because of scientific and technical obstacles. I remain optimistic that exports will begin this spring, and would be very concerned about any decisions that could jeopardize our relationship with Japan.

In addition to negotiating the resumption of U.S. exports, USDA has also been working with Canada to resume imports of Canadian beef. USDA began accepting Canadian boneless beef from cattle under 30 months of age in August 2003. In October 2003, USDA first proposed designating Canada as a minimal risk region, but after the December 2003 discovery of BSE, the rule was delayed. With the exception of a few incidents, that trade has generally been uneventful, and has had little impact on U.S. cattle prices. Most importantly, consumer confidence in the food supply remains strong.

But today I fear USDA has gone too far.

The rule published in today's Federal Register, which takes effect on March 7, will allow Canada to export to the United States live cattle under 30 months of age for feeding or immediate slaughter; sheep and goats under 12 months of age for feeding or immediate slaughter; meat from cattle, sheep, goats and cervids—deer, elk, caribou, moose and reindeer; and certain other products and byproducts, including bovine livers and tongues, gelatin, and tallow. Feeder cattle must be branded to indicate country of origin, must have an eartag so we can trace back to the premises of origin, and must be slaughtered before reaching 30 months of age. The identification requirements must be preserved only to the point of slaughter, not carried through to the retail level. Cattle designed for immediate slaughter must move as a group in a sealed container to the facility and must be slaughtered as a group.

As I said, this regulation has some significant problems, most notably, Canada's enforcement of its feed ban and the decision to allow beef and beef products from cattle slaughtered at any age. USDA needs to withdraw this rule now and fix these problems.

USDA asserts that Canada has high levels of compliance with its feed ban, but fails to provide the hard data that supports that finding. In fact, USDA's

own risk assessment states that in 2002, 8 percent of feed mills were not in compliance with the feed ban. This indicates that feed contamination is a recent issue, rather than a concern taken care of years ago.

Even more surprisingly, the risk analysis states that the fact that no cases of BSE have been found in animals born after the feed ban is evidence that the feed ban is working. USDA claims that this rule is based only on science, but that is hardly a scientific assessment. It could just as likely be evidence that Canada is not testing enough samples in its rapid screening process. Montana ranchers are not going to rest easy based on these findings.

On Dec. 17, the Vancouver Sun ran an article indicating that nearly 60 percent of Canadian feed contains "undeclared animal parts", but that the Canadian Food Inspection Agency, CFIA, decided not to use DNA testing to determine if the feed is contaminated with cattle materials. While the presence of animal parts does not necessarily indicate feed ban violations, Canada should be willing to take necessary steps to reassure the United States, as well as its own cattle producers, that the feed is not contaminated. Failing to act represents a lack of commitment to enforcing the feed ban, in contrast to the effectiveness that USDA is willing to presume. Industry sources quoted in that article expressed concern about conflicting messages from CFIA, yet USDA seems quite willing to rely on CFIA representations for its scientific assessments.

Similarly, the decision to allow beef and beef products from cattle slaughtered at any age is troubling. These products are likely to contain animals born before Canada's 7-year feed ban. While USDA seems certain that Canada can safeguard against contaminated beef, the rule provides little evidence to support that claim. In fact, USDA clearly admits that beef products could contain animals that have consumed contaminated feed, but brushes off the risk as "low." Let me repeat—I am certain of the safety of the U.S. food supply. However, I remain concerned that USDA has not fully evaluated the impact on consumer confidence of resuming Canadian imports.

In its risk assessments, USDA seems most focused on preventing a BSE epidemic. A look at the past year shows that just one case—even the suspicion of a case—can throw the cattle markets into a tailspin. One single, non-native occurrence of BSE in the United States resulted in dozens of export markets closing to U.S. cattle producers. The economic and psychological impact of BSE needs to factor into USDA's analysis. Cattlemen need to be able to trust their markets, and consumers need to be able to trust their food.

If exports to Japan have not resumed by March, then Montana ranchers will be in the unacceptable position of hav-

ing to compete domestically against Canadian beef flowing through three Montana ports without having the option of exporting our products to other markets. In fact, given concerns already expressed by key export markets about Canadian beef, the decision to allow expanded Canadian imports could prevent those same markets from accepting U.S. beef. I cannot accept this outcome.

I have often said that I support free trade, as long as it is fair trade. Right now, the situation facing Montana cattle producers is anything but fair. I urge USDA to reconsider some of the provisions of this regulation, to ensure that Canadian beef coming into the U.S. does not adversely impact the domestic cattle industry. There must be independent assessments of Canada's enforcement of its food ban. The 30-month limitation on beef and beef products deserves another look. Like many folks back home, I am anxious for the Japanese market to reopen and do not want anything to stand in the way. We must do what's right for the U.S. cattle industry first.

OBSTRUCTION OF BIPARTISAN COPYRIGHT BILLS

Mr. LEAHY. Mr. President, in the waning days, weeks and months of the 108th Congress, my colleagues on both sides of the aisle were working hard to pass important bipartisan legislation that would have protected America's innovators and artists, made more spectrum available for broadband services, enhanced 911 services, and fixed a technical glitch that was threatening the Universal Service Fund. Unfortunately, others were apparently working just as hard to obstruct these measures. This obstruction was intended only to force the Senate into passing legislation that everyone knew was doomed in the House. It was a flawed plan that was destined to fail. And fail it did, but not before it also prevented enactment of critically important and bipartisan intellectual property legislation.

The Family Entertainment and Copyright Act will go down as a victim of this obstructionism. This was an uncontroversial intellectual property bill that would have protected the rights of those who lead the United States' intellectual property industry. That industry makes the United States the global leader in innovation, and it deserves our support. Protecting these individuals from the theft of their work appeared to mean little to some of my colleagues. A Republican plan to hijack this important legislation, which lasted until the very last moment of the 108th Congress, ensured that it would not pass in time for the House to take it up and pass it. They succeeded in preventing the bicameral passage of the most important intellectual property legislation before the Congress this year. This was wrong.

The Family Entertainment and Copyright Act of 2004 contained impor-

tant and uncontroversial measures. The ART Act, a bill that passed the Judiciary Committee and then the full Senate by unanimous consent, would have provided new tools in the fight against bootleg copies of movies snatched from the big screen by camcorders smuggled into theaters. And it would have adopted a creative solution developed by the Copyright Office to address the growing problem of piracy of pre-release works. The Film Preservation Act would have helped ensure that the Library of Congress is able to continue its important work in archiving our nation's fading film heritage. Some of America's oldest films—works that document who we were as a people in the beginning of the 20th Century—are literally disintegrating faster than they can be saved. The Preservation of Orphan Works bill would have allowed greater access to certain works in the last years of their copyright term. The Fraudulent Online Identity Sanctions Act would have protected against online trademark infringement by prohibiting the use of fraudulent Internet addresses to commit such infringement. Finally, FECA would have clarified that services allowing home viewers of prerecorded movies to skip objectionable content does not violate the copyright laws. Obstructionism from certain Republicans has ensured that all of these problems are left unresolved by the 108th Congress.

Thankfully, two provisions of this bill were able to pass as stand alone bills. Thanks to the hard work of Senator BIDEN, the House version of critical anti-counterfeiting legislation passed. Unfortunately, additional language on which Senator BIDEN worked tirelessly was passed too late for House action. Again, the Republican obstruction was at work and to blame. The Cooperative Research and Technology Enhancement Act also passed both houses, largely because a Senate version had passed earlier in the year, and the Republican obstructionists in the Senate could not subvert that bill.

There is other legislation that has fallen to this ill-conceived plan to hijack popular legislation. The bipartisan Junk Fax bill would have protected both consumers and many industries, by placing reasonable limits on senders of unsolicited faxes. That bill, too, was passed too late for House action on account of the Republican roadblock.

Thankfully, at the last minute, another important and bipartisan piece of legislation was allowed through the roadblock. The telecommunications package contained critically important provisions that will enhance 911 service, allow spectrum reallocation, and preserve the ability of the Universal Service Fund to do its important work. These are not controversial or partisan provisions. E911 will ensure that first responders can provide an essential public service. The spectrum reallocation trust fund will free more space for