

Committee on Energy and Natural Resources.

EC-3482. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Ceanothus ophiochilus* and *Fremontodendron mexicanum*" (RIN1018-AU77) received on September 27, 2007; to the Committee on Environment and Public Works.

EC-3483. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Establishment of Nonessential Experimental Population Status for 15 Freshwater Mussels, 1 Freshwater Snail, and 5 Fishes in the Lower French Broad River and in the Lower Holston River, TN" (RIN1018-AU01) received on September 27, 2007; to the Committee on Environment and Public Works.

EC-3484. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AV12) received on September 27, 2007; to the Committee on Environment and Public Works.

EC-3485. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Late Season Migratory Bird Hunting Regulations" (RIN1018-AV12) received on September 27, 2007; to the Committee on Environment and Public Works.

EC-3486. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a biennial report entitled, "The Impact of the Caribbean Basin Economic Recovery Act"; to the Committee on Finance.

EC-3487. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mining Industry Overview Guide" (Docket No. LMSB-04-0407-033) received on September 17, 2007; to the Committee on Finance.

EC-3488. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act in the Department of the Army, case number 06-09; to the Committee on Appropriations.

EC-3489. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Board; to the Committee on Appropriations.

EC-3490. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the launch of satellites from Kazakhstan; to the Committee on Foreign Relations.

EC-3491. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the co-development of the Galaxy Express space launch vehicle upgrade program for Japan; to the Committee on Foreign Relations.

EC-3492. A communication from the Assistant Secretary, Office of Legislative Affairs,

Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services related to the launch of satellites from the Pacific Ocean utilizing a modified oil platform; to the Committee on Foreign Relations.

EC-3493. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-192-2007-200); to the Committee on Foreign Relations.

EC-3494. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Board of the International Fund for Ireland; to the Committee on Foreign Relations.

EC-3495. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to support the manufacture of the Korean Commander's Panoramic Sight; to the Committee on Foreign Relations.

EC-3496. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles, technical data, and defense services to Japan in support of the MK 41 Vertical Launching System; to the Committee on Foreign Relations.

EC-3497. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 3B for Fiscal Year 2005 Through 2007, as of March 31, 2007"; to the Committee on Homeland Security and Governmental Affairs.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

\*Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 2125. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself, Mr. JOHN-SON, and Mr. GREGG):

S. 2126. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

By Mrs. MURRAY:

S. 2127. A bill to provide assistance to families of miners involved in mining accidents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SUNUNU (for himself, Mr. MCCAIN, Mr. MCCONNELL, and Mr. LOTT):

S. 2128. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. Res. 341. A resolution concerning the recent forest fires in Greece; to the Committee on Foreign Relations.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Mr. LIEBERMAN, Mr. CARDIN, Mr. LAUTENBERG, Ms. STABENOW, Mr. OBAMA, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. LUGAR, Mrs. BOXER, Mr. DOMENICI, Mrs. HUTCHISON, Mr. CORNYN, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. VOINOVICH, Mrs. DOLE, and Mr. CRAPO):

S. Res. 342. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Hispanic Americans and their immense contributions to the Nation; considered and agreed to.

By Mr. BIDEN (for himself, Mr. LEAHY, Ms. CANTWELL, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. DURBIN, Mr. SANDERS, Mr. CASEY, Mr. LAUTENBERG, Mr. BAYH, Mrs. BOXER, Mr. GRASSLEY, Mr. INHOFE, Mr. JOHNSON, Mr. COLEMAN, and Mr. VOINOVICH):

S. Res. 343. A resolution designating October 19, 2007, as "National Mammography Day"; considered and agreed to.

By Mr. JOHNSON (for himself, Mr. LOTT, Mr. CHAMBLISS, Mr. BROWN, Mr. COBURN, and Mr. INHOFE):

S. Con. Res. 48. A concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 327

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 327, a bill to authorize the

Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

S. 617

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 652

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 652, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 799

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 980

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 980, a bill to amend the Controlled Substances Act to address online pharmacies.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. DOMENICI) were added as

cosponsors of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1150

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1150, a bill to enhance the State inspection of meat and poultry in the United States, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1529

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1592

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 1895

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1905

At the request of Ms. KLOBUCHAR, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 1905, a bill to provide for a rotating schedule for regional selection of delegates to a national Presidential nominating convention, and for other purposes.

S. 1951

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

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1990

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1990, a bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes.

S. 2031

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2031, a bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 339

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 339, a resolution expressing the sense of the Senate on the situation in Burma.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2125. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, I rise today to introduce the Preparing America's Seniors for the Digital Television Transition Act of 2007. Seniors are particularly vulnerable to slipping through the cracks of the digital television transition. Not only are they more likely to rely on free over-the-air analog TV, but for many seniors television is their only link to the outside world. Yet the majority of the public remains unaware of the impending digital television transition. Millions of Americans may turn on their TVs on February 18, 2009, only to find themselves left in the dark without access to critical weather updates, emergency alerts, news or entertainment programming. In my home state of Wisconsin alone, over half a million households rely on free over-the-air TV.

As Chairman of the Special Committee on Aging, I recently held a hearing entitled, "Preparing for the Digital Television Transition: Will Seniors Be Left in the Dark?" Our hearing uncovered several concerns. First, seniors need targeted outreach about the transition and the related coupon program. Second, there is shockingly little coordination between the Government agencies overseeing the transition and the voluntary industry efforts to educate consumers. Third, nonprofit organizations require additional resources to sufficiently assist seniors with navigating the transition. Finally, the Government's plan to provide coupons to partially offset the cost of a converter box is fraught with confusion and vulnerable to fraud and abuse.

My legislation will address these problems by creating a formalized partnership between the Federal Communications Commission, the National Telecommunications and Information Administration and the Administration on Aging with specific reporting requirements. Together these entities will work with stakeholders such as

the broadcasters, the aging network, disability groups, rural Americans, and State, local and tribal governments to craft a coordinated outreach campaign. This legislation will also establish a grant program to ensure that nonprofits and state and local government agencies, like area agencies on aging, have access to assistance as they help seniors and other vulnerable populations navigate the transition and the coupon program.

This legislation will help safeguard seniors and their families by facilitating a number of common sense solutions. The bill requires commercial broadcasters to air public service announcements and develop consumer education plans to meet the needs of local viewers. It requires that coupon-eligible converter boxes are easily identifiable to mitigate the potential of consumers being swayed into purchasing expensive equipment they do not need. It also requires that manufacturers of converter boxes maintain a toll-free 1-800 number to assist individuals with installation. It sets specific reporting requirements for the FCC and NTIA to monitor the progress of their consumer awareness campaign and the coupon program. The legislation also modifies the coupon program to ensure that households relying solely on over-the-air television sets are prioritized and that residents of nursing homes and assisted living facilities are eligible to participate.

I want to thank the following organizations for endorsing this legislation: AARP, the Association for Public Television Stations, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, American Association of Homes and Services for the Aging, the Meals on Wheels Association of America, and the National Association of Nutrition and Aging Services Programs.

Senior citizens deserve to receive targeted outreach and complete information about the upcoming transition. They do not deserve to be the brunt of fraudulent schemes or to be left in the dark after February 17, 2009. I believe we must prepare America's seniors, and I hope my colleagues will join in my effort to do so.

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. 2125

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preparing America's Seniors for the Digital Television Transition Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. DTV educational partnership to benefit older individuals.

Sec. 4. Provisions relating to forfeitures.

Sec. 5. Digital television transition public education outreach and installation assistance grants program.

Sec. 6. Modification of the digital-to-analog converter box program.

Sec. 7. Reporting requirements.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) on February 17, 2009, television stations will cease broadcasting analog signals and traditional analog televisions will stop working unless they are connected to a digital-to-analog converter box, cable, or satellite;

(2) a study conducted by the National Association of Broadcasters revealed that over half of the respondents had "seen, read, or heard nothing" about the transition to digital television, and only 10 percent were able to guess that the transition would occur in 2009;

(3) according to a July 2007 study released by the Association of Public Television Stations, older individuals—

(A) over the age of 65 are more likely to be found in over-the-air households and are, therefore, a much more vulnerable group with respect to maintaining television service as the digital transition is completed;

(B) as a group, are less likely to have purchased a new television in the past 3 years, are less likely to have HDTV capabilities in their households, and are less likely to own a digital television;

(C) will not have the same exposure to digital television transition messages from electronic retailers as will younger members of the population; and

(D) will need special focus in efforts to educate the public with respect to the transition from analog to digital television;

(4) according to a Nielsen Media Research report, approximately 20,000,000 households rely exclusively on analog or free over-the-air broadcasts;

(5) of these 20,000,000 households, approximately 8,000,000 include at least 1 person over the age of 50, according to the Nielsen Media Research TV Household Estimates;

(6) according to the General Accountability Office, about 48 percent of over-the-air households have incomes under \$30,000;

(7) frail, homebound, rural, minority, disabled, limited English proficient, and low-income older individuals will need specific guidance and assistance in order to purchase and properly install a digital-to-analog converter box;

(8) without a targeted outreach program residents in nursing homes and assisted living facilities represent a segment of the population at risk for losing television service as a result of the digital transition;

(9) failure to seamlessly transition from analog to digital television will restrict or eliminate the access of older individuals to essential preparedness and safety information in the event of an emergency or disaster, as such individuals will be unable to receive national and local alerts aired over television;

(10) it is now 6 years after the communication failures of September 11, 2001, which spurred Federal Government adoption of a firm digital television transition date;

(11) unfortunately the Department of Commerce and the Federal Communications Commission have not adequately assured Congress that vulnerable households will be properly educated and prepared for such transition; and

(12) older individuals, their families, caregivers, and aging support networks will need targeted outreach to inform them of steps to take in order to ensure uninterrupted television service and to help mitigate potential