AKAKA), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

S. RES. 224

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 231

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. AKAKA) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

AMENDMENT NO. 1556

At the request of Mrs. LINCOLN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 1556 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1610

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1610 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1628

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1628 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Mr. CASEY):

S. 1649. A bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, today I introduce legislation that should, and could, have been law 1 year ago, the Military Family Support Act. This bill provides modest but significant relief for the families of the brave American soldiers deployed overseas. I was disappointed that, after passing the Senate last year as an amendment to the fiscal year 2007 Defense Department authorization bill, this provision was removed in conference. I am pleased to be joined in this effort by Senator CASEY.

As part of the predeployment process, military personnel with dependent children or other dependent family members designate a caregiver for their dependents. Dependents may be children, elderly parents, an ill sibling; anyone who requires care. These caregivers act in the deployed personnel's place to provide care during the period of deployment. The caregiver could be a spouse, parent, sibling, or other responsible adult who is capable of caring, and willing to care, for the dependents in question.

The bill that I am introducing today, the Military Family Support Act, would create two programs to provide additional leave options for persons who have been designated as caregivers. The bill would require the Office of Personnel Management, OPM, to create a program under which Federal employees who are designated as caregivers could use accrued annual or sick leave, leave bank benefits, and other leave available to them under title 5 for purposes directly relating to or resulting from their designation as a caregiver.

The second program would be administered by the Department of Labor for private sector employees. The Department would create a voluntary program, allowing private sector companies to create similar programs for their employees. Many companies across the country are already working with employees to provide support when an employee or a family member of an employee is called to active duty. I commend these companies for their compassion and understanding, and I hope that this program would expand such options to more workers.

Lastly, this bill would require a report from the Government Accountability Office evaluating both the OPM and voluntary private sector program. If the report demonstrates that the program has helped military families, which I believe it will, Congress may act to expand the programs or make them permanent.

I want to be clear that the legislation I am introducing today specifically exempts Family Medical Leave Act leave from the types of leave that can be used by designated caregivers under this legislation. Last Congress, I introduced legislation to expand the FMLA to cover leave for designated caregivers. That legislation, however, met with opposition from some Members who object to the FMLA itself. While I continue to believe that this opposition is misguided and that family members of deployed servicemembers should be able to take leave under the FMLA, I have drafted this compromise measure to address those concerns.

This legislation has been endorsed by the National Military Family Association, the National Partnership for Women and Families, and the Military Officers Association of America.

In small towns and big cities all over this country, family members of deployed servicemembers are struggling to care for their children without their spouses' help. In addition, many servicemembers care for elderly parents and this responsibility often falls to a sibling or spouse when that servicemember is deployed abroad. While we may not be able to promise the safe return of each one of these brave men and women, we can provide this modest relief to their families here at home. I urge my colleagues to support this legislation and I yield the floor.

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

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

S. 1649

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 ''Military Family Support Act of 2007''.

SEC. 2. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(c) GAO REPORT.—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

NATIONAL MILITARY FAMILY ASSOCIATION, INC.,
Alexandria, VA, June 14, 2007.

Hon. RUSS FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: The National Military Family Association (NMFA) is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For more than 35 years, its staff and volunteers, comprised mostly of military family members, have built a reputation for being the leading experts on military family issues.

On behalf of NMFA and the families it serves, we commend you on your leadership in sponsoring the ''Military Family Support Act of 2007''. Authorizing federal employees who have been designated ''caregivers'' by the Armed Forces to use their previously earned leave time in a more flexible manner helps to alleviate some of the stress caregivers experience during a deployment. NMFA also applauds the inclusion of a provision that instructs the Department of Labor to solicit private businesses to voluntarily offer more accommodating leave time to employees affected by a service member's deployment overseas.

NMFA has heard from many families about the difficulty of balancing family obligations with job requirements when a close family member is deployed. Suddenly, they are single parents or, in the case of grandparents, assuming the new responsibility of caring for grandchildren. The days leading up to a deployment can be filled with pre-deployment briefings and putting legal affairs in order. Families also need the opportunity to spend precious time together prior to a long separation. The need is no less when the service member returns. Reintegration and transition requires training not only for the service member but for the family as well in order to be most effective.

Military families, especially those of deployed service members, are called upon to make extraordinary sacrifices. This amendment offers families some breathing room as they adjust to this time of separation.

Thank you for your support and interest in military families. If NMFA can be of any assistance to you in other areas concerning military families, please contact Jessica Perdew in the Government Relations Department at 703–931–6632 or by e-mail at jessica.perdew@nmfa.org.

Sincerely,

TANNA K. SCHMIDLI,
Chairman, Board of Governors.

NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES,
Washington, DC, June 15, 2007.

Senator FEINGOLD
Hart Office Building,
Washington, DC.

DEAR SENATOR FEINGOLD: We are writing to express our support of the Military Family Support of 2007. This important legislation would allow federal employees to take job-protected leave to address family caregiving needs caused by the deployment of a family member and would authorize a similar voluntary project for the private sector to be administered by the Department of Labor. We applaud your leadership on this issue.

The National Partnership for Women & Families is a non-profit, non-partisan advocacy organization dedicated to promoting fairness in the workplace, access to quality

health care and policies that help women and men meet the demands of work and family. We are proud to have led the coalition that helped enact the Family and Medical Leave Act (FMLA), which has helped over 60 million workers take time off from work to welcome a new child or deal with an acute medical need.

But there is more to be done to support America's families, including the 40 percent of workers who today cannot access the FMLA. This legislation will close a critical gap in the FMLA by addressing the specific needs of families with active military members, and could not come at a more critical time in the lives of our military families. Its passage will give them time to prepare, logistically and mentally, before or during a loved one's departure for active duty—without fear of losing a much needed job.

We thank you for supporting our troops by helping to ensure their families are cared for in times of need.

Sincerely,

DEBRA L. NESS,
President.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. BIDEN, Mr. HAGEL, Mr. LEAHY, Mr. LEVIN, and Mr. LIEBERMAN):

S. 1651. A bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, because of the war in Iraq, more than 2 million Iraqis have been internally displaced in their own country, and 2 million other Iraqis are in neighboring countries throughout the region, primarily Jordan and Syria.

The humanitarian needs of the refugees and internally displaced Iraqis are immense. If their needs are not quickly and adequately met, these populations could become a fertile recruiting ground for terrorists.

Iraqi refugees are also a significant financial burden on countries in the region. As the Iraq Study Group concluded, if the refugee crisis ''is not addressed, Iraq and the region could be further destabilized.''

Many Iraqis who have worked in critical positions in direct support of the U.S. Government in Iraq have been killed or injured in reprisals for their support of our effort. Many more Iraqis associated with the United States have fled their country in fear of being killed or injured.

Clearly, we cannot resettle all of Iraq's refugees in the United States, but we have a fundamental obligation to help the vast number of Iraqis displaced in Iraq and throughout the region by the war and the associated chaos, especially those who have supported America's efforts in Iraq.

In April 2007, Assistant Secretary of State Ellen Sauerbray said the United States ''could resettle up to 25,000 Iraqi refugees this year.'' In May 2007, Under Secretary Paula Dobriansky said, ''We are committed to honoring our moral debt to those Iraqis who have provided assistance to the United States military and embassy.'' On June 8, Secretary Rice said ''the people that I'm most worried about in the near term are the people who've worked with us who might be subject to recrimination and reprisal. And we're trying to step up our efforts on their behalf.''

It is essential for the United States to develop a comprehensive and effective approach to meet the rapidly growing needs of Iraq's refugees and internally displaced persons, especially those who are associated with the United States.

The legislation I am introducing today with Senators SMITH, BIDEN, HAGEL, LEAHY, LEVIN, and LIEBERMAN seeks to accomplish these goals.

First, the legislation would create a special category of applicants for refugee status in Iraq. Those eligible for this program, a P–2 category for refugees of special humanitarian concern, would be the Iraqis most closely associated with the United States. Iraqis who qualify would be those, 1. who have been employed by or worked directly with the U.S. Government in Iraq; or, 2. who were employed in Iraq by a media or nongovernmental organization based in the United States or by an organization or entity that has received a grant from, or entered into a cooperative agreement or contract with, the U.S. Government; or, 3. who are spouses, children, sons, daughters, siblings and parents of those who worked for or with us; or, 4. who are members of religious or minority communities and have close family members in the U.S.

Those eligible would not have to be referred to our Government by the United Nations High Commissioner for Refugees or a U.S. Embassy. All applicants, however, would need to demonstrate a well-founded fear of persecution. Applicants would be required to go through recently approved extensive security screening.

P–2 visas for these refugees would come out of the overall authorized admissions number for the refugee program, currently established at 70,000. That figure is determined every year by the President in close consultation with the Congress.

In addition to the new P–2 category of refugee applications, the legislation would expand the current U.S. Government program which provides special immigrant visas only to Iraqi and Afghan translators and interpreters. Those eligible for the expanded special immigrant visa program are Iraqis who have been employed by or worked directly with the United States for 1 year in the aggregate since 2003, and need not have served as a translator or interpreter for the military or Department of State.

Applicants for SIV visas would not need to demonstrate a well-founded fear of persecution, but they would need to meet security requirements, demonstrate that they provided faithful service to our Government, and provide a recommendation or evaluation. The Secretary of State would be required to provide applicants with protection or immediate removal from Iraq if they are in immediate danger. Five thousand of these visas would be available yearly for 5 years.

Importantly, our legislation requires the Secretary of State to establish a program for processing P–2 refugees and SIV applicants in Iraq and in countries in the region. The Secretary would be required to report to the Congress within 60 days on plans to establish this program. Currently, there is no mechanism for applying for refugee status in Iraq. Those fleeing persecution and seeking refugee status must find their way to Jordan or Syria, locate an official from the United Nations High Commissioner for Refugees, and then be referred to the U.S. Government by the United Nations. Because of the growing violence and risk for those associated with the United States, we need to find a way to address this problem for Iraqis inside Iraq. Our bill does not eliminate the referral system through the United Nations, or any other existing system, but it does create an essential mechanism for direct applications in country.

To oversee the implementation of this new program, the Secretary of State would be required to establish in the Embassy in Baghdad a Minister Counselor for Refugees and Internally Displaced Persons. This senior official would be responsible for overseeing the in-country processing of P–2 refugee and special immigrant visa applicants, and would have authority to refer them directly to the U.S. refugee resettlement program.

A parallel position would be created in the American embassies in Egypt, Jordan, Lebanon, and Syria to oversee the application process of P–2 refugees of special humanitarian concern. SIV applicants would work through regular consular channels in embassies in those countries.

Recognizing that the United States can only resettle a small number of the most vulnerable refugees within our borders, the Secretary of State would be required to consult with other countries about resettlement of refugee populations, develop mechanisms in countries with significant populations of displaced Iraqis to ensure the refugees' well-being and safety, and provide assistance to the countries in doing so.

In addition, the legislation would allow Iraqis denied asylum after March 2003 based on changed conditions to file a new petition with an immigration judge to reopen their cases. Those denied asylum, for example, on the grounds that Saddam Hussein is no longer in power and the United States is committed to building democracy in Iraq should be permitted to make their case again before a judge.

After 90 days, and annually thereafter, the President would be required to submit an unclassified report to

Congress with a classified annex if necessary, assessing the financial, security, personnel, considerations and resources necessary to establish the programs required in the act. After 90 days, the Secretary of Homeland Security would be required to submit a report to Congress outlining plans to expedite processing of Iraqi refugees, including a temporary expansion of the Refugee Corps, and plans to enhance existing systems for conducting background and security checks for Iraqis applying through the program.

More than 5 years ago, Arthur Helton, perhaps this country's staunchest advocate for the rights of refugees wrote, ''Refugees matter . . . for a wide variety of reasons . . . Refugees are a product of humanity's worst instincts—the willingness of some persons to oppress others—as well as some of its best instincts—the willingness of many to assist and protect the helpless . . . In personal terms, we care about refugees because of the seed of fear that lurks in all of us that can be stated so simply: it could be me.''

A year later, Arthur Helton gave his life for his beliefs. He was killed in Baghdad in 2003 while meeting with U.N. Special Envoy Sergio Vieira de Mello when a bomb destroyed the U.N. headquarters in Iraq.

But his words resonate today, especially when we consider the very human cost of the war in Iraq, and its tragic effect on the millions of Iraqis, men, women, and children, who have fled their homes and their country to escape the violence of a nation at war with itself.

America has a special obligation to keep faith with the Iraqis who now have a bulls-eye on their back because of their association with our Government.

At a hearing in the Senate Judiciary Committee in January, chilling testimony was presented about the dangers Iraqis face because of their association with America.

One Iraqi, Sami, was a translator for U.S. and Coalition forces and who now lives in the United States. He said, ''I too, have been targeted for my death. My name was listed on the doors of several mosques calling for my death. Supposed friends of mine saw my name on the list and turned on me because they believed I was traitor . . . In June 2006, I learned that I had been granted special status. As a result, today I live free from the fear of persecution and threats to my life that I faced on a daily basis in Iraq. My hope is that all brave Iraqis who worked and braved so much will have the same chance as I have had to live in freedom.''

Another Iraqi, John, worked as a water service man for U.S. troops. He said, ''My wife, my six children and myself fled Iraq after terrorist groups targeted me and my family because I aided the Americans by supplying water to their service camps.''

Ken Bacon, president of Refugees International, summed it up well when he said, ''There is a large group of Iraqis who have risked their lives to support the United States . . . people are sacrificing their lives to help the United States.''

The legislation has been endorsed by organizations including Refugees International, Refugee Council USA which encompasses Amnesty International USA, Arab-American and Chaldean Council, Chaldean Federation of America, Church World Service/Immigration and Refugee Program, Episcopal Migration Ministries, Hebrew Immigrant Aid Society, Human Rights First, International Rescue Committee, Jesuit Refugee Service/USA, Jubilee Campaign USA, Lutheran Immigration and Refugee Services, Migration & Refugee Services/United States Conference of Catholic Bishops, Southeast Asia Resource Action Center, U.S. Committee for Refugees and Immigrants, Women's Commission for Refugee Women and Children, and WorId Relief, the International Rescue Committee, and the PEN American center.

I urge my colleagues to support this legislation in order to keep the faith with those many brave Iraqis whose lives are in jeopardy because of their association with our forces in Iraq.

I ask unanimous consent that the letters of suport be printed in the RECORD.

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

REFUGEE COUNCIL USA,
Washington, DC, June 13, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of a diverse coalition of human rights, faith-based and refugee advocacy organizations around the country, we write to express our support for your legislation addressing the Iraqi refugee crisis unfolding in the Middle East Region.

As you know over two million refugees from Iraq are struggling to survive ound the region, and an additional two million are displaced within the country. Forced to flee because they practice a disfavored religion, were born into a marginalized minority, or agreed to work in support of the U.S. government, many of these refugees have no access to housing, health care or education. Although many of the refugees had temporary permission to remain in Jordan or Syria, they have now overstayed their visas to avoid desperate conditions back in Iraq. These refugees live in constant fear of being forcibly returned to Iraq, where they face death threats and further persecution. Many have already lost spouses, children and siblings to kidnappings and executions.

Although aware of this crisis, the United States has thus far failed to take the meaningful steps necessary to provide protection to these refugees and internally displaced persons. Your legislation is a welcome step in addressing the pressing protection needs of Iraqis.

Of particular concern to the United States are the men, women and children who face targeted persecution from insurgents due to their association with U.S. coalition forces—individuals who served as translators, drivers, doctors, and other contractors and employees of the United States, U.S. allies, and international NGOs serving in the region. The United States has a responsibility to provide protection for individuals who have put their lives on the line for the United States and who are consequently facing persecution due to this association. Your legislation commits the U.S. government to provide support and protection to Iraqi refugees and internally displaced persons in the rygion. In doing so it recognizes our nation's longstanding tradition of extending protection to people who are targeted because of their political opinions, ethnicity, or religion, among other reasons. As a result, we stand in support of this important effort.

Sincerely,

C. RICHARD PARKINS,
Chair, Refugee Council USA.

On behalf of the following organizations:

Sarnata Reynolds, Refugee Program Director, Amnesty International USA.

Radwan Khoury, Executive Director and COO, Arab-American and Chaldean Council.

Joseph Kassab, Executive Director, Chaldean Federation of America.

Joseph Roberson, Director, Church World Service/lmmigration and Refugee Program.

C. Richard Parkins, Director, Episcopal Migration Ministries.

Tsehaye Teferra, President, Ethiopian Community Development Council.

Gideon Aronoff, President & CEO, Hebrew Immigrant Aid Society (HIAS).

Elisa Massimino, Washington Director, Human Rights First.

Robert Carey, Vice President, Resettlement, International Rescue Committee.

Fr. Kenneth Gavin, S.J., National Director, Jesuit Refugee Service/USA

Ann Buwalda, Executive Director, Jubilee Campaign USA.

Ralston H. Deffenbaugh, Jr., President, Lutheran Immigration and Refugee Service.

Mark Franken, Executive Director, Migration & Refugee Services/United States Conference of Catholic Bishops.

Doua Thor, Executive Director, Southeast Asia Resource Action Center.

Lavinia Limón, President & CEO, U.S. Committee for Refugees and Immigrants.

Carolyn Makinson, Executive Director, Women's Commission for Refugee Women and Children.

Stephan Bauman, Senior Vice President, Programs World Relief.

JUNE 8, 2007.

Senator Edward M. Kennedy,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY, I am writing to endorse your legislation to address the rapidly escalating crisis of Iraqi refugees and internally displaced persons (IDPs). We applaud your bold effort to provide a comprehensive framework to meet the growing needs of Iraq's two million internally displaced and the two million refugees in the region.

Refugees International believes that the United States has a special obligation to Iraqi refugees. This is the fastest growing refugee crisis in the world, and your legislation will bring greatly needed change in American policy, which has been too slow in its response to this humanitarian crisis. Currently, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that near two million Iraqis have fled their homes and moved to other parts of Iraq to escape sectarian conflict, political reprisals and the insecurity that is increasingly prevalent in south and central Iraq. In addition, UNHCR estimates that another 2.2 million Iraqis have left the country to find refuge throughout the Middle East.

While Syria and Jordan have been generous to refugees and deserve international

recognition for accepting them in large numbers, the burdens of the large refugee population are an increasing strain on their societies and economies. It is clear that the rapidly escalating refugee and IDP populations are not only grave humanitarian concern, but also a security concern for the region. The Iraq Study Group. among others, highlighted the destabilizing effect the escalating refugee crisis may have, and called upon the United States to take the lead in providing assistance to the refugees.

Your legislation is a greatly needed effort to address this crisis and ensure that the United States take the lead in accepting responsibility for providing safety and security for greater numbers of Iraqi refugees and IDPs. It is abundantly clear that we need to create a P–2 category for Iraqis closely associated with our effort in Iraq. Likewise, the expansion of the Special Immigrant Visa program keeps faith with those who have worked most closely with our government. The bill's requirement for in country processing of refugees is absolutely essential to enable persons with credible fears of persecution to more effectively and expeditiously begin the process of seeking refugee status in Iraq.

Refugees International is presently conducting its third mission to Iraq and the region since last November and has found that the refugees are increasingly dispirited and desperate for assistance. We will strongly encourage the Senate to approve your legislation as an essential step to address this growing crisis and allow the U.S. to fulfill its share of the responsibility for assistance and protection for Iraqi refugees.

Sincerely,

KEN H. BACON,
President.

INTERNATIONAL RESCUE COMMITTEE,
New York, NY, June 6, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR TED: On behalf of the International Rescue Committee (IRC). I write in support of the legislation you are introducing today to address the critical issue of Iraqi refugees and internally displaced persons.

As you know, the Iraqi refugee crisis represents the greatest displacement of people in the Middle East in nearly 60 years, with more than two million Iraqis living as refugees in neighboring countries and another two million internally displaced within their own borders. To date, the U.S. response has failed to reflect the magnitude of the crisis.

As both an international aid organization and a U.S. refugee resettlement agency, the IRC has long advocated for a comprehensive U.S. response to the Iraqi refugee crisis that addresses the essential components of humanitarian assistance, protection in the region, and the admission to the U.S. of vulnerable Iraqis. Your legislation takes such a comprehensive approach.

We believe strongly in a humanitarian aid package that addresses the shelter, health, nutrition, education, and general protection needs of both the refugees and the internally displaced. We also support increased opportunities for the admission to the United States of Iraqis at risk because of association with Americans or because they are from religious, ethnic, minority, or other communities at special risk. While admission to the United States as refugees or special immigrants will be available to only a small fraction of vulnerable Iraqis, these options will save lives and will help convince host countries to keep their doors open.

We thank you for your continued leadership in U.S. refugee protection, and we look forward to working with you to help ensure the enactment of this critical legislation.

Sincerely,

GEORGE RUPP.

PEN AMERICAN CENTER,
June 11, 2007.

Senator EDWARD KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY, We are writing on behalf of the 3,400 members of PEN American Center to express our continuing gratitude for your efforts to address the Iraqi refugee crisis, and to offer our strong support for the Refugee Crisis in Iraq Act.

PEN American Center is the largest of 144 centers of International PEN, the worldwide association of writers that strives to protect writers and freedom of expression and promote the free exchange of literature and ideas around the globe. In keeping with this mission, for nearly two years PEN has been working to resettle Iraqi translators, journalists, and writers who have been targeted for death and forced into hiding in Iraq or neighboring countries for their efforts build a safe, free, and open society in Iraq. Thanks largely to our colleagues at Norwegian PEN, a handful of these men and women and their families have found safe havens in northern Europe. But to date, despite the extreme sacrifices so many Iraqis made to help Americans navigate the political and social realities of their country and encourage their fellow citizens to reject violence and extremism and support a pluralistic Iraq, we have not yet successfully assisted a single one of our colleagues in reaching the United States.

In recent months, as the world has come to recognize the magnitude of the refugee crisis in Iraq, the United States government has taken some important steps to open the way for a limited number of Iraqi refugees to be resettled in this country. With assistance from the U.S. Department of State, a small number of those on whose behalf PEN has been working have been screened by the United Nations High Commission for Refugees in Syria and referred to the United States for resettlement. But the process is complicated, protracted, and at times hostile. Forbidden from working in Syria, they have exhausted their financial resources long before the process will be completed, and those who had the closest associations with Coalition Forces and U.S. contractors have found that the stigma of ''collaborators'' has followed them across the border. Even so, these are the extremely fortunate few. No avenue whatsoever exists for their counterparts still in Iraq to seek refugee resettlement or relief. Even translators who served honorably as interpreters for U.S. forces, sustained serious combat wounds, survived assassination attempts, and live in constant fear they will be recognized and killed have no access to refugee processing inside Iraq.

The Refugee Crisis in Iraq Act directly addresses several of these glaring inadequacies in our country's current approach to the Iraqi refugee crisis. Taking particular note of the United States' obligation to those who worked with and are therefore endangered by their association with U.S.-based organizations and institutions, it significantly expands the numbers of Iraqis to be resettled in the United States and creates direct, efficient mechanisms for Iraqis to petition for resettlement. It expands and streamlines the Special Immigrant visa program for Iraqi and Afghan translators and interpreters, and creates a new P-2 visa category for Iraqi refugees of special humanitarian concern, a category that includes Iraqi writers, journalists, and media workers who worked with and for U.S.-based media organizations in Iraq. Perhaps most significantly, it requires the United States to establish direct visa processing outside the UNHCR system in neighboring countries and, for the first time, inside Iraq. We strongly support these proposals.

How history views the United States' intervention in Iraq will be colored in part by how we respond to the needs of those who took great risks to try to build a new Iraq and who fear for their lives as a result. PEN is grateful for your leadership in pressing the United States to act on its responsibilities to the growing number of Iraqi refugees, and we are honored to endorse this important legislation.

Sincerely,

FRANCINE PROSE,
President.
LARRY SIEMS,
Director,

HUMAN RIGHTS FIRST
June 14, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I write to express Human Rights First's support of your bipartisan legislation, ''The Refugee Crisis in Iraq Act.'' By extending a lifeline to some of Iraq's most vulnerable refugees and displaced people, your bill would begin to fulfill the moral obligation of the United States to protect Iraqi refugees and provide critical assistance to countries that are already sheltering so many Iraqis in the region. We urge swift passage of this important legislation.

Historically, the United States has led the world in efforts to protect and resettle vulnerable refugees, admitting more than 2.6 million refugees since 1975. In the closing days of the Vietnam War, the United States airlifted more than 131,000 Vietnamese whose close ties to the U.S. effort put them at risk of persecution. In 1999, the United States resettled 14,000 Kosovars whose ethnicity made them vulnerable to persecution.

The United States is justifiably proud of this strong tradition of providing refuge to the persecuted and assistance to those displaced by war. Yet the administration's response to the Iraqi refugee situation fails utterly to match the scale and urgency of the current crisis. As we mark World Refugee Day next week, the United States will have resettled only 272 Iraqi refugees here since 2006.

This must change. Since 2003, more than 2.2 million Iraqis have fled violence and persecution in their homeland. Many have been targeted because of their work for the United States or with U.S. organizations. Others have been targeted because of their ethnicity or religion. Those who have fled to Jordan and Syria are living in dire conditions. Many are at risk of exploitation, detention, and deportation. They lack access to medical treatment, education for their children, food, and a means of supporting their families. As this crisis grows, the protection of refugees, the institution of asylum, and the stability of the region are all at risk.

With every day, the situation of Iraqi refugees in the region and of those displaced inside Iraq grows more urgent. It is past time for the United States to lead the international community in addressing this crisis in a comprehensive manner. The United States should begin by swiftly providing safe haven to those at risk because of their work with the United States or with U.S. organizations. In addition, the United States should create an ambitious and aggressive resettlement program to take in other refugees who have been forced to flee from Iraq. Finally, the United States must significantly increase aid to countries in the region that now play host to millions of refugees, in

order to ensure adequate care for these refugees and to encourage these neighboring countries to continue to provide asylum to those who flee in search of refuge.

We believe the United States has a moral obligation to provide a meaningful solution to the Iraqi refugee crisis. Your bill is a vital step towards addressing this growing and complex crisis. As always, we are grateful for your leadership on this issue, and we look forward to working with you to ensure swift passage of this important legislation.

Sincerely,

ELISA MASSIMINO,
Director of the Washington, DC, Office.

Mr. LEAHY. Mr. President, I am pleased to join Senators KENNEDY, SMITH, LEVIN, HAGEL, BIDEN, and LIEBERMAN to introduce this important legislation. In January of this year, the Judiciary Committee held a hearing to examine the plight of Iraq's refugees, during which we heard from the State Department, the United Nations High Commissioner for Refugees, nongovernmental organizations and individuals, and Iraqi citizens who had been targeted for assisting the United States. This hearing brought the enormity of the Iraq refugee situation into sharp focus and made clear that we must do more to address this crisis and provide assistance especially to those Iraqis who have assisted the United States with its mission. If enacted, this bill would help the United States fulfill the promises it has made to the people of Iraq.

In February of this year, the Bush administration announced that 7,000 Iraqi refugees would be permitted to enter the United States in 2007. Over the last 8 months, however, only 70 Iraqis have been allowed into the United States as refugees. Each year there are 20,000 unallocated slots for refugees that could be applied to Iraq, and an additional 5,000 for the Middle East. Yet the Department of Homeland Security has admitted approximately 700 Iraqis since the war began in 2003. We have an obligation to do better than this when an estimated 4 million Iraqis have been displaced within Iraq or have fled the country due to our involvement there. And we have a special obligation to do all we can for those Iraqis who have made tremendous sacrifices on behalf of the United States and who continue to live under the threat of torture and death.

Refugees International has called the Iraq refugee crisis the fastest growing refugee crisis in the world. It is estimated that nearly 2 million Iraqis have been internally displaced, while another 2 million have fled the country, with little more than they could carry. With this bill, we show our commitment not to repeat the tragic and immoral mistake from the Vietnam era and leave friends without refuge and subject to violent reprisals.

The United States has an obligation to the people of Iraq, and especially to those who have assisted the American military in its efforts there. When an Iraqi man or woman makes the choice to help the United States—whether as an interpreter or in some other role—and puts his or her life on the line, the United States bears a special responsibility to do what it can to reciprocate the loyalty that so many Iraqis have shown us.

The bill we introduce today will create a new P2 category for Refugees of Special Humanitarian Concern. Individuals who have assisted the United States, or who have worked for a company, NGO, or other entity that has received a grant or contract from the U.S. Government would be eligible for status as a refugee of special humanitarian concern. In order to implement this new program, the legislation would direct the establishment of consular processing facilities in Iraq to expedite the resettlement process for those Iraqis and their immediate families who qualify under the bill for special relief.

The bill also sets up a special immigrant visa category for individuals who have worked as interpreters or translators for the United States for an aggregate of 1 year between 2003 and the present. This new program would augment current efforts to provide protection for those individuals who have assisted the United States by providing interpreter or translation services.

The legislation would also direct the Secretary of State to establish an office of Minister Counselor in the U.S. Embassy in Baghdad. This office would be responsible for overseeing the new programs set up under this bill, and would be the primary point of contact for eligible individuals seeking protection. This official would also have the authority to refer individuals directly to the United States Refugee Resettlement Program. Additionally, parallel Minister Counselor offices would be established in Egypt, Jordan, Syria, and Lebanon to effectuate the P2 refugee program.

The Secretary of State would also be required to work with other nations currently hosting Iraqi refugees in order to provide support and to help ensure the safety and well-being of Iraqis located in countries surrounding Iraq. The legislation would also allow Iraqis who applied for asylum in the United States after 2003, and who were denied based on changed country conditions due to the overthrow of Saddam Hussein, to have those denials reviewed due to the continuing violence and dangerous conditions in the country. This change will allow our laws to reflect the current reality in Iraq.

This legislation will help provide some relief to the brave men and women who have assisted the United States in Iraq, and will help renew the commitment of the United States to the cause of protecting those who turn to us for help. I hope all Senators can join with us in support of the bill we introduce today.

By Mr. KYL:

S. 1654. A bill to prohibit the sale or provision of caller ID spoofing services; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce a bill that would prohibit the sale or provision of caller ID spoofing services. This bill would enact a legislative proposal that was made by the Justice Department in a letter to members of this committee. To facilitate commentary on this bill, I ask unanimous consent that the text of the bill and a letter from the Justice Department be printed in the RECORD.

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

S. 1654

Section 1040 of title 18, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) OFFENSE.—Whoever, using any means or facility of interstate or foreign commerce—

(1) knowingly generates, transmits, or causes to be generated or transmitted—

(i) false caller ID information with intent wrongfully to obtain anything of value; or

(ii) caller ID information pertaining to an actual person or other entity without that person's or entity's consent and with intent to deceive any person or other entity about the identity of the caller; or

(2) knowingly offers, sells, or makes available a service that enables users to modify, generate, or transmit false or misleading caller ID information; or

attempts or conspires to do so, shall be punished as provided in subsection (b).''; and

(2) by adding at the end the following:

''(f) EXCEPTIONS.—Paragraph (a)(2) does not prohibit offering, selling, or making available any such service that transmits, in the signaling data with each call, (1) information sufficient to indicate to the recipient's telephone carrier that the caller ID information is not accurate, (2) if available, the originating telephone number or other information identifying the origin of the call, and (3) the identity of the provider of the service that enabled the user to modify, generate, or transmit the chosen caller ID information.''

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 25, 2007.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice appreciates the opportunity to provide further comment on H.R. 740, the ''Preventing Harassment Through Outbound Number Enforcement Act'' (''PHONE Act of 2007''). The PHONE Act of 2007 was passed by the U.S. House of Representatives on March 21, 2007 and referred to the Senate, where consideration of the bill is currently pending before the Judiciary Committee. It is the Department's understanding that a substitute amendment will be offered during the Senate Judiciary Committee's consideration of this legislation. This letter reflects DOJ's views toward the amended version of this bill.

As the Department noted in its original comments on the PHONE Act submitted to Chairman Conyers on February 5, 2007, we support Congressional action to give law enforcement better tools to protect our citizens and our country from identity thieves, stalkers, and other criminals. In the February 5th letter, the Department of Justice made a number of recommendations to strengthen the bill, many of which were adopted. Those changes have made the PHONE Act a more effective tool for combating threats such as identity theft, preying on the elderly, and the thwarting of important, time-sensitive investigations.

Although the PHONE Act is an important step toward addressing caller ID spoofing, the problem needs a solution that addresses not only users of caller ID spoofing, but also the services that make this capability to deceive widely available to the public. Several services today offer users the ability to manipulate information transmitted with a telephone call in order to cause a number of the caller's choosing to appear on the call recipient's caller ID display. Using such a service can be as easy as calling a toll-free number and entering calling card information.

As the Department has described in its testimony before the House of Representatives Subcommittee on Crime, Terrorism, and Homeland Security on the PHONE Act, the widespread availability of caller ID spoofing services poses several problems. First, the recipient of a spoofed call is led to believe that he or she has received the call from someone who did not actually place the call. Numerous such incidents have been reported, including examples of SWAT teams being misled into raiding innocent persons' houses based on 911 calls that incorrectly appeared to have come from the innocent person's home (a practice known as ''SWATting''), businesses being tricked into revealing personal data about the person whose number is spoofed (i.e., enabling ''pretexting''), and harassing calls being placed using the phone number of a political candidate in order to anger voters against that candidate.

The PHONE Act does not currently address these caller ID spoofing services that make it easy for anyone with a telephone to spoof caller ID. Simply criminalizing the use of spoofing capabilities for criminal or fraudulent purposes would not sufficiently diminish the availability of spoofing services. Because the use of caller ID spoofing is particularly hard to investigate and to prosecute, to address this problem effectively, Congress should also address the providers who make this capability widely available.

We have included recommended edits to section 2 of the bill in order to address caller ID spoofing services that do not at least notify call recipients that the caller ID information has been modified (attached hereto as Appendix A). We also suggest that Congress consider whether this legislation should contain an explicit exemption for entities complying with existing Federal regulations such as the Telemarketing Sales Rule that allow the substitution of caller ID information for limited purposes.

The Department appreciates the Committee's leadership in ensuring that our country's laws meet this new challenge. Thank you for the opportunity to comment on the bill and for your continuing support.

The Office of Management and Budget has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program. If we may be of additional assistance, please do not hesitate to contact this office.

Sincerely,

RICHARD A. HERTLING,
Acting Assistant Attorney General.

By Mr. KENNEDY (for himself, Mrs. MURRAY, and Mr. BYRD):

S. 1655. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, last year, the Nation was stunned by the terrible tragedies at the Sago, Alma, and Darby mines. Those disasters exposed the many failures in our laws on mine safety and mine health, and made clear that it is essential to bring these protections into the modern world.

Last year, Congress came together to take a vital step toward protecting the Nation's miners with the passage of the MINER Act, which addressed critical lapses in mine safety and accident response, but advances in scientific research and technological development show us that there is much more to be done. In part through the new scrutiny that is taking place under the MINER Act, we have learned a great deal more about what puts miners in danger and how to prevent it.

We need to begin to address these other pressing safety and health needs. That is why today I am introducing the Miner Health and Safety Enhancement Act of 2007.

There is much we can do in the area of mine safety emergencies to increase miners' chances of survival, and this legislation encourages the development of technologies to do so. It requires stronger seal barriers to protect miners from explosions in hazardous mining areas. It also requires mine companies to adopt more sophisticated communications technology to stay in touch with miners underground, and to install rescue chambers to protect miners in the event of an explosion or fire.

The bill does more to eliminate dangerous conditions in mines before they harm miners, by banning the unsafe practice of ventilating mines in the same passageway as coal-dust laden conveyor belts. This practice, unfortunately, has been approved by the Bush administration, and it contributed to the tragic fire at Alma mine last year.

Other reforms are essential as well. Establishing a national call center can quickly coordinate emergency information and enhance mine rescue and recovery operations. To see that accident investigations are objective and thorough, the legislation requires an independent investigation to be conducted if miners or their families ask for one.

Successful prevention depends also on the willingness of miners to tell the truth about their working conditions. Safeguards are needed to allow them to speak out about on-the-job hazards without fearing for their jobs. The bill establishes an independent ombudsman, so miners' safety complaints can be heard and fully addressed, without jeopardizing miners who blow the whistle on job hazards.

Tragically, we continue to see miners developing symptoms of black lung disease and other deadly respiratory illnesses of the past. To protect them, the bill requires operators to provide miners with personal dust monitors developed and certified by the National Institute of Occupational Safety and Health. To make underground air safer, the bill adopts the Institute's levels for exposure to coal dust, silica dust, and other air contaminants. It also adopts the higher OSHA standard for asbestos. We cannot continue to allow miners to work without the protection of these important health standards.

Mining is an essential industry, and the nation's miners deserve the safest possible working conditions. We have a responsibility to see that our mine safety laws make our mines the safest and healthiest in the world. America's miners deserve no less. I urge my colleagues to support the Mine Health and Safety Enhancement Act of 2007.

Mr. BYRD. Mr. President, I am pleased to cosponsor the Miner Health and Safety Enhancement Act of 2007.

It is critical that the Congress continue to review the statutory safeguards for our Nation's coal miners. I want to do everything I can to encourage that effort.

Given reports recently about alarmingly aggressive cases of black lung around southern West Virginia, the Congress ought to seriously consider new standards for dust monitoring and control. I also support the bill's language requiring the installation of atmospheric monitoring systems in underground coal mines and requiring the Mine Safety and Health Administration, MSHA, to randomly test emergency breathing devices every 6 months.

I also very much support provisions in the bill that would clarify the intentions of the MINER Act and require the Department of Labor to issue regulations mandating the installation of refuge chambers and restricting the use of belt-air ventilation.

These are all good initiatives and something that the Congress should be advocating to ensure safer working conditions for miners. Nevertheless, I do have reservations about some of the provisions in the Miner Health and Safety Enhancement Act, which I hope can be addressed before the Senate Health, Education, Labor, and Pensions, HELP, Committee takes any action on this legislation.

The MINER Act that the Congress passed last year set a deadline requiring coal operators to install wireless emergency communications and tracking equipment by June 2009. In order to meet this deadline, the Congress appropriated $23 million through the fiscal year 2008 for NIOSH to expedite its research of emergency communications and tracking.

It is important that the Congress adhere closely to that schedule. To suddenly rewrite it, mandating the installation of technologies before NIOSH has completed its research, could undermine the intentions of the MINER Act and complicate the efforts of MSHA and the Congress to ensure timely compliance. Let us not revisit timelines that have already been resolved and where implementation has already begun. It is better for the Congress to hold operators to the schedule outlined in the MINER Act and to allow NIOSH to perform the critical research that has already been mandated and funded.

The Congress should continue to exercise its oversight function to ensure rapid implementation of the MINER

Act and also to review non-MINER Act priorities to ensure statutory safeguards are adequate. I proudly join the sponsors of this bill in that endeavor.

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

S. 1656. A bill to authorize loans for renewable energy systems and energy efficiency projects under the Express Loan Program of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee Small Business and Entrepreneurship, I rise today with Senator KERRY to introduce the Small Business Energy Efficiency Act of 2007. The energy debate now underway in this body is a positive initial step for our country, but it is only a first step. Frankly, America must become more innovative and invest in infrastructure that provides a lifetime of savings, both for its citizens and our global neighbors.

This year the Senate Committee on Small Business and Entrepreneurship, of which I am the Ranking Member, has paid particular attention to the effects of climate change and escalating fuel costs on small businesses, and the role America's entrepreneurs can play in affecting change in these areas. Chairman KERRY and I have already devoted two hearings during the 110th Congress to these subjects. Clearly, rising gas prices and global warming are having a devastating affect on the health of small business in this country.

As we all know, small business is the backbone of our Nation's economy. As the leading Republican on the Small Business Committee and as a longstanding steward of the environment, I firmly believe that small business has a pivotal role to play in finding a solution to global climate change. According to a recent survey conducted by the National Small Business Association, 75 percent of small businesses believe that energy efficiency can make a significant contribution to reducing greenhouse gas emissions. And yet, only 33 percent of those had successfully invested in energy efficiency programs for their businesses.

We need to significantly improve energy efficiency investment by small businesses. To that end, our measure will ensure that the SBA completes its requirements under the Energy Policy Act of 2005. Within 90 days of enactment, the SBA, through a final rulemaking, would be required to complete all of its requirements under the Energy Policy Act, including setting up a Energy Clearinghouse that builds on the Environmental Protection Agency's Energy Star program.

Our bill would also create the position of Assistant Administrator for Small Business Energy Policy within the SBA. The duties of this position include: 1. the oversight and administration the Small Business Energy Clearinghouse Program; and 2. the promotion of energy efficiency efforts and the reduction of energy costs for small businesses.

It would also create a Small Business Energy Efficiency Pilot Grant Program. This pilot, competitive grant program would be administered through the national network of Small Business Development Centers, SBDCs, which would provide ''energy audits'' to small businesses to enhance their energy efficiency practices, as well as providing access to information and resources on energy efficiency practices. These practices would include ''on-bill financing'' options.

Our bill would also encourage innovation in energy efficiency. Federal agencies shall give priority to Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, program solicitations by small businesses that participate in or conduct energy efficiency or renewable energy system research and development. The SBA will issue guidelines to assist Federal agencies and departments in determining whether priority has been given.

Finally, our bill would make the SBA's Express Loan Program available to small businesses who wish to purchase renewable energy systems or make energy efficiency improvements to their existing businesses. I firmly believe that the SBA Express Loan will be an attractive option to small business owners looking to make their businesses more energy efficient and environmentally sound because of the program's quick turnaround time and the ability of participating lenders to use their own forms and procedures for approval. Furthermore, lenders and borrowers can negotiate the interest rate, which can result in more favorable terms for a small business owner. The Express Program is the most widely used of SBA's loan products, representing 69 percent of all loans made. In fact, the SBA Express lender network is made up of almost 2,000 financial institutions nationwide.

Many small businesses are already leading the charge in combating global warming. For instance, in my home state of Maine, Oakhurst Dairy, an 86-year-old business, recently announced that it has converted its fleet of over 100 trucks and trailers to a bio-diesel fuel blend. Oakhurst's President Stanley Bennett sent me a letter stating: ''We firmly believe that doing the right thing environmentally is almost always the right thing to do for your business.'' It is my hope that our bill will spur more small firms to make the same investment in the environment and their businesses.

As we engage in this debate, we must remain mindful that potential solutions must fully consider the economic realities facing small businesses. According to the SBA Office of Advocacy, compliance with environmental regulations costs 364 percent more in small businesses than in larger businesses. So, in developing solutions Senator KERRY and I have worked to ensure that small businesses possess a range of cost-effective alternatives and have avoided a one-sized-fits-all approach.

In conclusion, this bipartisan measure will enable small businesses to play a leading role in combating global climate change. Assisting small firms in this regard will not only help the environment, but will also significantly lower the energy costs for cash-strapped small businesses.

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

S. 1657. A bill to establish a small business energy efficiency program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in March of this year, I convened a hearing in the Committee on Small Business and Entrepreneurship to look at what small businesses can do to confront global warming. In February, the Intergovernmental Panel on Climate Change put forward a report that has been referred to as ''the smoking gun'' on global warming, written by more than 600 scientists, reviewed by another 600 experts, and edited by officials from 154 governments, the report provides indisputable evidence that the ice caps are melting, the sea level is rising, and the earth's surface is heating up at an alarming and potentially catastrophic rate.

Senator SNOWE and I have worked together on a number of initiatives to combat global warming, including introducing the Global Warming Reduction Act of 2007, an effort to reduce greenhouse gas emissions by 65 percent by the year 2050. Today, we continue this partnership as chairman and ranking member of the Committee on Small Business and Entrepreneurship by introducing the Small Business Energy Efficiency Act of 2007.

There are nearly 26 million small businesses in this country, nearly 26 million business owners that are focused on keeping their doors open and putting food on the table for their families. And while climate change and national energy security sometimes seem like distant threats compared to rising health care costs and staying competitive in an increasingly global economy, small business owners are telling us that energy costs are indeed a concern. The National Small Business Association recently conducted a poll of its members, asking how energy prices affected their business decisions. Seventy-five percent said that energy prices had at least a moderate effect on their businesses, with roughly the same number saying that reducing energy costs would increase their profitability. Despite these numbers, only 33 percent have invested in energy efficient programs.

The Environmental Protection Agency estimates that small businesses consume roughly 30 percent of the commercial energy consumed in this country, that is roughly 2 trillion kBtu of

energy per year, and it is costing small business concerns approximately $29 million a year. Through efforts to increase energy efficiency, small businesses can contribute to America's energy security, help to combat global warming, and add to their bottom line all at the same time.

The Small Business Energy Efficiency Act of 2007 seeks to assist small business owners in doing all of these things. First, the bill requires the Small Business Administration, SBA, to implement an energy efficiency program that was mandated in the 2005 Energy Policy Act. To date, the SBA has dragged its feet in implementing a program that could help small business owners to become more energy efficient. Administrator Preston should implement this important program today, and this bill directs him to do so.

Second, the bill establishes a program to increase energy efficiency through energy audits at Small Business Development Centers, SBDCs. The Pennsylvania SBDC currently operates a similar program, and has successfully assisted hundreds of businesses to become more energy efficient. As a result of the program, six of the eight winners of the 2006 ENERGY STAR Small Business Awards given by the EPA went to Pennsylvania businesses. This program should be replicated so that small businesses across the country have the same opportunity to cut energy costs through the efficiency measures.

In addition, this bill authorizes the Administrator to guarantee on-bill financing agreements between businesses and utility companies, to cover a utility company's risk in entering into such an agreement. The federal government should encourage utility companies to pursue these agreements with businesses, where an electric utility will cover the up-front costs of implementing energy efficiency measures, and a business will repay these costs through the savings realized in their energy bill.

This bill also encourages telecommuting through a pilot program at SBA. The Administrator is authorized to establish a program that produces educational materials and performs outreach to small businesses on the benefits of telecommuting.

Finally, the bill encourages increased innovation by providing a priority status within the SBIR and STTR programs that ensures high priority be given to small business concerns participating in energy efficiency or renewable energy system research and development projects.

As a Nation, we have much to do to secure our future energy supply and to solve the international crisis that is global warming. This bill represents one step in that process—to engage our small business owners in this effort, and to assist them in becoming more aware of what is possible. I urge my colleagues to support this bill, and I thank Senator SNOWE for her work in this area.

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. 1657

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Energy Efficiency Act of 2007''.

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

SEC. 2. FINDINGS.

Congress finds that:

(1) Small business concerns represent roughly 50 percent of the economy of the United States, employing 50 percent of all private sector employees, and producing more than 50 percent of nonfarm private gross domestic product.

(2) The Environmental Protection Agency estimates that, based on data from the 2003 Commercial Buildings Energy Consumption Survey of the Department of Energy, small business concerns consume roughly 2,000,000,000,000 kBtu of energy per year, costing small business concerns approximately $29,000,000,000.

(3) The Environmental Protection Agency estimate does not include additional energy that is used by small business concerns located outside of commercial buildings, such as home-based small business concerns. Additional, peer-reviewed research studies must be conducted to assess the amount of energy consumed by small business concerns.

(4) A recent survey conducted by the National Small Business Association revealed that 75 percent of small business concerns believe that energy efficiency can make a significant contribution to reducing greenhouse gas emissions. And yet, only 33 percent of those small business concerns had successfully invested in energy efficiency programs for their businesses.

(5) Small business concerns have demonstrated that they are capable of achieving realistic energy consumption reductions of 30 percent as a result of implementing the recommendations of targeted energy audits. These reductions have been demonstrated by clients of the Pennsylvania Small Business Development Centers and are supported by the national experience of the ENERGY STAR Small Business program of the Environmental Protection Agency.

(6) Small business concerns are a source for the technological innovations at the heart of the effort to find a solution to the challenge of climate change and to establish energy independence for the United States.

(7) On-bill financing arrangements, involving small business concerns, utilities, banks, and certified energy efficiency professionals, have demonstrated success in reducing energy usage by small business concerns across the country, and greater use of on-bill financing agreements should be encouraged.

(8) Telecommuting represents an established method for reducing fuel consumption, and information regarding the benefits of telecommuting should be made available to owners of small business concerns.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''association'' means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term ''disability'' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term ''electric utility'' has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term ''on-bill financing'' means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(6) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(8) the term ''telecommuting'' means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

SEC. 4. IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(b) PLAN.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(1) assist small business concerns in becoming more energy efficient; and

(2) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(c) ASSISTANT ADMINISTRATOR FOR SMALL BUSINESS ENERGY POLICY.—

(1) IN GENERAL.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(2) DUTIES.—The Assistant Administrator for Small Business Energy Policy shall—

(A) oversee and administer the requirements under this section and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(B) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(d) REPORTS.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the

Committee on Small Business of the House of Representatives an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

SEC. 5. SMALL BUSINESS ENERGY EFFICIENCY.

(a) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this section referred to as the ''Efficiency Pilot Program'') to provide energy efficiency assistance to small business concerns through small business development centers.

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—In carrying out the Efficiency Pilot Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(A) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(B) conduct training and educational activities;

(C) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(D) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(E) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(2) REPORTS.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(A) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(B) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(C) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(D) any additional information determined necessary by the Administrator, in consultation with the association.

(3) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under paragraph (2) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(c) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(d) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(1) GROUPINGS.—

(A) SELECTION OF PROGRAMS.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in subparagraphs (B) through (K) to participate in the pilot program established under this section.

(B) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(C) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(D) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(E) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(F) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(G) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(H) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(I) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(J) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(K) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(e) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Pilot Program.

(f) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Pilot Program under subsection (d) shall be eligible to receive a grant in an amount equal to—

(1) not less than $100,000 in each fiscal year; and

(2) not more than $300,000 in each fiscal year.

(g) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(1) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(2) not later than 6 months after the date of the initiation of the evaluation under paragraph (1), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(A) the results of the evaluation; and

(B) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(h) GUARANTEE.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this section.

(j) TERMINATION.—The authority under this section shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

SEC. 6. SMALL BUSINESS TELECOMMUTING.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—In accordance with this section, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this section referred to as the ''Telecommuting Pilot Program'').

(2) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(A) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(B) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(C) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(3) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(A) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(B) conduct outreach—

(i) to small business concerns that are considering offering telecommuting options; and

(ii) as provided in paragraph (2); and

(C) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(4) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this section, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(c) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this section.

SEC. 7. ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

''(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

''(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

''(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

''(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

''(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'biomass'—

''(i) means any organic material that is available on a renewable or recurring basis, including—

''(I) agricultural crops;

''(II) trees grown for energy production;

''(III) wood waste and wood residues;

''(IV) plants (including aquatic plants and grasses);

''(V) residues;

''(VI) fibers;

''(VII) animal wastes and other waste materials; and

''(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

''(ii) does not include—

''(I) paper that is commonly recycled; or

''(II) unsegregated solid waste;

''(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(C) the term 'renewable energy system' means a system of energy derived from—

''(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(ii) hydrogen derived from biomass or water using an energy source described in clause (i).''.

SEC. 8. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

''(i) DEFINITIONS.—In this subparagraph, the terms 'energy efficiency project' and 'renewable energy system' have the meanings given those terms in section 9(z).

''(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

''(I) purchasing a renewable energy system; or

''(II) an energy efficiency project for an existing business.''.

By Mr. GREGG:

S. 1658. A bill to amend the Servicemembers Civil Relief Act to provide protection for child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

Mr. GREGG. Mr. President, I rise today to speak about several of the personal problems currently being experienced by some military families due to the deployment of one or both parents and to introduce three pieces of legislation, the language of which is included in the recently passed House of Representatives Defense authorization bill, which are designed to help alleviate those problems.

But first, I would like to express my sincere thanks to the fathers and mothers, husbands and wives, sisters and brothers, and the sons and daughters of our Nation, who in these very tumultuous and dangerous times have volunteered to join our Armed Forces and serve our country around the world. In December 1776, another of the tumultuous times for our Nation, Thomas Paine wrote ''These are the times that try men's souls: The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman.'' Our modern day Patriots, who are now serving in the Army, Navy, Marine Corps, Air Force and Coast Guard, also heard and answered our country's call and they surely deserve the love and thanks of our Nation.

In some cases, while a military parent is deployed overseas, courts have overturned custody arrangements of their child or children; this while the deployed military custodial parent was unable to appear before the court. The first piece of legislation, S. 1658, would provide protection of child custody arrangements for Armed Forces parents who are deployed in contingency operations. The legislation states that if a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order that changes the child custody arrangement that existed as of the deployment date. An exception is allowed whereby the court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child. Additionally, if a motion for the change of custody of the child of a servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the servicemember by reason of that deployment in determining the best interest of the child.

The second piece of legislation, S. 1659, is intended to preclude some of the tension and anxiety that a child may suffer from the simultaneous deployment of both parents, as well as the grief that would result if both those parents were to lose their lives while simultaneously deployed. This bill would provide a limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents. It states that in the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

And the third piece of legislation, S. 1660, would initiate studies that could hopefully lead to improved support services for families of members of the National Guard and Reserve who are undergoing deployment. This legislation would direct the Secretary of Defense to conduct a study of possible methods to enhance support services for children of members of the National Guard and Reserve who are deployed. Additionally, the legislation would require the Pentagon to carry out a study on establishment of a program on family-to-family support for families of deployed members of the National Guard and Reserve.

Mr. President, I ask that my fellow Senators consider these bills.

By Mr. DORGAN (for himself, Mr. STEVENS, and Mr. INOUYE):

S. 1661. A bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am introducing, along with Senators STEVENS and INOUYE, the Travel Promotion Act of 2007. We seek with this bill to increase travel to the United States and rebuild the country's place in the global travel market. After 9/11, the number of overseas travelers to the United States decreased dramatically and has still not recovered. Travel and tourism are a crucial part of our export industry, but other countries have gained market share to our detriment. Foreign travelers are going elsewhere.

The absence of federal leadership in travel promotion has resulted in States having to step in to fill that void. An example is the effort made by my home State of North Dakota, where tourism is the State's second largest industry, with visitors spending $3.36 billion in 2004. The investment that North Dakota made to encourage travel and tourism has reaped enormous benefits, with the State getting a return of investment of almost $82 for each dollar spent on travel promotion.

While States have made inroads to attracting travelers, the lack of a coordinated federal campaign creates a comparative disadvantage with countries that have centralized ministries or offices to encourage international travel to their countries. The example of North Dakota should be a lesson for the entire country. The United States offers unique and diverse destinations for travelers—a small investment in national coordination has the potential to create a significant windfall for our economy.

The Travel Promotion Act of 2007 will promote travel to the U.S., including areas not traditionally visited, highlighting the United States as a premier travel destination. The bill

will improve communication of United States travel policies and perceptions of the process. Negative perceptions can often deter foreigners from traveling to the United States. Our communities will benefit from growth of this multi-billion dollar industry. With an increase in visitors they will experience an increase in jobs and expansion of local economies.

The bill initiates a nationally coordinated travel promotion campaign established in a public-private partnership to increase international travel to the United States. It creates a Corporation for Travel Promotion, an independent, nonprofit corporation, to run the travel promotion campaign. The program will be funded equally by a small fee paid by foreign travelers visiting the U.S. and matching contributions from the travel industry.

This is a great country, and we should welcome visitors to our shores to meet our people and experience our culture. I thank the Chair and Vice-Chair of the Committee on Commerce, Science, and Transportation for joining with me to develop this campaign and promote travel to our Nation.

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. 1661

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) This Act may be cited as the ''Travel Promotion Act of 2007.''.

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

SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.

(a) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Corporation shall have a board of directors of 14 members, appointed by the Secretary of Commerce, who are United States citizens with professional expertise and experience in the fields of travel, international travel promotion, and marketing and broadly represent various regions of the Nation, of whom—

(A) 1 shall represent hotel accommodations providers;

(B) 2 shall represent restaurant and retail businesses;

(C) 2 shall represent attractions and recreation businesses;

(D) 1 shall represent the passenger air transportation business;

(E) 1 shall represent the car rental business;

(F) 3 shall represent State and local offices from disparate regions of the country;

(G) 1 shall be a Federal employee (as defined in section 2105 of title 5, United States Code);

(H) 1 shall represent the higher education community; and

(I) 2 shall represent the small business community.

(2) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.).

(3) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full terms.

(5) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of their members to be Chairman and elect 1 or more of their members as a Vice Chairman or Vice Chairmen.

(6) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(7) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Council. Each member of the Council shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(c) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have a President, and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(1) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(e) DUTIES AND POWERS.—

(1) IN GENERAL.—The Corporation shall develop and execute a plan—

(A) to provide useful information to foreign tourists and others interested in travelling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, and processes, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) to counter and correct misperceptions regarding United States travel policy around the world;

(C) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(D) to ensure that international travel benefits all States and the District of Columbia, including areas not traditionally visited by international travelers.; and

(E) to give priority to the Corporation's efforts in terms of countries and populations most likely to travel to the United States.

(2) SPECIFIC POWERS.—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of

the members of the board present at the meeting;

(2) at least 8 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General shall have full and complete access to the books and records of the Corporation.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary. The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary no later than August 16 immediately preceding that fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(4) an explanation of the reason for any failure to achieve an objective established by the board; and

(5) such recommendations as the Corporation deems appropriate.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

(1) FIRST YEAR.—For fiscal year 2008, the Corporation may borrow from the Treasury beginning on October 1, 2007, such sums as may be necessary, but not to exceed $10,000,000, to cover its initial expenses and activities under this Act. Before October 1, 2012, the Corporation shall reimburse the Treasury, without interest, for any such amounts borrowed from the Treasury, using funds deposited in the Fund from non-Federal sources. Amounts reimbursed to the Treasury shall be treated as matching funds from non-Federal sources for purposes of subsection (c) in the fiscal year in which such reimbursements are made.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2009 through 2012, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 5 of this Act, the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2008, except to the extent that—

(A) for fiscal year 2009, the Corporation provides matching funds from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2009, the Corporation provides matching funds from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) GOODS AND SERVICES.—For the purpose of determining the amount of matching funds, other than money, available to the Corporation—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) CARRYFORWARD.—The amount of any matching funds received by the Corporation in fiscal year 2009, 2010, or 2011 that cannot be used as matching funds in the fiscal year in which received may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of paragraph (1) in such succeeding fiscal year.

SEC. 5. TRAVEL PROMOTION FUND FEES.

If a fully automated electronic traveler authorization system to collect basic biographical information in order to determine, in advance of travel, the eligibility of an alien to travel to the United States is implemented, the United States Government may charge a fee to an applicant for the use of the system. The amount of any such fee initially shall be at least $10, plus such amounts as may be necessary to cover the cost of operating such a system, but may be reduced thereafter if that amount is not necessary to ensure that the Corporation is fully funded.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(D), (H), or (I)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(3) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. UNDER SECRETARY OF COMMERCE FOR TRAVEL PROMOTION.

(a) IN GENERAL.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

"SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) UNDER SECRETARY FOR TRAVEL PROMOTION.—

''(1) IN GENERAL.—The head of the Office shall be the Under Secretary of Commerce for Travel Promotion. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Under Secretary shall—

''(A) be a citizen of the United States; and

''(B) have experience in a field directly related to the promotion of travel in the United States.

''(3) LIMITATION ON INVESTMENTS.—The Under Secretary may not own stock in, or have a direct or indirect beneficial interest in, a corporation or other enterprise engaged in the travel, transportation, or hospitality business or in a corporation or other enterprise that owns or operates theme park or other entertainment facility.

''(c) FUNCTION.—The Under Secretary shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of

the Travel Promotion Act of 2007 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State, and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor; and

''(B) to ensure that arriving international visitors are processed efficiently and in a welcoming and respectful manner;

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States;

''(4) supervise the operations of the Office of Travel and Tourism Industries; and

''(5) enhance the entry and departure experience for international visitors.

''(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2007, and periodically thereafter as appropriate, the Under Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce describing the Under Secretary's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''The Under Secretary of Commerce for Travel Promotion.''.

(2) The International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by striking ''Commerce (hereafter in this Act referred to as the 'Secretary')'' in section 201 (22 U.S.C. 2122) and inserting ''Commerce, acting through the Under Secretary for Travel Promotion,''.

SEC. 8. RESEARCH PROGRAM.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by section 6, is further amended by inserting after section 202 the following:

''SEC. 203. RESEARCH PROGRAM.

''The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

''(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

''(2) revising the Commerce Department's Survey of International Travelers questionnaire and report formats to accommodate a new survey instrument, expanding the respondent base, improving response rates, and improving market coverage;

''(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

''(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2007; and

''(5) research to support the annual report required by section 202(d) of this Act.''.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.''.

SEC. 9. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the board of directors of the Corporation.

(2) CORPORATION.—The term ''Corporation'' means the Corporation for Travel Promotion established by section 2.

(3) FUND.—The term ''Fund'' means the Travel Promotion Fund established by section 4.

(4) SECRETARY.—Except as otherwise expressly provided, the term ''Secretary'' means the Secretary of Commerce.

Mr. INOUYE. Mr. President, the travel and tourism industry is a driving force for our Nation's economy. In 2006, the industry generated a $7.3 billion trade surplus. In 2006, international receipts for travel-related tourism spending reached $107.8 billion. Travel and tourism supported 8.3 million American jobs in 2006, of which 1.1 million were supported by international travel and tourism. In Hawaii, tourism is the largest industry bringing in approximately $12 billion annually, $4 billion of which derives from international visitor spending.

International tourism brings more than economic returns. International travelers who visit our country can advance our standing overseas. Studies have shown that, after visiting the United States and interacting with Americans, 74 percent of visitors have a more favorable opinion of our country.

In recent years, overseas travel to the United States has suffered. In the wake of the September 11, 2001, terrorist attack, the United States made a number of necessary changes in the visa and entry processes to improve security, but some of those changes have confused and deterred visitors from even the friendliest countries. Many in the travel industry have continued to express concerns about the perception that the U.S. entry process is unnecessarily antagonistic.

In order to strengthen our competitiveness and recover lost international market share, we must improve and better explain the process for travelers coming to America. The world needs to know that the United States welcomes business and leisure travelers.

In addressing these concerns, and in recognizing the benefits of travel promotion, I am pleased to join my colleagues, Senator DORGAN and Vice Chairman STEVENS, in introducing the Travel Promotion Act of 2007. The bill establishes a nonprofit, independent corporation charged with reaching out to potential international travelers, clarifying the ease of travel to America, and encouraging them to visit. As experts have testified in hearings before the Commerce Committee, a unified effort to promote tourism to all areas of the United States is necessary and cannot be achieved by the industry alone.

The proposed corporation will be run by 14 board members, appointed by the Secretary of Commerce, who represent all aspects of the travel industry, including State tourism boards, hotels, and airlines, as well as the Federal Government. A small fee collected from international travelers to the United States will help fund the corporation, but its costs will be truly shared with industry. In order to receive the funds collected by the Government, the corporation will need to raise matching funds from the travel industry. By working together, the Federal and State governments and business will be able to revitalize the travel industry and make America a stronger and more welcoming destination.

In most developed countries, the minister of tourism is one of the most powerful and important positions in the government. For too long, our Government has relegated travel and tourism to a second tier status. The bill seeks to improve that status by creating an Under Secretary of Commerce for Travel Promotion who would work with the State Department and the Department of Homeland Security, as well as the corporation, to improve travel promotion efforts and the entry process for international travelers.

The travel and tourism industry helps drive the U.S. economy. The Travel Promotion Act of 2007 will enhance our competitiveness while improving our image abroad, and I urge my colleagues to support this measure.

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

S. 1662. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, today I am introducing legislation with my colleague, Senator SNOWE, to increase access to venture capital for small businesses. This type of financing is essential to grow a company, but it's hard to come by, particularly for start-up firms. The Small Business Administration, SBA, has played an important role in filling this gap for almost 50 years with the Small Business Investment Company, SBIC, program.

Since the SBIC program's inception in 1958, SBIC firms have invested $48 billion in more than 100,000 small businesses. For fiscal year 2006 alone, 30 percent of all SBIC investment dollars went to companies that had been in business for two years or less. Overall in that year, SBIC financing supported more than 2,000 small businesses which employed a total of 286,000 Americans.

Many extremely successful companies that received their start from SBIC financing are now household names: Intel, Federal Express, Jenny Craig, and Outback Steakhouse are all SBIC success stories. Companies receiving SBIC financing have also consistently appeared on a variety of prominent business lists, including Inc. 500, BusinessWeek's ''Hot Growth Companies'' and ''Hot Growth Hall of Fame,'' Fortune magazine's ''Best Companies to Work For'' and ''Most Admired Companies,'' and the FSB 100.

And they provide tens of thousands of jobs and contribute significantly to our Federal and local tax bases, paying back the investment many times over.

Given the important contribution SBIC funds have made to our economy, our bill reauthorizes the SBIC program for another 3 years, through 2010, ensuring the continued availability of this important small business financing tool. Additionally, the legislation simplifies the program's regulations to attract new investors and allow existing investors to increase their involvement. These provisions will ensure that dependable capital is available for small businesses for years to come.

Entrepreneurs may start out small, but the contribution they make to our economy is huge—and particularly important in underserved communities. This legislation will also increase the leverage cap for small businesses owned by women and minorities as well as those located in low-income areas. It will simplify existing incentives for investing in the smallest businesses in order to give every entrepreneur a fighting chance. Finally, we have included a provision which ensures that SBICs licensed under the participating securities program will be able to easily make follow-up investments in successful companies.

Small businesses are responsible for more than two-thirds of all new jobs in America. They employ more than half of the private sector work force, and pump over $900 billion into the economy annually. As small business owners are living the American dream, they should be able to count on the government to help create an environment where they can do what they do best: innovate, compete, and create good jobs for Americans.

I thank Senator SNOWE for joining me in introducing this bill, and I ask my colleagues to support it when it comes before the full Senate for consideration. Mr. President, I ask 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. 1662

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 ''Small Business Venture Capital Act of 2007''.

SEC. 2. REAUTHORIZATION.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''low-income geographic area'' has the same meaning as in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act;

(3) the term ''New Markets Venture Capital company'' has the same meaning as in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689); and

(4) the term ''New Markets Venture Capital Program'' means the program under part B of title III of the Small Business Investment Act of 1958 (15 U.S.C. 689 et seq.).

SEC. 3. DIVERSIFICATION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SELECTION OF COMPANIES IN EACH GEOGRAPHIC REGION.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

''(f) GEOGRAPHIC REQUIREMENT.—In selecting companies to participate as New Markets Venture Capital companies in the program established under this part, the Administrator shall select, to the extent practicable, from among companies submitting applications under subsection (b), at least 1 company from each geographic region of the Administration.''.

(b) PARTICIPATION IN NEW MARKETS VENTURE CAPITAL PROGRAM.—

(1) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended in the matter preceding paragraph (1), by striking ''under which the Administrator may'' and inserting ''under which the Administrator shall''.

(2) SMALL MANUFACTURER PARTICIPATION AGREEMENTS REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended—

(A) by striking ''In accordance with this part,'' and inserting the following:

''(a) IN GENERAL.—In accordance with this part,'';

(B) in subsection (a)(1), as so designated by this paragraph, by inserting after ''section 352'' the following: ''(with at least 1 such agreement to be with a company engaged primarily in development of and investment in small manufacturers, to the extent practicable)''; and

(C) by adding at the end the following:

''(b) RULE OF CONSTRUCTION.—Subsection (a)(1) shall not be construed to authorize the Administrator to decline to enter into a participation agreement with a company solely on the basis that the company is not engaged primarily in development of and investment in small manufacturers.''.

SEC. 4. ESTABLISHMENT OF OFFICE OF NEW MARKETS VENTURE CAPITAL.

Title II of the Small Business Investment Act of 1958 (15 U.S.C. 671) is amended by adding at the end the following:

''SEC. 202. OFFICE OF NEW MARKETS VENTURE CAPITAL.

''(a) ESTABLISHMENT.—There is established in the Investment Division of the Administration, the Office of New Markets Venture Capital.

''(b) DIRECTOR.—The Office of New Markets Venture Capital shall be headed by a Director, who shall be a career appointee in the Senior Executive Service, as those terms are defined in section 3132 of title 5, United States Code.

''(c) RESPONSIBILITIES OF DIRECTOR.—The responsibilities of the Director of the Office of New Markets Venture Capital include—

''(1) to administer the New Markets Venture Capital Program under part B of title III;

''(2) to assess, not less frequently than once every 2 years, the nature and scope of the New Markets Venture Capital Program and to advise the Administrator on recommended changes to the program, based on such assessment;

''(3) to work to expand the number of small business concerns participating in the New Markets Venture Capital Program; and

''(4) to encourage investment in small manufacturing.''.

SEC. 5. LOW-INCOME GEOGRAPHIC AREAS.

(a) IN GENERAL.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

''(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' has the meaning given the term 'low-income community' in section 45D of the Internal Revenue Code of 1986 (relating to the new markets tax credit).''; and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) APPLICATION OF AMENDED DEFINITION TO CAPITAL REQUIREMENT.—The definition of a low-income geographic area in section 351(2) of the Small Business Investment Act of 1958, as amended by subsection (a), shall apply to private capital raised under section 354(d)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(1)) before, on, or after the date of enactment of this Act.

SEC. 6. LIMITATION ON TIME FOR FINAL APPROVAL OF COMPANIES.

Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended by striking ''a period of time, not to exceed 2 years,'' and inserting ''2 years''.

SEC. 7. APPLICATIONS FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall prescribe standard documents for an application for final approval by a New Markets Venture Capital company under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that such documents are designed to substantially reduce the cost burden of the application process on a company making such an application.

SEC. 8. OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended to read as follows:

''(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—Notwithstanding section 354(d)(2), the amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the lesser of—

''(i) 10 percent of the private capital raised by the company; or

''(ii) $1,000,000.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal years 2001 through 2006'' and inserting ''fiscal years 2007 through 2010''; and

(2) in paragraph (2), by striking ''$30,000,000'' and inserting ''$20,000,000''.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Chairman KERRY in introducing the ''Small Business Venture Capital Act of 2007,'' a bill to reauthorize and improve the Small Business Administration's (SBA) Small Business Investment Company (SBIC) Program. I am deeply committed to supporting our nation's small businesses by increasing their access to capital. Small businesses employ more than half (57 percent) of the total private-sector workforce and are responsible for the creation of more than two-thirds of all new jobs. Clearly, increasing investments in small businesses is crucial to our on-going economic success.

This bill, a product of genuine bipartisan negotiation, will reform and enhance the SBIC program, which is so

vital to fostering innovation, growth, and job creation in small businesses throughout our country. SBICs are privately owned and managed venture capital investment companies that are licensed and regulated by the SBA. SBICs use their own capital, combined with funds borrowed from other private investors and supported by an SBA guarantee, to make equity and debt investments in qualifying small businesses. The SBA shares in the profits of SBICs. The structure of the program is unique and has been a model for similar public-private partnerships around the world.

The program has been successful in mobilizing private venture capital investment and leveraging private investment with additional funds supported by SBA guarantees. According to the SBA's annual reports to Congress, the SBIC program has provided billions in financing to small businesses since its inception. For example, companies like Staples, FedEx, Outback Steakhouse, America Online, Costco, Apple Computers, and Intel have all received SBIC investments at one time in their history.

Each year, financing brought about by the SBIC program allows small businesses to create or retain tens of thousands of jobs. For example, during Fiscal Year 2006, the SBIC program invested $2.987 billion in 2,121 small businesses. Of these, 40 percent were located in government-designated Low and Moderate Income (LMI) areas of the county. Those LMI-district companies received $669 million of the total dollars invested by SBICs in 2006. Since its beginning in 1958, the SBIC program has provided approximately $48 billion of long-term debt and equity capital to more than 100,000 small businesses. In fact, in my home State of Maine, SBICs invested nearly $21 million during FY 2006.

A key proposal in this bill is a technical change made to simplify the maximum leverage limits contained in the current statute. Under current law, the maximum leverage cap or the maximum amount of government-guaranteed capital an SBIC can control for Fiscal Year 2007, is $127.2 million for any one SBIC or for multiple SBICs controlled by the same management team. The cap increases automatically on an annual basis by the percentage increase in the Consumer Price Index (CPI). The problem with current law is that because the leverage cap applies to a whole family of SBICs, it is often impossible for a successful SBIC to operate a second or third fund due to a lack of available leverage. Additional leverage would remedy this issue. Accordingly, the bill increases the leverage cap for anyone fund to $150 million, and the cap for multiple funds held under one management team to $225 million.

Furthermore, this bill will increase leverage available for investment in minority- and women-owned businesses, which are having trouble accessing SBIC dollars. In Fiscal Year 2004, minority-owned firms received 5.2 percent of financing dollars. Women-owned businesses obtained just 2.2 percent of financing dollars. To try to increase financing available to such small businesses, the bill increases leverage limits to $175 million for a single fund and $250 million for a group of funds held under an SBIC license if the SBIC certifies that at least 50 percent of its investments are made in companies that are owned by either women or minorities, or are located in a low-income geographic area.

Mr. President, I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Failing to advance this bill would diminish our chances for innovation, and stifle the entrepreneurial opportunities this program has and will continue to produce.

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

S. 1663. A bill to amend the Small Business Investment Act of 1958 to reauthorize the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in addition to introducing a bill to reauthorize the Small Business Investment Company, SBIC, program, Senator SNOWE and I are introducing a bill to extend the New Markets Venture Capital, NMVC, program. The Securing Equity for the Economic Development of Low Income Areas Act of 2007, or the SEED Act, is important to states like Massachusetts and Maine.

Both of our States are home to pioneers in the field of development venture capital, which uses the discipline of traditional venture investing to focus on economic development in low-income areas. We know the benefits of this type of investment and believe the model should be expanded to other parts of the country.

Our support is not new. In my case, I was the sponsor of the Community Development and Venture Capital Act of 1999, which created the New Markets Venture Capital program. Its purpose was to stimulate economic development through public-private partnerships that invest venture capital in smaller businesses located in impoverished rural and urban areas or that employ low-income people.

Both innovative and fiscally sound, this program was built on two of the Small Business Administration's most popular programs. It developed a financial structure similar to that of the successful Small Business Investment Company, SBIC, program, mentioned earlier, while also incorporating a technical assistance component similar to that of SBA's microloan program.

However, unlike the SBIC program, which focuses on small businesses with high-growth potential, the New Markets Venture Capital program focuses on small businesses that show promise of both financial and social returns—what is referred to as a ''double bottom line.'' These businesses have special needs, and they tend to want intensive, ongoing financial, management and marketing assistance, be higher risk, and need longer periods to pay back money than SBIC investments. However, they more than balance out the equation by providing good, stable jobs and creating wealth in our neediest communities.

Unfortunately, the program expired in 2006, and it has been operating under temporary authority since then. The SEED Act seeks to reauthorize, expand, and improve this important program.

First, the bill will reauthorize the program for the next 3 years until 2010, making it possible for the SBA to license up to 20 more New Markets Venture Capital funds. Those funds will have the potential to invest $250 million in small businesses in low-income areas, by leveraging $150 million in debentures. Building on experiences with this program and the Rural Business Investment Company Program, which proved the matching requirement unreasonable and inefficient, the bill changes the operational assistance grants so that firms can get up to $1 million in funding in order to provide the companies they invest in with management assistance services. This support is absolutely necessary to make their business a success. Also important to making future funds successful, we have clarified that new markets venture capital companies have two years to raise their private capital. The committee has been troubled by the Agency's interpretation of the NMVC statute, which they viewed as giving SBA the authority to choose how much time it can give conditionally approved NMVCs to raise private-sector matching money. The chosen time frames were unreasonable and not what Congress intended. This bill clarifies that they get the full 2 years to raise the money. The bill also establishes an office of new markets venture capital so that there are resources devoted to its management and oversight, something lacking in past years. And to try to expand the reach of development capital in other parts of the country, the bill requires the SBA, to the extent practicable, to try and license funds in each of the Agency's ten regions, so that there is diversity. And it requires the SBA, to the extent practicable, to try and license a fund that focuses on investments in small manufacturers, as a way to help stem the loss of manufacturing in this country.

On behalf of the Nation's small businesses and entrepreneurs, I urge my colleagues to support this important legislation. Mr. President, I ask that 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. 1663

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 ''Securing Equity for the Economic Development of Low Income Areas Act of 2007'' or the ''SEED Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''low-income geographic area'' has the same meaning as in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act;

(3) the term ''New Markets Venture Capital company'' has the same meaning as in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689); and

(4) the term ''New Markets Venture Capital Program'' means the program under part B of title III of the Small Business Investment Act of 1958 (15 U.S.C. 689 et seq.).

SEC. 3. DIVERSIFICATION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SELECTION OF COMPANIES IN EACH GEOGRAPHIC REGION.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

''(f) GEOGRAPHIC REQUIREMENT.—In selecting companies to participate as New Markets Venture Capital companies in the program established under this part, the Administrator shall select, to the extent practicable, from among companies submitting applications under subsection (b), at least 1 company from each geographic region of the Administration.''.

(b) PARTICIPATION IN NEW MARKETS VENTURE CAPITAL PROGRAM.—

(1) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended in the matter preceding paragraph (1), by striking ''under which the Administrator may'' and inserting ''under which the Administrator shall''.

(2) SMALL MANUFACTURER PARTICIPATION AGREEMENTS REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended—

(A) by striking ''In accordance with this part,'' and inserting the following:

''(a) IN GENERAL.—In accordance with this part,'';

(B) in subsection (a)(1), as so designated by this paragraph, by inserting after ''section 352'' the following: ''(with at least 1 such agreement to be with a company engaged primarily in development of and investment in small manufacturers, to the extent practicable)''; and

(C) by adding at the end the following:

''(b) RULE OF CONSTRUCTION.—Subsection (a)(1) shall not be construed to authorize the Administrator to decline to enter into a participation agreement with a company solely on the basis that the company is not engaged primarily in development of and investment in small manufacturers.''.

SEC. 4. ESTABLISHMENT OF OFFICE OF NEW MARKETS VENTURE CAPITAL.

Title II of the Small Business Investment Act of 1958 (15 U.S.C. 671) is amended by adding at the end the following:

''SEC. 202. OFFICE OF NEW MARKETS VENTURE CAPITAL.

''(a) ESTABLISHMENT.—There is established in the Investment Division of the Administration, the Office of New Markets Venture Capital.

''(b) DIRECTOR.—The Office of New Markets Venture Capital shall be headed by a Director, who shall be a career appointee in the Senior Executive Service, as those terms are defined in section 3132 of title 5, United States Code.

''(c) RESPONSIBILITIES OF DIRECTOR.—The responsibilities of the Director of the Office of New Markets Venture Capital include—

''(1) to administer the New Markets Venture Capital Program under part B of title III;

''(2) to assess, not less frequently than once every 2 years, the nature and scope of the New Markets Venture Capital Program and to advise the Administrator on recommended changes to the program, based on such assessment;

''(3) to work to expand the number of small business concerns participating in the New Markets Venture Capital Program; and

''(4) to encourage investment in small manufacturing.''.

SEC. 5. LOW-INCOME GEOGRAPHIC AREAS.

(a) IN GENERAL.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

''(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' has the meaning given the term 'low-income community' in section 45D of the Internal Revenue Code of 1986 (relating to the new markets tax credit).''; and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) APPLICATION OF AMENDED DEFINITION TO CAPITAL REQUIREMENT.—The definition of a low-income geographic area in section 351(2) of the Small Business Investment Act of 1958, as amended by subsection (a), shall apply to private capital raised under section 354(d)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(1)) before, on, or after the date of enactment of this Act.

SEC. 6. LIMITATION ON TIME FOR FINAL APPROVAL OF COMPANIES.

Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended by striking ''a period of time, not to exceed 2 years,'' and inserting ''2 years''.

SEC. 7. APPLICATIONS FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall prescribe standard documents for an application for final approval by a New Markets Venture Capital company under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that such documents are designed to substantially reduce the cost burden of the application process on a company making such an application.

SEC. 8. OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended to read as follows:

''(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—Notwithstanding section 354(d)(2), the amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the lesser of—

''(i) 10 percent of the private capital raised by the company; or

''(ii) $1,000,000.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal years 2001 through 2006'' and inserting ''fiscal years 2007 through 2010''; and

(2) in paragraph (2), by striking ''$30,000,000'' and inserting ''$20,000,000''.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Chairman KERRY in introducing the Securing Equity for the Economic Development of Low Income Areas Act of 2007, a bill to reauthorize the New Markets Venture Capital, NMVC, Program. The NMVC program specializes in providing investment dollars to small businesses in underserved, low-wealth urban and rural communities.

Selected by the SBA through a competitive process, NMVC companies are privately owned and managed for-profit entities. They use their own private capital plus debentures obtained at favorable rates with SBA guarantees for investing. In addition, they provide technical assistance to the low-income enterprises in which they invest or intend to invest, by using private resources matched by the SBA in the form of operational assistance grants. While the Consolidated Appropriations Act of 2001, which established the program, contemplated 15 NMVC companies, unfortunately, only six NMVC companies have received final approval.

Despite the shortfall in the final numbers of approved companies, the NMVC program has achieved some remarkable success since Congress created it in 2000. According to the Community Development Venture Capital Alliance, as of March 31, 2006, the six NMVC companies had invested more than $13.4 million of capital into 29 small businesses. Not only have the NMVC Companies brought investment dollars to underinvested areas, but they have also created or maintained 1,626 jobs in low-income communities.

Although the statistics I have just cited pertain to the entire Nation, I want to share an example of how the NMVC program has been a tremendous benefit to my home State of Maine. In 2003, Mike Cote purchased Look's Canning Company in Whiting, ME, which had become one of the last of what had been dozens of canneries along Maine's coast. After changing the canning company's name to Look's Gourmet Food Company, Mike worked with Wiscasset, Maine, based Coastal Enterprises, Inc., a New Markets Venture Capital Company, to help grow the business. Look's Gourmet Food Company is now thriving by selling all-natural, high-quality, shelf-stable seafood products under the ''Bar Harbor T'' and ''Atlantic T'' brands all over the country. As Look's took off, it was able to create 18 new jobs with benefits in Maine's Washington County. That's no small feat for a company doing business in a county that had a 9.1 percent unemployment rate in February, the highest in Maine and more than double the national average. The bill introduced today will go a long way to assisting many low-income communities across America.

Other than reauthorizing the NMVC Program, this bill will make other changes to ensure the program is given the full opportunity to achieve its full potential. For example, the bill will

conform the definition of ''low-income geographic area'' used in the NMVC program to the definition of a ''low-income community'' as defined by the New Markets Tax Credit, NMTC, program. This amendment is beneficial because many investors participate in both the NMVC and NMTC programs, and a uniform definition between the two programs would improve coordination between the two programs. This change would allow NMVC companies to invest in businesses that benefit a low-income population, as well as businesses located in low-income census tracts. This flexibility to serve low income ''targeted populations'' would be particularly important for NMVC companies operating in states like Maine which have large rural areas with dispersed populations. Additionally, the bill ensures that all existing NMVC companies can take advantage of the amended targeting for investments made with the capital they have already raised.

The entrepreneurial spirit of our 26 million small businesses dates back to our Nation's founding. Small businesses are the cornerstone of economic growth and job creation, and it is critical that we support the NMVC program that enables aspiring entrepreneurs to obtain the crucial financing dollars they need to start and grow their businesses. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long fought to ensure the success and vitality of our country's small business sector. An investment in small business is an investment in the long-term economic prosperity of America, and I encourage my colleagues to support this vital legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 239—EXPRESSING THE SENSE OF THE SENATE THAT THE ADMINISTRATION SHOULD RIGOROUSLY ENFORCE THE LAWS OF THE UNITED STATES TO SUBSTANTIALLY REDUCE ILLEGAL IMMIGRATION AND GREATLY IMPROVE BORDER SECURITY

Mr. SESSIONS (for himself, Mr. DEMINT, Mrs. DOLE, Mr. GRASSLEY, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 239

Whereas the President of the United States has the primary authority to employ Federal Government resources to enforce Federal immigration laws;

Whereas an estimated 40 percent of the estimated 12,000,000 to 20,000,000 illegal immigrants in the United States have overstayed their nonimmigrant visas;

Whereas the implementation of the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) program would provide the Federal Government with information about whether people who entered the country on a short-term visa return to their countries of origin before such visas expire;

Whereas the decision of the Department of the Treasury to allow financial institutions to accept the Mexican matricula consular card as valid identification for the purpose of opening bank accounts encourages illegal immigrants to remain in the United States;

Whereas Federal Bureau of Investigation officials have testified under oath that the matricula consular card ''is not a reliable form of identification, due to the nonexistence of any means of verifying the true identity of the card holder'' and because the card is so vulnerable to fraud and forgery ''there are 2 major criminal threats posed by the cards, and 1 potential terrorist threat.'';

Whereas the current and previous Administrations have failed to enforce the legally binding affidavits of support signed by sponsors of immigrants;

Whereas the lack of such enforcement sends a message to immigrants that they can wrongfully take advantage of government benefits paid for by American taxpayers;

Whereas 98 percent of illegal immigrants arrested along the international border between the United States and Mexico between 2000 and 2005 were released across the border without prosecution, and many of such illegal immigrants were caught and released multiple times;

Whereas such a catch and return without prosecution policy encourages illegal immigrants to keep trying to enter illegally and creates a revolving door of illegal immigration;

Whereas the current and previous Administrations have largely ignored laws enacted as part of the Immigration Reform and Control Act of 1986 that impose fines on businesses that employ illegal workers;

Whereas in 2004, the Administration did not issue any final orders to employers for hiring illegal immigrants;

Whereas in 2005, the Administration issued only 10 such final orders;

Whereas not enforcing employer sanctions encourages the hiring of illegal immigrants and the easy availability of jobs acts as a magnet that attracts illegal immigrants;

Whereas neither the Department of Homeland Security nor the Department of Justice has filed suit to stop any of the 10 States that allow colleges and universities to offer in-State tuition rates to illegal immigrants in violation of section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

Whereas such a policy unfairly burdens United States citizens because there are fewer places for legal residents in those colleges or universities and out-of-State students pay higher tuition than the tuition charged to illegal immigrants;

Whereas in some judicial jurisdictions alien smugglers will not be prosecuted by the United States Attorney's Office unless they are caught smuggling at least 12 illegal immigrants;

Whereas such a policy acts as an incentive for smugglers to continue their trade as long as they do not breach the arbitrary threshold for prosecution;

Whereas, as of June 2007, there are only 13,500 active border patrol agents, which is 1,306 less than the number Congress required be in place by the end of fiscal year 2007 under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas more Border Patrol agents would help ensure effective control of the international border between the United States and Mexico;

Whereas, as of June 2007, there are only 27,500 detention beds for holding illegal immigrants, which is 15,944 less than the number Congress required be in use by the end of fiscal year 2007 under section 5204 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas additional detention beds would help ensure that all criminal aliens and individuals apprehended while crossing the border illegally are detained prior to prosecution and deportation;

Whereas, as of June 2007, there are only 5,571 immigration investigators, which is less than the number Congress required be in place by the end of fiscal year 2007 under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas additional investigators would help ensure that sufficient worksite enforcement is performed to impose employer sanctions on those who hire illegal immigrants;

Whereas the Secure Fence Act of 2006 requires that more than 700 miles of fencing be built along the international border between the United States and Mexico;

Whereas as of June 5, 2007, only 87 miles of fencing exists, even though such fencing helps deter illegal border crossing;

Whereas the Department of Homeland Security may use expedited removal procedures for any illegal immigrants who have not been admitted or paroled into the United States and who have not affirmatively shown that they have been inside the United States for 2 years;

Whereas the Department of Homeland Security only uses expedited removal procedures for illegal immigrants who are apprehended within 100 miles of the United States border and within 14 days of entry to the Unites States even though wider use of expedited removal would help decrease the number of appeals of removal orders which clog the Federal court system;

Whereas the current Immigration Violators File in the National Crime Information Center (NCIC) database is being underutilized and could be expanded so that State and local law enforcement could help locate the more than 600,000 alien absconders living in the United States; and

Whereas the current illegal immigration crisis is a direct result of this and previous Administrations failing to enforce or adequately enforce at least 8 immigration laws passed by Congress and enacted by the current and previous Administrations: Now, therefore, be it

Resolved, That the Senate believes that—

(1) the Administration should—

(A) implement the entry and exit portions of the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) as required under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

(B) reverse the United States Treasury Department decision to allow financial institutions to accept the Mexican matricula consular cards as valid identification for the purpose of opening bank accounts;

(C) enforce legally binding affidavits of support signed by sponsors of immigrants;

(D) end the practice of catching illegal immigrants at the border and returning them without prosecution;

(E) enforce the employer sanctions contained in the Immigration Reform and Control Act of 1986.

(F) enforce section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which prohibits in-State college tuition for illegal immigrants.

(G) require prosecution of anyone caught smuggling immigrants across the border regardless of how many immigrants are being smuggled.

(H) increase the number of full time border patrol agents by at least 1,306 by the end of