practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1858

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2069

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2159

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2188

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2428

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2428, a bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2468

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2468, a bill to authorize the Secretary of Agriculture (acting through the Chief of the Forest Service) to enter into a cooperative agreement with the State of Wyoming to allow the State of Wyoming to conduct certain forest and watershed restoration services, and for other purposes.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. CON. RES. 53

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. BIDEN (for himself, Mr. SPECTER, Mr. GRAHAM and Mr. CARDIN)):

S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise on behalf myself, Senators ARLEN SPECTER, LINDSEY GRAHAM, and BEN CARDIN to introduce the Bail Bond Fairness Act of 2007. This bill will ensure that all defendants, not just rich defendants, have access to bail and pre-trial release.

The Bail Reform Act was meant to ensure the defendant's appearance in court. Over the past 2 decades, however, many judges have been forfeiting bonds for behavior outside the predictability or control of a bondsman. If bondsmen are forced to warrant behavior they can't predict or control, they will raise their rates, rendering bonds unavailable to many indigent defendants. These defendants will the go to jail pending trial, swelling our prison population and draining our budget.

This bill mandates that a bail bond may be forfeited only if a defendant fails to appear in court as ordered. Professional bail agents would be able to return to the Federal court system to provide bail for defendants because bail would not be forfeited for violations of conditions that are completely out of their control such as failure to maintain employment.

Let me be clear, this bill does not change a judge's authority to set or restrict bail. We're not talking about putting more criminals back into the community. A judge still has to determine a defendant's flight risk and threat to the community and make a

judgment regarding pretrial release in terms of bail amount and conditions. Violent criminals will—and should—be held in custody.

Please join us in ensuring that all defendants, regardless of wealth, have access to pretrial release in the Federal system.

By Mr. BINGAMAN:

S. 2496. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to enhance teaching standards and provide for license portability; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Enhancing Teaching Standards and License Portability Act of 2007. This bill would encourage the development and implementation of rigorous 21st century teaching standards throughout the U.S.

Since the release of the 1983 report, A Nation at Risk, educators and policymakers have sought to strengthen our Nation's weakening grip on global competitiveness. Despite these efforts, low achievement outcomes for too many students, particularly low income students, remain a threat to our current and future standing in the global economy, and to our children's future security. I am concerned about the continuing struggles of many of our schools.

In order to graduate from high school ready to succeed in postsecondary education and the workforce, students need a world-class 21st century education. Their success depends on access to high quality teachers who have both state-of-the-art content knowledge and excellent teaching skills. Teachers deserve access to the most up-to-date teaching standards if they are to attain these professional criteria. Moreover, assessments of quality teaching must be based on the characteristics that are known to influence student achievement outcomes.

The Enhancing Teaching Standards and License Portability Act provides the commitment and resources needed to help teachers attain these 21st century teaching skills.

In the early 1990s, the Interstate New Teacher Assessment and Support Consortium, INTASC, developed core teaching standards for beginning teachers, standards that have since been used—voluntarily—by individual States to develop teaching and certification requirements. Professional organizations such as the National Council of Teachers of Mathematics also developed subject-area teaching standards. This bill would build upon these efforts to improve teacher quality by supporting the refinement, development, and testing of K–12 teaching standards aligned with demands of the 21st century. These demands reflect content area advances in subject areas such as science and technology; advances in understanding of how students learn; the principle of universal design for learning that advocates flexible teaching to accommodate different learning styles; educators' recognition of the need to foster critical thinking, creativity, and problem-solving skills in addition to subject area knowledge; and demographic changes in student diversity such as the recent dramatic increase in English-language learners and the increased inclusion of students with disabilities in the classroom.

Specifically, this bill would provide a funding mechanism to develop or refine 21st century teaching standards, and to link those standards to performance-based teacher assessments. It would also provide subgrants to states to adopt, pilot, and implement these teaching standards and associated teacher assessments, and align their teacher licensing systems accordingly. In addition, the bill would promote and facilitate reciprocity and portability of teaching licenses across states. I am very pleased that this bill is supported by several education groups devoted to enhancing the quality and coherence of teaching standards, including the Council of Chief State School Officers, the American Association of Colleges for Teacher Education, the National Association of Secondary School Principals, the National Council of Teachers of Mathematics, the International Reading Association, the National Science Teachers Association, and the National Commission on Teaching and America's Future.

I believe it is important to acknowledge that we have made some progress in improving teacher quality. As summarized in the Secretary of Education's Fifth Annual Report on Teacher Quality, the percentage of teachers who lack a full teaching certificate has declined, from 3.3 to 2.5 percent of all classroom teachers. Progress has also been reported in aligning States' K–12 student content standards with teacher certification standards; and the number of new teachers passing required State assessment exams remains high at 95 percent. The minimum examination scores required to pass these exams, however, are generally lower than the national median scores for these assessments. Such low criteria are in conflict with the NCLB definition of a highly qualified teacher as someone with demonstrated competence in content-area subject matter. Current teacher standards fail to demonstrate, much less ensure, this competency.

Researchers have demonstrated the importance of teacher competency for student outcomes, arguing that classroom practices and other aspects of teaching affect student achievement as much as, if not more than, student characteristics. A recent Education Week report revealed that teachers who score higher vs. lower on state licensing exams tend to have students who themselves achieve higher scores, particularly in mathematics, even when other factors linked to high achievement are taken into account. Other studies demonstrate that the more content-specific college coursework a math or science teacher pursues prior to teaching, the higher that teacher's students will score in math or science. Further, a study appearing in Science showed that higher student outcomes are also associated with more positive classroom experiences, and that these classroom experiences can be measured by standardized observations of the instructional and social support teachers provide. Together, these and other studies illustrate that teachers' knowledge and their observable skills in the classroom are significant influences on student achievement.

Although solid grounding in content knowledge is necessary for 21st century learners, it alone is not sufficient. Students today need to develop creativity, critical thinking skills, and problem solving abilities to compete in our global economy. This means that teachers must teach higher-order thinking skills in addition to content information, and create opportunities to learn. Research has shown that students of teachers who can convey higher-order thinking skills and subject knowledge actually outperform students whose teachers teach only subject knowledge.

As you know, Mr. President, students in the 21st century represent diversity. For example, the U.S. Department of Education reports that the rate of English-language learners has increased by 169 percent in the last 20 years, in contrast to an increase of only 12 percent in the overall student population. Nationwide, 10 percent of all students are English-language learners. In my state of New Mexico, the rate is 22 percent, second only to California, where over 25 percent of students are English-language learners. According to the National Academies Report, How People Learn, teachers need to develop an expertise grounded on the theories of learning, including theories that concern how cultural beliefs and personal characteristics of learners influence their learning process. This teaching knowledge promotes learning for all children. In fact, students whose teachers receive professional development in teaching diverse students outperform students of teachers who lack this training.

These are just a few examples of the research linking student outcomes to teacher characteristics. Linking these characteristics to rigorous teaching performance standards is an opportunity to provide world class education to our students in the 21st century. It is time to improve our teaching standards.

Towards this goal, the Enhancing Teaching Standards and License Portability Act has four main objectives.

First, to improve teacher quality by supporting the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century teaching and learning skills, and to

promote alignment of these standards with performance-based teacher assessments;

Second, to create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards and performance-based teacher assessments through a competitive grants process;

Third, to promote efforts for States to align these teaching standards and performance-based teacher assessments to State licensing requirements; and

Finally, to create incentives for States to develop policies that would facilitate license reciprocity and portability.

Although this bill would not mandate that model teaching standards be adopted by the states, the trends demonstrate that widespread adoption is likely. For instance, after INTASC developed model teaching standards in 1992, 38 States adopted the standards in developing their own statewide standards. Over 20 States are reviewing the NCTM Curriculum Focal Points to develop mathematics curriculum standards. Over 22 States currently rely on the same standardized teaching credentialing test, and another 10 adopt a second widely available test. The availability of model 21st century teaching standards could have a profound influence on K–12 education nationwide, and this bill would provide incentives for States to adopt and test these standards.

An added benefit of available model teaching standards concerns reciprocal teacher certification across States, which could address teacher shortages and curriculum cohesion across states. Nationally, about 20 percent of teachers seek their initial license in a state other than where they completed their teacher training. This bill would improve the capacity of States to collaboratively address teacher shortages through increased teacher certification reciprocity, by promoting alignment of the teaching standards with State licensing systems.

Finally, the availability of widely used model standards would support a platform for horizontal coherence of teaching and curriculum standards. A State's voluntary use of updated rigorous standards would promote core similarities that offer additional benefits for mobile students who suffer setbacks when faced with inconsistent curriculum.

Student mobility, defined as the percentage of students who transfer in or out of a school during a given school year, occurs in both inner-city and suburban school districts. Rates in inner city schools range from 45 to as high as 80 percent. In suburban schools, mobility rates may be as high as 10 to 40 percent. Although overall mobility indices in the U.S. are not rising, the percentage of moves that occur across state lines has increased from approximately 16 to 19 percent since 2000. When children change schools, they often must adapt to a different curriculum; and lack of curriculum cohesion is believed to account for several negative consequences. Children who experience several school changes are more likely to receive below-grade level reading and math achievement scores than their peers who have never changed schools; they are also more prone to grade retention, and have an increased high school dropout rate.

I believe this legislation can go a long way in improving our Nation's educational achievement rates by improving teacher quality and licensing portability. I also believe that this legislation is critical to strengthening our global competitiveness because quality teaching is a route to helping students meet high standards. I hope that this legislation will be included in the reauthorization of the Elementary and Secondary Education Act of 1965, as amended, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 2496

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 ''Enhancing Teaching Standards and License Portability Act of 2007''.

SEC. 2. TEACHING STANDARDS AND LICENSE PORTABILITY.

Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is amended by adding at the end the following:

''Subpart 6—Teaching Standards and License Portability

''SEC. 2371. PURPOSES.

''The purposes of this subpart are the following:

''(1) To support the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

''(2) To create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards.

''(3) To create incentives for States to align the States' teacher licensing systems to such rigorous kindergarten through grade 12 teaching standards.

''(4) To create incentives for States to develop policies to facilitate teacher license portability across States in order to improve the capacity of States to collaboratively address teacher shortages.

''SEC. 2372. DEFINITIONS.

''In this subpart:

''(1) CORE TEACHING STANDARDS.—The term 'core teaching standards' means standards that all beginning teachers should know and be able to teach in order to practice responsibly, regardless of the subject matter or grade level being taught.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an organization representing administrators of State educational agencies in partnership with 1 or more independent professional organizations with expertise in the following areas:

''(A) Teacher preparation and licensure.

''(B) Assessment of teacher knowledge, skills, and competencies.

''(3) 21ST CENTURY LEARNING SKILLS.—The term '21st century learning skills' means the skills, knowledge, and competencies that students should master to succeed in postsecondary education and the workforce of the 21st century, including creativity and innovation skills, critical thinking and problem-solving skills, communication and collaboration skills, information and technology literacy, civic and health literacy, adaptability, social and cross-cultural skills, and leadership skills.

''SEC. 2373. GRANT PROGRAM AUTHORIZED.

''(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to an eligible entity to enable such entity to carry out the following:

''(1) The development or updating of core teaching standards and content-specific kindergarten through grade 12 teaching standards that are rigorous and incorporate 21st century learning skills and recent research and expert knowledge on teaching practices.

''(2) The development of teacher assessments linked to the kindergarten through grade 12 teaching standards that can be used for licensing, are valid and reliable, and are performance-based.

''(3) The awarding of subgrants as described in subsection (b)(2) to State educational agencies.

''(4) The provision of technical assistance to States in the adoption, pilot testing, and implementation of kindergarten through grade 12 teaching standards and teacher assessments as described in paragraph (2).

''(5) The provision of technical assistance to States to facilitate teacher license portability across States through changes in relevant State policies or the creation of new policies for such purpose.

''(b) USES OF FUNDS.—

''(1) DIRECT ACTIVITIES.—

''(A) FIRST AND SECOND YEARS.—An eligible entity that receives a grant under subsection (a) shall use 100 percent of the funds made available through the grant for the first and second fiscal years—

''(i) to develop or update the core teaching standards and content-specific kindergarten through grade 12 teaching standards; and

''(ii) to develop and pilot test teacher performance assessments that can be used to supplement or supplant current State licensing exams.

''(B) THIRD YEAR AND BEYOND.—An eligible entity that receives a grant under subsection (a) shall use not more than 40 percent of the funds made available through the grant for the third fiscal year, not more than 30 percent of the funds made available through the grant for the fourth fiscal year, and not more than 20 percent of the funds made available through the grant for the fifth fiscal year—

''(i) to continue pilot testing and validating the teacher performance assessments;

''(ii) to disseminate the kindergarten through grade 12 teaching standards, assessments, and any other materials that States may need to properly evaluate and adopt such standards, assessments, and materials;

''(iii) to provide technical assistance to States in—

''(I) adopting the kindergarten through grade 12 teaching standards;

''(II) pilot testing the teacher assessments; and

''(III) reliably and accurately administering and interpreting the teacher assessments; and

''(iv) to fund research activities that further the development of kindergarten through grade 12 teaching standards and assessments.

''(2) SUBGRANTS.—An eligible entity that receives a grant under subsection (a) shall use not less than 60 percent of the funds made available through the grant for the third fiscal year, not less than 70 percent of the funds made available through the grant for the fourth fiscal year, and not less than 80 percent of the funds made available through the grant for the fifth fiscal year to award subgrants to State educational agencies to pay the Federal share of the costs of carrying out the following activities in the States:

''(A) To adopt the core teaching standards and content-specific kindergarten through grade 12 teaching standards developed or updated by the eligible entity.

''(B) To align the States' teacher licensing systems to such standards, which may include the pilot testing and use of teacher assessments developed by the eligible entity under paragraph (1)(A)(ii).

''(C) To change relevant policies or introduce new policies to facilitate teacher license portability across the States.

''SEC. 2374. APPLICATIONS.

''(a) GRANT APPLICATION.—

''(1) IN GENERAL.—An eligible entity that desires a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—In an application submitted under paragraph (1), an eligible entity shall include, at a minimum, a description of the capability of the entity to carry out section 2373(b).

''(b) SUBGRANT APPLICATION.—

''(1) IN GENERAL.—A State educational agency that desires a subgrant under this subpart shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require.

''(2) CONTENTS.—In an application submitted under paragraph (1), a State educational agency shall include, at a minimum, a description of how the agency plans to carry out the activities described in subparagraphs (A), (B), and (C) of section 2373(b)(2).

''SEC. 2375. FEDERAL SHARE.

''(a) FEDERAL SHARE.—For State educational agencies receiving a subgrant under section 2371(b)(2), the Federal share of the cost of carrying out the activities described in subparagraphs (A), (B), and (C) of section 2371(b)(2) shall be 50 percent.

''(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated).

''SEC. 2376. REPORTS TO CONGRESS.

''Not later than 2 years after the date funds are first made available to carry out this subpart, and again 2 years thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.

''SEC. 2377. SUPPLEMENT, NOT SUPPLANT.

''Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds available to carry out the [purposes described in section 2371].

''SEC. 2378. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart—

''(1) $4,000,000 for each of fiscal years 2008 and 2009; and

''(2) $10,000,000 for each of fiscal years 2010, 2011, and 2012.''.

OCTOBER 12, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The undersigned organizations would like to thank you for introducing the Enhancing Teaching Standards and License Portability Act of 2007 and express our support for this critical bill. Our education system can only be successful if every child receives instruction from high-quality teachers with the most up-to-date skills and knowledge. The education community has been working diligently to improve teaching in this country, and this act will continue to move these efforts forward. We believe firmly in the goals of this bill:

Supporting development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

Creating incentives for states to: adopt, pilot, and, implement rigorous kindergarten through grade 12 teaching standards; align teacher licensing systems to the rigorous kindergarten through grade 12 teaching standards; and, develop policies to facilitate teacher license portability across states in order to improve the capacity of states to collaboratively address teacher shortages.

We support rigorous and relevant teaching standards that provide high expectations for what our teachers should know and be able to do. These standards and the aligned licensing systems will further assist teacher preparation programs in how to most effectively prepare teachers for today's classrooms and ensure that our students are taught only by high-quality teachers. Also, as we work to address teacher shortages and as our society grows increasingly mobile, there is great need for teacher license portability across states. States have been working on teacher license portability measures, and this bill will further build on these initiatives. Overall, this act will help elevate the teaching profession in this country so every child has access to a world-class education.

Thank you for your leadership on this important issue, and we look forward to continuing to work with you on improving teaching in America.

Sincerely,

American Association of Colleges for Teacher Education.
Council of Chief State School Officers.
International Reading Association.
National Association of Secondary School Principals.
National Commission on Teaching and America's Future.
National Council of Teachers of Mathematics.
National Science Teachers Association.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2498. A bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to authorize the minting of a commemorative coin in recognition of the 400th anniversary of the Spanish arrival in Santa Fe, NM. This bill has the strong support of the entire New Mexico delegation and is co-sponsored by Senator DOMENICI and a companion bill will be introduced in the House by Representative TOM UDALL.

In 2010, the City of Santa Fe will commemorate the arrival of Spanish settlers and the designation of the City of Santa Fe as the capital city of the Spanish territory now known as New Mexico. On their arrival the Spaniards found a thriving Native American culture. These native American and Spanish cultures served to enrich each other and led to a creation of a vibrant social, cultural, and financial center that made the settlement of the western U.S. possible. Although it was not always a smooth road it is the unique combination of the Spanish, native American, and Anglo cultures in Santa Fe that make it an American treasure. Santa Fe has long been heralded for its thriving arts community, as a world class travel destination, and for its natural beauty. These treasures and its proud history as a cultural meeting place make Santa Fe worthy of the national recognition of a commemorative coin. I urge all Senators to support this bill.

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

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

S. 2498

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 ''Santa Fe 400th Anniversary Commemorative Coin Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Santa Fe, New Mexico, the site of native occupation centuries before European incursions, was officially elevated from a plaza established in 1608 to a villa and capital city in 1610. Santa Fe has been the meeting place and home of many cultures.

(2) The Palace of the Governors, built in the early 17th century served as the governor's quarters and the seat of government under 3 flags. It is the oldest continuously used public building in the United States.

(3) La Fiesta de Santa Fe, a cultural, religious, and social celebration, commemorating the resettlement of Santa Fe by General Don Diego de Vargas in 1692 continues today as an attraction for tourists and locals alike.

(4) At the nexus of 3 historically important trails, Santa Fe brought people and goods together over the Santa Fe Trail to and from Missouri, California, and Mexico City.

(5) Commerce on the Santa Fe Trail brought a much needed boost to the economy of the American West during the recession of the early 19th century. Santa Fe was the rendezvous place for traders, mountain men and forty-niners on route to California, and is today home to a multicultural citizenry and world class art market.

(6) The Santa Fe area is a center of market activity for arts and culture year round, culminating in the world renowned Indian Market, Spanish Colonial Art Market, and International Folk Art Market.

(7) New Mexico is the home to the oldest and continuously inhabited indigenous communities in North America. Native communities now residing in New Mexico include—

(A) Acoma Pueblo;

(B) Alamo Navajo Chapter;

(C) Canoncito Navajo Chapter;

(D) Cochiti Pueblo;
(E) Isleta Pueblo;
(F) Jemez Pueblo;
(G) Jicarilla Apache Tribe;
(H) Laguna Pueblo;
(I) Mescalero Apache Tribe;
(J) Nambe Pueblo;
(K) Picuris Pueblo;
(L) Pojoaque Pueblo;
(M) Ramah Navaho Chapter;
(N) San Felipe Pueblo;
(O) San Ildefonso Pueblo;
(P) San Juan Pueblo;
(Q) Sandia Pueblo;
(R) Santa Ana Pueblo;
(S) Santa Clara Pueblo;
(T) Santo Domingo Pueblo;
(U) Taos Pueblo;
(V) Tesuque Pueblo;
(W) Zia Pueblo;
(X) Zuni Pueblo; and
(Y) many others that disappeared or were moved after European contact.

(8) The Pueblo Revolt of 1680 is known to be one of the first ''American Revolutions'' when the Pueblo people ousted Spanish colonists from New Mexico.

(9) The Santa Fe area has long attracted tourists, artists, and writers. The classic novel Ben Hur was written, in part, by then Governor Lew Wallace, in the Palace of the Governors.

(10) A commemorative coin will help to foster an understanding and appreciation of New Mexico, its history and culture and the importance of Santa Fe and New Mexico to the history of the United States and the world.

SEC. 3. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall issue not more than 100,000 $5 coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) $1 SILVER COINS.—The Secretary shall issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(e) SOURCES OF BULLION.—

(1) GOLD.—The Secretary shall obtain gold for minting coins under this Act from domestic sources, and pursuant to the authority of the Secretary under section 5116 of title 31, United States Code.

(2) SILVER.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the settlement of Santa Fe, New Mexico, the oldest capital city in the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2010''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'' (on the face of the coin), ''United States of America'', and ''E Pluribus Unum''.

(b) DESIGN SELECTION.—Subject to subsection (a), the design for the coins minted under this Act shall be selected by the Secretary, and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2010, and ending on December 31, 2010.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (c) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(d) SURCHARGE.—All sales of coins minted under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) RECIPIENTS.—

(1) IN GENERAL.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be promptly paid by the Secretary to the recipients listed under paragraphs (2) and (3).

(2) SANTA FE 400TH ANNIVERSARY COMMITTEE.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Santa Fe 400th Anniversary Committee, Inc., to support programs to promote the understanding of the legacies of Santa Fe.

(3) OTHER RECIPIENTS.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Secretary of the Department of the Interior, for the purposes of—

(A) sustaining the ongoing mission of preserving Santa Fe;

(B) enhancing the national and international educational programs;

(C) improving infrastructure and archaeological research activities; and

(D) conducting other programs to support the commemoration of the 400th anniversary of Santa Fe.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the entities specified in subsection (a), as may be related to the expenditure of amounts distributed under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. CORKER):

S. 2500. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. Presdient, today, Senator HATCH and I are, once again, introducing important intellectual property legislation together. We are introducing the Performance Rights Act of 2007 for a very simple and clear reason: artists should be compensated fairly for the use of their work.

I am an avid music fan. Music entertains, enlightens, and inspires us. Much of the music enjoyed by most Americans, including myself, was first heard on traditional, over-the-air radio. There is no question that radio play promotes artists and their sound recordings; there is also no doubt that radio stations profit directly from playing the artists' recordings.

When radio stations broadcast music, listeners are enjoying the intellectual property of two creative artists the songwriter and the performer. The success, and the artistic quality, of any recorded song depends on both. Radio stations pay songwriters for a license to broadcast the music they have composed. That is proper, and that is fair. The songwriters' work is promoted by the air play, but no one seriously questions that the songwriter should be paid for the use of his or her work.

But the performing artist is not paid by the radio station. The time has come to end this inequity. Its historical justification has been overtaken by technological change; the economics of the radio industry of years past has been superseded by entirely new business models. Webcasters compensate performing artists, satellite radio compensates performing artists, and cable companies compensate performing artists; only terrestrial broadcasters still do not pay for the use of sound recordings. Artists should have the same rights regardless of whether it is a terrestrial broadcaster or a webcaster using and profiting from their work. Radio play may have promotional value to the artist, but there

is a property right in the sound recording, and those that create the content should be compensated for its use.

In ensuring artists are compensated, two other principles important to me are reflected in this legislation. First, noncommercial and small commercial radio stations should be nurtured, and not threatened by a change in the law. Second, songwriters, who now are, as they should be, paid for use of their work should not have their rights diminished in any way.

The legislation we introduce today on a bipartisan basis, along with companion bipartisan legislation being introduced today in the House of Representatives, provides that artists will be compensated by broadcasters for the use of their work. Noncommercial stations—from Vermont Public Radio which broadcasts ''Saturday Afternoon at the Opera,'' to the campus radio station at St. Michael's college that plays ''Those Monday Blues'' and ''The Odds and Evens Jazz Show''—have a different mission than commercial stations, and therefore need a different status, one that will subject the stations only to a nominal flat fee for use of sound recordings. Commercial radio stations that have a revenue under $1.25 million, which comprises roughly three-fourths of all music radio stations, will also have a flat fee option.

Traditional, over-the-air radio remains vital to the vibrancy of our music culture, and I want to continue to see it prosper as it transitions to digital. But I also want to ensure that the performing artist the one whose sound recordings drive the success of broadcast radio is fairly compensated.

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

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

S. 2500

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 ''Performance Rights Act''.

SEC. 2. EQUITABLE TREATMENT FOR TERRESTRIAL BROADCASTS.

(a) PERFORMANCE RIGHT APPLICABLE TO RADIO TRANSMISSIONS GENERALLY.—Section 106(6) of title 17, United States Code, is amended to read as follows:

''(6) in the case of sound recordings, to perform the copyrighted work publicly by means of an audio transmission.''.

(b) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING PERFORMANCE RIGHT.—Section 114(d)(1) of title 17, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''a digital'' and inserting ''an''; and

(2) by striking subparagraph (A).

(c) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING STATUTORY LICENSE SYSTEM.—Section 114(j)(6) of title 17, United States Code, is amended by striking ''digital''.

(d) ELIMINATING REGULATORY BURDENS FOR TERRESTRIAL BROADCAST STATIONS.—Section 114(d)(2) is amended in the matter preceding subparagraph (A) by striking ''subsection (f) if'' and inserting ''subsection (f) if, other than for a nonsubscription and noninteractive broadcast transmission,''.

SEC. 3. SPECIAL TREATMENT FOR SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS STATIONS AND CERTAIN USES.

(a) SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS RADIO STATIONS.—

(1) IN GENERAL.—Section 114(f)(2) of title 17, United States Code, is amended by adding at the end the following:

''(D) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that has gross revenues in any calendar year of less than $1,250,000 may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of $5,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.

''(E) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that is a public broadcasting entity as defined in section 118(f) may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of $1,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.''.

(2) PAYMENT DATE.—A payment under subparagraph (D) or (E) of section 114(f)(2) of title 17, United States Code, as added by paragraph (1), shall not be due until the due date of the first royalty payments for nonsubscription broadcast transmissions that are determined, after the date of the enactment of this Act, under such section 114(f)(2) by reason of the amendment made by section 2(b)(2) of this Act.

(b) TRANSMISSION OF RELIGIOUS SERVICES; INCIDENTAL USES OF MUSIC.—Section 114(d)(1) of title 17, United States Code, as amended by section 2(b), is further amended by inserting the following before subparagraph (B):

''(A) an eligible nonsubscription transmission of—

''(i) services at a place of worship or other religious assembly; and

''(ii) an incidental use of a musical sound recording;''.

SEC. 4. AVAILABILITY OF PER PROGRAM LICENSE.

Section 114(f)(2)(B) of title 17, United States Code, is amended by inserting after the second sentence the following new sentence: ''Such rates and terms shall include a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings.''.

SEC. 5. NO HARMFUL EFFECTS ON SONGWRITERS.

(a) PRESERVATION OF ROYALTIES ON UNDERLYING WORKS.—Section 114(i) of title 17, United States Code, is amended in the second sentence by striking ''It is the intent of Congress that royalties'' and inserting ''Royalties''.

(b) PUBLIC PERFORMANCE RIGHTS AND ROYALTIES.—Nothing in this Act shall adversely affect in any respect the public performance rights of or royalties payable to songwriters or copyright owners of musical works.

Mr. HATCH. Mr. President, I rise today to express my support for the Performance Rights Act of 2007, S. 2500, introduced today by Judiciary Committee chairman PATRICK LEAHY and myself. There is no doubt the subject of performance rights is important and deserves the Senate's attention.

I recognize that there is no easy solution to the performance rights issue because it is a complex area of the law. However, I believe the time has come for Congress to begin the process of balancing the interests of all involved and forging a fair and reasonable compromise.

I have had the opportunity to get to know some of the finest and talented individuals this country has to offer. Some are under the wrong impression that artists in the music industry are making a fortune, but they are not aware that all too often it is a struggle to survive for the overwhelming majority of them in the cut-throat music industry.

By amending sections 106 and 114 of the Copyright Act, the Performance Rights Act of 2007 would apply the performance right in a sound recording to all audio transmissions thereby removing the exemption on paying performance royalties currently in place for over-the-air broadcasters.

The legislation also provides for a blanket license of $5,000 for small commercial broadcasters whose gross revenues do not exceed $1.25 million a year. In addition, noncommercial broadcasters as defined by section 118 of the Copyright Act, such as public, educational and religious stations would have a blanket license of $1,000 per year. No payment would be due until the Copyright Royalty Board determines the rates for large commercial broadcasters. The proposed language provides that sound recordings used only incidentally by a broadcaster and sound recordings used in the transmission of a religious service are exempt.

S. 2500 further includes a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings. Finally, the legislation strengthens the provision in section 114 that preserves the rights of songwriters and clarifies that nothing in the Performance Rights Act of 2007 shall adversely affect the public performance rights of songwriters or copyright owners of musical works.

I believe in the legislative process and hope that concerns raised by interested parties can be resolved in a fair and equitable manner. I do not have an ax to grind, nor do I want to hurt any industry. To my friends in the broadcasting community, let me say that I am acutely aware of your circumstances and concerns, and I cannot stress enough that my primary goal is to make sure that Congress handles this in the most even-handed way. Let me also stress that I look upon creating a performance right in a sound recording to all audio transmissions as the first step in addressing some of the major issues affecting the music industry. And I look forward to working closely with Chairman LEAHY and my

colleagues in carefully considering what additional measures are needed.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2502. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the States of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to submit legislation that provides for the establishment of a memorial within Kalaupapa National Historical Park, in the State of Hawaii, to honor and perpetuate the memory of those Hansen's disease patients who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969.

This tragedy began in 1865 when the Kingdom of Hawai'i instituted a century-long policy of forced segregation of those afflicted with Hansen's disease, also known as leprosy. Land was set aside in order to seclude those who were thought to be capable of spreading the disease. Kalaupapa was chosen due to its' isolated and inaccessible location. To the south, Kalaupapa faces sheer cliffs with over 2,000 feet in height. To the east, north, and west, Kalaupapa is surrounded by an often-temperamental ocean.

During this period of time, over 8,000 people were sent there, of which, only about 1,300 graves have been identified. Most of those who were sent to Kalaupapa before 1900 have no marked graves. Others were buried in places marked with a cross or a bare tombstone, but those markers have seen great deterioration over time. As a result, there are many family members and descendants of these residents who cannot find the graves of their loved ones and are unable to properly honor and pay tribute to them.

This monument is to provide closure and a sense of belonging to these many family members, who have no knowledge of their ancestors' whereabouts. Through this monument, the more than 8,000 Hansen's disease patients will forever be memorialized as having been a part of the history of Kalaupapa. It also allows the world to recognize and learn from the tragedy that took place on Kalaupapa, where mothers were taken from their children, husbands from their wives, and children from their parents.

There are a few remaining patients of Kalaupapa alive today, and time is running short. For them to live to see this monument, and the memory of their friends and those that preceded them honored in this manner, would mean so much. It will help to guarantee that the legacy of Kalaupapa will live on, and continue to be passed from one generation to the next.

By Ms. CANTWELL:

S. 2505. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, in the wake of the terrorist attacks of September 11, 2001, the air travel industry has suffered tremendous economic hardship. In particular, airline workers have been forced to take cuts in pay and benefits which have dramatically reduced their financial security now and in their retirement years.

Airline pilots and other union airline employees have lost in excess of $30 billion in pay and over $7 billion in defined benefit pension benefits. In addition, many airline workers have lost their jobs. For example, on September 11, 2001, there were 10,500 active Delta pilots. Today, there are 6,700.

Since the attacks, many of our Nation's airlines were forced to file for bankruptcy—and terminate or freeze their defined benefit pension plans. The largest of these airline bankruptcies involved United Airlines, U.S. Airways, Delta Air Lines and Northwest Airlines. In all of these bankruptcies, a huge share of the cost savings was borne by the airline employees, who suffered massive cuts in pay and benefits.

In 2001, Congressional relief focused on the airline carriers, offering loan packages and other economic relief. In 2004 and 2006, Congress provided additional assistance to those airline carriers that were able to avoid termination of their defined benefit plans. However, past Congressional actions will never restore the lost retirement benefits for those airline workers whose defined benefit plans were terminated or frozen.

This is an important point to emphasize. The actions already taken by the Congress to provide economic relief to the airlines and to reduce their future pension contributions for the continuing plans do not restore benefits to those airline workers who lost pension benefits in plans that were terminated or frozen.

Therefore, I rise to introduce the Lost Retirement Savings Act of 2007 to provide for a retirement savings option to those airline workers whose defined benefit plans were terminated or frozen in bankruptcy proceedings.

Under the bill, these airline workers would benefit to the extent that they would individually choose to rollover specified bankruptcy payments into a traditional or Roth individual retirement account. The intent is to provide this retirement savings opportunity only to those airline employees for whom the bankruptcies imposed an economic burden through the substantial loss of wages and retirement benefits.

In closing, I urge my Senate colleagues to take a close look at this bill and join me in passing this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

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

S. 2505

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

SECTION 1. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY TO ELIGIBLE RETIREMENT PLANS.

(a) GENERAL RULE.—If—

(1) a qualified airline employee receives any eligible rollover amount, and

(2) the qualified airline employee transfers any portion of such amount to an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act),

then, except as provided in subsection (b), such amount (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

(b) TRANSFERS TO ROTH IRAS.—

(1) IN GENERAL.—If a transfer described in subsection (a) is made to a Roth IRA (as defined in section 408A of the Internal Revenue Code of 1986), then—

(A) 50 percent of the portion of any eligible rollover amount so transferred shall be includible in gross income in the first taxable year following the taxable year in which the eligible rollover amount was paid, and

(B) 50 percent of such portion shall be includible in gross income in the second taxable year following the taxable year in which the eligible rollover amount was paid.

(2) ELECTION TO INCLUDE IN INCOME IN YEAR OF PAYMENT.—Notwithstanding paragraph (1), a qualified airline employee may elect to include any portion so transferred in gross income in the taxable year in which the eligible rollover amount was paid.

(3) INCOME LIMITATIONS NOT TO APPLY.—The limitations described in section 408A(c)(3) of the Internal Revenue Code of 1986 shall not apply to a transfer to which paragraph (1) or (2) applies.

(c) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS AND TRANSFERS.—

(1) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an eligible rollover amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is not includible in gross income by reason of subsection (a) or is includible in income in a subsequent taxable year by reason of subsection (b).

(2) TREATMENT OF ROLLOVERS.—A transfer under subsection (a) shall be treated as a rollover contribution described in section 408(d)(3) of the Internal Revenue Code of 1986, except that in the case of a transfer to which subsection (b) applies, the transfer shall be treated as a qualified rollover contribution described in section 408A(e) of such Code.

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) ELIGIBLE ROLLOVER AMOUNT.—

(A) IN GENERAL.—The term ''eligible rollover amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in—

(I) a bankruptcy claim against the carrier,

(II) any note of the carrier (or any amount paid in lieu of a note being issued), or

(III) any other fixed obligation of the carrier to pay a lump sum amount.

(B) EXCEPTION.—An eligible rollover amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) REPORTING REQUIREMENTS.—If a commercial passenger airline carrier pays 1 or more eligible rollover amounts, the carrier shall, within 90 days of such payment (or, if later, within 90 days of the date of the enactment of this Act), report—

(A) to the Secretary, the names of the qualified airline employees to whom such amounts were paid, and

(B) to the Secretary and to such employees, the years and the amounts of the payments.

Such reports shall be in such form, and contain such additional information, as the Secretary of the Treasury may prescribe.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to eligible rollover amounts paid before, on, or after such date.

SUMMARY OF THE LOST RETIREMENT SAVINGS ACT OF 2007

ROLLOVER OF DISTRIBUTIONS RECEIVED BY AIRLINE EMPLOYEES IN RESPECT OF BANKRUPTCY CLAIMS, NOTES OR FIXED OBLIGATIONS

If a qualified airline employee transfers any portion of an eligible rollover amount to an individual retirement account (IRA), then the eligible rollover amount to the extent so transferred shall not be includible in gross income for the taxable year in which paid to the qualified airline employee. Further, any such transfer to an IRA which is excluded from gross income shall be treated as a rollover contribution.

DEFINITIONS

Qualified airline employee—An employee or former employee of a commercial passenger airline carrier who participated in a qualified defined benefit plan that has been terminated or frozen.

Eligible rollover amount—Money or other property paid by a commercial passenger airline carrier to a qualified airline employee, in respect of the employee's interest in a bankruptcy claim, note or fixed obligation of the carrier. Such payment must be made under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001 and before January 1, 2007.

EMPLOYMENT TAXES

Eligible rollover amounts shall be subject to all applicable employment taxes.

ROTH ELECTION

A qualified airline employee may elect to transfer any portion of an eligible rollover amount to a Roth IRA. Such transfer may be made without regard to the qualified airline employee's AGI. Any such transfer to a Roth IRA shall be treated as a qualified rollover contribution. To the extent transferred to a Roth IRA, the eligible rollover amount shall, at the election of the qualified airline employee, be includible in gross income entirely in the year of payment or 50 percent in the year succeeding the year of payment and 50% in the second year succeeding the year of payment.

TRANSFER PERIODS

The transfer of an eligible rollover amount must be made within 180 days after the later of date of payment or date of enactment.

REPORTING REQUIREMENTS

Commercial passenger airline carriers shall report to the Secretary of the Treasury the eligible rollover amounts paid to each qualified airline employee for each year, and shall provide an individual report to each qualified airline employee. Such reports shall be due within 90 days after the later of date of payment or date of enactment.

EFFECTIVE DATE

Transfers made after date of enactment.

By Ms. LANDRIEU (for herself and Mr. ISAKSON):

S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I am pleased to introduce today with my colleague, Senator JOHNNY ISAKSON, the Cytology Proficiency Improvement Act of 2007. This bipartisan legislation enhances women's health by establishing an annual continuing medical education, CME, proficiency requirement for pathologists and laboratory professionals who read Pap tests to screen for cervical cancer. The legislation would enhance our fight against this disease by giving women confidence in their Pap test results. Women in my State of Louisiana and across the country deserve no less.

Specifically, our legislation would require individuals who examine Pap test slides to participate annually in an outcome-based CME program to evaluate their interpretative skills. This educational testing program would keep pace with cutting edge advances in science and technology. Health professionals would be challenged with complex, difficult cases and would learn through constructive feedback. The bill would also require that laboratory directors utilize the CME testing results to help assess the performance of their laboratory personnel and take corrective action as appropriate. Finally, the bill would require that the CME results be reviewed by accrediting organizations as part of federally mandated inspections of laboratories to evaluate Pap test quality.

In 1988, Congress requested that a cytology, Pap test, proficiency program be established as part of The Clinical Laboratory Improvement Amendments, CLIA. However, the program lay dormant until 2005 when the Centers for Medicare and Medicaid, CMS, finally implemented a program. Unfortunately, the program was implemented using 1992 regulations—now 15 years old—and no longer relevant to real world practice. The bill we are introducing today would modernize and replace the current program so we can help raise the bar of quality in diagnosing cervical cancer. It would compliment the already extensive Federal quality control standards for Pap tests under CLIA.

Without a doubt, regular Pap tests save women's lives. We need to make sure that the Federal Government's efforts to combat cervical cancer are the most effective they can be. This bill helps to do just that. I hope my colleagues will join me in supporting this women's health issue.

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

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

S. 2510

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 ''Cytology Proficiency Improvement Act of 2007''.

SEC. 2. REVISED STANDARDS FOR QUALITY ASSURANCE IN SCREENING AND EVALUATION OF GYNECOLOGIC CYTOLOGY PREPARATIONS.

(a) IN GENERAL.—Section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)) is amended to read as follows:

''(iv) requirements that each clinical laboratory—

''(I) ensure that all individuals involved in screening and interpreting cytological preparations at the laboratory participate annually in a continuing medical education program in gynecologic cytology that—

''(aa) is approved by the Accrediting Council for Continuing Medical Education or the American Academy of Continuing Medical Education; and

''(bb) provides each individual participating in the program with gynecologic cytological preparations (in the form of referenced glass slides or equivalent technologies) designed to improve the locator, recognition, and interpretive skills of the individual;

''(II) maintain a record of the cytology continuing medical education program results for each individual involved in screening and interpreting cytological preparations at the laboratory;

''(III) provide that the laboratory director shall take into account such results and other performance metrics in reviewing the performance of individuals involved in screening and interpreting cytological preparations at the laboratory and, when necessary, identify needs for remedial training or a corrective action plan to improve skills; and

''(IV) submit the continuing education program results for each individual and, if appropriate, plans for corrective action or remedial training in a timely manner to the laboratory's accrediting organization for purposes of review and on-going monitoring by the accrediting organization, including reviews of the continuing medical education program results during on-site inspections of the laboratory.''.

(b) EFFECTIVE DATE AND IMPLEMENTATION; TERMINATION OF CURRENT PROGRAM OF INDIVIDUAL PROFICIENCY TESTING.—

(1) EFFECTIVE DATE AND IMPLEMENTATION.—Except as provided in paragraph (2), the amendment made by subsection (a) applies to gynecologic cytology services provided on or after the first day of the calendar year beginning 1 year after the date of the enactment of this Act, and the Secretary of Health and Human Services (hereafter in this subsection referred to as the ''Secretary'') shall issue final regulations implementing such amendment not later than 270 days after such date of enactment.

(2) TERMINATION OF CURRENT INDIVIDUAL TESTING PROGRAM.—The Secretary shall terminate the individual proficiency testing program established pursuant to section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)), as in effect on the day before the date of enactment of subsection (a), at the end of the calendar year which includes the date of enactment of the amendment made by subsection (a).

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MILKULSKI, and Ms. LANDRIEU):

S. 2511. A bill to amend the grant program for law enforcement armor vests top provide for a waiver of or reduction in the matching funds requirements in the case of fiscal hardship; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill that will help will build upon our efforts to improve the Bulletproof Vest Partnership Grant Act, which has had so much success in protecting the lives of law enforcement officers across the country. The bill introduced today provides a need-based waiver of matching requirements that will aid State and local law enforcement agencies in financial hardship purchase body armor for their officers. I thank Senators CLINTON, MIKULSKI, SHELBY, and LANDRIEU for joining me to introduce this bill to give our law enforcement officers the protection they need.

I was proud to work with Senator Ben Nighthorse Campbell to author the Bulletproof Vest Partnership Grant Act of 1998, which responded to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border when two state troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. Since its inception in 1999, I have worked to reauthorize this program three times, most recently in the 2005 Violence Against Women and Department of Justice Reauthorization bill.

Since 1999, the BVP program has provided $173 million to purchase an estimated 500,000 vests in more than 11,500 jurisdictions nationwide. Vermont has received more than $600,000 in bulletproof vest funding under this program, which has been used to purchase 2700 vests statewide.

I want to thank Senators MIKULSKI and SHELBY for continuing to recognize this program as a priority. As Chair and Ranking Member of the Appropriations Subcommittee that finalizes Justice Department spending priorities, they saw fit to include more than $25 million for the Bulletproof Vest Program in the fiscal year 2008 Consolidated Omnibus Appropriations bill.

Bulletproof vests remain one of the foremost defenses for our uniformed officers, but law enforcement agencies nationwide are struggling over how to find the funds necessary to replace either aged vests, which have a life expectancy of roughly 5 years, or purchase new vests for newly hired officers. We want to ensure that our law enforcement officers are outfitted with vests that will actually stop bullets and save lives. Vests cost between $500 and $1,000 each, depending on the style. Officers are being forced to dip into their own pockets to pay for new vests due to local and State agency budget shortfalls, and will continue to do so unless the Federal Government offers more help.

The bill we introduce today will give discretion to the Director of the Bureau of Justice Assistance within the Justice Department to grant waivers or reductions in the match requirements for bulletproof vests awards to State and local law enforcement agencies that can demonstrate fiscal hardship. Our local law enforcement agencies are constantly responding to new challenges, from fighting a recent rise in violent crime to responding to threats of terrorism, and many localities lack the resources to effectively combat these challenges. Waiving the match requirement for life-saving body armor should be available for police agencies like those in New Orleans, on the Gulf Coast, or in other areas that experience disasters or other circumstances that create fiscal hardships.

A tragic event in Tennessee in 2005 highlights the need for this legislation. Wayne ''Cotton'' Morgan, a Tennessee correctional officer was gunned down on August 9, 2005, outside the Kingston Court House by the wife of an inmate being escorted by Officer Morgan. He was killed, and the prisoner and his wife escaped. Officer Morgan was not wearing a bulletproof vest, although he repeatedly requested one from the warden at Brushy Mountain Prison. The Tennessee Department of Corrections Administrative Policies and Procedures memorandum required that fitted vests be provided to individuals assigned to transportation duties. Despite this requirement and Officer Morgan's repeated requests, he was not issued a vest due to lack of funding. This legislation will help ensure that no officer is left without a bulletproof vest for lack of resources in his or her department.

Our law enforcement officers deserve the fundamental protection that bulletproof vests can provide. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of the Bulletproof Vests Partnership Program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I look forward to working with the Senate to pass this bipartisan bill to better to protect our law enforcement officers.

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

S. 2511

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

SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

''(3) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 409—COMMENDING THE SERVICE OF THE HONORABLE TRENT LOTT, A SENATOR FROM THE STATE OF MISSISSIPPI

Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 409

Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to