

## MESSAGE FROM THE HOUSE

## ENROLLED BILL SIGNED

At 4:50 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 28, 2009, she had presented to the President of the United States the following enrolled bill:

S. 181. An act to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-553. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to Section 304(b)(3) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(3), a report relative to the adoption of Uniformed Services Employment and Reemployment Rights Act regulations; to the Committee on Rules and Administration.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Eric H. Holder, Jr., of the District of Columbia, to be Attorney General.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

\*Dennis Cutler Blair, of Pennsylvania, to be Director of National Intelligence.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

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.

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.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 339. A bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 340. A bill to enhance the oversight authority of the Comptroller General of the United States with respect to expenditures under the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW:

S. 341. A bill to amend the Economic Adjustment Assistance grant program to improve assistance for areas affected by long-term economic deterioration and severe economic dislocation relating to the manufacturing industry sector, to amend the Workforce Investment Act of 1998 to expand the national emergency grants program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

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.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. BROWNBACK):

S. Res. 24. A resolution commending China's Charter 08 movement and related efforts for upholding the universality of human rights and advancing democratic reforms in China; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KERRY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. WICKER, and Mrs. BOXER):

S. Res. 25. A resolution expressing support for designation of January 28, 2009, as "National Data Privacy Day"; considered and agreed to.

By Mr. DODD (for himself, Mr. REID, Mr. LEAHY, Mr. LEVIN, Mr. CARDIN,

Mr. HARKIN, Mr. MENENDEZ, Ms. LANDRIEU, Mr. KENNEDY, Mr. BENNET of Colorado, Mr. KERRY, Mr. BROWN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. LUGAR, Mr. BAYH, Mr. WYDEN, Mr. CRAPO, Mrs. BOXER, Mr. VOINOVICH, Mr. REED, and Ms. MIKULSKI):

S. Con. Res. 3. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 96

At the request of Mr. VITTER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 102

At the request of Mr. VITTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 102, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 205

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 205, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 306

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 306, a bill to promote biogas production, and for other purposes.

S. 313

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 313, a bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

S. 321

At the request of Mr. VOINOVICH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 321, a bill to require the Secretary of Homeland Security and the Secretary of State to accept passport cards at airports of entry and for other purposes.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

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