

Lugar	Risch	Thune
McCain	Roberts	Vitter
McConnell	Sessions	Wicker
Nelson (NE)	Shelby	

NOT VOTING—3

Bennett	Byrd	Crapo
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The motion was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote and to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

#### ORDER OF PROCEDURE

Mr. JOHANNIS. I ask unanimous consent to speak as in morning business, and I would also like to lock in, if you will, that Senator LANDRIEU will follow me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### USDA ANIMAL IDENTIFICATION SYSTEM

Mr. JOHANNIS. I rise today to discuss the U.S. Department of Agriculture's Animal Identification System. Over the past several years, USDA has administered a system called the National Animal Identification System, NAIS.

The ultimate goal of the system was to keep track of animal movements so that we could trace back animals in the event of a disease outbreak. The first step under animal ID was to register farms where animals are housed, also known as premises, and that registration was to occur in a database.

After registering a premise, a producer could identify individual animals or groups of animals that moved to or from a premise, each given an individual ID number. This system worked for those who wanted to use it. But no one was forced to participate. In other words, it was a voluntary system.

If producers wanted to participate in the program so they could keep track of an animal's movements or because a trading partner might be more inclined to buy their product, or for any reason that worked well with their operation, then it was there for them. It was at their disposal.

But as long as NAIS was in existence, it was a voluntary program. Now, recently, on February 5, 2010, USDA announced it was doing away with that and developing a new framework for animal disease traceability in the United States.

It caught my attention as a former Secretary of Agriculture. The Obama administration completed a series of listening sessions held by USDA's Animal and Plant Health Inspection Service—we refer to them as APHIS—and those were done just last year.

Having held farm bill forums across the country as the Secretary of Agriculture, I applaud any effort to hear directly from farmers and ranchers. I ap-

plaud USDA for seeking input on NAIS. I was very appreciative that, at my request, one of those animal ID listening sessions was, in fact, held in my own home State of Nebraska.

But I must admit, after the listening sessions I was very surprised at the new framework that the USDA has developed. USDA says the new program is not a mandatory program except for animals that travel to a different State from where they were born.

Think about that. With that little caveat, that basically means the program is a mandatory program for a whole lot of livestock in the United States. You see, anybody who has any farm background or agricultural experience will tell you that the vast majority of animals in this country move to a different State in their lifetime.

It is just simply a fact. Additionally, the program is mandatory not only for premise registration but for the actual tracking of the animal. Here is the real kicker. State governments will be tasked with keeping track of the livestock under the new system.

It is almost like this administration realized how much opposition there was to a mandatory system—and, believe me, there is—and decided to hand the hot potato to the States. But in doing that, they said, thou shalt do it but keep the headache off our desks.

States are genuinely and rightfully concerned about this new program potentially being dumped on them. I am already hearing from officials and producers in my home State, and they are enormously concerned by this proposal. Some groups are even urging the Nebraska Department of Agriculture, which would be tasked with administering the program, to refuse to participate. And, believe me, this is not the last State that will weigh in on this very controversial proposal.

Later this week, there is a meeting of State departments of agriculture, State veterinarians, and other interested parties to further examine this issue. That is why I am on the Senate floor. I am going to be very anxious to hear their input and to hear the outcome of that meeting because there is great concern in farm country for this proposal. My hope is that conference participants can get some answers to some basic questions.

Consider this: Let's say a Nebraska farmer buys a Nebraska calf with no tracking number and puts it out in a Nebraska pasture. So that is in state. That is pretty clear. No need to comply.

Sometime later, after that calf has gained some weight, it is then taken to the auction barn, the sale barn. At this point, in the sale barn, there are multiple buyers from all over the country typically. There could be buyers from Nebraska and Kansas, Iowa, and other States. They are all in the arena to bid on their calves.

But apparently only buyers from Nebraska could make bids even though other buyers from other States might

offer more money. Let's say by chance a Nebraska feedlot is the highest bidder and buys the calf, still in state, can feed that calf out—still no need to comply with the animal ID program. But now, some months later, the steer is ready to go to the packing plant, but the plant is on the other side of the river in another State, and they will pay more than a plant in state for that animal. Wait a second. Can the feedlot owner sell to the Iowa meat processor? Apparently not because the two owners prior to him chose to not participate in the program.

The bottom line: Many livestock auctions attract bidders from in state and States all over the country. So one can assume all animals sold through an auction barn will be required to have animal ID. For those who have been to these sales, can you imagine literally the auctioneer stopping the sale and saying: These animals are not registered; only Nebraska purchasers can buy the animals. If they were not ID'd, auctioneers would literally have to stop the bidding and announce where the potential seller resides for each animal without a tracking number. Then many of the buyers must sit on the sidelines, visit the bathroom, go to the vending machine, anything but bid on their calf. Can you imagine. It just doesn't make any sense. What will be the viability of the cattle operations in this country for that sale barn? What about the rancher who sells some of his cattle in state and some of it goes to facilities in other States? Will that person be required to tag some of the animals in the feedlot but not others? He or she is going to spend more time trying to figure out how to comply with the USDA program than he or she will spend ranching. Producers are basically going to be forced to fully participate in the program. I think the USDA knows it. If a potential buyer is from another State, there can be no deal unless the animal has the tracking number.

This looks like a backdoor mandate that is being packaged as something else. Worse yet, the package is being delivered and dropped on the doorstep of our States. Let's face facts. This so-called new animal ID plan is a mandatory system, when it was promoted as a voluntary one. In my judgment, to be blunt, this is a wolf in sheep's clothing, but America's farmers and ranchers are not going to be fooled. They know better than anyone that the vast majority of agricultural commerce occurs across State lines and even country to country. They deserve better.

Let me be clear. I did not come here to be critical of the fact that USDA is considering new approaches. In fact, I acknowledge that when I was the Secretary, I called a timeout to fully understand the complexities of the animal ID and to hear from producers. I openly said: I am considering making this a mandatory program. I thought a mandatory approach might be necessary, and we listened and studied it very closely.

Then we went to the countryside. We listened to farmers and ranchers. What we heard overwhelmingly is: Mike, do not make this a mandatory program. We realized that producers already comply with a laundry list of Federal regulations. In this administration, it grows by the day. They take numerous steps to ensure the safety of their animals. That is their livelihood. Mandating an animal identification system would have been one more costly burden dictated on the rancher by the Federal Government.

I appeal to my friend Secretary Vilsack. We were Governors together. I know where you are coming from. I went down that road too. I can tell you, Mr. Secretary, it is a dead end. On one hand, USDA has acknowledged the broad and deep opposition in the countryside when the administration seemed to say: We are going to go forward anyway. Our producers themselves have spent years trying to understand what NAIS is about. There is no repackaging that will convince them another Federal mandate is a good idea. Does this administration think States will embrace this hot potato with all the costs and the unanswered questions that go with it? I don't see it. The old NAIS system was not perfect. We always acknowledged that. This is hugely complicated. But calling it voluntary and then leaving producers no real choice is far from perfect, and, most importantly, it is not a solution.

I urge the USDA to reconsider.

I yield the floor.

THE PRESIDING OFFICER (Mr. BURRIS). The Senator from Louisiana is recognized.

#### SMALL BUSINESS

Ms. LANDRIEU. I am pleased to speak as chair of the Small Business Committee with several of my colleagues from the committee who have been hard at work coming up with ideas, drafting and passing legislation in the Small Business Committee over the last 3 months, particularly to get ready for this time. It is time that this Senate and Congress moved a third jobs bill with a focus on small business in America.

I acknowledge the members of the Small Business Committee. Two of them will join me this morning, and we will all, hopefully, be on the floor in the next couple of days talking about the importance of focusing on small business job creation. My ranking member, of course, is the great Senator from Maine, Ms. SNOWE; JOHN KERRY, former chair of the committee; CHRIS BOND, former chair; CARL LEVIN; DAVID VITTER; TOM HARKIN; JOHN THUNE; JOE LIEBERMAN; MIKE ENZI; MARIA CANTWELL; JOHNNY ISAKSON; EVAN BAYH; ROGER WICKER; MARK PRYOR; JAMES RISCH; BEN CARDIN; JEANNE SHAHEEN; and KAY HAGAN. Let me say that these members have been extraordinary. We have passed not one, not two, not

three, not four, but five fairly significant pieces of legislation in a completely bipartisan fashion. The bills I will highlight this morning have been passed by our committee by large and convincing margins: 18 to 0, 15 to 3, 16 to 4. We are proud of the work we have done.

My call to the Senators this morning is to get our eyes off of Wall Street and onto Main Street. If we really want to dig out of this recession, created by a number of things—failed policies from the past administration, a confluence of the crash of the stock market and the financial sector, poor regulation from us over time—the people who have really suffered are the small business owners who, unlike large businesses and public companies, have put everything at risk—their future, their house, their children's future—everything at risk to create business because that is what Americans do, and we do it better than any country on Earth.

We recognize the strength of American business. It is about entrepreneurship. That is what the Small Business Committee is focused on. We want attention—and we will get it—to this issue.

I thank the members for their hard work and support. In this toxic environment, to get anything out of a committee with that kind of vote, we deserve a round of applause before we even start. But that is another story for another day.

Now we have to move the bills through the process. I want to share this graph, which is telling. Of the share of net new jobs created, 65 percent of the new jobs created by everything we do here will be created by small business, not by big business. Large firms are shrinking, reorganizing, sort of waiting for the market to come back. I understand that. They have a fiduciary responsibility. These folks are out there taking the big risk. When the way is not clear, when it is still cloudy, it is small businesses taking a chance that maybe things will turn around. These are the people we have to get our eyes on.

As chair of the Small Business Committee, I have heard for months that small businesses want to hire new workers. They need to hire new workers. They can expand their business, but they don't have the ability.

Small business owner Ray Meche, who owns several neighborhood pharmacies in southwest Louisiana, has an excellent track record. He has been in business for over 20 years. He has never missed a payment. He can't get a loan because he uses the small business lending program and he is capped at \$2 million. One of our bills would raise that cap to \$5 million. That is something we must do now. Until we do, business owners such as Ray wait. They wait to get larger loans to expand their businesses. They wait for a government contract. They wait for opportunities for counseling as they attempt to boost sales by tapping into potential markets overseas.

I want to show an export chart which is also telling. When I saw this, I had my staff use it at every townhall I do because I actually didn't believe it. I made them go back and do it several times because it was so contrary to my notion of the world. But it is true. This is the truth. Of all small businesses in America, of every one we know, less than 1 percent export their goods out of the country. Think about that. When the market in America is soft and our businesses are trying to create jobs, we can do what we can to energize these markets at home, but we most certainly should be looking overseas. I can tell you why small businesses would be a little nervous about it. Because they have never negotiated with big trade representatives China and Korea and Germany and France. It could be a little intimidating. They have great products. With the Internet, they have the world at their fingertips. What they don't have is an export bill by their own Congress that gives them an opportunity to get the training and technical assistance through departments we already pay for, departments that are already set up but just aren't focused on small business and helping them trade.

I want to see this pie chart expanded. I don't know if we can expand it to 10 percent of small businesses or 20 percent, but we can't sit at 1 percent while our people lose jobs here. That is why this package is important.

I thank Senator SHAHEEN for her extraordinary leadership and also my ranking member, Senator SNOWE, who has spent a great deal of time talking in the committee and in hearings about the opportunity for trade. That is what this package does as well.

I want to present the Access to Capital Coalition that is behind us. We did not come here to the floor alone. We have an extraordinary coalition for a jobs agenda from small business groups all over America, from the small business groups represented by the Chamber of Commerce, to the Federation of Small Business, to the San Francisco Small Business Network, to the Greater Providence Chamber of Commerce, the Marin Builders Association, the Main Street Alliance, just to read a few, Oregon Small Business for Responsible Leadership.

This list represents hundreds of thousands of businesses that say to me every day: Senator, does anybody know we are here? Every day we pick up the paper and we read about AIG, Goldman Sachs, General Motors, Exxon. We think those companies are great. We hope maybe to be as big as they are one day. But does anybody know we are here?

I know you are there. We are going to fight hard for you, and we are going to pull this coalition together to focus on the one group of people in America who can actually create jobs, which would be the small businesses, found in every neighborhood, on every Main Street, in urban areas, suburban areas. And, yes,