Mr. CHAMBLISS. No objection.

The PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

JOINT RESOLUTION ON DISAPPROVAL

Mr. GRASSLEY. Mr. President, I rise to speak on the resolution that comes before us disapproving the actions of the Department of Agriculture on the importation of Canadian beef into the United States. But in doing so, I do not denigrate the efforts that are being made to have a debate on a legitimate public policy issue, but to put it in context.

First, from the standpoint of my chairmanship of the Senate Finance Committee with jurisdiction over international trade, I think this is something for which we have developed policies over the last couple decades, where we have worked very hard to see that several rights can be preserved.

One, probably basic to this debate, is obviously the sovereign right of any country to make sure that it does not in any way allow products into the country that would in any way hurt the health and safety of the consumers of that particular country. I think every trade agreement takes that into consideration.

Within the last 10 or 15 years, we have worked very hard and have included in our trade agreements rules concerning sanitary and phytosanitary measures. These rules require that science, as opposed to political science, be the basis upon which we base decisions as to whether a product is safe to enter the U.S. market.

So I hope during this debate that we keep in mind that we do have commitments to rely on science when making determinations as to whether products are safe. Hopefully, each country respects that. Particularly the United States, being a leader in the rule of law in international trade, ought to do that. But we expect every country that comes under the WTO to do exactly the same, and the same holds with other trade agreements. We also, of course, reserve the right to make sure our food is safe.

For the debate we are in now, I hope we remember that if it had not been for mad cow disease in Canada, there would never be any such discussion before the Senate because over a long period of time we had imports of beef from Canada, and we have been exporting our red meat and other food products to Canada. So if we had not had mad cow disease in Canada, then we would not be debating this issue.

So when it gets to the issue of whether mad cow disease is an issue with Canadian beef coming into the country, then let's remember that decision ought to be made strictly on the sound science of whether that meat is safe. If we are going to make a political decision in place of a scientific decision as to whether Canadian beef should come into the country, then, of course, our purity in international trade is going to be questioned by other countries.

The second point is that, during this very same period of time when we have been having this problem with Canada as to whether their meat is safe to come into the country, we have also been trying to negotiate with the Japanese because we had one mad cow case and the Japanese and other countries are not taking our beef. We have been working over the last several months to get Japan to take our beef based upon the principle that we are following the sanitary and phytosanitary rules, on a scientific basis, for making sure our meat is safe for the Japanese consumers. We do not want to get ourselves into a position where we are going to ignore the science of the safety of meat in Canada versus—

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. GRASSLEY. Madam President, I will finish one sentence, if I could.

Mr. CHAMBLISS. I am happy to yield the Senator an additional 30 seconds.

Mr. GRASSLEY. We do not want to get ourselves in a position of having the Japanese say to us our meat is not safe even though it is shown to be safe based on sound science. Since we want our beef to go to Japan because it is safe, then, obviously, if meat is safe coming in from Canada, it has to be received as well.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE DEPARTMENT OF AGRICULTURE RELATING TO RISK ZONES FOR INTRODUCTION OF BOVINE SPONGIFORM ENCEPHALOPATHY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S.J. Res. 4, which the clerk will report by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 4) providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy.

The PRESIDING OFFICER. Under the previous order, there will be up to 3 hours for debate equally divided.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today in opposition to the resolution and in support of the rule as proposed by the U.S. Department of Agriculture. I do this, first of all, with great appreciation of the efforts of my colleagues to bring this resolution forward. But I must encourage my colleagues to vote against this resolution.

This is not the time to pull the plug on a rulemaking process that is rooted in the best available science and, instead, to be guided by the concerns that seem to be less about science than about trade advantages.

The illustrious chairman of the Finance Committee went into great detail about the trade issues and the fact that the rule change is based on sound science. That is a lot of what I want to talk about initially this morning.

First, I think we need to understand exactly what the resolution seeks to disapprove of today. On January 4, 2005, the U.S. Department of Agriculture published its final rule regarding further reopening of the U.S. border for beef imports from Canada. This rule designates Canada as the first ''minimal-risk region'' for bovine spongiform encephalopathy, otherwise known as BSE. I will not try that long word again. We are going to call it BSE. It is due to become effective on this Monday, March 7, 2005. The original rule would have allowed bone-in beef from cattle of any age and live cattle under 30 months of age.

The U.S. Department of Agriculture conducted two rounds of public comment and received over 3,300 comments on the proposed rule. Over a period of months, USDA considered these comments, and responses were published with the final rule. The final rule establishes criteria for geographic regions to be recognized as presenting minimal risk of introducing BSE into the United States.

USDA utilized the OIE, which is the International Office of Epizootics, the international body that deals with animal diseases worldwide. Again, this will be referred to as the OIE. The USDA utilized the OIE guidelines, which recommend the use of risk assessment to manage human as well as animal health risks of BSE, as a basis in developing final regulations defining Canada as a minimal-risk country.

The final rule places Canada in the minimal-risk category and defines the requirements that must be met for the import of certain ruminants and ruminant products from Canada. Under the USDA definition, a minimal-risk region can include a region in which animals have been diagnosed with BSE but where sufficient risk mitigation measures are in place to reduce the likelihood of the disease's introduction into the United States.

On January 2, 2005, Canada confirmed its second domestic case of BSE, and a third case 9 days later. The USDA sent a technical team to Canada on January 24, 2005, to investigate Canada's adherence to the ruminant, ruminant feed ban. The results of that investigation were favorable, finding that the Canadian inspection program and overall compliance to the feed ban were good. The technical team's epidemiological report investigating possible links of the positive animals is still pending.

In response to this, on February 9, 2005, Secretary Johanns announced USDA would delay the implementation of that part of the rule allowing for older bone-in beef—that is beef in excess of 30 months old—because the technical team's investigation in Canada would not be complete by March 7.

The current rule now allows imports from Canada of bone-in beef and live cattle under 30 months of age intended for immediate slaughter.

On January 24 of this year, USDA sent a team to Canada to assess the adequacy of Canada's current ruminant feed ban, as previously stated. On February 25, USDA published their report, and in this report USDA stated:

> [T]he inspection team found that Canada has a robust inspection program, that overall compliance with the feed ban is good, and that the feed ban is reducing the risk of transmission of BSE in the Canadian cattle population.

Furthermore, the report notes the obvious fact that:

> [T]he Canadian feed ban is not substantially different than the U.S. feed ban.

Those who want to seriously question the adequacy of the Canadian BSE controls should keep in mind that Canada almost perfectly mirrors the controls in place in the United States. The controls for BSE in the United States are sufficient and, according to all the data available, the similar controls in Canada are also sufficient.

We should keep in mind also that the question regarding Canadian beef and cattle imports is not a food safety issue. I repeat, it is not a food safety issue. It is an animal health issue. That is what we are talking about today.

BSE is not spread by contact between people or animals. Safeguards are in place in both the United States and Canada to ensure that no potentially infectious material would ever make it into the human food supply, period.

Internationally accepted science maintains that the removal of certain specified risk materials that contain the prions that cause BSE eliminates the disease's infectivity. Canada has adopted SRM removal requirements that are virtually identical to current U.S. regulations.

In addition, while the Canadians do not view tonsils in cattle under 30 months as SRMs, the U.S. requires that all meat exported from Canada to the United States have the tonsils removed pursuant to U.S. regulations.

Finally, the Food Safety Inspection Service, FSIS, has audited a number of Canadian plants and found them to be in compliance with U.S. BSE requirements, including SRM and small intestine and tonsil removal.

Since all potentially infectious materials are removed from every animal old enough to theoretically exhibit the disease, both in the United States and Canada, it should be clear that this is an animal health debate only. We are all committed to maintaining the highest standards of human health protection. We have those already today, and we will still have those standards after this rule takes effect.

Regarding the issue of animal health, the OIE has affirmed that Canadian BSE control efforts have resulted in a very low risk of BSE in their cattle herd. The best available science in both Canada and the United States tells us that the safeguards in place are protecting animal health also. USDA–APHIS has conducted multiple investigations into Canada's ruminant-to-ruminant feed ban compliance since the May 2003 border closure, and all scientific, risk-based evidence has pointed to resuming beef and cattle trade with Canada.

They have concluded that the Canadian ruminant feed ban, which took effect simultaneously with our own feed ban, is effective in preventing the introduction and amplification of BSE in both Canadian and U.S. cattle herds. We can choose to go down the road of trade protection or we can continue to trust the best science available. I encourage us to stick with sound consensus science.

On January 17 of this year, the National Cattlemen's Beef Association sent a delegation of producers and scientists to Canada to evaluate the effectiveness of that country's BSE control efforts. The National Cattlemen's Beef Association is the largest beef producer organization in the United States, representing both beef producers as well as processors. The outcome of the NCBA review published on February 2 affirms their confidence that the Canadian BSE safeguards are adequate.

Regarding the Canadian feed ban, the NCBA Delegation concluded:

> The Canadian feed industry appears to be in compliance with its feed ban, based on visual inspections and multiple annual audit reports.

They also concluded that Canada's BSE surveillance and proposed import requirements related to animal health were sufficient to protect the U.S. cattle herd, if the border with Canada is opened even further.

While we would never want to formulate U.S. policy merely based on the practices of another country, it is instructive to note that domestically produced beef consumption in Canada is up, not down. It is clear that Canadians are not shipping beef to us that they don't choose to eat themselves.

In 2003, the last year for which numbers are available, Canadian beef consumption increased 5 percent to 31 pounds per person per year. Indications are that consumption in 2004 will be just as strong if not stronger. We can be confident that the beef exports from Canada presently underway and the ones proposed by USDA's rule don't constitute dumping unwanted product in our market but are composed of the same beef that Canadian consumers recognize as wholesome and are buying in increasing quantities.

In the past, a large percentage of Canadian cattle came to the U.S. processing plants for further value-added processing and to provide sufficient livestock numbers to keep in business many U.S. plants near the northern border. Since the closure of the U.S. border to Canadian beef, the Canadian processing capacity increased by 22 percent in 2004 alone.

This means that those processing jobs and all the added carcass value are now increasingly in Canada and no longer in the United States. This may have especially significant impact on U.S. processors in the Pacific Northwest who have relied on Canadian cattle to keep their plants open. In recent months, several U.S. companies have announced that they are suspending operations or reducing hours of operation due to the tightening cattle supplies and lack of an export market. If we keep our border closed to Canadian-slaughtered cattle and bone-in carcasses, then their meat will still come to the United States as boneless cuts because that is already happening with or without this rule. But the added value and jobs that could be in the United States will increasingly be kept in Canada.

Agricultural trade is vital to maintaining a robust agricultural economy in the United States. The future of agriculture in this country, the future of ranching depends upon our ability to export the finest quality of agricultural product of anybody in the world. As the world's largest trading partner, we must base our trade decisions on sound science. We have the most to lose when nontariff trade barriers are enacted.

USDA has made resumption of international trade in U.S. beef a high priority. The United States and Japan have held consultations and agreed that the trade in beef between the two countries should resume given certain conditions and modalities. We have to remember that our beef exporting trade with Japan has been discontinued due to the fact that we found one cow in the United States with BSE, although it turns out that cow originated in Canada and came into the United States.

Japan is one of our largest markets, and it is a critical market for us to reopen. USDA is in the midst of negotiations today for the reopening of that market. Taiwan has also agreed in principle to resume imports of U.S. beef and beef products. Removal of restrictions by some of our major Asian trading partners is on the horizon.

In 2003, we exported $1.3 billion worth of beef products to Japan, $814 million worth of beef to South Korea, and $331 million to Canada. In 2004, after the one BSE positive cow was found in Washington State, we exported essentially zero dollars' worth of beef products to Japan and South Korea and $98 million worth of beef to Canada. These countries are aware of our rulemaking and are watching how we address this issue with Canada. We have a huge stake in seeing worldwide trade in beef resume on the basis of sound science rather than on trade protectionism.

Make no mistake, we are sending a very powerful message today with our actions on this resolution to all of our trading partners. For countries prohibiting beef imports from the United States, whether we continue to adhere

to sound science in our dealings with Canada could influence their future actions toward our beef. Canada has met our minimal risk standards, and we must adhere to the policy dictates of sound science or face others using arbitrary standards toward us.

Currently, there is a suit filed in U.S. district court in Billings, MT, challenging USDA's BSE minimal risk region rule. Yesterday, after a hearing, a temporary injunction was granted staying the implementation of the final rule and ordering the two parties to sit down and agree to a schedule for a trial which must take place in the short term because of this being a temporary injunction. At this point in time it would be wise to allow the court proceeding to play out. It would be premature to pass this resolution and interfere with the operations of that court. We can always come back after the judicial proceedings are finished and express our disapproval. It is appropriate for us to allow the third branch of Government to finish their review of this rule, and we should not usurp the judiciary on this matter.

In summary, according to the best science available in our hands today, further opening of the U.S. border to Canadian bone-in beef and cattle under 30 months of age does not pose a serious threat to the U.S. beef herd. It certainly does not increase the risk of human BSE exposure. Recent evaluations of the Canadian cattle industry by the NCBA indicate that there is not a wall of cattle that will flood into the U.S. market from Canada should this rule go into effect.

The Canadian Government, USDA, and the NCBA have all reviewed the Canadian BSE safeguards and found them sufficiently robust and protective for trade to be expanded as this rule proposes. Beef exported from Canada has to meet the same science-based standards that have been successfully protecting our consumers and beef producers for many years.

It has been stated before—and I repeat—that Americans are blessed with the most abundant, affordable, and safest food supply in the world. The action we take today will not make our food supply safer. It merely enforces and encourages the actions of those who would restrict trade with measures not related to sound science.

I encourage my colleagues to say yes to sound science by saying no to this resolution today.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Chair and the chairman of the Agriculture Committee. I respect the chairman of the committee, but on this issue we have a profound difference. Let me alert my colleagues and their staffs who are watching, this is going to be a consequential vote. We are only spending 3 hours on this issue this morning because we are operating under special procedures. But let every colleague of mine understand: They are going to be responsible for the votes they cast today. The risk that is being run here is significant.

Let me remind my colleagues what happened in Europe when mad cow disease got loose on their continent. One hundred forty-eight people died in England alone. Nearly 5 million head of livestock were slaughtered in that country. They found 183,000 head that were infected, and they believe there were 2 million head of livestock infected in England alone that they were not able to complete tests on because of the magnitude of the crisis.

This vote may be critically important to the health of consumers and to the health of an entire industry. Make no mistake. When the question is science, that is precisely what this debate is about. Is, in fact, science being used by our neighbors to the north or are they simply putting regulations on the books that are not enforced?

The record is clear and the facts will demonstrate conclusively, Canada is not enforcing their own regulations that are based on sound science. But if you don't enforce the regulations, if you don't do the inspections, what does it mean? What does it mean to have on the books regulations that are based on sound science if they are not enforced?

I introduced S.J. Res. 4 on February 14 pursuant to the Congressional Review Act. It is a resolution to disapprove of the final rule produced by USDA that designates Canada as a minimal risk region for BSE or mad cow disease.

Let's review the facts. Canada already has four known cases of mad cow disease. That is not speculation. That is not based on some wondering about what is happening in Canada. That is based on facts, four known cases. In addition, they have one case of a cow imported from England positively tested for mad cow disease. So this is not some theoretical discussion we are having today. They have mad cow disease. It is demonstrated.

Now the question is, Should we run the risk of opening our border to livestock imports from Canada when the evidence, I believe, demonstrates clearly they are not enforcing their regulations to reduce the risk to them and to us?

I am taking this action because opening our border to Canadian cattle and expanded beef product imports at this time is risky and, I believe, premature. Allowing the USDA rule to go forward could have very serious consequences for the human and animal health in this country.

Let me be perfectly clear. It has never been my intent to keep the border with Canada closed on a permanent basis. Over the last several weeks, I and many of my colleagues from both sides of the aisle have raised concerns about this rule. Unfortunately, those concerns have fallen on deaf ears. The Secretary of Agriculture has refused to withdraw the rule so sensible modifications could be made. This has left us with no option, other than this process, to stop a bad rule from becoming effective on March 7.

We all know a judge has issued an injunction against the rule, but none of us can know when the judge might withdraw his injunction. Our obligation and our responsibility is clear. This rule can go forward on March 7 absent our action. Reopening the border under the conditions provided in the rule poses, I believe, grave safety risks for our consumers, serious economic risks for the U.S. cattle industry, and it complicates our efforts to reopen export markets.

BSE is an extremely dangerous disease. As I indicated earlier, after it was first identified in England in 1986, England suffered nearly 150 deaths from this disease. Nearly 5 million head of livestock were slaughtered. Around the world, additional human deaths from Creutzfeld-Jacobs disease have been linked to BSE. So we must be very cautious before we consider opening our border to imports from a country known to have BSE.

Again, this is not a matter of speculation. We know they have mad cow disease in that country. Since the European outbreak, scientists from around the world have been engaged in efforts to learn more about the disease. They have developed methods to test, control, and eradicate BSE. Through the international organization for animal health, known as the OIE, experts have designed science-based standards for the safe trade of beef products and live cattle from countries that have, or may have, BSE.

In particular, because BSE is transmitted through livestock feed contaminated with animal protein containing BSE, it is critical that countries adopt measures to ensure that animal protein and other specified risk materials are not present in cattle feed. That is what is so important to understand here. This is a matter of what is in the feed that the cattle are eating. The OIE guidelines require a ban on cattle feed containing meat and bone meal from cattle be in effect for 8 years as the primary means to reduce the likelihood of BSE infecting cattle.

Unfortunately, the USDA does not appear to have followed OIE guidelines in developing its rules. Canada's ban went into effect in August of 1997; that is less than 8 years ago. Even then, the Canadian rules allowed for potential BSE contaminants that were in the feed manufacturing and marketing system. Unfortunately, the way the Canadians put their rule into effect, it allowed potential BSE contaminants to work their way through the industry. Moreover, with respect to Canada, USDA has not done a thorough evaluation to ensure that Canada's cattle feed is not contaminated with animal proteins.

The U.S. has appropriately blocked cattle imports from Canada since Canada confirmed its first case of BSE in

May of 2003. Concerns were only heightened when BSE was confirmed in a dairy cow of Canadian origin in Washington State in December of 2003. This case resulted in many important U.S. trading partners banning the importation of U.S. cattle and beef, a situation that continues today.

Let me make this clear. When our friends say we have to open our border so others will open their borders to us, you have it backwards. The reason other countries have closed their borders to our exports is because of their concern about our allowing imports from Canada, when they have known cases of BSE, and when it is quite clear that Canada is not enforcing their regulations to prevent additional outbreaks of this serious disease.

So it is very important that we and USDA move slowly, cautiously, and deliberately, and evaluate all possible risks before reopening our border to Canadian cattle. But the USDA rule doesn't do this. In particular, Canada has not effectively implemented measures to contain and control BSE for 8 years, as required by the OIE. Moreover, USDA has applied a very loose and flexible interpretation to the specific recommendations developed by the OIE.

In fact, it appears that Canada has not dedicated the necessary resources for enforcement and compliance within a large part of its feed manufacturing industry. Colleagues, staffs who are listening, hear this well. There are nearly 25,000 noncommercial, on-farm feed mills in Canada that produce about 50 percent of Canada's livestock feed. Canada has inspected only 3 percent of these facilities over the last 3 years. This is a gaping hole in their compliance program.

Let me repeat for anybody who missed it the first time. In Canada, there are 25,000 on-farm feed mills that are producing feed. Only 3 percent have been inspected in the last 3 years. Are we going to bet the lives of American consumers, bet the economic strength of an entire industry on that kind of a review regime? Is that what we are going to do today? I hope not.

Since USDA announced its final rule designating Canada as a minimum-risk region for BSE, Canada has confirmed two additional BSE cases. Let me repeat that. Since USDA proclaimed Canada to be minimal risk, two more cases of mad cow disease have been discovered. The most recent one is particularly disturbing, because it involves a cow born several months after Canada implemented its ban on animal proteins in cattle feed. Again, let me repeat that. The most recent case of mad cow disease in Canada is in a cow that was born after Canada implemented its ban on animal proteins in cattle feed. Let's connect the dots. Four cases of mad cow disease in Canada and an additional one of a cow imported to Canada from Britain. Half of the Canadian feed industry has been inspected in only 3 percent of the cases over the last 3 years. The most recent cow discovered with the disease was discovered after the Canadian ban on animal proteins in cattle feed was put forward.

What does this tell us? I believe it tells us the Canadian ban has been ineffective. It is not just my belief; we have evidence from Canada's own inspection service. Let's put up the first chart, if we could. This is from the Vancouver Sun, December 16, final edition:

> Secret tests reveal cattle feed contaminated by animal parts: Mad cow fears spark review of ''vegetable-only'' livestock feeds.

It says that according to internal Canadian Food Inspection Agency documents—obtained by the newspaper through the Access to Information Act—70 feed samples labeled as vegetable-only were tested by the agency between January and March of 2004. Of those, 41, or 59 percent, were found to contain undeclared animal materials.

This is the risk being run if this border is open to Canadian cattle on March 7 of this year. We know what happened in Europe. In England alone, 146 people died. Nearly 5 million head of livestock were slaughtered. Canada has 4 known cases of mad cow disease, and their own inspection service finds that in 59 percent of the cases where they have done testing, material that was not supposed to be present was present—the very material that can lead to the disease. Are we going to run the risk of allowing that to come into the United States?

On February 2, 2005, 1 month ago, the Canadian Food Inspection Agency finally issued a report concerning these very serious charges. Of 65 Canadian samples that received further testing, 54 cases containing animal protein were determined to be proteins that were not prohibited. That is good news. Unfortunately, in 11 cases, or 17 percent, Canada could not rule out the presence of prohibited material.

Since October 2003, our own Food and Drug Administration has issued 19 import alerts concerning imported Canadian feed products that are contaminated with illegal animal proteins. Eight of these import alerts against Canadian livestock feed manufacturers are still in force.

I am getting very able assistance by my colleague from Kansas, Senator ROBERTS. That is high-class help.

Let me repeat this because it is important for my colleagues to understand. Since October of 2003, our own FDA has issued 19 import alerts concerning Canadian feed products contaminated with illegal animal protein. Eight of those import alerts are still in force. Here they are: Muscle tissue in feed, where it is not supposed to be; muscle tissue and blood material in feed, where it is not supposed to be; May 10, 2004, muscle tissue and blood material in feed, where it is not supposed to be; February 5, 2005, mammalian bone and bovine hair in feed; October 28, 2003, suspect muscle tissue and unidentified animal hairs; April 6, 2004, blood and bone material present.

These alerts—every single one of them—are still in force today. Are we going to run the risk here of opening this border before we can be confident that Canada is enforcing their own regulations?

Finally, Canada has recently implemented new rules to further restrict the use of animal protein in livestock feed, as well as in fertilizer.

Listen to this: Canada's own justification for tightening its regulations is to reduce the potential for the cross-contamination of livestock feed products and fertilizers with animal protein that might contain the BSE prions. To me this suggests clearly that even Canadian officials are concerned that the enforcement and compliance with existing regulations may be inadequate.

As I noted in a letter I sent with Senator HARKIN, Senator JOHNSON, and Senator SALAZAR to the Secretary of Agriculture, there is concern that not enough time has elapsed to be certain that Canada's education, surveillance, and testing measures are truly indicative of their level of BSE risk.

The bottom line is this: Canada has not achieved the necessary level of compliance to justify designating it as a minimal risk region. Their failure to enforce their own BSE measures could have serious consequences if USDA proceeds to reopen the border.

What is the risk? First and foremost, it could create potential dangers for consumers in this country. The Consumer Federation of America has registered concern about the ramifications for consumer health and safety if the border reopened and support this resolution. They said:

> The Department of Agriculture's rule to open the border to Canadian cattle and cattle products under 30 months of age is decidedly less stringent than the international standards put forth by the [IOE].
>
> . . . [I]t is important that USDA reconsider its push to open the Canadian border and reexamine the risks that such an action may pose to the U.S. consumers.

It is not just the consumer groups that are concerned. Agricultural groups are concerned as well because this would not only pose a danger to our consumers but to an entire industry.

The National Farmers Union and R–CALF USA have expressed strong support for the resolution because of their concern about ensuring the continued safety and integrity of our domestic cattle industry. This is what the Farmers Union has said:

> . . . National Farmers Union President . . . issued the following statement.
>
> ''We believe it is inappropriate to proceed with reopening the border at this time given Canada's most recent discoveries of BSE positive cattle and the uncertainty of how many additional cases will be detected.
>
> I urge members of the United States Senate to support and cosponsor this important resolution.''

R–CALF USA said:

> United States cattle producers should not be excluded from protections afforded by the more rigorous science-based BSE standards

recognized throughout the world as necessary to effectively manage the human health and animal health risks associated with BSE.

Our major export markets have remained closed to U.S. beef exports, even though there has been no indigenous case of BSE in the United States. Compared to 2003, our beef product exports are off by over 82 percent. Let's connect the dots. We have four cases of BSE, mad cow, proven in Canada. We have none in the United States. And yet countries we export to have remained closed to us. Why? Because of the risk they see from Canadian cattle coming into our market and being then further shipped to them.

Here is what has happened to our U.S. beef exports: in 2003, $3.2 billion, down to under $600 million in 2004. Prior to the discovery of BSE in Canada, Canada's total live product and beef product exports to the U.S. amounted to over $2.2 billion. In 2004, their exports to the United States were cut in half, $1.2 billion.

U.S. ranchers and our cattle industry have suffered greater trade losses in our overseas markets than Canada has experienced because of U.S. limitations on their sales. In fact, our losses have been twice as big as theirs.

I believe that reopening the border now before we have reached agreement on reopening our export markets will only give our trade partners a further excuse to delay reopening these critical markets for U.S. producers.

We heard earlier a reference to the National Cattlemen's Beef Association, which, prior to the new cases of BSE in Canada, supported reopening the border. They have recently adopted a new policy. It requires 11 conditions to be met before we designate Canada as a minimum-risk region. Of those conditions, only three will be met under the current rule.

Let's be clear, the National Cattlemen's Association has outlined 11 specific items that need to be met. Only three of them have been under the rule. And it is not just a national issue. My State perhaps has as much at stake as any. The North Dakota State Legislature recently passed a resolution urging that our border with Canada remain closed for live cattle and beef product trade. My legislature is overwhelmingly Republican—overwhelmingly. They adopted this resolution overwhelmingly, saying keep this border closed until you can assure us and assure our people that it is safe. They have made a determination that nobody can give that assurance today.

The recent announcement by Secretary Johanns to restrict the importation of Canadian beef products to those from cattle under 30 months of age is a step in the right direction; however, the announcement does not address the unresolved concerns about Canada's compliance with its own feed regulations.

It was my hope that our new Secretary would withdraw the proposal to resume trade when he learned of these serious issues. But it now appears that the only way to stop this rule is for Congress to block it. Therefore, I hope my colleagues will join me in supporting this resolution of disapproval.

At the very least, we ought to delay this rule from being put into effect until we have a better sense of what is happening in Canada. There is an investigation ongoing. Why ever would we decide to go forward and open this border before our own investigation is complete?

Let me conclude as I began by saying to my colleagues, this is a consequential vote. None of us know precisely how great the risk is. What we can say with some certainty is there is risk, and the consequences of a failure to get this right could be enormous. I hope my colleagues think very carefully about this vote.

I thank the Chair and yield the floor.

Mr. CHAMBLISS. Mr. President, I yield 10 minutes to the distinguished Senator from Kansas, Mr. ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the chairman for yielding.

I rise today in opposition to the joint resolution that has been brought forward by the distinguished Senator from North Dakota. This is a great ''while I'' speech. While I share the Senator's concern, while I share his sense of frustration, while I share his sense of making sure that our beef is safe from BSE, I cannot support the resolution.

I am from Dodge City, KS. This is a town that began during the cattle drives of the Wild West days and which still bases much of its economy on the beef industry. You cannot have anybody more interested, more vitally concerned about the beef industry than this Member. In fact, the number of cattle in Ford County, where Dodge City is located, far outnumbers the citizens of the county. I used to say they were in a lot happier mood.

Not only is the beef industry king in Ford County, Dodge City, southwest Kansas, and the State of Kansas, it is a huge industry representing over $5 billion in annual revenues. We are a State with 6.65 million head of cattle compared to a human population of 2.6 million. Cattle represented 62 percent of the 2003 Kansas agriculture cash receipts, and the processing industry alone employs over 18,700 Kansans. We rank in the top three of virtually every major beef statistic. There are few issues as important to the people of Kansas as the issue of how we handle actions that are related to BSE.

Prior to the discovery of BSE in the United States in December 2003, Kansas was one of the top exporters of beef to the Japanese market. Since that fateful day in December of 2003, Kansas and U.S. beef producers have been locked out of the Japanese market.

We should not still be locked out of that market by taking action like we may do as of today on this vote. The international science—I mean international science in every country concerned—says our cattle under 30 months of age are safe and not at risk for BSE. Yet we have agreed to not send meat from any animals under 20 months of age to Japan. Still that market remains closed to the United States.

The market is not closed because of scientific concerns. It remains closed because of internal Japanese politics, and that is a fact. But we are moving forward, and I am hopeful that by continued pressure from the administration—from the President, the Secretary of State, everybody who has been in contact with the Japanese Government, and this Congress, many Members of Congress—we can somehow reopen that market, we can expedite that process.

But today, be careful what you ask for. We will take a giant step backward in our efforts to reopen markets to Japan—or, for that matter, anywhere—if we vote to approve this resolution. The same international science and guidelines that say that U.S. beef and animals under 30 months of age are safe also say that the beef and animals in Canada under 30 months are safe as well. That is the international standard. That is the sound science standard.

If we vote today to approve this resolution, the United States will be taking the same actions as the Japanese. I am not going to say it is based on politics. I know all of the concerns of my colleagues who are up on the northern border and the long history of those disputes. But we are going to be basing our decision on those concerns instead of sound science. I fear it will have both short-term and long-term ramifications. In the near term, it will undoubtedly set us back in our efforts to reopen the Japanese export market.

How can we argue that they are not basing their decisions on sound science if we cast a vote that is not based on the same sound science? We have staffers today meeting, Agriculture Committee staffers, under the direction of the distinguished chairman, with ambassadors from Japan. If we vote on this today, why meet? What kind of progress could we possibly make? Long term, how can our negotiators in this Congress argue in the international arena that all agricultural issues—not just this issue—including biotech crops, beef hormones, food safety, and any number of other issues should be based on sound science if we ourselves vote on the concerns of individuals?

I have heard some Members talk about they are going to vote for this because they worry about the lumber that is coming in from Canada. Are we about to open a trade war? I am concerned about that. But this is not the way to approach it.

I understand the concerns of many of our producers and of my colleagues who support this resolution. Senator

CONRAD—I affectionately call him the agriculture program policy chart man because he has, at last count, 4,153 charts he has brought to the floor since I have had the privilege of serving here—is really a champion explaining rudimentary agriculture program policy, not only to colleagues but to all who watch these proceedings.

So I understand his concern. I did oppose the entry of beef from animals over 30 months of age because it did not make any sense to allow that beef in the United States if we would not allow any cattle over 30 months due to safety concerns. That is a given.

The international science and guidelines are clear on this issue. Animals under 30 months and meat from those animals is safe. If we vote for this resolution today, we will turn our back on the longstanding U.S. position in all international trade negotiations. We are going to hurt our efforts to reopen the Japanese market. We will be setting a very dangerous precedent for future trade policy battles, and Lord knows we are going to have those with the WTO ruling brought by Brazil.

We have too much at risk to base this decision, no matter how difficult it may be, no matter how strong our feelings may be, on the politics and the passion of the moment. The long-term future of the U.S. beef industry may very well turn on this action we take today. I fear that this vote in favor of this resolution will send a negative message that will come back to haunt us on this issue and many other agriculture trade matters for years to come. I do not think we can allow that to happen. So I respectfully disagree with the Senator from North Dakota and I urge the defeat of this resolution.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have great respect for the Senator from Kansas. He is my friend. I profoundly disagree with him about the conclusion. I think the risks run the opposite way. We want Japan to open their market to us? Then we better be able to assure them that our market and our supplies are safe. I believe the evidence is overwhelming that Canada is not enforcing their own regulations. Their own tests show it. They are not our tests. Their tests show they are not enforcing the regulations.

I remind my colleagues of the consequences of a failure to get this right. In England, 146 people died. Almost 5 million head were slaughtered. There are four known cases of mad cow in Canada today, and an additional case of a cow imported from England. And we are going to open our border on March 7, when the Canadians' own testing agency shows that in 59 percent of the cases animal matter is present where it is not supposed to be? Is that what we are going to do? I hope not.

I yield 15 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank my colleague from North Dakota for his leadership on this crucial issue before the Senate today.

I rise to speak on an issue of enormous significance to consumers, producers, and ranchers in my home State of South Dakota and all across America. The U.S. border is scheduled to be thrown open on March 7, 2005, to Canadian live cattle and other assorted bovine products. While the rule was modified to ensure that live cattle and beef imports come from animals under 30 months of age, which is a modestly helpful adjustment, I retain profound concerns about the lack of scientific basis for the decision to throw open the border and feel that the timing of this administration decision could not possibly be worse for consumers and producers alike.

We have seen four instances of BSE in cattle of Canadian origin, while the United States has not experienced even one indigenous case. In fact, two of these cases were detected after the Department of Agriculture released their final rule. I think those numbers become even more troubling when we compare the annual slaughter populations or total animals slaughtered in that time frame.

There is an overwhelming difference when our neighbors to the north slaughter roughly less than 10 percent of the U.S. slaughter population and yet they have all of the indigenous BSE. I am concerned that the Department of Agriculture's rule is not based all on sound science, and I agree, science ought to be the determining factor.

The USDA has chosen instead to adopt weaker standards in their final rule. Animals entering the United States will not and cannot be tested for BSE and there are no safeguards available to United States producers to relieve the effect of the millions of Canadian cattle lined up at our border.

The final rule establishes minimal-risk regions for BSE and recognizes Canada as a minimal-risk region. However, that rule fails to recognize the internationally accepted standards set forth by the OIE, or World Organization for Animal Health, for minimal-risk regions, which are the only recognized standards that are accepted on a worldwide basis.

Transmission of BSE is, in fact, still unclear and uncertain. Maintaining segregation of the Canadian and American herds to the largest extent possible is the only scientifically sound approach, and USDA's final rule only seeks to mix these cattle populations.

The Bush administration and a Japanese Government panel have discussed certain parameters for importation of American beef. Namely, imported products would be from animals age verified at under 20 months of age and adhere to a certain grade of meat. These criteria were set because of Japanese consumer concerns. I fail to see how allowing the importation of Canadian cattle and products from cattle under 30 months of age into the United States, 10 months older than American beef that could be potentially exported to Japan, can possibly be beneficial for regaining consumer confidence in Japan or for maintaining consumer confidence in the United States.

At one point, we were exporting about 10 percent of our beef to foreign nations, the Japanese being the largest buyer of American beef abroad. The Japanese, because of their own experiences with mad cow disease and human disease in that nation, are understandably very concerned that if they buy beef from another country, they want that beef to, in fact, come from a non-BSE country. It is the United States that jeopardizes our export market by throwing open the doors to a huge tidal wave of Canadian animals into the United States, mixing the whole herds together and then selling that export product or attempting to sell that without being able to identify whether we are, in fact, selling Canadian product or American product to the Japanese or anyone else. It is no wonder that throwing open this border is going to further jeopardize what is already a difficult circumstance for American exporters.

Then for American producers, they wind up with a double whammy. The Canadian import into the United States is roughly equivalent to about 10 percent of our herd, while we lose and further jeopardize an export market that had been 10 percent of our herd. That is a 20-percent swing jeopardizing consumer confidence in the United States and having the potential to have devastatingly negative consequences for livestock producers in America.

I think the time is overdue, and USDA should spend more time being concerned about American livestock producers and a little less time being concerned about the viability of Canadian livestock producers, given the kind of public health and the export consequences this opening the border will entail.

We lost a $1.7 billion export market when Japan shut their borders, and what we need is consistent leadership and guidance from the USDA that recognizes we ought to abide by internationally accepted standards for minimal risk and that a premature opening of that Canadian border not only will serve to undermine consumer confidence in America but will further jeopardize our export market abroad. I believe the Japanese and other countries would love to buy American beef, but they want to know it is American beef that they are buying and not beef that has simply been funneled through our country from BSE-infected nations.

USDA's decision is not only an economic threat for the viability of our rural communities, but it is also a consumer choice issue. Consumer groups

have repeatedly voiced concern over this final rule. USDA is accountable and obligated to ensure that our consumers and ranchers are protected, which means keeping our borders closed for now. USDA has not been working for American consumers, ranchers, and producers with this final rule.

There are several steps that should be taken before the Department of Agriculture should even consider opening our border with Canada, and country-of-origin labeling is one of those steps. I have long advocated a mandatory country-of-origin labeling program. The administration delayed COOL for 2 years during closed-door consideration of the 2004 Omnibus appropriations measure. A mandatory country-of-origin labeling program for beef is now not scheduled to be implemented until September 30, 2006. Yet, even lacking that ability of consumers to make knowing choices about the origins of the meat they serve their family, USDA would open the borders to a cattle population that poses a significant risk without even ensuring consumer choice in the grocery store aisle to buy American beef. I introduced bipartisan legislation to ensure that Canadian beef and cattle could not come across the border until country-of-origin labeling is implemented because that is simply the right thing to do, and I am pleased that we have bipartisan support for that measure.

Because USDA insists on plowing ahead with an outrageously ill-timed decision, congressional action is required and we have a congressional resolution of disapproval to consider. An ample number of my Senate colleagues felt this opening the border rule should be set aside and chose to sign their names on the petition to do so. The vote on this resolution is an opportunity to stop a flawed course of action, and I urge my colleagues to vote for this resolution of disapproval. It is crucial that USDA act in a responsible manner and revoke the final rule immediately.

I am hopeful the administration will recognize the message this body will send today about the severity and the urgency of this situation. We need America to side with the best science on the Canadian border. We need America to be prudent relative to the enormous risk to both the livestock economy and the public health in America and the jeopardy of opening the border to our potential export market for beef.

I urge my colleagues to join us in supporting passage of this resolution of disapproval and to send a strong bipartisan message to USDA and to the White House to reverse course, to allow greater time for the best science to determine what in fact is happening in Canada relative to BSE, relative to their feed regime, and to give us an opportunity to be assured we are not endangering either our economy or the public health in the United States of America.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Mr. President, I yield 20 minutes to the distinguished Senator from Colorado, who by profession is a veterinarian and certainly has, in addition to legislative knowledge, professional knowledge about this issue, Mr. ALLARD.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank the Senator from Georgia for yielding 20 minutes. As the Senator mentioned, animals have been an important part of my life. I grew up on a cattle ranch and I have dedicated my life to animals and animal diseases.

I rise today to tell my colleagues that I do not believe the policy that is now being proposed by the U.S. Department of Agriculture is risky, I do not think it is premature, and I think if we want to protect our cattlemen, we must pursue a policy of opening our borders of free trade. Colorado is one State that has historically benefited from the cattle industry and today it remains an important part of our economy.

I will respond to a few specific points that were mentioned by my colleague on the other side. I will talk briefly about the people who became ill as a result of the BSE prion. It is a form of protein, modified virus, in Europe. The diet of Europeans is markedly different than the American diet in the fact that they view brains and spinal cord tissue as a delicacy. Here in the United States and in Canada, as a part of our processing of meat, we discard our central nervous system tissue, so it does not get into the food supply. We have rigorous enforcement in the United States. Canada has rigorous enforcement. As late as February 22, we had a group of scientists go to Canada, and they reported back to us that the enforcement of the rules and regulations in Canada was very robust, as it is here in the United States.

But I think the most important thing we learned from the outbreak in Europe, and what we have learned with time, is that the prion, the organism that causes mad cow disease, occurs as a result of ruminant upon ruminant. By using that terminology, I mean that there are food supplements that are developed from animals, mostly ruminants, that then are fed back, either calcium or phosphorus, to the animal. When that happens that provides a vehicle for the transmission of the prion, the infectious organism. It doesn't transmit directly animal to animal by live contact or by human to animal by live contact. It is passed in the food supply when you have a ruminant supplement from another ruminant being fed.

Finally, of the three or four cases that we have in Canada, three of those actually were before the provisions were put in place by Canada and the United States to prevent the consumption of ruminant-on-ruminant feeds—except for one case. But that one case occurred very close to 1997. As a result of more rigorous efforts by both Canada and the United States, I believe beef is a good product, and I plan on eating beef. I do not hesitate for one moment talking to my colleagues about how good I think beef is and how we should not be overly concerned about the health effects of beef in our diet.

The closure of our Canadian border has cost Greeley County, CO, which is one of the largest agricultural-producing counties in the United States, alone, $250 million to $300 million over the past year from diminished economic activity due to declining production at one single meatpacking facility. This is a result of the Canadian border closure. Totally, the economic impact of the border closure throughout the United States is $3 billion. The border with Canada should be open based on sound, scientific principles that ensure the integrity and safety of the U.S. cattle food supply.

The U.S. Department of Agriculture approach to these discussions has been rational and science based. Sound science is critical because it separates fact from myth and ignores mad cow hysterics. Television pictures of seizure-stricken cows are intended to draw viewers but do not represent the truth behind the image.

Five other Senators joined me in April of last year in support of the immediate reopening of the Canadian border following these principles. Joining me on a letter to the U.S. Trade Representative were Senators BEN NELSON, Senator CAMPBELL, Senator MURKOWSKI, Senator HATCH, and Senator BROWNBACK.

I ask unanimous consent to have that letter printed in the RECORD.

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

WAYNE ALLARD,
U.S. SENATE,
Washington, DC, April 6, 2004.

Hon. ROBERT ZOELLICK,
Seventeenth Street, NW., Washington, DC.

DEAR AMBASSADOR ZOELLICK: The purpose of this letter is to bring to your attention our concerns relating to the present economic and trade situation facing the U.S. beef industry as a result of the Canadian border closure. We ask for your assistance to facilitate the immediate reopening of the border to trade in live cattle, based on sound scientific principles that will ensure the integrity and safety of the U.S. cattle inventory and the American food supply.

Since the discovery of BSE in North America, the U.S. beef industry is confronting the most significant challenge in its 105-year history. The economic impact of the border closure has escalated over the past year and the industry is now at a point where difficult decisions are being made to protect long-term job stability. For example, beef processing plants across the country have had to reduce hours significantly to absorb the increasing pressure of the current situation, resulting in job loss and reductions in worker's take home pay. To date, the industry has suffered over a 12 percent reduction in U.S. fed cattle

being processed for the domestic and international market place, at an estimated $12 billion loss to the economy and impacting over 80,000 direct and indirect jobs.

As recently demonstrated by the Harvard Center for Risk Analysis (HCRA), there is no body of scientific evidence indicating that there is any potential risk to the American consumer in allowing live Canadian cattle under the age of 30 months to enter the U.S. marketplace destined for fattening or slaughter. Toward this end, the U.S. Department of Agriculture's (USDA) proposed rule to amend its BSE regulations to allow the United States to import live cattle less than 30 months of age from Canada harmonizes the health interests of the American public with the international trade interests of the United States, provided that it is implemented based on sound scientific principles that will ensure the integrity and safety of the U.S. cattle inventory and the American food supply. By encouraging more practical, science-based guidelines relevant to BSE risk management, USDA's proposed rule will help restore the U.S. beef industry's ability to remain competitive in an increasingly global marketplace and protect long-term job stability in the United States.

While the United States cannot unilaterally open trade borders with Japan, Korea and other key trade partners, USDA can act expeditiously with respect to reestablishing live cattle trade with our North American trading partners. We hope that actions can be expedited toward this end as well as with our other trade partners to remove scientifically unjustified barriers to trade.

We appreciate the attention and efforts that you have given this serious matter to date and look forward to continuing to work with you to ensure that adequate and science based protections are in place to ensure open and free trade while also protecting the health and safety of all Americans.

Sincerely,

WAYNE ALLARD,
United States Senator.
LISA MURKOWSKI,
United States Senator.
ORRIN HATCH,
United States Senator.
BEN NELSON,
United States Senator.
SAM BROWNBACK,
United States Senator.
BEN NIGHTHORSE CAMPBELL,
United States Senator.

Mr. ALLARD. The USDA Minimal Risk Region rule should be implemented because it is grounded in solid, sound science and will help end a situation that has wreaked havoc on beef trade for too long. It will protect the integrity of the human supply system and stabilize agricultural trade.

Canada meets the requirements of a minimal risk region, based upon a number of its actions. It has prohibited specific risk material in human food, as we do here in the United States. It placed import restrictions sufficient to minimize exposures to BSE. It has built and structured surveillance for BSE at levels to meet or exceed international guidelines, as we do here. And it has enacted a ruminant-to-ruminant feed ban. Finally, the appropriate epidemiological investigations, risk assessment, and risk mitigation measures have been imposed.

Opening the border with Canada will help restore the beef industry's ability to remain competitive in an increasingly global marketplace and protect long-term job stability in the United States.

I have a chart that reflects Canadian beef exports. If we look over here to 2003 when the mad cow disease began to impact Canada, we can see, obviously, that there was a reduction in billions of pounds of carcass weight that was exported from Canada. But here we are moving from 2004. Not all the figures are in, but they are indicating we are going to get a pretty steep climb back in exports from Canada. And based on projections for 2005, exports from Canada are going to reach a historic high, despite the fact they have had mad cow disease in Canada.

These facts come from a reputable analyst, analyzing firm based in Denver, CO, that traditionally cattlemen have relied on to analyze beef markets throughout the country.

Let's look at the chart for U.S. beef imports from Canada. Obviously, in 2003 we saw a reduction in the amount of beef imports from Canada. Again, this is a million pounds of carcass weight over time. What we see in 2004 is that the imports from Canada have exceeded an all-time high, despite the fact that we have mad cow disease.

The point is, we are importing Canadian beef at record levels. We need to change that policy because processors are moving their plants to Canada. More and more people are going into the Canadian beef business. As a result, we are at risk of losing our own market share of beef.

The Greeley Tribune published an editorial stating that the United States must open its border with Canada. The Tribune is published in Greeley, CO, Colorado's most productive agricultural county.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Greeley Tribune, Mar. 1, 2005]

OPEN CANADA TO U.S. BEEF SALAZAR MUST FOLLOW ALLARD'S EXAMPLE WITH JAPAN

U.S. Sen. Wayne Allard is to be commended for his letter to the Japanese ambassador last week demanding that the Japanese government reopen its market to U.S. beef products.

Allard was joined by almost 20 other senators in the letter that was hand-delivered to Ambassador Ryozo Kato by Secretary of Agriculture Mike Johanns, who expressed his appreciation to Allard in taking the initiative to address the issue.

In his letter, Allard—a Republican from Loveland and Colorado's senior senator—noted that since the only confirmed case of bovine spongiform encephalopathy (mad cow disease) in the United States, the U.S. government has worked diligently to take the necessary steps to earn the confidence of the Japanese public, in many respects exceeding internationally established scientific requirements. Yet the Japanese government has continued to drag its collective feet in reopening the border.

Allard hinted, rather strongly, that Congress could be forced to take retaliatory actions on Japanese imports—which exceed $118 billion annually—while expressing hope that step would not have to be taken.

Colorado's freshman senator, Ken Salazar, was one of the others who signed the letter.

But at the same time, Salazar has joined eight other Democratic senators who signed a resolution of disapproval of the USDA's proposal to reopen the Canadian border to imports into the United States of live cattle starting this month. Salazar cited safety and accountability as key concerns on that move.

Salazar should reconsider that position.

The Canadian border is already open. Boxes of Canadian beef—beef from the same cattle that are currently being stopped at the border—are flowing into the United States, resulting in a tidy profit for Canadian processors. If science says that beef is safe, then so are the cattle which are producing it.

Economists have estimated that in the first four months the border was open to Canadian beef. Weld County lost about $100 million from diminished economic activity due to the declining production levels at the Greeley beef-packing plant of Swift & Co. alone. That does not include Fort Morgan's Cargill plant.

So keeping the border closed to live cattle is contributing to the outsourcing of U.S. jobs to Canada, which continues to expand its processing industry to handle all its cattle, while the U.S. beef-processing industry shrinks—running about 10 percent below preban averages. The jobs moving to Canada are not likely to return.

Industry officials have determined that reopening the border will not flood the U.S. market because the Canadian market is relatively current. Those Canadian processors have been running six days a week around the clock to process their cattle, then sell the beef in the United States or in the markets where they compete with U.S. beef.

During his campaign, Salazar said he intended to put his constituents ahead of party politics. yet in this case, he sides with primarily Democratic legislators against the Bush Administration.

This position, being pushed by senators without major beef-processing plants, puts Salazar at odds with the best interests of his constituents and his own state. He needs to put science and the people who helped send him to Washington ahead of politics.

We urge the new senator to follow Allard's lead with the Japanese and call for the U.S. border to be opened to live Canadian cattle.

Mr. ALLARD. Many of the supporters of the Resolution of Disapproval argue that because of U.S. policies, U.S. corporations are outsourcing jobs. The border closure has allowed Canada to grow its beef industry and increase its slaughter capacity, making Canada into a global competitor. While U.S. jobs are lost because of an unfair trade policy that allows cheap Canadian meat into the United States, they are being replaced in Canada as it bolsters its beef industry. Estimates will show that Canada will have the industry capacity to replace U.S. beef by May of 2005. Supporters of this resolution support the outsourcing of U.S. jobs.

During the past several years, Canada's annual cattle slaughter has been 3.2 to 3.3 million head. This is equivalent to about 65,000 head of cattle slaughtered per week. In 2004, Canadian slaughter was about 30 percent larger than during 2003. In 2005, Canadian cattle slaughter capacity is expected to

increase to about 95,000 head per week. Canada is expanding available slaughter capacity in the country so it can be less reliant on the U.S. market to process animals. Reliance on the U.S. market will continue, but Canada will compete effectively against the United States in the world marketplace.

According to the Canadian Meat Council, since May 2003, the Canadian beef industry has increased its daily beef capacity by more than 30 percent. The additional Canadian slaughter capacity that is available, or planned, will allow the Canadian beef industry to increase cattle slaughter totals by about 25 percent from 2004 to 2007.

Thanks to the border closure, thousands of U.S. workers have been laid off or have had their operations suspended. In Greeley, CO, located in the State's largest agricultural county, nearly 1,000 workers lost their jobs thanks to the closure.

Weekly cattle harvests in Canada are up 14 percent, from 72,000 to 82,000 over the past year, and are expected to rise to 95,000 per week by mid-2005, a 25-percent increase over pre-BSE levels. The jobs that go with that increased production probably will never return to the United States.

Prior to May of 2003, cattle imports from Canada accounted for approximately 4 percent of the U.S. production capacity. A number of these animals were also a part of the U.S.-Canadian Northwest Cattle Feeder Initiative. By allowing them to increase production capacity, we threaten U.S. production and marketing.

The average number of imported Canadian cattle for all purposes, between 1970 and 2003, is 795,563 head per year. The highest level of cattle imports was 1.68 million in 2002, and the lowest was 245,000 in 1986. The Minimal Risk Region rule requires animals to be imported exclusively for slaughter. Dairy, stocker, or other livestock segments are prohibited from importing animals for breeding or other purposes.

Frankly, the Canadian border is already open. Boxed beef is coming across the border from Canada in record numbers, numbers higher than they were before BSE was discovered in Canada, creating a public policy windfall for those companies with processing facilities in Canada while punishing those in the United States. U.S. beef imports from Canada set a record in 2004, approaching 1.2 billion pounds, a 12-percent increase over 2002 levels. During 2005, beef imports from Canada are expected to total 1.2 to 1.3 billion pounds.

Increased Canadian packing capacity is expected to increase beef production to more than 3.7 billion pounds in 2005 and exceed 4 billion pounds in 2007.

The unfair public policy is best illustrated in the following example. Canadian packers can buy a cow for about $17 per hundredweight and sell the processing-grade beef for about $123. He can also buy a fed steer or heifer at about $67 per hundredweight and sell the meat for about $132.

In the United States a cow will cost a packer about $55 per hundredweight, and the beef would sell for about $125. The fed steer or heifer would cost about $85 per hundredweight, and the beef would sell for about $135.

This imbalance has led, in part, to the layoff of thousands of people in the processing industry across our Nation. Eventually it will affect the cattlemen because our markets will be less available for those who have live fat cattle.

The Harvard Center for Risk Analysis has stated there is no body of scientific evidence indicating there is any potential risk to the American consumer in allowing live Canadian cattle under the age of 30 months to enter the U.S. marketplace destined for fattening or slaughter.

I have picked up, as a result of my colleague from North Dakota mentioning the Colorado cattlemen's position—I do have a list of the requirements they are requiring. I have read down through those, and those provisions are being met in the United States, and they are being met in Canada. We have just made a call to the National Cattlemen's Association, and they have indicated to us that they support the position of opposing this resolution. So they understand that the rules and regulations that are being proposed by the U.S. Department of Agriculture do protect the American consumer. They do protect, in the long run, the future of the cattle industry.

I just wanted to call that to the attention of the Members here, and I also want to again refer to my State of Colorado. There are a lot of States that have their economies built upon beef. In Colorado, on exports in general we have about $154 million in trade. We export $97 million. Most of that is in the beef side. We have $51 million of beef that is exported. We import about $97 million. Some of it is live cattle, but a good percentage of it is breads and pastries and cakes and vegetables.

If we do not address this problem, we are going to have a profound impact, in a negative way, on the Colorado beef industry and, throughout the country.

Canada is one of our most important trading partners. Agriculture is a fundamental component of U.S. trade. If we cannot rationally restore the beef and cattle trade with our most important trading partner, I ask the question: How will we ever restore trade on a global scale?

Some 20 Members of the Senate have joined me in sending a letter to the Japanese Ambassador asking him to reduce his import restrictions on beef from the United States. If we don't—and the other countries throughout the world are watching—what we are doing here?

If we don't use good science and if we don't use good sound policy, it is going to have a prolonged impact on our trade policies throughout the world, particularly as it applies to the livestock industry.

From what I understand, USDA appears to support the policies of the World Health Trade Organization. In fact, I think it exceeds what is recommended by the World Health Organization. I think Canada has the same policies, and I think they exceed what is required by the World Health Organization. We are setting the standard for the world.

I feel comfortable in having beef for dinner. When I am asked the question, What's for dinner? I am not going to hesitate to say beef, because I think we have a quality product in this country. I think what is happening in Canada is comparable to what is happening in the United States. I think they are working hard to bring the regulations and rules into compliance with what we have here.

We received a report a week or so ago from a group of scientists who visited Canada, saying they have a robust effort in their rules and regulations, just as we have a robust effort in this country.

Again, when asked the question, What is for dinner? my answer is beef.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CONRAD. Mr. President, let me say to my colleague, the Senator from Colorado, that in the Conrad family, when asked, What is for dinner? beef is often the answer.

But that is not the question. The question is, Are we going to keep the beef supply safe? The evidence is overwhelming that Canada is not enforcing their own regulations. Their own testing shows they have right now four cases of mad cow identified in Canada.

I suggest to my colleagues that the better part of wisdom is for us not to open this border in a premature way. The risk is too great to our people and to our industry. The Senator cites the National Cattlemen's Beef Association. I met with my representative of the National Cattlemen in my State. They urged me to proceed. They urged me to go to a vote. They urged me to try to carry the vote.

When I look at what the National Cattlemen said, here it is. They put out 11 conditions that need to be met before the border is opened, and only 3 of them have been met. I would be glad at a later point to go right through the 11 conditions they said should be met. We can go right to the eight that are clearly not met. This border should not be opened until these 11 conditions have been met.

I yield 10 minutes to my colleague Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, we have apparently resolved what everybody is going to have for dinner. Apparently it is beef. We haven't resolved who is going to stand on the floor of the Senate this morning and support our farmers and ranchers who produce that beef. That is the question—not what we are eating for dinner. Who is going to stand for the farmers and ranchers on this issue?

It took a nanosecond to hear that we are protectionist this morning. Every thoughtful discussion turns into a thoughtless discussion in a nanosecond around here when it deals with trade, because instantly the subject of protection comes up and the word ''protectionism'' is used. God forbid that someone should be accused in this Chamber of the Senate of standing up to protect the economic interests of this country. It happens precious few times.

But let me be somebody who says, if that is the charge, I plead guilty. I want to protect our economic interests. I don't want to build walls around this country. I believe expanded trade is helpful. But I also want to stand up for the economic interest of this country when it is at stake.

Let me say one other thing, as I have been listening here. Let us stop walking hat in hand to the Japanese and asking for favors. Let us stop killing another tree to send one more letter to the Japanese. Last year, they had a $74 billion trade surplus with us. Because we had one Canadian cow found in the State of Washington with BSE, the Japanese don't want to eat American beef.

Now we have people who say somehow the Japanese will be more confident to eat American beef, if we allow Canadian cattle to come into this country—cattle from a country where investigations have shown that the feed supply has prohibited animal materials. My colleague Senator CONRAD described it. In December, the Vancouver Sun reported that officials from the Canadian Food Inspection Agency found prohibited animal materials in 141 of 70 samples. Of the feed that was tested, 58 percent was found to have had prohibited animal materials.

So somehow you are going to give the Japanese confidence by allowing Canadian cattle to come into this country on the heels of four examples of mad cow disease in Canada? I don't think so.

I know there is a lot of passion about this issue. Canada is a great big, old, wonderful country with great neighbors. They are a wonderful neighbor of ours. We share thousands of miles of common border. I am heartbroken for the Canadian ranchers. I know it must be tough for them. I wish them no ill will at all. I regret that they have found examples of mad cow disease in Canada. But they have.

Our responsibility is to stand up for the interests of American producers, American farmers, and ranchers. That is our job.

Listen. You all read the papers last summer. The President was going to go to Canada. The speculation last summer was that in discussions with Canada there would be a promise that border would be opened after the election. We all read that—not once, several times. Sure enough, the election comes and goes, and the U.S. Department of Agriculture decides that the border has to be opened. Canada meets every test.

It turns out they don't meet every test. It turns out this is not about sound science. This is about let us pretend. Frankly, some say let us pretend that everything is fine; that there is rigorous testing in Canada; that the testing meets all the requirements; that there is no difficulty, no problems; and, if we allow under the conditions set by the United States Department of Agriculture the import of beef and live animals from Canada, somehow things will turn out fine for us. But, of course, that is not the case. We know that is not the case.

My colleague Senator CONRAD offers this Chamber this morning an opportunity to cast a vote on this issue. I know we have already heard about protectionism, and we have heard this is tough on packing companies, which is another part of this, obviously. But the question for the Congress is, Will it stand up for the interests of American producers? Will it be something that will make it harder to get into international export markets once again with our beef?

I think that it is time—long past the time—for this Congress to cast a vote in support of America's interests here, in support of our country's interests, and our producers' interests.

I can think of dozens of debates on the floor of the Senate where in every circumstance where you talk about the interests of American producers, somehow foreign policy is overwhelming. All of this mishmash, this soft-headed nonsense, of course, comes from the State Department, and from all those in this Chamber who stand up on cue and say, Yes, sir, yes, sir, we certainly don't want to be accused of protectionism when it comes to economic interests. Let us find a high board, and dive right off that old high board.

On this issue, Senator CONRAD says he is not ready to dive, nor am I, nor I think are many in this Chamber ready to simply decide the economic interests of this country, the interests of farmers and ranchers, are to be sacrificed in this circumstance.

A few days before Christmas of 2003, the one instance of BSE, or mad cow disease, was discovered in this country. It wasn't an American cow; it was a Canadian cow sent to this country from Canada. The consequences of that are dramatic, and they have been significant. But, my colleague, as I listened to his opening statement today, described consequences far more severe than that in Europe.

We ought to move with some caution here and with some concern. We ought to move reasonably slowly to make sure we know what we are doing. But that has not been the case with USDA. And, in part, it is because the packing companies are putting on the pressure. It is partly, I think, because the President went to Canada last summer and made some representations. In part, it is because they say they are meeting all these tests. But my colleague Senator CONRAD has taken the mask off all of that.

How does one describe a response to what my colleague Senator CONRAD has said, my colleague Senator JOHNSON has said, and what I have said—that the tests in Canada as reported by the Canadian news and by the Canadian Food Inspection Agency found prohibited animal materials in 58 percent of the cattle feed tested?

I have not heard one person respond to that. Is there a response? If so, I would be happy to yield to someone to offer me a response. Is there anyone here who wants to respond to the proposition that 58 percent of the feed that has been tested, as reported in Canada, had animal parts in it? Is there no response? Doesn't it matter? Don't we care? Or, is this the case where we should ignore the evidence and decide that we came to the Chamber with our own preconceived conditions, opinions, and our own desire to support the President and USDA, and we have to vote that way?

Although I am not going to be on the floor for the entire debate, I hope at some point someone might respond to that proposition.

Evidence is a pretty difficult thing sometimes. The evidence here is compelling and clear. We have people saying that Canada meets all the tests, and then we have the evidence. They don't.

When my colleague Senator BYRD one day was speaking on the floor, he said that the caterpillar, the squirrel, and the eagle, seeing the Earth from exactly the same spot, saw it differently. The caterpillar climbs on a clump of grass, and says, I can see the world. And on the exact same spot, the squirrel climbs the tree and says, I see the world. And at exactly the same spot, the eagle flies overhead, and says, I see the world. All three look at the same spot and see different things. It happens.

But you can't look at the spot Senator CONRAD asks you to look at today and see something different. You can't. The demonstration of that is there is no answer to the proposition that the feed testing in Canada is woefully inadequate. And if you believe that—and apparently you do, because nobody is contesting that—then opening that border at this point, in my judgment, compromises the interests of farmers and ranchers in this country.

Why on Earth would we decide to do that? In whose interest are we here serving? Why would we decide to put someone else's interest first?

There is nothing to be ashamed of, in my judgment, for standing up for this country's interest for a change. Perhaps once, just once today, on this vote we will see evidence of an interest of doing that here in the Senate.

Let me conclude one more time by saying this is not about ''protectionism.'' That is the kind of nonsense thrown around in every trade debate. But it is about protecting America's economic interests. That is what we come to the Senate to do. My hope is

when we finally cast this vote, we will have done so this morning.

I yield the floor.

Mr. CHAMBLISS. I yield 10 minutes to the distinguished Senator from Missouri, Mr. BOND.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Agriculture Committee for allowing me this time.

I rise today as cochairman of the beef caucus to speak against Senate Joint Resolution 4, which seeks to condemn the U.S. Department of Agriculture plan to reopen the Canadian border to live cattle.

I concur with the sentiments already expressed by the chairman of the Agriculture Committee and the distinguished agriculturalist from Kansas, Senator ROBERTS. I also learned a great deal from the professional testimony of our Senator, Dr. Allard, from Colorado, about the safety and about the science that goes into the decision made by the U.S. Department of Agriculture.

I note also that this past week, a group of our scientists who visited Canada said their system of protecting the food supply and the beef was robust and certainly could be counted on. As a member of the agriculture posse, I have heard Secretary Johanns, the Secretary of Agriculture, describe the steps they were taking to ensure our beef supply is protected.

We just heard a defense of protectionism. Let me define what protectionism is. Protectionism is, in my view, the use of scare tactics, the use of unsound scientific information, in an attempt to protect our markets. In this case, I believe sound science dictates it is time to open the border. Were it not so, I would not be rising today in support of the Department of Agriculture.

The fact remains, as Senator ALLARD has pointed out, not only is this not based on sound science, the impact of the beef ban has been to create a feeding and slaughter operation in Canada, which is moving the production facilities and jobs out of the United States and into Canada, potentially putting a very harmful impact on our ability to raise, slaughter, and produce the beef we eat in the United States. Yes, beef is what was for dinner last night. Tonight it will be my dinner, and it will continue to be.

Every Member of this body and our constituents back home expect the U.S. Government to work to ensure we have the safest food supply possible. That is why we hire scientists. That is why we hire veterinarians. That is why we devote efforts to make sure it is safe. Unfortunately, all too often, the United States takes the abundance and safety of our food supply for granted. When we are faced with challenges to these expectations, like reports of BSE or mad cow disease in our cattle or our immediate neighbor's, the floodgates of demagoguery from so-called consumer advocates are opened, every mother is frightened into believing she may be jeopardizing her family at the next meal she serves, and markets react.

Statistics and science say the likelihood of you, me, or our children at home eating a BSE-tainted burger or steak not cooked hot enough to kill the pathogen is, on an order of magnitude, less of a threat than many of the other risks we accept in our everyday lives, such as driving our children to school and back.

The alarmism and subsequent waves of fear of BSE threats are seen as opportunities by many of our trading partners who seek to find any excuse to erect trade barriers to our products. These foreign buyers ignore the science, statistics, and history. The U.S. position in the world market is based on the very sound principle that good science should and must prevail. Whether our trade representatives are negotiating exports of genetically enhanced rice or soybeans, meat produced using the most advanced commercial technologies, or as we negotiate reopening of the Japanese beef markets to our own production, sound science is the best negotiating tool we have against the Luddites and naysayers in our potential foreign markets.

We cannot fall prey to the wonderful exuberance of populism in protecting our markets with false or pseudoscience-based claims while expecting the world to accept the products of U.S. farmers who feed the world largely due to our use of the latest technologies.

The Agriculture Department's amended final rule on resumption of beef and live cattle trade with Canada was developed based on the best science at hand and with broad input from the cattle industry. The amended rule restricts imports of beef animals older than 30 months. Also, Canada, as I said earlier, has implemented appropriate BSE prevention standards similar to our stringent domestic firewalls. As I said earlier, this has been confirmed by our scientists who have visited and inspected the operations in Canada. This includes the banning of all ruminant to ruminant feed and effective enforcement. This alone will drastically reduce further contamination in the Canadian beef herds. Sound science should prevail here and in all of our trade negotiations.

I would be remiss if I did not take the opportunity to encourage the USDA, our trade representatives in Japan, to apply sound science and to continue the move to reopening markets in Japan to our beef exports. Recently, I joined with several of my colleagues who also spoke today sending a letter to the Ambassador to Japan saying we would not stand for pseudoscience-based protectionism preventing the export of U.S. beef to Japan.

This past week, I had the opportunity to meet with representatives of the Japanese Diet, the legislative body of Japan. I told them of our interest in providing beef to the consumers of Japan. They assured me that American beef is a very high priority for those Japanese consumers. We said, OK, they want it, we have shown it is going to be safe, it is time to open your markets and provide a significant export opportunity which will serve and reward the U.S. cattle producers.

I hope we will reject this resolution and allow sound science to rule.

(The remarks of Mr. BOND pertaining to the introduction of S. 503 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CONRAD. I yield 5 minutes to the Senator from South Dakota.

Mr. THUNE. I thank the Senator from North Dakota for yielding the time.

I join today with him and others in the Senate in support of this resolution. I hoped it would not come to this, that we could achieve a result, an outcome short of having to have this debate in the Senate. However, I have to say I wholeheartedly agree with the premise of this resolution; that is, that the rule in question is wrong. It is wrong timing.

Agriculture is the No. 1 industry in South Dakota. The cattle industry, the livestock industry, is the biggest component of that. This industry has an enormous impact on the economy, the gross domestic product in my State. In fact, as noted earlier today by another speaker, we have probably five or six times the number of cattle than we have people in South Dakota.

Growing up on the Plains of western South Dakota, I have witnessed firsthand the incredible work ethic of our livestock producers, the willingness to go out during calving season and fight the elements and conditions, and to work to nurture the herds and bring them to the marketplace, to go through the weather we have to deal with in South Dakota on an ongoing yearly basis, and to haul water and to haul feed to those herds, to get them to where they can take them to the marketplace.

As a member of the House Ag Committee when we were debating the 2002 farm bill, I advocated and fought on behalf of country-of-origin labeling because I believe it is important that American consumers know where their products are coming from. It was included in the 2002 farm bill.

More recently, in the last year or so, this body and the House adopted legislation that would delay the implementation of country-of-origin labeling, which is unfortunate because I think it would alter and change the dimensions of the debate we are having here today.

So I come here today to speak in support of this resolution, and I do so knowing full well that as a three-term Member of the House, I come here with a record supporting free trade. I supported trade promotion authority for both President Clinton and President Bush because I believe our leaders in this country need to have the authority to go out there and make the best

possible deals for our agricultural industry and other industries in our country, always reserving the right to vote against those trade agreements if I do not believe they are in the best interests of American agriculture.

I do not harbor any ill will toward Canada. Canada has been an important trading partner in the past and will continue to be in the future. I am hopeful that when this is all said and done we will be able to restore that relationship. But, frankly, this issue is not about protectionism. It is about safety. It is about science. It is about making sure that America's consumers have a safe supply of beef products in this country, and also that those that we do business with overseas, our trading partners, are fully confident in the exports we send their way.

I believe exports are important to America. They are important to agriculture. In this country today, one in every three rows of corn goes to the export markets. We would like to see more of it going into ethanol. I hope it will. But the reality is, we depend heavily upon export markets for the success and prosperity of American agriculture.

So I supported increasing trade opportunities for our producers. But the fact is, we have not been able, at this point, I believe, to provide the level of confidence and assurance to the American consumer and to producers in this country that, in fact, the Canadians are taking the steps necessary to ensure that their herds are 100 percent in compliance with the ruminant feed ban.

My first official act, after being sworn in as a Senator, was to ask the President to delay the opening of the border beyond March 7. I have insisted that decision to open the border be based, first, on two prerequisites: sound science and a return of our foreign cattle export markets—namely, the Pacific rim. This has not been answered.

USDA's own risk assessment in 2002 states the Canadian feed mills were not—were not—100 percent complying with the feed ban. The borders should not be open until that allegation is fully investigated and it is confirmed that the ban is being properly enforced. The most recent assessment completed by the USDA team this year concluded that the feed ban is reducing the risk of transmission of BSE in the Canadian cattle population. That is not 100 percent. Cattle imports from Canada should not be accepted until we can be sure feed mills are 100 percent compliant. American consumers need to be assured the meat they are buying at local supermarkets is safe before the border opens, not after, and American cattle producers need to be assured that live cattle coming from Canada are BSE free.

As I said earlier, another important aspect is regaining the Asian cattle export market. If the trade with these countries is not resumed and the border is opened, South Dakota ranchers will be competing against Canadian cattle without the benefit of exporting our cattle to other countries. Since being sworn in as Senator, I have been in ongoing discussions with the USDA and Secretary Johanns trying to find a way to resolve this border issue. I cosponsored legislation to modify the rule to allow only beef products from animals under 30 months of age. In response to that, the USDA then modified their rule to do just that. I appreciate the Secretary's and the administration's work on this matter.

The PRESIDING OFFICER. The Senator from South Dakota has spoken for 5 minutes.

Mr. THUNE. Mr. President, I have to yield, but I simply close by saying, I urge my colleagues to support this resolution to send a strong message to our producers and consumers that we are going to support making sure that the feed ban is being complied with, and we are going to work hard to make sure our export markets are open before this rule is implemented.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank the Senator from Georgia for yielding some time to me so I can respond to a number of issues that have been brought up.

First of all, I would like to say that the information we have on the food contents is older information. The newest information we have is from a group of scientists that went to Canada to check on their rules and regulations, on their enforcement. These scientists reported back to us on about February 22 of this year, saying that the rules and regulations are being enforced robustly in Canada. That includes the ruminant on ruminant food regulation where you prevent the consumption of ruminant byproducts by other ruminants. I have confidence in these trained scientists who know what they are looking for and have given us the most recent report on what is happening as far as the food on food regulation.

I would also like to go over some of the positions by the Colorado Cattlemen Association as well as the National Beef Association. They support a minimal-risk region classification, and they support it on the following conditions:

No beef or beef products will be imported into the U.S. from cattle over 30 months of age. That is in place.

All imported feeder cattle must be harvested previous to 30 months of age, and the verification processes must be implemented to track and validate harvest age and location. They are doing that with earmarkings as well as brands.

All cattle direct to harvest must be 30 months of age or younger. That is being done. It is a provision in the rules and regulations.

Minimal-risk regions must meet all processing techniques and regulations relating to BSE as set out by the U.S. That is what those scientists were reporting to us as of the 22nd of February.

Adherence and implementation of a U.S. equivalent ruminant to ruminant feed ban. That is a requirement. That is what the scientists report back, that they are complying with the rules and regulations, and we should not have a concern about it.

And then:

> The Colorado Cattlemen's Association is committed to normalizing global trade based on [good] science that protects the health of the beef industry.

And they express that:

> Once our concerns have been adequately addressed, CCA will reconsider our position on opening the Canadian border.

The Colorado Cattlemen Association currently supports the minimal-risk region rules that have been put out by the Ag, and the Colorado Farm Bureau currently supports the Canadian reopening. The Colorado Livestock Association supports the reopening, and the National Cattlemen's Association, which is headquartered in Colorado, supports the Department of Agriculture's provision on minimal risk.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me make a couple quick points. It is true we had an investigation group go to Canada. Here is what they found. They went to seven feed mill operations in Canada. In six of the seven, they found one or more unsatisfactory task ratings. In two of the seven, they found serious failures to ensure prohibited material did not enter the food chain. More seriously, the assessment found that only 3 percent of Canada's on-farm feed manufacturers have been inspected at least once over the last 3 years.

Now we are talking about 25,000 on-farm feed operations. These mills represent one-half of Canadian livestock feed production. Only 3 percent have been investigated, were checked in the last 3 years.

My friends, we are talking about risk. What are the consequences of failure? In England, 146 people died. In England, they had to slaughter 5 million head.

In Europe, these were the headlines, week after week: ''French Farmers in Grip of BSE Panic.'' ''World of Europe Suffering for UK Errors.'' ''Mad Cow Disease Kills 500 Dairy Cattle Every Week.'' ''Slaughter to Prevent Disease on Continent.''

There were 6 million heads slaughtered. We are talking about substantial risk to our industry, to our consumers. Let's be cautious. Let's not open the border before we are confident Canada is actually enforcing the regulations

they have on their books. The evidence is very clear that they are not.

Mr. President, I yield Senator THOMAS 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. THOMAS. Mr. President, we have had a good discussion. I am glad we have. There are a number of parts to it, of course. We have talked a lot about the safety issue, which is key, and to be confident in the things that we have asked Canada to do. We had a hearing with the Secretary some time back. He had his scientists there with him, and they were not certain they had done all the things that they might do. But I think the key is the matter of opening the markets for us.

Our markets for beef have grown in the last number of years. It has been one of the most important things that we have had to export. Most of that growth has been in the Pacific Rim—Asia, Japan, Korea. Of course, now that is closed. Regardless of what you say about how well the Canadians have done, that market is still closed, and it is closed because of Canadian activity or lack of it. That is really the key that we have to look forward to.

I am certainly for trade. As a matter of fact, I am chairman of the Subcommittee on Trade of the Finance Committee. We need to do that. But I am reluctant to see us open this one until we have some arrangement to open Canada and Korea.

You say: Well, this is unfair to Canada. Nevertheless, that is where the problems all came from. That is where the cows came from, the mad cow disease, not the U.S. They came from Canada, and the difficulty has arisen there.

So I guess I just simply want to emphasize that we can talk all we want to, as my friend from Colorado has, about what has been done there. The fact is, we still haven't got our market back. We had good exports. We don't have them now. I am not as concerned about the processors being able to move up to Canada. The cows are here, actually, and that is where they are going to be. So I won't take more time because I know there are many others who need and want to talk.

I hope we can keep in mind that all we are asking is that we have more of an opportunity to deal with opening the markets in Japan, opening the markets in Korea, before we open the market in Canada.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BURNS. Mr. President, I rise today in support of this resolution. I wish it didn't have to come to this. Maybe it is just an exercise, in light of a Federal judge ruling yesterday, when some of the stockmen in my State have chosen to settle this in court rather than what they can get through the policy of Congress.

I reluctantly rise in support of this because I wish that USDA would have listened to those of us who have been saying for two months that this rule has some problems. I want to say up front that I appreciate the new Secretary of Agriculture Johanns's work on this issue. We met with him. He came down and talked to us. He got thrown in on this with a cold hand, and I know he has been working tirelessly to try to respond to everybody's concerns. Then it comes down to the point where you come to the fork in the road that everybody's concerns cannot be fully addressed. I thank him for doing the right thing and restricting the eligible beef cattle to under 30 months old. I feel strongly about that. I appreciate his action. I think when we said we are not going to take products or cattle over 30 months into this country, that was a prudent move.

But there are still lingering concerns. Whenever this whole thing broke out in 2003, I think I was the only one who stood up and said: They have a feed problem because, No. 1, it started with an Angus cow in Alberta, and then the second cow was the Holstein cow that we found in the State of Washington. Then of the two after that, you had one Angus cow, two dairy cows, and one Charolais cow. So we know we don't have a genetic problem.

In this ban, we have to be very careful of another unintended consequence because there is a great exchange of breeding cattle and seed stock production that crosses that border both ways. So we have to have some way to deal with that. The Department of Agriculture is addressing that situation, too. But it hadn't got there yet.

I said from the get-go, it is the feed. And every number that we see coming out of Canada, and even the report of our USDA team does not draw the conclusion that Canada has not really gotten serious about checking feed, livestock, or cattle feed, in Alberta, Saskatchewan, or across the whole country as far as that goes.

That is where we all have a little bit of a problem. Consumer confidence in beef has never been as good as it is right now. It is because we have taken certain steps to make sure that the safety of the food is utmost because losing consumer confidence would be much more costly than anything that we could do.

So, yes, I eat beef. Obviously, I have eaten quite a lot of it. I have never missed a meal, nor do I plan to.

So when we talk about those things that are based on science—and my friend from Colorado, who has points in this debate, is right on target—we have to face the reality of what is best for the cowman. Because in my State, unlike Colorado, we don't have a predominance of processors. We don't even have a lot of feed cattle, but we have cow-calf producers and we deal in older cattle, especially at this time of the year. And, of course, we sell yearlings and feeder calves. Some of those calves will go to Canada under Canada's new rules. That was a positive step.

But if we back off and take a look at this and let the facts come to the top and we consider those facts, we will make better decisions not only for our cattle people but also the consumers of this country. Even when we got the report of the USDA's team back from Canada, we were on break and had little time to look at that report and make a decision: Are they doing what they are supposed to do in order to protect their own livestock people? That is what Canada did. They let their own people down—when you don't enforce the rules of the 1997 ban of certain ingredients in cattle feed.

So what we are saying right now, is that this action furthers the protection of two of the most important economies that we have in this country, and that is our consuming public and our cow-calf producers.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. ALLARD. Mr. President, since the floor manager is not here, I yield myself 5 minutes to respond further.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 5 minutes.

Mr. ALLARD. Mr. President, I want to emphasize again how very important it is that we proceed on this matter using good scientific evidence. I appreciate the statement that was made by the Senator from Montana. He is right in many regards that we need to be sure that we use good science. I feel good about the enforcement of the rules and regulations based on the visit by scientists who just reported back in February. It is the most recent report that we have on the enforcement of the rules and regulations in Canada. They are very competent scientists, very dedicated scientists. And what they reported back to us is valid.

From a trade standpoint, we need to do something for our cattlemen. I believe strongly that what we need to do for the cattleman is get the borders opened because we are importing Canadian beef today. It is boxed beef. The reason that is coming in is because our plants can't economically make it. They are having to pay high prices for beef. They only have a limited supply of beef, and so they are not up to capacity. In the meantime, the processing plants, the beef that they are getting is lower cost beef. And then they are putting that on the world market. They are importing that into the United States.

The result is that we see an expansion of the beef industry in Canada. They have got plans to build more processing plants. They are in the process right now of building more processing plants.

That means there are going to be more people raising cattle in Canada. That means if our processors here don't make it like the one in Colorado, we

lose our local markets. We lose an opportunity for our cattlemen to readily get their beef to market. That costs in shrinkage and extra transportation costs, particularly when we look at the cost of gasoline and diesel fuel. So this is a problem that needs to be resolved quickly.

We need to move forward with the guidelines that were laid out. By the way, the principles laid out in the guidelines have been used by the cattle industry in this country to control livestock disease, which also affects humans. The principles are laid out here, things like brucellosis. We know in cattle country what that is all about. We have States classified as brucellosis-free, and there are those having problems with that. The movement of cattle back and forth begins with addressing brucellosis in those States. Using those principles, we have been able to reduce the incidence of brucellosis in this country. It works. They are the same principles we are using on BSE and asking for Canada and the world organizations to apply, where we take minimal-risk countries, such as Canada and the United States, and apply those provisions in a good, scientific way.

That is only part of it. The other part is that during the process you don't increase the risk by handling the processes improperly. No. 1, you don't want to circulate the food and feed it back to the cows, the byproducts. That is a policy that has been adopted here and in Canada, and it is something we have learned since the outbreak in the European Community.

So, again, I also compliment Secretary of Agriculture Johanns for his efforts in trying to protect the beef industry and to use good science. He comes from Nebraska. That is a big beef State, as are many of the other States. But the important thing is to recognize that free trade is a benefit of agriculture. It has benefited particularly the beef industry. We want to make sure we get the border open, and we need to use good science in opening it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield 5 minutes to the Senator from Colorado, Mr. SALAZAR.

Mr. SALAZAR. Mr. President, I rise in support of the bipartisan resolution to disapprove the opening of the Canadian border. My position on this is clear. Until we resolve comprehensively the underlying issues comprehensively in the interest of health and safety in support of our family farms and ranchers, we should keep the border closed.

Today, I speak on behalf of those men and women who are on farms and ranches across America, whose livelihood depends on being able to have a quality livestock industry in place in their States. I join organizations such as the Colorado Cattlemen's Association which said it is not now time for us to lift the ban on Canadian imports.

I have spoken with Secretary Johanns about this issue. I have told him that I am for the lifting of the Canadian ban at the appropriate time. For me, that means we are not yet ready to do it because there are too many questions that still have to be answered prior to getting to that decision.

Many of the questions we have asked Secretary Johanns and the Department of Agriculture are questions to which we have not received any answers at this point in time: How many inspectors will we have at the border as the million, more or less, cattle from Canada start coming across the Canadian border and flooding the markets in our Nation? How many cattle will they actually check as they come across the border? How will they determine which of those cattle are 30 months or less of age?

I have been around cattle for most of my life, and I can tell you it is difficult to tell which cows or cattle are more than 30 months of age, or more than 3 or 3½ years. My father might have been able to tell us that. When you are talking about that kind of prediction, we don't have an answer from the Department of Agriculture.

How will the entire BSE risk mitigation system be documented? What are the segregating procedures for the processing of cattle in Canada at this point? How are we integrating the efforts in trying to deal with the BSE issue and opening up markets in South Korea and Japan with the efforts that we are dealing with now in Canada? Those are very serious questions that will impact the American farmer and rancher for a long time to come.

It seems to me it is a very reasonable request that many of us have made to Secretary Johanns—that there ought to be a delay in the opening of the Canadian border until we can have faith that these questions that have been appropriately asked by the ranchers and farmers of America are answered.

With that, I urge my colleagues to join in approval of the resolution. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I yield 5 minutes to the Senator from Idaho, Mr. CRAIG.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, it is not often that persons speaking on the opposing side of the issue on the floor yield time to someone who might disagree with them. So I am thankful to the chairman of the Agriculture Committee, Senator CHAMBLISS, for being so accommodating.

Yesterday, a judge in Montana said there remains a question of concern as it relates to the science that we hope is well underway in Canada. You have certainly heard my colleagues from Montana and others argue that is a legitimate concern. Senator CONRAD has made that point time and time again. It is fair for us to err on the side of science. That is where we ought to be. That is where our industry is. That is where we ought to demand of the Canadian industry.

Our industry people have been north of the border and they have seen the tremendous progress that has been made. Our Secretary of Agriculture has recognized that progress and, in part, premised his rule on that basis. At the same time, I am one of those who remains skeptical. I think we have to ensure that we cannot take another hit in our agricultural economy. In 2003, May, Canada, boom. And then in December, along came the cow in the lower 48 that stole Christmas. She wasn't green, she was black and white and she pulled the rug out from under the industry just for a moment in time.

Our Secretary of Agriculture effectively stepped in and talked our industry and the consuming public into stability again. Why? Because the cow had come from Canada. We have had our act together in the lower 48 for a good long while, prohibiting the incorporation of animal protein into the feed supply. We have played by the rules, and they have been sustainable, scientific rules, which has assured the American consumer safe, high-quality beef.

But when Canada sneezed and we got the cold, our trading partners backed away. In that backing away, we lost a billion-dollar Japanese market. I have been one saying to my industry in Idaho that I am going to work to force the Canadians to get their act together, while at the same time we are going to assure that we open the Japanese market. Our President has put pressure openly and personally on the Japanese, as has our Vice President and Secretary of State. It is unique and unusual, but it demonstrates the importance of the livestock and cattle industry to this administration and to our country for them to say to the Japanese: Get your act together. We are clean; you know it; you see our science. We are doing the right thing.

Yet the Japanese push back. I cannot in good conscience open a border that brings greater numbers to the lower 48 when the science remains questionable and we have not resumed the Pacific rim markets that are extremely valuable to the livestock industry.

The new Secretary of Agriculture, Secretary Johanns, has been to the Hill. We have talked with him. He is doing the right things. We sent a letter to him in opposition. He backed away for a time. He is pushing the science, and he will continue to do so. But I do believe that a March 7 implementation is premature.

I trust that the judge looking at the evidence in Montana yesterday has the same concerns that are being reflected by the Senator from North Dakota and certainly by this Senator and many of us firsthand.

Actions do produce reactions. There are consequences to our action. The Senator from Colorado has been concerned about the displacement of the packing industry and what it will do, and it is having an impact. I am tremendously concerned that if we do not continue this aggressive pressure, we could lose capacity in the lower 48 as the Canadian industry begins to extend its ability into packing of their livestock products.

Today, in good conscience, I cannot nor will I oppose S.J. Res. 4. I believe we are sending an extremely valuable message to all of the markets involved, including the Canadians. The Canadians do not get it. They see NAFTA as a one-way road. We have been fighting them for 4 years on timber. They do not get it.

The PRESIDING OFFICER. The Senator has used the 5 minutes yielded to him.

Mr. CONRAD. I yield an additional minute.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Idaho is recognized for an additional minute.

Mr. CRAIG. Mr. President, I appreciate that.

The Canadians do not get it in timber and are still rope-a-doping us. The Senator from Montana is in the Chamber. He and I have partnered in trying to get them to get their act together on timber. They do not play the game well when it is one-way traffic. They are doing the same thing in potatoes, and my potato farmers in Idaho are understanding the consequence of losing markets.

Those are the real problems. To our Canadian friends: Listen up. Get your act together in Canada. Play by the rules in NAFTA and resume and remain the good friends and trading partners we have always been. But we will not dislocate economies in the lower 48 for the benefit of economic gain in Canada. That is not equality, and that is not the fair trade that we are looking at.

Let's make sure the science is right. We cannot allow another hit on the livestock industry of the lower 48.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I yield 5 minutes to the Senator from Montana. If he asks for additional time, I will be happy to extend it to him.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I thank my friend from North Dakota. This is obviously an extremely important matter because it affects the consumption of one of the most valuable staples in the American diet, and that is meat. It also affects the livelihood of so many Americans, the cattle ranchers, and other producers of meat and red meat products in the United States.

Agriculture is our No. 1 industry in Montana, so this is an extremely important matter. We also very much want people in the United States and around the world to be confident that the beef produced in the United States is free of BSE and is the best beef in the world.

Now is not the time to open the border to receive Canadian beef down to the United States. There may be a time—I hope there is a time—in the not too distant future when we can do that. I think the North American market makes sense, where beef can be eventually traded freely between the United States and Canada. After all, we are so close in so many ways. We have the same heritage, the same language. The Canadians and Americans are very similar in their outlook on life, with same values, so forth.

But we in the United States are a little concerned—many of us are—with the direction the U.S. Department of Agriculture has taken on this matter; that is, the Department has been quite secretive, that the Department, in announcing its first rule to open the border for Canadian beef, did not tell us something they knew at that time. What is that? They knew at that time that BSE was just discovered in Canada.

It turned out even after USDA made their announcement of the rule, another case of BSE was found in Canada. There have been several cases of BSE found in Canada. The one case of BSE found in the United States was a Canadian cow, recently imported from Canada. So we are rightfully a little concerned. We are concerned because we want to make sure that the beef produced in both the United States and Canada meets the highest standards.

We have pretty good standards in the United States now to protect against BSE. Probably the best evidence is, to my knowledge, no BSE has been reported south of the border in Native American cattle. I think there are four cases involving Canadian cattle.

The Canadians are clearly concerned about their production; they are clearly concerned about their consumers. The Canadian people want the very best beef. They think their beef is the best beef in the world, just like we think our beef is the best beef in the world. That is fine. Now is not the time to open the border. We have too many questions that are not yet answered.

One is the new science, new research is going on with BSE which USDA is not incorporating at all in its final rule; that is, the rule that is the subject of this resolution. Even with that, we know that our beef is safe. There is no BSE found in the United States, but it probably makes sense for that new research to be incorporated in the final rule so we are all better assured we have the best beef that we want our consumers to have.

This is also important with respect to one of our major trading partners, and that is Japan. About 10 percent of American beef production is exported overseas. About 37 percent of those exports generally go to Japan. But Japan just said, no, and they closed their borders to American beef. It is because of that Canadian cow which had BSE that was found in the United States.

Many times many of us have been over to Japan talking with the Japanese, saying our beef is safe; there is no BSE reported in United States cows. Because BSE has been discovered in Japan in the last several years, the Japanese are very sensitive to the dangers, the hideous dangers of BSE.

I ask the USDA to withdraw this rule. I ask the USDA to make the best use of the new research that is available. There is an evidentiary hearing coming up soon because a judge in Montana ruled the border should be closed. With regard to that investigative hearing the judge has ordered, now is the time to take a long hard look at this issue and to be transparent, to open up to the public, open up to cattle producers, open up to beef packers who have been denied thus far the application of their comments as the Department makes its final determination.

Now is just not the time. I hope there will be a later time. Now is not it.

I thank the Chair for his indulgence.

Ms. CANTWELL. Mr. President, I am voting in favor of S.J. Res. 4, which invokes the Congressional Review Act to disapprove of the U.S. Department of Agriculture's minimal risk rule. I wanted to explain to my colleagues and my constituents my reason for doing so.

I understand that the use of the Congressional Review Act is rare. Congress has successfully used it only once in 2001, and its use should not be undertaken lightly. The Congressional Review Act permitting these rule disapproval resolutions became law in 1996. Although I understand from floor debate today the President intends to veto this resolution if it reaches his desk, if the Senator from North Dakota, Mr. CONRAD, were successful, the result of his actions would be to overturn the minimal risk rule and prohibit USDA from issuing another similar rule unless Congress authorizes the agency to act.

I believe adopting this rule at this time is not the right action for our Nation's consumers and our country's beef industry. As Secretary Johanns stated during his confirmation hearing, reestablishing trade to Japan and other countries is our No. 1 priority. This goal will only be achieved when we prove that we have implemented and enforced dependable BSE firewalls.

Though Canada may have taken action to eliminate some loopholes in its feed ban, and is considering additional rules to ban specialized risk materials or SRMs from animal feed, we should not open our borders until these additional firewalls are in place. And we should be doing more to ensure that our feed is not contaminated by similar loopholes in the United States.

Existing loopholes in the 1997 ruminant-to-ruminant feed ban continue to

pose a risk that ruminant materials may find their way into cattle feed.

Although the U.S. Food and Drug Administration promised to close these loopholes and stated that it had reached a preliminary conclusion last July to remove SRM from all animal feed, the agency has failed to act.

Therefore, to address this issue, I have introduced legislation entitled the Animal Feed Protection Act of 2005, S.73, which would ban SRMs from being used in any animal feed. This would eliminate the possibility that ruminant materials are knowingly or accidentally fed to cattle.

Banning SRMs from all animal feed is an important step we can take to fully ensure the safety of ruminant feed, and I hope that the Senate's vote today will encourage our Government and the Canadian Government to act more swiftly on this issue.

Some will argue that I should be convinced by the report APHIS released at the end of February stating that Canada's feed ban compliance is good. I am not convinced.

On January 24, 2005, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, APHIS, sent a team of technical experts to Canada to assess Canada's current feed ban and feed inspection program. The APHIS investigation was initiated in response to Canada's latest case of bovine spongiform encephalopathy, BSE, which came just days after the USDA published its ''Minimal Risk Rule'' in the Federal Register on January 4, 2005.

The purpose of this investigation was to determine whether the control measures put in place by the Canadian Government are achieving compliance with regard to these regulations. This was a serious investigation. Canada's latest BSE case, reported on January 11, 2005, was particularly alarming because it was discovered in a cow under 7 years of age and was thus born after implementation of the 1997 ruminant-to-ruminant feed ban.

On January 12, 2005, I sent a letter to Secretary Veneman and then-Governor Johanns, requesting that the audit being conducted by APHIS inspectors be given time for a full and fair analysis. The final APHIS report of last week largely repeats information USDA released as part of its risk assessment supporting the minimal risk rule in January. This Senator asked for a full look, if 2 weeks of Canadian inspections yielded compelling evidence that the Canadian feed ban was being fully enforced, this report misses the mark.

I strongly believe that all consumers deserve reassurance that Canadian rendering facilities, feed mills, and ranchers are in compliance with Canada's feed regulations. As you know, the ruminant feed ban has been determined to be arguably the most important BSE risk mitigation measure to protect animal health.

The APHIS report states that ''Canada has a robust inspection program, that overall compliance with the feed ban is good and that the feed ban is reducing the risk of transmission of bovine spongiform encephalopathy in the Canadian cattle population.''

It is not clear what ''good'' compliance means. We must provide our trading partners, such as Japan and South Korea, stronger assurances than those provided in this APHIS report.

We must provide them proof that we have done everything possible to control and eradicate this deadly disease as we work to reestablish the trust of their consumers and access to their markets.

It is very important that USDA systematically evaluate all possible risks before reopening the border to Canadian cattle. I do not believe that USDA has completed this level of evaluation.

Therefore, I will be asking the National Academy of Sciences to review the APHIS findings. They should assess whether every aspect critical to evaluating feed regulations and compliance has been addressed in this report or if additional analyses and inspections are needed.

The American public must be assured that Canadian cattle will not increase the risk of BSE in the U.S. Until the American public has been assured, beyond a shadow of doubt, that the Canadians are in full compliance with feed regulations it is prudent that we delay moving forward on reopening the border until this assurance has been made.

The question of what will be best for the U.S. beef industry with respect to reopening the border to Canada is complex. And deciding how best to proceed is not an easy decision to make or an easy step to take.

Segments of the U.S. beef industry are clearly divided on this issue and not in agreement regarding what is best for the future of the U.S. beef industry. This is due in most part because this rule has affected industry segments in vastly different ways.

Although some regions of the U.S. have been hit harder than others, I know we all agree that as a nation, reestablishing the export markets and international market share that the U.S. beef industry once held, is our No. 1 priority. With that common goal in mind, we must use basic common sense and delay going forward with the implementation of this rule at this time.

Therefore, in the interest of reestablishing the trust of our trading partners and preserving the confidence of the American people, I will be voting in favor of this resolution and would urge my colleagues to do the same.

Mr. HARKIN. Mr. President, I support the resolution of the Senator from North Dakota disapproving the U.S. Department of Agriculture's minimal risk rule allowing expanded trade in cattle and beef products from Canada. I take this opportunity to explain my reasons for doing so.

It is critical we restore beef and cattle trade with our trading partners, but we must do it right. Unfortunately, USDA's rule is flawed in several respects that need to be addressed. To the credit of our new Secretary of Agriculture, he swiftly recognized at least one of these significant shortcomings, and delayed USDA's proposal to allow shipment of Canadian beef from cattle over 30 months of age into the United States. USDA's ill-considered approach would have resulted in significant economic hardships for many U.S. beef packers, particularly those that slaughter culled dairy cows as their primary business. Secretary Johanns recognized this, and I commend him for his quick response.

Further recognizing the shortcomings of USDA's rule, the U.S. District Court for the District of Montana has granted the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America's, R-CALF, request for a preliminary injunction barring USDA's minimal risk rule from taking effect. This is the second time that USDA has lost in court on this issue.

While we still await the judge's rationale for this decision, I believe the unfortunate reality is that USDA has largely dug its own hole by failing to follow U.S. legal procedure and scientific guidelines in its rule for further reopening U.S. markets to Canadian cattle and beef. Sadly, it is U.S. producers and processors that bear the brunt of USDA's failings.

I have been concerned that USDA's final minimal risk rule strays from the World Animal Health Organization's—OIE—scientific guidelines in important respects. Specifically, USDA has crafted minimal risk criteria that are weaker than OIE standards specify. For instance, USDA's rule does not spell out what is required to have an effective ruminant-to-ruminant feed ban, an effective BSE surveillance plan, or require a compulsory reporting and investigation system. In fact, USDA seems to have purposefully dropped elements of the OIE guidelines that might have required the United States to classify Canada as a moderate risk country for BSE instead of minimal risk.

At a hearing of the Committee on Agriculture, Nutrition, and Forestry on these issues, USDA attempted to explain these discrepancies by stating that there are redundancies among the several types of measures against BSE, and therefore if a country is weaker in one measure it might compensate in another measure. However, in the case of Canada, USDA has failed to set forth what measures Canada might be stronger in that warrant allowing slippage in others.

I am fully aware that these concerns about Canada are relevant to our systems here in the United States for preventing and detecting the incidence of BSE. Since we first discovered BSE in this country, I have questioned the efficacy of both our restrictions on feeding ruminant byproducts and our BSE surveillance plan. I do not believe

there are grave problems that threaten human health, but I do believe there are areas where we need improvement, such as enforcement of our feed rules and the effectiveness of our surveillance efforts.

Ultimately, we need to come to a common agreement with our beef and cattle trading partners regarding an acceptable framework for classifying a country's risk of BSE. If USDA designates a minimal risk region for trading that does not stand up to the scientific principles that are established by OIE, we will hinder those efforts to reopen markets.

It is a sadly ironic footnote to this debate that, were USDA to correct the deficiencies in its rule, it would not prevent any of the Canadian cattle or beef products that USDA has proposed to allow from entering the United States. It would simply necessitate that some additional safeguards be put into place.

Unfortunately, USDA has turned a deaf ear to these valid concerns about the rule, and that is why we find ourselves here today. I hope USDA is listening to today's debate and will take these concerns more seriously. Our objective today is not to shut down trade indefinitely but, rather, to obtain the needed changes in the rule to facilitate the restoration of safe trade in cattle and beef products with countries that have experienced BSE. And that includes reopening now-closed markets for U.S. beef exports.

I urge my colleagues to approve this resolution.

Mr. GRASSLEY. Mr. President, let me be very clear about this. I feel passionately about competition and concentration-based issues.

Last Congress I introduced the Packer Ban, the Transparency Act, which requires packers to purchase pigs and cattle for slaughter from the cash market daily, the 20–10 bill, which limits any packer which owns more than 20 million head of pigs to slaughtering less than 10 million vertically integrated pigs, and a bill to eliminate mandatory arbitration clauses from production contracts, similar to legislation we passed for car dealers.

I feel strongly that we need to empower producers through legislation based on leveling the playing field, but this resolution is not how we should accomplish that goal.

By supporting this resolution we are taking a protectionist position instead of encouraging free trade. We might delay the importation of 900,000 feeders, but ultimately we are potentially putting our entire export market at risk, including the Japanese market.

In the world we lead by example, and if our example is tied to the precautionary nature of this resolution, expect the world to potentially follow suit.

The decision by USDA to re-open the border has been construed as a ''rush to judgment''. That could not be further from the truth.

The truth of the matter is that we have an obligation to look at the science of the issue and if the science dictates, we should re-open the border. That is where we are today. If someone this morning can demonstrate to me that the science USDA has relied on is faulty, I would be the first person to say we should not move forward, but science must dictate our course, not political will.

Mr. FRIST. Mr. President, I rise in opposition to S.J. Res. 4 that would disapprove the administration's regulations that would reestablish trade with Canada for live cattle under 30 months of age.

As a doctor, I fully appreciate our responsibility to protect the American public's health and safety by making sure our food supply is secure.

At the outset of the bovine spongiform encephalophathy, BSE, scare in December 2003, the former Secretary of Agriculture Ann Venaman worked tirelessly to address this public health concern. That work has continued under the new Secretary of Agriculture Mike Johanns.

Based on the information I have seen, I believe multiple safeguards are in place today both in Canada and the United States to protect human and animal health. Based on a U.S. investigative team that has examined Canada's compliance with a feed ban, based on a strong Canadian surveillance system testing cattle most likely to have had BSE, and, based on a ban on cattle imports into Canada from countries that have had widespread BSE, all reasonable efforts appear to have been taken at this time to minimize the risk of Canadian beef imports into the United States.

Sound science must be a basis to governing our trade relations around the globe. I believe that such science has been applied here and that the administration's regulations on Canadian beef import should proceed.

I ask my colleagues to reject this resolution.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Mr. President, I yield the Senator from Colorado 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLARD. Mr. President, questions were raised earlier about the accuracy of dentition; in other words, looking at the eruption of teeth to identify when the animal is 30 months old. That is pretty exact science. It is very reliable; not to say maybe one or two cows will slip through that are off a month or two. That is why the 30-month period was selected, because this is a disease of slow onset, and when they are under 30 months, we ordinarily do not have to worry about them.

Let us suppose somebody has some concerns about an animal that may be infected with BSE coming across a border. What happens is there are certain rules and regulations where one transfers from Canadian regulation over to American regulation. We only have certain points of entry into the United States, and when that animal comes into the United States, it is very adequately marked. They have ear tags and they are branded so that if something should happen to the ear tags, they still have the brand on the animal.

The only thing that can happen to that animal is it moves into an approved feedlot, it is isolated in that feedlot, for the purpose of slaughter. So that animal then is processed for slaughter. In the processing procedure, all of the central nervous system tissue—the brain, spinal cord—is discarded. It is not used for consumption. If there is a temperature on that animal, it is not slaughtered.

So when one takes into consideration the final steps of the process, they can understand I do not hesitate to suggest that people ought to eat beef. Our beef is safe and the beef processed in this country is safe.

I have a letter dated March 3. It was sent to me and is from Jim McAdams, president of the National Cattlemen's Beef Association. He states flatly that this resolution should be opposed for the following reasons, and he gives six reasons. He says this resolution should be opposed and in its place would urge the Senate to support an effort to open the Japanese, South Korean, and additional markets for U.S. cattle producers.

I thank those 19 Senators who joined me in writing a letter to the Japanese Ambassador to open their markets to American beef.

Mr. McAdams states that the failure to open these markets has cost the U.S. cattle producers $175 per head and a cumulative loss of nearly $5 billion in income. We need the full attention of the Senate to act on this issue, not to act to block science-based trade policies.

Then No. 2 states:

> The resolution supports blocking a science and risk-based analysis and phasing in opening of the Canadian borders. This action does meet the real needs of U.S. cattle producers, as it will give excuses for other countries to block our exports.

Point No. 3 in the letter opposing the resolution:

> The resolution should be opposed and in its place, we urge the Senate to support action to ensure the Canadian government eliminates their blue tongue and anaplasmosis trade barriers for all classes of U.S. cattle exports to Canada.

Think about that.

> The resolution will allow maintaining the status quo with Canada further accelerating the shift of the packing, processing capacity, and jobs from the U.S. to Canada, and hurting U.S. cattle producers.
>
> The resolution ignores the fact that beef is safe. Analysis of the reports by industry and government clearly indicate that Canada, just like the U.S., has taken the necessary steps to ensure that their beef is safe. This

resolution perpetuates fear mongering over nonexistent safety concerns and misrepresents well-documented science doing a disservice to the cattle industry and U.S. consumers.

The USDA has already addressed prior producer concerns of this rule, to the extent that USDA has withdrawn the section of the final rule regarding beef from animals over thirty months.

We urge you to vote NO on this resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the issue before this body is as clear as it can be. This is going to be a consequential vote, make no mistake about it. This may be a vote that Members look back on and, if they vote against this resolution, they may deeply regret that in the future, because if, God forbid, additional mad cow cases come in from Canada, and that awful disease spreads in America, the consequences to this country could be enormous.

We all know what happened in Europe. It is not a matter of speculation. In England, 146 people died. Nearly 5 million head were slaughtered in England alone.

Let us connect the dots. In Canada, we know there are four confirmed cases of mad cow disease from cattle raised in that country. In addition, there is one case of a confirmed BSE positive cow, mad cow, that was imported from England. That is five cases. The most recent was a cow born after Canada supposedly put in the protections. The Canadians' own inspection service found that in 59 percent of the cases where they tested, animal matter was found where it was not supposed to be. That is what heightens the risk of mad cow disease.

Some of those cases, in fairness, have now been resolved. Seventeen percent of the cases have not been. In Canada, there are 25,000 feed-producing entities on farms. They produce half of all the feed in Canada. Only 3 percent have been checked in the last 3 years. There are four known cases of mad cow in Canada. There should be no rush to open this border in the face of that evidence. The risk to this country, the risk to human life, and the risk to this industry is simply too great.

My colleague talks about the National Cattlemen's position. This is what they have said with respect to opening the border. They said there are 11 conditions that should be met, and 8 of them have clearly not been met. I do not know if they have changed their position subsequently, but this is what they outlined, and 8 of these 11 positions have not been met.

In my own State, the cattlemen have told me to go forward with this resolution. My own State legislature, overwhelmingly Republican, has overwhelmingly approved a resolution asking us to keep this border closed until we can have greater confidence that Canada is enforcing their own regulations.

This is a consequential vote. The potential risk to this country is enormous. Anybody who is betting that Canada is enforcing their regulations is making a bet that I do not think stands much scrutiny.

I will end as I began, at least in this part of the debate. When the Canadian media used the Information Act in their country to look at what the Canadian testing authority themselves had found, they looked at 70 tests conducted by the Canadian agency, and they found in 59 percent of the cases, animal matter was present where it was not supposed to be. This is a risk that is not worth taking. The consequences could be far too grave for the American people and the American economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that we proceed as in morning business and that Senator DOLE be recognized for 5 minutes, Senator MARTINEZ for 5 minutes, Senator ALLARD for 3 minutes, and myself for 3 minutes.

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

(The remarks of Mrs. DOLE, Mr. MARTINEZ, Mr. CONRAD, and Mr. ALLARD are printed in today's RECORD under ''Morning Business.'')

ORDER OF PROCEDURE—S. 256

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the votes in relation to the Dayton and Nelson amendments, which were to follow immediately after the vote on S.J. Res. 4, now be set to occur at 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. I further ask unanimous consent that at 12:50 the Senate proceed to a vote on adoption of the pending resolution with the time equally divided between Senators Chambliss and Conrad.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, if I may very briefly sum up, I hope my colleagues will give careful consideration to this vote. This vote would disapprove the ruling from the USDA that the border with Canada should be opened on March 7.

I say respectfully that this runs a risk which we should not take. It is very clear from all of the evidence that Canada is not enforcing the regulations upon which USDA relied in recommending that the border be opened. The consequences to our country could be serious and dramatic.

Let me close by reminding my colleagues that when mad cow disease got loose in England, 146 people died, and nearly 5 million head of livestock were slaughtered. We cannot and we should not run the risk of prematurely opening our border when we know there are four confirmed cases of mad cow disease in Canada, and when we know from the Canadians' own inspection service that in nearly 60 percent of the cases, animal matter was found where it should not have been.

This is a consequential vote. I hope my colleagues will take it seriously. We ought to at least buy time until further investigations are made to assure us that the risk of mad cow disease coming into this country has been reduced in as significant a way as is possible.

I thank my colleagues.

Mr. CHAMBLISS. Mr. President, again I thank my colleague from North Dakota for bringing up this issue. I know it is of critical importance, as do a number of Members of this body. But I must remind folks that as we have gone through the debate here today, we have heard time and time again from those who are opposed to this resolution that this is an issue not of emotion but an issue of sound science. All of the sound science says that the Secretary of Agriculture has made the correct decision and that the border should be opened with Canada for the importation of beef and cattle under 30 months of age.

I want to remind our folks, too, that as you think about how you are going to vote, know and understand that once again the checks and balances system we have in our Constitution is at work on this issue. There was a court decision yesterday. A temporary restraining order was issued relative to the further reopening of the border on Monday. That decision will be decided on the merits after a full hearing from both sides. In this body we have heard contradictory statements. There an impartial judge will make a decision based upon his findings relative to the facts in the case.

This is not a health issue. It is not a health risk to human beings if the border is reopened. This is an issue of animal safety. It should be based upon sound science.

Let me read two things.

First of all, I have a letter from the Secretary of Agriculture dated March 3, 2005, and I want to read two sentences from the letter.

First, the Secretary says:

If Canadian beef and cattle posed a risk to U.S. human or animal health, USDA would never have proposed reopening the border. Science must be the touchstone governing our trade relations and guiding our actions.

Continued closure of the Canadian border is not justified by the best scientific understanding of BSE risks.

Lastly, let me read a Statement of Administration Policy dated March 3, 2005, from the Executive Office of the President of the United States, Office of Management and Budget, as follows:

The Administration strongly opposes Senate passage of S.J. Res. 4, a resolution to disapprove the rule submitted by the United States Department of Agriculture (USDA) with respect to establishing minimal risk regions and reopening the Canadian border for beef and cattle imports. USDA's rule is the product of a multi-year, deliberative, transparent, and science-based process to ensure that human and animal health are fully protected. S.J. Res. 4, which would prevent the reopening of our Canadian border, would cause continued serious economic disruption of the U.S. beef and cattle industry, undermine U.S. efforts to ensure that international trade standards are based on science, and impede ongoing U.S. efforts to reopen foreign markets now closed to U.S. beef exports. If S.J. Res. 4 were presented to the President, he would veto the bill.

With that, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CONRAD. How much time remains?

The PRESIDING OFFICER. There is 56 seconds remaining.

Mr. CONRAD. Mr. President, I say quickly in response, no court can relieve the responsibilities of this vote from our Members. Every Member is going to be responsible for the vote we cast. When my colleague says this is not a health issue, I respectfully disagree. This is profoundly a health issue. If mad cow disease is ever unleashed in this country, God forbid, we will find out what an acute health issue it is.

I urge my colleagues to support the resolution. It is the prudent, careful, and cautious thing to do.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER (Mr. MARTINEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—52

Akaka	Clinton	Durbin
Baucus	Coburn	Ensign
Bayh	Conrad	Enzi
Biden	Corzine	Feinstein
Bingaman	Craig	Harkin
Boxer	Crapo	Inhofe
Burns	Dayton	Jeffords
Byrd	Dodd	Johnson
Cantwell	Domenici	Kennedy
Carper	Dorgan	Kerry
Kohl	Nelson (NE)	Shelby
Landrieu	Obama	Smith
Lautenberg	Reed	Stabenow
Leahy	Reid	Thomas
Levin	Salazar	Thune
Lieberman	Sarbanes	Wyden
Mikulski	Schumer	
Murray	Sessions	

NAYS—46

Alexander	Dole	Murkowski
Allard	Frist	Nelson (FL)
Allen	Graham	Pryor
Bennett	Grassley	Roberts
Bond	Gregg	Rockefeller
Brownback	Hagel	Santorum
Bunning	Hatch	Snowe
Burr	Hutchison	Specter
Chafee	Isakson	Stevens
Chambliss	Kyl	Sununu
Cochran	Lincoln	Talent
Coleman	Lott	Vitter
Collins	Lugar	Voinovich
Cornyn	Martinez	Warner
DeMint	McCain	
DeWine	McConnell	

NOT VOTING—2

Feingold	Inouye

The joint resolution (S.J. Res. 4) was passed, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Agriculture relating to the establishment of minimal risk zones for introduction of bovine spongiform encephalopathy (published at 70 Fed. Reg. 460 (2005)), and such rule shall have no force or effect.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

The PRESIDING OFFICER. The Senate will resume consideration of S. 256, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 256) to amend title 11 of the United States Code, and for other purposes.

Pending:

Leahy Amendment No. 26, to restrict access to certain personal information in bankruptcy documents.

Dayton Amendment No. 31, to limit the amount of interest that can be charged on any extension of credit to 30 percent.

Feinstein Amendment No. 19, to enhance disclosures under an open end credit plan.

Nelson of Florida Amendment No. 37, to exempt debtors from means testing if their financial problems were caused by identity theft.

Durbin Amendment No. 38, to discourage predatory lending practices.

Rockefeller Amendment No. 24, to amend the wage priority provision and to amend the payment of insurance benefits to retirees.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 31

Mr. SHELBY. Mr. President, I rise in opposition to the amendment offered by my colleague from Minnesota, Senator DAYTON. Basically, he has offered an amendment to create a Federal usury law. While I understand and appreciate the good intentions of my colleague, I cannot support what amounts to Federal price controls. This is a mode of regulation from a bygone day.

Price controls are a failed experiment that often hurt those who they are intended to help. Even if the price control envisioned in this amendment was never triggered, it would set a very bad precedent.

Credit underwriting is the assessment of the risk. Interest rates are intended to reflect the risk of a particular credit. They have to.

While I appreciate my colleague's concerns, I fear that his amendment will result in credit becoming less accessible to more Americans. Market forces are the best regulator of prices. As chairman of the Banking Committee, which has jurisdiction over consumer credit and price controls, I must oppose this amendment and encourage my colleagues to do so. We are going to have some hearings on similar matters in the Banking Committee, and I hope Senator DAYTON would work with us in that regard.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise to underscore the statement just made by the chairman of the Banking Committee. This issue embraced in this amendment is very far-reaching. There have been no hearings on it. The chairman has indicated he intends to do some hearings on issues relating to the matter that is before us. It does not seem to me to be a wise or prudent course to consider what would, in effect, be a very major legislative step in the absence of appropriate consideration by the committee of jurisdiction; therefore, I intend to also oppose this amendment, primarily on those grounds.

The substance is a complicated issue, and in any event it is very clear it needs to be very carefully examined and considered. I do not think that has occurred in this instance, and I hope my colleagues would perceive the matter in the same way.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 44

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, Mr. FEINGOLD, and Mr. DAYTON, proposes an amendment numbered 44.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows: