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

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

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

I yield back my remaining time.

The PRESIDING OFFICER. The Senator from Utah.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

JAMES MICHAEL KELLY,
Acting General Counsel.

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

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

MORNING BUSINESS

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

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