

(2) EFFECTIVE DATE.—The requirement of licensure under section 511 of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall take effect on the date determined by the Secretary of Health and Human Services but in no event later than 90 days after the effective date of the interim final regulations under paragraph (1).

(e) PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(g) Notwithstanding subsection (a), any person who knowingly violates paragraph (1), (2), (3), or (4) of section 301(hh) shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.”.

SA 1058. Mr. DEMINT (for himself, Mr. COBURN, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE REGARDING CERTAIN PATENT INFRINGEMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The value of American innovation in developing life-saving prescription drugs saves millions of lives around the world each year.

(2) The protection of intellectual property is vital to the continued development of new and life-saving drugs and future growth of the United States economy.

(3) In order to maintain the global competitiveness of the United States, the United States Trade Representative's Office of Intellectual Property and Innovation develops and implements trade policy in support of vital American innovations, including innovation in the pharmaceutical and medical technology industries.

(4) The United States Trade Representative also provides trade policy leadership and expertise across the full range of interagency initiatives to enhance protection and enforcement of intellectual property rights.

(5) When other countries do not respect the intellectual property of American drug companies, all patients suffer because of diminished incentives to develop new life-saving medications and the American economy is unfairly harmed.

(6) Strong intellectual property protection, including patent, copyright, trademark, and data protection plays an integral role in fostering economic growth and development and ensuring patient access to the most effective medicines around the world.

(7) Certain countries have engaged in unfair price manipulation and abuse of compulsory licensing. This results in Americans bearing the majority of research and development costs for the world, undermines the value of existing United States pharmaceutical patents and could impede access to important therapies.

(8) There is a growing global threat of counterfeit medicines and increased need for the United States Trade Representative and other United States agencies to use available trade policy measures to strengthen laws and enforcement abroad to prevent harm to United States patients and patients around the world.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Trade Representative should use all the tools at the disposal of the

Trade Representative to deal with violations of intellectual property rights, including—

(A) bilateral engagement with United States trading partners;

(B) transparency of the annual “Special 301” review and reviews of compliance with the intellectual property requirements of countries with respect to which the United States grants trade preferences;

(C) negotiation of intellectual property provisions as part of bilateral and regional trade agreements; and

(D) multilateral engagement through the World Trade Organization (WTO); and

(2) the United States Trade Representative should develop and implement a strategic plan to address the problem of countries that infringe upon American pharmaceutical intellectual property rights and the problem of countries that engage in price manipulation.

SA 1059. Mr. SESSIONS (for himself, Mrs. LINCOLN, Mr. COCHRAN, Mr. PRYOR, Mr. LOTT, and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ ENHANCED AQUACULTURE AND SEAFOOD INSPECTION.

(a) FINDINGS.—Congress finds the following:

(1) In 2007, there has been an overwhelming increase in the volume of aquaculture and seafood that has been found to contain substances that are not approved for use in food in the United States.

(2) As of May 2007, inspection programs are not able to satisfactorily accomplish the goals of ensuring the food safety of the United States.

(3) To protect the health and safety of consumers in the United States, the ability of the Secretary of Health and Human Services to perform inspection functions must be enhanced.

(b) HEIGHTENED INSPECTIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall, by regulation, enhance, as necessary, the inspection regime of the Food and Drug Administration for aquaculture and seafood, consistent with obligations of the United States under international agreements and United States law.

(2) CONTENT.—The Secretary shall ensure that the regulations promulgated under paragraph (1) to enhance the inspection regime—

(A) ensure that aquaculture and seafood products are not contaminated with substances that are not approved for use in food in the United States;

(B) include the authority to refuse imports of such products from a foreign facility if a requested inspection of the foreign facility is refused or unnecessarily delayed;

(C) take into account whether the United States has a cooperative agreement regarding aquaculture and seafood inspection; and

(D) provide for an assessment of the risk associated with particular contaminants.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the specifics of the aquaculture and seafood inspection program; and

(2) the feasibility of developing a traceability system for all catfish and seafood products, both domestic and imported,

for the purpose of identifying the processing plant of origin of such products.

(d) PARTNERSHIPS WITH STATES.—Upon the request by any State, the Secretary may enter into partnership agreements, as soon as practicable after the request is made, to implement inspection programs regarding the importation of aquaculture and seafood.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 1060. Mr. HATCH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ FOOD AND DRUG ADMINISTRATION FUNDING SUBMISSION.

Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.), as amended by this Act, is amended by adding at the end the following:

“SEC. 714. FOOD AND DRUG ADMINISTRATION FUNDING SUBMISSION.

“For each of fiscal years 2009 through 2013, the Commissioner of Food and Drugs shall prepare and submit, directly to the President for review and transmittal to Congress, an annual Food and Drug Administration funding submission estimate (including the number and type of personnel needs for the Food and Drug Administration), after reasonable opportunity for comment (but without change) by the Secretary.”.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 30, at 12 p.m. in the Medford City Council Chambers at 411 West 8th Street in Medford, Oregon.

The purpose of the hearing is to receive testimony on the impacts of the Chinese hardwood plywood trade on the National Forest System and other public lands, and the communities that depend on them.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel.pasternack@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Rachel Pasternack at (202) 224-0883.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that at 11:50 tomorrow, the Senate proceed to executive

session to consider Executive Calendar No. 84, the nomination of Frederick J. Kapala to be a U.S. district judge, there be 20 minutes of debate equally divided between the chairman and ranking member of the Judiciary Committee or their designees, and at the conclusion or yielding back of time, the Senate vote without any intervening action on the nomination; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

ORDER FOR STAR PRINT—S. 1138

Mr. BROWN. I ask unanimous consent that S. 1138 be star printed with the changes at the desk.

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

BY SENATE LEGAL COUNSEL
AUTHORIZATION

Mr. BROWN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 189 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) to authorize testimony and legal representation in the District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in actions pending in the Superior Court for the District of Columbia. In these actions, anti-war protesters have been charged with unlawful assembly for refusing repeated requests to leave Senator MCCAIN's Washington, DC., office on or about February 5, 2007. Trials of these defendants are scheduled to commence on May 11, 2007. The prosecution has requested that a member of the Senator's staff who had conversations with the defendants during the events in question testify in this case. Senator MCCAIN would like to cooperate by providing testimony from his staff. This resolution would authorize that staff member, and any other employee of Senator MCCAIN's office from whom evidence may be required, to testify in this action, with representation by the Senate Legal Counsel.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas, in the cases of District of Columbia v. Ellen E. Barfield (Cr. No. 07-3133), Eve-Leona Tetaz (Cr. No. 07-3144), Jeffrey A. Leys (Cr. No. 07-5009), and Jerome A. Zawada (Cr. No. 07-5088), pending in the Superior Court for the District of Columbia, testimony has been requested from Katie Landi, an employee in the office of Senator John McCain;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Katie Landi and any other employees of Senator McCain's office from whom testimony may be required are authorized to testify in the cases of District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Katie Landi and other employees of Senator McCain's staff in the actions referenced in section one of this resolution.

EXPRESSING CONDOLENCES TO
GREENSBURG, KS

Mr. BROWN. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 190 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 190) expressing the condolences of the Nation to the community of Greensburg, Kansas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas, on Friday, May 4, 2007, a tornado struck the community of Greensburg, Kansas;

Whereas this tornado was classified as an EF-5, the strongest possible type, by the National Weather Service, with winds estimated at 205 miles per hour;

Whereas the tornado is the first EF-5 on the Enhanced Fujita scale, and the first F-5 on the previous scale since 1999;

Whereas approximately 95 percent of Greensburg is destroyed;

Whereas 1,500 residents have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Kansas to assist in local recovery efforts: Now, therefore, be it

Resolved, That the Senate expresses the condolences of the Nation to the community of Greensburg, Kansas, and its gratitude to local, State, and National law enforcement and emergency responders conducting search and rescue operations.

MEASURE READ THE FIRST TIME

Mr. BROWN. I understand that S. 1312, introduced earlier today by Senator DEMINT and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1312) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

Mr. BROWN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, MAY 8,
2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, May 8; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the majority and the second half under the control of the Republicans; that at the close of morning business, the Senate resume consideration of S. 1082; that on Tuesday, following the vote on the judicial nomination, the Senate stand in recess until 2:15 p.m., in order to accommodate the regular party conference meetings; that all time during any recess, adjournment, and period of morning business count postcloture, and that any time used in morning business by any Member be charged against their hour postcloture; provided further that Members have until 10:30 a.m. Tuesday to file any second-degree amendments, notwithstanding rule XXII.

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