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 having 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 important 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

wireless broadband services. This will help the American economy by promoting jobs and education. The Universal Service Fund provision will fix an accounting glitch that if left unattended will seriously impede the USF as it goes about its critical work. Again, these uncontroversial provisions were held up and almost failed because of this obstructionism.

All of these bills were hijacked and sidetracked, in order to coerce the passage of a bill that everyone knew would not pass the House. I am thankful that the telecommunications legislation was eventually able to pass, but what does it mean that the telecommunications bill became law, while the intellectual property bill is left unfinished? It seems those responsible for this obstruction do not take the needs of America's innovative leaders very seriously. That attitude will undermine the American economy, and threaten America's leadership in the creative industries. So, because of this Republican roadblock, America's innovators and artists will have to struggle through more uncertainty, without the tools they need to defend their rights. That is a shame.

ADDITIONAL STATEMENTS

HONORING THE NORTHERN STATE MARCHING WOLVES

• Mr. JOHNSON. Mr. President, I publicly congratulate the Northern State University Marching Wolves on being selected to march in the Presidential Inaugural Parade on January 20, 2005. Northern State University has been an integral part of Aberdeen, SD, for the past century. The Marching Wolves were founded by Harvey Moen in 1941 and have represented Northern State University well for the past six decades. Today they are led by Dr. Alan LaFave, the Director of Bands at Northern State University, and Mr. Boyd Perkins, the Director of the Marching Wolves.

The tradition of the Inaugural Parade is as old as the office of the President; as George Washington traveled from Mount Vernon to New York for his swearing in, militia members began to walk behind him, joined by government officials and Members of Congress once he arrived in New York on April 30, 1789. In 1801 Thomas Jefferson was the first President to be Inaugurated in Washington, DC, and Members of Congress and citizens walked with him from the Capitol to the White House to music played by the Marine Band. The Marine Band has played in the Inaugural Parade every year since.

Though this will be the first time the Marching Wolves will participate in the Inaugural Parade, they have performed previously at professional football games and regional marching band competitions. The band is comprised of 125–130 students, making it one of the largest student groups at Northern State University. They rehearse daily during football season, and their members show great dedication to this remarkable organization. The band rehearses 5 days a week for an hour and a half during the fall semester. In order to prepare for the parade, they will be practicing an additional 3 days and 2 nights before the spring semester begins. The Marching Wolves have a great tradition of leadership within their band which has served them well.

It is an honor to be chosen to perform in the Presidential Inaugural Parade, and I am proud to have the Northern State University Marching Wolves representing South Dakota. It is no surprise that an organization with the passion and dedication of the Marching Wolves was chosen for this privilege. It is with great honor that I share this impressive accomplishment with my colleagues.•

RECOGNITION OF COLORADO'S PROFESSORS OF THE YEAR

• Mr. ALLARD. Mr. President, I wish to congratulate Robert von Dassanowsky and Carl Wieman for being selected by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement of Support Education as this year's U.S. Professors of the Year.

Robert von Dassanowsky, Ph.D., is associate professor and chair of Languages and Cultures and director of Film Studies at the University of Colorado, Colorado Springs. A widely published literary and film historian, Dr. Dassanowsky is founding VP of the Austrian American Film Association, which promotes scholarly and production activities between the two nations.

Carl Wieman, Ph.D., is a physicist at the University of Colorado at Boulder. In 2001, Dr. Wieman was honored with the Nobel Prize in Physics. He gives approximately 60 talks a year on the topic of physics research and science education.

This recognition represents the culmination of a great deal of hard work and determined effort. It acknowledges their dedication to teaching and commitment to students. They should be very proud of this honor.

Now more than ever, our Nation needs the skills and talents of college professors like Robert von Dassanowsky and Carl Wieman. They understand the importance of a well-rounded college education for students if we are to produce the next generation of leaders. We are very grateful for all they do to make a difference. Their effort is greatly appreciated.

Congratulations again to two of Colorado's outstanding citizens.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1. A message from the President of the United States, transmitting, a report concurring with the Congress in the designation of two provisions totaling $100 million provided in the Consolidated Appropriations Act 2005; to the Committee on Appropriations.

EC–2. A message from the President of the United States, transmitting, pursuant to Public Law 106–256, the U.S. Ocean Action Plan, a report and statement of proposals prepared by the Council on Environmental Quality in response to the Commission on Ocean Policy's final recommendations; to the Committee on Commerce, Science, and Transportation.

EC–3. A communication from the Director of the Federal Register, National Archives, transmitting, pursuant to law, a report relative to the Certificates of Ascertainment of the electors of the President and Vice President of the United States; ordered to lie on the table.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself and Mr. REID):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE,