

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 affects 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