

1019) expressed a need to address the rapidly deteriorating security situation of Sudan, Chad, and the Central African Republic and to protect civilians in the border areas of Sudan, Chad, and the Central African Republic and recommended a robust mission that "would, among other tasks: facilitate the political process; protect civilians; monitor the human rights situation; and strengthen the local judicial, police and correctional system";

Whereas the December 22, 2006, report went on to recommend that the force also be mandated and equipped to deter attacks by armed groups and react preemptively to protect civilians, including refugees and internally displaced persons, with rapid reaction capabilities;

Whereas on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), authorizing a multidimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in Chad, including in the internally displaced persons and refugee camps and, if necessary, in the Central African Republic;

Whereas continuing hostilities will undermine efforts to bring security to the Darfur region of Sudan, dangerously destabilize volatile political and humanitarian situations in Chad and the Central African Republic, and potentially disrupt progress towards peace in southern Sudan;

Whereas a December 2006 United Nations assessment mission report outlined possibilities for a mission in Chad, including a force large enough to monitor the border, deter attacks, and provide civilian protection;

Whereas the United Nations Security Council has requested proposals for a United Nations force in Chad and the Central African Republic to help protect and provide humanitarian assistance to tens of thousands of civilians affected by the conflict that began in Darfur; and

Whereas a technical assessment mission was dispatched in January 2007 toward that end: Now, therefore, be it

Resolved, That the Senate—

(1) expresses concern for the more than 1,000,000 citizens of Sudan, Chad, and the Central African Republic who have been adversely affected by this interrelated violence and instability;

(2) calls upon the Governments of Chad and Sudan—

(A) to reaffirm their commitment to the Tripoli Declaration of February 8, 2006, and the N'Djamena Agreement of July 26, 2006;

(B) to refrain from any actions that violate these agreements; and

(C) to cease all logistical, financial, and military support to each others' insurgent groups;

(3) urges the Government of Chad to improve accountability and transparency as well as the provision of basic services to redeem the legitimacy of the Government in the eyes of its citizens;

(4) urges the Government of Chad to take action to increase political participation and to strengthen democratic institutions to ensure that all segments of society in Chad can participate in and benefit from a transparent, open, and capable government;

(5) urges the Government of Chad, the Government of Sudan, and other key regional and international stakeholders to commit to another round of inclusive political negotiations that can bring lasting peace and stability to the region;

(6) urges the Government of the Central African Republic—

(A) to engage in constructive and inclusive dialogue with rebels in the northwestern region of the country;

(B) to hold accountable security forces engaging in human rights violations; and

(C) to strengthen government services in order to meet the needs of affected populations;

(7) calls upon the President to urge the United Nations Security Council to appoint a senior United Nations official to direct and coordinate all international humanitarian activities on both sides of Sudan's western border and expand the response to emergency needs related to the political and humanitarian situation in the Central African Republic;

(8) urges the President to utilize the resources and leverage at the President's disposal to press for the immediate deployment of an advance United Nations mission to eastern Chad and northern Central African Republic to lay the groundwork for a robust multilateral and multidimensional presence;

(9) urges the United Nations Security Council to authorize a multilateral and multidimensional peacekeeping force to eastern Chad and northern Central African Republic with the mandate and means—

(A) to ensure effective protection of civilians, particularly refugees, and internally displaced persons, including by preempting, preventing, and deterring attacks on civilians;

(B) to organize regular patrols along the western border of Sudan and implement practical protection measures for asylum seekers;

(C) to maintain the civilian and humanitarian nature of the internally displaced persons and refugee camps in Chad and facilitate the efforts of aid workers;

(D) to deter, monitor, investigate, and report attacks on humanitarian personnel and assets;

(E) to provide around the clock physical security in the camps and surrounding areas, including organized patrols to guarantee freedom of movement to all civilians and humanitarian workers;

(F) to coordinate and share information with humanitarian organizations, actively preserve unhindered humanitarian access to all displaced persons, and ensure the safety of all humanitarian workers in accordance with international humanitarian law;

(G) to collect and report evidence of human rights violations and perpetrators to the United Nations on a timely and regular basis; and

(H) to support domestic and multilateral initiatives to strengthen local judicial, police, and correctional systems in Chad; and

(10) urges the President and the international community to coordinate efforts to make available sufficient resources in support of this multilateral and multidimensional mission, as well as adequate assistance to meet the continuing humanitarian and security needs of the individuals and areas most affected by this conflict.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Homeland Security Committee be discharged from further consideration of PN-288, the nomination of Claude M. Kicklighter to be Inspector General for the Department of Defense, and that the nomination be placed on the calendar.

The PRESIDING OFFICER. Without objection, the nomination will be placed on the calendar.

NOMINATION OF JAMES CLAPPER TO BE UNDER SECRETARY OF DEFENSE

Mr. HARKIN. Finally, I ask unanimous consent that the Senate proceed

to the consideration of Calendar No. 59, James R. Clapper, Jr., of Virginia, to be Under Secretary of Defense for Intelligence, that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination, considered and confirmed, is as follows:

DEPARTMENT OF DEFENSE

James R. Clapper, Jr., of Virginia, to be Under Secretary of Defense for Intelligence.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, APRIL 12, 2007

Mr. HARKIN. Mr. President, I ask unanimous consent that upon conclusion of the vote on passage of S. 30 today and the clearance of any items by unanimous consent, the Senate stand adjourned until 9:30 a.m., Thursday, April 12; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the majority leader or his designee and the last 30 minutes controlled by the Republican leader or his designee; that at the close of morning business, the Senate resume the motion to proceed to S. 372 and vote on the motion to invoke cloture on the motion to proceed.

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

HOPE OFFERED THROUGH PRINCIPLED AND ETHICAL STEM CELL RESEARCH ACT—Continued

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, the issue of stem cell research, when those stem cells are derived from human embryos, is one of the most profound of our time. Confronting this issue means confronting a dilemma, one I am sure every one of my colleagues has grappled with as much as I have.

On the one hand, many scientists believe that research using stem cells holds the promise of one day curing diseases. But we must also remember that the embryos from which these stem cells are derived are human life. Extracting the stem cells destroys the embryo and ends that life's possibility. The moral boundaries this research crosses is greatly troubling to me, and to many others.

But what is too often missing from this important debate is a simple fact of modern science: Encouraging medical research and protecting the sanctity of life are not mutually exclusive goals.

I have always believed that biomedical research must be conducted in an ethical manner that respects human life. Now I am pleased to report that new scientific research tells us that view is more possible than ever.

This promising new research points the way out of the moral dilemma that embryonic stem cell research has always thrust us in.

Alternative methods for research and the potential for cures are often simpler and more efficient and don't require the destruction of life.

They have scientific advantages over the older method as well. That means that everybody who wants to find a cure for any of man's most devastating diseases, and find it fast, should support this form of research wholeheartedly and enthusiastically.

With our votes, this Senate can advance this promising research through the power of Federal funds, and we can happily provide those funds without fear of offending the principles of millions of Americans.

I thank my good friend from Minnesota, Senator COLEMAN, and my good friend from Georgia, Senator ISAKSON, for sponsoring this bill and giving the Senate this opportunity. I also commend Senator SPECTER and Senator BROWNBACK who have led the debate on the competing measure upon which we will also be voting shortly.

The Coleman-Isakson bill, S. 30, the HOPE Act, is a solution Senators from both parties can embrace and a solution that the President will sign into law.

We should leave behind the heated debates of the past, pitting the hope for a cure to end human suffering against the need to protect life at all its stages, including its earliest.

Last year, a minority of Members in the other body voted to block legislation promoting newer methods of research, such as the methods this bill will support. I don't understand that. The only explanation would be that they value the political clash and debate more than finding common ground—and more than the hope this research can bring.

But this Senate can and should move forward united on the HOPE Act, and I urge my colleagues to support it.

I want to stress to everyone just how much the possibility of finding cures for these life-altering diseases means to me personally. I have known what it is like to feel the shadow of a debilitating disease draped over one's life. As a child, I suffered from polio.

When I was 2 years old, I came down with an infection that felt a lot like the flu. But after the fever passed, my left leg had gone lame.

The only reason I am able to stand here today unaided is because of the

heroic efforts of my mother. She was not a doctor or a nurse, but she fought as hard as she knew how to save her only son from being trapped forever in a leg brace.

For 2 years, my mother put me through a physical therapy regimen taught to her by the doctors at Roosevelt Warm Springs Institute for Rehabilitation, which was, of course, founded by President Roosevelt. That was over in Warm Springs, GA. From age 2 to 4, I was not allowed to walk or to run.

But after 2 years of my mother's care, I was able to have a normal life. A lot of kids at that time in the 1940s were not so lucky. Some were paralyzed for life. Some were sentenced to an iron lung. Many died.

So believe me, Mr. President, when I say I understand the urgency to find cures for the afflictions that are today's polio. I remember when the prayers of my mother and mothers across the country were answered when Dr. Jonas Salk developed his polio vaccine in 1955. To prove the new vaccine was safe, Dr. Salk administered it to himself, his wife, and their three children. As he did so, he was asked how he could dare his and his family's lives on his new treatment. He replied:

It is courage based on confidence, not daring—and it is confidence based on experience.

Dr. Salk's wisdom ought to guide us today. The daring path is the one that asks us to destroy a life for the possibility that we might save another. If we go down that route, we are daring to ruin America's long and proud record of upholding the highest moral and ethical standards as we seek out new solutions, new cures, and new hopes.

Then there is the path of confidence—the confidence that, thanks to new technologies and new methods of research, scientists can explore the promise of embryonic stem cell research without destroying the human embryo.

Like Dr. Salk's, this confidence is based on experience—the experience of America's best scientists who are pursuing these new methods of research.

The next Dr. Jonas Salk is out there. Providing the money for these methods of research through this bill is how this Senate can help.

I am a believer in the power of science and technology to improve people's lives. I saw it firsthand as a young boy.

Like all of my colleagues, I have great hope for the cures that we will one day find. The Coleman-Isakson bill is something Senators of both parties can support. I hope that they will. Millions of Americans with loved ones in need hope that they will. And I look forward to the successful passage of this bill so America's dominance in medicine and medical technology can continue to move forward.

Mr. President, I yield the floor.

How much time is remaining on this side?

The PRESIDING OFFICER. There is 7 minutes 35 seconds remaining.

Mr. MCCONNELL. Mr. President, I yield the remaining time on this side to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the leader for his support and particularly Meg Hauck who has been of immense value to us throughout the entire process of this deliberation.

I thank majority leader HARRY REID and his staff on the floor for the equitable and fair way in which they allocated time in support of this debate.

I thank Tyler Thompson on my staff, Chris Carr, Joan Kirchner, and a former member of my staff who retired but started this journey with me some time ago, Brittany Espy; also, Dr. Steven Stice at the University of Georgia, whom I have quoted many times on this floor in the course of the last 20 hours of debate, but a scientist like many in America who seeks to find cures for diseases not yet cured, who understands the potential, the vibrance, and the hope of embryonic stem cell research and found ways to develop those embryonic stem cells that are compatible with the directive of the President of 5 years ago but offer new, expanded hope and reality for research in the future.

I particularly pay a compliment to Senator HARKIN who has been the floor manager on S. 5 throughout this debate. He has been very cooperative in every way in allowing us to share our thoughts on two distinct bills, S. 5 and S. 30.

I want to quote Senator GORDON SMITH. Senator SMITH, in his speech, said these bills should not be looked at as competitors but as companions. I agree with that statement because they seek to accomplish the same thing, although they travel down a highway that differs slightly.

The minority leader has accurately expressed the hopes and dreams and aspirations of all Americans, and that is for us to be a catalyst at the Federal level, to ensure that breakthroughs in health, in medicine, and in science take place, and that we are never a hindrance or obstacle to that taking place, while at the same time respecting concerns of all Americans as we go down that path.

Senator COLEMAN of Minnesota has been a tremendous leader in this effort and has brought many of the portions of S. 30 to reality through his research, through his dedication, and through his compassion. As he said so often, he and Senator HARKIN and myself understand we can do better, we can do more, we can reach out, and we can do so without crossing those lines that cause us trouble or may become an obstacle to further research.

So I conclude my remarks by thanking my colleagues in the Senate for their patience and their listening over the last 20 hours. My sincere appreciation to Senator HARKIN for his cooperation, my praise for Senator COLEMAN

and his contribution, and my hope and belief that Members of the Senate will look favorably on S. 30 so we can move science forward in the research of embryonic stem cells and the hope and promise they bring to all Americans.

I yield back the remainder of the time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have risen many times over the past years in support of the legislation that is now before this body, legislation that will unlock the hope of stem cell research for millions of Americans and tens of thousands of Nevadans who suffer from cancer, Alzheimer's, diabetes, Parkinson's, spinal cord injuries, heart disease, Lou Gehrig's disease, and many other diseases.

Initially, I extend my appreciation to Senator HARKIN. Others worked hard on this legislation. Senator KENNEDY and Senator FEINSTEIN have done a wonderful job, but Senator HARKIN, from his position as the chair and/or ranking member of the labor subcommittee on appropriations, has worked with Senator SPECTER—back and forth, the two of them have worked to come up with stem cell legislation.

Senator HARKIN has been a pioneer and a leader in this cause. I admire and respect him for a lot of what he has done as a longtime Member of the Senate, but I know I have more respect for him for what he has done on this legislation.

He has a tremendously good staff: Erik Fatemi, Ellen Murray, and Adrian Hatlett. They have done good work.

I have to throw a bouquet to my longtime, very important legislative advocate whom I have working for me, Carolyn Gluck. She has worked very hard on this issue. I appreciate her hard work.

I have spoken in the past about a man I met who is in a wheelchair in Boulder City, NE. This man suffers from Parkinson's. I asked him why he was in his wheelchair. He told me. After this legislation was vetoed by President Bush, he felt so bad because he believes with this legislation he will be able to walk again and not be confined to that wheelchair.

I have spoken of an 18-year-old twin from Las Vegas. She came to Washington for the first time when she was a little girl. She has suffered from juvenile diabetes for most of her life. She has had tens of thousands of needle pricks over these years—tens of thousands. But this 18-year-old girl still remains optimistic because of this legislation—optimistic for a healthy adulthood. Not only does she feel that way but her twin sister feels the same way.

I have spoken of a 23-year-old man from Henderson who just weeks after his high school graduation was in a car accident which left him a quadriplegic and whose mother wrote to me a plaintive letter hoping, praying because of this legislation her son one day will lead a more normal life.

The plight and suffering of these friends and neighbors pains my heart. But sadly, their stories are far from unique. Mr. President, 100 million Americans suffer just like them. Those who suffer are parents, are children, are friends, are our neighbors. They know that stem cell research is not a guarantee or imaginable, but they know it holds promise, they know it holds hope, real hope, yes, scientific hope. They know it because the world's leading experts tell us so.

In a letter to President Bush, 80 Nobel laureates wrote:

... for disorders that prove not to be treatable with adult stem cells, impeding human pluripotent stem cell research risks unnecessary delay for millions of patients who may die or endure needless suffering while the effectiveness of adult stem cells is evaluated.

This is a statement from 80 Nobel Prize winners.

According to the National Academies of Science, research on both embryonic and adult stem cells is needed "to most effectively advance the scientific and therapeutic potential of regenerative medicine."

In a letter dated a few days ago, April 9, Dr. Harold Varmus, former Director of the National Institutes of Health and now the President of Memorial Sloan-Kettering Cancer Center and also a Nobel laureate wrote:

S. 5 represents an important step forward for human embryonic stem cell research, a new field that offers great promise for the replacement of damaged cells, the understanding of the mechanics of disease, and the development of the testing of new drugs. Unfortunately, current Federal policy, in place since 2001, has not kept pace with the speed of scientific discovery and is today of limited value to the scientific community.

A man whom I have met, Dr. Jeffery Bluestone, a leading diabetes researcher and director of the Diabetes Center at the University of California, San Francisco, said:

We have made great strides in understanding the role of the immune system in diabetes, but fully pursuing both embryonic and adult stem cell research will build on our current successes and could be critical in the ultimate treatment and cure of patients who suffer from this disease.

I have spoken to him personally, and he has said we are going to cure, in the next few years, diabetes. They need this ability to go forward.

The other day I received a letter signed by more than 500 leading organizations from all around the country. It crossed the political spectrum. It includes the AARP, the American Medical Association, Novartis Pharmaceuticals, the Mayo Clinic, the Episcopal Church, Iraq Veterans for a Cure, the American Diabetes Association, Memorial Sloan-Kettering Cancer Center, Harvard University, and the Parkinson's Action Network—to name 11 of 500 organizations.

They spoke with one voice in support of S. 5, writing:

The Stem Cell Research Enhancement Act will move stem cell research forward in our country. The bill holds promise for expand-

ing medical breakthroughs and hope for millions of patients and their loved ones.

Even President Bush's own Director of the National Institutes of Health, Dr. Elias Zerhouni, endorsed the need to pursue embryonic stem cell research in addition to alternative forms of research. At a Senate hearing a few weeks ago he said:

It's not possible for me to see how we can continue the momentum of science and research with the stem cell lines we have at NIH. . . . [F]rom my standpoint as NIH director, it is in the best interests of our scientists, our science, and our country that we find ways and the nation finds a way to go full-speed across adult and embryonic stem cells equally.

Americans, by a huge majority, favor stem cell research because they see the suffering of their own friends and relatives and neighbors, similar to those described in my introduction today. They hear the opinions of experts similar to those I just mentioned and they put their faith in science.

Californians, by ballot, voted, they agreed to spend billions of their own State Treasury on stem cell research, thus challenging the obstinacy of President Bush.

Congress has supported this important cause already. Two years ago the House of Representatives passed something called H.R. 810, the Stem Cell Research Enhancement Act, with bipartisan support. Last year the Senate followed suit, as Republicans and Democrats united to pass a bill that will expand the number of stem cell lines available to federally funded researchers, while ensuring that strict ethical guidelines are followed.

Yet when we sent this bipartisan bill to President Bush's desk, he responded with a veto—his only veto in 6 years, taking away the hope for millions.

Today, as hundreds of millions of Americans wait for progress, our scientists, our innovators are marking time, waiting for President Bush to keep hope alive. The wishes of the American people and the overwhelming weight of evidence, scientific evidence, should trump the narrow ideology of President George Bush.

Yesterday and today we debated S. 5, the Stem Cell Research Enhancement Act, a bill that is similar to the one both the House and Senate passed last year with strong bipartisan support. The House passed it again this year. S. 5 authorizes federally funded research on stem cell lines derived from excess embryos from fertility clinics, embryos that would otherwise be discarded—discarded, thrown away, trashed. These potentially discarded embryos could and should be used to advance life-saving research.

At the same time, our bill acknowledges the important ethical issues at stake and enacts stronger research guidelines than exist in the President's current policy. Because we believe that all forms of promising research should move forward, S. 5 includes a provision that supports the advancement of alternative forms of stem cell research

based on the Santorum-Specter bill that passed the Senate unanimously last year.

Tonight the Senate will also consider another measure sponsored by Senators Coleman and Isakson. Similar to our bill, theirs would promote research in alternative methods for deriving stem cells, some say. However, unlike our bill, this bill would retain the President's restrictions on stem cell research. The legislation is, in my opinion, more political than substantive, more political than scientific. The Coleman-Isakson bill is not a substitute for S. 5.

I know some of my colleagues will disagree. I am not going to vote for it. I think S. 30 is a cover vote, and I am not going to provide any cover. S. 5 is the only bill being discussed that will lift the restrictions that are impeding scientific research and can lead to new treatments and cures of many dread conditions and diseases. For the 100 million Americans who suffer from diseases that could be treated as a result of stem cell research, there is simply no alternative to S. 5.

By supporting the Stem Cell Research Enhancement Act, we are renewing our faith in society's steady march forward. Whether expanding our frontiers, putting a man on the Moon, or mapping the human genome, America has always embraced great scientific challenges that hold even greater promise. It is who we are and it is a commitment to the American people that we must honor.

Jonas Salk, a great American scientist who moved science forward regarding the dread polio or, as they called it, infantile paralysis, when he invented the vaccine, once said, "Our greatest responsibility is to be good ancestors."

If we give our scientists the tools to succeed and give hope to the millions who suffer, we will be doing just that, good ancestors.

I yield any time I have.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Also, before the Chair enters an order, I ask for the yeas and nays on the second vote that we have this evening.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the two bills will be read for the third time, en bloc.

The bills (S. 5 and S. 30) were ordered to be engrossed for a third reading and were read the third time, en bloc.

The PRESIDING OFFICER. The bill (S. 5) having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote "yea."

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—63

Akaka	Feinstein	Murkowski
Alexander	Gregg	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Hatch	Obama
Bennett	Hutchison	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Burr	Kohl	Sanders
Byrd	Lautenberg	Schumer
Cantwell	Leahy	Smith
Cardin	Levin	Snowe
Carper	Lieberman	Specter
Clinton	Lincoln	Stabenow
Cochran	Lott	Stevens
Collins	Lugar	Tester
Conrad	McCain	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NAYS—34

Allard	DeMint	McConnell
Bond	Dole	Nelson (NE)
Brownback	Domenici	Roberts
Bunning	Ensign	Sessions
Casey	Enzi	Shelby
Chambliss	Graham	Sununu
Coburn	Grassley	Thomas
Coleman	Hagel	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Craig	Kyl	
Crapo	Martinez	

NOT VOTING—3

Dodd	Johnson	Landrieu
------	---------	----------

The PRESIDING OFFICER. The yeas are 63; the nays are 34. Under the previous order of March 29, 2007, requiring 60 votes for passage of this bill, the bill is passed.

The bill (S. 5) was passed, as follows:
S. 5

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 "Stem Cell Research Enhancement Act of 2007".

SEC. 2. HUMAN EMBRYONIC STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

"SEC. 498D. HUMAN EMBRYONIC STEM CELL RESEARCH.

"(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or guidance), the Secretary shall conduct and support research that utilizes human embryonic stem cells in accordance with this section (regardless of the date on which the stem cells were derived from a human embryo).

"(b) ETHICAL REQUIREMENTS.—Human embryonic stem cells shall be eligible for use in

any research conducted or supported by the Secretary if the cells meet each of the following:

"(1) The stem cells were derived from human embryos that have been donated from in vitro fertilization clinics, were created for the purposes of fertility treatment, and were in excess of the clinical need of the individuals seeking such treatment.

"(2) Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

"(3) The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

"(c) GUIDELINES.—Not later than 60 days after the date of the enactment of this section, the Secretary, in consultation with the Director of NIH, shall issue final guidelines to carry out this section.

"(d) REPORTING REQUIREMENTS.—The Secretary shall annually prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section."

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 2, is further amended by inserting after section 498D the following:

"SEC. 498E. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

"(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

"(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director, shall issue final guidelines to implement subsection (a), that—

"(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

"(2) prioritize research with the greatest potential for near-term clinical benefit; and

"(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

"(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

“(e) DEFINITION.—

“(1) IN GENERAL.—In this section, the term ‘human embryo’ shall have the meaning given such term in the applicable appropriations Act.

“(2) APPLICABLE ACT.—For purposes of paragraph (1), the term ‘applicable appropriations Act’ means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2010, to carry out this section.”.

Mr. McCONNELL. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the passage of S. 30. Under the previous order, there will be two minutes evenly divided before the vote. Who yields time?

The Senator from Minnesota is recognized.

Mr. COLEMAN. Madam President, I rise in favor of S. 30. Last year the Senate passed a similar measure, Specter-Santorum, 100 to nothing. The reality is that S. 30 goes beyond what Specter-Santorum did. When the dust settles and S. 5 is vetoed, the only real opportunity to expand pluripotent embryonic stem cell research is through S. 30. I ask my colleagues to please put politics aside and to do the right thing.

I plead with my colleagues, on behalf of all of those who have looked to us and asked for hope to move the science of stem cell research forward in a way that does not divide but unifies, do what we did last year, 100 to nothing, keep hope alive, vote in favor of S. 30.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, the bill we just passed, S. 5, does everything that S. 30 does. That was already said in the debate the other day. S. 5 has already passed by an overwhelming vote. Everything that S. 5 does is in S. 30. So the next vote really doesn't make any difference one way or the other, because by passing S. 5, we allow to be done what is done in S. 30.

Secondly, I have always taken the position that we should not tell scientists what to do and what not to do within the ethical guidelines we have established. What S. 30 says is: Go ahead and investigate. I don't know if using so-called dead embryos and extracting stem cells will work. I am not a scientist. But I don't want to handcuff the scientists and tell them they can't research it. As far as I am concerned, a vote for S. 30 is saying again what we committed to do in S. 5.

The PRESIDING OFFICER. All time has expired. The question is now on the passage of S. 30. The yeas and nays

have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—70

Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Murkowski
Bennett	Ensign	Nelson (NE)
Biden	Enzi	Pryor
Bond	Graham	Reed
Brown	Grassley	Roberts
Brownback	Gregg	Salazar
Bunning	Hagel	Sessions
Burr	Harkin	Shelby
Byrd	Hatch	Smith
Carper	Hutchison	Smith
Casey	Inhofe	Snowe
Chambliss	Isakson	Specter
Coburn	Kennedy	Stevens
Cochran	Kerry	Sununu
Coleman	Klobuchar	Thomas
Collins	Kyl	Thune
Conrad	Landrieu	Vitter
Corker	Leahy	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	

NAYS—28

Baucus	Inouye	Obama
Bayh	Kohl	Reid
Bingaman	Lautenberg	Rockefeller
Boxer	Levin	Sanders
Cantwell	Lieberman	Schumer
Cardin	Lincoln	Stabenow
Clinton	Menendez	Tester
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—2

Dodd Johnson

The PRESIDING OFFICER. On this vote, the yeas are 70; the nays are 28. Under the order of March 29, 2007, requiring 60 votes for the passage of this bill, the bill is passed.

The bill (S. 30) was passed, as follows:
S. 30

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 “Hope Offered through Principled and Ethical Stem Cell Research Act” or the “HOPE Act”.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) intensify research that may result in improved understanding of or treatments for diseases and other adverse health conditions; and

(2) promote the derivation of pluripotent stem cell lines without the creation of human embryos for research purposes and without the destruction or discarding of, or risk of injury to, a human embryo or embryos other than those that are naturally dead.

SEC. 3. HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

“SEC. 498D. HUMAN PLURIPOTENT STEM CELL RESEARCH.

“(a) IN GENERAL.—The Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells, including pluripotent stem cells that have the flexibility of embryonic stem cells (whether or not they have an embryonic source), that may result in improved understanding of or treatments for diseases and other adverse health conditions, provided that the isolation, derivation, production, or testing of such cells will not involve—

“(1) the creation of a human embryo or embryos for research purposes; or

“(2) the destruction or discarding of, or risk of injury to, a human embryo or embryos other than those that are naturally dead.

“(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director of NIH, shall issue final guidelines that—

“(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under subsection (a);

“(2) prioritize research with the greatest potential for near-term clinical benefit;

“(3) consistent with standards established under subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research; and

“(4) in the case of research involving stem cells from a naturally dead embryo, require assurances from grant applicants that no alteration of the timing, methods, or procedures used to create, maintain, or intervene in the development of a human embryo was made solely for the purpose of deriving the stem cells.

“(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering the policy in effect on the date of enactment of this section regarding the eligibility of stem cell lines for funding by the National Institutes of Health.

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

“(f) DEFINITIONS.—In this section:

“(1) NATURALLY DEAD.—The term ‘naturally dead’ means having naturally and irreversibly lost the capacity for integrated cellular division, growth, and differentiation that is characteristic of an organism, even if some cells of the former organism may be alive in a disorganized state.

“(2) HUMAN EMBRYO OR EMBRYOS.—The term ‘human embryo or embryos’ includes any organism, not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of enactment of this section, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

“(3) RISK OF INJURY.—The term ‘risk of injury’ means subjecting a human embryo or embryos to risk of injury or death greater than that allowed for research on fetuses in

utero under section 46.204(b) of title 45, Code of Federal Regulations, and section 498(b) of this Act.”.

SEC. 4. NATIONAL AMNIOTIC AND PLACENTAL STEM CELL BANK.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study to recommend an optimal structure for an amniotic and placental stem cell bank program and to address pertinent issues to maximize the potential of such technology, including collection, storage, standards setting, information sharing, distribution, reimbursement, research, and outcome measures. In conducting such study, the Institute should receive input from relevant experts including the existing operators of federal tissue bank programs and the biomedical research programs within the Department of Defense.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Institute of Medicine shall complete the study under subsection (a) and submit to the Secretary of Health and Human Services and the appropriate committees of Congress a report on the results of such study.

Mr. COLEMAN. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

VOTE EXPLANATION

Ms. LANDRIEU. Madam President, I want the record to reflect that I would have voted “aye” on the previous vote on S. 5 had I been able to be here. I was traveling today for a funeral and was unable to get back. Subsequently, I voted “aye” on the bill that just passed. But I would like the record to reflect that had I been able to make the first vote, I would have voted “aye.”

OBSERVING YOM HASHOAH, HOLOCAUST MEMORIAL DAY

Ms. LANDRIEU. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 142, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 142) observing Yom Hashoah, Holocaust Memorial Day, and calling on the remaining member countries of the International Commission of the International Tracing Service to ratify the May 2006 amendments to the 1955 Bonn Accords immediately to allow open access to the Bad Arolsen archives.

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

Ms. LANDRIEU. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas April 15, 2007, marks the international observance of Yom Hashoah, Holocaust Memorial Day, a day to remember and mourn the millions who died during the Holocaust of World War II;

Whereas thousands of Holocaust survivors, historians, and researchers are being denied access to files, located at Bad Arolsen, Germany, that tell the story of unspeakable crimes committed by the Nazis;

Whereas the Bad Arolsen archives contain 30,000,000 to 50,000,000 pages of documents that record the individual fates of over 17,000,000 victims of Nazi persecution;

Whereas the Bad Arolsen archives are administered by the International Tracing Service, which in turn is supervised by an international commission composed of 11 member countries established by the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the “Bonn Accords”);

Whereas the member countries of the International Commission are the United States, Israel, Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Poland, and the United Kingdom;

Whereas, in May 2006, after years of delay, the member countries of the International Commission commendably agreed to amend the Bonn Accords to make the Bad Arolsen archives public for the first time and agreed to place digitized copies of the documents in the archives at Holocaust research centers in other countries, including the United States Holocaust Memorial Museum;

Whereas the May 2006 amendments will become effective only after each of the 11 member countries completes the ratification process;

Whereas the United States, the United Kingdom, Israel, Poland, and the Netherlands have completed the ratification process; and

Whereas opening the Bad Arolsen archives is an urgent matter: Now, therefore, be it

Resolved, That the Senate—

(1) joins people around the world in observing Yom Hashoah, Holocaust Memorial Day, and mourning the millions who were lost during the Holocaust;

(2) commends the United States, the United Kingdom, Israel, Poland, and the Netherlands, as the member countries of the International Commission of the International Tracing Service that have completed the ratification of the May 2006 amendments to the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the “Bonn Accords”);

(3) calls on Belgium, France, Germany, Greece, Italy, and Luxembourg, the member countries of the International Commission that have not yet ratified the May 2006 amendments to the Bonn Accords, to do so immediately;

(4) calls on the International Commission to approve the immediate distribution of copies of the documents from the Bad Arolsen archives that have already been digitized when the International Commission meets in Amsterdam in May 2007; and

(5) respectfully requests the Secretary of the Senate to transmit copies of this resolution to the Secretary of State and to the ambassadors representing each of the member countries of the International Commission in the United States.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:42 p.m., adjourned until Thursday, April 12, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 2007:

DEPARTMENT OF STATE

PETER MICHAEL MCKINLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

DEPARTMENT OF VETERANS AFFAIRS

CHARLES L. HOPKINS, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (OPERATIONS, PREPAREDNESS, SECURITY AND LAW ENFORCEMENT). (NEW POSITION)

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

ARTURO H. CASTRO
ROBERT F. CHESBRO, JR.
ISABELLA A. DANIEL
AURELIO GALATI
EVE M. LACKRITZ
MARY L. LINDEGREN
BORIS D. LUSHNIAK
FRANK J. MAHONEY
BOYD W. MANGES
ELAINE MILLER
JOHN S. MORAN
MANETTE T. MALACANE NIU
STEPHEN J. RITH-NAJARIAN
LAURENCE M. SLUTSKER
DAVID L. SWERDLOW
ROBERT P. WISE

To be surgeon

SCOTT F. DOWELL
KIMBERLEY K. FOX
BROCKTON J. HEFFLIN
HUMBERTO HERNANDEZ-APONTE
DANIEL B. JERNIGAN
RONALD W. JOHNSON
PETER H. KILMARK
SHARON L. LUDWIG
MARK A. MILLER
ABRAHAM G. MIRANDA
ABELARDO MONTALVO
CYNTHIA G. WHITNEY
STEVEN S. WOLF
STEPHANIE ZAZA

To be senior assistant surgeon

JENNIFER L. BETTS
MATTHEW A. CLARK
FELICIA L. COLLINS
SRIPARNA D. DATTA
AL-KARIM A. DHANJI
PHILIP T. FARABAUGH
DANIEL R. FEIKIN
COY B. FULLEN
BRUCE W. FURNESS
MELISSA A. GREENWALD
SHANNON L. HADER
RICHARD S. HARRIS
NARAYAN NAIR
MICHALE D. RATZLAFF
REBECCA L. WERNER
MITCHELL I. WOLFE

To be assistant surgeon

ANTHONY M. DUNNIGAN
TOBE M. PROPST

To be dental director

RONALD E. BAJUSCAK
ROBERT A. CABANAS
MICHAEL L. CAMPSMITH
TIMOTHY L. LOZON
NICHOLAS S. MAKRIDES
DEAN A. MALLYO
DAVID M. MCCOLLOUGH
HIROFUMI NAKATSUCHI
WILLIAM V. STENBERG

To be dental surgeon

THOMAS B. BREWER
DAVID L. BRIZZEE
LISA W. CAYOUS
MARK S. ELLIOTT
MARK R. FRESSE