

(Mr. LOTT) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1779

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1813

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1813, a bill to amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors.

S. 1934

At the request of Mr. SPECTER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 1959

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1959, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

S. 1969

At the request of Mr. BAUCUS, the names of the Senator from New York

(Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. CORZINE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from North Dakota (Mr. DORGAN), the Senator from Colorado (Mr. SALAZAR), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. DAYTON), the Senator from Washington (Ms. CANTWELL) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1969, a bill to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

S.J. RES. 25

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation in any bill presented by Congress.

S. CON. RES. 62

At the request of Mr. McCONNELL, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Nevada (Mr. ENSIGN), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. AKAKA), the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 62, a concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol.

S. RES. 232

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. Res. 232, a resolution celebrating the 40th anniversary of the enactment of the Voting Rights Act of 1965 and reaffirming the commitment of the Senate to ensuring the continued effectiveness of the act in protecting the voting rights of all citizens of the United States.

AMENDMENT NO. 2456

At the request of Mrs. DOLE, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 2456 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2468

At the request of Mrs. DOLE, the names of the Senator from Florida (Mr. NELSON), the Senator from Missouri (Mr. TALENT), the Senator from Kansas (Mr. ROBERTS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2468 proposed to S. 1042, an original bill to au-

thorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. AKAKA, and Mr. SCHUMER):

S. 2002. A bill to provide protection against bovine spongiform encephalopathy and other prion diseases; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I am introducing a bill to strengthen our Nation's firewalls against prion diseases. This bill would prevent the spread of mad cow disease, or bovine spongiform encephalopathy, BSE. It also addresses other forms of prion disease that affect humans and animals.

For many years, we thought that we didn't have BSE in the United States. But now we have to assume that the disease does exist in our cattle, though it has been detected only twice.

In June 2005, U.S. Department of Agriculture, USDA, officials announced that a Texas cow had tested positive for BSE.

It is troubling that the USDA and Food and Drug Administration, FDA, investigation could not pin down how the cow became infected. Reports compiled for the Texas Animal Health Commission and obtained by The Dallas Morning News showed that 85 percent of the cattle traced in the investigation had already been sent for slaughter.

We should not settle for half-measures in BSE control. Yet nearly two years after USDA and FDA announced efforts to strengthen our nation's firewalls against BSE, critical gaps remain in our defenses.

Just last week, the Government Accountability Office released a study that found that testing of cattle feed is at times too slow to prevent cattle from eating feed that might be contaminated.

Poultry litter, plate waste, and pet food can still be fed to cattle, creating loopholes in the ruminant feed ban.

In addition, the USDA Office of the Inspector General has raised concerns about the design of USDA's surveillance program, including whether the Agency is appropriately selecting animals for testing and testing an adequate number of older cattle.

To fully protect animal and public health, I am reintroducing my bill to strengthen our Nation's firewalls against prion diseases like BSE. My bill would close loopholes in the ruminant feed ban. It would ensure that all older cattle are tested for BSE. In addition, my bill would improve enforcement of the feed ban and take steps to ensure that meat intended for human

consumption is free of tissues that could harbor infectious prions.

The bill also would require the Secretary of Health and Human Services to assess the risk of transmission of human prion diseases through blood and surgical equipment and strengthen surveillance of prion diseases in humans.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2002

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “BSE and Other Prion Disease Prevention and Public Health Protection Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) BSE.—The term “BSE” means bovine spongiform encephalopathy.

##### (2) COVERED ARTICLE.—

(A) IN GENERAL.—The term “covered article” means—

(i) food or feed for a human or animal;

(ii) a food or nutritional supplement;

(iii) a medicine;

(iv) a pituitary-derived hormone;

(v) transplant material;

(vi) a fertilizer derived from animals;

(vii) a cosmetic; and

(viii) any other article of a kind that is ordinarily ingested, implanted, or otherwise taken into a human or animal.

(B) EXCLUSIONS.—The term “covered article” does not include—

(i) an unprocessed agricultural commodity that is readily identifiable as nonanimal in origin, such as a vegetable, grain, or nut;

(ii) an article described in subparagraph (A) that, based on compelling scientific evidence, the Secretary determines does not pose a risk of transmitting prion disease; or

(iii) an article regulated by the Secretary that, as determined by the Secretary—

(I) poses a minimal risk of carrying prion disease; and

(II) is necessary to protect animal health or public health.

(3) CWD.—The term “CWD” means chronic wasting disease.

(4) PRION DISEASE.—The term “prion disease” means—

(A) a transmissible spongiform encephalopathy (including prion diseases that affect humans, cattle, bison, sheep, goats, deer, elk, and mink); and

(B) any related disease, as determined by the Secretary in consultation with the Secretary of Agriculture.

##### (5) SPECIFIED RISK MATERIAL.—

(A) IN GENERAL.—The term “specified risk material” means—

(i) the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord, vertebral column, or dorsal root ganglia of—

(I) cattle and bison 30 months of age and older; or

(II) sheep, goats, deer, and elk 12 months of age and older;

(ii) the intestinal tract of a ruminant of any age; or

(iii) any other material of a ruminant that may carry a prion disease, as determined by the Secretary in consultation with the Secretary of Agriculture, based on scientifically credible research.

(B) MODIFICATION.—The Secretary, in consultation with the Secretary of Agriculture, may modify the definition of specified risk material based on scientifically credible research.

(6) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

#### SEC. 3. PROTECTION OF BORDERS.

##### (a) PROHIBITIONS.—

(1) DISCLOSURE REQUIREMENT.—It shall be unlawful for any person to import a covered article—

(A) in the case of a covered article that contains animal-derived material, if the covered article does not exhibit or contain, or is not otherwise accompanied by, a statement in English that—

(i) states that the covered article contains animal-derived material;

(ii) states the common English name of the animal from which the material in the article is derived; and

(iii) if the animal from which the material in the covered article is derived is a ruminant—

(I) identifies the country of origin of the ruminant; and

(II) states whether specified risk material from the ruminant is or may be part of the covered article; or

(B) in the case of a covered article that does not contain animal-derived material, if the covered article does not exhibit or contain, or is not otherwise accompanied by, a statement in English that states that the covered article does not contain animal-derived material.

(2) PROHIBITION OF IMPORTATION.—It shall be unlawful for any person to import a covered article described in section 2(2)(A) if, as determined by the Secretary of Agriculture—

(A) the article contains animal-derived material from a ruminant that was in any country at a time at which there was a risk of transmission of BSE in the country; and

(B) the country did not meet the guidelines on BSE established in the World Organization for Animal Health’s (OIE) Terrestrial Animal Health Code.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall promulgate regulations that establish standards for compliance with this section, including—

(1) the manner of disclosure that shall be considered to be in compliance with this subsection;

(2) any manner of disclosure that shall be considered not to be in compliance with this subsection; and

(3) definitions of the terms “animal-derived material”, “country of origin”, and other terms used but not defined in this section.

(c) INTERIM GUIDANCE.—Until the date on which final regulations promulgated under subsection (b) become effective, the Secretary shall provide guidance and advice on general applicability of, and compliance with, this section.

(d) ENFORCEMENT.—For the purposes of administering the customs laws of the United States, the requirement to comply with subsection (a)(1) shall be treated as a requirement to mark an article under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304).

#### SEC. 4. PROTECTION OF FOOD AND ANIMAL FEED SUPPLIES AND PUBLIC HEALTH.

##### (a) COVERED ARTICLES.—

(1) PROHIBITION.—It shall be unlawful for any person to introduce into interstate or foreign commerce a covered article if the covered article contains—

(A)(i) specified risk material from a ruminant; or

(ii) any material from a ruminant that was in any foreign country at a time at which there was a risk of transmission of BSE in the country and the country did not meet the guidelines on BSE established in the World Organization for Animal Health’s (OIE) Terrestrial Animal Health Code, as determined by the Secretary of Agriculture; or

(B) any material from a ruminant exhibiting signs of a neurological disease.

(2) REPORTING.—The Secretary of Agriculture will make publicly available quarterly reports containing the number of non-compliance reports relating to regulations on specified risk materials and the reasons for noncompliance.

(3) PUNITIVE OR RETALIATORY ACTION.—It shall be unlawful to take punitive or retaliatory action against inspectors and other employees who report cases of noncompliance.

##### (4) REGULATIONS.—

(A) SECRETARY OF AGRICULTURE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Secretary, shall promulgate regulations that establish standards for compliance with this subsection, including—

(i) requirements for the disposal of dead and nonambulatory ruminants on a farm or ranch so that the prion disease, if present in the animals, will not be recycled or expose other animals;

(ii) requirements for the registration with the Food and Drug Administration of all renderers and all persons that engage in the business of buying, selling, or transporting—

(I) dead, dying, disabled, or diseased livestock; or

(II) parts of the carcasses of livestock that die other than by slaughter;

(iii) requirements for the handling, transportation, and disposal of dead, dying, disabled, and diseased livestock that are condemned on ante-mortem or post-mortem inspection in accordance with any policy that is developed for the disposal of dead or nonambulatory ruminants on the farm; and

(iv) a requirement that slaughterhouses institute best practices to prevent contamination of material intended for human consumption with specified risk material.

(B) SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall promulgate regulations that establish standards for compliance with this subsection, including a prohibition on the use of salvaged pet food, plate waste, poultry litter, and blood and blood products in animal feed intended for food producing ruminants, with an exemption for the use of blood and blood products in bovine biologics.

##### (b) ANIMAL FEED.—

(1) MONITORING AND EVALUATION.—The Secretary shall annually conduct a formal evaluation of the implementation of section 589.2000 of title 21, Code of Federal Regulations (or a successor regulation), including an assessment of coordination between the Food and Drug Administration, the Department of Agriculture, and State agencies.

(2) REGISTRATION OF BUSINESSES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations for the registration with the Food and Drug Administration of all animal feed manufacturers, transporters, on-farm mixers, and other animal feed industry businesses that are subject to section 589.2000 of title 21, Code of Federal Regulations (or a successor regulation).

(3) PREVENTION OF ADMIXING.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall promulgate regulations and an inspection plan to

prevent admixing of ruminant and nonruminant feed by animal feed manufacturers, animal feed transporters, and producers that feed both ruminants and nonruminants on the same farm.

**(4) ENFORCEMENT PLAN.—**

**(A) IN GENERAL.**—The Secretary shall develop and implement a plan for enforcing section 589.2000 of title 21, Code of Federal Regulations (or a successor regulation).

**(B) CONTENTS.**—The plan shall include—

- (i) a computer database that would allow for effective management of inspection data;
- (ii) a hierarchy of enforcement actions to be taken;
- (iii) timeframes for persons that are subject to that section to correct violations; and
- (iv) timeframes for followup inspections to confirm that violations are corrected.

**(5) REVIEW OF EXCLUSION OF CERTAIN PORTIONS OF ANIMALS FROM DEFINITION OF PROTEIN DERIVED FROM MAMMALIAN TISSUES.—**On the motion of the Secretary or on the petition of any person that, citing scientifically credible evidence, demonstrates that there is reason to believe that any of the portions of mammalian animals excluded from the definition of protein derived from mammalian tissues in section 589.2000(a) of title 21, Code of Federal Regulations (or a successor regulation), may carry prion disease, the Secretary shall commence a proceeding to determine whether the exclusion should be modified or stricken.

**(6) LABELING REQUIREMENTS FOR ANIMAL FEED.**—Animal feed intended for export shall be subject to the labeling requirements for animal feed described in section 589.2000 of title 21, Code of Federal Regulations (or a successor regulation).

**SEC. 5. SURVEILLANCE OF BSE AND PRION DISEASES IN HUMANS AND ANIMALS.**

**(a) RUMINANT IDENTIFICATION PROGRAM.**—Title I of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following:

**“SEC. 25. RUMINANT IDENTIFICATION PROGRAM.**

“(a) IN GENERAL.—The Secretary shall accelerate the establishment of a ruminant identification program, so that, not later than 1 year after the date of enactment of this section, the program will be capable of tracing, within 48 hours after an animal is diagnosed with any reportable animal disease or any condition that can cause disease in humans, the movements of all exposed animals from birth to slaughter.

**“(b) REQUIREMENTS.—**

“(1) IN GENERAL.—Under the ruminant identification program, the Secretary shall identify cattle, sheep, goats, bison, deer, and elk and any other ruminant species intended for human consumption through a nationally recognizable uniform numbering system under which an identification number is assigned to—

“(A) each premises of a producer; and

“(B) each individual animal or group or lot of animals, as determined by the Secretary.

“(2) CONTINUATION OF EXISTING PROGRAMS.—The program shall augment, and not supplant, nationally recognized systems in existence on the date of enactment of this section, such as the program for scrapie traceback and eradication in sheep and goats.

“(c) PROHIBITION OR RESTRICTION ON ENTRY.—The Secretary may prohibit or restrict entry into any slaughtering establishment inspected under this Act of any cattle, sheep, goats, bison, deer, elk, or other ruminant intended for human consumption that is not identified under the program.

**“(d) RECORDS.—**

“(1) IN GENERAL.—The Secretary may require that a producer required to identify livestock under the program maintain

records, as prescribed by the Secretary, regarding the purchase, sale, and identification of livestock for such period of time as the Secretary prescribes.

“(2) ACCESS.—A producer shall, at all reasonable times, on notice by an authorized representative of the Secretary, allow the representative access to examine and copy the records described in paragraph (1).

“(e) PROHIBITIONS.—It shall be unlawful for a producer to—

“(1) falsify or misrepresent to any other person or to the Secretary any information relating to any premises at which any cattle, sheep, swine, goats, bison, deer, elk, or other ruminant intended for human consumption, or carcasses thereof, are held; or

“(2) alter, detach, or destroy any records or means of identification prescribed by the Secretary for use in determining the premises at which any cattle, sheep, swine, goats, bison, deer, elk, or other ruminant intended for human consumption, or carcasses thereof, are held.”.

**(b) PROGRAMS.—**

**(1) IN GENERAL.**—Not later than 1 year after the date of enactment of this Act—

(A) the Secretary of Agriculture shall develop programs to—

(i) waive diagnostic laboratory charges for the diagnosis of neurological disease in ruminants and mink;

(ii) provide compensation for each submission payable to the attending veterinarian to pay the costs of obtaining and processing neurological samples; and

(iii) develop a program to pay a fee to renderers or producers for each cattle head not already tested that is submitted to a certified lab for BSE testing;

(ii)(I) fund the development of the national animal health laboratory network;

(II) expand the network to include all certified Federal, State, and university veterinary diagnostic laboratories; and

(III) facilitate the timely processing of samples from surveillance and epidemiological investigation;

(iii) require rapid prion disease screening tests on—

(I) all cattle and bison 30 months of age and older and all sheep, goats, deer, and elk 12 months of age and older presented for slaughter and intended for human consumption; and

(II) all such livestock of a younger age than either of the ages specified in subclause (I) if the Secretary determines, based on scientifically credible research, that screening of livestock of a younger age should be conducted;

(iv) require rapid prion disease screening tests on all nonambulatory ruminants, including all ruminants exhibiting neurological signs, when presented at a slaughterhouse or for disposal;

(v) ensure that—

(I) any ruminant tested for BSE is excluded from use in any animal feed until the test is confirmed negative in writing that clearly identifies the carcass with the negative test result; and

(II) all ruminants exhibiting neurological signs are excluded from the human food supply regardless of the results of the BSE test;

(vi) expand, in conjunction with the Secretary of the Interior, the collection of animal tissue by Federal, State, tribal, and local agencies for testing for chronic wasting disease;

(vii) develop programs to require CWD herd certification and interstate movement restrictions for farm raised deer and elk;

(viii) develop a coordinated strategy to identify resources needed to increase inspections of imported goods; and

(ix) allow qualified entities to conduct additional voluntary rapid prion disease screening tests; and

(B) the Secretary shall develop programs to—

(i) expand survey efforts for prion diseases in humans, in conjunction with the National Prion Disease Pathology Research Center at Case Western Reserve University;

(ii) evaluate the effectiveness of practices in effect as of the date of enactment of this Act to—

(I) protect the human blood supply from contamination from blood infected with prion disease; and

(II) prevent transmission of BSE through contaminated medical equipment; and

(iii) develop a coordinated strategy to identify resources needed to increase inspections of imported goods.

**(2) DEFINITION OF QUALIFIED ENTITY.**—For purposes of paragraph (1)(A)(ix), the term “qualified entity” means a person or a State that—

(A) uses rapid test technology approved by the Secretary of Agriculture for the detection of BSE in cattle; and

(B) meets or exceeds standards established by the Secretary for—

(i) laboratory sample collection and chain of custody;

(ii) sample and laboratory methods quality control; and

(iii) laboratory safety and quality.

**(c) LIAISON.**—Each of the Secretary and the Secretary of Agriculture shall establish liaison positions at each appropriate Undersecretary level to ensure adequate coordination and communication between the Department of Health and Human Services and the Department of Agriculture regarding prion diseases.

**(d) TASK FORCE.—**

**(1) IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Agriculture shall jointly establish a task force on prion diseases to provide recommendations to Congress on the status of all surveillance and research programs.

**(2) MEMBERSHIP.**—The Task Force shall include representatives of—

(A) the Food Safety and Inspection Service;

(B) the Animal and Plant Health Inspection Service;

(C) the Agricultural Research Service;

(D) the Food and Drug Administration;

(E) the Centers for Disease Control and Prevention;

(F) the National Institutes of Health;

(G) the Customs Service;

(H) the National Prion Research Program;

(I) the Public Health Service; and

(J) any other Federal Agency the assistance of which the President determines is required to carry out this subsection.

**(3) EXISTING TASK FORCE.**—The Secretary may expand or amend an existing task force to perform the duties of the task force under this section.

**(4) DUTIES.**—The task force shall—

(A) evaluate, with respect to prion diseases, the need for structural changes in and among Federal agencies that exercise jurisdiction over food safety and other aspects of public health protection;

(B) prioritize prion disease resource and prion disease research needs at all Federal agencies that exercise jurisdiction over matters relating to prion diseases, including—

(i) genetic markers for all species affected by prion disease;

(ii) in vivo diagnostic tests;

(iii) human blood supply diagnostic tests;

(iv) therapies for humans and animals;

(v) processing techniques that denature the prion protein in carcasses and other materials; and

(vi) development of stunning devices that are humane, protect worker safety, and do not allow contamination of meat products; and

(C) perform such other duties pertaining to surveillance and research of prion disease as the Secretary may specify.

(5) PRELIMINARY RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the task force shall submit to Congress any preliminary recommendations of the task force.

(6) FINAL RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the task force shall submit to Congress the final recommendations of the task force.

#### SEC. 6. ENFORCEMENT.

(a) COOPERATION.—The Secretary and the heads of other Federal agencies, as appropriate, shall cooperate with the Attorney General in enforcing this Act.

(b) DUE PROCESS.—Any person subject to enforcement action under this section shall have the opportunity for an informal hearing on the enforcement action as soon as practicable after, but not later than 10 days after, the enforcement action is taken.

(c) REMEDIES.—In addition to any remedies available under other provisions of law, the head of a Federal agency may enforce this Act by—

(1) seizing and destroying an article that is introduced into interstate or foreign commerce in violation of this Act; or

(2) issuing an order requiring any person that introduces an article into interstate or foreign commerce in violation of this Act—

(A) to cease the violation;

(B)(i) to recall any article that is sold; and

(ii) to refund the purchase price to the purchaser;

(C) to destroy the article or forfeit the article to the United States for destruction; or

(D) to cease operations at the facility at which the article is produced until the head of the appropriate Federal agency determines that the operations are no longer in violation of this Act.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) \$100,000,000 for each of fiscal years 2007 and 2008; and

(2) such sums as are necessary for each subsequent fiscal year.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Of the funds made available for each fiscal year under subsection (a)—

(A) 30 percent shall be available to the Secretary; and

(B) 70 percent shall be available to the Secretary of Agriculture.

(2) MODIFICATION OF ALLOCATIONS.—The President may alter the allocation of funding under paragraph (1) as needed to better protect the public against prion disease.

By Mr. WYDEN:

S. 2003. A bill to make permanent the authorization for watershed restoration and enhancement agreements; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, the legislation I introduce today reauthorizes a very successful cooperative watershed restoration program that I originally sponsored, and that was originally enacted for the Forest Service, in the fiscal year 1999 Interior Appropriations

bill. The original legislation lasted through fiscal year 2001 after which it was reauthorized by the Appropriations Committees, at my request, through fiscal year 2005 and then again through fiscal year 2011. It is time this legislation had a full hearing in the Energy and Natural Resources Committee and was made a permanent authority.

The bill making what is commonly referred to as the Wyden amendment permanent authorizes the Secretary of Agriculture to use appropriated Forest Service funds for watershed restoration and enhancement agreements that benefit the ecological health of National Forest System lands and watersheds. The Wyden Amendment does not require additional funding, but allows the Forest Service to leverage scarce restoration dollars thereby allowing the Federal dollars to stretch farther. During the 7 years the program has existed the Forest Service has leveraged three dollars for every Forest Service dollar spent on these agreements.

The Wyden amendment has resulted in countless Forest Service cooperative agreements with neighboring State and local land owners to accomplish high priority restoration, protection and enhancement work on public and private watersheds. The projects authorized by these agreements have improved watershed health and fish habitat through the control of invasive species, culvert replacement, and other riparian zone improvement projects. In addition to ecological restoration, use of the Wyden amendment has improved cooperative relationships between the Forest Service, private land owners, State agencies and other federal agencies.

I am hopeful that my colleagues on the Energy and Natural Resources Committee will have a hearing on this program soon to highlight its successes and that thereafter this legislation can pass the Senate expeditiously.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2003

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Watershed Restoration and Enhancement Agreements Act of 2005”.

#### SEC. 2. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 311—EXPRESSING SUPPORT FOR THE PEOPLE OF SRI LANKA IN THE WAKE OF THE TSUNAMI AND THE ASSASSINATION OF THE SRI LANKAN FOREIGN MINISTER AND URGING SUPPORT AND RESPECT FOR FREE AND FAIR ELECTIONS IN SRI LANKA

Mr. McCAIN (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 311

Whereas, on December 26, 2004, Sri Lanka was struck by a tsunami that left some 30,000 dead and hundreds of thousands of people homeless;

Whereas the United States and the world community recognized the global importance of preventing that tragedy from spiraling into an uncontrolled disaster and sent aid to Sri Lanka to provide immediate relief;

Whereas the massive tsunami reconstruction effort in Sri Lanka creates significant challenges for that country’s struggling democracy;

Whereas the democratic process in Sri Lanka is further challenged by the refusal of the Liberation Tigers of Tamil Eelam, a group that the Secretary of State has designated as a Foreign Terrorist Organization, to renounce violence as a means of effecting political change;

Whereas, on August 12, 2005, the Sri Lankan Foreign Minister Lakhsman Kadirgamar was assassinated at his home in Colombo in a brutal terrorist act that has been widely attributed to the Liberation Tigers of Tamil Eelam by officials in Sri Lanka, the United States, and other countries;

Whereas democratic elections are scheduled to be held in Sri Lanka on November 17, 2005;

Whereas nondemocratic foreign powers and private sources have reportedly been aiding and funding various political factions in Sri Lanka, including both extremist Sinhalese and extremist Tamil parties or groups; and

Whereas the United States has an interest in a free and fair democratic process in Sri Lanka, and the peaceful resolution of the insurgency that has afflicted Sri Lanka for more than two decades: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its support for the people of Sri Lanka as they recover from the devastating tsunami that occurred on December 26, 2004, and the assassination of the Sri Lankan Foreign Minister Lakhsman Kadirgamar on August 12, 2005;

(2) expresses its support for the courageous decision by the democratically-elected Government of Sri Lanka, following the assassination of Foreign Minister Kadirgamar, to remain in discussions with the Liberation Tigers of Tamil Eelam in an attempt to resolve peacefully the issues facing the people of Sri Lanka;

(3) urges all parties in Sri Lanka to remain committed to the negotiating process and to make every possible attempt at national reconciliation; and

(4) urges all outside parties, including governments of foreign countries, private individuals, and other organizations, to support and respect a free and fair democratic process in the Sri Lankan elections scheduled to be held on November 17, 2005, and to work to prevent extremist groups in Sri Lanka from interfering with that process.