HATCH) was added as a cosponsor of S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 699

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 746

At the request of Mr. ALLARD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 761

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 779

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 779, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 796

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 804

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 804, a bill to amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes.

S. RES. 92

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

S. RES. 95

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 95, a resolution designating March 25, 2007, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''.

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 272 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 356

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 356 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 368

At the request of Mr. CARPER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 368 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 381

At the request of Mr. INHOFE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 381 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 393

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 393 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Mr. KENNEDY, Mr. REID, Mr. OBAMA, and Mrs. CLINTON):

S. 808. A bill to provide grants to recruit new teachers, principals, and other school leaders to, and retain and support current and returning teachers, principals, and other school leaders employed in, public elementary and public secondary schools, and to help higher education, in areas impacted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, as my State and the rest of the Gulf Coast work to get back on their feet and rebuild their lives and their communities, we look to the future. We look forward to stronger levees, a more responsive FEMA, a better medical system, and a better school system. We look to our children—because they are the future—and we are striving to build the best school system in the country. We are in the middle of a remarkable period in Louisiana—and our schools are at the center. Our schools are reopening and developing in new and innovative ways. There is a wonderful partnership with our institutions of higher learning, who are throwing themselves into not only rebuilding themselves but into standing up this new school system.

But key to this new school system are the people who make it work day after day—our teachers, our principals, our aides—and it is vital that we recruit, retain, and maintain all of the excellent individuals who are dedicated to our children and the future.

That is why, today, I am so very proud to introduce the Landrieu-Kennedy-Reid RENEWAAL Act of 2007.

Hurricanes Katrina and Rita not only damaged or destroyed 840 schools in Louisiana, but dozens more throughout the Gulf Coast. As the 176,000 displaced elementary and secondary school students and their families begin to return, what was a need to rebuild these schools and bring in new teachers has become an emergency. The RENEWAAL Act will help solve a significant crisis in New Orleans—there are simply not enough talented teachers in the city to educate the 29,000 children the system must serve. In January, the New Orleans Recovery School District was forced to ''waitlist'' 300 students, in large part because they simply could not find or encourage enough teachers to come to the region to teach them.

As the region continues to struggle and to grow, so will the need to bring more teachers to the Gulf Coast. The Louisiana Recovery Authority estimates that 12,000 teachers were displaced by Hurricane Katrina. Public

schools in New Orleans will need an additional 750 teachers by fall 2007 to accommodate the daily surge in enrollment. Some of the district's high schools have student-to-teacher ratios surpassing 36 to 1. Jefferson Parish currently has a shortage of about 60 teachers. Parishes like St. Bernard and Cameron have managed to hold down student-to-teacher ratios only because they've increased the local tax burden on an already stretched population to the breaking point, even though just a small portion of their schools have reopened. The future of the Gulf Coast lies in the rebuilding of its middle class; the future of the middle class in any community is in its schools.

The RENEWAAL Act provides up to $254 million over 5 years in salary supplements, housing assistance and loan forgiveness for certified elementary and secondary school teachers and leaders who commit to serving the Hurricane Katrina and Rita affected areas for a minimum of 3 years. The Act provides annual salary bonuses starting at $7,000 per year for teachers and leaders, increasing with experience, a proven track record of success in an urban district or use the opportunity to return to their home district to help. RENEWAAL also provides student loan forgiveness of up to $7000 per year and housing assistance of up to $750 per month.

These incentives are necessary to help offset the dramatic cost of living increases that are a reality in the Gulf region right now. The starting salary for a Recovery School District teacher is $35,400 per year, slightly below the state's median income of $37,400. The average rent in New Orleans parish has increased more than 40 percent in 1 year—so much so that, currently, a Recovery School District teacher in New Orleans would spend 40–50 percent of his or her monthly pre-tax income on rent. The average student loan debt of the 60 percent of Louisiana students who graduate with student loan debt is over $17,000. The combination of these financial burdens and the increased cost of living make it impossible for some young people to put their considerable time and energy into rebuilding the Gulf Coast, even if they once called it home. The incentives provided in the RENEWAAL Act would give them the support they need to serve.

The bill also recognizes the unique role and the unique challenges Hurricane Katrina and Rita impacted colleges and universities have in rebuilding our Gulf communities. Over 84,000 students were displaced in Louisiana as a result of Hurricanes Katrina and Rita. RENEWAAL provides $500 million of funds to attract additional students to and retain faculty at Louisiana's institutions of higher education. Colleges and universities suffering significant revenue gaps from decreased enrollment and repair costs would receive the help they need continue their missions. Our higher education system has long been the creative and professional life blood of New Orleans and the region, as the institutions directly impacted by the storms have trained hundreds of thousands of young professionals and entrepreneurs who use their skills to strengthen cities and towns along the Gulf Coast and nationwide.

I'd like to thank Congressman CHARLES MELANCON and Congressman GEORGE MILLER and their staffs for their hard work with us on this bill, culminating in its introduction as companion legislation in the House of Representatives. This bill is the latest example of their tireless dedication to supporting the children, families and students of the Gulf Coast as we continue to work together to bring the people of Louisiana, Mississippi, Alabama and Texas home.

I ask unanimous consent that the text of the legislation 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. 808

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 ''Revitalizing New Orleans by Attracting America's Leaders Act of 2007'' or the ''RENEWAAL Act of 2007''.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION

SEC. 101. GRANTS TO STATE EDUCATIONAL AGENCIES AFFECTED BY HURRICANE KATRINA OR HURRICANE RITA; SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Subject to subsection (b) and section 102(d), from amounts appropriated under section 105, the Secretary of Education shall award grants to each of the States of Louisiana, Mississippi, and Alabama. The Secretary shall base allocations for States that submit an application under subsection (b)(1) on the number of schools in each State that were closed for 60 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita.

(b) APPLICATIONS.—

(1) IN GENERAL.—For a State to be eligible to receive a grant under subsection (a), the State educational agency for the State shall submit an application to the Secretary, at such time as the Secretary may require, that contains such information and assurances as the Secretary may require.

(2) SPECIFIC ASSURANCES.—The assurances under paragraph (1) shall include an assurance that—

(A) subject to subsection (d), the State educational agency will distribute the funds received under the grant as subgrants to local educational agencies;

(B) the State educational agency, in consultation with local education agencies, local teachers and their union, the State's board of education, and the local organization representing charter schools, will establish and implement a plan to strengthen the recruitment, retention, professional development, and success of teachers and school leaders in schools that are served under the grant; and

(C) funds provided shall be used at schools that are—

(i) open to all eligible students, including students with disabilities and English language learners; and

(ii) in compliance with all applicable Federal laws, including civil rights laws, and State and local health and safety laws.

(3) OVERSIGHT.—The Secretary shall, on a semi-annual basis—

(A) review the State educational agencies receiving funds under this title to determine whether each such agency is in compliance with the assurances referred to in paragraph (2); and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of such review, the first of which reports shall be made not later than 6 months after the date of the enactment of this Act.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Subject to subsection (d), from amounts made available to a State educational agency under this title, the agency shall make subgrants, on a competitive basis, to local educational agencies in the State that serve an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S. C. 5170) by reason of Hurricane Katrina or Hurricane Rita. Funds received under the subgrant shall be used to carry out the authorized activities described in sections 102 and 103.

(2) APPLICATION.—To be eligible to receive a subgrant under this subsection, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(3) TIMING.—Subgrants under this subsection shall be made not later than 60 days after the date on which the State educational agency first receives funds from the Secretary under this title.

(4) DETERMINATION OF ALLOCATIONS.—In allocating funds among local educational agencies under this subsection, State educational agencies shall give priority to local educational agencies with the following:

(A) The highest percentages of schools that are closed as a result of Hurricane Katrina or Hurricane Rita, as of the date of the enactment of this Act.

(B) The highest percentages of schools with a student-teacher ratio of at least 25 to 1.

(d) MANAGEMENT, ADMINISTRATION, AND EVALUATION.—

(1) IN GENERAL.—A State educational agency that distributes funds under this title may reserve up to one half of one percent for management, administrative, and evaluation purposes.

(2) CHARTER SCHOOL COSTS INCLUDED.—Amounts reserved under paragraph (1) shall include all management, administrative, and evaluation costs related to charter schools.

(3) ALLOCATION TO OTHER LOCAL EDUCATIONAL AGENCIES.—Of the amounts reserved by a State educational agency under paragraph (1), any funds that remain after expenditure for the costs described in paragraphs (1) and (2) may be allocated by the State educational agency to other local educational agencies adversely affected by Hurricane Katrina or Hurricane Rita.

(e) EVALUATION.—The Comptroller General of the United States shall review the implementation of section 102 and shall provide the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate with an analysis of the effectiveness of the implementation of such section not later than 1 year after the date of the enactment of this Act.

SEC. 102. ANNUAL BONUSES FOR TEACHERS AND OTHER SCHOOL LEADERS.

(a) ANNUAL BONUSES FOR TEACHERS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide annual pensionable bonuses, in addition to base salary and benefits, to teachers in each of 3 consecutive full school years (beginning with the first full school year that begins after the date of the enactment of this Act), calculated as follows:

(1) $7,000 per year for all teachers employed by the local educational agency during the school year in which this Act is enacted, if the teacher commits to continue to work during each of the 3 succeeding school years in a public elementary or public secondary school served by the agency.

(2) $10,000 per year for all teachers described in paragraph (1) who also have a demonstrated track record of success in improving student academic achievement, based on an evaluation from the multiple measures of success rating system described in subsection (d), except that such teachers may not receive a bonus under paragraph (1).

(3) $12,500 per year for all teachers described in paragraph (1) who also have a demonstrated track record of success in improving student academic achievement, based on an evaluation from the multiple measures of success rating system described in subsection (d), and who teach a subject for which there is a documented teacher shortage, except that such teachers may not receive a bonus under paragraph (1) or (2).

(b) ANNUAL BONUSES FOR SCHOOL LEADERS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide annual bonuses to school leaders in each of 3 consecutive full school years (beginning with the first full school year that begins after the date of the enactment of this Act), calculated as follows:

(1) $7,000 per year for all school leaders employed by the local educational agency during the school year in which this Act is enacted, if the school leader commits to continue to work during each of the 3 succeeding school years in a public elementary or public secondary school served by the agency.

(2) $15,000 per year for all school leaders described in paragraph (1) who also are designated by the local educational agency as outstanding or have a demonstrated track record of success in improving student academic achievement on a school-wide basis in a low-performing school (as determined through a performance-based system that includes analysis of academic achievement gains), except that such school leaders may not receive a bonus under paragraph (1).

(c) SUPPLEMENTS FOR PERSONNEL RETURNING FROM DISPLACEMENT.—In the case of a teacher or school leader who was displaced from, or lost employment in, a geographic area described in section 101(a) by reason of Hurricane Katrina or Hurricane Rita, and who returns to such an area following such displacement and is rehired, the bonus described in subsection (a) or (b) shall be increased by $1,500 in each of the 3 years.

(d) MULTIPLE MEASURES OF SUCCESS RATING SYSTEM.—The Secretary of Education may make a grant to a State under this title only if the State educational agency, in its application under section 101(b), agrees to use the following process to develop a multiple measures of success rating system:

(1) Not later than 60 days after the date of the enactment of this Act, the State educational agency, in cooperation with local educational agencies, the teachers unions, local principals' organization, local parents' organizations, local business organizations, and local charter schools organizations, shall develop a plan for such a system.

(2) If the State educational agency has failed to reach an agreement pursuant to paragraph (1) that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately notify the Congress of such failure and the reasons for it and shall, not later than 30 days after such notification, establish and implement a rating system that shall be—

(A) based on strong learning gains for students and growth in student achievement;

(B) based on classroom observation and feedback at least 4 times annually;

(C) conducted by multiple sources, including principals and master teachers; and

(D) evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance.

(e) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a teacher or school leader under subsection (a) or (b) shall pay the bonus according to a schedule that—

(1) is designed to attract such educators;

(2) commences payment of the first of such bonuses not later than 60 days after the later of—

(A) the first day of the first full school year that begins after the date of the enactment of this Act; and

(B) the date on which the local educational agency first receives funds from the State educational agency under this title; and

(3) only completes payment at the end of the period of required service.

(f) GRANT PERIOD.—Funds allocated by the Secretary for use under this section may be expended by a State educational agency or local educational agency over a 3-year period.

SEC. 103. RELOCATION COSTS, HOUSING COSTS, EDUCATOR RECRUITMENT COSTS, AND PROMOTION OF BEST PRACTICES AND CAPACITY-BUILDING.

(a) RELOCATION COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide one-time payments of up to $2,500 each to educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency to assist such educators with costs associated with relocation. In providing such payments, a local educational agency shall give priority to teachers with a prior connection to the State, either through previous employment as a teacher in the State or graduation from a public or private institution of higher education located in the State.

(b) HOUSING COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary to provide up to 36 monthly payments of—

(1) $700 each to educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency, and who previously resided or worked in the geographical area served by the agency, to assist such educators with housing costs; and

(2) $500 each to all other educators (including teachers, school leaders, school guidance counselors, school social workers, school nurses and other school-based health personnel, and paraprofessionals) who commit to work in a public elementary or public secondary school served by the agency, to assist such educators with housing costs.

(c) EDUCATOR RECRUITMENT COSTS.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary for the purpose of establishing partnerships with non-profit entities that have a demonstrated track record in recruiting and retaining outstanding teachers and school leaders who commit to teach or lead in schools where there is a documented teacher shortage. These entities shall consult with teachers and the local teachers' union in their work.

(d) PROMOTING BEST PRACTICES AND CAPACITY-BUILDING.—

(1) IN GENERAL.—A local educational agency that receives a subgrant under section 101 shall use a portion of the subgrant funds specified by the Secretary for the purpose of building the capacity and knowledge of principals and teachers and providing teachers with paid release time to collaborate with each other, to engage in classroom observation, and to participate in professional development. Such paid release time shall be used to facilitate the identification and replication of best practices from the highest-performing and fastest-improving schools, to bring in outstanding educators to provide on-site professional development and coaching, and to support the design, adaptation, and implementation of high-quality formative assessments aligned to the State's academic standards.

(2) ADMINISTRATIVE COSTS.—A local educational agency receiving a subgrant under section 101 may use up to 5 percent of the portion of the subgrant funds specified by the Secretary under paragraph (1) for management and administration related to carrying out activities under such paragraph.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) The term ''documented teacher shortage''—

(A) means a shortage of teachers documented in the needs assessment conducted under section 2122(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(c)) by the local educational agency involved or some other official demonstration of shortage by the local educational agency; and

(B) may include such a shortage in math, science, reading, special education, a foreign language, high school core subjects, instruction for limited English proficient children, and other subjects, as designated by the local educational agency.

(2) The term ''elementary school'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term ''local educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and shall also include the Recovery School District in Louisiana and New Orleans Public Schools.

(4) The term ''public school'' means any public school that is operated or chartered by a State educational agency or local educational agency.

(5) The term ''school leader'' means a school principal, assistant principal, principal resident director, or assistant director.

(6) The term ''secondary school'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) The term ''Secretary'' means the Secretary of Education.

(8) The term ''teacher'', when used with respect to an individual teaching in a State, means that the individual has obtained full State certification as a teacher or is satisfactorily participating in an alternative

route to certification program that leads to certification within 3 years, except that—

(A) an individual teaching in a public charter school is included in this definition if the individual satisfies the requirements set forth in the State's public charter school law with respect to State certification; and

(B) a special education teacher is included in this definition only if fully certified by the State.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $45,500,000 for fiscal year 2007, $45,500,000 for fiscal year 2008, and $46,000,000 for each of fiscal years 2009, 2010, and 2011.

(b) ANNUAL BONUSES FOR TEACHERS.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $20,000,000 for each of fiscal years 2007 through 2011 to carry out section 102(a).

(c) ANNUAL BONUSES FOR SCHOOL LEADERS.—Of the total amounts authorized under subsection (a), the following amounts are authorized to be appropriated to carry out section 102(b):

(1) $1,500,000 for each of fiscal years 2007 and 2008.

(2) $2,000,000 for each of fiscal years 2009, 2010, and 2011.

(d) RELOCATION COSTS.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $2,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(a).

(e) HOUSING COSTS.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $15,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(b).

(f) EDUCATOR RECRUITMENT COSTS.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $2,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(c).

(g) PROMOTING BEST PRACTICES AND CAPACITY-BUILDING.—Of the total amounts authorized under subsection (a), there are authorized to be appropriated $5,000,000 for each of fiscal years 2007 through 2011 to carry out section 103(d).

(h) AVAILABILITY.—Any funds authorized to be appropriated under this section are authorized to be available for fiscal years 2007 through 2011.

SEC. 106. CONSTRUCTION.

Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

TITLE II—HIGHER EDUCATION

SEC. 201. HIGHER EDUCATION RECOVERY AND SUSTAINABILITY PROGRAM.

(a) PROGRAM ESTABLISHED.—Subject to the availability of funds appropriated to carry out this section, the Secretary shall provide funds made available under this section, in accordance with subsection (b), to postsecondary educational institutions—

(1) that were closed on any of their physical campuses, or that temporarily relocated their campus, as a result of the impact of a Gulf hurricane disaster;

(2) the enrollments of which have not recovered to the level of enrollments that existed before a Gulf hurricane disaster; and

(3) that continue to sustain a loss of revenue as a result of the impact of a Gulf hurricane disaster.

(b) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section to compensate the institutions described in subsection (a) for direct or indirect losses incurred by such institutions resulting from the impact of a Gulf hurricane disaster, and for the recovery initiatives of such institutions. Such funds may be used for—

(1) faculty salaries and incentives for retaining faculty;

(2) costs associated with the loss of lost tuition, revenue, and enrollment;

(3) construction and maintenance needs;

(4) grants to students to attend institutions described in subsection (a) for academic years beginning on or after July 1, 2006, with priority given to students demonstrating financial need; and

(5) any recruitment activities related to increasing enrollment to the level of enrollment that existed before a Gulf hurricane disaster.

(c) APPLICATION FOR ASSISTANCE.—A postsecondary educational institution that desires to receive assistance under this section shall—

(1) submit a sworn financial statement and other appropriate data, documentation, or other evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a Gulf hurricane disaster, and the monetary amount of such losses;

(2) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency, the Small Business Administration, any other relevant government agencies, and insurance prior to seeking assistance under this section;

(3) demonstrate that the institution has not been able to fully operate at the level of operation that existed before a Gulf hurricane disaster; and

(4) provide an assurance that, with respect to any funds provided under this section for construction, the institution will only use such funds for construction that has been or will be conducted in compliance with the wage requirements under section 439 of the General Education Provisions Act (20 U.S.C. 1232b).

(d) REGULATIONS REQUIRED.—Within a reasonable time after the date of enactment of this section, the Secretary shall issue regulations setting forth—

(1) procedures for an application for assistance under this section; and

(2) minimum requirements for receiving assistance under this section, including the following:

(A) Online forms to be used in submitting request for assistance.

(B) Information to be included in such forms.

(C) Procedures to assist in filing and pursing assistance.

(e) DEFINITION.—In this section, the term ''postsecondary educational institution'' means—

(1) an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(2) a public or private teaching hospital wholly or partly owned or operated by such an institution of higher education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period beginning in fiscal year 2007 through fiscal year 2011.

SEC. 202. LOAN FORGIVENESS FOR CERTAIN TEACHERS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (e), the Secretary shall carry out a program of providing loan forgiveness to qualifying teachers. To provide such loan forgiveness, the Secretary is authorized to carry out a program—

(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); and

(B) to cancel a qualified loan amount (as so determined) for a loan made under part D of such title (20 U.S.C. 1087a et seq.).

(2) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078–3) or a Federal Direct Consolidation Loan may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act (20 U.S.C. 1078 or 1078–8, respectively), as determined in accordance with regulations prescribed by the Secretary.

(b) QUALIFYING TEACHERS.—For the purposes of this section, a qualifying teacher is an individual who is not in default on a loan for which the individual seeks forgiveness and—

(1) who—

(A) first commenced employment as a full-time teacher in a public or private elementary or secondary school in an area affected by a Gulf hurricane disaster after such disaster; and

(B) is not described in paragraph (2);

(2) who graduated from a public or private institution of higher education located in an area affected by a Gulf hurricane disaster and first commenced employment as a full-time teacher in a public or private elementary or secondary school in such area after such disaster; or

(3) who returned to employment as a full-time teacher in a public or private elementary or secondary school in an area affected by a Gulf hurricane disaster such after such disaster.

(c) QUALIFYING AMOUNTS.—The Secretary shall forgive not more than the following amount for a qualifying teacher:

(1) $5,000 per year for a qualifying teacher described in paragraph (1) of subsection (b), for each year of service described in such paragraph.

(2) $7,000 per year for a qualifying teacher described in paragraph (2) or (3) of subsection (b), for each year of service described in such paragraph.

(d) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this section.

(e) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2007 through 2011.

SEC. 203. DEFINITIONS.

For the purposes of this title:

(1) AFFECTED STATE.—The term ''affected State'' means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(2) AREA AFFECTED BY A GULF HURRICANE DISASTER.—The term ''area affected by a Gulf hurricane disaster'' means a county or parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(3) GULF HURRICANE DISASTER.—The term ''Gulf hurricane disaster'' means a major disaster that the President declared to exist, in accordance 6 with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

By Mr. MENENDEZ:

S. 810. A bill to establish a laboratory science pilot program at the National Science Foundation; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce a bill designed to improve the science learning experience for students in low-income and rural school across the country. Investing in education is about investing in our future. Today's young people will be facing a new world when they enter the workforce—a world that is globally integrated and where technology has transformed the boundaries of human capital so that our tax forms, blueprints, and x-rays can all be analyzed halfway around the world. The greatest asset we have in this country is our collective intellect, and the Nation's competitive future will depend on us nurturing the intellect of the next generation of Americans.

In order to be competitive in the coming decades, we need to ensure that we have given our students the tools to be successful in science, engineering, mathematics, and technology. The America COMPETES Act, S. 761, which I was proud to join with my colleagues in introducing earlier this week, helps provide these tools at all levels of our educational system, from kindergarten through graduate school and beyond. Unfortunately, I am concerned that we may not be paying enough attention to those students that are already in the greatest danger of not reaping the full benefits of America's innovation future, such as minorities, women, and students in low-income or rural schools.

For example, according to the National Science Foundation, only 7 percent of our scientists and engineers are Hispanic, African-American, or Native-American, despite the fact that they make up 24 percent of the total population. A minority scientist is also far less likely to achieve a post-graduate degree. By 2020, one-quarter of the Nation's schoolchildren will be Hispanic, and another 14 percent will be African-American. That's 40 percent of our precious human capital, and we can not neglect that tremendous resource when we talk about improving our competitiveness for the future. No business could afford to leave 40 percent of its capital sitting idle, and neither can the United States.

That's why I offered an amendment during last year's Energy Committee markup of science and technology competitiveness legislation—an amendment that has made it into the America COMPETES Act—which will create a series of outreach programs designed to get more minority elementary and secondary students excited about science, to increase their interest in entering these fields that will be such a crucial part of our economic future. A program like this called Hispanic Engineering Science and Technology Week (HESTEC) has been operating very successful for the past few years as the University of Texas—Pan American, and I hope to see that success replicated throughout the nation.

But these types of programs are only one part of getting students hooked on science. We can spend all the time in the world telling students how exciting it is to be a scientist, but unless we actually let them experience that excitement—unless we let them discover the joy of scientific discovery first-hand–we will still lose them. And that is the job of the science laboratory class. A well-designed, well-equipped, well-staffed high school laboratory can be an incredibly invigorating and illuminating experience for a student. It can teach them far more about scientific principles than they can learn from a book or in a lecture, and more importantly, it teaches them the thrill of actually being a scientist. That, more than anything else, can mean the difference between a student who goes on to become a chemist, an engineer, or a medical researcher, and one who loses interest in science forever.

Unfortunately, a recent report by the National Academy of Sciences, called America's Lab Report: Investigations in High School Science, made some findings that are extremely troubling for those of us who want to provide all of our students an equal opportunity to succeed in science and technology. It found that schools that have high percentages of minorities and low-income students are ''less likely to have adequate laboratory facilities'' and ''often have lower budgets for laboratory equipment and supplies'' than other schools. The study also found that students in those schools ''spend less time in laboratory instruction than students in other schools.'' Rural schools had some of the same problems.

We can not expect our country to be adequately prepared for the future unless all of our students are adequately prepared for the future. And unless we do something to improve the laboratory experience for our low-income, minority, and rural students, we simply won't be prepared. That's why I am proud to re-introduce the Partnerships for Access to Laboratory Science bill, originally championed by Congressman HINOJOSA, which would authorize partnerships between high-need or rural school districts, higher education institutions, and the private sector, with the goal of revitalizing the high school science labs in those schools. The bill creates a pilot program, authorized at $5 million per year, to help schools purchase scientific equipment, renovate laboratory space, design new experiments or methods of integrating the laboratory with traditional lectures, and provide professional development for high school science lab teachers. This last one is particularly important, because one of the key conclusions from the National Academy report is that ''improving high school science teachers' capacity to lead laboratory experiences effectively is critical to advancing the educational goals of these experiences.'' This bill is strongly supported by a number of scientific and educational organizations, including the American Chemical Society, the American Council on Education, the National Science Teachers Association, and more.

We need to do a lot to ensure that our nation stays competitive throughout the 21st century, and this bill is only one small step. But it is a sorely needed step, particularly for those students who need our help the most. I invite my colleagues to join us in support of this bill, and I look forward to working to enact this important piece of legislation.

I ask unanimous consent the text of this 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. 810

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

SEC. 2. GRANT PROGRAM.

Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking ''paragraph'' and inserting ''subparagraph'';

(4) by striking ''INITIATIVE.—A program of'' and inserting ''INITIATIVE.—

''(A) IN GENERAL.—A program of''; and

(5) by inserting at the end the following:

''(B) PILOT PROGRAM.—

''(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to improve laboratories and provide instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) maintenance, renovation, and improvement of laboratory facilities;

''(III) professional development and training for teachers;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

''(V) training in laboratory safety for school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph.

''(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

''(I) includes an institution of higher education or a community college;

''(II) includes a high-need local educational agency;

''(III) includes a business or eligible nonprofit organization; and

''(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

''(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 50 percent.''.

SEC. 3. REPORT.

The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by section 2 in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Science Foundation to carry out this Act and the amendments made by this Act $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. KENNEDY, and Mr. HARKIN).

S. 812. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I am pleased to join Senators FEINSTEIN, SPECTER, KENNEDY, and HARKIN in introducing the Human Cloning Ban and Stem Cell Research Protection Act of 2007.

It is hard to imagine how far medical science has advanced in only 60 years. Penicillin was made available just in time for D–Day and saved thousands of lives in the Second World War. Before that time, pneumonia or an infected wound was a death sentence. Now, doctors replace damaged organs with heart, liver, kidney, and lung transplants. Cancers that were once fatal can be cured. Lives that were once forfeit to injuries are now saved by medical science. But there is no shortage of diseases that still ravage humanity.

Many scientists believe that we are on the verge of a new revolution in medicine created by human stem cells. The reason stem cells are important to medicine is that many organs cannot make a sufficient number of new cells to replace damaged or lost ones. Stem cells are the only way currently known that has the potential to replace damaged cells in organs such as the pancreas, kidney, heart, brain, and spinal cord.

Two common diseases may be treatable by stem cells sooner rather than later. Diabetes is reaching epidemic proportions in the United States. Diabetes results when pancreatic cells cannot create enough insulin which is needed for the body to use glucose. Human embryonic stem cells can now be coaxed into differentiating into functioning insulin-producing cells and scientists at the NIH have concluded that creation of cells that could be transplantable may soon be possible.

Heart failure is one of the commonest chronic conditions of the elderly. The heart fails when it does not have enough functioning heart muscle. Clinical trials of injection of stem cells into failing hearts to create new muscle tissue are going on around the world as we speak.

And treatment of other common diseases with stem cells is on the horizon. In December of 1999 a group of investigators at Washington University School of Medicine implanted embryonic stem cells in rats with spinal cord injuries. The stem cells became nerve cells and the rats walked. I know families in Utah with spinal cord injured children who pray for such a result in humans. Like the Utah family, the Schmanskis, who flew their daughter Tori to China for stem cell transplantation. And like seventeen-year-old Travis Ashton from Highland, UT, who is raising money for the same procedure to treat his head injury.

Another example of how stem cells may treat common diseases is renal failure which occurs in an estimated 40 percent of critical care patients. Dr. Christof Westenfelder, professor of medicine and physiology at the University of Utah has found that injecting stem cells into failing kidneys improves kidney function, prevents tissue injury, and accelerates regeneration. These few examples of early stage research presage advances that we could only dream of before science knew of the possibilities of stem cells.

But with the promise of stem cells comes responsibility. Scientists are now working with stem cells created by a technique called somatic cell nuclear transfer. In this laboratory procedure, the DNA from the cell of one adult is inserted into an empty egg that has been donated from another adult. The result, if the science develops further, is a collection of stem cells that could become a kidney or liver that is identical to a missing or diseased organ of the donor of the DNA. However, this same collection of stem cells if implanted into a woman's uterus could possibly become a human being identical to the donor of the DNA.

Let me be absolutely clear: I support the use of such stem cells to treat human disease but abhor the possibility of their use for human cloning.

Our bill prohibits human reproductive cloning and imposes criminal penalties for attempting to do so. It provides a firm ethical framework for somatic cell nuclear transfer for therapeutic purposes and establishes stiff civil penalties for not following them.

It specifies that research in somatic cell nuclear transfer must comply with NIH regulations.

It prohibits the use of fertilized eggs for somatic cell nuclear transfer.

It limits maintenance of eggs receiving somatic cell nuclear material to 14 days.

It specifies that the egg must be voluntarily donated and not purchased.

It prohibits purchase or sale of eggs to which DNA has been transferred.

It is our responsibility to promote stem cell research to treat human diseases. It is equally our responsibility to be certain that such research is conducted in accordance with the best ethical standards and that the technology can never be used to clone a human being in the United States.

The majority of the US public supports stem cell research and opposes human reproductive cloning. If we do not act soon to set ethical guidelines for legitimate research and to prohibit research that no one wants to see, then we may lose the chance. We may also lose the opportunity for America to lead the way in the treatment of diseases that are the scourge of mankind.

I urge the Senate to take up this bill and to pass it.

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. 812

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 ''Human Cloning Ban and Stem Cell Research Protection Act of 2007''.

SEC. 2. PURPOSES.

It is the purpose of this Act to prohibit human cloning and to protect important areas of medical research, including stem cell research.

TITLE I—PROHIBITION ON HUMAN CLONING

SEC. 101. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

''CHAPTER 16—PROHIBITION ON HUMAN CLONING

''301. Prohibition on human cloning.

''§ 301. Prohibition on human cloning

''(a) DEFINITIONS.—In this section:

''(1) HUMAN CLONING.—The term 'human cloning' means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.

''(2) HUMAN SOMATIC CELL.—The term 'human somatic cell' means any human cell other than a haploid germ cell.

''(3) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

''(4) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes.

''(5) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

''(6) UNFERTILIZED BLASTOCYST.—The term 'unfertilized blastocyst' means an intact cellular structure that is the product of nuclear transplantation. Such term shall not include stem cells, other cells, cellular structures, or biological products derived from an intact cellular structure that is the product of nuclear transplantation.

''(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or other legal entity, public or private—

''(1) to conduct or attempt to conduct human cloning;

''(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere; or

''(3) to export to a foreign country an unfertilized blastocyst if such country does not prohibit human cloning.

''(c) PROTECTION OF RESEARCH.—Nothing in this section shall be construed to restrict practices not expressly prohibited in this section.

''(d) PENALTIES.—

''(1) CRIMINAL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be fined under this title and imprisoned not more than 10 years.

''(2) CIVIL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be subject to a civil penalty of $1,000,000 or three times the gross pecuniary gain resulting from the violation, whichever is greater.

''(3) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

''(e) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.''.

SEC. 102. OVERSIGHT REPORTS ON ACTIONS TO ENFORCE CERTAIN PROHIBITIONS.

(a) REPORT ON ACTIONS BY ATTORNEY GENERAL TO ENFORCE CHAPTER 16 OF TITLE 18.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the actions taken by the Attorney General to enforce the provisions of chapter 16 of title 18, United States Code (as added by section 101);

(2) describes the personnel and resources the Attorney General has utilized to enforce the provisions of such chapter; and

(3) contain a list of any violations, if any, of the provisions of such chapter 16.

(b) REPORT ON ACTIONS OF STATE ATTORNEYS GENERAL TO ENFORCE SIMILAR STATE LAWS.—

(1) DEFINITION.—In this subsection and subsection (c), the term ''similar State law relating to human cloning'' means a State or local law that provides for the imposition of criminal penalties on individuals who are determined to be conducting or attempting to conduct human cloning (as defined in section 301 of title 18, United States Code (as added by section 101)).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(A) describes any similar State law relating to human cloning;

(B) describes the actions taken by the State attorneys general to enforce the provisions of any similar State law relating to human cloning;

(C) contains a list of violations, if any, of the provisions of any similar State law relating to human cloning; and

(D) contains a list of any individual who, or organization that, has violated, or has been charged with violating, any similar State law relating to human cloning.

(c) REPORT ON COORDINATION OF ENFORCEMENT ACTIONS AMONG THE FEDERAL AND STATE AND LOCAL GOVERNMENTS WITH RESPECT TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes how the Attorney General coordinates the enforcement of violations of chapter 16 of title 18, United States Code (as added by section 101), with enforcement actions taken by State or local government law enforcement officials with respect to similar State laws relating to human cloning; and

(2) describes the status and disposition of—

(A) Federal appellate litigation with respect to such chapter 16 and State appellate litigation with respect to similar State laws relating to human cloning; and

(B) civil litigation, including actions to appoint guardians, related to human cloning.

(d) REPORT ON INTERNATIONAL LAWS RELATING TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the laws adopted by foreign countries related to human cloning;

(2) describes the actions taken by the chief law enforcement officer in each foreign country that has enacted a law described in paragraph (1) to enforce such law; and

(3) describes the multilateral efforts of the United Nations and elsewhere to ban human cloning.

TITLE II—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

SEC. 201. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''PART J—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

''SEC. 499A. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH, INCLUDING INFORMED CONSENT, INSTITUTIONAL REVIEW BOARD REVIEW, AND PROTECTION FOR SAFETY AND PRIVACY.

''(a) DEFINITIONS.—

''(1) IN GENERAL.—The definitions contained in section 301(a) of title 18, United States Code, shall apply for purposes of this section.

''(2) OTHER DEFINITIONS.—In this section:

''(A) DONATING.—The term 'donating' means giving without receiving valuable consideration.

''(B) FERTILIZATION.—The term 'fertilization' means the fusion of an oocyte containing a haploid nucleus with a male gamete (sperm cell).

''(C) VALUABLE CONSIDERATION.—The term 'valuable consideration' does not include reasonable payments—

''(i) associated with the transportation, processing, preservation, or storage of a human oocyte or of the product of nuclear transplantation research; or

''(ii) to compensate a donor of one or more human oocytes for the time or inconvenience associated with such donation.

''(b) APPLICABILITY OF FEDERAL ETHICAL STANDARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Research involving nuclear transplantation shall be conducted in accordance with subpart A of part 46 of title 45, or parts 50 and 56 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the Human Cloning Ban and Stem Cell Research Protection Act of 2007), as applicable.

''(c) PROHIBITION ON CONDUCTING NUCLEAR TRANSPLANTATION ON FERTILIZED EGGS.—A somatic cell nucleus shall not be transplanted into a human oocyte that has undergone or will undergo fertilization.

''(d) FOURTEEN-DAY RULE.—An unfertilized blastocyst shall not be maintained after more than 14 days from its first cell division, not counting any time during which it is stored at temperatures less than zero degrees centigrade.

''(e) VOLUNTARY DONATION OF OOCYTES.—

''(1) INFORMED CONSENT.—In accordance with subsection (b), an oocyte may not be used in nuclear transplantation research unless such oocyte shall have been donated voluntarily by and with the informed consent of the woman donating the oocyte.

''(2) PROHIBITION ON PURCHASE OR SALE.—No human oocyte or unfertilized blastocyst may be acquired, received, or otherwise transferred for valuable consideration if the transfer affects interstate commerce.

''(f) SEPARATION OF IN VITRO FERTILIZATION LABORATORIES FROM LOCATIONS AT WHICH NUCLEAR TRANSPLANTATION IS CONDUCTED.—Nuclear transplantation may not be conducted in a laboratory in which human oocytes are subject to assisted reproductive technology treatments or procedures.

''(g) CIVIL PENALTIES.—Whoever intentionally violates any provision of subsections (b) through (f) shall be subject to a

civil penalty in an amount that is appropriate for the violation involved, but not more than $250,000.''.

Mrs. FEINSTEIN. Mr. President, today Senators HATCH, KENNEDY, SPECTER, HARKIN and I are introducing legislation to ban human reproductive cloning, while ensuring that important medical research goes forward under strict oversight by the federal government.

The Human Cloning Ban and Stem Cell Research Protection Act of 2007 would create a straightforward ban on human reproductive cloning. Despite disagreements over various types of biomedical research, there is near unanimous agreement that scientists should not create human clones.

At the same time, this legislation will enable research to be conducted that provides hope to millions of Americans suffering from paralysis and debilitating diseases including juvenile diabetes, Parkinson's, Alzheimer's, cancer and heart disease.

The concerns with human reproductive cloning are many, and are both scientific and ethical in nature. The National Academy of Sciences explains that using cloning, or nuclear transfer to create a child could require hundreds of pregnancies and result in many abnormal late-term fetuses. Some scientists question whether a human clone could ever be created without significant abnormalities.

These concerns led the National Academy of Sciences to conclude that there is an ''ethical and scientific consensus that nuclear transfer for reproductive purposes has no place in legitimate research.''

That's why this legislation will make it a crime to clone a human being, or attempt to clone a human being by implanting cells that result from nuclear transplantation into the uterus (there are no exceptions); prohibit the shipment of the product of nuclear transplantation in international or interstate commerce for the purposes of human cloning; prohibit the export of an unfertilized blastocyst, a form of an embryo 5 to 7 days after conception, to any foreign country that does not ban human cloning.

These prohibitions ensure that valuable research undertaken in the United States will not be shipped abroad and used to create a human clone in a country without restrictions.

These prohibitions are supported by strict penalties, including: A maximum ten-year prison term for cloning, or attempting to clone a human being; a fine of either $1 million, or three times any profits made for any human cloning attempt. A violator is subject to whichever fine is greater, and these financial penalties are in addition to prison time.

Any real or personal property used to commit a violation of this ban, or derived from violation of this ban, will be subject to forfeiture.

The time to pass a legal framework for addressing reproductive cloning is now, before any rogue scientist successfully creates a human clone.

At the same time, this legislation does not prohibit scientists from working with embryonic stem cells in the hopes of discovering cures and treatments for dozens of catastrophic diseases.

This legislation draws a bright line between human reproductive cloning and promising medical research using somatic cell nuclear transplantation for the sole purpose of deriving embryonic stem cells.

Somatic cell nuclear transplantation is the process by which scientists derive embryonic stem cells that are an exact genetic match as the patient. Those embryonic stem cells will one day be used to correct defective cells such as non-insulin producing cells or cancerous cells. Then those patients will not be forced to take immuno-suppressive drugs and risk the chances of rejection since the new cells will contain their own DNA.

It is truly astonishing that somatic cell nuclear transplantation research may one day be used to regrow tissue or organs that could lead to treatments and cures for diseases that afflict up to 100 million Americans. What we are talking about here is research that does not even involve sperm and an egg.

I believe it is essential that this research be conducted with federal government oversight and under strict ethical requirements.

That is why the legislation mandates that eggs used in this research be unfertilized and—prohibits the purchase or sale of unfertilized eggs to prevent ''embryo farms'' or the possible exploitation of women by coercing them into egg sales.

Imposes strong ethics rules on scientists, mandating informed consent by egg donors, and include safety and privacy protections;

Prohibits any research on an unfertilized blastocyst after 14 days—After 14 days, an unfertilized blastocyst begins differentiating into a specific type of cell such as a heart or brain cell and is no longer useful for the purposes of embryonic stem cell research;

Requires that all egg donations be voluntary, and that there is no financial or other incentive for egg donations;

Requires that nuclear transplantation occur in labs completely separate from labs that engage in in vitro fertilization.

And for those who violate or attempt to violate the ethical requirements of the legislation, they will be subject to civil penalties of up to $250,000 per violation.

To be clear, this is research that involves an unfertilized blastocyst. No sperm are involved. It is conducted in a petri dish and cannot occur beyond 14 days. It is also prohibited from ever being implanted into a woman to create a child.

For those who believe that the clump of cells in a petri dish that we are talking about is a human life, that is a moral decision each person must make for himself, but to impose that view on the more than 100 million of our parents, children and friends who suffer from Parkinson's, diabetes, Alzheimer's and cancer is immoral.

The voters of Missouri affirmed this approach in 2006, approving a State ballot initiative banning reproductive cloning, while protecting important and potentially lifesaving medical research. In the absence of Federal guidance, many other states are taking action, sometimes contradictory.

Sixteen States have passed laws pertaining to human cloning.

Thirteen of these States prohibit reproductive cloning—Arkansas, California, Connecticut, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, North Dakota, Rhode Island, South Dakota, Virginia.

Five States prohibit biomedical research like somatic nuclear transfer, Arkansas, Indiana, Michigan, North Dakota, South Dakota.

Six States explicitly permit it, New Jersey, California, Missouri, Connecticut, Massachusetts, Iowa.

It is time to standardize these policies, under a common set of ethical guidelines. This patchwork of laws will result only in confusion, forbidding some researchers from conducting lifesaving research, while their colleagues in a neighboring state receive state funding to do the same work.

Just like we have observed with the President's prohibition on embryonic stem cell research, this uncertainty is forcing our best and brightest researchers overseas, to countries that fully embrace the promise of embryonic stem cell research.

They have a number of overseas options: The United Kingdom is providing at least $80 million to fund ongoing research, including somatic cell nuclear transfer research. This is helping to attract scientific talent from all over the world, including the United States.

Roger Pedersen, a renowned scientist, left the University of California San Francisco in 2001, citing the unfriendly research climate in the United States. He is now conducting human stem cell research at Cambridge University in the United Kingdom.

He and his UK team are exploring the biology behind pluripotent, or multipurpose stem cells, and looking for ways to use them for treatments.

The Australian Parliament lifted a ban on therapeutic cloning research in December 2006.

It will allow Australian scientists to fully pursue important cures, and now provides an attractive alternative for American scientists who do not want to wait any longer for Federal guidance.

It is time to provide some certainty and sanity in our national policy. We must stop unethical human reproductive cloning, while unleashing our scientists to develop cures for catastrophic diseases that impact millions.

I urge the Senate to take up and pass this bill and help turn the hopes of millions of Americans into reality.

By Mr. SPECTER:

S. 813. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards; to the Committee on Finance.

Mr. SPECTER. Mr. President, the first bill which I am introducing, and that is to permit attorneys to deduct payment of litigation costs as ordinary and necessary business expenses. In litigation, illustratively on a personal injury claim, the plaintiff frequently is without funds and can only move forward with the litigation on a contingency fee basis. In these situations, it is customary for the attorney to advance the costs of filing fees, depositions, and other costs there may be. The Internal Revenue Service has taken the position that those are loans from the attorney to the client, so the attorney cannot immediately deduct litigation payments as ordinary business expenses. If the litigation costs are treated as ordinary business expenses, the attorney would be able to deduct the expenses as they are incurred.

The Ninth Circuit has held that the Internal Revenue Service is wrong. As a result, attorneys in States within the Ninth Circuit can deduct as ordinary and necessary expenses advances on litigation. This legislation would make it explicit under the Internal Revenue Code that these advanced costs could be deducted by attorneys across the country.

Again, I ask that the RECORD contain my extemporaneous comments and the explanation as to why there is some repetition in the formal statement which I now ask unanimous consent be printed in the RECORD, as well as the two bills which follow these two pieces of legislation which I am introducing.

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

SENATOR ARLEN SPECTER

STATEMENT ON LEGISLATION TO PERMIT ATTORNEYS TO DEDUCT PAYMENT OF LITIGATION COSTS AS ORDINARY AND NECESSARY BUSINESS EXPENSES

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation amending the Internal Revenue Code to permit attorneys to deduct payments of litigation expenses on behalf of contingency fee clients as an ordinary and necessary business expense. The IRS deems these advances to be loans, so the attorney cannot immediately deduct litigation related payments as ordinary expenses. If the payments are treated as ordinary and necessary business expenses, the attorney receives the benefit of being able to deduct the expenses as they are incurred, and to recognize the income associated with those expenses if and when damages are recovered, which may be years later.

In part because the IRS deems these payments to be loans, and State canons of legal ethics—based on common law of medieval England—prohibited loans to clients, contingency fee lawyers for many years were not able to pay these expenses. In the latter part of the 1800s States began permitting attorneys to advance client expenses as long as the client remained obligated to repay the advances. Even for their indigent clients, if there ultimately was not an award, attorneys were required to seek repayment. The ABA Model Rule has been updated to state that ''a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter.'' Many States model their rules on these Model Rules, and their ethics rules have been updated, but the Internal Revenue Code has not. Because my bill appropriately treats payments of costs under contingency fee arrangements as ordinary business expenses, attorneys may structure their fee contracts in ways that do not run afoul of State ethics rules.

In addition, I note that tax treatment of these payments is not consistent across all jurisdictions. In Boccardo v. Commissioner, 56 F.3d 1016 (9th Cir. 1995) the Ninth Circuit disagreed with the IRS and held that advances on behalf of clients were ''ordinary and necessary expenses'' in contingency cases with ''gross fee'' contracts. So the rule is different in States in the Ninth Circuit; the IRS continues to take the position that expense advances are not deductible as ordinary and necessary business expenses in other jurisdictions. This different treatment is neither logical nor equitable.

This change will encourage lawyers to represent those who may not otherwise be able to pay an attorney for his work. This is good policy and common sense.

S. 813

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

SECTION 1. ABOVE-THE-LINE DEDUCTION FOR ATTORNEY FEES AND COSTS IN CONNECTION WITH CIVIL CLAIM AWARDS.

(a) IN GENERAL.—Paragraph (20) of section 62(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(20) COSTS INVOLVING CIVIL CASES.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any action involving a civil claim. The preceding sentence shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of a judgment or settlement (whether by suit or agreement and whether as lump sum or periodic payments) resulting from such claim.''.

(b) CONFORMING AMENDMENT.—Section 62 of the Internal Revenue Code of 1986 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fees and costs paid after the date of the enactment of this Act with respect to any judgment or settlement occurring after such date.

By Mr. SPECTER.

S. 814. A bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce two bills relating to tax deductibility which impact unfairly on claimants and plaintiffs in litigation and on attorneys. The second bill relates to permitting a taxpayer to deduct expenses for attorney's fees in contingency fee cases. For example, if a plaintiff secures punitive damages of $15,000 and the attorney collects one-third contingency, $5,000 goes to the attorney. Under current law, the plaintiff is required to pay taxes on the full $15,000 without an above the line deduction for the $5,000 paid on attorney's fees. This is a result of technicalities of the Internal Revenue Code. My bill would clarify the tax law and will ensure consistent and fair treatment of taxpayers.

Mr. President, I have just made an extemporaneous statement on the essence of the floor statement, and I now ask unanimous consent that the full floor statement be printed in the RECORD and that there be included the segue of why there is some repetition of what I have just said and the written formal statement itself.

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

SENATOR ARLEN SPECTER

STATEMENT ON LEGISLATION TO PERMIT TAXPAYER DEDUCTIONS FOR ATTORNEYS' FEES IN AN AWARD OF DAMAGES OR SETTLEMENT OF LEGAL CLAIMS

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will allow taxpayers to subtract from their gross income, in arriving at adjusted gross income, the attorneys fees and court costs paid by, or on behalf of, the taxpayer in connection with any income from any settlement of legal claims or award of damages. This is known as an ''above the line'' deduction.

This change does not affect the requirement that attorneys pay federal income tax on legal fees they receive. What it does eliminate is the inequity of the client also paying tax on those same fees, when the client not entitled to, and did not receive that money under the terms of a contingency fee contract.

The tax treatment of these contingency fees is determined through a patchwork of rules that are confusing and inequitable. The legislation would ensure more uniform treatment of contingency fees in all types of litigation and across jurisdictions. In particular, it will eliminate situations in which a plaintiff's recovery may be diminished, primarily as a result of the Alternative Minimum Tax (AMT), by taxation at a rate of approximately 60 percent on the taxpayer's net recovery, after contingency fee.

This change is common sense and will ensure consistent and fair treatment of taxpayers. Congress never intended that the attorneys' portion of recoveries should be included in taxable income—whether for regular income or alternative minimum tax purposes.

Section 61(a) of the Code requires taxpayers to include in their gross income ''all income from whatever source derived,'' absent a contrary provision in the Code. Awards for physical personal injury, other than punitive damages, are not taxable (26 U.S.C. 104(a)(2)). Awards of fees in cases primarily related to employment may be deducted ''above the line'' as a result of the American Jobs Creation Act.

With these exceptions noted above, the Code treats taxpayers as having received the entire amount of any award or settlement (including any contingency fee portion). This means that for awards based on certain claims or for punitive damages, the taxpayer

must include in adjusted gross income the entire award, even though the true benefit or income to the taxpayer after contingency fees and costs may be only 50 percent or 60 percent of the award. This ''net'' then is reduced by what many believe are unfair taxes because, even though the fees may be taken as a miscellaneous itemized deduction under Section 212, which provides for deduction for expenses incurred for the production of income, this category of deductions is subject to disallowance under the AMT, and a phase out of itemized deductions under the regular tax code.

Accordingly, the current tax structure, when coupled with the compensation arrangement found in contingency fee contracts, generally (1) creates an enormous tax burden, especially for lower income individuals who often have contingency fees as their only avenue of obtaining legal counsel; and (2) may drive up settlement costs as a result of the serious diminution of the plaintiffs actual award after taxes.

An illustration of the tax inequities and inconsistencies follows: an individual/client who obtains $500,000 in a legal settlement on a fraud claim, who incurs $200,000 in legal fees and costs, and nets only $300,000, still may owe AMT on $500,000, and would have to pay approximately $160,000, or about 60 percent of the damage award, in federal and state taxes. This leaves the client with only $140,000 of an award intended to compensate the client in the amount of $500,000.

This clarification of tax law is common sense and will ensure consistent and fair treatment of taxpayers, especially those who can get representation only on a contingency fee basis. I encourage my colleagues to consider this legislation and join me in helping to correct this unfair situation.

S. 814

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

SECTION 1. DEDUCTION OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—There shall be allowed as a deduction under this section any expenses and court costs paid or incurred by an attorney the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expenses and costs relate. Such deduction shall be allowed in the taxable year in which such expenses and costs are paid or incurred by the taxpayer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses and costs paid or incurred after the date of the enactment of this Act, in taxable years beginning after such date.

By Mr. CRAIG:

S. 815. A bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I rise today to talk a little bit about recent events reported in the media surrounding the care and housing provided to our returning, injured service members from Iraq and Afghanistan. Walter Reed, of course, is an Army-run facility. As such, it does not fall under the jurisdiction of the Veterans' Committee, which I am proud to lead along with my Chairman, Senator AKAKA.

Never-the-less, the American public—rightly—does not care who runs the place or who oversees it in Congress. Collectively, VA and DOD make up a system of services provided to active and former members of our Armed Forces.

Of course, we have all read about the poor conditions in Building 18 at Walter Reed. I am not here on the floor today to defend poor physical infrastructure. It is bad, a free press reported it, senior officials were held accountable, and it is being fixed.

I am here instead to talk about how the justified uproar over the conditions at Walter Reed seems to have provided an opportunity for some of my colleagues on the other side of the aisle to hone in on new strategy for criticizing the war. The strategy appears to me to be one of ''questioning the competency'' of those who work in our Federal system caring for our wounded servicemembers.

Now I don't want to accuse anyone of politicizing the care and treatment of our most deserving citizens. But, I have to wonder when I hear my friends on the other side of the aisle using a slight variation on one of their ''catchphrases'' from the 2006 elections. I've heard one of my colleagues lament the ''culture of command'' in the military as the reason for poor conditions at Walter Reed.

I don't really know what the ''culture of command'' means, other than it sounds a lot like phrases used during the last election. But this time they are using that playbook with the care provided by the 220,000 dedicated employees of the VA health care system.

Speaking of which, I want to caution my colleagues who have used the case of the young veteran from Minnesota who tragically took his own life a few weeks ago as an example of what is wrong with the VA health care system. Some of us on the Veterans' Committee have been briefed thoroughly about all of the facts in this case. And while HIPPA prevents VA from defending itself in this situation, I am not so constrained.

That said, I do not intend to reveal at this time the facts surrounding this case. But, I believe all of my colleagues would tone down their rhetoric on this example if all of the facts known to me were known to them.

Still, there is no question that every individual instance of poor care or treatment is a tragedy. And, every one of them should be investigated. There should be accountability at the highest levels. And there should be consequences if VA is found to have been responsible for inappropriate treatment.

But I have to say that using anecdotes of horribly unfortunate situations, such as the Minneapolis tragedy to castigate an entire system of health care and the people who provide is not fair. It is simply not fair.

But then again politics sometimes has no fairness.

Over the past 2 weeks, more than one Member has come to the floor or spoken in the press about how the VA system is failing our wounded service men and women. Frankly perhaps we have failed them by not taking actions to make those wounded in service the priority that we say they are.

Instead, all I hear from Members on the other side is: we haven't given VA enough money. In fact, I hear we are preparing to throw $5 billion at the VA in the supplemental Appropriations bill.

I find that to be very interesting especially when I consider that this Senate just 3 weeks ago passed an FY 2007 Joint Funding Resolution written wholly by the new majority.

This is what some of my colleagues had to say about the money provided in that bill for VA's health care system. One Senator from the majority said: ''We have included an increase of $3.6 billion . . . so that the VA can continue to meet the growing demand for health care for our veterans.''

Another said: ''If we do not pass this resolution, which includes needed funding for the veterans health care system, we will have no one to blame but ourselves.''

And still another Senator from the majority had this to say arguing for passage of the FY 2007 Resolution: ''We need a VA budget for the current year that meets their needs.''

Yet now I hear that the VA is chronically under funded. The first chance the new majority had to provide all of the funding they believed was needed was 3 weeks ago. That's right, just 3 weeks ago. And apparently they neglected to do so.

Frankly, I think the budget for 2007 was an excellent budget. And I voted for it. So, I am not going to run away from that right now. And I certainly don't know if I can support throwing $5 billion at it because the media is watching. Instead, I have a different idea.

I don't want to wait for a commission to report to me on the findings of their review of the VA health care system. Those findings will be important, of course. I thank Senator DOLE and Secretary Shalala for their willingness to once again serve.

But, I say that we already have our own commission and our own investigators on the ground every single day. They are the veterans who use the VA health care system. And overwhelmingly they are proud of their health care system.

In fact, I am so confident that the vast majority of our veterans feel that way that I announce today that I will introduce legislation to give ANY service-connected disabled veteran the choice to go to any medical facility in the United States.

I understand that it may sound like I am agreeing with my Democratic colleagues and that I have lost faith in the VA health care system. Nothing could be further from the truth. Why? Because I believe the vast majority of our veterans will choose to stay right where they are—in the VA.

Our veterans know that VA is not a bunch of nameless, faceless bureaucrats who deserve to be vilified at the drop of a political hat. Instead our veterans see everyday the caring dedicated men and women who treat them as they should be treated—with respect and compassion.

Veterans overwhelmingly will continue to come to the VA because of its people. They are some of the most caring individuals in government. And they provide some of the highest quality of care in the country. So, I believe in empowering our veterans with this selection because I believe our veterans will select VA.

It's not just me who believes in VA. For the seventh year in a row VA's health care system outscored the private sector in the University of Michigan's Consumer Satisfaction Survey:

Ninety-one percent of VA's patients rated VA as having good customer service;

Eighty-four percent of VA's patients were satisfied with their inpatient care compared to the private sector average of just 73 percent; and

Eighty-two percent are satisfied with their outpatient care compared with just 71 percent on average in the private sector.

You might say: ''Well, then 10 or 16 percent were not satisfied and that's a disgrace.'' I agree. We should strive for 100 percent satisfaction.

But what we should not do is force our most deserving citizens to stay in a system for their health care while we talk about how to study it or while we throw money at it and declare we've done something.

I want to be clear. I think the number of veterans who don't trust VA for their care is small. But I also think that if they've been injured while serving this Nation, then we should not force even a small number of them to keep coming to us if they don't trust us.

We have all of the objective studies, articles, and reviews that say we're good. Now let's find out what our veterans think. If they leave in droves, then we'll learn something. But if they stay, as I think they will, then we'll learn something too.

So I say to my colleagues if you don't believe that our doctors and nurses are providing the best care in the best facilities right now, then I invite you to join me in giving those with service-connected disabilities the option to pick up tomorrow and go to a facility they trust.

Don't just stand up and throw money at it. Stand in the well of the Senate and vote to empower our heroes by providing them with immediate relief.

By Mr. SANDERS:

S. 818. A bill to expand the middle class, reduce the gap between the rich and the poor, keep our promises to veterans, lower the poverty rate, and reduce the Federal deficit by repealing tax breaks for the wealthiest one percent and eliminating unnecessary Cold War era defense spending, and for other purposes; to the Committee on Finance.

Mr. SANDERS. Mr. President, in several weeks, the Senate will begin its deliberations on the fiscal year 2008 budget resolution. It is my strong belief that the Senate must pass a budget that will expand the shrinking middle class, that will reduce the enormous and growing gap between the wealthy and the poor, that will keep our promises to our Nation's veterans, that will reduce our recordbreaking national debt and lower the poverty rate. That is what this Senate should be focusing on.

Simply stated, in my opinion, the way for us to move in that direction is to repeal the President's tax breaks that have been given to the wealthiest 1 percent, the people who need it the least and, in addition, for us to take a hard look at the Pentagon, take a hard look at the waste and the fraud and the unnecessary weapons systems that are existing in the Pentagon right now. We don't need weapons systems that were designed to fight the Soviet Union; we need an approach to fight al-Qaida.

I think we can find billions of dollars in savings when we look at the military budget as well. The bill I am introducing today, the National Priorities Act, will in fact accomplish these goals.

A budget is more than a long list of numbers.

A budget is a statement about our values, our priorities, and the time is long overdue for the United States Congress to get its priorities right, to begin to stand up for the middle class and working families of this country, rather than multinational corporations and the wealthiest people who, year after year after year, have so much power over this institution.

Let me do what is too rarely done on the floor of this Senate, and that is take a hard and cold look at the reality facing the American middle class and working families of this country.

As a member of the Budget Committee, every week we have somebody from the President's administration coming before us, and they tell us the economy is doing great; it is marvelous. The people of Vermont and the middle class of this country don't believe it because every single day they are seeing an economy which is forcing them, in many instances, to work longer hours for lower wages, an economy in which they wonder how their kids are going to get decent-paying jobs, an economy which suggests that for the first time in the modern history of our country, our children, if we do not change our direction, could have a lower standard of living than we do.

What the American dream has been about is that our parents worked hard so that we could have a better life than they did, and that is what we want for our kids. But unless we make fundamental changes in the way this economy is working, the likelihood is that our kids, despite a huge increase in worker productivity, despite technology, will have a lower standard of living than we do, and we must not allow that to happen.

Since President Bush has been in office, more than 5 million Americans have slipped into poverty. We are seeing an increase in the rate of poverty in the United States, including 1 million more children. Not only does the United States have the highest rate of poverty of any major country on Earth, we also, shamefully, have the highest rate of childhood poverty in the industrialized world.

I know there is a whole lot of talk about moral values on the floors of the Senate and the House. To my mind, having the highest rate of childhood poverty in the industrialized world is not a moral value. It is a disgrace. It is a shame. It is time we in this country paid attention to the children rather than the wealthiest people.

According to the U.S. Census Bureau, the childhood poverty rate is nearly 18 percent. Other studies suggest that it might be higher.

Some people say: Well, that's the way it goes. Well, that is not the way it goes among other major countries in the world. In Germany, the childhood poverty rate is 9 percent; in France, it is less than 8 percent; in Sweden, it is less than 7 percent; in Norway, 4.2 percent; in Finland, 3.4 percent. If other countries can have childhood poverty rates of less than 5 percent, so can the United States of America.

Just one example. Our allies in Great Britain made a commitment to end childhood poverty and they have reduced the childhood poverty rate by over 20 percent since 1999. At the same time, child poverty in the United States increased by 12 percent. If we make the commitment, we can do that.

Let's take a look at our health care situation. The costs of health care, as everybody in this country knows, are soaring. The number of people without health insurance has risen to a record high of 46.4 million in the year 2005. That is an increase of almost 7 million more Americans lacking health insurance since President Bush took office.

While the President continues to cut taxes for millionaires and billionaires, the lack of health insurance kills many more Americans each year than September 11 and Katrina combined. In fact, the National Academy of Sciences estimates that 18,000 Americans die each year because they lack health insurance.

In my view, the United States of America must join the rest of the industrialized world. We must guarantee health care to all of our people as a right of citizenship. While I know some

people say we can't afford to do it, I would argue that at a time when we are spending more than twice as much per capita on health care as any major nation on Earth, we can do that. We can provide quality health care to every man, woman, and child as a right of citizenship without spending a nickel more than we are presently spending. But to do that, we must be honest. We are going to have to take on the insurance companies. We are going to have to take on the drug companies. We are going to have to take on the multinational corporations that benefit out of our health care system and say that when we spend money for health care, it should go to health care not for profiteering.

Health care is not just a human rights issue, it is not just a moral issue, it is an economic issue as well. Small businesses cannot survive if they are forced to pay huge increases in health care premiums each and every year. That is true in the State of Vermont. That is true all over America. More and more small businesses are simply saying: We can't do it; we can't provide health insurance to our workers—which is one of the reasons the number of uninsured is going up.

In addition to the health care crisis, there is an area within health care that I want to focus a lot of attention on, and that is the crisis in dental care. In rural America, in rural Vermont it is becoming very difficult for people to find a dentist. The Surgeon General has reported that tooth decay has become the single most common chronic childhood disease, five times more common than asthma and seven times more common than hay fever.

I will be introducing legislation to address the dental crisis in this country. I do not want to see kids in schools have teeth rotting in their mouths. We can do better than that.

In terms of education, millions of middle-class American families are finding it increasingly difficult to afford the escalating cost of a college education with average tuition and other costs increasing by more than $4,300 at a 4-year public university and over $8,000 at a 4-year private college since 2001.

We all understand that young people are not going to make it into the middle class unless they get a college education. We all understand that our Nation is not going to be economically competitive if our young people do not get the best college education they possibly can. Yet all over our country, middle-class families are saying: How am I going to be able to afford to send my kids to college? And young people are graduating college on average about $20,000 in debt. If they are lower income, they may come out of college $30,000, $40,000 in debt.

If we are serious in what we say about the importance of education, we have to make college education affordable to every family in this country. We don't want to lose the intellectual capital of millions of young people who are sitting there wondering: Can I afford to go to college? Do I want to come out of college deeply in debt?

Last year, 35 million Americans in our country, the richest country in the history of the world, struggled to put food on the table—struggled to put food on the table. The Agriculture Department recently reported that the number of the poorest, hungriest Americans keeps going up.

What is going on in this great country when more and more of our fellow Americans are going hungry and are struggling to put food on the table? This should not be happening in America. But it is not only hunger, we have an affordable crisis in housing as well. Today millions of working Americans are paying 50 to 60 percent of their limited incomes to put a roof over their heads, and we have families in the United States of America—families—who are sleeping in their cars, children who are sleeping in cars, and we have people, as we all know, who continue to sleep out on the streets of cities and towns all over America.

Last year, there were 1.2 million home foreclosures in this country, an increase of 42 percent since 2005.

When we talk about the needs of the middle class, it is not just affordable housing. The issue of energy is a prominent issue that must be addressed. The cost of energy has risen rapidly. Since President Bush has been in office, oil prices have more than doubled and gasoline prices have gone up by 70 percent since January of 2001, and gas prices are soaring as I speak. In rural States, such as my State of Vermont, such as Minnesota, workers get into their cars, they fill up their gas tanks, and suddenly they are finding that increased cost is coming right out of their paycheck. They are not making much more money. The cost of gas is going up.

In America today, the bottom line is that millions of American workers are working longer hours for lower wages. The median income for working-age families has declined 5 years in a row. Husbands are working long hours, wives are working long hours, kids in high school are working trying to make ends meet, and in many instances people are falling further and further behind.

Today, incredible as it may sound, the personal savings rate in America is below zero, and that has not happened since the Great Depression of the 1930s. In other words, all over this country, working people and people in the middle class are purchasing groceries and other basic necessities with their credit cards and are going, in the process, deeper and deeper in debt.

Over the past 6 years, when we talk about the economy and decent-paying jobs, we should recognize that as a nation, we have lost 3 million manufacturing jobs which often pay people good wages and good benefits. In my own small State of Vermont, we have lost 10,000 manufacturing jobs in the last 6 years, which is 20 percent of the manufacturing jobs in our small State.

The reality is that if somebody loses their manufacturing job and they are lucky enough to find another job, in most cases, that other job will pay substantially lower wages and have worse benefits than the manufacturing job they have lost.

Today, 3 million fewer American workers have pension coverage than when President Bush took office, and half of private sector American workers have no pension coverage whatsoever. I have long been involved in the struggle to make sure that workers have been able to retain the pensions that were promised to them by their employers. But we are seeing more and more workers who have enormous pension anxiety: Is the pension that was promised to me 20 years ago when I began to work in this company going to be there when I need it, when I retire? More and more workers are finding that will not be the case.

One thing we do not often talk about is just how hard the people in our country are working. We kind of forget about that. But the fact is, the people, working people in this country, now work the longest hours of any people in the industrialized world. In my State of Vermont, it is absolutely not uncommon to see people who are working not one job, not two jobs, but on occasion working three jobs trying to cobble together an income, trying to cobble together some health care for their families. People are working 50 hours, 60 hours, 70 hours.

The New York Times reported a while back that the idea of the 2-week paid vacation is becoming something of history. So we have people who are working 51 weeks a year, and there are people working 52 weeks a year. That is what is going on in the middle class and working families of our country.

The reason I raise these issues is that it is terribly important to bring a dose of reality to the floor of the Senate.

When the President tells us the economy is doing great, the truth is that he is right, in one sense. The economy is not doing well for the middle class. It is not doing well for working families. Poverty is increasing. But the President is right when he says the economy is doing well for the wealthiest people in this country. That is true. The rich are getting richer, the middle class is shrinking, and poverty is increasing. That is the reality.

The reality is that the upper 1 percent of the families in America today, that 1 percent has not had it so good since the 1920s. According to Forbes magazine, the collective net worth of the wealthiest 400 Americans increased by $120 billion last year to $1.25 trillion. The 400 wealthiest Americans are worth $1.25 trillion.

Sadly, the United States today—and I know we don't talk about this too much, but it is important to bring it out on the table—the United States

today has, by far, the most unequal distribution of wealth of any major country on Earth and the most unequal distribution of income of any major country on Earth, and that gap between the rich and everybody else is growing wider. Today, the wealthiest 13,000 families in America earn nearly as much income as the bottom 20 million, and the wealthiest 1 percent own more wealth than the bottom 90 percent. Let me repeat that: 13,000 families earn almost as much income as the bottom 20 million, and the richest 1 percent own more wealth than the bottom 90 percent. That trend is very dangerous for our country. It suggests we are moving in the direction of an oligarchy, where a small number of people have incredible wealth and, with that wealth, incredible power, at the same time as the vast majority of our people are struggling just to keep their heads above water. We as a nation can do a lot better than that.

According to a December 2006 report by the Congressional Budget Office, the average after-tax income of the wealthiest 1 percent of households rose from $722,000 in 2003 to $868,000 in 2004. After adjusting for inflation, that is a 1-year increase of nearly $146,000, or 20 percent. This represents the largest increase in 15 years measured both in percentage terms and in real dollars.

Now, what does that mean in English? What it means in English is that the wealthiest people in this country are doing phenomenally well, that is what it means, while a lot of other people are struggling very hard to keep their families afloat.

Why have I given this overview of the state of the economy? I have given this overview because I believe we need a budget that begins to address the realities I have just discussed. We need a budget that says to the middle class and working families and low-income Americans: We know you are hurting; we are on your side. At the same time, we need a budget that says to the very wealthiest people in this country: You know what, you are part of America, too. Your incomes are soaring. If you are a CEO of a large corporation, you are making 400 times what the worker in your company is making. You know what, we want you to be part of America, and you have to make some sacrifices so the people in this country don't go hungry and so working-class kids can get a college education. Join America. Don't be separate with your huge incomes.

The President has just, as you know, introduced his budget. He has told us that in his budget, the United States does not have enough money to meet the health care needs of this country. His response is to inadequately fund the Children's Health Insurance Program and to cut Medicare and Medicaid by $280 billion over the next decade.

The President has told us we don't have enough money to take care of our veterans, and we all have seen recently what has been going on at Walter Reed Hospital. The President has said that despite the fact that we have 22,000 wounded in Iraq and that we have veterans on waiting lists all over this country, we just don't have the money to take care of our veterans.

The President has told us we don't have enough money for childcare; we don't have enough money for dental care; we don't have enough money for special education; we don't have enough money to address the crisis in global warming; we don't have enough money to make sure qualified students have access to a quality education without going deeply into debt.

The President has told us we don't have enough money to fully fund Head Start, that we don't have enough money to expand the earned income tax credit.

That is what the President has told us.

The President, in his budget, has also told us something else. The President has said we don't have enough money for the needs of the middle class and working families, but we do have enough money to provide $70 billion in tax cuts for the wealthiest 1 percent and that we really don't have to take a hard look at the Pentagon and all the waste, the fraud, and the unnecessary weapons systems that are in that institution.

In my view, these upside-down priorities have to be changed, and that is the responsibility of this Senate. The bill I am introducing today will begin to turn our national priorities in a very different direction from that which the President is suggesting.

The National Priorities Act will repeal tax breaks for the wealthiest 1 percent in 2008 and eliminate $60 billion in waste, fraud, and abuse at the Pentagon and use that money to do the following. In other words, what we are doing is we are going to ask our wealthy friends who have received huge tax breaks to start paying a little bit more in taxes. We are going to ask the Pentagon to take a hard look at their huge budget and eliminate waste, fraud, and abuse. We are going to be raising about $130 billion to do that.

Now, let me tell you what we can do with that $130 billion. We can provide health care services for over 4 million Americans by increasing investments in federally qualified health centers and by raising funds substantially for the National Health Service Corps. In my State and all over America, federally qualified health centers are providing cost-effective quality health care to millions of people. By increasing funding and expanding these programs, putting more money into these programs, we can provide high-quality health care, dental care, mental health counseling, and low-cost prescription drugs, and we can do it in a cost-effective way. We can make a serious effort to provide primary health care to every man, woman, and child in this country. That is what we can do.

We can expand access to dental care. By providing $140 million more for workforce, capital, and equipment needed, we can address in a significant way the dental care crisis in this country.

We can provide health insurance to over 8 million children not covered by expanding the CHIP program, Children's Health Insurance Program, by over $15 billion. In my State of Vermont, almost all of our kids have health insurance. The rest of our country should move in that direction. It is not acceptable that children in America do not have health insurance. We can do that through this legislation.

We can address the crisis in terms of inadequate funding in the VA and make sure that all of our veterans get the health care they were promised, the health care they deserve. That is what this budget does.

We also, in this budget, ensure that working families with children have access to affordable childcare by increasing investments in the childcare development block grant by over $2 billion. It is a national outrage that all over this country working families cannot find good, quality affordable childcare. Single moms are going off to work, and they are worried. They worry deeply about the quality of care their children are receiving. It is a major crisis. This legislation provides the funds to address that crisis.

Head Start has been a successful program. This legislation provides the funding to allow every qualified child in America to receive early education, nutrition, and health services by fully funding the Head Start Program.

In my State of Vermont and, again, all over this country, higher and higher property taxes are causing very serious problems for middle-class families, splitting communities apart. This legislation will lower property taxes by keeping the Federal commitment to provide 40 percent of the cost of special education for about 7 million children with disabilities. Mainstreaming kids with disabilities is a good idea. It is the right thing to do. The Federal Government has not kept the promises it has made to school districts all over this country. We have to increase funding substantially for special education, not, as the President wants, cut funding for special education. This bill does that.

This bill provides an additional 330,000 students with Pell grants and increases its purchasing power for over 5.4 million other students by doubling the maximum Pell grant. In other words, we want our young people to be able to go to college. We do not want them to come out in debt. This legislation does that.

This legislation instills low-income high school students with the skills and opportunity they need to go to college by increasing the TRIO and GEAR UP education programs by 50 percent.

This legislation creates more than 200,000 jobs by increasing investments in renewable energy, energy-efficient appliances, public transportation, and

high-speed rail. By making our environment cleaner, by attacking and reversing global warming, we can create hundreds of thousands of jobs. That is what this legislation does.

This legislation addresses the crisis in affordable housing by creating 180,000 jobs in constructing, preserving, and rehabilitating affordable housing rental units.

This legislation reduces taxes by $400 to $1,134 per year for 10 million American workers and families with children by expanding the earned-income tax credit.

This legislation reduces the deficit by $30 billion.

To be very honest, I do not expect this legislation to be passed tomorrow, probably not even the next day. What this legislation is doing, though, is providing the Congress with a blueprint, and it is a very simple blueprint. It says: Which side are you on? It says that when those people who come before us and say: Yes, we understand there is a health care crisis; we just can't afford to do anything about it; we understand there is a childcare crisis, there is a housing crisis, there is a crisis in terms of the affordability of higher education, but we just can't do anything about it. We just don't have the money. What this legislation does is say: Yes, we do have the money. We do have the money if we rescind the tax breaks that go to millionaires and billionaires, if we ask the Pentagon to preserve, to make sure we continue to have all the resources we need for our soldiers and the strongest military in the world but take a hard look at waste, fraud, abuse, and weapons systems we don't need. If you do those two things, we can come up with $130 billion. With that $130 billion, we can address the major problems facing our country, and we can lower our deficit.

I hope that my fellow colleagues will give serious thought to this legislation and that we can move it forward.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, Mr. SCHUMER, Mrs. LINCOLN, and Mr. COLEMAN):

S. 819. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm pleased to be joined by Senators SNOWE, KERRY, SMITH, SCHUMER, LINCOLN and COLEMAN in re-introducing legislation we call the Public Good IRA Rollover Act. This legislation allows taxpayers to make tax-free distributions from their individual retirement accounts (IRAs) for gifts to charity.

Last summer, the Congress passed and the President signed into law a major bill to reform our pension laws. This 392-page bill contained a little noticed but important new charitable giving tax incentive. For the first time, taxpayers who have reached age 70½ are allowed to give money directly from their IRAs to qualifying charities on a tax-free basis without worrying about complicated adjusted gross income and other restrictions that otherwise apply to tax deductible charitable contributions. The charitable IRA rollover provision in H.R. 4 applies only for direct IRA gifts, is capped and it is available for a limited time—expiring at the end of this year.

In fact, the charitable IRA rollover provision in H.R. 4 adopted the same general approach of legislation for direct IRA gifts I have been working on called the Public Good IRA Rollover Act with several of my Senate colleagues for a number of years.

Before I authored this legislation, I was told by many charities that potential donors frequently asked about using their IRAs to make charitable donations but decided against such gifts after they were told about the potential tax consequences under then-current tax law. I am pleased to report that the charitable community is already feeling the positive impact of the new charitable IRA rollover measure. According to a limited survey conducted by the National Committee on Planned Giving thousands of IRA gifts totaling nearly $60 million have been made to eligible charities since the tax-free IRA rollover provision was enacted into law last August.

I'm told that the IRA rollovers have resulted in significant gifts in North Dakota. It reportedly inspired a donor to Lutheran Social Services of North Dakota to contribute $15,000, an amount higher than the donor's typical gift. This charitable gift will help the organization to continue its diverse programs in such areas as adoption services, counseling for at-risk youth, economic self-sufficiency for refugees, and services for farmers and ranchers. Lutheran Social Services believes that the IRA rollover provision encourages people to give more and to continue giving. University of Mary reportedly received IRA gifts of over $250,000 in 2006. The Theodore Roosevelt Medora Foundation received an IRA gift of $80,000. Ducks Unlimited received eleven IRA gifts in 2006 totaling nearly $190,000 and expects even more in 2007. Jamestown College reportedly received nine IRA gifts in 2006 totaling over $112,000. Other North Dakota charities, including Catholic Health Services for Western North Dakota, have benefited from IRA gifts as well.

The charitable IRA rollover has resulted in similar stories across the Nation. For example, Goodwill Industries of West Michigan has received several contributions as a direct result of the rollover provision and believes the provision is resonating with donors. A local physician made the single biggest IRA rollover donation of $10,000. The physician was not previously a Goodwill donor. This $10,000 donation will completely support a homeless family for up to six months in the organization's transitional housing and employment program for homeless families. This is just one example illustrating the success of the charitable IRA rollover but there are dozens of similar stories across the country.

The results are undeniable: the temporary charitable IRA rollover incentive is working well and making a difference in the lives of people who are assisted by the Nation's charities. And the Public Good IRA Rollover Act that we are re-introducing today builds upon last year's temporary measure by removing its current dollar cap, expanding it to allow taxpayers who have attained age 59½ to make life-income gifts and by making it a permanent part of the Tax Code.

As a Nation, we depend on a strong, active network of charities, small and large, to offer financial and other support to families and individuals who need help when government assistance is unavailable. That is why I think it's critically important for Congress to do everything possible to help encourage the work of worthy charities. Permanently extending and expanding the temporary charitable IRA rollover in current law will go a long way in that direction.

A senior official from a major charity once said the charitable IRA rollover would be ''the single most important piece of legislation in the history of public charitable support in this country.'' The reason is the Public Good IRA Rollover Act eliminates major tax obstacles to charitable giving. Specifically, our bill would allow individuals to make tax-free distributions to charities from their IRAs at the age of 70½ for direct gifts and age 59½ for life-income gifts. These changes to the Tax Code will put billions of additional dollars from a new source to work for the public good in the years ahead.

The charitable IRA rollover approach in this legislation has been endorsed by over 530 charitable organizations operating in 46 States and the District of Columbia, including: AARP, the American Cancer Society, the American Red Cross and American Heart Association, America's Second Harvest, American Association of Museums, Big Brothers Big Sisters of America, Ducks Unlimited, Easter Seals, Goodwill, Lutheran Services of America, March of Dimes, the Salvation Army, United Jewish Communities, United Way of America, Volunteers of America, YMCA of the USA, Prairie Public Broadcasting, the North Dakota Community Foundation and many others. In addition, the U.S. Senate is previously on record in support of the Public Good IRA Rollover Act. In doing so, the Senate recognized that the charitable IRA rollover is an important tool for charities to use to raise the funds they need to serve those in need, especially when government assistance is not available.

The Bush Administration supports charitable IRA rollovers. In his fiscal year 2008 budget submission, President Bush has proposed making permanent the limited tax-free charitable IRA distribution provision passed last summer

that is scheduled to expire at the end of this year. While the President's charitable IRA proposal has merit, the Public Good IRA Rollover Act is superior in one important respect: by allowing tax-favored life-income gifts from an IRA whose owner has attained the age of 59½.

In addition to direct IRA gifts, many charities use life-income gifts to secure funding commitments today to meet their future needs. Life-income gifts involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. Many people would like to give part or all of their IRAs to charity, but need the retirement income from their IRAs. Allowing them to roll over their IRAs at age 59½ or older to a charity's life-income plan would allow them to secure retirement income and make a charitable commitment. The charities could plan on receiving the gift after the life interest terminates.

The benefit of allowing life-income gifts at an earlier age is two-fold. First, the life-income gift provision in our bill would stimulate additional charitable giving. Second, the evidence also suggests that people who make life-income gifts often become more involved with charities. They serve as volunteers, urge their friends and colleagues to make charitable gifts and frequently set up additional provisions for charity in their life-time giving plans and at death.

Life-income gifts are an important tool for charities to raise funds, and would receive a substantial boost if they could be made from IRAs without adverse tax consequences. But life-income gifts are not part of the Administration's proposal. Again, the Public Good IRA Rollover Act permits individuals to make tax-favored life-income gifts at the age of 59½.

In closing, I urge my Senate colleagues to review and consider cosponsoring this bill. With your help, we can permanently enact into law tax-free IRA rollover provisions that charities say is needed to encourage billions of dollars in new giving that will provide assistance to those who need it most.

I ask unanimous consent that the full text of the bill and a letter from charitable organizations that have endorsed the Public Good IRA Rollover Act be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

MARCH 8, 2007.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS DORGAN AND SNOWE: We, the undersigned organizations, representing millions of volunteers, donors, and recipients of services who are part of America's nonprofit community, strongly support the ''Public Good IRA Rollover Act of 2007.''

Since it was enacted in August 2006, the current IRA Charitable Rollover has helped nonprofits enrich lives and strengthen communities across the country and around the world. By eliminating the barrier in the tax law that had previously discouraged transfers from Individual Retirement Accounts to charities, the rollover has enabled Americans to make millions of dollars of new contributions to the nonprofits—including hospitals, museums, educational institutions, and religious organizations—that benefit people every day.

The IRA Charitable Rollover is scheduled to expire at the end of 2007. It permits eligible IRA owners to make direct gifts to eligible charities from their IRAs without suffering a tax penalty. Beginning at age 70½, all IRA owners are required to take annual minimum distributions, even if they do not need the income. With the charitable rollover, those who have accumulated more assets than they need in their IRAs can use the distribution and other money in their accounts to support the services and programs of nonprofits. The IRA Rollover is particularly helpful for older Americans who do not itemize their tax deductions and would not otherwise receive any tax benefit for their charitable contributions.

These advantages are the reason we appreciate your sponsorship of the ''Public Good IRA Rollover Act of 2007'' and why we ask that you aggressively push this critical legislation. It would build on the success of the current IRA Rollover by making it permanent, removing the current dollar limit on donations per year, making all charities eligible to receive donations, and providing IRA owners with a planned giving option starting at age 59½.

Thank you for your leadership in sponsoring the ''Public Good IRA Rollover Act of 2007.'' We intend to work in partnership with you to push for passage of this critical legislation.

Respectfully,

DIANA AVIV,
President and CEO,
Independent Sector.
TANYA HOWE JOHNSON,
President and CEO,
National Committee on Planned Giving.

With the Undersigned Organizations.

ORGANIZATIONS IN SUPPORT OF THE PUBLIC GOOD IRA ROLLOVER ACT OF 2007

AACA Museum, Inc., Hershey, PA; AARP, Washington, DC; Acadiana Outreach Center, Lafayette, LA; AFL–CIO Community Services Agency, St. Joseph, MO; Alameda Hospital Foundation, Alameda, CA; Alamo Community College District Foundation, Inc., San Antonio, TX; Alaska Planned Giving Council, Anchorage, AK; Alberta Bair Theater for the Performing Arts, Billings, MT; Albion Volunteer Service Organization, Albion, MI; Allegany Franciscan Ministries, Clearwater, FL; Allegheny College, Meadville, PA; ALL–GA, Atlanta, GA; Alliance for Children and Families, Milwaukee, WI; Aloha United Way, Honolulu, HI; American Arts Alliance, Washington, DC; American Association of Homes and Services for the Aging, Washington, DC; American Association of Museums, Washington, DC; American Association on Intellectual and Developmental Disabilities, Washington, DC; American Autoimmune Related Diseases Association, E. Detroit/Eastpointe, MI; American Bible Society, New York, NY.

American Cancer Society, Washington, DC; American Cancer Society Cancer Action Network, Washington, DC; American Council on Education, Washington, DC; American Dental Association Foundation, Chicago, IL; American Heart Association, Dallas, TX; American Humanics, Inc., Kansas City, MO; American Institute for Cancer Research, Washington, DC; American Land Conservancy, San Francisco, CA; American Red Cross, Washington, DC; American Red Cross, Utica, NY; American Red Cross Alabama Gulf Coast Chapter, Mobile, AL; American Red Cross of New Canaan, New Canaan, CT; American Red Cross of Upper Northumberland County, Milton, PA; American Red Cross, Hawaii State Chapter, Honolulu, HI; American Red Cross, Heart of Oklahoma Chapter, Norman, OK; American Red Cross-Greater Kansas City Chapter, Kansas City, MO; American Society of Association Executives, Washington, DC; American Symphony Orchestra League, New York, NY; Americans for the Arts, Washington, DC; America's Second Harvest—The Nation's Food Bank Network, Chicago, IL.

Amherst College, Amherst, MA; Amizade, Pittsburgh, PA; Andrews University, Berrien Springs, MI; Archdiocese of Kansas City in Kansas, Kansas City, KS; ARK Consulting, Houston, TX; Arkansas Foodbank Network, Little Rock, AR; Arkansas Hunger Relief Alliance, Little Rock, AR; ArtSpring, Inc., Miami, FL; Ashland University, Ashland, OH; Associated Prevailing Wage Contractors, Inc., Ruston, LA; ASSOCIATED: Jewish Community Federation of Baltimore, Baltimore, MD; Association of American Universities, Washington, DC; Association of Art Museum Directors, Washington, DC; Association of Fundraising Professionals, Arlington, VA; Association of Jewish Aging Service of North America, Washington, DC; Association of Jewish Family & Children's Agencies, East Brunswick, IL; Association of Performing Arts Presenters, Washington, DC; Association for the Blind & Visually Impaired—Goodwill of Greater Rochester, Rochester, NY; Augustana College, Rock Island, IL; AVANCE, Inc., San Antonio, TX; Baker University, Baldwin City, KS; Bardmoor YMCA, Largo, FL.

Baton Rouge Area Foundation, Baton Rouge, LA; Bee, Bergvall & Co, Certified Public Accountants, Warrington PA; Bethesda Lutheran Homes and Services, Inc., Watertown, WI; Better Health of Cumberland County, Inc., Fayetteville, NC; Big Brothers Big Sisters of America, Philadelphia, PA; Big Brothers Big Sisters of Butte-Silver Bow, Inc., Butte, MT; Big Brothers Big Sisters of Honolulu, Inc., Honolulu, HI; Billings Clinic Foundation, Billings, MT; B'nai B'rith International, Washington, DC; Brightest Horizons, Fort Myers, FL; Brown University, Providence, RI; Bucks County Center for Nonprofit Management, Warrington, PA; Butler County United Way, Hamilton, OH; Butte Emergency Food Bank, Butte, MT; California Association of Nonprofits, Los Angeles, CA; California Baptist Foundation, Fresno, CA; California State University, Long Beach, CA; Camp Fire USA, Kansas City, MO; Camp Fire USA Buckeye Council, Fremont, OH; Camp Fire USA Central Oregon Council, Bend, OR; Camp Fire USA Portland Metro Council, Portland, OR; Camp Fire USA Snohomish County, Everett, WA.

Camp Fire USA Wathana Council, Southfield, MI; Camp Fire USA West Michigan Council, Grands Rapids MI; Capital Region Community Foundation, Lansing, MI; A Carousel for Missoula Foundation, Inc., Missoula, MT; Carroll College, Helena, MT; Casa Esperanza, Inc., Albuquerque, NM; CASE, Washington, DC; Catholic Charities, Galesburg, IL; Catholic Charities CYO of the Archdiocese of San Francisco, San Francisco, CA; Catholic Charities Diocese of Greensburg, PA, Greensburg, PA; Catholic Charities Diocese of Peoria, Peoria, IL; Catholic Charities of Colorado Springs, Colorado Springs, CO; Catholic Charities of Galveston-Houston, Houston, TX; Catholic Charities of Kansas City-St. Joseph, Kansas City, MO; Catholic Charities of Saint Louis, Saint Louis, MO;

Catholic Charities of Southeast Texas, Beaumont, TX; Catholic Charities of the Archdiocese of Chicago, Chicago, IL; Catholic Charities of the Archdiocese of Galveston-Houston, Houston, TX; Catholic Charities of the Diocese of Peoria, West Peoria, IL; Catholic Charities USA, Alexandria, VA; Catholic Charities, Diocese of Norwich, Inc., Norwich, CT; Catholic Charities, Diocese of Trenton, Trenton, NJ.

Catholic Community Services of Southern Arizona, Tucson, AZ; Catholic Diocese of Wilmington, Wilmington, DE; Catholic Foundation of the Diocese of Lincoln, Lincoln, NE; Catholic Social Services, Inc., Columbus, OH; The Catholic University of America, Washington, DC; Cedar Valley United Way, Waterloo, IA; Cedarhurst Center for the Arts—John R. & Eleanor R. Mitchell Foundation, Mt. Vernon, IL; Center for Community Building, Inc., Harrisburg, PA; Center for Humanistic Change, Bethlehem, PA; Center for Non-Profit Corporations (NJ), North Brunswick, NJ; Center for Nonprofit Excellence, Colorado Springs, CO; Central Louisiana Community Foundation, Alexandria, LA; Central Methodist University, Fayette, MO; The Center on Philanthropy at Indiana University, Indianapolis, IN; Children's Healthcare of Atlanta, Atlanta, GA; The Children's Museum of Northeast Montana, Glasgow, MT; Christchurch School, Christchurch, VA; Cincinnati Children's Hospital Medical Center, Cincinnati, OH; Cincinnati Playhouse in the Park, Cincinnati, OH; City Year, Inc., Boston, MA; Claremont McKenna College, Claremont, CA; Cleveland Clinic Foundation, Cleveland, OH.

College Misericordia, Dallas, PA; Colorado Nonprofit Association, Denver, CO; The Columbus Foundation, Columbus, OH; Combined Jewish Philanthropies, Boston, MA; Communities In Schools, Inc., Alexandria, VA; The Community Foundation for Greater Atlanta, Inc., Atlanta, GA; The Community Foundation for the National Capital Region, Washington, DC; Community Foundation of Decatur/Macon County, Decatur, IL; Community Foundation of Lorain County, Lorain, OH; Community Foundation of Southwest Missouri, Carthage, MO; Community Foundation of the Great River Bend, Davenport, IA; Community Foundation of Waterloo/Cedar Falls and Northeast Iowa, Waterloo, IA; Community Living, Inc., St. Peters, MO; Community Mediation Center, Bozeman, MT; Community Resource Center, Manchester, MI; Community Theater Project Corp./Kelly-Strayhorn Theater, Pittsburgh, PA; CompassPoint Nonprofit Services, San Francisco, CA; Connecticut Association of Nonprofits, Hartford, CT; ConnectMichigan Alliance, Lansing, MI; Conservation Congress, Lewistown, MT; Cooperative for Assistance and Relief Everywhere, Inc (CARE), Washington, DC.

Coro Center for Civic Leadership, Pittsburgh, PA; Council on Foundations, Washington, DC; County United Way, Cumberland, MD; The Cradle Foundation, Evanston, IL; Crocker Art Museum Association, Sacramento, CA; Dance/USA, Washington, DC; DCOSA Foundation, Tuscalo; The DELTA Community, Harrisburg, PA; Detroit Newspapers in Education/Michigan KIDS, Inc., Detroit, MI; Diocese of Allentown, PA; Diocese of St. Augustine, Jacksonville, FL; Directions for Youth & Families, Columbus, OH; Donors Forum of Chicago, Chicago, IL., Ducks Unlimited, Memphis, TN; Easter Seals Arkansas, Little Rock, AR; Easter Seals, Inc., Chicago, IL; Elderhostel, Boston, MA; Elmhurst Art Museum, Elmhurst, IL; Employee & Family Resources, Inc., Des Moines, IA; Employment Opportunity & Training Center—EOTC, Scranton, PA; Episcopal Collegiate School Foundation, Little Rock, AR; The Episcopal Foundation of Northern California, Sacramento, CA; Estamos Unidos de PA, Harrisburg, PA.

The Jewish Federation of Greater Los Angeles, Los Angeles, CA; Fargo-Moorhead Area Foundation, Fargo, ND; First Baptist Church of Indian Rocks, Largo, FL; Flathead Valley Community College Foundation, Kalispell, MT; Florida Philanthropic Network, Winter Park, FL; Florida Sheriffs Youth Ranches, Inc., Live Oak, FL; Fonkoze USA, New York, NY; The Forbes Funds, Pittsburgh, PA; The Fowler Center, Mayville, MI; Franciscan Foundation, Tacoma, WA; The Fuller Foundation, Pasadena, CA; The George Washington University, Washington, DC; Georgia Center for Nonprofits, Atlanta, GA; Girl Scouts of Eastern South Carolina, North Charleston, SC; Girl Scouts of Northwest North Dakota, Minot, ND; Girls Incorporated, New York, NY; Glacier National Park Fund, Whitefish, MT; GLSEN—the Gay, Lesbian and Straight Education Network, New York, NY; Goodwill Industries Foundation of Central Indiana, Indianapolis, IN; Goodwill Industries International, Inc., Rockville, MD; Goodwill Industries of Central Virginia, Inc., Richmond, VA; Goodwill Industries of Northeast Iowa, Inc., Waterloo, IL.

Goodwill Industries of Northern Michigan, Inc., Traverse City, MI; Goodwill Industries of Northern New England, Portland, ME; Goodwill Industries of Northern New England, Portland, ME; Goodwill Industries of the Greater East Bay, Inc., Oakland, CA; Goodwill industries of the Greater East Bay, Inc., Oakland, CA; Goodwill Industries of the Valleys, Inc., Roanoke, VA; Goodwill Southern California, Los Angeles, CA; Goodwill Theatre, Inc., Johnson City, NY; Goodwill/Easter Seals Minnesota, St. Paul, MN; Grand Rapids Community Foundation, Grand Rapids, MI; Greater Columbus Arts Council, Columbus, OH; Greater Des Moines Community Foundation, Des Moines, IA; Greater Gallatin United Way, Bozeman, MT; Greater Miami Jewish Federation, Miami, FL; Greater Milwaukee Foundation, Milwaukee, WI; Greater Pittsburgh Nonprofit Partnership; Pittsburgh, PA; Greater Twin Cities United Way, Mpls—St. Paul, MN; Greater Yellowstone Coalition, Inc., Bozeman, MT; Grinnell College, Grinnell, IA; Gulf Coast Community Foundation of Venice, Venice, FL; Habitat for Humanity International, Americus, GA; Habitat for Humanity of Gallatin Valley, Belgrade, MT; Hale Kipa, Inc., Honolulu, HI; Hathaway Brown School, Cleveland, OH; Haven House, East Lansing, MI.

Health Focus of Southwest, Virginia, Roanoke, VA; Heart of KY United Way, Danville, KY; The Henry Ford, Dearborn, MI; Hina Mauka, Kaneohe, HI; Holy Redeemer Health System, Huntingdon Valley, PA; Holy Trinity Catholic Church, Bloomington, IL; Hope Primas, Norristown, PA; Hospice Foundation of Jefferson County, Inc., Watertown, NY; The Hospice Foundation of the Florida Suncoast, Clearwater, FL; House of Healing, Erie, PA; HSHCRC Homes, Inc., Houston, TX; Interfaith Housing Alliance, Inc., Frederick, MD; International Association of Jewish Vocational Services, Philadelphia, PA; International Kids Alliance Network, Auburn Hills, MI; Izaak Walton League of America, Gaithersburg, MD; Jacob's Pillow Dance Festival, Becket, MA; James P. Gills Family Branch, YMCA of the Suncoast, New Port Richey, FL; Janaka Foundation, Nevada City, CA; Jewish Board of Family & Children's Services, New York, NY; Jewish Family & Children's Service (Philadelphia, PA), Philadelphia, PA; Jewish Family & Children's Service (Tucson, Arizona), Tucson, AZ.

Jewish Family & Children's Service of San Antonio, San Antonio, TX; Jewish Family & Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties, San Francisco, CA; Jewish Family & Community Services, Jacksonville, FL; Jewish Family Service (Houston, TX), Houston, TX; Jewish Family Service of Buffalo & Erie County, Buffalo, NY; Jewish Family Service of Colorado, Denver, CO; Jewish Family Service of Greater Harrisburg, Inc., Harrisburg, PA; Jewish Family Service of Silicon Valley, Los Gatos, CA; Jewish Family Services (Columbus, OH), Columbus, OH; Jewish Family Services (Milwaukee, WI), Milwaukee, WI; Jewish Family Services of Greater Kansas City, Overland Park, KS; Jewish Federation of Delaware, Wilmington, DE; Jewish Federation of Palm Beach County, West Palm Beach, FL; Jewish Federation of Washtenaw County, Ann Arbor, MI; Jewish Social Service Agency, Washington, DC; Jewish War Veterans of the USA, Washington, DC; John Wayne Cancer Institute, Santa Monica, CA; Johns Hopkins University, Baltimore, MD; Juniata College, Huntingdon, PA; Kellogg Community College, Battle Creek, MI; Kelly Anne Dolan Memorial Fund, Ambler, PA; Lafayette Animal Aid, Carencro, LA; Lake Forest Academy, Lake Forest, IL.

Lakeland Regional Medical Center Foundation, Lakeland, FL; Land of Lincoln Goodwill Industries, Inc., Springfield, IL; Land Trust Alliance, Washington, DC; Larned A. Waterman Iowa Nonprofit Resource Center, Iowa City, IA; LCMS Foundation, St. Louis, MO; Leadership Education for Asian Pacifics, Inc., Los Angeles, CA; Lee Memorial Health System Foundation, Fort Myers, FL; Lenawee Community Foundation, Tecumseh, MI; Looking For My Sister, Inc., Detroit, MI; Louisiana Association of Nonprofits, Baton Rouge, LA; Louisiana Methodist Children's Home, Ruston, LA; Louordesmont/Good Shepherd, Clarks Summit, PA; Luther Manor, Wauwatosa, WI; Lutheran Camping Corporation of Central Pa., Arnedtsville, PA; Lutheran Hillside Village, Peoria, IL; Lutheran Senior Services, St. Louis, MO; Lutheran Senior Services at Heisinger Bluffs, Jefferson City, MO; Lutheran Services in America, Washington, DC; Lutheran Services in Iowa, Waverly, IA; Lutheran Social Services of North Dakota, Fargo, ND; Madison Jewish Community Council and Jewish Social Services, Madison, WI; Maine Association of Nonprofits, Portland, ME.

March of Dimes, Washington, DC; Marianist Mission, Dayton, OH; Marquette County Aging Services, Marquette, MI; Marshalltown Area United Way, Marshalltown, IA; Maryland Institute College of Art, Baltimore, MD; McLaughlin Research Institute, Great Falls, MT; MedCentral Health System Foundation, Mansfield, OH; Memorial Medical Center Foundation, Long Beach, CA; Mends Compassionate Nursing Care Registry, Inc., Miami, FL; Mennonite Brethren Foundation, Hillsboro, KS; Mennonite Home Communities, Lancaster, PA; Mental Health Kokua, Honolulu, HI; The Mentoring Partnership of SW PA, Pittsburgh, PA; Meredith College, Raleigh, NC; Metro United Way, Louisville, KY; Metropolitan Opera, New York, NY; Michigan AmeriCorps Partnership, Detroit, MI; Michigan Association for Local Public Health, Lansing, MI; Michigan Association of United Ways, Lansing, MI; Michigan Colleges Foundation, Southfield, MI; Michigan Conference Association of Seventh-day Adventists, Lansing, MI; Michigan Historical Center Foundation, Lansing, MI; Michigan Jewish Conference, Lansing, MI.

Michigan Nonprofit Association, Lansing, MI; Michigan Resource Center for Health and Safety, Lansing MI; The Miller Foundation, Battle Creek, MI; Milwaukee Achiever Literacy Services, Inc., Milwaukee, WI; Milwaukee Jewish Federation, Milwaukee, WI;

Minnesota Orchestral Association, Minneapolis, MN; Minot YMCA, Minot, ND; Mississippi Center for Nonprofits, Jackson, MS; Mississippi Policy Forum, Jackson, MS; Mississippi University for Women Foundation, Columbus, MS; Missoula Food Bank, Missoula, MT; Montana Food Bank Network, Missoula, MT; Montana History Foundation, Helena, MT; Montana Nonprofit Association, Helena, MT; Morgan Memorial Goodwill Industries, Boston, MA; Morristown Memorial Health Foundation, Morristown, NJ; Mt. Pleasant Community Development Corporation, Inc., Monroe, LA; Myasthenia Gravis Association, Southfield, MI; NAMI Orange County (National Alliance on Mental Illness), Santa Ana, CA; National Association for Visually Handicapped, New York, NY; National Association of Independent Schools, Washington, DC; National Audubon Society, Washington, DC.

National Council of Private Agencies for the Blind and Visually Impaired, St. Louis, MO; National Human Services Assembly, Washington, DC; National MS Society, Maryland Chapter, Owings Mills, MD; National Multiple Sclerosis Society, New York City, NY; National Multiple Sclerosis Society, Pacific South Coast Chapter, Carlsbad, CA; National Multiple Sclerosis Society, Tampa Florida, Tampa, FL; National Schizophrenia Foundation, Lansing, MI; The Nature Conservancy, Arlington, VA; The Navigators, Colorado Springs, CO; Neighborhood Housing Services Inc., Pittsburgh, PA; Neighborhood Service Organization, Detroit, MI; Neighbors for Better Neighborhoods, Winston-Salem, NC; The Network Against Sexual and Domestic Abuse, Bozeman, MT; New Orleans Neighborhood Development Collaborative, New Orleans, LA; New York University, New York, NY; Niagara University, Niagara University, NY; NJ State Association of Jewish Federations, Union, NJ; The Nonprofit Center, Tacoma, WA; Nonprofit Coordinating Committee of New York, Inc., New York, NY; Nonprofit Network, Vancouver, WA; Nonprofit Resource Center, Sacramento, CA; Nonprofit Roundtable of Greater Washington, Washington, DC.

North Carolina Center for Nonprofits, Raleigh, NC; North Carolina Zoological Society, Inc., Asheboro, NC; North Coast Opportunities, Ukiah, CA; North Country Trail Association, Lowell, MI; The North Dakota Community Foundation, Bismarck, ND; Northampton Community College Foundation, Bethlehem, PA; Northeastern University, Boston, MA; Northwestern University, Evanston, IL; Notre Dame de Namur University, Belmont, CA; Notre Dame India Mission, Chardon, OH; Oberlin College, Oberlin, OH; Of Moving Colors Productions, Baton Rouge, LA; Ohio Jewish Communities, Colombus, OH; The Omaha Home for Boys, Omaha, NE; OPERA America, New York, NY; Oregon Trout, Portland, OR; Pacific Lutheran University, Tacoma, WA; Parents And Children Together, Honolulu, HI; Pennsylvania Association of Nonprofit Organizations, Harrisburg, PA; Pfeiffer University, Misenheimer, NC.; Philadelphia Council for Community Advancement, Philadelphia, PA; Phillips Academy, Andover, MA.

Phillips Theological Seminary, Tulsa, OK; Phoebe Foundation, Albany, GA; Pittsburgh History & Landmarks Foundation, Pittsburgh, PA.; Plan USA, Warwick, RI; Prairie Public Broadcasting, Inc., Fargo, ND; Prince William Chapter American Red Cross, Manassas, VA; Providence House, Shreveport, LA; Rainbow Kitchen Community Services, Homestead, PA; Ravalli Services Corporation, Hamilton, MT; Rensselaer Polytechnic Institute, Troy, NY; Richland Voluntary Council on Aging, Inc., Rayville, LA; Rimrock Opera Company, Billings, MT; Riverview Retirement Community, Spokane, WA; Rochester Area Neighborhood House, Inc., Rochester, MI; Rochester Area Community Foundation, Rochester, NY; Rocky Mountain Elk Foundation, Inc., Missoula, MT; RSVP Montgomery County, PA, Plymouth Meeting, PA; Ruth Rales Jewish Family Service, Boca Raton, FL; SAE Foundation, Warrendale, PA; Saint Louis Zoo, St. Louis, MO; Saint Xavier High School, Louisville, KY; The Salvation Army, Alexandria, VA; The Salvation Army, Minnesota & North Dakota, Roseville, MN.

Samaritan's Purse, Boone, NC; Sandhills Interfaith Hospitality Network, Aberdeen, NC; Sangamon County Community Foundation, Springfield, IL; Santa Clara University, Santa Clara, CA; School Sisters of Notre Dame, Elm Grove, WI; Search Institute, Minneapolis, MN; Seton Hill University, Greensburg, PA; Shenandoah University, Winchester, VA; Sherwood and Myrtie Foster Home for Children, Stephenville, TX; Shimer College, Chicago, IL; Sholom Foundation, Minneapolis, MN; The Sierra Club Foundation, San Francisco, CA; Sixth Judicial District CASA/GAL Program, Inc., Livingston, MT; Skaggs Hospital Foundation, Branson, MO; Society Of Manufacturing Engineers Education Foundation, Dearborn, MI; South Carolina Association of Nonprofit Organizations, Columbia, SC; South Dakota State University Foundation, Brookings, SD; Southern Adventist University, Collegedale, TN; Southwestern Virginia Second Harvest Food Bank, Salem, VA; Special K Ranch, Inc., Columbus, MT; Special Olympics Inc., Washington, DC.

St. Bernard Battered Women's Program, Inc., Chalmette, LA; St. David's Society of Pittsburgh, Inc., Pittsburgh, PA; St. George Special Ministries, Brighton, MI; The St. Joe Community Foundation, Panama City Beach, FL; St. John's University, Jamaica, NY; Stanford Jazz Workshop, Stanford, CA; Starlight Starbright Children's Foundation, Los Angeles, CA; Sterling College, Sterling, KS; Stetson University, DeLand, FL; Stevens Institute of Technology, Hoboken, NJ; Stewards of the Lower Susquehanna, York, PA; Strategic Solutions, Marquette, MI; Swedish Medical Center Foundation, Seattle, WA; Texas Children's Hospital, Houston, TX; Texas Christian University, Fort Worth, TX; The National Catholic Development Conference, Hempstead, NY; The Salvation Army, Honolulu, HI; Theatre Communications Group, New York, NY; Tides Foundation, San Francisco, CA; Tidewater Jewish Foundation, Inc., Virginia Beach, VA; Trans World Radio, Cary, NC; Triangle United Way, Morrisville, NC; The Trust for Public Land, San Francisco, CA; UJA Federation of Northern New Jersey, River Edge, NJ.

UJA Federation of New York, New York City, NY; UNC Wilmington, Wilmington, NC; Union Rescue Mission, Little Rock, AR; United Cerebral Palsy of Metro Detroit, Southfield, MI; United Cerebral Palsy of South Central PA Inc., York, PA; United Jewish Communities, Washington, DC; United Jewish Communities of Metro/West NJ, Whippany, NJ; United Jewish Council of Greater Toledo, Toledo, OH; United Jewish Federation of Greater Pittsburgh, Pittsburgh, PA; United Methodist Foundation of WV, Inc., Charleston, WV; United Ministries, Greenville, SC; United Neighborhood Center of America, Milwaukee, WI; United Way California Capital Region, Sacramento, CA; United Way for Southeastern Michigan, Detroit, MI; United Way Fox Cities, Menasha, WI; United Way of America, Alexandria, VA; United Way of Bloomfield, Bloomfield, NJ; United Way of Carlisle & Cumberland County, Carlisle, PA; United Way of Central Iowa, Des Moines, IA; United Way of Central Ohio, Columbus, OH.

United Way of Clallam County, Port Angeles, WA; United Way of Erie County, Erie, PA; United Way of Essex and West Hudson, Newark, NJ; United Way of Greater Cincinnati, Cincinnati, OH; United Way of Greater Mercer County, Lawrenceville, NJ; United Way of Greater Portland, Portland, ME; United Way of Greater Rochester, Rochester, NY; United Way of Harrison County, Inc., Clarksburg, WV; United Way of Henderson County, Henderson, KY; United Way of Jasper County, Newton, IA; United Way of Kentucky, Louisville, KY; United Way of Metropolitan Chicago, Chicago, IL; United Way of Nelson County, Bardstown, KY; United Way of North Carolina, Raleigh, NC; United Way of North Central Iowa, Mason City, IA; United Way of Northeast Florida, Jacksonville, FL; United Way of Siouxland, Sioux City, IA; United Way of the Capital Region, Enola, PA; United Way of the Columbia Willamette, Portland, OR; United Way of the Greater Seacoast, Portsmouth, NH; United Way of Williamson County, Williamson County, TX; United Way Volunteer Center of Chippewa County, Sault Ste. Marie, MI; United Ways of Texas, Austin, TX; University of Florida and University of Florida Foundation, Gainesville, FL; University of Hartford, West Hartford, CT.

University of Illinois Foundation, Urbana, IL; University of Maine Foundation, Orono, ME; University of Maryland Baltimore Foundation, Inc., Baltimore, MD; University of Michigan, Ann Arbor, MI; University of Minnesota Foundation, Minneapolis, MN; The University of North Carolina, State of North Carolina, NC; University of St. Thomas, Houston, TX; The University of Texas M.D. Anderson Cancer Center, Houston, TX; University of the Ozarks, Clarksville, AR; University of Virginia Law School Foundation, Charlottesville, VA; Ursinus College, Collegeville, PA; US Lacrosse, Baltimore, MD; Utah Valley State College, Orem, UT; Vancouver National Historic Reserve Trust, Vancouver, WA; Vassar College, Poughkeepsie, NY; Villa Nazareth dba Friendship, Inc., Fargo, ND; Village Missions, Dallas, OR; Virginia Mennonite Retirement Community Foundation, Harrisonburg, VA; Volunteers of America, Alexandria, VA; Wabash College, Crawfordsville, IN; WADE Management Group, Detroit, MI; Wartburg Theological Seminary, Dubuque, IA.

The Washington Center for Internships & Academic Seminars, Washington, DC; Watson Children's Shelter, Missoula, MT; Wesleyan College, Macon, GA; Wesleyan Homes, Georgetown, TX; Westminster College, Fulton, MO; Westminster College, New Wilmington, PA; WHAS Crusade for Children, Louisville, KY; Whitefish Community Foundation, Whitefish, MT; Whitman College, Walla Walla, WA; Wildlife Forever, Brooklyn Center, MN; The Williston Northampton School, Easthampton, MA; Wright State University, Dayton, OH; Wycliffe Bible Translators, Orlando, FL; Wycliffe Foundation, Orlando, FL; Yakima Valley Red Cross, Yakima, WA; Yellowstone Boys and Girls Ranch Foundation, Billings, MT; YES Institute, Miami, FL; YMCA of Honolulu, Honolulu, HI; YMCA of the Suncoast, Clearwater, FL; YMCA of the USA, Washington, DC; Youth Crime Watch of America, Miami, FL; Youth Homes, Missoula, MT; Youth Service America, Washington, DC; Youth Service Bureau of St. Tammany, Covington, LA; YWCA USA, Washington, DC.

S. 819

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 ''Public Good IRA Rollover Act of 2007''.

SEC. 2. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Paragraph (8) of section 408(d) of the Internal Revenue Code of 1986 (relating to tax treatment of distributions) is amended to read as follows:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

''(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

''(i) which is made directly by the trustee—

''(I) to an organization described in section 170(c), or

''(II) to a split-interest entity, and

''(ii) which is made on or after the date that the individual for whose benefit the account is maintained has attained—

''(I) in the case of any distribution described in clause (i)(I), age 70½, and

''(II) in the case of any distribution described in clause (i)(II), age 59½.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

''(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

''(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would be so includible if all amounts were distributed from all individual retirement accounts otherwise taken into account in determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

''(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

''(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

''(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

''(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

''(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

''(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

''(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

''(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

''(iii) a charitable gift annuity (as defined in section 501(m)(5)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2006.

By Mrs. CLINTON:

S. 820. A bill to establish demonstration projects to provide at-home infant care benefits; to the Committee on Health, Education, Labor and Pensions.

Mrs. CLINTON. Mr. President, last month marked the 14th anniversary of the enactment of the Family and Medical Leave Act of 1993. This law has enabled workers to take up to 12 weeks of unpaid leave to attend to an ailing family member or to care for a newborn baby. Since this landmark legislation was signed into law, more than 50 million working Americans have been able to take critical time off when necessary without putting their jobs on the line.

The Family and Medical Leave Act was a critical first step in recognizing the challenges that Americans face in achieving a family-work balance. For nearly a decade and a half, it has provided the most basic protections for workers who can afford to take unpaid leave. Yet, 40 million workers cannot use the FMLA because they can't go without a paycheck. Throughout my career as a lawyer, mother, First Lady and Senator, I have sought solutions to the difficult challenges that working parents face.

That is why I am pleased to reintroduce legislation, the Choice in Child Care Act of 2007, to meet the child care needs of working families. My bill provides a modest and important option for families who have none: the chance to stay home with their infants when there is no childcare available to them. This is the critical next step to ensure low-income families welcoming children in their lives are afforded more economic security than they would have otherwise.

Bringing a new child into the world is one of the greatest joys a parent can experience, yet we also know that in the reality of today's economy, most parents must work to provide economic security for their newborns. In fact, 55 percent of women with infants younger than one year of age are in the workforce. As a result, working parents are faced with trying to provide economic security for their family while simultaneously ensuring that their infant receives the quality of care that he or she needs.

Research shows that the quality of caretaking in the first months and years of life is critical to a newborn's brain development, social development and well-being. Yet there is currently a severe shortage of safe, affordable, quality care for infants. The number of licensed child care slots for infants meets only 18 percent of the need. The shortage is particularly acute in rural areas, and especially in rural areas that have many low-income residents.

Ideally, I think we would all agree that parents who need affordable, high-quality care for their infant would provide that care themselves. However we know that, in many low- and moderate-income families, having a parent quit his or her job or reduce work hours to care for an infant is not financially viable. Doing so would plunge the family into an economic crisis. Rather, parents should have the choice and greater flexibility in providing safe, quality care for their infants.

My legislation is modeled on creative programs States have established to provide low-income parents of infants a choice between returning to work and using a State child care subsidy to care for their infant and caring for their infant themselves with a monthly child care stipend. The Choices in Child Care Act would make these programs available to families across the country.

My bill amends the Child Care Development Block Grant so that low- and moderate-income parents have the option of forgoing a State childcare subsidy for infant care outside the home and instead receiving a comparable stipend to provide the care themselves while keeping the family economically stable. The bill would help parents balance work and family, help meet the critical shortage of infant child care, provide cost savings to state child care programs, support quality care for the critical first years of a child's development, and value parenting as a form of work.

This legislation supports families when they need it the most by providing options for low and moderate income families when they need to care for an infant. In order to truly value families we need to make sure families at all income levels have options to do what is best for them. The Choices in Child Care Act promotes family security by ensuring low-income families have the chance to care for their infants at home and receive some, albeit modest, financial assistance.

As we move forward from the celebration of the 14th anniversary of the Family and Medical Leave Act let us

recognize the challenges Americans face in balancing work and family life today. The time has come, with the new 110th Congress, to give parents additional resources and options in helping them address these challenges. I urge my Senate colleagues from both sides of the aisle to join me in supporting the Choices in Child Care Act of 2007.

By Mr. SMITH (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. CARDIN, and Mrs. CLINTON):

S. 821. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleague Senator KOHL, to reintroduce this important piece of legislation. This legislation will work to ensure the United States government does not turn its back on political asylees or refugees who are the most vulnerable citizens seeking safety in this great country of ours.

As many of you know, Congress modified the Supplemental Security Income (SSI) program to include seven-year time limit on the receipt of benefits for refugees and asylees. This policy was intended to balance the desire to have people who emigrate to the United States to become citizens, with an understanding that the naturalization process also takes time to complete. To allow adequate time for asylees and refugees to become naturalized citizens, Congress provided the seven-year time limit before the expiration of SSI benefits.

Unfortunately, the naturalization process often takes longer than seven years. Applicants are required to live in the United States for a minimum of five years prior to applying for citizenship. In addition to that time period, their application process often can take three or more years before resolution. Because of this time delay, many individuals are trapped in the system faced with the loss of their SSI benefits.

Many of these individuals are elderly who fled persecution or torture in their home countries. They include Jews fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

The administration in its fiscal year 2008 budget acknowledged the necessity to correct this problem by dedicating funding to extend refugee eligibility for SSI beyond the seven-year limit. While I am pleased that they have taken the first step in correcting this problem, I am concerned the policy does not go far enough. Data shows that most people will need at least an additional two years to navigate and complete the naturalization process. Therefore, my colleagues and I have introduced this bill, which will provide a two-year extension. We believe this will provide the time necessary to complete the process.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman BAUCUS and other members of the Finance Committee to secure these changes.

I ask unanimous consent that the text of this 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. 821

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 ''SSI Extension for Elderly and Disabled Refugees Act''.

SEC. 2. SSI EXTENSION FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(M) SSI EXTENSION THROUGH FISCAL YEAR 2010.—

''(i) IN GENERAL.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during the period that begins on the date of enactment of the SSI Extension for Elderly and Disabled Refugees Act and ends on September 30, 2010.

''(ii) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

''(I) IN GENERAL.—Beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to the fiscal year in which such Act is enacted solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this subparagraph, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

''(II) PAYMENT OF BENEFITS.—Benefits paid under subparagraph (I) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.''.

Mr. KOHL. Mr. President, I rise today with my colleague Senator SMITH to introduce the SSI Extension for Elderly and Disabled Refugees Act. This is the third year that a bipartisan group of Senators will come together in support of this legislation to serve the individuals in our society who most need our help.

Due to short-sighted policy passed in the 1990's, elderly and disabled humanitarian immigrants face a time limit of seven years on eligibility for Supplemental Security Income (SSI) benefits. Refugees and asylees have seven years to become citizens—an inadequate amount of time, given the bureaucratic delays and hurdles these individuals face. Thus, thousands have already lost their benefits, and tens of thousands more will lose this important benefit if Congress does not enact our legislation.

It is estimated that in the next decade, more than 40,000 elderly or disabled humanitarian immigrants will lose their SSI benefits. This program is a safety net for those who need it; in 2007, the maximum SSI benefit is $623 for an individual and $934 for a couple—barely enough to afford basic necessities. The program is structured to help those with severe barriers to work or elderly individuals with little or no retirement income. To allow these benefits to expire is to take away a lifeline from the neediest individuals.

In Wisconsin, these individuals are often of Hmong descent. Many fought with the U.S. in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. The United States remains indebted to these courageous individuals and their families.

In addition to the Hmong, America serves as a shelter for those faced with persecution or torture in their own countries. Across the country, we have heard their stories; whether Jews and Baptists fleeing religious persecution in the former Soviet Union or Iraqis and Cubans escaping tyrannical dictatorships. Our policy toward refugees and asylees embodies the best of our country—compassion, opportunity, and freedom.

Our legislation will bring the SSI program in line with our other policies towards these humanitarian immigrants. This legislation extends the amount of time that refugees and asylees have to become citizens to nine years. In addition, the bill contains a ''reach back'' provision: it retroactively restores benefits to those individuals who have already lost them for an additional two years. This provision helps the individuals who need it most; humanitarian immigrants who are trapped in the system and have lost this important income source.

I believe we must act now to protect these individuals—we cannot let another year go by without action. Our country has long been a symbol of freedom, equality and opportunity. Our laws should reflect that. Every day that goes by could result in the loss of a refugee's support system—I urge my colleagues to support this legislation and restore the principles we were put here to protect.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. KERRY, Mr. BUNNING, Mr. BINGAMAN, Mr. SALAZAR, Mr. COLEMAN, Mr.

SMITH, Mr. ALLARD, and Mr. CORNYN):

S. 822. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I am introducing legislation with Senators FEINSTEIN, KERRY, BUNNING, BINGAMAN, SALAZAR, COLEMAN, SMITH, ALLARD and CORNYN that addresses the critical issue of the Nation's energy policy, the EXTEND the Energy Efficiency Incentives Act of 2007. The Senators have come together—given where we are as a Nation in terms of reliance on foreign oil . . . the historically high costs of energy . . . the state of our environment . . . and the status of our technological know-how—to introduce realistic, doable legislation that represents one of the best opportunities for developing bipartisan consensus on tax policy to further securing our nation and its future.

The EXTEND Act takes a comprehensive and practical approach to assure that the United States targets the maximum possible energy savings on the customer side of the meter and relief from high energy prices at the lowest cost. It builds on the incentives for efficient buildings adopted in Energy Policy Act of 2005, EPAct 2005, and modifies them where necessary to achieve these policy goals.

The bill extends the temporary tax incentives for energy efficiency buildings established in EPAct 2005, providing four years of assured incentives for most situations, and some additional time for projects with particularly long lead times, such as commercial buildings. A sufficient length of time is needed by the business community to make rational investments as these buildings will be in use for at least 50 to 100 years. The bill is meant to incentivize not discourage. I want to encourage large and small businesses alike to make investments to qualify for energy efficiency tax incentives. Commercial buildings and large residential subdivisions have lead times for planning and construction of 2 to 4 years. This is why the EXTEND Act provides four years of assured incentives for most situations, and some additional time for projects with longer lead times.

Also, the EXTEND Act makes modifications to the EPAct 2005 incentives so that the incentives are not based on cost but based on actual performance. These are measured by on-site ratings for whole buildings and factory ratings for products like solar water heaters and photovoltaic systems as well as air conditioners, furnaces, and water heaters. The EXTEND bill provides a transition from the EPAct 2005 retrofit incentives, which are based partially on cost and partially on performance, to a new system that can provide larger dollar amounts of incentives based truly on performance.

The bipartisan legislation also extends the applicability of the EPAct 2005 incentives so that the entire commercial and residential building sectors are covered. The current EPAct 2005 incentives for new homes are limited to owner-occupied properties or high rise buildings. Our bill extends these provisions to rental property and offers incentives whether the owner is an individual taxpayer or a corporation. This extension does not increase costs significantly, but it does provide greater fairness and clearer market signals to builders and equipment manufacturers.

I have worked hard over the past six years for performance-based energy tax incentives for commercial buildings—one third of energy usage is from the building sector, so there are great energy savings to be made with the extension of these incentives. It is reasonable to expect many annual benefits after 10 years if we put into place the appropriate incentives. For instance, direct savings of natural gas would amount to 2 quads per year or 7 percent of total projected natural gas use in 2017. And, to this figure must be added the indirect gas savings from reduced use of gas as an electricity generation fuel. Total natural gas savings would be 35 quads per year, or 12 percent of natural gas supply. Total electric peak power savings would be 115,000 megawatts; almost 12 percent of projected nationwide electric capacity for the year 2017.

In addition, reduction in greenhouse gas emissions would be 330 million metric tons of carbon dioxide annually, about 16 percent of the carbon emissions reductions compared to the base case necessary to bring the U.S. into compliance with the Kyoto Protocol; or roughly 5 percent of projected U.S. emissions in 2017. Also, importantly, the bill will result in the creation, on net, of over 800,000 new jobs.

The value of energy savings should not be overlooked as both business and residential consumers will be saving over $50 billion annually in utility bills by 2018, as a direct result of the reductions in energy consumption induced by the appropriate incentives. Also, the projected decrease in natural gas prices will be saving businesses and households over an additional $30 billion annually.

The EXTEND Act is synonymous with the security of America's future. The bill is a piece of an overall national energy picture that we need to address now. Consumers throughout the United States, from small businesses to families, are demanding leadership on energy prices. Congress should advance past rhetoric, gimmicks, and photo-ops and move to substantive energy policy legislation such as the EXTEND Act. It is imperative that Congress begin these policy discussions—we cannot wait for yet another crisis.

I look forward to working with my Senate colleagues and the Administration to provide the American people the leadership they deserve on these issues. And I would like to add some of the organizations and industries that support this legislation as it is a formidable list: Alliance to Save Energy; American Public Power Association; American Standard Companies; American Chemistry Council; American Council for an Energy-Efficient Commission; Anderson Windows, Inc.; Building Owners and Managers Association International; California Energy Commission; Cardinal Glass Industries; The Dow Chemical Company; DuPont; Edison Electric Institute; Environmental and Energy Study Institute; Exelon Corporation; 3M Company; Manufactured Housing Institute; National Association of State Energy Officials; National Electrical Manufacturers Association; Natural Resources Defense Council; New York State Energy Research and Development Authority; North American Insulation Manufacturers Association; Northeast Public Power Association; Owens Corning; Pacific Gas & Electric Company; Plug Power, Inc.; Polyisocyanurate Insulation Manufacturers Association; Public Service Electric and Gas Company; The Real Estate Roundtable; Residential Energy Services Network; Retail Industry Leaders Association; Sacramento Municipal Utility District; San Diego Gas and Electric Company; Southern California Gas Company; Union of Concerned Scientists.

By Mr. OBAMA (for himself, Ms. SNOWE, Mr. DURBIN, Mr. DODD, Mrs. CLINTON, Mrs. BOXER, Mr. SCHUMER, and Mr. KERRY):

S. 823. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today is International Women's Day, a day to celebrate the social, economic, and political achievements of women around the world. We have come a long way in equality for women since that first International Women's Day in 1909. Yet, even as we celebrate these victories, we must acknowledge and increase awareness of the myriad struggles that women continue to face today. The battle against HIV/AIDS is one such struggle, and one that women in this Nation and across the world are losing. And that is why today, I am reintroducing the Microbicide Development Act, to help women protect themselves against deadly HIV infection.

The devastation that HIV/AIDS is causing around the world is, sadly, not news to any of us. During a visit to Africa last August, I was reminded of this tragedy. I visited an HIV/AIDS hospital in South Africa that was filled to capacity with people who walked hours—even days—just for the chance to seek help. I saw just a few of the 15 million orphans in Africa who lost their parents to this epidemic. All the while, I

remembered in the back of my mind that in some areas, 90 percent of those infected with HIV are unaware of their status, and this epidemic will only continue to get worse.

But what we don't always focus on is the particular devastation HIV/AIDS is bringing to women worldwide. As of 2006, nearly half of the over 37 million adults living with HIV/AIDS worldwide were women. In sub-Saharan Africa, the prevalence of HIV/AIDS is 3 times higher among women ages 15 to 24 than among men of that age group. The severity of the problem hits close to home as well, with HIV/AIDS being the leading cause of death for African American women ages 25 to 34.

Women have unique biological vulnerabilities that make them twice as likely as men to contract HIV from an infected partner during intercourse. And for many women, particularly in the developing world, social and cultural norms deny them the ability to insist on mutual monogamy or condom use, thus limiting their tools for prevention. In many situations, women who become infected have only one partner—their husband. In fact, studies in India have shown that among women infected with HIV, 93 percent were married, and 91 percent overall had only one partner—their husbands. Focusing solely on ABC's—abstain, be faithful, use condoms—is clearly failing these women. There is a naivety in thinking that abstinence and fidelity are real options for all men and women around the world, and so we have a moral obligation to expand prevention tools.

Yet despite the fact that women have been increasingly devastated by this disease, female-initiated methods of prevention are limited and current prevention options are not enough.

Topical microbicides represent a woman-initiated method of prevention that would put the power of prevention in the hands of women. Mathematical models predict that even a partially effective microbicide could prevent 2.5 million infections over 3 years and that gradual introduction of newer and better microbicides could ultimately save a generation of women. Topical microbicides, therefore, represent a critical element in a comprehensive strategy to fight the HIV/AIDS pandemic.

A number of groups, including the International Partnership for Microbicides, the Alliance for Microbicide Development, the National Women's Health Network, the Global Campaign for Microbicides, and the Gates Foundation, have led the effort to develop a prevention tool for use by women. The National Institutes of Health has invested in microbicides research, including support for the newly formed Microbicides Trial Network. I would be remiss if I did not also recognize the efforts of the CDC and USAID in microbicide development. With 10 microbicide candidates currently in clinical development and over 30 in preclinical development, we are making headway in this field.

But we cannot let this momentum slow. We must continue to prioritize microbicide research and development. Increased Federal support and coordination, which is provided for in the Microbicide Development Act, will give a clear sign that the Federal Government is willing to put forth the effort critical to the development of an effective product to protect our mothers, daughters, sisters, and other loved ones. I echo the words of Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, who said that, ''with leadership, collaborative effort, sufficient financial resources, and product development expertise, a microbicide is within reach.'' Congress should support our Federal health agencies and their partners in their efforts, and passage of the Microbicide Development Act would give an unambiguous indication that this work is a priority for all of us.

In closing, I point out that we have made tremendous strides in medical treatment for individuals infected with HIV/AIDS. But this treatment comes with a price tag that is unsustainable. Between 2003 and 2005, for every one person receiving anti-retroviral treatment, ten more individuals became infected. We are not able to treat all of those currently infected let alone this exponentially growing number of individuals who will need treatment down the line. Universal treatment today would cost roughly $7 billion. Given that we only fund PEPFAR and the Global Fund at $2 billion, that $7 billion price tag, which is only going to grow, appears rather daunting. This financial situation serves to underscore the moral obligation we have to invest in microbicides and other prevention tools. Let us hope that during International Women's Days to come, we will be celebrating tremendous success in the fight against HIV/AIDS rather than the loss of yet another generation of women.

I thank you for this time, and I urge my colleagues to support the Microbicide Development Act.

By Mr. DODD:

S. 830. A bill to improve the process for the development of needed pediatric medial devices; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Pediatric Medical Device Safety and Improvement Act of 2007. This legislation provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults and could just be given reduced doses of adult products, many essential medical devices used extensively by pediatricians are not designed or sized for children. In fact, the development of new medical devices suitable for children's smaller and growing bodies can lag 5 or 10 years behind those for adults.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably due to differences in size, rates of growth, critical development periods, anatomy, physiological differences such as breathing and heart rate, and physical activity levels. To date, because the pediatric market is so small and pediatric diseases relatively rare, there has been little incentive for device manufacturers to focus their attention on children. The result has been that pediatric providers must resort to ''jury-rigging'' or fashioning make-shift device solutions for pediatric use. When that is not an option, providers may be forced to use more invasive treatment or less effective therapies.

For example, at present, left ventricular assist devices (LVADs) do not exist in the U.S. for children less than 5 years old. An LVAD is a mechanical pump that helps a heart that is too weak to pump blood through the body. So, infants and children under five years of age who have critical failure of their left or right ventricles have to be supported through extracorporeal membrane oxygenation (ECMO). An ECMO consists of a pump, an artificial lung, a blood warmer and an arterial filter, which is installed by inserting tubes into large veins or arteries located in the right side of the neck or the groin. While ECMOs can help children for short periods of time, they are problematic. They can cause dangerous clots and the blood thinners that prevent these clots may lead to internal bleeding. In addition, children must remain bedridden while using the device.

For young children needing to be on a ventilator to assist their breathing, the lack of non-invasive ventilators with masks that suitably fit babies has led to respiratory treatments that are inadequate or invasive treatment options such as placing a tube in the baby's throat.

Children needing prosthetic heart valves face a disproportionately high failure rate. Because of the biochemistry of children's growing bodies, prosthetic heart valves implanted in children calcify and deteriorate much faster than in adults. Typically, children with a heart valve implant who survive to adulthood will need four or five operations. Additionally, devices currently available for children must be better able to expand and grow as the child grows.

Over the past several years, efforts have been launched to better identify barriers to the development of pediatric devices and to generate solutions for improving children's access to needed medical devices.

Beginning in June 2004, the American Academy of Pediatrics, the Elizabeth Glaser Pediatric AIDS Foundation, the

National Organization for Rare Disorders (NORD), the National Association of Children's Hospitals, and the Advanced Medical Technology Association (AdvaMed) hosted a series of stakeholders meetings that yielded recommendations for improving the availability of pediatric devices. In October 2004, in response to a directive in the Medical Devices Technical Corrections Act of 2004, the Food and Drug Administration (FDA) released a report that identified numerous barriers to the development and approval of medical devices for children. And in July 2005, the Institute of Medicine (IOM) issued a report on the adequacy of postmarket surveillance of pediatric medical devices, as mandated by the Medical Device User Fee and Modernization Act of 2002. The IOM found significant flaws in safety monitoring and recommended expanding the FDA's ability to require post-market studies of certain products and improve public access to information about post-market pediatric studies.

This legislation seeks to address the equally important issues of pediatric medical device safety and availability. To begin with, the bill creates a mechanism to allow the FDA to track the number and types of medical devices approved specifically for children or for conditions that occur in children. It also allows the FDA to use adult data to support a determination of reasonable assurance of effectiveness in pediatric populations and to extrapolate data between pediatric subpopulations.

The market for pediatric medical devices simply isn't what it is for adults. Therefore, many device manufacturers have been reluctant to make devices for children. The bill creates an incentive for companies by modifying the existing Humanitarian Device Exemption (HDE) provision to allow manufacturers to profit from devices that are specifically designed to meet a pediatric need.

To prevent abuse, the bill reverts to current law which allows no profit on sales of devices that exceed the number estimated to be needed for the approved condition. This provision is modeled after the existing Orphan Products Division designation process. Under no circumstances can there be a profit on sales if the device is used to treat or diagnose diseases or conditions affecting more than 4,000 individuals in the U.S. per year which is the same number allowed under current law. Already approved adult HDEs upon date of enactment are eligible for the HDE profit modification but only if they meet the conditions of the bill. The lifting of the profit restriction for new pediatric HDEs sunsets in 2013 and the FDA is required to issue a report on its impact within five years.

In order to encourage pediatric medical device research, the bill requires the National Institutes of Health (NIH) to designate a point of contact at the agency to help innovators and physicians access funding for pediatric medical device development. It also requires the NIH, the FDA, and the Agency for Healthcare Research and Quality (AHRQ) to submit a plan for pediatric medical device research that identifies gaps in such research and proposes a research agenda for addressing them. In identifying the gaps, the plan can include a survey of pediatric medical providers regarding unmet pediatric medical device needs.

To better foster innovation in the private sector, the bill establishes demonstration grants for non-profit consortia to promote pediatric device development, including matchmaking between inventors and manufacturers and Federal resources. These demonstration grants, which are authorized for $6 million annually, require the federal government to mentor and help manage pediatric device projects through the development process, including product identification, prototype design, device development and marketing. Under the bill, grantees must coordinate with the NIH's pediatric devices point of contact to identify research issues that require further study and with the FDA to help facilitate approval of pediatric indications.

Finally, in its 2005 report on pediatric medical device safety, the IOM found serious flaws in the postmarket safety surveillance of these devices. The legislation allows FDA to require postmarket studies as a condition of clearance for certain categories of devices. This includes ''a class II or class III device the failure of which would be reasonably likely to have serious adverse health consequences or is intended to be (1) implanted in the human body for more than one year, or (2) a life sustaining or life supporting device used outside a device user facility.''

The legislation also gives the FDA the ability to require studies longer than three years with respect to a device that is to have significant use in pediatric populations if such studies would be necessary to address longer-term pediatric questions, such as the impact on growth and development. And, it establishes a publicly accessible database of postmarket study commitments that involve questions about device use in pediatric populations.

The legislation I am introducing today has been many years in the making. Last year, I introduced this legislation with Senator DeWine and I thank him for working with me on it and many other initiatives to improve children's health. I would like to also thank the Elizabeth Glaser Pediatric AIDS Foundation, the American Academy of Pediatrics, the American Thoracic Society and the National Organization for Rare Disorders for their tireless work and support for this legislation. The bill I am introducing today is supported by the Advanced Medical Technology Association (AdvaMed) and its member company Stryker and I thank them for their support. The bill reflects many of the comments they provided throughout the development of this legislation and I am pleased that they join me today in supporting its passage. Several other device manufacturers including Respironics, Seleon, and Breas Medical AB have previously supported this legislation and I would like to recognize and thank them for their continued support of the bill.

I look forward to working with patient groups, physicians, industry and my colleagues—including the Chairman and Ranking Member of the Health, Education, Labor, and Pensions Committee, Senators KENNEDY and ENZI—to move this legislation when the Committee considers medical device-related legislation. I urge my colleagues to support this legislation and I am hopeful that it will become law as soon as possible.

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. 830

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 ''Pediatric Medical Device Safety and Improvement Act of 2007''.

SEC. 2. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

''SEC. 515A. PEDIATRIC USES OF DEVICES.

''(a) NEW DEVICES.—

''(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

''(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

''(B) the number of affected pediatric patients.

''(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

''(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

''(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

''(C) the number of pediatric devices approved in the year preceding the year in

which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

''(D) the review time for each device described in subparagraphs (A), (B), and (C).

''(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

''(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

''(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

''(c) PEDIATRIC SUBPOPULATION.—In this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).''.

SEC. 3. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking ''No'' and inserting ''Except as provided in paragraph (6), no'';

(2) in paragraph (5)—

(A) by inserting '', if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met,'' after ''public health''; and

(B) by adding at the end the following: ''If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.'';

(3) by striking paragraph (6) and inserting the following:

''(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

''(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

''(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

''(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

''(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

''(iv) The request for such exemption is submitted on or before October 1, 2013.

''(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

''(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

''(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

''(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

''(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

''(I) Neonates.

''(II) Infants.

''(III) Children.

''(IV) Adolescents.''; and

(4) by adding at the end the following:

''(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109)). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.''.

(b) REPORT.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 5.

(c) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 4. ENCOURAGING PEDIATRIC MEDICAL DEVICE RESEARCH.

(a) ACCESS TO FUNDING.—The Director of the National Institutes of Health shall designate a contact point or office at the National Institutes of Health to help innovators and physicians access funding for pediatric medical device development.

(b) PLAN FOR PEDIATRIC MEDICAL DEVICE RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(2) CONTENTS.—The plan under paragraph (1) shall include—

(A) the current status of federally funded pediatric medical device research;

(B) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(C) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

SEC. 5. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) IN GENERAL.—

(1) REQUEST FOR PROPOSALS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a request for proposals

for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) DETERMINATION ON GRANTS OR CONTRACTS.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall—

(1) encourage innovation by connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentor and manage pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connect innovators and physicians to existing Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assess the scientific and medical merit of proposed pediatric device projects;

(5) assess business feasibility and provide business advice;

(6) provide assistance with prototype development; and

(7) provide assistance with postmarket needs, including training, logistics, and reporting.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 4; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 6. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions; and"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 7. STUDIES.

(a) POSTMARKET STUDIES.—Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) in subsection (a)—

(A) by inserting ", or as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification under section 510(k)," after "The Secretary may by order"; and

(B) by inserting ", that is expected to have significant use in pediatric populations," after "health consequences"; and

(2) in subsection (b)—

(A) by striking "(b) SURVEILLANCE APPROVAL.—Each" and inserting the following:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) LONGER STUDIES FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety or efficacy of the device.".

(b) DATABASE.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall establish a publicly accessible database of studies of medical devices that includes all studies and surveillances, described in paragraph (2)(A), that were in progress on the date of enactment of this Act or that began after such date.

(B) ACCESSIBILITY.—Information included in the database under subparagraph (A) shall be in language reasonably accessible and understood by individuals without specific expertise in the medical field.

(2) STUDIES AND SURVEILLANCES.—

(A) INCLUDED.—The database described in paragraph (1) shall include—

(i) all postmarket surveillances ordered under section 522(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l(a)) or agreed to by the manufacturer; and

(ii) all studies agreed to by the manufacturer of a medial device as part of—

(I) the premarket approval of such device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e);

(II) the clearance of a premarket notification report under section 510(k) of such Act (21 U.S.C. 360(k)) with respect to such device; or

(III) the submission of an application under section 520(m) of such Act (21 U.S.C. 360j(m)) with respect to such device.

(B) EXCLUDED.—The database described in paragraph (1) shall not include any studies with respect to a medical device that were completed prior to the initial approval of such device.

(3) CONTENTS OF STUDY AND SURVEILLANCE.—For each study or surveillance included in the database described in paragraph (1), the database shall include—

(A) information on the status of the study or surveillance;

(B) basic information about the study or surveillance, including the purpose, the primary and secondary outcomes, and the population targeted;

(C) the expected completion date of the study or surveillance;

(D) public health notifications, including safety alerts; and

(E) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(4) ONCE COMPLETED OR TERMINATED.—In addition to the information described in paragraph (3), once a study or surveillance has been completed or if a study or surveillance is terminated, the database shall also include—

(A) the actual date of completion or termination;

(B) if the study or surveillance was terminated, the reason for termination;

(C) if the study or surveillance was submitted but not accepted by the Food and Drug Administration because the study or surveillance did not meet the requirements for such study or surveillance, an explanation of the reasons and any follow-up action required;

(D) information about any labeling changes made to the device as a result of the study or surveillance findings;

(E) information about any other decisions or actions of the Food and Drug Administration that result from the study or surveillance findings;

(F) lay and technical summaries of the study or surveillance results and key findings, or an explanation as to why the results and key findings do not warrant public availability;

(G) a link to any peer reviewed articles on the study or surveillance; and

(H) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(5) PUBLIC ACCESS.—The database described in paragraph (1) shall be—

(A) accessible to the general public; and

(B) easily searchable by multiple criteria, including whether the study or surveillance involves pediatric populations.

By Mr. DURBIN (for himself, Mr. CORNYN, Mr. SPECTER, Mr. LIEBERMAN, and Mr. OBAMA):

S. 831. A bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to again raise the issue of Darfur. I may not match the tenacity of former Senator William Proxmire. You see, he came to the Senate floor every day—every day—for 19 years urging the Senate to ratify the 1948 Convention on Genocide. Finally, Senator

Proxmire prevailed. Finally, the United States became a signatory to this historic international agreement. We were one of the last, but we were on board.

The reason I come to the Chamber today to speak is because having noted the presence of the need for an international agreement on genocide, having acknowledged that a genocide is taking place in Darfur in the Sudan, a simple honest answer is we have done little or nothing about it.

I have tried each week to come to the Chamber to again highlight the situation and to propose what the United States can do. It is worth putting this matter in context. Several times in the history of this world, we have witnessed genocides of horrific proportion. One of the most recently noted tragedies, of course, involved 6 million Jews and others who were killed in the Holocaust in World War II.

When I was a young college student in Washington at Georgetown University, my first year I had an amazing professor whose name was Jan Karski. Karski was born in Poland. He was a member of the Polish underground resisting the Nazis in World War II. He used to come to our classes ramrod straight with military bearing, always dressed impeccably in starched white shirt and tie and would speak to us about government. He would intersperse his lectures with stories of his life.

I was fascinated with Dr. Karski. He told the story as a young man coming to Washington, DC, in the midst of World War II. He came here because he knew what was happening. He knew about the Holocaust, he knew about the concentration camps, and he knew something had to be done. So he came to war-weary Washington and tried to find someone receptive to his message.

He went from office to office, finally securing a meeting with President Roosevelt but never quite convincing the highest level of our Government in those days, trying to tell them, yes, there are concentration camps; yes, innocent people were being killed; yes, there was a Holocaust and something needs to be done.

Dr. Karski told us in these lectures that he left Washington empty-handed and despondent. Unfortunately, he never convinced America to act, and, unfortunately, the Holocaust continued.

I used to puzzle over this and imagine: How could it be? How could the people of a great Nation such as America stand back and not do anything if people were alerting them to the reality of genocide, the killing of innocent people? Sadly, I have come to understand it now because 4 years ago we declared a genocide was taking place in Darfur in Sudan. It was an amazing declaration, it was a courageous declaration by this Bush administration. The President, along with Secretary of State Colin Powell, and now Secretary of State Condoleezza Rice, have been unsparing in their criticism of the Sudanese Government, and they have used that word, ''genocide.'' But the sad reality is, having made this declaration, we have done nothing—nothing.

The President said early on he would not allow a genocide to occur on his watch. I have reminded him—and I am sure it is painful to hear—that his watch is coming to an end and the genocide continues and America continues to do nothing.

Today I am joined by my colleagues, Senator JOHN CORNYN of Texas, Senator SPECTER of Pennsylvania, and Senator LIEBERMAN of Connecticut in introducing the Sudan Divestment Authorization Act of 2007. This bill is designed to support the actions of seven States that have already passed divestment laws and the dozens more that are considering legislation.

The first of these States, I am proud to say, is the home State of this Senator and the Presiding Officer, the State of Illinois. Our friend and your former colleague, Mr. President, Jackie Collins, has led this fight. She is tenacious, and she is great to have on your team.

Over 50 universities and municipalities have also chosen to divest their portfolios of companies that directly or indirectly support the genocidal Sudanese Government. Countless individual Americans have made this same choice. These States, universities, and individuals have said they do not want their pensions or other investments to support a government that is carrying out mass atrocities against its own people.

In this morning's Washington Post, there is a graphic story written by Travis Fox of a visit to a refugee camp at Chad. I know the Presiding Officer has visited the refugee camps in Chad and has seen firsthand what is happening there: 230,000—230,000—Darfur refugees have streamed across the border and live in 12 United Nations-administered camps.

This heartbreaking story shows an emaciated young boy being fed by his mother. It goes on to say that so many of these children are dying of malnutrition, even in the refugee camps. They are trying to get this poor little boy to eat some food, which he thinks is horrible and spits out. He would rather go hungry than eat what he is being given.

These children are dying in these refugee camps and, sadly, more people are streaming to these camps because of the ongoing genocide in Darfur.

As many as 450,000 people, according to Human Rights Watch, have died from disease and violence in this genocide; 2.5 million people have been displaced since the fighting began. The United Nations reports that in the second half of the year 2006, 12 humanitarian workers were killed and 38 compounds were attacked.

This morning's paper also includes a report that members of the African Union and the peacekeepers who are valiantly trying to bring peace to this area are now being killed as well. Mr. President, 7,000 members of the African Union are there; 7,000 troops are policing an area as large as the State of Texas. Imagine, if you will, trying to contain the violence of a militia who is hellbent on killing innocent people, raping and pillaging with 7,000 soldiers. Even the best soldiers couldn't rise to that challenge. That is why America must rise to this challenge.

As I mentioned, divestment is one tool. It is not what I would prefer, but it is a move in the right direction. Our bill recognizes that divestment should be undertaken only in rare circumstances, but declarations of genocide by both the President and the Congress provide all the justification needed for these State and local efforts which our bill will support.

This bipartisan bill affirms it is the sense of Congress that States and other entities should be permitted to provide for the divestment of assets as an expression of opposition to the genocide and policies of the Khartoum Government.

It also expresses the sense of Congress that such State divestment laws are consistent with our Constitution and that, for example, they do not run afoul of the foreign commerce clause of the Federal foreign affairs power. The bill recognizes that nongovernmental organizations working in Sudan on humanitarian efforts or companies that are operating under Federal permit or to promote health or religious activities, for example, should not be classified as supporting the Sudanese Government.

We do not want to hinder the fine work that is being done by nongovernmental organizations, humanitarian organizations. What we want to do is put pressure on this Government in Khartoum to change this deadly policy which they have followed now for years.

This is a targeted bill. It is aimed at supporting State and local efforts in America to do the right thing.

Along with my colleague, Senator BROWNBACK, last fall I sent a letter to every Governor in the country whose State had not divested urging them to do so. I sent a similar letter to every university president in my State making the same request. I am proud to say that Northwestern University in Evanston, IL, and its president, Henry Bienen, had already quietly taken steps to divest of major companies operating in Sudan. President Bienen has been to Sudan. He has had a life experience there. He understands this on a personal basis. I met with him. I applaud him for his leadership.

Sadly, some universities have said no. Incredibly, they have said no. One university president of a major university in Illinois called me to explain why they could not bring themselves to divest of their investments in Sudan where this genocide is taking place. He gave a long, tortured explanation

about university policy. I asked him one question: Do you believe there is a genocide taking place in Darfur? There was a long silence. Then he said: Well, I guess I don't know. I said: Until you can answer that question, you shouldn't make this decision. Others have looked at the facts, and they have decided that genocide is taking place. I ask you: If you come to that same conclusion that a genocide is taking place, my next question is very simple and straightforward: What are you going to do about it?

I believe we have a moral responsibility. It goes beyond any political debate and any partisanship. I am glad the cosponsors of this legislation, which I am now putting before the Senate, are bipartisan in nature.

When I sent out these letters, incidentally, I had a wake-up call personally. A reporter called and said: So you are all for divestment, are you, Senator DURBIN? Oh, yes, I am committed to it. Guess what, Senator. We went through the handful of mutual funds you and your wife own and one has investments in Sudan. I was stunned. I said: I will sell immediately, which I did. It wasn't very painful to my portfolio, but I felt a little better when it was done.

It doesn't take much, but it is a reminder that change begins at home. Eleanor Roosevelt, who helped create and serve as the first chair of the United Nations Human Rights Commission once posed that famous question:

Where, after all, do universal human rights begin?

She answered:

Human rights begin in small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

That statement embodies the spirit that drives the divestment movement.

The Darfur movement in this country was born on college campuses with idealistic youth, but it has now spread across the Nation. The effort to divest is a struggle that students are continuing to have with the administrators in my home State and across the country.

These students are carrying on a legacy, a legacy of those students who came before them, who led the movement to divest from South Africa in order to starve apartheid, the rank discrimination and bigotry of our time in the great country of South Africa.

South Africa changed because of the courage and capabilities of people such as Nelson Mandela, who led one of the most remarkable revolutions of my time. Change will come in Sudan when Sudanese leaders are convinced or compelled to change. But the divestment movement helped to drive the process in South Africa, and it can help drive the process in Sudan today.

This bill is only a start, but it isn't the end of the discussion. Divestment is a useful tool but just that—only one tool among many we should be considering.

Yesterday, the Special Envoy to Sudan, Andrew Natsios, met with President Bashir in Khartoum. The press reported that it was a 20-minute meeting. I don't know how productive it was. It wasn't the first time they have met and, sadly, all the previous times have not led to any decision by the Khartoum Government to bring the militia under control, which is wreaking havoc and causing this genocide which is killing thousands and displacing hundreds of thousands of people.

Special Envoy Natsios has talked about what now has publicly been disclosed and described as Plan B. The biggest export of Sudan, no surprise, is oil. How is the oil exported? Through different companies—including companies owned by the Chinese, India, and Malaysia. Special Envoy Natsios told us that if the Sudanese Government did not respond by allowing U.N. peacekeepers to come in and protect these innocent people living in their villages by January 1 of this year, he would encourage the administration to move on Plan B, which calls for economic sanctions against the oil transactions coming out of Sudan.

January 1 has come and gone. According to the press reports, the President has ordered the Treasury Department to prepare a menu of options that would directly affect the Khartoum Government. I believe the President should use this list of options to enact additional meaningful sanctions immediately.

I have spoken to the President twice personally. I have spoken to Secretary of State Condoleezza Rice. I have tried to raise my voice on every occasion to urge them to do something and do it now. People are dying, people are starving to death. This genocide continues on our watch, America.

Today's sanctions program is based on Executive orders signed by President Clinton in 1997 and President Bush in 2006 and on the Darfur Peace and Accountability Act and a host of other laws that provide additional mechanisms. The menu of options is there.

Sudan produces 500,000 barrels of oil a year, 40 percent of which is exported. We can find a way to stop the revenue stream leaving Sudan and the money coming back into that country. I hope that is on the menu being presented to the Government.

New laws are not required for the President to enact these sanctions. He doesn't have to wait on Congress or a long debate. He has the power. It might, however, speed action along if Congress passed legislation to encourage him.

This week, the State Department released its annual Country Reports on Human Rights Practices. Imagine that, the United States each year boldly announces a report card on the rest of the world and how well they are doing in the area of human rights. Let me read a portion of that report on Sudan, a report from our own State Department, and I quote:

While all sides in Darfur violated international human rights and humanitarian law, the government and the Janjaweed militia continue to bear responsibility for genocide that occurred in Darfur. During the year the government, Arab militia forces, and Darfur rebel groups reportedly killed several thousand civilians.

By year's end, there were more than 2 million internally displaced persons in Darfur, and another 234,000 that fled into Chad, a neighboring country, where the U.N. High Commissioner for Refugees coordinated a massive refugees relief effort. According to the United Nations, more than 200,000 persons have died since 2003 as a result of the violence and forced displacement. The government continues to support the largely Arab nomad Janjaweed militia, which terrorized and killed civilians, raped women, and burned and pillaged the region.

During the year, the government resumed aerial bombardment of civilian targets, including homes, schools, and markets. There were no reports that the government of Sudan prosecuted or otherwise penalized attacking militias or made efforts to protect civilian victims from attacks. Government forces provided logistic and transportation support, weapons, and ammunition to progovernment militias throughout the country.

That is the report of our Government about ongoing genocide to which we have not responded.

The report goes on to detail attacks by helicopter gunships and bombers as well as ground assaults by both Janjaweed militia and uniformed soldiers. It also describes widespread and systemic sexual violence against women and children, often carried out by men in uniform. Some women who reported these rapes to the Sudanese police were then arrested for reporting them. During this year of violence, the Sudanese Government conducted only one single successful prosecution of a rapist, a man who was convicted of assaulting an 11-year-old girl. It is unclear how many violations have been prosecuted.

The report from the State Department also describes how the Sudanese Government systematically restricts humanitarian access to Darfur. The Government denies and delays visas and harasses and arrests humanitarian workers. This is all part of an effort to cut off the food and medicine humanitarian groups are bringing into Darfur.

The mere presence of international aid workers helps safeguard people in the camps as well. That is one more reason Khartoum tries to keep them out. Rebel groups add to the violence by attacking humanitarian workers as well, stealing their vehicles and supplies. According to the report, both the rebel groups and the government-supported militias use child soldiers to help fight their battles.

The State Department's Human Rights Report is just the latest testament to the atrocities that continue to unfold in Darfur.

Mr. President, it is time the world brought these crimes against humanity to a halt. We do that by taking steps that we can in the United States—starting with supporting divestment and imposing tougher sanctions, and we should go to the United Nations and demand a vote. We have been told over and over again that if we ask the United Nations to get involved, it is likely that one country on the Security Council—and many point to China—will veto that request. Well, so be it. Let us have this vote, let us be on the record, let us say that in the midst of genocide, we forced the issue to a vote and the United States voted on the side of compassion and humanity. Let those countries threatening a veto explain their position.

I thank my colleagues, Senator CORNYN, Senator SPECTER, and Senator LIEBERMAN for joining me in this step we take today to support State and local divestment. Many people wonder what one or two Senators can accomplish. We are fortunate in the State of Illinois to have a legacy of some great people who have served in the Senate, from both political parties. The Presiding Officer and I were fortunate to count as a friend a former U.S. Senator, the late Paul Simon.

In 1994, when the Rwanda genocide was unfolding, Paul Simon saw it, and he went to Jim Jeffords, a Republican Senator from Vermont, and he said: We have to do something; innocent people are being hacked to death in Rwanda. He and Senator Jeffords then called Romeo Dallaire, the U.N. Peacekeeping General in Rwanda at the time in 1994, and they asked: What will it take to stop the killing? He said: It will take 5,000 equipped soldiers, and I can stop this massacre—only 5,000. So Senator Simon and Senator Jeffords called down to the Clinton White House and said: We need to talk to somebody about getting 5,000 soldiers in to stop a massacre. Their call went unheeded. There was no response. President Clinton now apologizes today, saying it was one of the worst foreign policy decisions of his administration. I respect his honesty and candor, but the fact is, no soldiers were sent.

Recently, a little over a year ago, I visited Rwanda for the first time. I went to Hotel Rwanda, made famous by the movie, Hotel des Mille Collines, where a brave little hotel manager played the role of Oscar Schindler in his time. He started harboring people who otherwise would have been killed in the streets of Kigali, Rwanda. It was harrowing to walk through the hotel and imagine what life was like; to know that 11 years before, people huddled, afraid they were about to be pulled out and killed in the streets. You would look down at this beautiful, crystal-clear swimming pool and realize it was the water in that pool that sustained them during that period.

I went down the hill from that hotel to a red brick Catholic church, known as Ste. Famille. I looked inside during the early morning, and I went back to the hotel. Someone in the hotel said: That is a famous church. A thousand people sought asylum as refugees in that church but, unfortunately, the doors were opened and a thousand people were hacked to death in that church.

That is the reality of genocide. It is the reality of Rwanda, and it is the reality of Darfur. It is a reality we cannot ignore. We have the power. The question is, Do we have the will?

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

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

S. 831

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 ''Sudan Divestment Authorization Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the Senate and the House of Representatives passed concurrent resolutions declaring that ''the atrocities unfolding in Darfur, Sudan, are genocide''.

(2) On June 30, 2005, President Bush affirmed that ''the violence in Darfur region is clearly genocide [and t]he human cost is beyond calculation''.

(3) The Darfur Peace and Accountability Act of 2006, which was signed into law on October 13, 2006, reaffirms that ''the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan''.

(4) Several States and governmental entities, through legislation and other means, have expressed their desire, or are considering measures—

(A) to divest any equity in, or to refuse to provide debt capital to, certain companies that operate in Sudan; and

(B) to disassociate themselves and the beneficiaries of their public pension and endowment funds from directly or indirectly supporting the Darfur genocide.

(5) Efforts of States and other governmental entities to divest their pension funds and other investments of companies that operate in Sudan build upon the legal and historical legacy of the anti-apartheid movement in the United States, a movement which contributed to the end of apartheid in South Africa and the holding of free elections in that country in 1994.

(6) Although divestment measures should be employed judiciously and sparingly, declarations of genocide by Congress and the President justify such action.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States and other governmental entities should be permitted to provide for the divestment of certain State assets within their jurisdictions as an expression of opposition to the genocidal actions and policies of the Government of Sudan; and

(2) a divestment measure authorized under section 5 does not violate the United States Constitution because such a measure—

(A) is not preempted under the Supremacy Clause;

(B) does not constitute an undue burden on foreign or interstate commerce under the Commerce Clause; and

(C) does not intrude on, or interfere with, the conduct of foreign affairs of the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) ASSETS.—The term ''assets'' means any public pension, retirement, annuity, or endowment fund, or similar instrument, managed by a State.

(2) COMPANY.—The term ''company'' means any natural person, legal person, sole proprietorship, organization, association, corporation, partnership, firm, joint venture, franchisor, franchisee, financial institution, utility, public franchise, trust, enterprise, limited partnership, limited liability partnership, limited liability company, or other business entity or association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such business entities or associations.

(3) COMPANY WITH A QUALIFYING BUSINESS RELATIONSHIP WITH SUDAN.—The term ''company with a qualifying business relationship with Sudan''—

(A) means any company—

(i) that is wholly or partially managed or controlled, either directly or indirectly, by the Government of Sudan or any of its agencies, including political units and subdivisions;

(ii) that is established or organized under the laws of the Government of Sudan;

(iii) whose domicile or principal place of business is in Sudan;

(iv) that is engaged in business operations that provide revenue to the Government of Sudan;

(v) that owns, maintains, sells, leases, or controls property, assets, equipment, facilities, personnel, or any other apparatus of business or commerce in Sudan, including ownership or possession of real or personal property located in Sudan;

(vi) that transacts commercial business, including the provision or obtaining of goods or services, in Sudan;

(vii) that has distribution agreements with, issues credits or loans to, or purchases bonds of commercial paper issued by—

(I) the Government of Sudan; or

(II) any company whose domicile or principal place of business is in Sudan;

(viii) that invests in—

(I) the Government of Sudan; or

(II) any company whose domicile or principal place of business is in Sudan; or

(ix) that is fined, penalized, or sanctioned by the Office of Foreign Assets Control of the Department of the Treasury for violating any Federal rule or restriction relating to Sudan after the date of the enactment of this Act; and

(B) does not include—

(i) nongovernmental organizations (except agencies of Sudan), which—

(I) have consultative status with the United Nations Economic and Social Council; or

(II) have been accredited by a department or specialized agency of the United Nations;

(ii) companies that operate in Sudan under a permit or other authority of the United States;

(iii) companies whose business activities in Sudan are strictly limited to the provision of goods and services that are—

(I) intended to relieve human suffering;

(II) intended to promote welfare, health, religious, or spiritual activities;

(III) used for educational purposes;

(IV) used for humanitarian purposes; or

(V) used for journalistic activities.

(4) GOVERNMENT OF SUDAN.—The term ''Government of Sudan''—

(A) means—

(i) the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front); or

(ii) any successor government formed on or after the date of the enactment of this Act, including the Government of National Unity, established in 2005 as a result of the Comprehensive Peace Agreement for Sudan; and

(B) does not include the regional Government of Southern Sudan.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any department, agency, public university or college, county, city, village, or township of such governmental entity.

SEC. 5. AUTHORIZATION FOR CERTAIN STATE AND LOCAL DIVESTMENT MEASURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, any State may adopt measures to prohibit any investment of State assets in the Government of Sudan or in any company with a qualifying business relationship with Sudan, during any period in which the Government of Sudan, or the officials of such government are subject to sanctions authorized under—

(1) the Sudan Peace Act (Public Law 107–245);

(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497);

(3) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177);

(4) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344); or

(5) any other Federal law or executive order.

(b) APPLICABILITY.—Subsection (a) shall apply to measures adopted by a State before, on, or after the date of the enactment of this Act.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. FEINGOLD, Mr. REED, Mr. KENNEDY, Mr. ROCKEFELLER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. CARPER, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. DORGAN, Mr. HARKIN, Mr. INOUYE, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Ms. STABENOW, Mr. TESTER, Mr. WHITEHOUSE, and Mr. WYDEN):

S.J. Res. 9. A joint resolution to revise United States policy on Iraq; read the first time.

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

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

S.J. RES. 9

Whereas Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq;

Whereas the circumstances referred to in the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) have changed substantially;

Whereas United States troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution; and

Whereas United States policy on Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chances of success and to more effectively fight the war on terror: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''United States Policy in Iraq Resolution of 2007''.

SEC. 2. PROMPT COMMENCEMENT OF PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in subsection (b).

(b) COMMENCEMENT OF PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this joint resolution, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training and equipping Iraqi forces.

(3) Conducting targeted counter-terrorism operations.

(c) COMPREHENSIVE STRATEGY.—Subsection (b) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(d) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—EXPRESSING THE SENSE OF THE SENATE THAT NO ACTION SHOULD BE TAKEN TO UNDERMINE THE SAFETY OF THE ARMED FORCES OF THE UNITED STATES OR IMPACT THEIR ABILITY TO COMPLETE THEIR ASSIGNED OR FUTURE MISSIONS

Mr. REID submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 101

Whereas under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Force, especially during wartime;

Whereas when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Whereas thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan have failed to receive the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) neither the President nor Congress should take any action that will endanger the Armed Forces of the United States, including eliminating or reducing funds for troops in the field or failing to provide them adequate training, equipment and other support, as such actions would undermine their safety or harm their effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the health care and other support services they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

AMENDMENTS SUBMITTED AND PROPOSED

SA 396. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 398. Mr. BINGAMAN (for himself, Mr. DOMENICI, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 399. Mr. COLEMAN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 400. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.