

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.