

a tough road to meet budget reconciliation with what they were allocated. I know that was difficult, and I appreciate the work my staff was able to do with the chairman and the ranking member's staffs to get where we got with what we have today. I wish we had my amendment. I don't want those who say they stand for agriculture walking away from this issue and allowing the courts to rewrite public policy. If we are responsible practitioners of public policy—and that is what we are—then this is an issue we well ought to take on. Every State in the Nation has this problem today, and we ought not let the bar, the courts, and a few interested parties rewrite our laws.

I hope we can address this again at another time.

I do appreciate the work that was done. There were a lot of issues left on the table in this conference I hoped we could have addressed, that we could then get to, certainly those which dealt with healthy forests, categoric exclusions, and other issues, but that is debate for another day.

The chairman is in the Chamber. It is 6 o'clock. It is his time to bring forth the Agriculture appropriations conference report. I thought I would use some of the limited time we have to debate this important appropriations conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

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APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—CONFERENCE REPORT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report to accompany the Agriculture appropriations bill; provided further that following the completion of that debate it be laid aside, that the vote occur on adoption of the conference report tomorrow morning immediately following the remarks of the two leaders.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, it is my understanding we now have 2 hours equally divided to discuss the conference report.

The PRESIDING OFFICER. Once the clerk reports the conference report by title, that is correct.

The clerk will now report.

The assistant legislative clerk read as follows:

The Committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, having met, have agreed that the

House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of October 26, 2005.)

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the following Senators on our side be allowed to speak on the conference report: Senator BURNS for up to 15 minutes; Senators ENZI, CRAIG, and THOMAS for up to 10 minutes each; Senator THUNE for up to 7 minutes; and Senator CORNYN for up to 5 minutes.

Mr. DORGAN. Reserving the right to object, I assume the request means we will go back and forth in rotation across the aisle.

Mr. BENNETT. Mr. President, that is my understanding. This is the reservation of time on my side so that Senators will know the time is reserved for them, and if one Senator might otherwise be tempted to run on, the order can be called so that every Senator will have his right for speaking reserved. It does anticipate time will go back and forth between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I am pleased to present to the Senate the conference report to accompany H.R. 2744, which provides funds for the Department of Agriculture, Food and Drug Administration, and the Commodity Futures Trading Commission for fiscal year 2006.

I will mention a few highlights of the bill to demonstrate why it benefits not just farmers and ranchers but every constituent of the Members of the Senate.

On nutrition, this bill provides for more than \$12.6 billion in child nutrition programs, \$5.2 billion for the Women, Infants and Children nutrition program, and nearly \$108.3 million for the Commodity Supplemental Food Program.

I know particularly in response to Katrina that there has been great concern about WIC in the country as a whole. This bill funds WIC.

For the farmers, ranchers, and conservation, there is more than \$2 billion in farm ownership and operating loans, \$840 million for conservation operations, and more than \$1 billion total for all USDA conservation programs.

For those of us who are concerned about research, there is more than \$2.5 billion for research on nutrition, crop and animal production, bioenergy, genetics, and food safety.

There is funding for cooperative research with agriculture and forestry schools in every State and with Native

Americans, Hispanic, and historically Black centers of learning, and extension programs that teach nutrition in low-income communities.

In pest and disease control, there is more than \$820 million to protect American agriculture, forests, and horticulture from plant and animal diseases.

For those interested in rural development, the bill provides for nearly \$5 billion in single and multifamily housing in rural areas, and more than \$6 billion in electric and telecommunications loans.

Turning to the Food and Drug Administration, there is a \$62 million increase over fiscal year 2005, with key increases of \$10 million for drug safety, \$7.8 million for medical device review, and \$10 million for food safety. Overall, however, the spending level remains consistent with the previous year and does not represent for the entire bill a major spending increase.

I ask for the support of all Senators for this conference report.

I reserve whatever time may be left after the Senators have exercised their rights.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today in support of the appropriations conference report for Agriculture, Rural Development, FDA, and related agencies.

Our conference allocation of just over \$17 billion was a \$258 million reduction from the Senate-passed level, but I think we did a good job preserving the Senate priorities. This bill contains funding vital for research, conservation, nutrition programs, rural development, and the Food and Drug Administration. Some of the bill's highlights include the following:

For research programs, including the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service, the bill provides an increase of nearly \$66 million to support work on solutions to many problems faced by farmers—including research programs for BSE or mad cow disease, Johne's Disease, soybean rust, and countless other programs.

The conservation title of this bill contains funding for important watershed improvements, including soil and water erosion control, flood control, and watershed dam rehabilitation. The Natural Resources Conservation Service received an increase in this conference report of more than \$12 million over last year.

Nutrition programs also received increases over last year in this conference report. Child nutrition programs receive \$12.6 billion, an increase of more than \$870 million to provide school lunches to low-income kids. The WIC program received \$5.257 million, an increase of nearly \$22 million, and language proposed by the administration to restrict eligibility and cap administrative funds was not included.

The Food Stamp Program received an increase of more than \$5.5 billion, and the Commodity Supplemental Food Program received an increase over last year as well.

In the rural development title, more than \$700 million is provided for the Rural Community Advancement Program. The Rural Housing Service received an increase of \$105 million above last year's level, bringing the total loan authorization level of more than \$5 billion to provide housing to low-income rural Americans.

The Food and Drug Administration received nearly \$1.5 billion this bill, an increase of nearly \$40 million over last year's level. This includes increases for medical device review, drug safety, food defense and BSE.

The bill Senators have before them is a product of multiple hearings, regular proceedings in both the House and Senate, nearly a 3-hour conference meeting, and countless staff hours. While this may seem unremarkable, it is, in fact, the first time since the fiscal year 2002 bill that the Agriculture appropriations bill has come through this process in the regular order.

At the end of the day, while not perfect, I believe we have produced a good bill, one that comes as a result of much hard work and compromise on all sides.

I thank Senator BENNETT and his staff—John Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, and Stacey McBride—for once again working with my staff as closely as they did.

On my side, I thank Galen Fountain, Jessica Arden, Bill Simpson, and Tom Gonzales worked very hard as well. Together both sides made every effort to protect Democratic priorities, as well as Republican priorities, for the good of everyone. I believe the strong bipartisan relationship we have on this subcommittee has resulted in a bill for which all Senators should be proud to vote.

I urge Senators to do just that and vote in favor of adopting this conference report.

Before I yield the floor, I ask unanimous consent that time be allotted for the following Senators to speak on this conference report on the Democratic side: 5 minutes for Senator MURRAY, 10 minutes for Senator DORGAN, and 15 minutes for Senator HARKIN.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to talk about an issue that did not survive the conference, and I am hopeful we can replace it. I am talking about the country-of-origin labeling. As we know, a couple of years ago we put that provision in our Agriculture bill. I was one of the original sponsors of the country-of-origin labeling. It is reasonable and something we ought to do.

In the meantime, we seem to have delayed it, we seem to have set it back. That is what has happened again in

this bill. It seems to me we ought to move back to the original purpose and get it back in place.

It is very important that we deal with this issue as we look forward to the trade meetings. We are shortly going to be going to Doha and we have gone to Hong Kong. This is one of the issues being talked about in agriculture and agricultural trade and, quite frankly, the nature of trade in this world is such that we are going to see more and more trade of agricultural products. As that happens, it is legitimate for the consumers in this country to say: I want a product that was made in the United States and to be able to know that.

We do this on lots of products. We do it now on fish and shellfish, and it appears to be working. We ought to do it as well on livestock. There is a variety of products that have come in. We will see more and more of it around the world as time goes on.

We are very proud of our livestock program in the United States, certainly the healthy part of it, the acceptable part of it for markets. I think we are going to see more of a tendency toward marketing these products because of the health issues, so there is no reason why they cannot be marked as well for their country of origin. It is important we do that, that we get away from this idea of simply prolonging it and setting it off, and that we come to grips with letting the bill that has already been passed and accepted come into place.

This business of delaying does not seem to be right. It was supposed to have been implemented in 2004, and it was designed to do that. It was delayed for 2 years, until 2006. The appropriations bill before us delays it again until 2008.

There are two points I wish to make. One, it is a valid concern and something we should be doing. It is good for the market, it is good for agriculture, it is certainly good for consumers, it helps us be stronger in the international trade situation, and it is something we ought to do.

Furthermore, it is not proper to be simply setting it back, to have it as an amendment on these bills and move it back another couple of years.

The last time the Senate voted on COOL was in November of 2003. The vote was 58 to 36 in support of mandatory COOL.

This has been very disappointing. I happen to know there are other Senators in the Chamber who would like to talk about this topic, so I will not take any longer.

I close by saying we need to take a look at the future of agriculture, we need to take a look at the future of world trade, and we need to take a look at the opportunity for consumers in this country to choose where their products come from.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this evening to talk about an issue that affects Americans all across the country, and that is the credibility of the FDA.

I thank Senator BENNETT and Senator ENZI, who are both here, for their work in a bipartisan fashion on the language that was put into the Agriculture appropriations bill. I also thank Senator KOHL for his help.

Every time I come to the floor to talk about the FDA and plan B, I hope it will be the last time. I continue to hope that the FDA and HHS will do the right thing and put science, safety, and efficacy over politics. Unfortunately, over the past couple of years, I, along with millions of Americans, have been disappointed time and time again.

I have always supported a strong and independent Food and Drug Administration. It is the only way in which the FDA can truly operate effectively and with the confidence of American consumers and health care providers. Americans have to have faith that when they walk into their pharmacy or their local grocery store that the products they purchase are safe and effective and that their approval has been based on sound science, not on political pressure, not on pandering to interest groups.

That is why the application process for plan B emergency contraceptives has been so troubling to me.

Back in December 2003, 2 years ago, the FDA's own scientific advisory board overwhelmingly recommended approval of plan B over-the-counter application by a vote of 23 to 4. But the FDA has not adhered to its guidelines for drug approval and continues to drag its heels.

In fact, Alastair Wood, who is a member of that advisory panel, said:

What's disturbing is that the science was overwhelming here, and the FDA is supposed to make decisions based on science.

It is obvious to me—to many of my colleagues—and to millions of American women that something other than science is going on now at the FDA, and it is far past time to get to the bottom of it.

That is why I am especially pleased that I have been able to secure bipartisan language in the Agriculture appropriations conference report that expresses the sense of both bodies of Congress that enough is enough.

The language simply says:

The conferees remain concerned about the legal and regulatory issues relating to approval of drugs as both prescription drugs and over the counter products, and urge the FDA to expedite rulemaking on this topic.

If the leaders of FDA and HHS refuse to take the steps to restore the confidence of the American consumers and FDA's ability to promote safe treatments, then Congress has to step in. The health and well-being of the American people should not blow with the political winds. Caring for our people is an American issue, and part of that goal is ensuring we have access to safe, effective medicines in a timely fashion.

How can we trust the FDA to move quickly on vaccines for global pandemics if they continue to operate the way they have on plan B?

Time and time again, I, along with Senator CLINTON of New York and others, have asked simply for a decision on plan B. We have not asked for a yes or a no, just a decision. This continued foot-dragging is unusual, it is unwarranted, and it is unprofessional. This continued delay goes against everything the FDA's own advisory panel found nearly 2 years ago: that plan B is safe, effective, and should be available over the counter. There is no credible scientific reason to continue to deny increased access to this safe health care option, but there is even less reason to deny an answer.

Yesterday marked another deadline in the approval process for plan B. Yesterday was the last day of the highly unusual 60-day comment period that was asked for by FDA. Senator CLINTON and I joined with nearly 10,000 Americans in calling on the FDA to take a real step toward closing the agency's credibility gap by making a prompt decision based on scientific evidence.

I am on the floor tonight to say I hope the FDA does just that. The language we secured in this conference report is a good step, but it is not the last word on this issue. The problem with politics subverting the FDA's adherence to science and its integrity is so profound and so urgent that I intend to use every tool available to me as a Senator to make sure this discussion about our priorities and our future is not lost.

I yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I will assume I was next in the queue. I thank the chairman of the Subcommittee on Agriculture for bringing this conference report up. You know, I just want to point out to the American people that even though the total of this bill is \$100 billion—That's—I rounded that off a little bit—only \$25 billion gets to production agriculture. We could add in some conservation programs and watershed and this type of thing and probably get that up a little higher but not a lot.

What I am trying to say, better than half of this bill does not go to the farm and ranch producing community in this country, and yet the bill is \$100 billion.

I have been on the Appropriations Committee since 1993. For 12 years, I have served with my colleagues in this body and have gone through a lot of conferences. I have chaired some. I have been ranking in some. There are a lot of good things in this bill that help my State of Montana and agriculture across this Nation, but if there is one shortcoming—I say, not very much of it gets to the farmers and ranchers out of this \$100 billion. I was a county commissioner. I understand WIC. I understand nutrition programs. I understand food stamps for those folks who really need help. I'll tell you what, it is born in every one of us who comes out of the

farm and ranch community: we do not like to see people hungry. We have always been like that.

With regard to this conference, we had four or five items that were very important that we have to address in this body, and we were closed down. Categorical exemptions, which my friend from Idaho just spoke on a few minutes ago, in forest rehabilitation, forest legacy, forest health—all of those programs are designed to help our timber communities take advantage of the great resource that is around them, and also it does a lot for fire prevention.

Another thing about this amendment we had on the prevention of the slaughter of horses for human consumption, we did not get that resolved. I invite any of my friends who voted for that amendment to come to my office and answer the phones because I'll tell you what, last Saturday there was a horse sale in Billings. If anything prompts some calls, just let somebody go to the next horse sale.

Then we got down to the country of origin labeling that was put into law and signed by the President of the United States in the 2002 farm bill. It is the law of the land, and an overwhelming majority of both this body and the House of Representatives voted to put it there. Yet we are denied the money to write the rules and regulations and implement the law and put it into effect.

This year, they just said: We are going to go voluntary for 2 more years. I am going to tell you something, that has not worked. Now, there is nothing done here that is done in the dark of night. It is the law. Did we accomplish getting it implemented in this bill? No, we are delayed for two more years.

What is even worse, there was no debate and no vote in the conference committee while the conference was going on. Just like I said, I have chaired conference committees on appropriations, and we did not leave that room until all of the issues that were still on the table were dealt with, folks got to debate them, we listened to them, and we got an up-or-down vote.

I am not really concerned about the results of a vote; I am concerned about a vote. So this was something that was done that absolutely was beyond my belief.

We know that our cattle producers are pretty proud of their product. They produce a good product. We do not feed a lot of cattle in Montana, but we raise a lot of feeder cattle. They go to Colorado, Kansas, and Nebraska to be finished out. They produce a great product for America's dinner tables, the greatest source of protein we have in our diet. They also want to know where it comes from, and that is being denied our producers today.

I heard from my colleagues who say they should delay COOL until the farm bill. They say the law will not work and we need to rewrite it. I agree with some of that, but there are provisions right now that are in the current labeling law that need to be implemented.

So I seriously doubt that any of my cattle producers can be convinced at this point that Congress intends to make a good-faith effort to improve the law as it stands today. We have had three years to work on that law, and the only thing Congress has delivered to the hard-working ranchers in my country is one delay after another, and that is unacceptable.

We have given the meat packers years to volunteer and voluntarily label the meat. Not one packer has done that. Now, we have labeling on that. We have certified Angus beef, and we have a lot of house brands and house labels and some breeds of cattle promote their production, but nothing says "USA." These delays are not designed to help us improve this important law; they are just a way that the packers get their way.

In all likelihood, this evening the Senate will debate this issue, and tomorrow we will pass this conference report. I did not sign the report, and I shall vote against it tomorrow even though there are some very good things in here, but enough is enough.

Given the hysteria of the meat packers, one would think that COOL assistance would destroy the whole industry, and one would think origin labeling is some outlandish, unheard of concept when it has been around for the last four years. Packers whine about labeling products in the United States, and the packers are engaged in country-of-origin labeling in foreign markets. I do not see what the difference is? It feels to me like you have been discriminated against for your product? And those who do not want labeling, are you not proud of your product? Are you afraid to put your brand on it? Afraid to put a label on it? What is the problem?

Most of our major trading partners require country-of-origin labeling on imported beef and beef products. I could go all night about the situation in which we find ourselves in regarding to beef trade with Japan. We took a pretty tough stand. I believe that it is time that markets be opened.

New Zealand passed a COOL law just last week at the very same time that this conference was shirking its duty to the American cattle producers.

By the way, New Zealand is not afraid to put a label on their lamb. One can go to any grocery store, and the package says, "New Zealand lamb." They are proud of that product. Yet we do not want to do that. Consumers in the United States do not deserve to know where their beef comes from, but foreign consumers do. That is the message we are sending on this conference report tonight.

We know that foreign consumers demand U.S. beef. It is pretty plain. I have talked to the consumers in Japan. They are getting ready to serve these beef bowls. It is the most desired product we ship there. Yet by their standards, they have decided to keep

our product off of their market. They have nerve enough to come here and expect us to accept theirs when they have a larger problem than we do in that arena. So Congress is telling the producers that they lose out again in this conference report with a delay provision put in at conference with no debate and no vote.

I will cast a vote against the conference report when it comes up tomorrow. This is a terrible way to do business in the Senate. We can do better in this body. We can respect everyone's opinion and everybody's amendment and everybody's bill, but give them a vote.

We are going to talk about a judge one of these days, and we are going to say he deserves an up-or-down vote. This issue does, too. There is no difference. And we were denied it.

So I am disappointed, but yet we move along and there will be another day when again we will saddle up and try to get this legislation implemented, which basically is the law of the land. Make no mistake about it, this hurts our credibility. We better start taking our job very seriously. Instead, we are taking ourselves too seriously.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I believe I am yielded 10 minutes per the instructions of the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, first I will say a word about the leadership of this subcommittee, Senator BENNETT from Utah and my colleague, Senator KOHL, from the State of Wisconsin. I appreciate the work they have done. This is not easy to do. The product that came out of the Senate was a good subcommittee bill. To the chairman, the ranking member, and their staffs, I thank them for all of the work they have done on this legislation.

As they might know, while they are complimented, there is something that comes behind the compliment. They both know that I did not sign the conference report, having nothing to do with their actions or their activities. I refused to sign the conference report because of what happened in the conference. I wish to describe just a little of that.

The process by which we went to conference with the U.S. House was one in which we expected we would be treated with some respect and we would, through the normal course of things, make judgments and decisions and have votes. That did not happen. It did not happen on the issue especially of the country-of-origin labeling for meat—something my colleague just described. This is a commonsense, farmer-friendly, rancher-friendly law that has always been opposed by the big meat-packing plants and those who do their bidding. The fact is, it is the law of the land and should have been implemented last year.

One day, I brought a porterhouse steak to the floor of the Senate. I had to ask consent to show it on the Senate floor. I held up a porterhouse steak and I said: I would like to know if anybody can tell me where this piece of meat came from. Anybody? Well, nobody could tell where the piece of meat came from. It is just a piece of raw meat in cellophane. It comes from the store.

I asked the question: Might it have come from this particular packing plant? This packing plant, by the way, was only inspected once by a USDA inspector. It happens to be in Mexico. Here is what he said he found. This is a packing plant sending meat to our country. The inspector found:

Shanks and briskets were contaminated with feces, a U.S. Department of Agriculture official later wrote of his tour of the plant on the floor. In the refrigerator, he wrote, a diseased, condemned carcass was observed ready for boning and distribution in commerce.

The audit noted paint and viscera containers, condensation from dirty surfaces dripping into the exposed product . . .

Did anyone know if that piece of meat came from that plant? No one could tell because it was not labeled.

I thought then about something I read when I was in school. Upton Sinclair wrote the book "The Jungle" in 1906. He described the conditions in the packing plants of Chicago. He said:

There would be meat stored in great piles in rooms; and the water from leaky roofs would drip over it, and thousands of rats would race about on it.

Then he described how they would lace loaves of bread with poison and lay them around, and the rats would eat the poison and die, and they would shove it down a hole and grind it up and ship it out as meat.

People read "The Jungle" written by Upton Sinclair and demanded something be done in this country, and it was. We have a wholesome supply of meat in this country that we are proud of. Our farmers and ranchers who produce it have a wholesome supply that is inspected. We are proud of it.

"The Jungle," 1906—I just read what he said in the book. May 1999, one inspector goes to Mexico—by the way, he has never gone back. This plant was closed, opened immediately thereafter with new owners and a new company name, and has never been inspected since. Condensation from dirty surfaces dripping into the exposed product . . . Carcass shanks and briskets [were] contaminated with feces . . .

Does it sound like 1906? Sound like "The Jungle"? Or if you are reading "The Jungle," 1906, by Upton Sinclair:

There would be meat that had tumbled out on the floor, in the dirt and sawdust, where the workers had tramped and spit uncounted billions of . . . germs.

The employees' feet touched carcasses . . . a diseased condemned carcass . . . was observed in the chilling room ready for boning and distribution in commerce.

How much progress have we made?

So we go to conference and there is a requirement there be meat labeling,

and the big packing houses and those that do their bidding in this Congress say it would be way too complicated.

We can drive a remote car on the surface of the planet Mars, and we can't stick a label on a piece of meat, for god's sake? We did require that of seafood. Go to the local grocery store and buy some seafood and you will find a label.

Let me tell you what the manager of the meat department at a supermarket had to say about implementing labeling for seafood. On April 4, 2005, asked about labeling seafood, this fellow at a supermarket said, "It's just a matter of putting a sticker on the package."

Not a problem. So why, then, are the American consumers now told, as a result of this conference, that not only are you not going to get country-of-origin labeling last year when you were supposed to have had it—and then we extended it, the folks over there on the House side extended it—so now they extended it 2 more years. And they did that after they recessed the conference and extended the date for implementation of this law—and it is a law—by 2 years, never having a vote, never notifying anybody.

I would expect the chairman and ranking member of this subcommittee should be furious about that. They probably are. I wrote, by the way, the chairman of the conference and said to the chairman of the conference: That will only happen once because you will not have a second conference in which we sit around and somewhere between the issue of thumb-sucking and daydreaming, believe there is a crevice to do the right thing.

If you decide you are not going to allow votes and then get rid of the conference and go behind a closed door with one party from one side of the Capitol and decide you are going to change the law and shove it down everybody's throat, you are only going to get to do that once. The next time you go to a conference like that, it is going to be a much different circumstance because we now know how at least some are willing to treat others in the conference.

It wasn't so much about treating us, it was about how you are treating farmers and ranchers who are proud of what they produce, and it is about how you are treating consumers in this country. Oh, in this Congress, regrettably, the big interests still have a lot of sway, a lot of influence. They somehow at the end of the day get their way. They especially get their way when the door is closed, when the lights are out; the door is closed, and it is done in secret. And that is exactly what happened here. People should be furious about what has been shoved down the throats of the Congress as a result of a few people in that conference.

So the result will be bad public policy. The result will be consumers consuming food, consuming meat that they do not know the origin of. Why? Because the Congress said: You don't

deserve to know the origin of that meat.

There is much to say about this subject. My colleague from Montana described his disgust. My colleague from Iowa will as well. I probably should, in the middle of this angst, say again that this is not the fault of the Senator from Utah, Mr. BENNETT. It is not the fault of the Senator from Wisconsin, Mr. KOHL. They did not do this.

My guess is—I have not talked to them at great length—they would have provided a conference that is the regular order: have debate and have a vote, have a debate and have a vote, and you count the votes and, in this system of ours, determine who has the votes and what policies prevail.

That is not what happened with respect to this conference with the House, and I regret that. We will have another opportunity. In the meantime, the consumers lose, the ranchers lose, the farmers lose because those, whose names I don't have in this statement, behind closed doors, in secret, decided to pull the rug out from under all of those interests.

I assume they are applauded today by the big economic interests, as is always the case in this Congress. But one day soon, I think consumers and others will say: There is no cause for applause for you. In fact, you really should be doing something else.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I am going to keep the litany going on country-of-origin labeling because I am upset, too. I want to speak in opposition to that specific provision in the conference report, H.R. 2744, which is the Agriculture appropriations bill for fiscal year 2006.

The report before the Senate includes an additional 2-year delay—until September 30, 2008—for the implementation of mandatory country-of-origin labeling for covered commodities, except for fish. Fish was taken care of earlier.

I am highly frustrated that implementation funding has been stripped because this is not the first time the conference committee has traveled beyond the scope of its conference. The House bill stripped funding for implementation of country-of-origin labeling for meat and meat products for fiscal year 2006. The Senate bill did not include a delay. However, the conference result is a new 2-year delay that will keep consumers in the dark about the origin of their food.

Mandatory country-of-origin labeling was included in the 2002 farm bill, yet consumers and producers, except those that catch, raise, or eat fish, will not see any benefit from country-of-origin labeling before the next farm bill is written. The opponents of labeling claim it will cost too much to implement. If we do not provide any funding for implementation, they will be right because any cost would be too high. I have heard the concerns of those who have responsibilities under the law, but those concerns can be addressed.

I wish to point out I asked how much country-of-origin labeling would cost and was told it would be \$1.5 billion to keep track of the cows so we would know where they came from. There are much simpler systems that can be put in place. Canada keeps track of all of this now. But when we started having problems with other animals, I asked how much an identification system for all animals would cost, and was told that it would only cost half a billion. Tell me, how can you keep track of every animal in the country for a third of what it costs just to keep track of cows? It is bad accounting, if you ask me. It is a plain, blatant statement they don't want to do country of origin. Why wouldn't they want to? I guess to increase the sale of beef from other countries.

As I discussed this matter with my colleagues, it has become clear there is a need for education regarding country-of-origin labeling. Many of them were not here when the last farm bill debate was done. For those who were, the issue of country-of-origin labeling may not be familiar because it was not debated on the Senate floor. Country-of-origin labeling was included in the bill by way of an Agriculture Committee vote, and the final details of the law were worked out during a conference with the House.

For those of my colleagues who were not personally familiar with the topic, they should not excuse themselves from consideration of this important issue because their State doesn't have significant numbers of livestock producers or farmers. I have livestock producers in my State, but I care about country-of-origin labeling because I am a consumer of agricultural products. I am sure that all of us have a lot of consumers of agricultural products in our States, so it should be a concern of every State. Everybody ought to be researching this. Everybody ought to be concerned that we do not have labeling.

Country-of-origin labeling is relevant for agricultural producers, for consumers, and even for the Members of the Senate. In fact, the country-of-origin labeling law is based on the Consumer Right To Know Act of 2001, which I cosponsored. The law requires the U.S. Department of Agriculture to put in place a system for U.S. retailers to inform their customers, when they buy beef, lamb, pork, or other perishable agricultural commodities, from what country the product originated.

Food labeling can help increase consumer confidence by assuring consumers they are making informed and knowledgeable decisions about the products they buy. People know that the United States has the best, cleanest, and safest system for processing beef. Consumers should know if the meat they are bringing home to feed their family has been produced here or if it was imported from a country that may have fewer environmental, health, or safety regulations on livestock production.

The country-of-origin labeling law is not a new concept in the world. Most U.S. trade partners, including the EU, require country-of-origin labeling for food. Many of the laws in other nations are more rigorous than the U.S. law. Virtually every other item a consumer buys in the United States indicates a country of origin.

I understand that some people say we do not need to have country-of-origin labeling when the USDA is already moving forward on a national animal identification program. I have mentioned that I am fascinated by its cost. This is simply not the case. A national ID program will be useful for health safety reasons. It will help pinpoint and track the spread of disease, but this information will not be passed on to the consumer. Tracking disease is not the only concern. Providing information to consumers should also be a priority, and the only consumer-focused program is country-of-origin labeling. That is a priority for me.

After the first 2-year country-of-origin implementing delay was added during an appropriations conference almost 2 years ago, I joined other Senators in cosponsoring legislation to move the implementation date closer to the present. With this second 2-year delay, it is readily apparent that opponents of country-of-origin labeling are using this delay tactic to gut country-of-origin labeling. Rather than meeting us for an open debate on the merits of the law, they continually put it off and allow it to work through the House process. By saying we need more time to implement the law, they are making the law voluntary.

Time is one thing that the debate surrounding country of origin has had. This issue was debated in the years before its inclusion in the farm bill. Since the law was passed, 2 years were granted for rulemaking to ensure its thorough implementation. We have already had a 2-year delay. Removing funding for implementation did not improve the process, it stopped the process cold. For those who have genuine concerns regarding implementation of the country-of-origin labeling, the answer is not to put off implementing the law but to implement it properly.

I wish to remind my colleagues why mandatory country-of-origin labeling passed in the farm bill. Consumers and producers want the information that it will provide. Consumers want to know.

Personally I am more of a food consumer than a food producer, but as a shoe store owner, I could tell you where the shoes I sold were from. It was required.

My dad used to travel on the road and sell some shoes. They were Ball-Band rubber footwear. There was a little dispute that came up at one point in time on that because they had to be labeled if they were made in the United States, and other countries were not allowed to use that label. But in Japan, they started another little town, and they named it Usa, U-S-A with no dots

after the letters. Then they could say their boots were made in USA, which looked like U.S.A.

Other people are jealous of the labeling that we have. We require that kind of labeling so our consumers know where their shoes or boots or shirts or hats—things that don't hurt them nearly as much as what goes inside their body—are from. As a father, I could tell you where the clothes I bought for my children were made. I have to say, I would rather have known more about what I was putting into my growing kids than what I was putting on my growing kids.

It is really simple. Artists sign their work, authors pen their books with pride, and American ranchers and farmers want to sign their work, too. They want consumers to know they are proud of what they have produced. They are convinced the people of this country want U.S. beef, U.S. pork, and U.S. lamb.

Although I appreciate the work done by this conference on other important provisions for agriculture, and I appreciate the work they did on some of the issues that have already been mentioned, because of this critical issue to a huge industry in my State, I will be voting against final passage.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. HARKIN. I hope not to use all time because others want to speak, also.

I want to take a few minutes to lay out my reasons for my vote on this conference report tomorrow.

First of all, there are many aspects of the bill that I do support and which I believe should become law. I believe Senator BENNETT and Senator KOHL worked very hard to get this bill through.

I supported the bill as it was reported from committee and as it passed the Senate. I believe it was a good bill given the subcommittee's allocation when it passed the Senate, and I said so on the Senate floor. But, unfortunately, the conference process with the House was seriously flawed and resulted in a seriously flawed report as a result.

In some instances, it is as if the House were negotiating with the administration rather than allowing the Senate any meaningful role.

My greatest concern is the continued assault on the farm bill's mandatory conservation programs, particularly the Conservation Security Program. As passed by the Senate, this bill included no annual cap on CSP spending. That is as it is in the 6-year farm bill which was passed in 2002 and signed by the President: no annual cap on CSP funds. So the Congressional Budget Office's baseline estimate for CSP spending in fiscal 2006 was \$331 million based upon

the program's mandatory funding and no set annual spending cap, as was passed in the farm bill.

While the other body included an extremely low cap of \$245 million for CSP in 2006, traditionally, we usually attempt to kind of split the difference on matters such as this. But in this instance, rather than splitting the difference between the House and Senate—the conferees evidently chose to split the difference between the President's budget proposal to cap CSP at \$274 million and the \$245 million cap in the House bill for a conference level of \$259 million. That is far below the \$288 million that would have resulted from splitting the difference between the House and Senate figures.

In effect, the will of the Senate as expressed in the bill that we passed by a vote of 97 to 2 was totally thwarted.

Since the farm bill was enacted in 2002, the USDA conservation programs have taken a real beating year after year. They have been used repeatedly as a source offsets to fund other needs.

Including this conference report, the annual appropriations measures from fiscal year 2003 through fiscal year 2006 have cut \$1.13 billion in mandatory funds that we dedicated to conservation in the farm bill.

In addition to that, last fall, a further \$3 billion was taken out of the Conservation Security Program to pay for disaster assistance. And in the Senate budget reconciliation measure now pending a further \$1.78 billion would be taken away from conservation over the next 10 fiscal years—over \$1.2 billion of that from the Conservation Security Program alone.

Again, here is a chart that illustrates what we are talking about.

If you look at Agriculture appropriations, those bills have cut, from fiscal year 2003 through 2006, \$1.13 billion. Here on the chart is \$3 billion which was an offset taken out of the Conservation Security Program to pay for disaster assistance.

Mind you, prior to the past few years, when we have had disasters in this country that require extraordinary amounts of disaster assistance we have paid for the assistance out of the general fund. When there is a tornado, a hurricane, or a flood—whatever it might be—we don't rob programs that are particularly important to one group of Americans in order to pay for the disaster assistance. We paid for the disaster assistance out of the general fund.

Yet when we had a drought disaster in this country that affected many States in the West and Midwest, the money to pay for disaster assistance was taken from the Conservation Security Program to pay for it. That was strongly pushed by the administration and the House. Many times on the floor I said that was wrong. I objected to it. But that is what happened. They took the money out of agriculture conservation to pay for disaster assistance. It was wrong then; it is wrong now to do that.

Then on top of those cuts, in the Senate budget reconciliation measure, another \$1.78 billion would be taken out of conservation.

So what we have here is cumulative, \$5.9 billion taken out of conservation programs in measures before us just since fiscal year 2003.

Again, I might add that conservation is part of the bill that was loudly praised by President Bush when he signed the farm bill. I was there at the signing. The President said this is a great bill, especially the conservation provisions. The Department of Agriculture put out publications on the farm bill highlighting conservation. Yet since the farm bill as passed, in measures passed or now before the Senate \$5.9 billion will be taken out of conservation programs.

Again, I want to emphasize this conservation funding taken away is mandatory spending in the farm bill as to which we met all of the budget requirements when we passed the farm bill. We met all of the budget requirements. It was within the budget allocation provided to us when we passed the farm bill.

In earlier debate today on the reconciliation bill, I heard a lot of talk about the importance of not reopening the farm bill. That was the debate on the amendment offered by Senator GRASSLEY and Senator DORGAN on payment limitations. I heard a lot of talk about not reopening the farm bill. Sorry folks. The farm bill has already been reopened many times regarding on conservation, and other programs for that matter.

To complain about an amendment limiting payments to those getting hundreds of thousands of dollars annually from farm programs, to complain that this is reopening the farm bill is a bogus argument.

Where were their voices last year, the year before, and the year before when all of this money was being taken out of the farm bill, out of mandatory spending? Why didn't I hear their voices on the Senate floor saying we can't reopen the farm bill? There was not a peep from them.

But now when it is proposed to limit payments to the largest farmers in America to meet some of our budget reconciliation requirements, they don't want to reopen the farm bill. We should never have reopened it to take money out of it to pay for disasters.

I have a number of other concerns. I joined with those who are upset about the country-of-origin labeling provision. During the debate on the 2002 farm bill—I was chairman at the time—there was a bipartisan effort. We included country-of-origin labeling for meats, fruits, vegetables, peanuts, and fish. I supported it then, and I support it now. It makes sense. Producers in our country ought to be able to add value by differentiating the origin of their products. Consumers ought to have the power of information of

choice. Unfortunately, the will of producers and consumers has been ignored, behind closed doors, without debate, without a hearing, without votes. Country-of-origin labeling for meats, fruits, vegetables, and peanuts has now been delayed until September 30, 2008, after this farm bill expires.

They just want to kill country-of-origin labeling altogether, in the next farm bill—and in the meantime by rewriting the farm bill in the appropriations process. It has gotten out of hand. It is making a mockery of the both the authorization and the appropriations process.

I happen to serve on both authorizing committees and the appropriations committee. They both have a legitimate role to play. To have the authorization committee usurp the power of the appropriations committee is just as wrong as to have the appropriations committee undercut and make a mockery of the authorization process. But that is what the House did.

I don't mind losing if you have fair debate and if you have fair votes. If you lose, you lose. To me, that is democracy. I don't mind that. What I object to is when the House of Representatives, the chairman of the House subcommittee, bangs the gavel and says we will meet subject to the call of the Chair, and we never meet. They go behind closed doors and they do this. They take away country-of-origin labeling, they put limits on conservation, and I don't even get a chance to vote on it. No one gets a chance to vote on it. They say, take it or leave it. That is what I object to.

I am also concerned that the same back-door process I am describing was used to amend the Organic Foods Production Act. Earlier this year, the First Circuit Court of Appeals struck down three final rules for the National Organic Program. I urged the organic community to come together and reach a consensus on what was needed to respond to the court decision. That didn't happen. Some people were left out of the process.

Last month, Senator LEAHY offered an amendment to our Agriculture appropriations bill as a placeholder in the hope that the organic community would have more time to discuss these proposed changes in the law, and reach a consensus which we could then put into the conference report. Unfortunately, this conference report complicates what was already a complicated and sticky issue.

Again, behind closed doors, without a single vote or debate, the Organic Foods Production Act was amended at the behest of large food processors without the benefit of the organic community reaching a compromise.

To rush provisions into the law that have not been properly vetted, that fail to close loopholes, and that do not reflect a consensus undermines the integrity of the National Organic Program.

The Agriculture appropriations conference report also strikes a provision

adopted by the full Senate that would limit contracting out to private companies to carry out the Food Stamp Program.

Again, this amendment was adopted without objection by the full Senate. It was reaffirmed by Senate conferees. We did have a vote. The Senate conferees voted to uphold the Senate side. The issue went to the House conferees, and that was the end of it. Usually you work these things out in conference. Again, the chairman gaveled the conference shut, went behind closed doors, and threw out the provision.

Here is the hypocrisy of that. In the Agriculture appropriations bill, there is a limit, a prohibition against any money being used to contract out to private companies for the operation of the rural development programs or farm loan programs. So those programs can't be privatized. But already the Department of Agriculture is approving private contracting for Federal food assistance applications.

Again, I guess the needs of the poor don't warrant the same kind of protection other clients of USDA receive.

There are other problems with this bill. I am disappointed that the measure eliminates or reduces funding for a variety of programs in the farm bill's rural development title. For example, there is a major reduction in the value added development grants.

Fortunately, the bill does call for revamping the rural broadband loan program. Clearly this is a technology that needs to be available. We need to have rural broadband access for economic development.

I am thankful to the chairman and others for the inclusion of numerous projects that help promote biofuels and bioproducts, which have a lot of promise for this country. I also commend them for including funding for the national animal disease facilities at Ames, IA.

One last thing I would mention is that Congress provides money in this bill for Public Law 480, the title II Food for Peace Program, the largest foreign food aid program of the U.S. government. The funding in this conference report is the same as last year, but that was not enough to meet both massive emergency food aid needs and to provide the needed funding for development assistance. Quite frankly, I am concerned that the administration in its budget proposal—which is the basis for this appropriations measure is seriously shorting the development assistance projects under Food for Peace.

In many cases, investment in mitigating chronic food needs in developing countries in 1 year may avert the need for much higher emergency food aid in later years.

For example, one of the countries where USAID development projects were cut back earlier in 2005 was Niger, a country which by summer was experiencing a serious shortage in food availability, which prompted a flash appeal for emergency assistance by the U.N.'s World Food Program in August.

On the other hand, I am pleased that funding for the McGovern-Dole Food for Education Program has been boosted to \$100 million for fiscal year 2006.

Again, there are good things in this bill. The bill is not totally bad. But I have a lot of objections to the process on which the House proceeded and the outcomes in the conference report that resulted from the process. This is not the way to do things.

This sort of one-sided process, behind-closed-doors process is a sharp break from the normal practice in appropriations conference deliberations. It sets a terrible precedent.

For the reasons I have outlined, especially for all of the money being taken out of conservation, for the further delay of COOL, the country-of-origin labeling, and other problems I mentioned, it pains me, and I don't like to vote against the conference report. I have great respect for the chairman and the ranking member. As I said, they did a good job. But what came back from the House is not good for our farmers or rural communities, it is not good for consumers, and it is not good for conservation.

For those reasons, I will sadly have to vote against this conference report.

I yield the floor.

**PRESIDING OFFICER.** The Senator from Texas.

Mr. CORNYN. Mr. President, country-of-origin labeling has been an issue in the Senate for quite awhile, and yet, after all this time, we're no closer to promoting U.S. products than we were a decade ago. In reviewing the storied history of this issue, it is clear that there is no shortage of viewpoints. One view that has been overwhelmingly vocalized is that U.S. producers of beef and pork want to market and promote their products as born and raised in the United States of America. They are proud of what they produce, and they should be: the U.S. produces the safest, most abundant food supply at the most affordable price, and our livestock producers want to capture the value they add to the market.

But just like every other debate in Washington, the debate over country-of-origin labeling has been about the means to accomplish the goal. It is not that we are fighting about whether or not promoting U.S. products is a good idea. We are fighting about how to do it. Some in the U.S. Senate, and some around the country have said: "If it isn't mandatory, it's not labeling," or that the current mandatory labeling law that passed in the 2002 Farm Bill is the only way labeling will work. I strongly disagree.

The current mandatory law is an example of a good idea gone awry. The warning signs of the negative impact of this law have long been on the horizon. On a number of occasions the U.S. Department of Agriculture, the Government Accountability Office, and the Office of Management and Budget have

published reports and studies, and testified before Congress about the burdens of mandatory country-of-origin labeling.

In 1999, GAD testified before Congress that “there is going to be significant costs associated with compliance and enforcement” of mandatory labeling.

The next year, GAO released another study indicating that.

U.S. Packers, processors, and grocers would . . . pass their compliance costs back to their suppliers . . . in the form of lower prices or forward to consumers in the form of higher retail prices. And when USDA issued its proposed rule, they included a cost-benefit analysis that said implementation could cost up to \$4 billion—with no quantifiable benefit. The rule was followed by a letter from the Director of Office of Information and Regulatory Affairs at OMB, Dr. John Graham, which said “this is one of the most burdensome rules to be reviewed by this Administration.”

Not surprisingly, these predictions were recently realized when several processors, preparing for implementation of mandatory labeling in September 2006, sent their suppliers letters spelling out the arduous procedures that would be employed to verify animal origin, ensure compliance, and indemnify the processors from liability for inaccurate information.

Given these ominous warnings, many of my constituents are rightly concerned about the financial and record keeping burdens this law will impose on them. They ask:

How can something so popular, like marketing and promoting U.S. products be so expensive?

There has to be a better way to market and promote U.S. products. I am pleased that the conference report for the Fiscal Year 2006 Agriculture Appropriations Act contains a provision that will delay implementation of mandatory country-of-origin labeling until 2008 because it gives us 2 more years to enact a meaningful, cost-effective labeling program like the Meat Promotion Act of 2005, which I introduced with 13 of my colleagues earlier this year. This bipartisan, commonsense legislation would establish a voluntary country-of-origin labeling program driven by the free-market, not the rigid legal interpretations of Federal bureaucrats.

I stand with livestock producers that want to market and promote the products they proudly raise. I believe they should be able to market and promote their products as born, raised, and processed in the United States, and I believe the Meat Promotion Act of 2005 provides the most effective and efficient opportunity for them to do so, while adding value to their bottom line and helping the economy of rural America.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise, too, on behalf of South Dakota's cattle producers to voice my support for country-of-origin labeling and also to express my profound disappointment in

the tactics that were employed to derail country-of-origin labeling in the bill under consideration this evening.

I have been a supporter of mandatory country-of-origin labeling since first being elected to the House of Representatives in 1996. I offered the country-of-origin labeling amendment in the House Agricultural Committee 2002 farm bill deliberations. Figuratively speaking, that was a bloody battle. Anyone who was in the room will tell you we spent 4 hours fighting over this issue about whether to include country-of-origin labeling in the 2002 farm bill. The truth of the matter is, even though at that particular point in the process we were not able to get included in the House farm bill, we were later on, when the bill went into conference with the Senate, the Senate adopted a provision, and we were able to retain that provision. So when the 2002 farm bill conference report was reported to the floor of the House and the Senate, it included mandatory country-of-origin labeling. It was passed overwhelmingly by the House and the Senate, put on the President's desk and signed into law. In fact, it was signed into law by the President back on May 13, 2002.

I assumed at that time that we had achieved a major victory for the ranchers that we represent, the cattle producers in places such as South Dakota and other areas of the country. Unfortunately, I was wrong.

Even though country-of-origin labeling has been the law of the land since that day, it has been on the receiving end of an onslaught of attacks and delays. Where I come from, a deal is a deal. The Congress, the elected Representatives of the people of this country, through the 2002 farm bill, adopted a provision that would implement mandatory country-of-origin labeling. Under the 2002 farm bill, country-of-origin labeling was set to be implemented by September in 2004. The fiscal year 2004 agriculture appropriations bill—and at that time I was not in the Congress—delayed implementation until September of 2006. And now the conference report we have before the Senate today will delay it even further, until 2008.

It always ends up being done in the dark of night. As was noted earlier by several of my colleagues in the Senate, the House negotiators came to this process and walked away from the table, not even giving us an opportunity to debate this in the light of the day. It would be great to have the debate on the floor, but even in the conference there was not an opportunity for Members of the Senate to have their voices heard through a vote on that particular provision.

If you want to rewrite the 2002 farm bill, don't do it in a conference committee, for crying out loud. Let's do it in the light of day. Let's at least give the members in the conference committee an opportunity to vote up or down on this issue. I believe if the

members of that conference committee had that opportunity, those in favor of country-of-origin labeling would have prevailed.

I have heard the arguments against mandatory country-of-origin labeling more times than I can count. While I respect my colleagues and their views, I disagree with those who oppose this program and wish to delay it to death.

My colleague from Texas suggested this is a bad thing, we cannot implement this. How do we know? We have not implemented it yet. We passed the law. The people's representatives of the Congress spoke out in favor and made it part of the 2002 farm bill. We have lots of people, naysayers, now saying it will never work. How do we know? It has never been implemented.

The deal we struck back in 2002, and the commitment we made to the producers of this country and to the consumers of this country, has now been derailed not once but twice. Literally, it is death by a thousand cuts to the producers across this country who believe the Congress had taken their side and made a commitment to implement this legislation.

My colleague from Texas—again, whose views on this I certainly respect—suggests we just have a voluntary system. The people who are opposed to doing this mandatory country-of-origin labeling, how do you expect them to come out and voluntarily say, we are going to do it. They are the very folks who are fighting, resisting, opposing, trying to delay and ultimately kill the country-of-origin labeling provision that was a part of the 2002 farm bill that ought to be the law of the land today.

Everything that we have in this country has a label on it. The tie I am wearing this evening says “Made in China.” The glasses, as I get older, I need for reading purposes, say “Made in China.” Even the holder for the glasses has a labeling on it. The pen I hold in my hand says “Made in Japan.” Literally everything we purchase in this country has a label. We know where things come from, where they originate. In the last farm bill, we even implemented for fish, for fruit and vegetables. Yet we do not want to know where the meat comes from that the consumers of this country consume on a daily basis? Does anybody understand or recognize the inconsistency in that argument?

It will not be very far from here that producers in this country will be forced to implement an animal ID system, and somehow we cannot implement a country-of-origin labeling system. Yet we are going to ask producers to trace the origin of those animals as a food safety precaution.

I argue, again, that country-of-origin labeling is an opportunity for our producers to differentiate their product from those products raised elsewhere in the world. We have the highest quality, and our producers are proud of what they raise in this country. They want

to be able to differentiate it, but they are going to be required in the not-too-distant future, as a food safety measure, to implement an animal ID. We have a number of pilot programs underway across the country today. When one of those is adopted as some sort of a national standard, producers will be expected to trace the origin of those animals. The only question is, Who is going to pay for it?

It is a slap in the face to this Nation's livestock producers and consumers. This recent delay is unacceptable. It is unwarranted. Who loses? The livestock producers who grow and raise quality products in this country, who want an opportunity to market and differentiate their products, and ultimately, the consumers of this country who have a right to know where the meats they purchase, day in and day out for consumption by themselves and their families, comes from. Special interests have won out this day over the will of our producers, our consumers, and the elected representatives in the Senate. That is a sad day.

I will oppose this Agriculture appropriations conference report for that reason.

I yield back my remaining time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have listened to this debate with interest. There are a few things perhaps to get on the record so we have it clear if someone wishes to go back in historic fashion and look at all this and say what really happened. I would like to make a few comments to that extent with respect to country-of-origin labeling.

Conferences are for the purpose of resolving differences. The Senate had no statement at all with respect to country-of-origin labeling, so the Senate bill would have allowed the law to go forward in the way that many of the speakers here tonight have asked. The House bill would have killed it—not delayed it, killed it. The House voted overwhelmingly to eliminate country-of-origin labeling.

We had to come up with a compromise. We could either have the Senate position—that it goes forward—we could have the House position—that it dies—or we could have something in between. In the spirit of most conferences, we came up with something in between.

We have not killed the program in this conference report. We have delayed the implementation. So the Senate did not get what it wanted, which was full speed ahead. The House did not get what it wanted, which was to kill the program. We have a compromise.

I think we should understand that so those who say, We caved in to the House, the House did it to us, without any consultation or conference with the Senate—well, understand that is not true. We arrived at a compromise between two very different positions. It does not satisfy the people in the Sen-

ate, and it probably does not satisfy the people in the House.

Now, I will say from a personal point of view, I am getting tired of this debate. It came up when I became chairman of the subcommittee the first time. We have had to deal with it several times now. I think this is an issue that should be resolved in the authorizing committee. I think the authorizers should come to the conclusion it is a good idea and we should go ahead with it or they should come to the conclusion we made a mistake in the farm bill and we should kill it. They should not ask us in the appropriations process to make the decision that the authorizers need to make.

The point has been made here that the date we set on this, with this compromise between the House and the Senate, carries to a point beyond the expiration of the current farm bill. That is true. That means the authorizers will have an opportunity, before we visit this issue again on the Appropriations Committee, to make their decision. The authorizers will have an opportunity to either re-endorse the idea or to kill it.

So I say to those who feel so strongly on both sides: Talk to the authorizers when it comes up in the farm bill and make the decision—do we really want to go ahead with this or do we really want to kill it?—and not ask those of us in the appropriations conference to have to deal with it. Get it off our plate and put it in the place where it belongs.

I make one other comment. As I have looked at the issue, I find myself on the side of those who think it is a mistake. I have no pressure from consumers who want a label on meat that says where it comes from. I do not think they would pay that much attention to it. The history of country-of-origin labeling for virtually every other product is that consumers are mildly interested but that it does not significantly affect their purchasing.

If someone really believes this would make meat more attractive to customers, he or she has the opportunity to put that label on right now. A voluntary program would make it available everywhere. But if someone wants to promote Iowa beef, they have the opportunity right now as a marketing device to say, This is Iowa beef, without having to go through all of the regulatory requirements that are connected with this law.

So once again, this is an issue that the authorizers should look at. This is an issue that those of us who have been forced to deal with it are tired of. We hope this is the last time we will have to deal with it in an appropriations bill.

Mr. President, I ask unanimous consent that a letter sent to me from the USDA Acting General Counsel regarding sections 794 and 798 of the fiscal year 2006 Agriculture Appropriations Act be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE GENERAL COUNSEL,  
Washington, DC, October 28, 2005.

Hon. ROBERT F. BENNETT,  
Chair, Subcommittee on Agriculture, Rural Development, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This will respond to the inquiry made today by members of your staff for the interpretation of the Department of Agriculture (USDA) regarding sections 794 and 798 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Act), as that measure was approved by Senate and House conferees on October 26, 2005.

If enacted, section 794 would provide that, effective 120 days after the date of enactment, no funds made available by the Act may be used to pay the salaries and expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (FMIA), 21 U.S.C. §603, or under guidelines issued by USDA under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act), 7 U.S.C. §1901 note. If enacted, section 794 would prohibit the use of appropriated funds to pay the salaries and expenses of USDA employees to perform inspections of horses under either section 3 of the FMIA or the guidelines issued under section 903 of the FAIR Act.

If enacted, section 798 would (1) amend the FMIA by removing the list of species, i.e., “cattle, sheep, swine, goats, horses, mules, and other equines” at every place where it presently occurs in the FMIA and replace such list with the term “amenable species”; (2) provide that the term “amenable species” means those species subject to the provisions of the FMIA on the day before the date of enactment of the Act, as well as “any additional species of livestock that the Secretary considers appropriate”; and (3) make similar amendments to section 19 of the FMIA regarding the marking and labeling of carcasses of horses, mules, and other equines and products thereof. Section 798 would become effective on the day after the effective date of section 794.

Having reviewed these sections, it is our opinion that section 798 does not nullify or supersede section 794 and that, if both sections are enacted as written, barring further amendment the prohibitions effected by section 794 would become effective 120 days after the date of enactment of the Act.

Please let us know if you have any further questions regarding this matter.

Sincerely,  
JAMES MICHAEL KELLY,  
Acting General Counsel.

Mr. BENNETT. Mr. President, I ask unanimous consent that all time be yielded back on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.