AMENDMENT NO. 941

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 941 proposed to S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

AMENDMENT NO. 942

At the request of Mr. KOHL, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of amendment No. 942 proposed to S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 942 proposed to S. 761, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 1204. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I rise to introduce the Shaken Baby Syndrome Prevention Act of 2007, important legislation that promotes awareness and prevention of Shaken Baby Syndrome, a devastating form of child abuse that results in the severe injury, disability or death of hundreds of children each year.

Child abuse and neglect is a well-documented tragedy for some of our youngest and most vulnerable citizens. According to the National Child Abuse and Neglect Data System (NCANDS) almost 900,000 children were victims of abuse and neglect in 2005. More than four children die every single day as a result of abusive maltreatment in this country. Babies are particularly vulnerable; in 2005, children aged 12 months or younger accounted for nearly 42 percent of all child abuse and neglect fatalities and children under age 3 accounted for almost 77 percent. Yet even these disturbing statistics may not paint an accurate picture; most experts agree that child abuse is widely under-reported.

Abusive head trauma, including Shaken Baby Syndrome, is the leading cause of death of physically abused children, in particular for infants younger than one. When a frustrated caregiver loses control and violently shakes a baby or impacts the baby's head, the trauma can kill the child or cause severe injuries, including loss of vision, loss of hearing, brain damage, paralysis, and/or seizures, resulting in lifelong disabilities and creating profound grief for many families.

Far too many children have experienced the horrible devastation of Shaken Baby Syndrome. A 2003 report in the Journal of the American Medical Association estimates that as a result of Shaken Baby Syndrome, an average of 300 U.S. children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be infants younger than one. Medical professionals believe that thousands of Shaken Baby Syndrome cases are misdiagnosed or undetected, as many children do not immediately exhibit obvious symptoms after the abuse.

Prevention programs can significantly reduce the number of cases of Shaken Baby Syndrome. For example, the Upstate New York SBS Prevention Project at Children's Hospital of Buffalo has used a simple video to educate new parents before they leave the hospital, reducing the number of shaken baby incidents in the area by nearly 50 percent.

In Connecticut, a multifaceted prevention approach involving hospitals, schools, childcare providers, and community-based organizations in awareness and training activities, including home visits and targeted outreach, has raised awareness and encouraged prevention across the state. Hospitals in many States educate new parents about the dangers of shaking a baby, yet it is estimated that less than 60 percent of parents of newborns receive information about the dangers of shaking a baby. Without more outreach, education and training, the risk of Shaken Baby Syndrome will persist.

With the introduction of the Shaken Baby Syndrome Prevention Act of 2007, I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately to eliminate Shaken Baby Syndrome. Our initiative provides for the creation of a public health campaign, including development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of SBS, and establishment of a cross-disciplinary advisory council to help coordinate national efforts.

The campaign will educate the general public, parents, child care providers, health care professionals and others about the dangers of shaking, as well as healthy preventative approaches for frustrated parents and caregivers coping with a crying or fussy infant. The legislation ensures support for families who have been affected by SBS, and for families and caregivers struggling with infant crying, through a 24-hour hotline and an informational website. All of these activities are to be implemented through the coordination of existing programs and/or the establishment of new efforts, to bring together the best in current prevention, awareness and education practices to be expanded into areas in need.

Awareness is absolutely critical to prevention. Families, professionals and caregivers responsible for infants and young children and must learn about the dangers of violent shaking and abusive impacts to the head.

On behalf of the victims of Shaken Baby Syndrome, including Cynthia from New York, Hannah from California, Sarah from New York, Kierra from Nevada, Miranda from Pennsylvania, Taylor from Illinois, Cassandra from Arizona, Gabriela from Florida, Amber from New York, Bennett from Missouri, Jamison from Florida, Maggie from Texas, Dalton from Indiana, Stephen from Texas, Kaden from Washington, Joseph from Texas, Dawson from Pennsylvania, Macie from Minnesota, Jake from Maine, Benjamin from Michigan, Chloe from New Mexico, Madison of Oklahoma, Peanut from Texas, Nykkole from Minnesota, Gianna from Rhode Island, Brynn from Washington, Rachael from Texas, Jack from Maryland, Ryan from Virginia, David from California, Reagan from Virginia, Skipper from New York, and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that this legislation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

I ask unanimous consent that a list of groups supporting this resolution be printed in the RECORD.

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

GROUPS SUPPORTING THE SHAKEN BABY SYNDROME PREVENTION ACT OF 2007

American Association of Neurological Surgeons; American Professional Society on the Abuse of Children; American Psychological Association; The Arc of the United States; Association of Maternal and Child Health Programs; Association of University Centers on Disabilities; Brain Injury Association of America; Center for Child Protection and Family Support; Child Welfare League of America; Children's Defense Fund; Children's Healthcare is a Legal Duty; Congress of Neurological Surgeons; The Connecticut Children's Trust Fund; Council for Exceptional Children; Cynthia Gibbs Foundation; Division for Early Childhood of the Council for Exceptional Children; Easter Seals; Epilepsy Foundation; Fight Crime: Invest in Kids; and The G.E.M. Child Protection Foundation.

Hannah Rose Foundation; IDEA Infant Toddler Coordinators Association; Kierra Harrison Foundation; Lifetime Family Resource Center, Inc.; Massachusetts Citizens for Children; The Multidisciplinary Pediatric Education and Evaluation Consortium; National Association of Child Care Resource & Referral Agencies; National Association of Children's Hospitals; National Association of State Head Injury Administrators; National Center for Learning Disabilities; National Center on Shaken Baby Syndrome; National Child Abuse Coalition; National Family Partnership; National Respite Coalition; National Shaken Baby Coalition; National Shaken Baby Syndrome Nursing Network; Parents Anonymous; Pennsylvania Shaken Baby Syndrome Prevention and Awareness Program; Prevent Child Abuse America; Shaken Baby Association; Shaken Baby Prevention, Inc.; Shaking Kills: Instead Parents Please Educate and Remember Initiative (SKIPPER); United Cerebral Palsy; and Upstate New York Shaken Baby Syndrome Prevention and Awareness Program.

By Mr. SMITH (for himself and Mr. HARKIN):

S. 1205. A bill to require a pilot program on assisting veterans' service organizations and other veterans' groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SMITH. Mr. President, I rise today to introduce the Heroes Helping Heroes Demonstration Program of 2007, along with my distinguished colleague from Iowa, Senator HARKIN. I ask unanimous consent that the text of this bill be printed in the RECORD.

Our intention is to expand the use of peer-support approaches to assist the reintegration of America's veterans as they return from active duty to their homes and communities. We hope that this legislation will demonstrate the effectiveness of peer-support approaches and ease the burden of the social, economic, medical and psychological struggles our veterans face.

Deployed soldiers face extreme stress and at times devastating injuries. Left untreated, this stress can have devastating impact on soldiers and their families. Army researchers have found that alcohol misuse went from 13 percent among soldiers to 21 percent one year after returning from Iraq and Afghanistan. It also has been found that soldiers with anger and aggression issues increase from 11 percent to 22 percent after deployment. Furthermore, the best studies to date have shown that up to one-third of our current war veterans are coping with a serious mental health problem, most notably Post Traumatic Stress Disorder (PTSD).

In addition to these personal struggles, returning soldiers also face serious social and economic challenges. Data from the U.S. Bureau of Labor Statistics indicates that unemployment among soldiers returning to civilian life is 15 percent—three times the national average. Those soldiers planning to divorce their spouse rose from nine percent to 15 percent after time spent in the combat zone. Unfortunately, as more troops are deployed, deployments are extended and breaks between deployments become shorter these problems will only become more prevalent.

At present, the Department of Defense and the Department of Veterans Affairs are struggling to meet the needs of returning veterans. Situations like those recently uncovered at Walter Reed Hospital demonstrate a health care system stretched to its limits. Furthermore, it would require significant additional resources to build up traditional service organizations and approaches to be sufficient to deal with these serious problems.

I have risen on this floor many times to speak about the need to adequately address the mental health and physical health needs of our citizens. However, there has never been a case when the responsibility and duty of this body and our country has been clearer than the duty to aid our veterans who have sacrificed their bodies, minds and lives for this country.

Fortunately, ''peer-support'' approaches offer a low cost and effective adjunct to traditional services by allowing the heroes of our country to help each other. Veteran peer-support offers two things that no kind of professionalized service can ever hope to: the support of someone who has had the same kinds of experiences and truly understands what the veteran is going through; and the potential of a large pool of experienced volunteers who can assist and support returning veterans at very little cost.

The effectiveness of these approaches has been documented in a variety of domains. Specifically, for mental health disorders like PTSD and depression, peer-support programs have shown that participation yields improvement in psychiatric symptoms and decreased hospitalizations, the development of larger social support networks, enhanced self-esteem and social functioning, as well as lower services costs. The Substance Abuse and Mental Health Service Administration (SAMHSA), and even the President's New Freedom Commission on Mental Health, have recognized peer-support approaches as an emerging best practice that is helping people recover from traumatic events.

Although the peer-support approach is promising, the need for this type of assistance is growing and far exceeds the services that are available. A report from the National Symposium for the Needs of Young Veterans hosted by AMVETS recognized this need in Voices for Action: A Focus on the Changing Needs of America's Veterans.

The legislation that I am introducing today requires the Veterans Administration to create a pilot project. This project would demonstrate and assess the feasibility of funding community based veterans' organizations and groups to create and expand peer-support programs for veterans. It also authorizes $13.5 million over three years for this program. These funds will be used to support the development or expansion of peer-support programs in up to 20 non-profit organizations that support the reintegration of veterans on a local and national level.

The use of peer-support approaches is supported by veterans, veterans' organizations and mental health professionals. I ask for unanimous consent to include in the record the following letters from the Iraq and Afghanistan Veterans of America, Disabled American Veterans, the National Coalition for Homeless Veterans, Vets4Vets and the American Psychological Association.

I am pleased that Senator HARKIN has joined me in this effort. Our legislation is an important step to expand and improve the support available to our veterans and their transition back to community life. We hope that this bill will continue to focus attention on the needs of our veterans who have given so much to their country.

Mr. President, I yield the floor.

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

S. 1205

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

SECTION 1. PILOT PROGRAM ON ASSISTING VETERANS ORGANIZATIONS IN FACILITATING COMMUNITY REINTEGRATION OF VETERANS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to demonstrate and assess the feasibility and advisability of delivering community reintegration support and services to veterans by assisting veterans organizations in developing and promoting peer support programs for veterans.

(2) DESIGNATION.—The pilot program required by paragraph (1) shall be known as the ''Heroes Helping Heroes Program''.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on October 1, 2007.

(c) SELECTION OF PILOT PROGRAM PARTICIPANTS.—

(1) IN GENERAL.—The Secretary shall select not more than 20 eligible entities to participate in the pilot program.

(2) APPLICATION.—Each eligible entity seeking to participate in the pilot program shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall require.

(3) SELECTION.—The Secretary shall select participants in the pilot program from among the applicants under paragraph (1) that the Secretary determines—

(A)(i) have existing peer support programs that can be expanded or enhanced, and resources, for the delivery of community reintegration support and services to veterans (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; or

(ii) have the capacity, including the skill and resources necessary, to develop and maintain new peer support programs for the delivery of community reintegration support and services (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; and

(B) have a plan to continue such peer support programs after the pilot program ends.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to pilot program participants to develop and promote peer support programs that deliver community reintegration support and services for veterans.

(2) AMOUNT.—The Secretary shall ensure that the average amount of the grant awarded under paragraph (1) to a pilot program participant is not more than $300,000 and not less than $100,000 per fiscal year.

(3) MATCHING FUNDS.—A recipient of a grant under paragraph (1) shall contribute towards the development and promotion of peer support programs that deliver community reintegration support and services to veterans an amount equal to not less than ten percent of the grant awarded to such recipient.

(4) DURATION.—The duration of any grant awarded under paragraph (1) may not exceed three years.

(e) USE OF FUNDS.—A grant awarded to a pilot program participant pursuant to subsection (d) shall be used by the pilot program participant for costs and expenses connected with the development and promotion of peer support programs that deliver community reintegration support and services to veterans, including costs and expenses of the following:

(1) Program staff or a coordinator of volunteers, but not more than 50 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(2) Consultation services, but not more than 20 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(3) Program operations, including costs and expenses relating to the following:

(A) Advertising and recruiting.

(B) Printing.

(C) Training of volunteers, veterans, and staff.

(D) Incentives, such as food and awards.

(E) Overhead expenses, but not more than ten percent of such grant award may be used for such purposes.

(f) TECHNICAL ASSISTANCE.—In addition to the award of grants under subsection (d), the Secretary shall provide technical assistance to pilot program participants to assist them in developing and promoting peer support programs that deliver community reintegration support and services to veterans.

(g) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a veterans service organization;

(B) a not-for-profit organization—

(i) the primary mission of which is to assist veterans;

(ii) that has been in continuous operation for at least 12 months; and

(iii) is not a veterans service organization; or

(C) a partnership between an organization described in subparagraph (A) or (B) and an organization that is not described in subparagraph (A) or (B).

(2) PILOT PROGRAM PARTICIPANT.—The term ''pilot program participant'' means an eligible entity that is selected by the Secretary, in accordance with subsection (c), to participate in the pilot program under this section.

(3) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs to carry out this section, $4,500,000 for each of fiscal years 2008, 2009, and 2010.

IRAQ AND AFGHANISTAN
VETERANS OF AMERICA,
April 10, 2007.

Hon. GORDON SMITH,
404 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GORDON SMITH: Only a veteran can truly understand the story of another veteran. When a servicemember returns home from a combat zone they are subjected to a myriad of transitional issues; finding a new job, reconnecting with family, and mostly important, learning about the person they have become. We must find creative ways to reach out and connect these returning heroes with people who understand their story.

The Heroes Helping Heroes Program is a Demonstration Project which seeks to aid existing veterans' service organizations and other non-profit organizations that currently work with veterans in the development and promotion of peer support programs across America. Iraq and Afghanistan Veterans of America (IAVA) strongly endorses the Heroes Helping Heroes Program as a creative attempt to connect returning veterans with other veterans.

This program will bolster existing local veterans support organizations by offering grants, allowing them to expand services at the fraction of the cost of starting new programs. Heroes Helping Heroes will help fulfill the government's duty to assist our service men and women who fulfilled their solemn duty to serve.

Sincerely,

PAUL RIECKHOFF,
Executive Director.

VETS4VETS,
Tucson, AZ, April 4, 2007.

TO WHOM IT MAY CONCERN: Vets4Vets is proud to endorse Senator Gordon Smith's bill setting up a pilot program to encourage peer support programs for Iraq-era veterans.

Vets4Vets is a non-partisan peer support program, staffed almost exclusively by Iraq-era veterans and dedicated to helping Iraq and Afghanistan era veterans feel good about themselves and heal from any negative aspects of service and war. In our weekend workshops, one-on-ones, and local groups, Vets4Vets allows veterans to take equal and uninterrupted turns sharing their experiences and expressing their feelings in a truly confidential setting. To further promote healing Vets4Vets encourages service men and women to take part in positive community action of their choosing that empowers them to reach out to other veterans.

Over 200 Iraq-era veterans have taken part in one or more of our nine weekend workshops in the last year in various parts of the country. Almost all of them have been combat veterans. Many of them are now actively reaching out to their peers to set up local peer support groups. There are already groups meeting in a half dozen or so cities around the country.

As would be expected from the existing body of research on peer support programs, these veterans universally enjoyed the program and report significant improvement in their lives.

We urge Members of Congress to support this bill and the peer support programs for Iraq-era veterans which it will encourage.

Sincerely,

ABEL MORENO,
Former Sergeant 82nd Airborne with tours in Iraq and Afghanistan; Vets4Vets Media and Local Outreach Coordinator.

JASON RIDOLFI,
Former Sergeant, USMCR with two tours in Iraq; Vets4Vets Internet Outreach Coordinator.

NATIONAL COALITION
FOR HOMELESS VETERANS,
Washington, DC, April 11, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The National Coalition for Homeless Veterans (NCHV) writes to express our support for your bill, which would establish a demonstration project entitled ''Heroes Helping Heroes Program.'' The project would provide expanded peer support services for veterans through veteran service organizations and other non-profit community-based organizations that serve veterans.

Established in 1990, NCHV is a nonprofit organization with the mission of ending homelessness among veterans by shaping public policy, promoting collaboration, and building the capacity of service providers. NCHV's membership of over 250 community based organizations (CBOs) in 48 states and the District of Columbia provides housing and supportive services to homeless veterans and their families.

The Department of Veterans Affairs (VA) reports an estimated 400,000 veterans experience homelessness at some time during a year, and 200,000 are homeless on any given night. With the VA reaching only 25 percent of the homeless veteran population and CBOs 30 percent of those in need, a substantial number of homeless veterans undoubtedly do not receive much needed services. Moreover, because some areas of our country have no community based organizations or VA facilities nearby, other programs that serve veterans are needed.

Findings from a survey conducted by NCHV in November 2005 suggest the homeless veteran population in America may be experiencing significant changes. In addition to those who are aging and need permanent supportive housing, the percentage of women veterans seeking services is growing. Moreover, combat veterans of Operation Iraqi Freedom, Operation Enduring Freedom and the Global War on Terror are returning home and suffering from war related conditions that may put them at risk for homelessness. These men and women are beginning to trickle into the Nation's community-based homeless veteran service provider organizations and need a variety of services—from mental health programs and peer support to housing, employment training and job placement assistance. The Heroes Helping Heroes program will serve as a starting point to help these returning heroes address their many needs.

NCHV supports your efforts and leadership on behalf of our nation's veterans. Thank you for providing an opportunity to help them successfully reintegrate back into civilian life.

Sincerely,

CHERYL BEVERSDORF,
President and CEO.

DISABLED AMERICAN VETERANS,
March 28, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Disabled American Veterans (DAV), I am writing with regards to the legislation that would create the ''Heroes Helping Heroes Program.''

As you know, active duty service members sometimes have difficulty making the transition back to civilian life. This is particularly true for our injured service members and service members who served in combat. For some severely-disabled veterans of Operations Iraqi and Enduring Freedom, the success of becoming a productive member of society will be measured by their ability to live independently and achieve the highest quality of life possible.

Your legislation seeks to help veterans reintegrate into their communities by authorizing the Department of Veterans Affairs to create a pilot program to assist in the development and capitalization of peer support programs. While DAV does not have a resolution from our membership to actively support this legislation, its purpose appears beneficial and we would not be opposed to the favorable consideration of this bill.

The DAV sincerely appreciates your efforts and commitment to improve the lives of our nation's sick and disabled veterans, their dependents and survivors.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
April 4, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND HARKIN: On behalf of the American Psychological Association (APA) and our 148,000 members and affiliates; I am writing to thank you for your leadership in legislative efforts to promote the reintegration of America's veterans as they return from active duty to their homes and communities.

Deployed soldiers face unique risks and experience stress and at-times devastating injuries. Left untreated, the attendant mental health problems can severely restrict veterans' lives and their ability to reconnect to family, work, and social relationships. In their most tragic forms, such problems can also lead to marital dissolution, the abuse of alcohol and other drugs, and suicide. At present, the Department of Defense (DoD) and the Department of Veterans Affairs (VA) are striving to meet the mental health treatment. needs of returning veterans. It is imperative that we redouble our efforts to aid our veterans who served in Iraq and Afghanistan and are suffering from post-traumatic stress disorder and other mental health problems.

Your proposed bill, which would establish a demonstration project entitled ''the Heroes Helping Heroes Program,'' would provide expanded peer support services for veterans through veterans service organizations and other non-profit community-based organizations that serve veterans. Through peer support programs, veterans help one another to cope with the trauma of combat experience, the mental anguish that comes from debilitating physical injury, and the difficulties of readjusting to a civilian mindset and the rhythms of daily life. Such programs are highly effective in providing needed support to veterans, as we know from the veterans readjustment counseling centers currently run by the VA.

In closing, I thank you once again for your efforts and leadership on behalf of our nation's veterans.

Sincerely,

NORMAN B. ANDERSON, Ph.D.,
Chief Executive Officer.

Mr. HARKIN. Mr. President, I am pleased to join with the distinguished Senator from Oregon, Senator SMITH, to introduce the Heroes Helping Heroes Act, to expand the availability of peer support programs for veterans.

As our military personnel return from combat, they face daunting challenges in transitioning back to civilian life. They have to deal with family issues arising from their long absence from home. They have to find new employment. They also have to cope with separation from their close friends. After spending many months if not years with the men and women in their unit—sharing intense wartime experiences and looking out for each other—they may not find that same close support when they return.

In addition, many members of our Armed Forces have endured tremendous stress during combat, which can trigger severe mental health issues after they have returned home. Research shows that one in three veterans of the war in Iraq, and one in nine veterans of the war in Afghanistan, are coping with a serious mental health problem, including depression, substance abuse, and/or post-traumatic stress disorder (PTSD). Untreated and under-treated stress exposure for soldiers results in a higher incidence of suicide, higher divorce rates, and higher rates of drug or alcohol abuse. Additionally, there have been almost 25,000 non-fatal American casualties. Such injuries often have serious impacts on the ability of transitioning veterans to reintegrate into their home and community life.

Currently, VA facilities are overwhelmed by the sheer number of veterans who need assistance. The Government Accountability Office (GAO) reported that many VA medical facilities are unprepared to care for the mental health needs of the number of veterans who will need services. Peer support approaches offer a low-cost and effective supplement to traditional services by allowing veterans to help each other. In peer support programs, transitioning veterans can talk to someone who had similar experiences and understands what they are going through. Veteran peer counselors who are trained to provide support and refer for services when necessary can provide outreach to other veterans and assist in a smooth transition back to civilian life.

The Heroes Helping Heroes program will allow veterans' service organizations to develop or expand peer support programs. Veterans' service organizations and other non-profits that serve veterans are well-equipped to provide such peer support programs. Given that the VA is stretched to capacity, these organizations are able to run such programs in addition to mental health services provided by professional counselors.

The Substance Abuse and Mental Health Service Administration (SAMSHA) and the President's New Freedom Commission on Mental Health have recognized peer support approaches as an emerging best practice in helping people to recover from traumatic events. Research has found that peer support programs are effective in alleviating PTSD symptoms and depression, reducing the likelihood of hospitalization, and increasing social support.

When members of our Armed Forces come home from war, this does not necessarily mean that the war is over for them. Many continue to carry physical and psychological wounds and scars. We have a profound moral contract to care for those who have fought for our country and sacrificed so much. One additional way to make good on that contract in a cost-effective way is to expand the availability peer support programs nationwide. To that end, I urge my colleagues to join with Senator SMITH and me in sponsoring the Heroes Helping Heroes Act.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Ms. LANDRIEU):

S. 1206. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Woman's Christian Association Retirement Fund; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will clarify the legal status of the Young Women's Christian Association's Retirement Fund.

The YWCA Retirement Fund is one of the oldest pension plans serving the retirement needs of women. This bill will help protect the retirement security of thousands of YWCA employees nationwide who serve well over a million users.

Whether it is providing day care for working mothers, keeping a battered women's shelter open, or meeting the other pressing needs of women in our communities, the YWCA has a long tradition of service. Those who work at our local YWCAs deserve to know that their retirement plan is secure.

Today, the YWCA Retirement Fund is a unique pension program. First, approximately 90 percent of its participants are women. Second, it is a multiple employer pension plan—one that relies on 300 local YWCAs to make funding contributions. And lastly, since it was established in 1924, the pension plan's structure has remained generally unchanged—it is partially a defined benefit plan, and partially a defined contribution plan.

Recently, some employers have transformed their traditional defined benefit pension plans into various types of ''hybrid'' plans, and in the process, some have reduced the rate at which benefits accrue for their older workers. Older workers have successfully challenged some of these arrangements as age discriminatory. During its more than 80-year history, the YWCA Retirement Fund has never treated any worker differently based on age or longevity of employment. Most of the controversy surrounding these plans focuses on how employers treat certain participants when they convert their pre-existing pension plans. But the YWCA pension program never converted—its basic structure has remained the same since it was established in 1924.

The success of some of these lawsuits has raised questions about whether the YWCA pension plan could be found to be age discriminatory merely on the basis of its design. This threat is particularly acute given the fact that the YWCA Retirement Fund is a multiple employer pension plan—a plan that relies on contributions from each local

YWCA. This enormous potential liability would be shared jointly by all local YWCAs. Under current law, even the mere threat of a lawsuit could cause local YWCAs to end their participation in this plan.

This legislation merely delineates many of the unique characteristics of the YWCA pension plan and clarifies what age discrimination standard applies to the plan with respect to any future legal claim. This bill protects participants from being treated differently on the basis of age, while eliminating the potential crippling legal threat that currently exists.

Legislation was enacted in 2004—Public Law 108–476—to clarify the legal status of the YMCA pension plan, a plan that is similar to the YWCA plan. Congress was right to protect the YMCA pension plan then and now it is time to protect the pension plan serving our YWCAs.

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. 1206

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 ''Young Women's Christian Association Pension Clarification Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Young Women's Christian Association Pension Plan is a multiple employer plan (subject to the requirements of section 210 of the Employee Retirement Income Security Act of 1974) which is maintained by a corporation created by State law prior to the enactment of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 and whose primary purpose is the maintenance of retirement programs.

(2) No applicable plan amendment, as defined in clause (v) of section 204(b)(5)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(5)(B)(v)) (added by section 701(a) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 982)) and clause (v) of section 4(i)(10)(B) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(v)) (added by section 701(c) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 986)), or any applicable plan amendment causing a participant's accrued benefit to be less than the amount described in clause (iii) of such section 204(b)(5)(B) or clause (iii) of such section 4(i)(10)(B), has ever been made to the Young Women's Christian Association Pension Plan.

(3) Under the terms of the Young Women's Christian Association Pension Plan, as in effect as of June 29, 2005, all pension benefits of all participants under the plan are immediately nonforfeitable.

(4) As of April 25, 2007, the Young Women's Christian Association Pension Plan provides—

(A) for periods including June 29, 2005, and ending on or before December 31, 2007, a credit to the account of each participant equal to 40 percent of the pay credit provided to such participant and interest credits determined for each plan year at the average of the annual rates of interest on 10-year Treasury securities during a designated period in the preceding plan year, and

(B) for periods beginning on or after January 1, 2008, interest credits which satisfy the requirements of section 204(b)(5)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(5)(B)(i)) (added by section 701(a) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 981)) and section 4(i)(10)(B))(i) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(i)) (added by section 701(c) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 989)).

(b) PURPOSE.—The purpose of this Act is to clarify the age discrimination rules under section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 and section 4(i)(1) of the Age Discrimination in Employment Act of 1967, as they relate to periods prior to June 29, 2005, during which violations of such rules are alleged to have occurred in civil actions commenced on or after April 25, 2007.

SEC. 3. CLARIFICATION OF AGE DISCRIMINATION RULES.

(a) IN GENERAL.—In the case of any civil action which—

(1) is commenced on or after April 25, 2007, and

(2) alleges a violation of section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)) or section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)) occurring before June 29, 2005, with respect to any benefit provided under the Young Women's Christian Association Pension Plan,

such sections 204(b)(1)(H) and 4(i)(1) shall be applied as if paragraph (5) of section 204(b) of the Employee Retirement Income Security Act of 1974 (as added by section 701(a)(1) of the Pension Protection Act of 2006 (29 U.S.C. 1054(b)(5); 120 Stat. 981) and paragraph (10) of section 4(i) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10); 120 Stat. 998) applied to any period in which such alleged violation occurred.

(b) YOUNG WOMEN'S CHRISTIAN ASSOCIATION PENSION PLAN.—For purposes of this Act, the term ''Young Women's Christian Association Pension Plan'' means the defined benefit plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) established on January 1, 1926, and maintained by the Young Women's Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 12, 1924.

By Ms. LANDRIEU:

S. 1207. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled Giving Reductions to Energy Efficient New Buildings, the GREEN Buildings Act. This bill will extend the energy efficient building tax deduction from December 31, 2008 until December 31, 2013. This bill will also increase the tax deduction from $1.80 to $2.25 per square foot.

Our Nation is diligently searching to find the long-term solutions to global warming and, how to reduce our carbon foot print. As Congress continues to search for these solutions, we must continue to provide incentives to those who have the knowledge and resources to make an impact now. Congress understands the impact 'green buildings' have on reducing our Nation's energy consumption and carbon emissions. That is why in the Energy Policy Act of 2005 we created a tax deduction for energy efficient buildings. Unfortunately, that deduction will expire on December 31, 2008. Congress must not allow this deduction to expire. Building energy efficient buildings is one of the key things being done right now to reduce carbon dioxide emissions as well as reduce our Nation's energy consumption.

Commercial buildings are a substantial part of our Nation's energy consumption and can be a key to reducing demand for electricity. These buildings are responsible for 40 percent of total U.S. energy consumption, they use 70 percent of the nation's electricity and they are accountable for 40 percent of the U.S. carbon dioxide emissions. They are a major piece to enabling our Nation's energy independence and to solving the global warming puzzle and Congress must not overlook them or leave them out.

The average life-span of a commercial building is 75 years. We must use our resources, to build energy-efficient buildings today and make these buildings truly ready for the future. One way to do so is to provide incentives to those who are willing to step up to the plate and accept the challenge.

Another benefit from building energy efficient or green buildings is that they also improve our health. Americans spend about 90 percent of their time indoors. The concentration of indoor pollutants is sometimes 10 to 100 times more than outdoor pollutants increasing the frequency of illnesses and ailments.

Researchers have proven that employees who are exposed to more sunlight are more productive workers. They have proven that by changing the carpets on the floor and paint on the walls workers have less respiratory ailments. These are simple things that can be done to increase employees' health and their productivity and our nation's overall success.

Our Nation is doing a good job of researching and developing new technologies to reduce our dependence on foreign energy and to combat global warming, and Congress has helped move these technologies along by providing incentives in the way of tax deductions. Unfortunately, many of these incentives have an expiration date that expires too soon to provide the help it is intended to provide. Congress needs to keep these incentives intact and provide stability so companies and investors can be assured of their investment. In turn, maintaining these incentives will advance our Nation's energy independence and reduce our carbon dioxide emissions—two very important goals. I urge my fellow Senators to support this sensible and much needed tax incentive. We don't have another 75 years to wait.

By Mr. DORGAN:

S. 1208. A bill to provide additional security and privacy protection for social security account numbers; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation called the ''Social Security Account Number Protection Act'' that would restrict the ability of companies to sell or purchase Social Security numbers.

Let me describe why this legislation is so necessary.

On February 15, 2005, Georgia-based data warehouser ChoicePoint disclosed that it had compromised the private customer data of 145,000 individuals. Criminals posing as legitimate small business people had purchased files on about 145,000 people, some of whom were later defrauded.

One of the critical pieces of information that ChoicePoint sold to these criminals was Social Security numbers. That's Social Security numbers of 145,000 people in all 50 states.

Here is a statistic that I found incredible: Choice Point has 17,000 business ''customers'' for such information. Can you imagine your Social Security number potentially being sold to 117,000 businesses? And that's just one of the companies that was selling databases that included Social Security numbers at the time.

I bet that most Americans were surprised to find out that it was perfectly legal for companies to sell their Social Security numbers to tens of thousands of other companies. If you took a national survey and asked Americans this question: ''Do you think that private companies should have the ability to purchase and sell your Social Security number?'' I assure you that the answer would overwhelmingly be ''no.''

In the 109th Congress, when the Senate Commerce Committee marked up S. 1408, the ID Theft Protection Act, I offered an amendment that very simply said that it should be illegal to sell or purchase Social Security numbers.

This as a commonsense amendment, and it passed unanimously. The ID Theft Protection Act was reported by the Commerce Committee in December 2005, but the bill did not make it to the Senate floor.

But the problem of ID theft has not gone away. In its most recent survey, the Better Business Bureau estimated that approximately 8.9 million Americans were victims of identity theft in 2006. The total U.S. annual identity fraud cost is an estimated $52.6 billion per year.

We will shortly be marking up another ID theft bill in the 110th Congress, through the Commerce Committee. The bill the Commerce Committee is considering now does not have provisions restricting the sale or purchase of Social Security numbers, and I intend to offset an amendment to fix that, with the language that I am introducing as standalone legislation today.

I should note that the FTC issued a report on ID theft just this month, which emphasized the importance of protecting Social Security numbers.

The FTC report said the following about Social Security numbers: ''Consumer information is the currency of identity theft, and perhaps the most valuable piece of information for the thief is the SSN. The SSN and a name can be used in many cases to open an account and obtain credit or other benefits in the victim's name.''

In fact elsewhere in the report, the FTC underscored that Social Security numbers are ''the most valuable commodity for an identity thief.''

One of the FTC's top recommendations was that federal agencies should reduce the unnecessary use of Social Security numbers.

And it's clear that the FTC heard from many Americans who were unhappy with the widespread overuse of Social Security numbers. Indeed, the FTC report notes that one of the main concerns that Americans have in protecting their identity is ''the overuse of Social Security numbers as identifiers.''

It stands to reason that the more that Social Security numbers are sold from one business to another for marketing and other commercial purposes, the greater the chance that the numbers will be lost, misplaced, stolen, leaked, or otherwise fall into the wrong hands.

Now, I'll be the first to recognize that there are some instances where the use of Social security numbers is appropriate. So my amendment has a number of reasonable exceptions to the prohibition on the sale of Social Security numbers, for purposes such as national security, public health, law enforcement, administration of federal or state tax laws, credit reporting agencies, prevention and investigation of ID theft, and tracking of missing and abducted children.

What's more, my bill allows an ''opt-in'' clause. That is, it allows individuals, if they so choose, to agree in writing to have their Social Security number sold or purchased by others—provided the individual provides his affirmative consent, and the individual is not obligated to provide the Social Security number as a condition for conducting a transaction.

I think these are reasonable exemptions.

I should add that in the 109th Congress, Senators SPECTER and LEAHY also introduced S. 1332, a bill that similarly restricts the sale of Social Security numbers.

So this is a bipartisan concept, and I hope that my legislation will have bipartisan support when it reaches the floor of the U.S. Senate.

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. 1208

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 ''Social Security Account Number Protection Act''.

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF UNNECESSARY SOLICITATION OF SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Unless there is a specific use of a social security account number for which no other identifier reasonably can be used, a covered entity may not solicit a social security account number from an individual except for the following purposes:

(A) For use in an identification, verification, accuracy, or identity proofing process.

(B) For any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)).

(C) To comply with the requirement of Federal, State, or local law.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the solicitation of a social security account number—

(A) for the purpose of obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.),

(B) by a consumer reporting agency for the purpose of authenticating or obtaining appropriate proof of a consumer's identity, as required under that Act;

(C) for any purpose permitted under section 502(e) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)); or

(D) to the extent necessary for verifying the accuracy of information submitted by an individual to a covered entity, its agents, contractors, or employees or for the purpose of authenticating or obtaining appropriate proof of an individual's identity;

(E) to identity or locate missing or abducted children, witnesses, criminals, fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs;

(F) to the extent necessary to prevent, detect, or investigate fraud, unauthorized transactions, or other financial liability or to facilitate the enforcement of an obligation of, or collection of a debt from, a consumer, provided that the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes.

(b) PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY NUMBERS ON EMPLOYEE IDENTIFICATION CARDS, ETC.—

(1) IN GENERAL.—A covered entity may not display an individual's security account number (or any derivative of such number) on any card or tag that is commonly provided to employees (or to their family members), faculty, staff, or students for purposes of identification.

(2) DRIVER'S LICENSES.—A State may not display the social security account number of an individual on driver's licenses issued by that State.

(c) PROHIBITION OF PRISONER ACCESS TO SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

''(x) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or person acting as an agent of such an agency or instrumentality) may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual who is confined in a jail, prison, or other penal institution or correctional facility, serving

community service as a term of probation or parole, or serving a sentence through a work-furlough program.''.

(2) TREATMENT OF CURRENT ARRANGEMENTS.—In the case of—

(A) prisoners employed as described in clause (x) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by paragraph (1), on the date of enactment of this Act: and

(B) contracts described in such clause in effect on such date,

the amendment made by paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(d) PROHIBITION OF SALE AND DISPLAY OF SOCIAL SECURITY NUMBERS TO THE GENERAL PUBLIC.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person—

(A) to sell, purchase, or provide a social security account number, to the general public or display to the general public social security account numbers; or

(B) to obtain or use any individual's social security account number for the purpose of locating or identifying such individual with the intent to physically injure or harm such individual or using the identity of such individual for any illegal purpose.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), and subject to paragraph (3), a social security account number may be sold, provided, displayed, or obtained by any person—

(A) to the extent necessary for law enforcement or national security purposes;

(B) to the extent necessary for public health purposes;

(C) to the extent necessary in emergency situations to protect the health or safety of 1 or more individuals;

(D) to the extent that the sale or display is required, authorized, or permitted under any law of the United States or of any State (or political subdivision thereof);

(E) for any purposes allowed under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e));

(F) to the extent necessary for verifying the accuracy of information submitted by an individual to a covered entity, its agents, contractors, or employees or for the purpose of authenticating or obtaining appropriate proof of the individual's identity;

(G) to the extent necessary to identify or locate missing or abducted children, witnesses to an ongoing or potential civil or criminal lawsuit, criminals, criminal suspects, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, missing heirs, and for similar legal, medical, or family related purposes, if the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes;

(H) to the extent necessary to prevent, detect, or investigate fraud, unauthorized transactions, or other financial liability or to facilitate the enforcement of an obligation of, or collection of a debt from, a consumer, if the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes;

(I) to the extent the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business; or

(J) to the extent necessary for research (other than market research) conducted by an agency or instrumentality of the United States or of a State or political subdivision thereof (or an agent of such an agency or instrumentality) for the purpose of advancing the public good, on the condition that the researcher provides adequate assurances that—

(i) the social security account numbers will not be used to harass, target, or publicly reveal information concerning any identifiable individuals;

(ii) information about identifiable individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals; and

(iii) the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about identifiable individuals, including procedures to ensure that the social security account numbers will be encrypted or otherwise appropriately secured from unauthorized disclosure; or

(K) to the extent that the transmission of the social security account number is incidental to the sale or provision of a document lawfully obtained from—

(i) the Federal Government or a State or local government, that the document has been made available to the general public; or

(ii) the document has been made available to the general public via widely distributed media.

(2) LIMITATION.—Paragraph (1)(K) does not apply to information obtained from publicly available sources or from Federal, State, or local government records if that information is combined with information obtained from non-public sources.

(3) CONSENSUAL SALE.—Notwithstanding paragraph (1), a social security account number assigned to an individual may be sold, provided, or displayed to the general public by any person to the extent consistent with such individual's voluntary and affirmative written consent to the sale, provision, or display of the social security account number only if—

(A) the terms of the consent and the right to refuse consent are presented to the individual in a clear, conspicuous, and understandable manner;

(B) the individual is placed under no obligation to provide consent to any such sale or display; and

(C) the terms of the consent authorize the individual to limit the sale, provision, or display to purposes directly associated with the transaction with respect to which the consent is sought.

SEC. 3. ENFORCEMENT.

(a) ENFORCEMENT BY COMMISSION.—Except as provided in subsection (c), this Act shall be enforced by the Commission.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with this Act shall be enforced exclusively under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611) by the Board of Governors of the Federal Reserve System;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), insured State branches of foreign banks by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation by the Director of the Office of Thrift Supervision;

(2) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the Board of the National Credit Union Administration Board with respect to any Federal credit union;

(3) the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to—

(A) a broker or dealer subject to that Act;

(B) an investment company subject to the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and

(C) an investment advisor subject to the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.); and

(4) State insurance law, in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled.

(d) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (c) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (c), each of the agencies referred to in that subsection may exercise, for the purpose of 2enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(e) OTHER AUTHORITY NOT AFFECTED.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(f) COMPLIANCE WITH GRAMM-LEACH-BLILEY ACT.—

(1) NOTICE.—Any covered entity that is subject to the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.), and gives notice in compliance with the notification requirements established for such covered entities under title V of that Act is deemed to be in compliance with section 3 of this Act.

(2) SAFEGUARDS.—Any covered entity that is subject to the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.), and fulfills the information protection requirements established for such entities under title V of the Act and under section 607(a) of the Fair Credit Reporting Act (15 U.S.C. 1681e(a)) to protect sensitive personal information shall be deemed to be in compliance with section 2 of this Act.

SEC. 4. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—Except as provided in section 3(c), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate state or district court of the United States to enforce the provisions of this Act, to obtain damages, restitution, or other compensation on behalf of such residents, or to obtain such further and other relief as the court may deem appropriate, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a covered entity that violates this Act or a regulation under this Act.

(b) NOTICE.—The State shall serve written notice to the Commission (or other appropriate Federal regulator under section 3) of any civil action under subsection (a) at least

60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission (or other appropriate Federal regulator under section 8) may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the covered entity operates; or

(B) the covered entity was authorized to do business;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a covered entity in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission (or other appropriate Federal agency under section 3) has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

SEC. 5. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) SOCIAL SECURITY ACCOUNT NUMBER.—The term ''social security account number'' means a social security account number that contains more than 5 digits of the full 9-digit number assigned by the Social Security Administration but does not include social security account numbers to the extent that they are included in a publicly available information source, such as news reports, books, periodicals, or directories or Federal, State, or local government records.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1209. A bill to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to join my colleague Senator BOXER in introducing the Channel Islands National Park Management Act of 2007.

This legislation seeks to clarify the future use and management of the park, and specifically protects Santa Rosa Island for the use of the public.

The taxpayers paid approximately $30 million to acquire Santa Rosa Island in 1986 to restore its native ecology and provide public access.

Unfortunately, late last year during conference negotiations a provision was slipped into the fiscal year 2007 Defense Authorization bill seeking to overturn a court-approved settlement agreement which requires the phasing out of private hunting on Santa Rosa Island.

Under a binding court settlement in the late 1990s, non-native deer and elk must be removed from Santa Rosa Island over a phased, 4-year period beginning in 2008.

Today, from mid-August through mid-November, a large portion of the island is closed to the public so that the island's prior owners can run a trophy hunting operation targeting the deer and elk on the island.

Under the settlement, this hunting operation was to end in 2011 allowing the island to be completely open to the public year round.

Now, under last year's provision, the prior owners will seek to continue charging $16,000 or more for their privately operated hunting trips.

Even though the Government purchased the island from them for $30 million in taxpayer money, the prior owners would seek to keep essentially everything they had before—and that's simply not in the public interest.

Some may be interested in learning a little history and background on this gem of an island: Santa Rosa Island is approximately 53,000 acres and lies about 50 miles west of Ventura Harbor. It is the second largest of the five islands making up the Channel Islands National Park. It is extremely rugged and pristine, with terrain ranging from grassy hills to steep, wind-carved canyons to white sandy beaches. Craggy, steep cliffs overlook rocky tide pools along its coast. Wildflowers cover many parts of the island during the spring and summer. It is ecologically sensitive and includes several endemic plants and species. For example, it is the only place in the world to see the island fox and spotted skunk in their natural habitat. A variety of shore birds—like the snowy plover—and sea mammals—such as seals and sea lions—breed on its beaches. It is seen by many scientists as one of the nation's most unique places. In addition to being the home of rare flora and fauna, it is an archaeological and paleontological treasure, with some sites dating back 11,000 years or to the Pleistocene-era. In fact, in 1994, the world's most complete skeleton of a pygmy mammoth was excavated on the island. It offers incredible recreational opportunities for the public, including hiking, camping, kayaking, fishing, sea sports, and wildlife watching.

The limitation of public access to the island to accommodate privately run hunting trips would be a tragedy. This is the public's land. It's a national park, and the public should be able to visit it and enjoy its breath-taking beauty and remoteness.

I also want to address one issue the provision in last year's Defense Authorization bill purportedly seeks to address: enhancing hunting opportunities for disabled veterans.

While no one opposes providing hunting opportunities for our veterans, it is clear that it is neither a practical nor viable option to use Santa Rosa Island as a hunting reserve for injured and disabled veterans.

This view is now supported by the Paralyzed Veterans of America, PVA, an organization which previously expressed support for the provision overturning the settlement.

Notably, in July 2006, the PVA reached the conclusion following an investigative visit to Santa Rosa that the ''numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit it could provide.''

Furthermore, it should be pointed out that in California today, there are already 9 military installations that permit hunting—five that can accommodate disabled servicemembers.

Two of these military installations, Camp Pendleton and Vandenberg Air Force Base, are relatively close to the Channel Islands National Park, and allow disabled veterans to hunt a variety of animals, including deer, waterfowl, quail, feral pigs, small game, and coyote.

Altogether there are over 100 U.S. military installations where hunting is permitted, over 70 of which are currently accessible to disabled servicemembers and veterans.

Naturally, the Park Service is firmly opposed to the provision seeking to overturn the settlement. But it is also important to note that neither the Department of Defense nor the Veterans Administration asked for the language.

Consequently, I strongly believe that the Park Service should continue managing this National Park for the benefit of the general public. To allow any less would be a waste of taxpayer dollars and wrongly limit the public's access to this national treasure.

I strongly believe that we must do everything to protect the island for the public and oppose any measures that could continue to restrict access to the island.

This legislation we are introducing today would safeguard the island in just this manner. I urge my colleagues to support this legislation and I ask unanimous consent that the text of this proposed legislation be printed in the RECORD.

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

S. 1209

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 ''Channel Islands National Park Management Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 note);

(2) the Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California;

(3) Santa Rosa Island was acquired by the United States in 1986 for approximately $29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

(4) Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species;

(5) under a court-approved settlement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks; and

(6) there have been recent proposals to remove Santa Rosa Island from the administration of the National Park Service or to direct the management of the Island in a manner inconsistent with existing legal requirements and the sound management of Park resources.

SEC. 3. MANAGEMENT OF SANTA ROSA ISLAND, CHANNEL ISLANDS NATIONAL PARK.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall manage Santa Rosa Island, Channel Islands National Park (referred to in this section as the ''Park'')—

(1) in accordance with—

(A) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) title II of Public Law 96–199 (16 U.S.C. 410ff et seq.); and

(C) any other laws generally applicable to units of the National Park System; and

(2) in a manner that ensures that—

(A) the natural, scenic and cultural resources of Santa Rosa Island are protected, restored, and interpreted for the public; and

(B) visitors to the Park are provided with a safe and enjoyable Park experience.

(b) CONFORMING AMENDMENT.—Section 1077(c) of Public Law 109–364 (120 Stat. 2406) is repealed.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. FEINGOLD, and Mr. DURBIN):

S. 1210. A bill to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing with Senator GRASSLEY, as well as Senators KOHL, FEINGOLD and DURBIN as original cosponsors, the Drug Endangered Children Act of 2007. This bill would take an important grant program for drug-endangered children that Congress authorized in the USA PATRIOT Reauthorization Act, and extend it for two additional years.

In particular, the USA PATRIOT Reauthorization Act authorized $20 million in Federal grants for fiscal years 2006 and 2007 to States to assist in the treatment of children who have been endangered by living at a home where methamphetamine has been manufactured or distributed. But unless we pass new legislation, that authorization will not continue beyond the current fiscal year.

A companion bill was introduced earlier this year by California Congressman DENNIS A. CORDOZA, with bipartisan support in the House.

The White House's Office of National Drug Control Policy, or ONDCP, has documented that innocent children are sometimes found in homes and other environments, hotels, automobiles, apartments, etc., where methamphetamine and other illegal substances are produced.

According to the El Paso Intelligence Center (EPIC) National Clandestine Laboratory Seizure System, there were 1,660 children affected by or injured or killed at methamphetamine labs during 2005.

These children who live at or visit drug-production sites or are present during drug production face a variety of health and safety risks, including: inhalation, absorption, or ingestion of toxic chemicals, drugs, or contaminated foods that may result in nausea, chest pain, eye and tissue irritation, chemical burns, and death; fires and explosions; abuse and neglect, and hazardous lifestyles, presence of booby traps, firearms, code violations, and poor ventilation.

Where children are involved, drug lab seizures must go beyond the normal response from law enforcement, fire and HAZMAT organizations. Additional agencies and officials often must be called in to assist, including emergency medical personnel, social services, and physicians.

Recognizing this need, the ONDCP several years ago announced a national Drug Endangered Children (DEC) initiative to assist with coordination between existing State programs and create a standardized training program to extend DEC to states where such a program does not yet exist.

As a result of this initiative, several states developed DEC programs, to coordinate the efforts of law enforcement, medical services, and child welfare workers, to ensure that children found in these environments receive appropriate attention and care.

These DEC programs began to develop interagency protocols to support drug-endangered children, addressing issues such as: staff training, including safety and cross training; roles and responsibilities of agencies involved; appropriate reporting, cross-reporting, and information sharing; safety procedures for children, families, and responding personnel; interviewing procedures; evidence collection and preservation procedures, and medical care procedures.

Protocols were designed to identify and provide guidance on the variety of issues that responding agencies needed to address in these situations, such as taking children into protective custody and arranging for child protective services, immediately testing the children for methamphetamine exposure, conducting medical and mental health assessments, and ensuring short- and long-term care.

Unfortunately, the ONDCP's initiative, which had been funded in part through a DOJ award of $2.124 million under the Community Oriented Policing Services (COPS) Methamphetamine Initiative of 2003, was not continued thereafter.

The USA PATRIOT Reauthorization Act that we passed in 2005, establishing a specific grant program for this purpose, recognized the need to continue this initiative. Unfortunately, this grant program that we authorized was never funded. In fiscal year 2006, the program that we authorized was appropriated no funds at all.

In fiscal year 2007, the House of Representatives voted to include $5 million for this important program as part of its CJS Appropriations bill. But unfortunately, the 109th Congress adjourned without passing most of its FY2007 appropriations bills, and the Continuing Resolution we passed to keep the government running did not fund this provision either.

So the bill that I introduce today would give the Congress another chance to revive this important initiative. And it can't come too soon for places like Merced, California, where three-quarters of all foster care cases are reported to be methamphetamine-related.

I urge my colleagues to adopt this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1210

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 ''Drug Endangered Children Act of 2007''.

SEC. 2. DRUG-ENDANGERED CHILDREN GRANT PROGRAM EXTENDED.

Section 755(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(c)) is amended by striking ''fiscal years 2006 and 2007'' and inserting ''fiscal years 2008 and 2009''.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague today, Senator FEINSTEIN, in introducing the Drug Endangered Children Act (DEC) of 2007. As U.S. Senators representing States that have been among the hardest hit by the scourge of meth, we have witnessed first hand how this horrible drug has devastated individual lives and families. We have seen the havoc wreaked on the environment as well as the child welfare system and we have listened to the horror stories of those caught in the grips of addiction.

Last year we worked together in a bipartisan effort to pass the Combat

Meth Act, which was eventually included in the USA PATRIOT Act Reauthorization. The result has been a dramatic decrease in the number of clandestine meth lab seizures. While this is certainly welcome news, particularly for our first responders and local law enforcement community, last year there were over 6,400 clandestine meth lab incidents throughout the country. In my home State, we saw a 73 percent decrease in the number of meth lab incidents compared to the previous year yet there were still over 300 incidents last year alone. Clearly, the Combat Meth Act has made progress against locally produced meth, but further action is needed to fully combat this epidemic.

In spite of our success and ongoing efforts to reduce the dangers from ''mom and pop'' meth labs, new and more disturbing instances of meth production, trafficking, and abuse are becoming more prevalent throughout the country. In the State of Missouri, police recently made seven meth-related arrests in just as many hours in the tiny, quiet town of Ozark. The house where these arrests were made belonged to a 45-year-old grandmother, who was baby sitting her infant grandson while his mother was away at school. Upon her arrest she admitted to using meth, but denied she was a dealer. However, while police searched the house, six more individuals were picked up on meth-related charges. When it was all said and done, three children under the age of 3 watched as the police arrested their parent or grandparent for selling or possessing this dangerous drug.

Sadly, this was not an unusual incident. Since 2002, more than 12,000 children throughout the country have been affected, injured, or killed at meth lab sites and thousands more have been sent to foster homes or were victims of meth-related abuse in the home. In Iowa, the Department of Health reports that over 1,000 children over the past 4 years were classified as victims of abuse, and that nearly half of child abuse cases have been meth-related.

Due to the shocking number of children that were being victimized by meth in one form or another, I joined my colleagues in supporting the ''Drug Endangered Children Act of 2005.'' This bill which passed into law as part of the USA PATRIOT Act Reauthorization, established a national grant program to support state Drug Endangered Children programs and to assist local law enforcement, medical services, and child welfare workers to ensure that victimized children would receive proper attention and treatment after living in these terrible environments. I'm pleased to report that since we implemented this grant program, a large number of communities throughout the nation have formed multi-disciplinary alliances for the benefit of drug-exposed children. There are 16 communities throughout Iowa that have taken advantage of these grants and more are in the process of planning and setting up programs.

The Drug Endangered Children Act of 2007 would re-authorize this important grant program for an additional 2 years and assist States in coordinating law enforcement, medical services, and child welfare efforts, to ensure that children found in such environments receive appropriate attention and care. I am pleased to join with my colleague again as we work together to renew this wonderful and worthwhile program. I ask that my colleagues join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I join with Senator GRASSLEY in introducing the Saving Kids from Dangerous Drugs Act of 2007. This bill would increase the criminal penalties that apply when criminals market their illegal drugs to our children, using appalling techniques like the recently reported sales on our streets of candy-flavored methamphetamine.

In particular, the bill would: double the maximum penalties applicable to drug crimes if a criminal defendant manufactures, offers, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under the age of 21; if the violation is a repeat offense, the maximum sentence would be tripled; and a mandatory minimum prison sentence of at least a year would apply in every case involving illegal drugs that targets its marketing at minors.

The growing problem of marketing illegal drugs to minors was highlighted in a recent USA Today article, entitled ''Flavored Meth Use on the Rise,'' which stated, ''Reports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people.''

Normally, methamphetamine—a highly addictive stimulant—is a brownish, bitter-tasting crystalline powder. But drug dealers, recognizing that this may not be appealing to children or teenagers, have reacted by reaching a new low: they are using candy and soda flavors to market their meth.

Soda flavors. Strawberry methamphetamine that they market as ''Strawberry Quick.'' Reddish methamphetamine marketed as an energy drink like ''Red Bull.'' Even ''chocolate quick.''

Scott Burns, Deputy Drug Czar at the White House Office of National Drug Control Policy, warns that this development may negatively affect the gains we have recently made in getting the word out to our young people about how horrible this drug is.

According to the National Survey on Drug Use and Health, the number of people 12 and older who used methamphetamine for the first time in the previous year decreased from 318,000 people in 2004 to 192,000 people in 2005. That's the good news.

But Deputy Drug Czar Burns warns that with drug dealers having a tougher time selling their product, especially to young people, ''they have to come up with some sort of gimmick.'' And that gimmick, he warns, is the use of flavored methamphetamine.

In my own State of California, San Francisco police since late January have arrested teens with quantities of meth designed to taste like chocolate. The Haight-Asbury clinic also confirms chocolate-flavored methamphetamine being used on the streets.

Dr. Alex Stalcup, a nationally renowned drug counselor, reports seeing teenage patients at the New Leaf Treatment Center suffering the ill effects of flavored methamphetamine since the first of this year.

One of Dr. Stalcup's patients was unaware that the substance was meth at all, and said he was told that it was a solidified form of the energy drink Red Bull. Dr. Stalcup warns that this new form of the drug also may be more likely to lead to an overdose, by users who may not be aware of, or who may underestimate, a candy-flavored drug's impact.

Perhaps the first report of this problem emerged in late January, when a Carson City, Nevada police informant purchased 2 grams of a strawberry-flavored methamphetamine from an alleged member of the Lima Street gang. Officers later served a search warrant on his home and found more. Police bulletins warned this ''new type of meth will be more attractive to a younger crowd and may surface in schools.''

Additional reports also came in. On February 13, a police officer in Greene County, MO, seized a bag of ''strawberry meth'' from a female passenger in a car stopped in a rural area of Greene County, MO. And in Idaho, the Administrator of the Governor's Office of Drug Control Policy warned of how drug dealers were producing ''strawberry quick'' and ''chocolate quick'' forms of meth, to attract young buyers and spawn a new generation of drug buyers.

The Idaho Press-Tribune even reported that at Valentine's Day, drug dealers compressed the flavored form of the drug into heart-shapes, colored it bright pink, and wrapped it in shiny paper.

Based on intelligence gathered by Drug Enforcement Administration agents from informants, users, police and drug counselors, flavored crystals are now available in California, Nevada, Washington, Idaho, Texas, New Mexico, Missouri and Minnesota.

The bill I offer today would address this problem, by enacting penalties to discourage colored and flavored drugs and the marketing of drugs to minors.

Under current law, there is already an enhanced penalty if someone distributes illegal drugs to a minor. The maximum sentence is doubled, and tripled for a repeat offense, and there is a minimum of at least a year in prison. But the enhancement applies only if there is an actual distribution to a minor. Even possession with intent to distribute doesn't qualify. And current law doesn't address flavored drugs or marketing illegal drugs in ways appealing to kids.

The bill I introduce would fix that. If someone manufactures, creates, distributes, or possesses with intent to distribute an illegal drug that is flavored, colored, packaged or altered in a way designed to make it more appealing to someone under age 21, they would face this same enhanced penalty.

This bill will send a strong and clear message to the drug dealers—if you flavor up your drugs or alter them in a way that makes it more appealing to our children, there will be a very heavy price to pay.

Flavored meth is designed to get people to try it a few times. It's all about hooking young people. And that is truly tragic. Listen to what one former addict wrote after hearing about this new development:

They do need to worry about our children because I happen to know quite a few 10 and 12 year olds on up that are already using it and selling it out there. So whoever thinks it's not a threat to our children—WRONG WRONG WRONG! It's more and more dangerous out there when people cannot handle it and they develop a chemical imbalance and lose their mind to where they don't even know who they are anymore. I happen to know a very, very young pretty girl I've met, and she will never come back to who she was. She's gone. She is crazy and is gonna end up hurt then dead one of these days. I pray for this girl all the time . . .

Estimates now place the number of habitual meth users worldwide at 26 million worldwide—more than the combined total for heroin and cocaine. It is extraordinarily addictive. We must act to preserve the gains we have made, and keep kids from getting cruelly tricked into an addiction they may never break.

These new penalties will make dealers think twice before flavoring up their drugs, and punish them appropriately if they don't. I urge my colleagues to support this legislation and 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. 1211

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 ''Saving Kids from Dangerous Drugs Act of 2007''.

SEC. 2. SENTENCING ENHANCEMENTS FOR MARKETING CONTROLLED SUBSTANCES TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in the section heading, by adding at the end the following: ''; MARKETING TO MINORS'';

(2) in subsection (a), by inserting after ''twenty-one years of age'' the following: '', or who manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged, or otherwise altered in a way that is designed to make that controlled substance more appealing to a person under twenty-one years of age, or who attempts or conspires to do so,''; and

(3) in subsection (b), by inserting after ''twenty-one years of age'' the following: '', or who manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged, or otherwise altered in a way that is designed to make that controlled substance more appealing to a person under twenty-one years of age, or who attempts or conspires to do so,''.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague today, Senator FEINSTEIN, in introducing the Saving Kids from Dangerous Drugs Act of 2007. I believe we have a moral obligation in this country to ensure our young people have every opportunity to grow up without being accosted by drug pushers at every turn, whether on TV, in the movies, or on the way to school.

This important legislation comes in response to the recent warnings issued by the Drug Enforcement Administration and the Office of National Drug Control Policy of candy-flavored meth and other illegal drugs being colored, packaged, and flavored in ways that appear to be designed to attract use by children and minors. As co-chairman of the Senate Caucus on International Narcotics Control, I can tell you that the most at-risk population for drug abuse is our young people. Research has shown time and again that if you can keep a child drug-free until they turn 20, chances are very slim that they will ever try or become addicted. Unfortunately, unscrupulous drug dealers are all too aware of statistics like these and have developed new techniques and marketing gimmicks to lure in younger users. As a parent and now grandparent, this is extremely worrisome.

Last year, we worked to pass the Combat Meth Act into law. Since that time, the number of clandestine meth lab seizures have dropped dramatically across the country. By placing the essential ingredient pseudoephedrine behind the counter, we have lifted a heavy burden from the shoulders of our local law enforcement and made our communities a safer place to live and raise a family. In my home State of Iowa alone, the number of seizures fell a remarkable 73 percent since the sale of pseudoephearine was restricted. But as anyone can tell you, we have a long way to go.

Despite our best efforts and recent success, meth continues to wreak havoc on families and communities across the country. While local ''mom and pop'' meth labs are being dismantled everywhere, drug dealers continue to look for new ways to market their poison. This legislation is intended to protect our young people by expanding existing penalties for those marketing their poison to kids.

Currently Federal law enhances Federal penalties for selling drugs to anyone under the age of 21. When a violation occurs, the Federal penalties are doubled—tripled for a repeat offense—and a mandatory minimum of at least 1 year also applies. However, only the dealer who directly sells drugs to someone under 21 is subject to a double sentence.

The Saving Kids from Dangerous Drugs Act would expand the circumstances under which these enhanced penalties apply. Under our bill, the enhanced penalties that already exist would also apply to anyone who ''manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under 21 years of age, or who attempts or conspires to do so.''

The fight against meth and other dangerous drugs is and will continue to be an ongoing struggle. We must adapt and change our tactics just as the dealers, distributors, and pushers have changed theirs. We must do all we can to protect the most vulnerable among us and send a clear message to those wishing to prey on our youth.

I ask that my colleagues join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. INOUYE, Ms. CANTWELL, and Mrs. MURRAY):

S. 1212. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSI. Mr. President, acknowledging the social workers' presence on Capitol Hill this week for their Annual Leadership Meeting Lobby Day, I rise today to introduce the ''Clinical Social Work Medicare Equity Act of 2007.'' I am proud to sponsor this legislation that will ensure clinical social workers receive Medicare reimbursements for the mental health services they provide in skilled nursing facilities. Under the current system, social workers are not paid for the services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services.

Since my first days in Congress, I have been fighting to protect and strengthen the safety of our Nation's seniors. Making sure that seniors have access to quality, affordable mental

health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Nearly 6 million seniors are affected by depression, but only one-tenth ever receive treatment. According to the American Psychiatric Association, up to 25 percent of the elderly population in the United States suffers from significant symptoms of mental illness and among nursing home residents the prevalence is as high as 80 percent. These mental disorders, which include severe depression and debilitating anxiety, interfere with the person's ability to carry out activities of daily living and adversely affect their quality of life. Furthermore, older people have a 20 percent suicide rate, the highest of any age group. Every year nearly 6,000 older Americans kill themselves. This is unacceptable and must be addressed.

As a former social worker, I understand the role social workers play in the overall care of patients and seniors. This bill protects patients across the country and ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and seniors residing in rural environments. Unlike other mental health providers, clinical social workers cannot bill Medicare directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers ensures that our most vulnerable citizens get the quality, affordable mental health care they need. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services they provided in nursing facilities for each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or ''bundled,'' along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act addressed some of these concerns, but this legislation would remove the final barrier to ensuring that clinical social workers are treated fairly and equitably for the care they provide.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our Nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an overall improved quality of life. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with a life threatening illness or the loss of a loved one. I think we can do better by our Nation's seniors, and I'm fighting to make sure we do.

The Clinical Social Work Medicare Equity Act of 2007 is strongly supported by the National Association of Social Workers. I also want to thank Senators STABENOW and INOUYE for their co-sponsorship of this bill. I look forward to working with my colleagues to enact this important legislation.

I ask unanimous consent that a letter of support be printed in the RECORD.

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

NATIONAL ASSOCIATION
OF SOCIAL WORKERS,
Washington, DC, April 25, 2007.

Senator BARBARA MIKULSKI,
Washington, DC.

DEAR SENATOR MIKULSKI: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization in the world with 150,000 members nationwide. NASW promotes, develops, and protects the effective practice of social work services. NASW strongly supports the Clinical Social Work Medicare Equity Act of 2007, which will improve mental health care to nursing home residents and end the unfair treatment of clinical social workers under the Medicare Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs).

The Balanced Budget Act of 1997 authorized the creation of the PPS, under which the cost of a variety of routine services provided to SNF patients is bundled into a single amount. Prior to adoption of the PPS, a separate Medicare claim was filed by providers for individual services rendered to a patient. However, Congress recognized that some services, such as mental health and anesthesia, are provided on an individual as-needed basis rather than as part of the bundle of services. Thus, the following types of providers were excluded from the PPS: physicians, clinical psychologists, certified nurse-midwives, and certified registered nurse anesthetists. Unfortunately, due to an oversight during the drafting process, clinical social workers were not listed among the PPS excluded providers.

In 1996, the DHHS Inspector General issued a report entitled ''Mental Health Services in Nursing Facilities,'' which described the types of mental health services provided in nursing facilities and identified their potential vulnerabilities. One critical finding of the report was that 70 percent of respondents stated that permitting clinical social workers and clinical psychologists to bill Medicare independently had a beneficial effect on the provision of mental health services in SNFs. Your legislation will improve care for SNF residents by restoring Medicare payments for specialized clinical social work services rendered to SNF patients.

Your tireless efforts on behalf of consumers of mental health services and professional social workers nationwide are greatly appreciated by our members. We thank you for your strong interest in and commitment to these important issues as demonstrated by your sponsorship of the Clinical Social Work Medicare Equity Act. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,

ELIZABETH J. CLARK,
Executive Director.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1214. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Finance.

Mr. KERRY. Mr. President, this week we are celebrating National Small Business Week to recognize the contributions made by small businesses, which are the engine of our economic growth. During 2005, more than 25 billion small businesses in the United States contributed $918 billion to the economy.

Many of our most successful corporations started as small businesses, including AOL, Apple Computer, Compac Computer, Datastream, Evergreen Solar, Intel Corporations, and Sun Microsystems. As you can see from this partial list, many of these companies played an integral role in making the Internet a reality.

Today, Senator SNOWE and I are introducing the Invest in Small Business Act of 2007, to encourage private investment in small businesses by making changes to the existing partial exclusion for gain from certain small business stock.

We are at an integral juncture in developing technology to address global climate change. I believe that small business will repeat the role it played at the vanguard of the computer revolution by leading the Nation in developing the technologies to substantially reduce carbon emissions. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in small businesses.

Back in 1993, I worked with Senator Bumpers to provide a partial exclusion for gain from the sale of small business stock. This provision would provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for five years. Since the enactment of this provision, the capital gains rate has been lowered twice without any changes to the exclusion. Due to the lower capital rates, this provision no longer provides a strong incentive for investment in small businesses.

The Invest in Small Business Act makes several changes to the existing provision. This legislation increases the exclusion amount from 50 percent

to 75 percent and decreases the holding period from five years to four years. This bill would allow corporations to benefit from the provision as long as they own less than 25 percent of the small business corporation stock.

Currently, the exclusion is treated as a preference item for calculating the alternative minimum tax (AMT). The Invest in Small Business Act of 2007 would repeal the exclusion as an AMT preference item. Under current law, the nonexcluded amount of gain is taxed at 28 percent. This legislation would tax the nonexcluded portion at the lower capital gains rate of 15 or 5 percent.

The Invest in Small Business Act of 2007 will provide an effective tax rate of 3.75 percent for the gain from the sale of certain small businesses. This lower capital gains rate will encourage investment in small businesses. In addition, the changes made by the Invest in Small Business Act of 2007 will make more taxpayers eligible for this provision.

As we celebrate the success of entrepreneurs this week, it is an appropriate time to encourage new investment. The Invest in Small Business Act of 2007 strengthens an existing tax incentive to provide an appropriate incentive to encourage innovation and entrepreneurship.

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

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

S. 1214

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 ''Invest in Small Business Act of 2007''.

SEC. 2. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Paragraph (1) of section 1202(a) of the Internal Revenue Code of 1986 (relating partial exclusion for gain from certain small business stock) is amended to read as follows:

''(1) IN GENERAL.—Gross income shall not include 75 percent of any gain from the sale or exchange of qualified small business stock held for more than 4 years.''.

(2) EMPOWERMENT ZONE BUSINESSES.—Subparagraph (A) of section 1202(a)(2) of such Code is amended—

(A) by striking ''60 percent'' and inserting ''100 percent'', and

(B) by striking ''50 percent'' and inserting ''75 percent''.

(3) RULE RELATING TO STOCK HELD AMONG MEMBERS OF CONTROLLED GROUP.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

''(4) STOCK HELD AMONG MEMBERS OF 25-PERCENT CONTROLLED GROUP NOT ELIGIBLE.—

''(A) IN GENERAL.—Stock of a member of a 25-percent controlled group shall not be treated as qualified small business stock while held by another member of such group.

''(B) 25-PERCENT CONTROLLED GROUP.—For purposes of subparagraph (A), the term '25-percent controlled group' means any controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 25 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

''(ii) section 1563(a)(4) shall not apply.''.

(4) CONFORMING AMENDMENTS.—Subsections (b)(2), (g)(2)(A), and (j)(1)(A) of section 1202 of such Code are each amended by striking ''5 years'' and inserting ''4 years''.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking '', (5), and (7)'' and inserting ''and (5)''.

(c) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) collectibles gain, over''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1(h) of such Code is amended by striking paragraph (7).

(B)(i) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(ii) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking ''section 1(h)(11)(B)'' and inserting ''section 1(h)(10)(B)''.

(iii) The following sections of such Code are each amended by striking ''section 1(h)(11)'' and inserting ''section 1(h)(10)'':

(I) Section 301(f)(4).

(II) Section 306(a)(1)(D).

(III) Section 584(c).

(IV) Section702(a)(5).

(V) Section 854(a).

(VI) Section 854(b)(2).

(iv) The heading of section 857(c)(2) is amended by striking ''1(h)(11)'' and inserting ''1(h)(10)''.

(d) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 1202(d) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking ''$50,000,000'' each place it appears and inserting ''$100,000,000''.

(2) INFLATION ADJUSTMENT.—Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2007, each of the $100,000,000 dollar amounts in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $100.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to stock issued after December 31, 2007.

(2) SPECIAL RULE FOR STOCK ISSUED BEFORE DECEMBER 31, 2007.—The amendments made by subsections (a), (b), and (c) shall apply to sales or exchanges—

(A) made after December 31, 2007,

(B) of stock issued before such date,

(C) by a taxpayer other than a corporation.

SUMMARY OF THE INVEST IN SMALL BUSINESS ACT OF 2007

The Omnibus Budget Reconciliation Act of 1993 included a provision to encourage investment in small businesses. This provision created section 1202 of the tax code which provides a 50 percent exclusion for the gain from the sale of certain small business stock held for more than five years. The amount of gain eligible for the exclusion is limited to the greater of 10 times the taxpayer's basis in the stock, or $10 million gain from stock in that small business corporation. This provision is limited to individual investments and not the investments of a corporation. At the date of the issuance of the stock, the gross assets of the corporation cannot exceed $50 million. At least 80 percent of the assets of the corporation are used for the active conduct of business. For purposes of calculating the alternative minimum tax (AMT), seven percent of the excluded amount is added back into the AMT calculation. The nonexcluded portion of section 1202 gain is taxed at the lesser of ordinary income rates or 28 percent, instead of the lower capital gains rates for individuals. Since the enactment of this provision, the capital gains rate has been lowered twice. No corresponding changes were made to section 1202.

The Invest in Small Business Act of 2007 makes the following changes to section 1202 to encourage more investment in small businesses.

Increases the exclusion from 50 percent to 75 percent.

Decreases the holding period from five to four years.

Repeals the capital gains exclusions as an AMT preference.

Taxes the nonexcluded portion of section 1202 gains at the regular capital gains rate, which is currently 15 percent or 5 percent for individual taxpayers.

Allows corporations the benefits of section 1202, but to be eligible, a corporation cannot hold more than 25 percent of the stock of a qualified small business.

Provides a 100 percent exclusion for gain from the sale of small business stock of corporations located in an empowerment zone.

Increases the asset limitation from $50 million to $100 million.

Below are calculations based on $100 of gain calculated under current law and under the Invest in Small Business Act of 2007. Under the present law, calculations for the remaining $50 would be taxed at 28 percent and result in a tax of $14 for a regular taxpayer and $14.98 of tax for an AMT taxpayer. (This calculation is based on a taxpayer paying the 28 percent AMT rate.)

PRESENT LAW

Regular Tax Calculation:	
Gain	$100
Exclusion	−50
Regular Tax Rate	× 0.28
Total Regular Tax	$14
AMT Tax Calculation	
Excluded amount	$50
AMT preference rate	× .07
AMT preference	3.5
AMT taxable income (regular income plus preference)	53.5
AMT rate	× 0.28
Total AMT	$14.98

INVEST IN SMALL BUSINESS ACT OF 2007

There is only one calculation under this legislation for individual taxpayers because section 1202 gain is no longer a preference item under the AMT. The total amount of tax on $100 of gain is $3.75 and this represents an effective tax rate of 3.75 percent. Under the changes made by the Invest in Small Business Act of 2007, the tax on capital gains

of the sale of qualified small business stock is 3.75 percent, instead of 14 percent for individual taxpayers. Corporate taxpayers would have an effective tax rate of 8.75 percent instead of 35 percent.

Tax Calculation Individual Taxpayer:	
Gain	$100
Excluded Amount	−75
Capital Gains Tax Rate	× 0.15
Total Tax	$3.75
Tax Calculation Corporate Taxpayer:	
Gain	$100
Excluded Amount	−75
Capital Gains Tax Rate	× 0.35
Total Tax	$8.75

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

S. 1216. A bill to allow certain nationals of Mexico entering the State of New Mexico on a temporary basis to travel up to 100 miles from the international border between the State of New Mexico and Mexico, and for other purposes; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today with Senator BINGAMAN to introduce a bill of importance to the economic development of our Southwest border States, the Laser Visa Extension Act of 2007.

The United States and Mexico have had special travel rules for Mexican nationals who visit our country for short periods of time since 1953. These visitors can come into our country with a document known as a ''laser visa'' or ''border crossing card'', which is an alternative to a passport and must be obtained from the U.S. government. In the 1990s, the rule was that anyone who held such a document could travel up to 25 miles from the Mexico/U.S. border.

In 1999, Arizona and the Border Trade Alliance mounted a successful campaign to extend the mileage limit in Arizona to 75 miles because there is no large town within 25 miles of the Arizona/Mexico border, so Arizona wasn't getting the economic benefits of these travelers.

Similarly, there is no large town within 25 miles of the New Mexico/Mexico border, so my constituents do not get the economic benefits of laser visa travelers. This disparity needs to be corrected. Moreover, all four Southwest border States should see the same benefits of laser visa travelers.

Therefore, the bill I am introducing today extends the distance laser visa holders can travel into the United States to 100 miles, regardless of which State they are in. Such an extension will allow more towns in all four of our Southwest border States to reap the economic benefits of short-term visitors to our country who hold a travel document issued by our Federal Government.

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

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

S. 1216

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 ''Laser Visa Extension Act of 2007''.

SEC. 2. TRAVEL PRIVILEGES FOR CERTAIN TEMPORARY VISITORS FROM MEXICO.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Homeland Security shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and the State of New Mexico if such national—

(1) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(2) enters the State of New Mexico through a port of entry where such card is processed using a machine reader;

(3) has successfully completed any background check required by the Secretary for such travel; and

(4) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(b) EXCEPTION.—On a case-by-case basis, the Secretary of Homeland Security may limit the travel of a national of Mexico who meets the requirements of paragraphs (1) through (4) of subsection (a) to a distance of less than 100 miles from the international border between Mexico and the State of New Mexico if the Secretary determines that the national was previously admitted into the United States as a nonimmigrant and violated the terms and conditions of the national's nonimmigrant status.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, and Mr. LIEBERMAN):

S. 1219. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the ''Taxpayer Protection and Assistance Act of 2007'' with Senators SMITH, AKAKA, DURBIN, KERRY, and LIEBERMAN. My colleagues may recall that similar legislation, S. 832, was introduced last Congress and ultimately reported out of the Finance Committee last year but unfortunately it never made it to the floor of the Senate. This Congress, the House has already passed taxpayer rights legislation which makes me optimistic that many of these long overdue reforms may finally become law.

This Act is a combination of a variety of well-vetted provisions that will ensure that our Nation's taxpayers are better able to prepare and file their tax returns each year in a fashion that is fair, reasonable and affordable. As long as we continue to require taxpayers to determine their own tax liability, Congress has a responsibility to ensure that we do not leave taxpayers vulnerable to abuses from those masquerading as tax professionals. The current environment is bad for everyone including the majority of tax return preparers who provide professional and much needed services to taxpayers in their communities. I encourage all of my colleagues to work with us to pass this legislation before the next filing season begins.

The first section of the Taxpayer Protection and Assistance Act would create a $10 million matching grant program for lower income tax preparation clinics much like the program we currently have in place for tax controversies. I have seen first hand the impact free tax preparation clinics can have on taxpayers and their communities, as we are fortunate to have one of the best State-wide programs in the Nation in New Mexico. Tax Help New Mexico, which has been in operation for many years, helped over 20,000 New Mexicans prepare and file their returns last year, resulting in over $20 million in refunds—all without refund anticipation loans. This program has turned into one of the best delivery mechanisms for public assistance I have seen in the State and has been fortunate enough to receive additional funding from the Annie E. Casey Foundation and the McCune Foundation. In order to continue to grow, though, we need to do our part in Congress and give them matching funding so they can continue their outreach into new communities in need of assistance.

The second set of provisions contained in this legislation would ensure that when taxpayers hire someone to help them with their tax returns they can be sure that the person is competent and professional. The first part of the bill makes sure that an enrolled agent, a tax professional licensed to practice before the IRS, shall have the exclusive right to describe him or herself as an ''enrolled agent,'' ''EA,'' or ''E.A.'' In New Mexico, enrolled agents play an important role in helping taxpayers with problems with the IRS and with preparing their returns. Enrolled agents have earned the right to use their credentials. Furthermore, we should protect the credentials of those who have taken the rigorous exams and have experience in tax preparation rather than allow others to confuse the public into thinking they too have the same credentials.

The next part of the bill requires the Secretary of the Treasury to determine what standards need to be met in order for a person to prepare tax returns commercially. Like all other tax professionals, this will require people who make a living preparing tax returns to pass a minimum competency exam and take brush up courses each year to keep up to date with changes in tax law. The majority of tax return preparers already meet these standards, including many who have received credentials from the State or from a nationally recognized association of accountants or tax return preparers. We provide specific authority to the Secretary to determine whether people who have already taken a written proficiency exam as part of some other tax return credentialing will need to take the new exam. The Secretary will be

able to exercise these authorizations only after thorough review of the specific examination and only for those examinations subsequently determined to be comparable. In that light, we urge the Secretary to exercise his authority in this area in a manner consistent with the goal of protecting taxpayers through ensuring the competency of enrolled preparers. The Treasury Department will also be required to operate a public awareness campaign so that taxpayers will know that they need to check to be sure that someone preparing their tax returns for a fee is qualified.

The fourth set of provisions would directly address the problems with refund anticipation loans (RALs)—a problem throughout the country, but one that is particularly troublesome in New Mexico. First, this bill requires refund loan facilitators to register with the Treasury Department. Refund loan facilitators are those people who solicit, process, or otherwise facilitate the making of a refund anticipation loan in relation to a tax return being electronically filed. The legislation also requires these refund loan facilitators to properly disclose to taxpayers that they do not have to get a RAL in order to file their return electronically, as well as clearly disclose what all the costs involved with the loan. Finally, the refund loan facilitators must disclose to taxpayers when the loans would allow their refunds to be offset by the amount of the loan. Much like the public awareness campaign for advertising the credentials required for preparing Federal tax returns, the Act requires the Treasury Department to operate a program to educate the public on the real costs of RALs as compared to other forms of credit. This program will be funded, at least in part, by amounts collected from penalties imposed on refund loan facilitators who have broken the law.

The next section of the bill is an issue that my colleague from Hawaii, Senator AKAKA, has been actively working on for the last several years. This provision would authorize the Treasury Department to award grants to financial institutions or charitable groups that help low income taxpayers set up accounts at a bank or credit union. Because many taxpayers do not have checking or savings accounts, their refunds from IRS cannot be electronically wired to them. The alternative is to have the check mailed to the taxpayer or to have the refund immediately loaned to the taxpayer in the form of a RAL. Of course, getting people to set up a checking or savings account for purposes of receiving their tax refund will also have the benefits of getting many of these people to start saving for the first time.

Finally, we have added two new provisions to clarify existing law. The first clarifies that the National Taxpayer Advocate has the authority to issue taxpayer assistance orders in cases involving closing agreements and compromises. The other clarifies that the Secretary of the Treasury has the authority to take into account a taxpayers specific facts and circumstances when evaluating an offer in compromise. Both of these provisions are the result of bipartisan negotiations and are an improvement to our tax system.

I hope my colleagues will join with me and the cosponsors of this bill to pass this important legislation. Our voluntary tax system is dependent on taxpayers being able to receive the best advice and assistance possible. We have a responsibility to our Nation's taxpayers to make sure that they do receive such advice and assistance. This bill goes a long way toward that goal.

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. 1219

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Protection and Assistance Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. LOW-INCOME TAXPAYER CLINICS.

(a) GRANTS FOR RETURN PREPARATION CLINICS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

''SEC. 7526A. RETURN PREPARATION CLINICS FOR LOW-INCOME TAXPAYERS.

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation clinics.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RETURN PREPARATION CLINIC.—

''(A) IN GENERAL.—The term 'qualified return preparation clinic' means a clinic which—

''(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

''(ii) operates programs which assist low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

''(B) ASSISTANCE TO LOW-INCOME TAXPAYERS.—A clinic is treated as assisting low-income taxpayers under subparagraph (A)(ii) if at least 90 percent of the taxpayers assisted by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

''(2) CLINIC.—The term 'clinic' includes—

''(A) a clinical program at an eligible educational institution (as defined in section 529(e)(5)) which satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing, and

''(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1).

''(c) SPECIAL RULES AND LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

''(2) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (7) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation clinics.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

''Sec. 7526A. Return preparation clinics for low-income taxpayers.''.

(b) GRANTS FOR TAXPAYER REPRESENTATION AND ASSISTANCE CLINICS.—

(1) INCREASE IN AUTHORIZED GRANTS.—Section 7526(c)(1) (relating to aggregate limitation) is amended by striking ''$6,000,000'' and inserting ''$10,000,000''.

(2) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—

(A) IN GENERAL.—Section 7526(c) (relating to special rules and limitations) is amended by adding at the end the following new paragraph:

''(6) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for the overhead expenses of any clinic or of any institution sponsoring such clinic.''.

(B) CONFORMING AMENDMENTS.—Section 7526(c)(5) is amended—

(i) by inserting ''qualified'' before ''low-income'', and

(ii) by striking the last sentence.

(3) PROMOTION OF CLINICS.—Section 7526(c), as amended by paragraph (2), is amended by adding at the end the following new paragraph:

''(7) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

SEC. 3. CLARIFICATION OF ENROLLED AGENT CREDENTIALS.

Section 330 of title 31, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(2) by inserting after subsection (a) the following new subsection:

''(b) Any enrolled agents properly licensed to practice as required under rules promulgated under subsection (a) shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.''.

SEC. 4. REGULATION OF FEDERAL TAX RETURN PREPARERS.

(a) AUTHORIZATION.—Section 330(a)(1) of title 31, United States Code, is amended by inserting ''(including compensated preparers of Federal tax returns, documents, and other submissions)'' after ''representatives''.

(b) REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations under section 330 of title 31, United States Code—

(A) to regulate those compensated preparers not otherwise regulated under regulations promulgated under such section on the date of the enactment of this Act, and

(B) to carry out the provisions of, and amendments made by, this section.

(2) EXAMINATION.—

(A) IN GENERAL.—In promulgating the regulations under paragraph (1), the Secretary shall develop (or approve) and administer an eligibility examination designed to test—

(i) the technical knowledge and competency of each preparer described in paragraph (1)(A)—

(I) to prepare Federal tax returns, including individual and business income tax returns, and

(II) to properly claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986 with respect to such individual returns, and

(ii) the knowledge of each such preparer regarding such ethical standards for the preparation of such returns as determined appropriate by the Secretary.

(B) STATE LICENSING OR REGISTRATION PROGRAMS.—The Secretary is authorized to accept an individual as meeting the eligibility examination requirement of this section if, in lieu of the eligibility examination under this section, the individual passed—

(i) a State licensing or State registration program eligibility examination that is comparable to the eligibility examination established by the Secretary, or

(ii) an eligibility examination administered by an existing organization for tax return preparers that is comparable to the eligibility examination established by the Secretary if such test was administered prior to the issuance of the regulations under this section.

(3) CONTINUING ELIGIBILITY.—

(A) IN GENERAL.—The regulations under paragraph (1) shall require a renewal of eligibility every 3 years and shall set forth the manner in which a preparer described in paragraph (1)(A) must renew such eligibility.

(B) CONTINUING EDUCATION REQUIREMENTS.—As part of the renewal of eligibility, such regulations shall require that each such preparer show evidence of completion of such continuing education requirements as specified by the Secretary.

(C) NONMONETARY SANCTIONS.—The regulations under paragraph (1) shall provide for the suspension or termination of such eligibility in the event of any failure to comply with the requirements for such eligibility.

(4) PENALTY FOR UNAUTHORIZED PREPARATION OF RETURNS, ETC.—In promulgating the regulations under paragraph (1), the Secretary shall impose a penalty of $1,000 for each Federal tax return, document, or other submission prepared by a preparer described in paragraph (1)(A) who is not in compliance with the requirements of paragraph (2) or (3) or who is suspended or disbarred from practice before the Department of the Treasury under such regulations. Such penalty shall be in addition to any other penalty which may be imposed.

(c) OFFICE OF PROFESSIONAL RESPONSIBILITY.—Section 330 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

''(1) IN GENERAL.—There shall be in the Internal Revenue Service an Office of Professional Responsibility the functions of which shall be as prescribed by the Secretary of the Treasury, including the carrying out of the purposes of this section.

''(2) DIRECTOR.—

''(A) IN GENERAL.—The Office of Professional Responsibility shall be under the supervision and direction of an official known as the 'Director, Office of Professional Responsibility'. The Director, Office of Professional Responsibility, shall report directly to the Commissioner of Internal Revenue and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, or, if the Secretary of the Treasury so determines, at a rate fixed under section 9503 of such title.

''(B) APPOINTMENT.—The Director, Office of Professional Responsibility, shall be appointed by the Secretary of the Treasury without regard to the provisions of title 5 relating to appointments in the competitive service or the Senior Executive Service.

''(3) HEARING.—Any hearing on an action initiated by the Director, Office of Professional Responsibility, to impose a sanction under regulations promulgated under this section shall be conducted in accordance with sections 556 and 557 of title 5 by 1 or more administrative law judges appointed by the Secretary of the Treasury under section 3105 of title 5.

''(4) COORDINATION WITH STATE SANCTION PROGRAMS.—In carrying out the purposes of this section, the Director, Office of Professional Responsibility shall coordinate with appropriate State officials in order to collect information regarding representatives, employers, firms and other entities which have been disciplined or suspended under State or local rules.

''(5) INFORMATION ON SANCTIONS TO BE AVAILABLE TO THE PUBLIC.—

''(A) SANCTIONS INITIATED BY ACTION.—When an action is initiated by the Director, Office of Professional Responsibility, to impose a sanction under regulations promulgated under this section, the pleadings, and the record of the proceeding and hearing shall be open to the public (subject to restrictions imposed under subparagraph (C)).

''(B) SANCTION NOT INITIATED BY ACTION.—When a sanction under regulations promulgated under this section (other than a private reprimand) is imposed without initiation of an action, the Director, Office of Professional Responsibility, shall make available to the public information identifying the representative, employer, firm, or other entity sanctioned, as well as information about the conduct which gave rise to the sanction (subject to restrictions imposed under subparagraph (C)).

''(C) RESTRICTIONS ON RELEASE OF INFORMATION.—Information about clients of the representative, employer, firm, or other entity and medical information with respect to the representative shall not be released to the public or discussed in an open hearing, except to the extent necessary to understand the nature, scope, and impact of the conduct giving rise to the sanction or proposed sanction. Disagreements regarding the application of this subparagraph shall be resolved by the administrative law judge or, when a sanction is imposed without initiation of an action, by the Director, Office of Professional Responsibility.

''(6) FEES.—Any fees imposed under regulations promulgated under this section shall be available without fiscal year limitation to the Office of Professional Responsibility for the purpose of reimbursement of the costs of administering and enforcing the requirements of such regulations.''.

(d) BAN ON AUDIT INSURANCE.—Section 330 of title 31, United States Code, as amended by subsection (c), is amended by adding at the end the following new subsection:

''(f) BAN ON AUDIT INSURANCE.—No person admitted to practice before the Department of the Treasury may directly or indirectly offer or provide insurance to cover professional fees and other expenses incurred in responding to or defending an audit by the Internal Revenue Service.''.

(e) PENALTIES.—

(1) INCREASE IN CERTAIN PENALTIES.—Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) are each amended by striking ''a penalty of $50'' and all that follows and inserting ''a penalty equal to—

''(1) $1,000, or

''(2) in the case of 3 or more such failures in a calendar year, $500 for each such failure.

The preceding sentence shall not apply with respect to any failure if such failure is due to reasonable cause and not due to willful neglect.''.

(2) USE OF PENALTIES.—Unless specifically appropriated otherwise, there is authorized to be appropriated and is appropriated to the Office of Professional Responsibility for each fiscal year for the administration of the public awareness campaign described in subsection (g) an amount equal to the penalties collected during the preceding fiscal year under sections 6694 and 6695 of the Internal Revenue Code of 1986 and under the regulations promulgated under section 330 of title 31, United States Code (by reason of subsection (b)(1)).

(3) REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Section 7803(d)(2)(A) is amended—

(A) by striking ''and'' at the end of clause (iii),

(B) by striking the period at the end of clause (iv) and inserting '', and'', and

(C) by adding at the end the following new clause:

''(v) a summary of the penalties assessed and collected during the reporting period under sections 6694 and 6695 and under the regulations promulgated under section 330 of title 31, United States Code, and a review of the procedures by which violations are identified and penalties are assessed under those sections,''.

(f) COORDINATION WITH SECTION 6060(a).—The Secretary of the Treasury shall coordinate the requirements under the regulations promulgated under section 330 of title 31, United States Code, with the return requirements of section 6060 of the Internal Revenue Code of 1986.

(g) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury or the Secretary's delegate shall conduct a public information and consumer education campaign, utilizing paid advertising—

(1) to encourage taxpayers to use for Federal tax matters only professionals who establish their competency under the regulations promulgated under section 330 of title 31, United States Code, and

(2) to inform the public of the requirements that any compensated preparer of tax returns, documents, and submissions subject to the requirements under the regulations promulgated under such section must sign the return, document, or submission prepared for a fee and display notice of such preparer's compliance under such regulations.

(h) ADDITIONAL FUNDS AVAILABLE FOR COMPLIANCE ACTIVITIES.—The Secretary of the Treasury may use any specifically appropriated funds for earned income tax credit compliance to improve and expand enforcement of the regulations promulgated under section 330 of title 31, United States Code.

(i) ADDITIONAL CERTIFICATION ON DOCUMENTS OTHER THAN RETURNS.—The Secretary of the Treasury shall require that each document or other submission filed with the Internal Revenue Service (other than a return signed by the taxpayer) shall be signed under penalty of perjury and the identifying number of any paid preparer who prepared such

document (if any) under rules similar to the rules under section 6109(a)(4).

SEC. 5. CONTRACT AUTHORITY FOR EXAMINATIONS OF PREPARERS.

The Secretary of the Treasury is authorized to contract for the development or administration, or both, of any examinations under the regulations promulgated under section 330 of title 31, United States Code.

SEC. 6. REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.

(a) REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting at the end the following new section:

''SEC. 7529. REFUND ANTICIPATION LOAN FACILITATORS.

''(a) REGISTRATION.—Each refund loan facilitator shall register with the Secretary on an annual basis. As a part of such registration, each refund loan facilitator shall provide the Secretary with the name, address, and taxpayer identification number of such facilitator, and the fee schedule of such facilitator for the year of such registration.

''(b) DISCLOSURE.—Each refund loan facilitator shall disclose to a taxpayer both orally and on a separate written form at the time such taxpayer applies for a refund anticipation loan the following information:

''(1) NATURE OF THE TRANSACTION.—The refund loan facilitator shall disclose—

''(A) that the taxpayer is applying for a loan that is based upon the taxpayer's anticipated income tax refund,

''(B) the expected time within which the loan will be paid to the taxpayer if such loan is approved,

''(C) the time frame in which income tax refunds are typically paid based upon the different filing options available to the taxpayer,

''(D) that there is no guarantee that a refund will be paid in full or received within a specified time period and that the taxpayer is responsible for the repayment of the loan even if the refund is not paid in full or has been delayed,

''(E) if the refund loan facilitator has an agreement with another refund loan facilitator (or any lender working in conjunction with another refund loan facilitator) to offset outstanding liabilities for previous refund anticipation loans provided by such other refund loan facilitator, that any refund paid to the taxpayer may be so offset and the implication of any such offset,

''(F) that the taxpayer may file an electronic return without applying for a refund anticipation loan and the fee for filing such an electronic return, and

''(G) that the loan may have substantial fees and interest charges that may exceed those of other sources of credit and the taxpayer should carefully consider—

''(i) whether such a loan is appropriate for the taxpayer, and

''(ii) other sources of credit.

''(2) FEES AND INTEREST.—The refund loan facilitator shall disclose all refund anticipation loan fees with respect to the refund anticipation loan. Such disclosure shall include—

''(A) a copy of the fee schedule of the refund loan facilitator,

''(B) the typical fees and interest rates (using annual percentage rates as defined by section 107 of the Truth in Lending Act (15 U.S.C. 1606)) for several typical amounts of such loans and of other types of consumer credit,

''(C) typical fees and interest charges if a refund is not paid or delayed, and

''(D) the amount of a fee (if any) that will be charged if the loan is not approved.

''(3) OTHER INFORMATION.—The refund loan facilitator shall disclose any other information required to be disclosed by the Secretary.

''(c) FINES AND SANCTIONS.—

''(1) IN GENERAL.—The Secretary may impose a monetary penalty on any refund loan facilitator who—

''(A) fails to register under subsection (a), or

''(B) fails to disclose any information required under subsection (b).

''(2) MAXIMUM MONETARY PENALTY.—Any monetary penalty imposed under paragraph (1) shall not exceed—

''(A) in the case of a failure to register, the gross income derived from all refund anticipation loans made during the period the refund loan facilitator was not registered, and

''(B) in the case of a failure to disclose information, the gross income derived from all refund anticipation loans with respect to which such failure applied.

''(3) REASONABLE CAUSE EXCEPTIONS.—No penalty may be imposed under this subsection with respect to any failure if it is shown that such failure is due to reasonable cause.

''(d) DEFINITIONS.—For purposes of this section—

''(1) REFUND LOAN FACILITATOR.—

''(A) IN GENERAL.—The term 'refund loan facilitator' means any electronic return originator who—

''(i) solicits for, processes, receives, or accepts delivery of an application for a refund anticipation loan, or

''(ii) facilitates the making of a refund anticipation loan in any other manner.

''(B) ELECTRONIC RETURN ORIGINATOR.—For purposes of subparagraph (A), the term 'electronic return originator' means a person who originates the electronic submission of income tax returns for another person.

''(2) REFUND ANTICIPATION LOAN.—The term 'refund anticipation loan' means any loan of money or any other thing of value to a taxpayer in connection with the taxpayer's anticipated receipt of a Federal tax refund. Such term includes a loan secured by the tax refund or an arrangement to repay a loan from the tax refund.

''(3) REFUND ANTICIPATION LOAN FEES.—The term 'refund anticipation loan fees' means the fees, charges, interest, and other consideration charged or imposed by the lender or facilitator for the making of a refund anticipation loan.

''(e) REGULATIONS.—The Secretary may prescribe such regulations as necessary to implement the requirements of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 7529. Refund anticipation loan facilitators.''.

(b) DISCLOSURE OF PENALTY.—Section 6103(k) (relating to disclosure of certain returns and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

''(10) DISCLOSURE OF PENALTIES ON REFUND ANTICIPATION LOAN FACILITATORS.—The Secretary may disclose the name and employer (including the employer's address) of any person with respect to whom a penalty has been imposed under section 7529 and the amount of any such penalty.''.

(c) USE OF PENALTIES.—Unless specifically appropriated otherwise, there is authorized to be appropriated and is appropriated to the Internal Revenue Service for each fiscal year for the administration of the public awareness campaign described in subsection (d) an amount equal to the penalties collected during the preceding fiscal year under section 7529 of the Internal Revenue Code of 1986.

(d) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury or the Secretary's delegate shall conduct a public information and consumer education campaign, utilizing paid advertising, to educate the public on making sound financial decisions with respect to refund anticipation loans (as defined under section 7529 of the Internal Revenue Code of 1986), including the need to compare—

(1) the rates and fees of such loans with the rates and fees of conventional loans; and

(2) the amount of money received under the loan after taking into consideration such costs and fees with the total amount of the refund.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(f) TERMINATION OF DEBT INDICATOR PROGRAM.—The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 9958 and may not implement any similar program.

SEC. 7. TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury is authorized to award demonstration project grants (including multi-year grants) to eligible entities which partner with volunteer and low-income preparation organizations to provide tax preparation services and assistance in connection with establishing an account in a federally insured depository institution for individuals that currently do not have such an account.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—An entity is eligible to receive a grant under this section if such an entity is—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(B) a federally insured depository institution,

(C) an agency of a State or local government,

(D) a community development financial institution,

(E) an Indian tribal organization,

(F) an Alaska Native Corporation,

(G) a Native Hawaiian organization,

(H) a labor organization, or

(I) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(2) DEFINITIONS.—For purposes of this section—

(A) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(B) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' means any organization that has been certified as such pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(C) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(D) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(i) serves and represents the interests of Native Hawaiians, and

(ii) has as a primary and stated purpose the provision of services to Native Hawaiians.

(E) LABOR ORGANIZATION.—The term ''labor organization'' means an organization—

(i) in which employees participate,

(ii) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and

(iii) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary of the Treasury in such form and containing such information as the Secretary may require.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

(e) EVALUATION AND REPORT.—For each fiscal year in which a grant is awarded under this section, the Secretary of the Treasury shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Treasury, for the grant program described in this section, $10,000,000, or such additional amounts as deemed necessary, to remain available until expended.

(g) REGULATIONS.—The Secretary of the Treasury is authorized to promulgate regulations to implement and administer the grant program under this section.

(h) STUDY ON DELIVERY OF TAX REFUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study on the payment of tax refunds through Treasury debit cards or other electronic means to assist individuals that do not have access to financial accounts or institutions.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the result of the study conducted under subsection (a).

SEC. 8. CLARIFICATION OF TAXPAYER ASSISTANCE ORDER AUTHORITY.

(a) IN GENERAL.—Section 7811(b)(2) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) chapter 74 (relating to closing agreements and compromises),''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to orders issued after the date of the enactment of this Act.

SEC. 9. CLARIFICATION OF STANDARDS FOR EVALUATION OF COMPROMISE OFFERS.

Section 7122(d)(1) is amended—

(1) by inserting ''based on doubt as to liability, doubt as to collectibility, or equitable consideration'' after ''dispute'', and

(2) by inserting at the end the following new paragraph:

''(4) EQUITABLE CONSIDERATION.—In prescribing guidelines under paragraph (1), the Secretary shall compromise a liability to promote effective tax administration when it is inequitable to collect any unpaid tax (or any portion thereof, including penalties and interest) based on all of the facts and circumstances, including—

''(A) whether the taxpayer acted reasonably, responsibly, and in good faith under the circumstances, such as, by taking reasonable actions to avoid or mitigate the tax liability or delayed resolution of such liability,

''(B) whether the taxpayer is a victim of a bad act by a third party or any other unexpected event that significantly contributed to the tax liability or delayed resolution of such liability,

''(C) whether the taxpayer has a recent history of compliance with tax filing and payment obligations (before and after the situation that led to the current tax liability) or has a reasonable explanation for previous noncompliance,

''(D) whether any Internal Revenue Service processing errors, systemic or employee-related, led to or significantly contributed to the tax liability,

''(E) whether the Internal Revenue Service action or inaction has unreasonably delayed resolution of the tax liability, and

''(F) any other fact or circumstance that would lead a reasonable person to conclude that a compromise would be fair, equitable, and in the best interest of tax administration.''.

By Mr. KERRY:

S. 1221. A bill to provide for the enactment of comprehensive health care reform; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, this week thousands of business owners, union members, faith leaders, physicians, nurses, and patients will come together in Washington and in each of the 50 States to demand immediate action to fix our Nation's growing health insurance crisis. The Robert Wood Johnson Foundation's fifth annual Cover the Uninsured Week will once again call attention to the 45 million of our neighbors, co-workers and friends—including 11 million children under age 21—who live without any health care coverage. Unable to afford doctor's visits and prescription drugs, they live day to day in fear that a child will get sick or suffer an accident. No family in this great Nation should have to live in such fear.

Understandably, the focus of Cover the Uninsured Week this year is on the great opportunity presenting this Congress to expand coverage to millions of America's uninsured children through the reauthorization and expansion of the successful, bipartisan State Children's Health Insurance Program. This is the number one domestic budget priority for me and for the new Democratic Congress.

In a given year, uninsured kids are only half as likely to receive any medical care. That neglect leads to chronic disease. Uninsured kids also cost us productivity when parents must choose between working and caring for a sick child without the help of a doctor. Kids in public insurance programs perform 68 percent better in school, and insuring all of them would reduce avoidable hospitalizations by 22 percent.

But while kids are undoubtedly our first priority, we must take care not to lose sight of our ultimate objective: Ensuring that every single man, woman, and child in America has affordable and meaningful health insurance coverage. The fact is that denying health insurance is not just immoral, it's ultimately more costly than insuring them. In the long run, this is an obvious choice.

But we do not have time to wait for the long run. Our businesses, families, and health care providers need relief immediately from the insecurity, inefficiency, and inequity bred by a system which insures too few at too high a cost.

Therefore, I am introducing today the ''Countdown to Coverage Act of 2007.'' It's simple: The Countdown to Coverage Act requires Congress to pass legislation by the end of the 111th session that will ensure all Americans have quality, affordable health care coverage. If Congress fails to act, members will become responsible for 100 percent of the cost of their own plan through FEHBP.

Senators and Congressmen give ourselves the very best health care coverage, and it's American taxpayers who foot the bill. Now, Congress needs to step up and pass universal health care coverage by 2011—or pay the price and pick up the cost of our own health care ourselves. 45 million people—11 million kids—without health insurance is unacceptable in the richest country in the world. Every American deserves the kind of quality care that Senators and Congressmen give themselves, and this bill sets a deadline for members of Congress to take real action.

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

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

S. 1221

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 ''Countdown to Coverage Act of 2007''.

SEC. 2. COMPREHENSIVE HEALTH CARE REFORM.

(a) IN GENERAL.—If a provision of law that ensures accessible, affordable, and meaningful health insurance for all Americans is not enacted before the adjournment, sine die, of the 111th Congress, as determined by Institute of Medicine, there shall be no Government contribution under section 8906 of title 5, United States Code, for any Member of Congress and any Member of Congress shall pay 100 percent of all premiums for any health benefits plan under chapter 89 of that title.

(b) NOTIFICATION.—The Institute of Medicine shall submit timely notice to the Office of Personnel Management, the Secretary of the Senate, and the Chief Administrative Officer of the House of Representatives of—

(1) the determination that a provision of law has not been enacted before the adjournment, sine die, of the 111th Congress, as described under subsection (a); and

(2) the dates and adjustments that are required to take effect under this Act.

(c) ADJUSTMENTS.—After receiving notice under subsection (b), the Office of Personnel Management, the Secretary of the Senate, and the Chief Administrative Officer of the House of Representatives shall make such

adjustments as may be necessary on the first day of the first applicable pay period beginning on or after the date of that notice.

(d) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 1222. A bill to stop mortgage transactions which operate to promote fraud, risk, abuse, and under-development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. Mr. President, I rise today to reintroduce legislation to protect American consumers and homeowners from fraudulent and abusive mortgage lending practices. Mortgage fraud and abuse are growing problems in this country, problems that are depriving thousands of Americans of their dream of homeownership and often their hard-earned life savings. These problems are also costing the mortgage industry hundreds of millions of dollars each year and making the housing market, which is critical to our economy and the stability of our neighborhoods, more vulnerable.

Although the data in this area is limited, mortgage fraud, which takes a variety of forms from inflated appraisals to the use of straw buyers, is a growing problem. In September of 2002, the FBI had 436 mortgage fraud investigations. Currently, they have more than 1,036—an increase of 137 percent in less than 5 years. And of the 1,036 current cases, more than half have expected losses of more than $1 million. This is due largely to the housing boom which has driven up housing prices across the country. Nearly $2.37 trillion in mortgage loans were made during 2006, and the number may be even higher this year.

But mortgage fraud is not just about dollars and statistics; it's about real people, real homes, and real lives. I first introduced this legislation last year after my hometown Chicago Tribune featured a series of articles about mortgage fraud in Illinois, which, along with Georgia, South Carolina, Florida, Missouri, Michigan, California, Nevada, Colorado and Utah, is among the FBI's top-ten mortgage fraud ''hot spots.''

The Tribune stories highlighted the plight of the good folks on May Street in Chicago, who saw a block's worth of homes go boarded up in the span of a just few years, as swindlers racked up hundreds of thousands of dollars in bad loans. The shells of houses were left behind as sad reminders of broken dreams. The Tribune highlighted the plight of 75-year-old Ruth Williams, who had to spend her personal funds to clear the title to her home after fraudsters secured $400,000 in loans on three buildings they didn't own. A recent Tribune investigation turned up a 91-year-old woman defrauded into signing away her brick Chicago home, her sole asset, leaving her with nothing.

Law enforcement, consumer groups and many in the mortgage industry are working extremely hard to combat fraud and abusive lending practices. I applaud their good work. Now, Congress should come to the table and do its part, and I'm pleased to introduce legislation today with my good friend Senator DURBIN to address this important issue.

The STOP FRAUD Act, which was first introduced in February 2006, is aimed at stopping mortgage transactions which operate to promote fraud, risk, abuse and underdevelopment. This year, the bill includes new provisions to protect the legal rights of borrowers with particularly risky subprime loans. The Act provides the first Federal definition of mortgage fraud and authorizes stiff criminal penalties against fraudulent actors. STOP FRAUD requires a wide range of mortgage professionals to report suspected fraudulent activity, and gives these same professionals safe harbor from liability when they report suspicious incidents. It also authorizes several grant programs to help State and local law enforcement fight fraud, provide the mortgage industry with updates on fraud trends, and further support the Departments of Treasury, Justice and Housing and Urban Development's fraud-fighting efforts.

At a time when many homeowners are concerned about losing their home to foreclosure, and policymakers are worried about fraudulent, deceptive, and even just plain confusing lending practices that are roiling communities across the country, STOP FRAUD provides $25 million for housing counseling. The Department of Housing and Urban Development will contract with public or private organization to provide information, advice, counseling, and technical assistance to tenants, homeowners, and other consumers with respect to mortgage fraud and other activities that are likely to increase the risk of foreclosure.

The Act also protects the legal rights of borrowers with risky, subprime loans. The greatest growth in the mortgage lending market is in subprime loans and some have estimated that more than 2 million homeowners with subprime mortgages are at risk of losing their homes. If a borrower receives a subprime mortgage with any one of several high-risk characteristics, the Act protects the rights of borrowers to challenge lending practices in foreclosure proceedings. The high-risk characteristics targeted by this Act include loans for which the borrower does not have the ability to repay at the maximum rate of interest, loans whose true long-term costs are not clearly disclosed to the borrower, stated-income and no-documentation loans, and loans with unreasonable prepayment penalties.

Many States are actively trying to prevent a wave of expected foreclosures as housing prices stop rising while adjustable rates on many risk loans start rising. STOP FRAUD instructs the Government Accountability Office to evaluate the various State initiatives and report to Congress on lending practices and regulations related to mortgage fraud and deception, predatory lending, and homeownership preservation efforts.

We cannot sit on the sidelines while increasing numbers of American families face the risk of losing their homes. There is excellent work being done by the Banking Committees in the House and Senate to tackle some of the thorniest and most challenging problems affecting the mortgage industry today. I look forward to working with my colleagues on comprehensive legislation to protect consumers and strengthen the housing market. The STOP FRAUD Act is just the beginning of an important Federal response. It is a tough, cost-effective, and balanced way to address the serious problem of mortgage fraud in our country and to provide additional protections for vulnerable borrowers. I urge my colleagues to join me in this important effort.

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. CARPER, and Mr. PRYOR):

S. 1223. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about the First Response Broadcasters Act, legislation I am introducing today along with Senators STEVENS, CARPER and PRYOR.

As my State suffered the devastating impact of Hurricanes Katrina and Rita and the levee breaks that followed, we learned that one of the most vital relief supplies is information. In providing it, all of our local media—newspapers, broadcasters and web sites included—did amazing work to keep the people of my State informed, even when displaced thousands of miles away. But with phone lines down and streets too flooded to move around, the sound of a local radio or television station was for many of my constituents the only voice in those first few dark nights after the hurricanes. Our local broadcasters provided life-saving information and comfort when both were needed the most. Many of them worked through unimaginable technical and emotional obstacles, staying on the air as their facilities and staff homes were destroyed, and loved ones remained missing.

With the entire industry dependent on public airwaves, broadcasters have a duty to serve the public in times of crisis. As local radio and television stations stand up, as so many did, to put commercial interests aside to serve the public interest, the federal government

should be ready to stand with them. This is not a new partnership.

Under laws going back to 1951, radio and television stations are today required to participate in the national Emergency Alert System (EAS), and many stations have protected, government-funded circuits connecting them to emergency command centers. This legislation would directly connect more stations nationwide to this network by authorizing $6.5 million to FEMA to set up Primary Entry Point radio stations in another twenty five states and U.S. territories. Currently there are thirty-two stations and two under development in Alabama and Mississippi.

A Primary Entry Point (PEP) station is a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power. For example, WWL Radio in New Orleans was the only PEP station in the Gulf Coast after Katrina and it provided radio broadcasts for two weeks after the storm until commercial power was restored. FEMA commissioned recommendations from the Primary Entry Point Advisory Committee, a non-profit group they set up to oversee the stations, and just needs the additional funds to build the additional facilities. Included in the findings of the legislation is a comprehensive list of the states that are currently without PEP stations and which would benefit from this provision. There are also States which have PEP stations, but because of geographic limitations, require an additional station to fully cover the State. This bill would provide those two additional stations in Kansas and Florida.

But what good is this successful emergency information chain if the last link fails? By technical necessity, this last link is right in the disaster's path. Simply put, the transmitter needs to be in the same area as the people in need of warning. Despite our Federal investments in the emergency system and entry point stations, there were several Gulf Coast broadcasters after the hurricanes that could not stay on the air simply because the government took their fuel away. They were told they weren't on the list.''

This legislation puts these broadcasters on the list, where they belong. To protect vital broadcast infrastructure and encourage more broadcasters to deploy disaster-resistant telecommunications equipment, this bill would also create a 3-year pilot program managed by the Federal Emergency Management Agency to provide annual matching grants to qualified First Response Broadcasters for the protection and reinforcement of critical-to-air facilities and infrastructure. The program would receive $10 million per year to fund matching program grants, and grants could also be used for projects to enhance essential disaster-related public information services.

As the program encourages both disaster preparedness and community coordination, increased scoring would be granted to applications from broadcasters who form cooperative proposals with other broadcasters in the area or those who submit plans in conjunction with local or State governments. Priority scoring would also be given to applicants in disaster-prone areas and also based on the public service merits of the broadcasters disaster programming plan.

No disaster warning, evacuation plan or emergency instruction matters if it can't get to the people who need it. This is why the Federal Communications Commission and a presidential advisory panel have each recommended we take steps to keep these lifesaving broadcasts on the air.

In particular, this bill would require that the Federal Emergency Management Agency and other Federal response agencies, in coordination with State and local authorities and the National Guard, honor press access guidelines and credentials set by the local governing authority in the declared disaster area. For example, if the City of New Orleans issued press credentials before the disaster and the city decided to continue honoring them post-disaster, FEMA officials operating in the area would be required to honor those credentials as well. The local entity, at its own discretion, would be able to request that this credentialing authority be passed instead to federal or state officials.

Along these same lines, the bill would also direct the Federal Emergency Management Agency to coordinate with local and State agencies to allow access, where practicable and not impeding recovery or endangering public safety, into the disaster area for personnel and equipment essential to restoring or maintaining critical-to-air broadcast infrastructure. The priority policies and procedures for this coordination would be similar to those practiced for restoring public utilities, and would include access for refueling generators and re-supplying critical facilities.

For all journalists working to tell the story-newspapers and web sites included-the First Response Broadcasters Act makes sure that the local officials, who know local reporters best, decide where the journalists can go, not some Washington bureaucrat who just stepped off the plane.

In closing, I would like to submit for the record the stories of a few incredible broadcasters who through recent disasters have demonstrated exactly the type of response this bill is intended to encourage. I would also like to submit for the record a list of organizations which have already endorsed this legislation-including the state broadcasting associations from every one of the 50 states and the District of Columbia.

Broadcasters have a duty to the American people to spread the word in times of crisis. No one else can do it. They are already a key part of our national emergency response plan, and have been for more than 50 years. This bill merely reinforces this fact and secures the logical extension of commitments already made by Federal government. We have a responsibility to make sure the tools are protected to make the system work.

Broadcasters are first responders—and with this bill today, we will strengthen our essential partnership with them for the benefit of all Americans. I urge my colleagues to support this important legislation and ask unanimous consent that the text of the legislation, the broadcaster stories, and a list of the organizations already supporting this bill be printed in the RECORD.

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

S. 1223

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 ''First Response Broadcasters Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in the periods before, during, and after major disasters that occurred not long before the date of enactment of this Act (including Hurricane Katrina, Hurricane Rita, and the terrorist attacks of September 11, 2001), local media organizations (including newspapers, public and private broadcasters, and online publications) provided a valuable public service by transmitting and publishing disaster-related information, guidance, and assistance;

(2) local broadcasters, public and private, provided a particularly valuable public service by transmitting evacuation instructions, warnings of impending threats, timely response status updates, and other essential information related to such major disasters to listeners and viewers to whom other forms of media were often unavailable or inaccessible;

(3) an inability to access a disaster area may impede the ability of local media organizations to provide such public services;

(4) according to the report by the Committee on Homeland Security and Governmental Affairs of the Senate, titled ''Hurricane Katrina: A Nation Still Unprepared'', dated May 2006, ''It is essential that the news media receive accurate disaster information to circulate to the public. News media can also help inform the public by reporting on rumors and soliciting evidence and comment on their plausibility, if any'';

(5) according to testimony provided on September 22, 2005, to the Committee on Commerce, Science, and Transportation of the Senate, an estimated 100 Gulf Coast broadcast stations were unable to broadcast as a result of Hurricane Katrina, with approximately 28 percent of television stations and approximately 35 percent of radio stations unable to broadcast in the area affected by Hurricane Katrina;

(6) according to testimony provided on September 7, 2005, to the Committee on Energy and Commerce of the House of Representatives, following Hurricane Katrina only 4 of the 41 radio broadcast stations in the New Orleans metropolitan area remained on the air in the immediate aftermath of that hurricane;

(7) the only television station in New Orleans to continue transmitting its over-the-air signal uninterrupted during and after Hurricane Katrina was able to do so only as a direct result of steps taken to better protect its transmitter and provide redundant production facilities in the region;

(8) fuel and other supply shortages inhibit the ability of a broadcaster to stay on the air and provide essential public information following a major disaster;

(9) according to the report by the Committee on Homeland Security and Governmental Affairs of the Senate, titled ''Hurricane Katrina: A Nation Still Unprepared'', dated May 2006, there were instances of Federal authorities confiscating privately-purchased fuel supplies in the area affected by Hurricane Katrina;

(10) the ability of several broadcasters in Mississippi to remain on the air was unduly compromised by the confiscation of their privately-purchased fuel supplies;

(11) practices put in place following Hurricane Andrew to involve broadcasters in disaster response and expedite access by broadcast engineers to disaster areas for the purpose of repairing critical-to-air facilities and infrastructure has significantly increased the ability of broadcasters in Florida to continue transmitting essential public information during subsequent major disasters;

(12) a June 12, 2006, report to the Federal Communications Commission from the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks recommends that cable and broadcasting infrastructure providers, and their contracted workers, be afforded emergency responder status under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that this designation would remedy many of the access and fuel sharing issues that hampered industry efforts to quickly repair infrastructure following Hurricane Katrina;

(13) the partnership of competing radio broadcasters in the wake of Hurricane Katrina, casting aside commercial interests to provide uninterrupted, redundant public information programming from multiple transmission facilities, served the public well and for many hurricane victims was the only source of disaster-related information for many days;

(14) other similar models for regional broadcaster cooperation nationwide, such as the initiative by 3 public and private radio groups to cooperatively produce essential disaster-related programming in eastern and central Maine, will further prepare the industry to effectively respond to major disasters;

(15) following Hurricane Katrina, a Primary Entry Point station in Louisiana, operating only on generator power until commercial power was restored 2 weeks after the disaster, was instrumental in providing life-saving information to the general public throughout the area as battery-operated radios were the only source of official news and information;

(16) as of April 18, 2007, there were 24 States with 1 Primary Entry Point station, 4 States with 2 Primary Entry point stations, 2 Primary Entry Point stations located in territories of the United States, and 2 Primary Entry Point stations under development in Alabama and Mississippi;

(17) in the event of a man-made or natural disaster, it is essential to provide for Primary Entry Point stations in any State or territory where there is not a facility, meaning an additional 23 stations are required, located in—

(A) Arkansas;
(B) Connecticut;
(C) Delaware;
(D) the District of Columbia;
(E) Indiana;
(F) Iowa;
(G) Kentucky;
(H) Maine;
(I) Michigan;
(J) Nebraska;
(K) New Hampshire;
(L) New Jersey;
(M) Oklahoma;
(N) Oregon;
(O) Pennsylvania;
(P) Rhode Island;
(Q) South Dakota;
(R) Vermont;
(S) West Virginia;
(T) Wisconsin;
(U) American Samoa;
(V) the Northern Mariana Islands; and
(W) Guam; and

(18) in the event of a man-made or natural disaster, it is essential to provide for the Primary Entry Point stations in larger States where there is currently a facility, but an additional station is required to ensure full sufficient geographic coverage, meaning 2 stations are required, located in—

(A) Kansas; and
(B) Florida.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''disaster area'' means an area in which the President has declared a major disaster, during the period of that declaration;

(3) the term ''first response broadcaster'' means a local or regional television or radio broadcaster that provides essential disaster-related public information programming before, during, and after the occurrence of a major disaster;

(4) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(5) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 4. PRIMARY ENTRY POINT STATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $6,500,000 to the Administrator of the Federal Emergency Management Agency for facility and equipment expenses to construct an additional 25 Primary Entry Point stations in the continental United States and territories.

(b) DEFINITION.—In this section, the term ''Primary Entry Point station'' means a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power.

SEC. 5. BROADCAST DISASTER PREPAREDNESS GRANT PROGRAM.

(a) DEFINITION.—In this section, the term ''pilot program'' means the Broadcast Disaster Preparedness Grant Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program under which the Administrator may make grants to first response broadcasters, to be known as the ''Broadcast Disaster Preparedness Grant Program''.

(c) PRIORITY.—The Administrator may give priority to an application for a grant under the pilot program that—

(1) is submitted—

(A) on behalf of more than 1 first response broadcaster operating in an area;

(B) in cooperation with State or local authorities;

(C) on behalf of a first response broadcaster with 50 employees or less;

(D) on behalf of a first response broadcaster that is principally owned and operated by individuals residing within the State, county, parish, or municipality in which the broadcaster is located; or

(2) provides, in writing, a statement of the intention of the applicant to provide disaster-related programming dedicated to essential public information purposes before, during, and after a major disaster.

(d) USE OF FUNDS.—A grant under the pilot program shall be used by a first response broadcaster to—

(1) protect or provide redundancy for facilities and infrastructure, including transmitters and other at-risk equipment (as determined by the Administrator), critical to the ability of that first response broadcaster to continue to produce and transmit essential disaster-related public information programming; or

(2) upgrade or add facilities or equipment that will enhance or expand the ability of the first responder broadcaster to acquire, produce, or transmit essential disaster-related public information programming.

(e) FEDERAL SHARE.—The Federal share of an activity carried out with a grant under this section shall be not more than 50 percent.

(f) TERMINATION.—The authority to make grants under the pilot program shall terminate at the end of the third full fiscal year after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the pilot program $10,000,000 for each of fiscal years 2008 through 2010.

SEC. 6. FIRST RESPONSE BROADCASTER ACCESS FOLLOWING A MAJOR DISASTER.

(a) ACCESS.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended—

(1) in subsection (a)(3)(B), by inserting ''(including providing fuel, food, water, and other supplies to first response broadcasters, after providing essential emergency services, health care, and utility restoration services)'' before the semicolon at the end; and

(2) in subsection (c)(6)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following:

''(A) FIRST RESPONSE BROADCASTER.—The term 'first response broadcaster' has the meaning given that term in section 707.''.

(b) CONFISCATION.—Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201 et seq.) is amended by adding at the end the following:

''SEC. 707. CONFISCATION FROM FIRST RESPONSE BROADCASTERS.

''(a) DEFINITION.—In this section, the term 'first response broadcaster' means a local or regional television or radio broadcaster that provides essential disaster-related public information programming before, during, and after a major disaster.

''(b) IN GENERAL.—In the event of a major disaster, and to the extent practicable and consistent with not endangering public safety, a Federal officer or employee may not confiscate fuel, water, or food from a first response broadcaster if that first response broadcaster adequately documents that such supplies will be used to enable that broadcast first responder to broadcast essential disaster-related public information programming in the area affected by that major disaster.''.

(c) RESTORATION OF SERVICES.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) (relating to essential service providers) as section 427; and

(2) in section 427, as so redesignated, by adding at the end the following:

''(d) FIRST RESPONSE BROADCASTERS.—

''(1) DEFINITION.—In this subsection, the term 'first response broadcaster' has the meaning given that term in section 707.

''(2) IN GENERAL.—In the event of a major disaster, the head of a Federal agency, in consultation with appropriate State and local government authorities, and to the greatest extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, shall allow access to the area affected by that major disaster for technical personnel, broadcast engineers, and equipment needed to restore, repair, or resupply any facility or equipment critical to the ability of a first response broadcaster to continue to acquire, produce, and transmit essential disaster-related public information programming, including the repair and maintenance of transmitters and other facility equipment and transporting fuel for generators.

''(3) NEWS GATHERING EMPLOYEES.—This subsection shall not apply to news gathering employees or agents of a first response broadcaster.''.

(d) GUIDELINES FOR PRESS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''credentialing authority'' means a Federal, State, or local government agency that—

(i) issues press credentials; and

(ii) permits and coordinates access to a designated location or area on the basis of possessing such press credentials;

(B) the term ''press credential'' means the identification provided to news personnel to identify such personnel as members of the press; and

(C) the term ''news personnel'' includes a broadcast journalist or technician, newspaper or periodical reporter, photojournalist, and member of a similar professional field whose primary interest in entering the disaster area is to gather information related to the disaster for wider publication or broadcast.

(2) ACCESS TO DISASTER AREA.—For purposes of permitting and coordinating access by news personnel to a disaster area—

(A) any State or local government agency that serves as the primary credentialing authority for that disaster area before the date of the applicable major disaster shall remain the primary credentialing authority during and after that major disaster, unless—

(i) the State or local government agency voluntarily relinquishes the ability to serve as primary credentialing authority to another agency; or

(ii) the State or local government agency, in consultation with appropriate Federal disaster response agencies, assigns certain duties, including primary credentialing authority, to the Federal Emergency Management Agency or another appropriate Federal, State, or local government agency; and

(B) the Federal Emergency Management Agency and other appropriate Federal disaster response agencies operating in a disaster area shall permit and coordinate news personnel access to the disaster area consistent with the access guidelines determined by the primary credentialing authority for that disaster area.

(3) CATASTROPHIC INCIDENT ACCESS.—In the event of a catastrophic incident (as that term is defined in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311)) that leaves a State or local primary credentialing authority unable to execute the duties of that credentialing authority described under paragraph (2) or to effectively communicate to Federal officials a determination regarding the intent of that credentialing authority to retain, relinquish, or assign its status as the primary credentialing authority, the Secretary may designate the Federal Emergency Management Agency or another Federal agency as the interim primary credentialing authority, until such a time as the State or local credentialing authority notifies the Secretary of whether that authority intends to retain, relinquish, or assign its status.

ORGANIZATION ENDORSEMENTS

1. The National Association of Broadcasters
2. The Radio-Television News Directors Association
3. The Alabama Broadcasters Association
4. The Alaska Broadcasters Association
5. The Arizona Broadcasters Association
6. The Arkansas Broadcasters Association
7. The California Broadcasters Association
8. The Colorado Broadcasters Association
9. The Connecticut Broadcasters Association
10. The Florida Association of Broadcasters
11. The Georgia Association of Broadcasters
12. The Hawaii Association of Broadcasters
13. The Idaho State Broadcasters Association
14. The Illinois Broadcasters Association
15. The Indiana Broadcasters Association
16. The Iowa Broadcasters Association
17. The Kansas Association of Broadcasters
18. The Kentucky Broadcasters Association
19. The Louisiana Association of Broadcasters
20. The Maine Association of Broadcasters
21. The Maryland/DC/Delaware Broadcasters Association
22. The Massachusetts Broadcasters Association
23. The Michigan Association of Broadcasters
24. The Minnesota Broadcasters Association
25. The Mississippi Association of Broadcasters
26. The Missouri Broadcasters Association
27. The Montana Broadcasters Association
28. The Nebraska Broadcasters Association
29. The Nevada Broadcasters Association
30. The New Hampshire Association of Broadcasters
31. The New Jersey Broadcasters Association
32. The New Mexico Broadcasters Association
33. The New York State Broadcasters Association
34. The North Carolina Association of Broadcasters
35. The North Dakota Broadcasters Association
36. The Ohio Association of Broadcasters
37. The Oklahoma Association of Broadcasters
38. The Oregon Association of Broadcasters
39. The Pennsylvania Association of Broadcasters
40. The Rhode Island Broadcasters Association
41. The South Carolina Broadcasters Association
42. The South Dakota Broadcasters Association
43. The Tennessee Association of Broadcasters
44. The Texas Association of Broadcasters
45. The Utah Broadcasters Association
46. The Vermont Association of Broadcasters
47. The Virginia Association of Broadcasters
48. The Washington State Association of Broadcasters
49. The West Virginia Broadcasters Association
50. The Wisconsin Broadcasters Association
51. The Wyoming Association of Broadcasters
52. Calcasieu Parish (La.) Sherriff Tony Mancuso

REAL STORIES OF FIRST RESPONSE BROADCASTERS

[From WWL-TV—New Oreleans, LA]

(By News Director Chris Slaughter)

Our 150 employees developed a plan that would enable WWL-TV to be the only television station to stay on the air and keep information flowing in our community's darkest hour. 95 percent of the station's news, engineering, production and administrative personnel made sure their families were safe, then devoted 14 straight days and nights using their most valuable tool—information—to help their metropolitan New Orleans neighbors survive. Many did this while knowing they had lost everything they owned (40 percent of station personnel lost homes in the storm). Many worked with the stress of knowing that spouses, relatives and friends were missing or working in dangerous situations.

During the course of the storm and initial aftermath, WWL-TV broadcast from four different studios. When the storm forced the evacuation of our French Quarter studio, the broadcast seamlessly shifted to the Louisiana State University Manship School of Mass Communications in Baton Rouge, which WWL-TV had chosen as an alternative broadcast site in early 2004. Half of the newsroom worked from that location while the other half stayed in New Orleans and worked from the station transmitter site. When it became apparent that lack of city services would keep us out of our undamaged station for an extended time, we rented the Louisiana Public Broadcasting studios in Baton Rouge. Our signal was carried by satellite to our New Orleans transmitter.

WWL-TV informed viewers wherever they were. The commercial-free programming was broadcast from our transmitter, simulcast on radio, streamed on our website and seen statewide on Louisiana's public broadcasting channel. Satellite feeds of our coverage were rebroadcast by stations from Texas to New England, and other areas housing evacuees.

Our parent company, Belo Corp., and its affiliated stations provided major support. Corporate staff worked to provide communications, housing, fuel, food and clothing for displaced WWL-TV employees. Satellite News Gathering trucks from Belo stations began moving in shortly after the storm first entered the Gulf of Mexico. The stations also sent news, production and technical staff to help as WWL covered the storm of the century.

[From KPLC-TV—Lake Charles, LA]

(By General Manager Jim Serra)

KPLC's non-stop coverage of the approach, passage, and aftermath of Hurricane Rita began several days before the storm came ashore just south of Lake Charles and extended for two weeks until the region was reopened to evacuees.

Throughout the storm, KPLC never lost its broadcast signal, and maintained full coverage including live streaming video on its website. Evacuated citizens of Southwest Louisiana, even those who fled far from the station's broadcast signal, never lost touch with local emergency information from their community

Upon its approach, Rita was the strongest hurricane ever recorded in the Gulf. Based on the anticipated threat of wind damage and flooding, 25 KPLC employees rode out the hurricane in a makeshift studio in the more secure confines of nearby CHRISTUS-St. Patrick Hospital. Hospital employees became our partners in the storm coverage.

After the hurricane, KPLC produced a DVD documentary on Rita, donating nearly $50,000 in proceeds to the St. Patrick Foundation. As a result of this partnership, CMN

(Children's Miracle Network) awarded KPLC and St. Patrick Hospital their national community service award.

KPLC's coverage was simulcast on multiple local radio stations. It was also augmented by the efforts of several television stations within Louisiana and beyond.

[From WLOX-TV—Biloxi, MS]

(By News Director Dave Vincent)

For more than 12 days, WLOX employees banded together & provided exceptional coverage of Hurricane Katrina despite personal danger & ultimately great personal loss. WLOX News broadcast 24/7 for 12 days delivering life saving information to the people of South Mississippi. Our news coverage went wall to wall when it became apparent that Hurricane Katrina would gravely impact South Mississippi. Katrina's winds & deadly 30 foot plus tidal surge did not stop our coverage. Neither did her massive path of destruction nor her impact on our TV station. We continued to broadcast even when Katrina ripped off our newsroom roof, destroyed another wing of our station, toppled one of our TV towers, wiped out our Jackson & Hancock County news bureaus & forced us in the main station to evacuate to a safer section of our building.

There is no doubt that without the courageous action of WLOX employees many more lives would have been lost in this, the worst natural disaster to hit our county. In addition, we have been told by many viewers that we were their only life line during the height of the storm & in those first days after Katrina, when our community was devastated & very much like a third world country.

Here is an excerpt from one letter: ''During the storm we ran our small generator a few hours a day. Your station was the only one we could count on to have news when we could see it. God Bless all of you for being there for all of us.'' Scott and Lori Lasher of Carnes, Mississippi Sept 16, 2005.

Here is one other letter: ''First of all, I would like to commend you on an AWESOME JOB!! Your coverage of Hurricane Katrina and her aftermath was and continues to be superb! Thanks for giving us here in South Mississippi some semblance of normalcy during such a teffifying time.'' Doyla Ashe, Poplarville, MS Sept., 16 2005.

During our coverage, we were the source of information for our community. We told people where to find shelter, where to find food & medicine & other needed supplies. To insure that life saving information reached our community we reached out to all the radio groups on the coast & they carried our signal. Also the local newspaper contacted us & we put many of their reporters on the air. The local FOX affiliate even carried our signal for a few days. After Katrina knocked out our ability to stream our continual coverage on our web site, our sister stations in the Liberty chain took over the postings & helped us keep thousands of evacuees informed through wlox.com.

Hurricane Katrina left thousands of people homeless & forever changed the face of our community. Our station is a reflection of the community in which we live & work. At least 12 of our employees lost everything. Another 60 had significant damage to their homes. Everyone suffered some loss. Yet our employees continued to work putting the safety & welfare of their community above their personal situation.

[From WRC–TV—Washington, DC]

(By News Director Vicki Burns)

September 11th 2001 presented broadcast journalists with unforeseen and unprecedented challenges. In Washington DC and New York City, those challenges were especially difficult. The nation had never been attacked on this scale at home. Modern television journalists had a critical role in communicating what had happened and what it meant.

As journalists in the nation's capital, our responsibilities were two-fold: to report rapidly changing developments amidst an uncertain and frightening environment, and to keep the community and ourselves safe and informed.

The day of the initial attack was chaotic. Our ability to provide crucial public safety information to the community depended upon our access to key officials, locations and events, along with the ability to be mobile when necessary.

Our efforts were severely hampered when our portable Nextel radios, our cell phones, and our landline phones went down. Newsroom decision makers were unable to communicate with reporters and photographers for some time.

Our field teams were on site and on air for hours, sometimes days at a time. In order to sustain that coverage, we used couriers to shuttle food, water and supplies. Due to road closures and other limitations, that task became extremely difficult.

At every location, we were forced to provide several pieces of identification, and at times were turned away from critical places.

It is important to note that in a time of great chaos and danger, our role as journalists contributes to the solution. We cannot provide a service to the community without the cooperation and support of governing jurisdictions.

WITH POWER OUT, LOCAL RADIO STATION BECOMES VOICE IN THE DARK

(By John Curran, Associated Press Writer, Apr. 21, 2007)

RUTLAND, VT.—Some of them needed generators, others kerosene. Some wanted to know how many others were in the dark, or which streets were passable. Some just needed to hear a voice.

''This is Glendora,'' one caller said. ''I'm a little nervous. The laundromat across my window here, the whole sign just completely came out of its case off and is flying over the street right now.''

The power was out, she told Terry Jaye, who was taking calls on WJJR. Her house was shaking from the high winds and it had no heat. She didn't know who else to call.

''Only thing I have is my CD disc radio, listening to you guys, and a cell phone,'' she said.

When a ferocious nor'easter blew chaos into Rutland last Monday, she and others turned to WJJR. With the lights out, televisions silenced and personal computers powerless, the 50,000-watt local radio station shucked its adult contemporary music format and turned over its airwaves to listeners, giving and getting information about problems big and small.

It wasn't the first time local radio proved itself the go-to medium in time of crisis.

It happened when ice storms ravaged northern New England in 1998, it happened when Katrina devastated the Gulf Coast in 2005, it happened Monday after 70 mph winds from a nor'easter blew chaos into this small Vermont city.

When the lights go out and Google is unavailable, radio is.

''Part of it goes back to the technology,'' said former radio news director Suzanne Goucher, president of the Maine Association of Broadcasters. ''People aren't likely to have battery-powered TVs in their home, but everybody's got a car radio. What you're left with is the old reliable standby of radio. It's always on and it's always on when you need it.''

It was on at 7:30 a.m. Monday, when the winds ripped into town, snapping utility poles, blowing trees into houses and collapsing power lines in the streets. Soon, the switchboard at WJJR's studios in a downtown office building began lighting up.

The calls came from New York, Vermont and New Hampshire.

Don called to say a front window in his Victorian home had ''imploded.'' Michelle from West Rutland called to say she had no power and no telephone service. Millie's power was out, and her back yard was full of fallen trees.

''It's horrible. It hit my ex-husband's car,'' she said.

''A lot of women would be happy if it hit their ex-husband's car,'' Jaye replied.

Some people called to pass on information about impassable streets. One was looking for a pet hotel. Another warned about the hazards of operating a generator indoors.

Jaye, 52, a veteran radio personality with a soothing voice and the patience of a traffic cop, was in his element.

''I had a lady call about a generator, which she needed for her husband's oxygen tank,'' he said Tuesday, taking a break from the microphone. ''A friend of hers called the next morning to tell us that within 40 minutes of that call, a man from Springfield was on his way to her house with a generator. You hear stuff like that and go 'How cool is that?' ''

''That's as important as it gets,'' he said.

The only breaks came when there were studio guests. Mayor Christopher Louras, Fire Chief Robert Schlachter, police Officer Tim Tuttle and utility company spokesman Steve Costello all made appearances, eager to get word out about the condition of the city and the severity of the outages.

''We have 1,000 trees down,'' said Schlachter, asking callers not to bother reporting downed trees that posed no hazard. ''If it's against a car, or you see arcing and sparking or someone in a car, let us know.''

All that day and into Tuesday, as utility crews raced to address downed power lines and crippled substations, lines remained open.

Sometimes, the information they got was erroneous, and later corrected. Rutland Regional Medical Center was said to be open only for emergencies; soon after, Jaye corrected himself, saying anyone with an appointment there should go to it,

And there were callers like the one from Forest Dale, who lost power and reported winds howling ''like a train'' outside his home but appreciated having someone on the air.

''Boy, this is a real case for having radio stations that are staffed by actual live people. Thanks to you guys for getting into work and getting on the air,'' he told Jaye.

On Tuesday afternoon, WJJR started easing back into its normal format, as power began returning to many of the 50,000 homes and businesses in Rutland and elsewhere that had lost it.

Brian Collamore, 56, of sister station WSYB, also worked the impromptu storm-athon with Jaye and studio sidekick Nanci Gordon. He called situations like it the reason he got into radio in the first place.

''Satellite radio can't do this. TV can't do this. The Internet can't do this. When push comes to shove, and you're in a situation like this, this is the only medium that can do this,'' he said.

[From the Honolulu Star-Bulletin, Oct. 16, 2006]

2 STATIONS TAKE REAL-TIME LEAD—KSSK RADIO AND KITV BECOME THE PRIMARY SOURCES FOR THE LATEST NEWS AFTER THE QUAKES

(By Gary C.W. Chun)

Soon after the earthquakes hit yesterday morning, ''the coconut wireless'' kicked into high gear at KSSK radio, getting out the news as quickly as possible to anxious local listeners.

At another building, KITV was using the Internet to stream its newscast on its Web site to a worldwide audience.

The key for such rapid response: backup generators.

Also, KSSK is the state's designated emergency action system radio station, connected to the state Civil Defense, and is expected to stay on the air.

Popular morning personalities Michael W. Perry and Larry Price took over the microphones around 9 a.m., relieving on-air personality Kathy Nakagawa and director of programming Paul Wilson, who broke into recorded public-service programming an hour earlier.

''When it's something of this magnitude, it's Perry-and-Price time,'' Nakagawa said.

With the help of their listener ''posse,'' the familiar duo were the voices for the constantly flowing information, staying on the air for most of the day. Nakagawa and Wilson hung around to help. ''It feels great to be here,'' Nakagawa said. ''Those two are such a reassuring presence, just passing on the info to the public as we get it.''

''Everyone's working well in crisis mode,'' Wilson said.

''And everyone on staff that was needed came in on their own,'' Nakagawa said.

''I'm planning to stay put till the power is restored,'' said Hawaii National Guard public relations officer Maj. Chuck Anthony, who was at the KSSK studios. ''Coincidentally, the Guard is on drill weekend, with about 5,000 at the ready at duty stations and armories. We're just waiting to get damage assessment teams assembled.''

Simulcasting on most of the other Clear Channel-owned stations, chief engineer Dale Machado, looking at all the activity around him, said ''when something like this happens, it's back to basics. You dig out your transistor radio and turn it on for the news.''

Regular morning newscaster Julia Norton-Dennis and assistant Gina Garcia were busily screening phone calls in the adjoining room to the on-air studio, occasionally typing up messages to send to Perry and Price for their immediate attention. Announcements about the cancellation and postponement of scheduled events and airline flights, the occasional emergency tip and the inevitable ''will there be school tomorrow?'' were all taken care of on air.

Gov. Linda Lingle called the station around 1 p.m. for her latest assessment of the disaster that struck especially close to her, having stayed at the Mauna Lani Bay Hotel in Kohala the previous night.

JUST AS KSSK was able to stream its audio on its Web site, KITV was doing the same thing, albeit with the additional help of its news staff and technicians.

KHON and KGMB were unable to stream their newscasts, although they did broadcast newscasts and updates when power was available.

KHNL/KFVE Internet coordinator Mike Strong said that with the help of a fellow Raycom station in Tyler, Texas, they were able to update information on its Web site and had set up a Yahoo! address to have people send digital photos of quake damage and information.

Photos were also sent to KITV, which inserted some of them into the streaming newscast.

KITV General Manager Mike Rosenberg said that anchor Pamela Young started it off around 8:15 a.m. from the update desk, with Paula Akana and Shawn Ching joining later.

''Coincidentally, we were in the process of doing emergency continuity planning, in light of what happened to our sister Hearst-Argyle-owned station in New Orleans after Hurricane Katrina,'' said Rosenberg. ''We realized that even though we're not on the air, we could start streaming our newscast on the Internet.''

CNN's pipeline premium subscriber service even picked up the KITV Webcast for further distribution on the Net.

Managing Editor Brent Suyama said that the station's site would easily approach 1 million hits yesterday. ''I've already received dozens of e-mails from people everywhere thanking us for doing this. I even received one as far as South Africa from a man who wanted to check on his mom.''

[From the Dotham Eagle, Mar. 14, 2007]

TV WEATHER REPORT SAVES LIFE

(By Lance Griffin)

ENTERPRISE.—The sound of a backhoe moving debris next door rumbled as Gwen Black stood outside what is left of her Henderson Street home.

A blue Enterprise High School stadium cushion rests in a tree in her yard. It is one of the few trees left standing in this neighborhood. An American flag flies from one of its branches.

She still has moments when the tears come. This is one of them. It is almost two weeks after the March 1 tornado, but everything around her is a reminder of that terrible afternoon.

''I'll be glad when they knock this house down so I don't have to see it anymore,'' she said.

But Black is alive. She doesn't know how long she spent in the hall of her modest brick house. Sometimes, it feels like seconds, sometimes, hours. What she does know is a television weather alert saved her life along with the lives of most of her family.

Black, her three grandchildren, younger sister and her son were home watching television that afternoon when Dothan television station WDHN interrupted programming for a special weather bulletin. A tornado had been spotted on the ground in Enterprise. Meteorologist Greg Dee warned residents.

''I just remember him saying 'Enterprise, take cover now,' '' Black recalled.

Black and the others were in the living room at the front of the house. She ordered everyone to the home's interior hallway. She held the remote control in her hand and turned up the volume as she backed into the hall.

At the same time, the twister was ravaging Enterprise High School. Black's home sits across the street from the football stadium. She and her husband bought the house last July, the first house they ever bought together.

''That's when the power went out and the roof blew off,'' she said.

Black said she remembers reaching her arms around her grandchildren, trying to protect them from flying glass and other debris tossed into their home.

''We were screaming, yelling and crying,'' Black said.

When the storm passed, much of the home was gone. The interior hall, however, remained. Black said a fireman responded almost immediately and took them to safety. Everyone was fine, other than a few scrapes and minor cuts from the glass. When she walked outside, something was missing.

''Where is our car-'' she asked.

The wind snatched the Black's 2005 Mazda Tribute and tossed it into a back room of the house.

A few days later, a relative sent an e-mail to WDHN, letting management know Dee's report spurred the family to act.

Black and Dee met for the first time Tuesday at the Henderson Street home. Black cried and her hands trembled as she embraced Dee.

''If it hadn't been for you, we would have been dead. I know it,'' she said.

Dee walked through the destroyed home as Black showed him where the family huddled to avoid the storm.

''You talk about it on television, but when you see it first-hand, it brings it home,'' Dee said. ''Just the fact we were able to make a difference means something. When I got that e-mail on my desk and read it, I just welled up.''

Workers will tear down what is left of Black's home soon, but she plans to rebuild there.

''No tornado is going to move us away,'' she said.

By Mr. BROWNBACK (for himself, Mr. SMITH and Ms. COLLINS):

S.J. Res. 12. A joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes; to the Committee on Foreign Relations.

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

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

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Jerusalem Resolution''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Jerusalem has been the capital of the Jewish people for 3,000 years.

(2) Jerusalem has never been the capital for any other state other than for the Jewish people.

(3) Jerusalem is central to Judaism and is cited in the Tanach, the Hebrew Bible, 766 times.

(4) Jerusalem is not mentioned by name in the Koran.

(5) Every sovereign nation has the right to designate its own capital.

(6) Jerusalem is the seat of the Government of Israel, including the President, the parliament, and the Supreme Court.

(7) United States law states as a matter of United States policy that Jerusalem should be the undivided capital of Israel.

(8) Israel is the only country in which the United States neither maintains an embassy in the city designated as the capital by the host country nor recognizes such city as the capital.

(9) The citizens of Israel should be allowed to worship freely and according to their traditions.

(10) Israel supports religious freedom for all faiths.

(11) Relocating the United States Embassy in Israel from Tel Aviv to Jerusalem would

express the continued support of the United States for Israel and for an undivided Jerusalem.

(12) The year 2007 marks the 40th anniversary of the reunification of Jerusalem.

SEC. 3. LOCATION OF UNITED STATES EMBASSY IN ISRAEL.

Not later than 180 days before recognizing a Palestinian state, the United States shall move the United States Embassy in Israel from Tel Aviv to Jerusalem.

SEC. 4. RECOGNITION OF ISRAEL AS UNDIVIDED CAPITAL OF ISRAEL.

The United States shall not recognize a Palestinian state until the international community resolves the status of Jerusalem by recognizing the city as the undivided capital of Israel.

SEC. 5. SENSE OF CONGRESS REGARDING FREEDOM OF WORSHIP.

It is the sense of Congress that the citizens of Israel should be allowed, as a fundamental human right recognized by the United States and United Nations General Assembly resolution 181 of November 29, 1947, to worship freely and according to their traditions.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—MEMORIALIZING FALLEN FIREFIGHTERS BY LOWERING THE UNITED STATES FLAG TO HALF-STAFF ON THE DAY OF THE NATIONAL FALLEN FIREFIGHTER MEMORIAL SERVICE IN EMMITSBURG, MARYLAND

Ms. COLLINS (for herself, Mr. BIDEN, Mr. MCCAIN, Ms. MIKULSKI, Mr. CARPER, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 171

Whereas 1,100,000 men and women comprise the fire service in the United States;

Whereas the fire service is considered one of the most dangerous professions in the United States;

Whereas fire service personnel selflessly respond to over 22,500,000 emergency calls annually, without reservation and with an unwavering commitment to the safety of their fellow citizens;

Whereas fire service personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident; and

Whereas approximately 100 fire service personnel die annually in the line of duty: Now, therefore, be it

Resolved, That this year, the United States flags on all Federal facilities should be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

Ms. COLLINS. Mr. President. I rise to submit Senate Resolution 171 to memorialize our country's fallen firefighters by lowering U.S. flags to half-staff each year on the day of National Fallen Firefighters Memorial Service.

As a co-chair of the Congressional Fire Services Caucus, it is my honor to sponsor the tribute to some of America's bravest and most dedicated public servants. I am pleased that Senators BIDEN, MCCAIN, MIKULSKI, CARPER, and DODD have joined me in sponsoring this resolution.

More than a million men and women work in the fire service in the United States. They respond to more than 22 million emergencies every year, including not only fires, but accidents, medical emergencies, hazardous spills, and terror attacks.

And each year, about 100 of these brave firefighters die in the line of duty, often in circumstances too terrifying and agonizing for us to imagine. The sad toll in 2006 was 105 firefighters.

Recognizing the many dangers of our firefighters' profession and the essential public service that they selflessly provide, Congress has taken practical steps to ensure that firefighters possess the equipment and other resources needed to safely fulfill their many missions. For example, in 2001, Congress created the Assistance to Firefighters Grant Program, otherwise known as the Fire Act Grants, which fire departments—including many in Maine—have used to buy much-needed equipment and to fund training, health, and fitness programs.

Congress has also taken symbolic steps to honor the brave firefighters who have died in the line of duty. Under the leadership of our retired colleague senator Paul Sarbanes, Congress established the non-profit National Fallen Firefighters Foundation to honor America's fallen firefighters and to support their families.

The Foundation maintains the official national memorial to fallen firefighters in Emmitsburg, MD, and conducts an annual memorial weekend that draws thousands of firefighters and the families from around the country.

The memorial weekend, begun in 1982, will be held this year October 5 through 7, including a memorial service on Sunday, October 7.

The resolution I submit today would provide another demonstration of our respect and appreciation for our fallen firefighters. It would direct that flags on all Federal facilities would be lowered to half-staff each year on the day of the memorial service.

Our firefighters risk their lives every day for their fellow citizens. It is fitting that we offer this simple but richly symbolic tribute to all those firefighters who have given their lives in our defense.

SENATE RESOLUTION 172—COMMEMORATING THE 400TH ANNIVERSARY OF THE SETTLEMENT OF JAMESTOWN

Mr. WARNER (for himself and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 172

Whereas the founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

Whereas the Jamestown Settlement owed its survival in large measure to the compassion and aid of the Native people in its vicinity;

Whereas Native Virginia people substantially aided the Jamestown colonists with food and supplies at times that were crucial to their survival;

Whereas the Native people served as guides to geography and natural resources, crucial assistance in the Virginia colonists' exploration of the Chesapeake Region;

Whereas the Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures;

Whereas the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

Whereas the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

Whereas, in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary, and Congress commends the Commission's hard work and dedication;

Whereas Congress reminds all Americans of the importance of their country's history and founding at Jamestown; and

Whereas the 2007 observance of the founding of Jamestown commemorates the 400th anniversary of the first permanent English colony in America: Now, therefore, be it

Resolved, That the Senate commemorates the 400th Anniversary of the founding of the colony Jamestown in 1607 and urges all Americans to honor this seminal event in our Nation's history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy.

SA 966. Mr. PRYOR (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 967. Mr. CHAMBLISS (for himself, Mr. GRAHAM, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 968. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 969. Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. KERRY, Mr. ROCKEFELLER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 970. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 971. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 972. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.