supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4596

At the request of Mr. JOHANNS, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from South Dakota (Mr. THUNE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 4596 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 3766. A bill to amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, and for other purposes, to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Stem Cell Research Advancement Act of 2010 on behalf of Senator BOXER, Senator FEINSTEIN, and myself.

Some 21 days ago, in the United States District Court for the District of Columbia, in an opinion by Chief Judge Lamberth, the expenditures made by the National Institutes of Health for embryonic stem cell research under an Executive order issued by President Obama on March 9, 2009, was overturned under a declaration that the Executive order violated the Dickey-Wicker amendment enacted by Congress.

Even though on its face it is pretty clear-cut that the embryonic stem cell research was not precluded by that amendment, that has had the effect of tying up very important ongoing research. For example, some $546 million has already been spent on human embryonic stem cell research and some very noteworthy progress has been made. For example, the Food and Drug Administration has approved a clinical trial for patients with spinal cord injury, and human embryonic stem cell research has been successfully used to develop new therapeutic drugs for a number of diseases including amyotrophic lateral sclerosis and muscular dystrophy, and those are just a couple of the illustrations.

The Court of Appeals for the District of Columbia has stayed the lower court's order until September 20, but there is very substantial doubt as what the future will be. Meanwhile, although the district court order has been stayed, there is great uncertainty in the research community as to what will happen. This research is vital for moving against the maladies of our society.

The background on this issue is that in November of 1998, the disclosure was made about the potential for embryonic stem cell research. At the time I chaired the appropriations subcommittee which funded Health and Human Services. It seemed to me that was a tremendous opportunity and I scheduled a hearing within a few days, held on December 2 of 1998. Since that time, there have been some 20 hearings.

As we all know, the funding for the National Institutes of Health has had a tremendous increase. When I joined the committee after my election in 1980, the funding was $3.6 billion. When I became chairman of the committee in the mid-1990s, the funding was $12 billion. With the concurrence of the then-ranking member, Senator HARKIN, we took the lead in increasing funding from some $12 billion to $30 billion. Regrettably, with budget constraints, the funding did not keep pace, starting in the year 2003. But in the stimulus package there was an additional $10 billion added which has reawakened a whole generation of research scientists, with that $10 billion providing funding for some 15,000 grants.

The results for health have been really overwhelming. Here are a few illustrations. In the 1950s, cardiovascular disease caused half of the United States deaths. Today, the rate for coronary heart disease is more than 60 percent lower. Over the past 25 years, the 5-year survival rate for prostate cancer has increased from 69 percent to almost 99 percent for diagnosed patients. For childhood cancers, the 5-year survival rate has improved markedly over the past 3 decades, from less than 50 percent before the 1970s to 80 percent today. Those are only illustrative statistics. The opportunities for embryonic stem cell research are overwhelming.

The Specter-Harkin bill was passed by the Senate in 2006 by a vote of 63 to 37, a very healthy margin for an issue which has raised some controversy. The House of Representatives passed the legislation but regrettably President Bush vetoed it in 2006, and the effort to override the veto in the House failed. There was a vote of 235 to 193, short of the two-thirds necessary to override the veto. But that shows enormous Congressional support.

Then President Obama issued the Executive order that Federal funds could be used on embryonic stem cell research on lines where the embryo had been donated. This is in line with the policy adopted by President Bush in August of 2001, when he allowed the use of quite a number of stem cell lines where the embryos had been donated. Later it was found there were only 21 lines, and those were insufficient, which has led to the effort for legislation and then led to President Obama's Executive order. The fact is, there are some 400,000 of these embryos which are frozen and which will ultimately be discarded. So it is use them for medical research to save lives or throw them away. Some have contended that we are destroying lives but the reality is they will not be utilized.

In response to the issue as to whether there might be adoption of these embryos, the subcommittee took the lead in appropriating substantial funds, which is more than $4 million a year, actually $4.2 million, but relatively few people have come forward for its use on adopting the embryos to turn them into life. If these embryos could be turned into human life I would not under any circumstance advocate scientific research on these embryos—if they could produce life. But they cannot. The facts are plain. The adoption line has been in effect now since 2002. Only a few hundred have been adopted. President Bush invited the ''snowflake'' children to the White House during his tenure, about 150 of them.

Now we have a situation where the court has intervened, even though more than a year and a half had elapsed since President Obama issued the Executive order, a clear indication of congressional intent not to deal with it or not to overturn it. I think it is a fair legal analysis that the order issued by the district court is not a sound order. Some indication of that is found in the fact that the circuit court stayed the order—not conclusive, but when they stay an order it looks as though they are not favorably inclined toward it. But who knows what the circuit court will do? Who knows what the Supreme Court of the United States, with their ideological bent, would do? This has become a theological issue in part, very emotional, with people arguing that it is akin to abortion. Of course it is nowhere near that kind.

It seems to me Congress ought to act. That is why on the first order of business after we convened here this afternoon, our first day back and our first hour in the Senate session, I am introducing this legislation. I have discussed it with sponsors on the House side and I think we are in a position to move rapidly. Certainly the previous vote of 63 to 37 in 2006 shows substantial support in this body, and the 235-to-193 vote to override President Bush's veto shows the same in the House of Representatives. I hope my colleagues will join me in this effort so this important scientific research may be continued.

I ask unanimous consent that the full text of my printed statement be printed in the RECORD.

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

THE STEM CELL RESEARCH ADVANCEMENT ACT

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the

''Stem Cell Research Advancement Act'' to codify the provisions set out in President Obama's executive order on embryonic stem cell research.

I believe medical research should be pursued with all possible haste to cure the diseases and maladies affecting Americans. As former Chairman and Ranking Member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I backed up this belief by supporting increases in funding for the National Institutes of Health. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. In fiscal year 2010, NIH will receive approximately $31 billion to fund its pursuit of lifesaving research. Regrettably, increases in Federal funding for NIH have steadily declined since 2003. The $10 billion for the National Institutes of Health that was included in the stimulus package provided an immediate infusion of new research dollars for medical research to make up for a portion of what was lost since 2003 and has had tremendous influence on the biomedical research community. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS, and many others. For example, in the 1950's, cardiovascular disease caused half of U.S. deaths. Today, the death rate for coronary heart disease is more than 60 percent lower. Over the past 25 years, the 5-year survival rate for prostate cancer has increased from 69 percent to almost 99 percent for diagnosed patients. For all childhood cancers combined, 5-year relative survival has improved markedly over the past 30 years, from less than 50 percent before the 1970s to 80 percent today. It is clear to me that Congress's commitment to the NIH is paying off. This is the time to seize the scientific opportunities that lie before us and to ensure that all avenues of research toward cures—including stem cell research—remain open for investigation.

I first learned of the potential of human embryonic stem cells in November of 1998 upon the announcement of the work by Dr. Jamie Thomson at the University of Wisconsin and Dr. John Gearhart at Johns Hopkins University. I took an immediate interest and held the first congressional hearing on the subject of stem cells less than one month later on December 2, 1998. These cells are pluripotent, meaning they have the ability to become any type of cell in the human body. The consequences of this unique property of stem cells are far reaching and are key to their potential use in therapies. Scientists and doctors with whom I have spoken—and that have since testified before the Labor-HHS Appropriations Subcommittee at 20 stem cell-related hearings—were excited by this discovery. They believed that these cells could be used to replace damaged or malfunctioning cells in patients with a wide range of diseases. This could lead to cures and treatments for maladies such as juvenile diabetes, Parkinson's disease, Alzheimer's disease, cardiovascular diseases, and spinal cord injury.

Embryonic stem cells are derived from embryos that would otherwise have been discarded. During the course of in vitro fertilization therapies, 4 to 16 embryos are created for a couple having difficulty becoming pregnant. The embryos grow for 5 to 7 days until they contain approximately 100 cells. To maximize the chances of success, several embryos are implanted into the woman. The remaining embryos are frozen for future use. If the woman becomes pregnant after the first implantation, and does not want to have more pregnancies, the remaining frozen embryos are in excess of clinical need and can be donated for research. Embryonic stem cells are derived from these embryos. The stem cells form what are called ''lines'' and continue to divide indefinitely in a laboratory dish. The stem cells contained in these lines can then be made into almost any type of cell in the body—with the potential to replace cells damaged by disease or accident. At no point in the derivation process are the embryos or the derived cells implanted in a woman, which would be required for them to develop further. The process of deriving stem cell lines results in the disruption of the embryo and I know that this raises some concerns.

More than 400,000 embryos are stored in fertility clinics around the country. If these frozen embryos were going to be used for in vitro fertilization, I would be the first to support it. In fact, I have included funding in the HHS budget each year since 2002 to create and continue an embryo adoption awareness campaign. For fiscal year 2010, this campaign is funded at $4.2 million. But the truth is that most of these embryos will be discarded, while they hold the key to curing and treating diseases that cause suffering for millions of people.

President Bush opened the door to stem cell research on August 9, 2001. His policy statement allowed limited Federal funding of human embryonic stem cell research for the first time. A key statement by the President related to the existence of approximately 60 eligible stem cell lines—then expanded to 78. In the intervening years, it became apparent that many of the lines cited were not really viable, robust, or available to federally funded researchers. During that time, there were only 21 lines available for research.

On July 18, 2006, the Senate passed H.R. 810, the Stem Cell Research Enhancement Act by a vote of 63 to 37. This was the House companion to S. 471, which I introduced, and would lift the federal date restriction and allow federally-funded scientists to research a greater number of stem cell lines derived from human embryos that have been donated from in vitro fertilization clinics. It also included stronger ethical requirements on stem cell lines eligible for funding including: donor consent, certification that embryos donated are in excess of clinical need, and certification that the embryos would be otherwise discarded. Unfortunately, on July 19, 2006, President Bush vetoed H.R. 810 and the House failed to override the veto by a vote of 235–193, 48 votes short of the two-thirds needed.

On March 19, 2007, Dr. Elias Zerhouni, President Bush's appointee to lead the National Institutes of Health, testified before the Senate Labor, Health and Human Services and Education Appropriations Subcommittee regarding the NIH budget and stem cells. At that time he stated, ''It is clear today that American science would be better served and the nation would be better served if we let our scientists have access to more cell lines. . .To sideline NIH in such an issue of importance, in my view, is shortsighted. I think it wouldn't serve the nation well in the long run.''

On March 9, 2009, President Obama issued an executive order removing restrictions on federal research on human embryonic research. On July 7, 2009, NIH issued the National Institutes of Health Guidelines for Research Using Human Stem Cells specifying the requirements that must be met for an embryonic stem cell line to be eligible for use in NIH-funded research. Embryonic stem cell lines must be derived from donated human embryos created using in vitro fertilization for reproductive purposes, but no longer needed for that purpose, and donated with voluntary informed consent. This action and research advancement resulted in 75 stem cell lines available for NIH research.

Regrettably, on August 23, 2010, Chief Judge Lamberth of the Federal District Court for the District of Columbia ruled that such research violates the Dickey-Wicker amendment. Since fiscal year 1996, the Dickey-Wicker amendment has been added to each year's Labor, Health and Human Services and Education appropriations legislation to prohibit the use of federal funds for research that destroys human embryo. This policy precludes the use of federal funding to derive stem cells from embryos, which typically are produced via in vitro fertilization. However, it has always been interpreted as allowing federal funds for research that utilizes human embryonic stem cells as long as no federal funds were used for their derivation.

According to a legal opinion issued by the HHS General Council Harriet Rabb in 1999, federal funding for research performed with embryonic stem cells themselves, which does not itself involve embryos or the extraction of stem cells from embryos, is not proscribed by the Dickey amendment. The opinion states: ''Pluripotent stem cells are not organisms and do not have the capacity to develop into an organism that could perform all the life functions of a human being. They are, rather, human cells that have the potential to evolve into different types of cells such as blood cells or insulin producing cells. Pluripotent stem cells do not have the capacity to develop into a human being, even if transferred to a uterus. Based on an analysis of the relevant law and scientific facts, federally funded research that utilizes human pluripotent stem cells would not be prohibited by the HHS appropriations law prohibiting human embryo research, because such stem cells are not human embryos.''

In their memorandum in support of dismissing the case before Judge Lamberth, the Department of Justice argued that ''Congress has expressly interpreted Dickey-Wicker to permit federal funding for stem cell research that is 'dependent upon' the destruction of human embryos.'' As part of this argument, they cited a floor statement I gave in 1999, in regard to the NIH's fiscal year 2000 budget. In that statement, I explained that the budget for NIH maintained the Dickey-Wicker amendment by permitting research to go forward now with private funding extracting the stem cells from embryos, and then the federal funding coming in on the stem cells which have been extracted.

Judge Lamberth's ruling has jeopardized NIH grants that are in various stages of research. In response to this court order, the NIH suspended funding new human embryonic stem cell research and all experiments already underway will be cut off when they come up for renewal. Even a temporary suspension of funding will disrupt the work on these important research projects in the areas of heart disease, sickle cell anemia, liver failure, muscular dystrophy and other maladies. According to the National Institutes of Health, to date, $546 million has been spent on human embryonic stem cell research and phenomenal progress has already been made in realizing the possible benefits. For example, the Food and Drug Administration has approved a clinical trial for patients with spinal cord injury and human embryonic stem cell research is successfully being used to develop new therapeutic drugs for a number of diseases, including amyotrophic lateral sclerosis and spinal muscular atrophy. The research, some of which has been ongoing since 2002, could be gone forever or take years to recreate.

Though the U.S. Court of Appeals for the D.C. Circuit has granted a stay of Judge

Lamberth's temporary injunction while the Obama administration appeals the decision, the uncertainty created by the ruling slows the progress of science. Young scientists rightly void fields of science for which funding may come and go due to political whim rather than scientific and medical merit. A temporary end to the current restrictions is an incomplete and ultimately self-defeating solution.

The Stem Cell Research Advancement Act would codify federal funding of embryonic stem cell research. The bill requires the Secretary of HHS and Director of NIH to maintain guidelines on human stem cell research as set out by President Obama's Executive Order. The NIH must review the guidelines at least every three years and shall update them as scientifically warranted. The bill also establishes eligibility criteria for federal funding of human stem cell research:

The stem cells were derived from human embryos donated from in vitro fertilization clinics, were created for reproductive purposes, and are in excess of clinical need.

The embryos to be donated would never be implanted in a woman and would otherwise be discarded.

The individuals seeking reproductive treatment donated the embryos with written informed consent and without any financial or other inducements.

Importantly, the bill does not allow Federal funds to be used for the derivation of stem cell lines—the step in the process where the embryo is destroyed.

I strongly believe that the funding provided by Congress should be invested in the best research to address diseases based on medical need and scientific opportunity. Politics has no place in the equation. I urge this body to support the Stem Cell Research Advancement Act so that scientists can continue important research without concerns that federal policy on stem cells will change with each new administration.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, first let me salute my colleague from the Commonwealth of Pennsylvania, Mr. SPECTER. He will be leaving the Senate at the end of this year. He has done many things throughout his senatorial career, but I am glad he brought the attention of the Senate this afternoon to his extraordinary effort when it comes to the field of medical research. When the record is written on his service to our country and to the Senate, I think the list will begin with his commitment to dramatic increases in medical research at the National Institutes of Health.

Senator SPECTER is leaving the floor now, but I can tell you, during the course of his remarks I was reminded of how many times he came to the Appropriations Committee and challenged us to raise more money for medical research. His challenges were met with cooperation on a bipartisan basis in the Senate. I don't know that anyone can even measure how many lives have been saved by that extraordinary investment. But he made that commitment as a Senator and he continues to make it in the field of stem cell research.

The point he makes is irrefutable. If these stem cells are not used for research to find cures for deadly, crippling diseases, they will be discarded—thrown away. It is not a question of whether they will be human lives at some point, human embryos. They are going to be thrown away, discarded because they were not used during the course of efforts of young couples to enlarge their families. I think it is only appropriate that we use these stem cells to save lives, to spare misery and spare suffering, and I certainly agree with Senator SPECTER's conclusion.

By Mr. LEAHY (for himself, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 3767. A bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Food Safety Accountability Act with Senators KLOBUCHAR and FRANKEN. This common sense bill will hold criminals who poison our food supply accountable for their crimes. It introduces a new criminal provision and increases the sentences that prosecutors can seek for people who knowingly violate our food safety laws. If it is passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in jail.

This summer, a salmonella outbreak causing hundreds of people to fall ill triggered a national egg recall. The cause of the outbreak is still under investigation, but salmonella poisoning is all too common and sometimes results from inexcusable knowing conduct. Just last year, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, and Mrs. Meunier was able to share her story, which highlighted for the Committee and for the Senate improvements that are needed in our food safety system. No parent should have to go through what Mrs. Meunier experienced. The American people should be confident that the food they buy for their families is safe.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as merely the cost of doing business. Indeed, the company responsible for the eggs at the root of the current salmonella crisis has a long history of environmental, immigration, labor and food safety violations. It is clear that civil and criminal fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. The bill I introduce today will add a new criminal provision and increase sentences for people who put profits above safety by knowingly contaminating the food supply.

After hearing Mrs. Meunier's account, I called on the Department of Justice to conduct a criminal investigation into the outbreak of salmonella that made Christopher and many others so sick. The outbreak was traced to the Peanut Corporation of America. The president of that company, Stewart Parnell, came before Congress and invoked his right against self-incrimination, refusing to answer questions about his role in distributing contaminated peanut products. These products were linked to the deaths of nine people and have sickened more than 600 others. It appears that Parnell knew that peanut products from his company had tested positive for deadly salmonella, but rather than immediately disposing of the products, he sought ways to sell them anyway. The evidence suggests that he knowingly put profit above the public's safety. Our laws must be strengthened to ensure this does not happen again. This bill significantly increases the chances that those who commit food safety crimes will face jail time, rather than a slap on the wrist, for their criminal conduct.

I hope Senators of both parties will act quickly to pass this bill. On behalf of Mrs. Meunier and her son, Christopher, as well as the hundreds of individuals sickened by this summer's and last year's salmonella outbreaks, we must repair our broken food safety system. The Justice Department must be given the tools it needs to investigate, prosecute, and truly deter crime involving food safety. If Congress acts to pass it, this bill will be an important step toward making our food supply safer.

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

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

S. 3767

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 ''Food Safety Accountability Act of 2010''.

SEC. 2. CRIMINAL PENALTIES.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Misbranded and adulterated food

''(a) IN GENERAL.—It shall be unlawful for any person to knowingly—

''(1) introduce or deliver for introduction into interstate commerce any food that is adulterated or misbranded; or

''(2) adulterate or misbrand any food in interstate commerce.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 10 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of