

worked on is a reform vote. A strong energy section in this bill is a reform vote. Rural economic development is a reform vote. Getting the loan rate up, at least somewhat, is a reform vote. And this is a reform vote.

I join my colleague, Senator HARKIN, who will be introducing the second-degree amendment. I say to all Senators, this is a blatant effort on the part of these big packers, of these big processors, to go after the independent producers. They always think, because they have so much economic power and political power, that they will win these votes.

I like my colleague from Idaho. It is my nature to like people. With all due respect, the amendment of the Senator from Idaho does not represent a step forward; it represents a great leap sideways.

The independent producers are being squeezed out of existence. These big conglomerates are not interested in a study. They are interested in whether or not we are on their side. As a Senator from Minnesota, I can say with a great deal of good feeling and glee that I am on the side of the independent producers. I am on the side of our family farmers. I am not on the side of these big packers and these big conglomerates. They will not be able to muscle their way to the dinner table and push family farmers out of existence. They will not be able to muscle their way to the floor of the Senate to try to reverse a vote. We are not going to let them do it.

Mr. HARKIN. Will the Senator yield?

Mr. WELLSTONE. I yield.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Iowa.

Mr. HARKIN. I am pleased the Senator is pointing out what is happening. I specifically thank the Senator for pointing out the ad run in the Sioux Falls Argus Leader Editor, newspaper on Sunday, February 3. This is a paid advertisement, quite a big ad from Smithfield Foods, signed by Joseph Luter III, chairman and chief executive officer of Smithfield Foods. It is quite a lengthy ad. They are going after Senator JOHNSON for offering this amendment. I guess they are angry that his amendment passed.

In line with what the Senator from Minnesota said, this smacks of a powerful firm trying to use its economic power to blackmail. I have not seen in recent times a more blatant example of that than this ad put out by Smithfield Foods and Joseph Luter III. But let me read the last paragraph:

If the Johnson Amendment becomes law, Smithfield Foods will neither rebuild the Sioux Falls plant, or build a new plant in South Dakota, nor will we make any further investment in South Dakota, or for that matter in any other state whose public officials are hostile to our ongoing operations and our industry.

Signed by Joseph Luter.

Now, that is economic blackmail.

We have more concentration in the meatpacking industry today than we

had 100 years ago when this Congress began to break up the packers; they had too much economic power, too much concentration. We have more today than we did then.

This is economic blackmail. They are saying they will not do anything "in any State whose public officials are hostile to our ongoing operations and our industry."

Well, they have plants in Iowa, too. But I can tell you that I am not hostile to their industry. We need the meatpacking industry in this country. We would like to have another meatpacking plant in the State of Iowa, in fact. However, what we do not want to see is the vertical integration where the packers own the livestock and they are able to dictate to a farmer what that price will be for the cattle. It used to be in my State a cattleman would get, two, three, or four bids for his livestock. Now, with this kind of economic concentration, what happens is a packer goes out and says, this is what I will pay you. Take it or leave it. If they leave it, the packer says, that is all right, I have enough cattle of my own; I don't need your cattle. I have a captive supply.

That is what happens. They drive more and more of our cattlemen out of business. I am upset at some of the entities that are supporting this position, saying the packers should own this livestock.

This amendment is very simple. It says that the packers, prior to 14 days, cannot engage in ownership or control. As the Senator said, we will shortly have a second-degree amendment to the Craig amendment which undoes that, to specifically point out what control is and is not so it would not prohibit, for example, forward contracting. If they are hung up on the word "control," we have an amendment that Senator GRASSLEY and I are working together on to make crystal clear what we mean so there will not be any ambiguity. I don't think there is in the present one, but we will make it even clearer.

I say to my friend from Minnesota, we ought to get even more votes now because of this kind of economic blackmail.

Mr. WELLSTONE. I ask my colleague if he will yield for a question. I say to my colleague from Pennsylvania, it won't be a 2-hour colloquy; maybe an hour and 50 minutes but not 2 hours. I say to the Senator from Iowa, I saw this last paragraph, too. It is worth reading again.

If the Johnson Amendment becomes law, Smithfield Foods will neither rebuild the Sioux Falls plant, or build a new plant in South Dakota, nor will we make further investment in South Dakota, or for that matter in any other state whose public officials are hostile to our ongoing operations and our industry.

Earlier I was lucky enough—I don't consider it the price you pay. I think it is a privilege you earn, to be in small print. It says "Johnson-Grassley-

Wellstone," so I get included in this. But this is aimed at Senator JOHNSON.

This is like threatening a capital strike. That is what this is all about. This is absolutely unbelievable. I say to colleagues, now that we are going to have your language—and I want to be included as an original cosponsor as to the second-degree amendment, which makes it crystal clear what control means—we should get an even stronger vote for our amendment. Every Senator ought to stand up to this kind of blatant blackmail or whitemail or threats.

The processors and meatpacking companies in Minnesota have not engaged in these kinds of threats. But I tell you what, with all due respect for Smithfield, you are going to get fewer votes, Smithfield, because this is blatant. Everybody knows exactly what you are trying to do. You have a lot of power, you have a lot of muscle, you have been pushing a lot of our independent producers around for a long time, and we are now saying to you that you are not going to be able to do it in the same way. And you know what, you are not going to be able to push U.S. Senators around. We are going to get a strong vote for the second-degree amendment.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2542 TO AMENDMENT NO. 2471

Mr. SANTORUM. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2542.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. DURBIN, Mr. FEINGOLD, Mr. DEWINE, Mr. KOHL, Mr. HATCH, Mrs. CLINTON, and Mr. JEFFORDS, proposes an amendment numbered 2542 to Amendment No. 2471.

Mr. SANTORUM. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the standards for the care and treatment of certain animals)

On page 945, line 5, strike the period at the end and insert a period and the following:

SEC. 1024. IMPROVED STANDARDS FOR THE CARE AND TREATMENT OF CERTAIN ANIMALS.

(a) SOCIALIZATION PLAN; BREEDING RESTRICTIONS.—Section 13(a)(2) of the Animal Welfare Act (7 U.S.C. 2143(a)(2)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(C) for the socialization of dogs intended for sale as pets with other dogs and people, through compliance with a standard developed by the Secretary based on the recommendations of animal welfare and behavior experts that—

“(i) prescribes a schedule of activities and other requirements that dealers and inspectors shall use to ensure adequate socialization; and

“(ii) identifies a set of behavioral measures that inspectors shall use to evaluate adequate socialization; and

“(D) for addressing the initiation and frequency of breeding of female dogs so that a female dog is not—

“(i) bred before the female dog has reached at least 1 year of age; and

“(ii) whelped more frequently than 3 times in any 24-month period.”.

(b) **SUSPENSION OR REVOCATION OF LICENSE, CIVIL PENALTIES, JUDICIAL REVIEW, AND CRIMINAL PENALTIES.**—Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) by striking “SEC. 19. (a) If the Secretary” and inserting the following:

“**SEC. 19. SUSPENSION OR REVOCATION OF LICENSE, CIVIL PENALTIES, JUDICIAL REVIEW, AND CRIMINAL PENALTIES.**

“(a) **SUSPENSION OR REVOCATION OF LICENSE.**—

“(1) **IN GENERAL.**—If the Secretary”;

(2) in subsection (a)—

(A) in paragraph (1) (as designated by paragraph (1)), by striking “if such violation” and all that follows and inserting “if the Secretary determines that 1 or more violations have occurred.”; and

(B) by adding at the end the following:

“(2) **LICENSE REVOCATION.**—If the Secretary finds that any person licensed as a dealer, exhibitor, or operator of an auction sale subject to section 12, has committed a serious violation (as determined by the Secretary) of any rule, regulation, or standard governing the humane handling, transportation, veterinary care, housing, breeding, socialization, feeding, watering, or other humane treatment of dogs under section 12 or 13 on 3 or more separate inspections within any 8-year period, the Secretary shall—

“(A) suspend the license of the person for 21 days; and

“(B) after providing notice and a hearing not more than 30 days after the third violation is noted on an inspection report, revoke the license of the person unless the Secretary makes a written finding that—

“(i) the violations were minor and inadvertent;

“(ii) the violations did not pose a threat to the dogs; or

“(iii) revocation is inappropriate for other good cause.”;

(3) in subsection (b), by striking “(b) Any dealer” and inserting “(b) **CIVIL PENALTIES.—Any dealer**”;

(4) in subsection (c), by striking “(c) Any dealer” and inserting “(c) **JUDICIAL REVIEW.—Any dealer**”; and

(5) in subsection (d), by striking “(d) Any dealer” and inserting “(d) **CRIMINAL PENALTIES.—Any dealer**”.

(c) **REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out the amendments made by this section, including development of the standards required by the amendments made by subsection (a).

MODIFICATION TO AMENDMENT NO. 2542

Mr. SANTORUM. Mr. President, I now send amendment No. 2639 to the

desk and ask my amendment be modified with the text of this amendment.

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

The modification to amendment No. 2542 is as follows:

Beginning on page 2, strike line 11 and all that follows through page 4, line 21, and insert the following:

“(C) for the socialization of dogs intended for sale as pets with other dogs and people, through compliance with a standard developed by the Secretary based on the recommendations of veterinarians and animal welfare and behavior experts that—

“(i) identifies actions that dealers and inspectors shall take to ensure adequate socialization; and

“(ii) identifies a set of behavioral measures that inspectors shall use to evaluate adequate socialization; and

“(D) for addressing the initiation and frequency of breeding of female dogs so that a female dog is not—

“(i) bred before the female dog has reached at least 1 year of age; and

“(ii) whelped more frequently than 3 times in any 24-month period.”.

(b) **SUSPENSION OR REVOCATION OF LICENSE, CIVIL PENALTIES, JUDICIAL REVIEW, AND CRIMINAL PENALTIES.**—Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) by striking “SEC. 19. (a) If the Secretary” and inserting the following:

“**SEC. 19. SUSPENSION OR REVOCATION OF LICENSE, CIVIL PENALTIES, JUDICIAL REVIEW, AND CRIMINAL PENALTIES.**

“(a) **SUSPENSION OR REVOCATION OF LICENSE.**—

“(1) **IN GENERAL.**—If the Secretary”;

(2) in subsection (a)—

(A) in paragraph (1) (as designated by paragraph (1)), by striking “if such violation” and all that follows and inserting “if the Secretary determines that 1 or more violations have occurred.”; and

(B) by adding at the end the following:

“(2) **LICENSE REVOCATION.**—If the Secretary finds that any person licensed as a dealer, exhibitor, or operator of an auction sale subject to section 12, has committed a serious violation (as determined by the Secretary) of any rule, regulation, or standard governing the humane handling, transportation, veterinary care, housing, breeding, socialization, feeding, watering, or other humane treatment of dogs under section 12 or 13 on 3 or more separate inspections within any 8-year period, the Secretary shall—

“(A) suspend the license of the person for 21 days; and

“(B) after providing notice and a hearing not more than 30 days after the third violation is noted on an inspection report, revoke the license of the person unless the Secretary makes a written finding that revocation is unwarranted because of extraordinary extenuating circumstances.”.

Mr. SANTORUM. Mr. President, the amendment and modification I just sent to the desk is an amendment that is referred to as the Puppy Protection Act that Senator DURBIN and I have introduced. The reason I brought this up is because of my continuing concern, and I know Senator DURBIN's continuing concern, about the treatment of dogs and puppies in some of the breeding facilities across the country. There are literally about 3,000 such commercial breeding establishments that breed puppies for sale into homes as pets.

There are, unfortunately, numerous reports and evidence of very bad conditions in these puppy mills. I have had an ongoing concern about it. We have been working for quite some time with USDA to improve enforcement. They have some 80 people to enforce the existing Animal Welfare Act. They simply are understaffed. The problem we are seeing is not only are they understaffed but there are some holes in the animal welfare law.

A lot of my colleagues have come to me because they have been hearing from some of their constituents who are saying: Why is RICK SANTORUM trying to expand the reach of the Federal Government to take care of breeding dogs? This doesn't seem to be something in which the Federal Government should be involved.

First off, the Federal Government is involved. In 1966, we passed the Animal Welfare Act. We have had several amendments to it since—I think four or five times throughout the 1970s or 1980s. Because these are commercial breeding establishments that breed animals, we, the USDA and the Congress, have seen fit to have the Department of Agriculture regulate these large facilities. We do regulate in the area of handling, housing, sanitation, feeding, watering, ventilation, shelter, adequate veterinary care, and exercise. Those are provisions already in the existing veterinary law here in Washington, DC, which the USDA is responsible for regulating.

But there are some areas we believe lead directly to not just the health of the dog but the suitability of the dog as a pet that results from, we believe, some bad practices.

Before I go into detail about what my bill does, I want to be very clear about what my bill doesn't do. One thing my bill does not do—and the amendment of Senator DURBIN and myself does not do—is expand who is covered under the Animal Welfare Act. We have heard from the American Kennel Club and some members calling my office, and I know other Members have gotten calls from AKC members within their States, saying this is a great expansion of reach; you are going to have all these breeders who are going to run afoul of the Federal Government now if this legislation passes.

According to AKC's own records from 1997, which are the most recent ones we have, 97 percent of their breeders are not covered under the existing Animal Welfare Act. And our act does not amend who is covered. It just says what will be looked at upon inspection. Ninety-seven percent of their members will not be covered. Why? Because the Animal Welfare Act only covers breeders who breed four or more females. If you breed less than four females, you are not covered under the Animal Welfare Act and you are not covered under this proposed amendment to the Animal Welfare Act.

Again, from their own numbers, only .04 percent of their members registered

more than three litters in a year. So I say as to a lot of these calls coming in, saying: You are going to be harming the mom-and-pop breeder here, the folks who have a female dog they want to breed for a little extra income as part of their experience with their animal, you are going to be affecting them, the answer is no, we are not. What we are talking about here are facilities that are in the commercial breeding. We want to make sure these puppies that are bred, when they go into the home, go into the home healthy, No. 1— I mean from disease and genetic maladies, but that they also go in properly socialized so they can be good pets.

The areas we have focused in on are really three. No. 1 is the area of socialization or interaction. It requires that the puppies in these breeding facilities have interaction with other dogs and with humans.

Can you imagine the situation where a dog is bred and put in a cage, basically isolated from human contact for several weeks and having no interaction with human beings and having no interaction with other dogs, and then placed in a home maybe with little children? The impact could be severe. In fact, there is evidence to suggest that that is one area.

We just require some interaction. It is not particularly an onerous standard. We think it is a rather commonsense standard. I find it difficult for anyone to find a problem with that.

The second area has to do with breeding. There is a lot of concern. One of the sponsors of my amendment is one of the two veterinarians in the Senate. There are two Senators who are veterinarians. But one of them dealt with small animals; that is, Senator ENSIGN from Nevada. He is a cosponsor of my amendment. He personally told me stories of the problems with large commercial breeders in overbreeding females and constantly breeding more than is healthy for the female. It has an impact, obviously, on the litter and the health of the litter with diseases and other complications.

Here we are talking about a standard, it is my understanding, according to all reputable breeders which they adhere to already. It is a standard that puts in place what we believe are sound breeding practices based on evidence of producing a line of healthy puppies.

I know Senator ENSIGN is planning on coming in next week to talk about this legislation. He will probably give many more good examples with a lot more technical expertise than I can possibly offer. But I wanted to make it clear that this is a problem.

It is a problem when you have a very excited family that brings a new puppy into the home. They find out that this puppy, because of improper breeding, tends to have a lot of problems, gets ill, and maybe dies. That is obviously terrible for the puppy, but it is also very traumatic for the family.

The last provision has to do with enforcement. Before I talk about this pro-

vision, let me make it clear that if the USDA goes in and finds a bad situation, they have the ability to revoke the license. These facilities are licensed by USDA. They have the ability to go in and immediately revoke the license if there is one severe infraction of the Animal Welfare Act. We don't change that. But we say under this legislation, if you have three such infractions within an 8-year period of time, USDA must automatically revoke the license. You can appeal and do all the things about the specific instances to get your license reinstated. But this "three strikes and you are out" provision really tries to suggest to USDA that when you have a pattern of mistreatment and violation of the law, that action should be taken.

Again, let me remind everybody that USDA can do it right now. They have the discretion to do it with one infraction. We are saying that upon three, the license will be revoked. We are talking about commercial breeders. We are not talking about breeders that breed fewer than four animals.

This is an amendment that has very broad support from over 800 animal welfare organizations, including the Humane Society and the American Society for Prevention of Cruelty to Animals.

Of course, this legislation is, frankly, a very modest amendment. I cannot tell you how many changes I have made. I think this is the fourth change I have filed with this legislation in an attempt to try to deal with the research community that is concerned about certain aspects of this legislation and their application. We have dealt with the small breeders, even though, frankly, they are not covered by it. But we have tried to ameliorate some of the concerns from the American Kennel Club.

We have really worked very hard to try to make sure that no one who is serious about the healthy breeding of puppies has a concern. It is not my intention to bring the dog police into every home in America that breeds puppies. The fact of the matter is there are large commercial establishments that, frankly, need to do a better job in breeding puppies for homes.

I am hopeful that we can have very broad support. I have been working with Senator HELMS. Senator HELMS has been very helpful. I appreciate this morning his suggesting that we can now be supportive of this legislation as we have made the additional change in the legislation.

We are trying to work through all of these matters. I would be very happy if we could get this in the managers' amendment. If not, I am certainly happy to take this to a vote. I think it will have very strong support from both sides of the aisle.

Who wants to have puppies in the home that are not socialized or that have diseases or that are not in the best position to be good pets for our families across America?

I thank the Chair for the time. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 2835

Mr. JOHNSON. Mr. President, I rise to express my strong opposition to the amendment offered by Senator CRAIG last evening which would eliminate a bipartisan provision in this farm bill that restores fairness, competition, and free enterprise into livestock markets.

In December, the Senate adopted an amendment to the farm bill based upon legislation I introduced 3 years ago which strengthens the Packers and Stockyards Act of 1921, by prohibiting large meatpackers from owning livestock—cattle, hogs, and sheep—for more than 14 days prior to slaughter.

Nearly every farm and ranch organization in the country supports a ban on packer ownership, including the American Farm Bureau, the National Farmers Union, R-CALF, the Livestock Marketing Association, the Organization for Competitive Markets, the Center for Rural Affairs, and the Western Organization of Resource Councils, just to name a few.

More importantly, every farm and ranch group in South Dakota supports my amendment, including Farm Bureau, Farmers Union, the Cattlemen, the Stockgrowers, Livestock Auction Markets, the Independent Pork Producers, and even South Dakota Governor Janklow.

Let me take some time to clarify what our amendment does, and, what it does not do.

The objectives of our amendment are to increase competitive bidding, choice, market access, and bargaining power to farmers and ranchers in livestock markets. Here are the facts about our amendment.

First, my language strengthens section 202 of the Packers and Stockyards Act of 1921—and 80-year-old law—by prohibiting meatpackers from owning, feeding, or controlling livestock for more than 14 days prior to slaughter. Currently, packers are already prohibited from owning sale barns and auction markets.

Second, it exempts producer-owned cooperatives engaged in slaughter and meatpacking, in addition to packing plants owned by producers who slaughter less than 2 percent of the national annual slaughter of beef cattle—724,000 head—hogs—1,900,000 head— or sheep—69,200.

Therefore, many of the innovative, start-up projects operating and being formed to give producers greater bargaining power in the market will not be affected by our amendment. Some have made very misleading and false statements about the Johnson-Grassley amendment and our intent. Let me try to clarify some of those issues.

This amendment does not prohibit meatpackers from purchasing livestock for slaughter. In fact, it promotes the