S. 1276

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1337

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. BROWN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1382

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

S. 1403

At the request of Ms. KLOBUCHAR, the names of the Senator from New York (Mrs. CLINTON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1403, a bill to amend the Farm Security and Rural Investment Act of 2002 to provide incentives for the production of bioenergy crops.

S. 1407

At the request of Mr. PRYOR, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1407, a bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential and residential rental buildings.

S. 1413

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1413, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1426

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1426, a bill to amend the Agricultural Trade Act of 1978 to reauthorize the market access program, and for other purposes.

S. 1435

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1435, a bill to amend the Energy Policy and Conservation Act to increase the capacity of the Strategic Petroleum Reserve, and for other purposes.

S. 1439

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1439, a bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself, Mr. MCCONNELL, Mr. KYL, Mr. DOMENICI, Mr. ALLARD, Mr. ENZI, Mr. BUNNING, Mr. CRAPO, Mr. ENSIGN, Mr. CORNYN, Mr. GRAHAM, Mr. SESSIONS, Mr. ALEXANDER, Mr. BROWNBACK, Mr. CRAIG, Mr. SUNUNU, Mr. MARTINEZ, Mr. THOMAS, Mr. VITTER, Mr. CHAMBLISS, Mr. ISAKSON, Mrs. DOLE, Mr. DEMINT, Mr. VOINOVICH, Mr. THUNE, and Mr. LOTT):

S. 15. A bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

Mr. GREGG. Madam President, I rise today to talk specifically about how we get our fiscal house in order as a nation and especially as a government. Just last week, the Congress passed—or at least the Senate passed and the House passed—a proposal for a budget which, unfortunately, fails the American people dramatically in the area of controlling spending and in the area of good tax policy. It creates a cascade. It is a Democratic budget that creates a cascade of new spending, hundreds of billions of dollars of new spending which will grow the size of the Government dramatically and which is, therefore, undisciplined in its approach.

It also proposes tax policy which will radically increase taxes on working Americans and have the effect of stifling what has been an extraordinary economic expansion, which in part has been a function of having a tax policy which understands that if you let people keep their money, they tend to be more productive with those dollars, they tend to go out and take risks, be entrepreneurs, create jobs, and as a result, the Federal Government gets more revenue because people creating these jobs pay taxes and we end up with more economic activity. We have had 72 months of growth, and we have created 7.4 million new jobs in this country, and that is a significant step in the right direction toward economic expansion.

But all that is at risk because we, as a government, tend to spend more than we take in, and we do not have in place a discipline necessary as a government to effectively manage our own house. This was reflected in the budget that was just passed, regrettably. Therefore, as we also look to the future, we are confronting a cost to the Government which is going to radically increase the expenditures of the Federal Government to a point where our children and our children's children will not be able to afford them.

In fact, just the cost of three programs alone—Medicare, Social Security, and Medicaid—by the year 2025, because of the retirement of the baby boom generation, will actually exceed the amount of money which the Federal Government has historically spent as a percentage of gross national product. So by about the year 2025, because of the retirement of the baby boom generation, three programs—Social Security, Medicare, and Medicaid—will absorb all the money that historically the Federal Government has spent, which means there will be no money left over for education, laying out roads, or environmental protection.

We will be in a position where our children, in order to bear the burden of those three programs, will have to pay a tax rate which will make it impossible for them to afford their own Government and will make their lifestyle significantly constrained. The pressure on them will be dramatic because the burden of taxes will exceed their ability to pay them and still maintain a quality lifestyle. Their ability to send their children to college, to buy a house, to have a good lifestyle, to have the luxuries which our generation has had will be constrained by the fact that the size of the Federal Government is growing out of control as a function of the retirement of the baby boom generation.

So these two events combined—the dramatic expansion in entitlement spending and the Democratic budget which was essentially grossly irresponsible in the area of spending on the discretionary side of the account and in the area of creating debt; it will add $2.5 trillion of new debt to the Federal Government over the 5 years of this budget—these two events combined are going to put a lot of pressure on our economy and on the well-being of our Nation.

A group of us believe very strongly that we need to put in place mechanisms in this Government which more effectively discipline the spending of the Government. So I am introducing today, along with 27 colleagues—and that is a fair number of cosponsors—the Stop Over-Spending Act, SOS. This bill has eight basic elements. I am not going to go through them all, but I

wish to highlight the ones that are significant.

Basically, what this bill does is it puts in place disciplines which allow this Congress, if it desires to do so—all of these disciplines can be waived by 60-vote points of order, basically—if Congress desires to do so, it can limit the growth of the Federal Government to something that is affordable to the American people.

The most important discipline this bill puts in place is one over entitlement spending. Right now, we have nothing that controls entitlement spending. This bill says that if entitlement spending reaches a certain level of use of general funds of the Treasury—and most of these entitlement programs—Social Security, Medicare, and Medicaid—are not supposed to be overwhelming burdens on the general fund, the general fund being basic income taxes, not retirement taxes and health insurance taxes—if the burden of these programs exceeds a certain level, then there are mechanisms which allow us to take a second look at these programs to improve them, to make them cost-effective while delivering quality services.

In addition, this proposal puts in place caps, serious caps on discretionary spending so that we know that when you hit a certain level of spending and you are trying to exceed the amount of money the Federal Government should spend, there will be a 60-vote point of order before that can occur. That is only reasonable, that is only good budgeting, and it is something we need to have in place.

Unfortunately, the Democratic budget which was just passed essentially got rid of caps for the year 2009, 2010, and it puts them in place for 2008, but that is almost irrelevant because it raises them so high that there is no way anybody is going to hit those caps unless they are truly spendthrifts.

They basically add $200 billion of new spending over the next 5 years, and next year they dramatically increase spending, both through taking programs off the budget by declaring them emergencies, such as in the agricultural area, and putting them into the next year through advanced funding, which is a total gamesmanship, and then actually increasing the spending levels under the discretionary account. It is a grossly irresponsible cascade of new spending we see coming at us next year as a result of this Democratic budget. This Stop Over-Spending Act will try to discipline that in a more effective way, and it is time we did that.

In addition, it puts in place two very aggressive proposals to try to take a look at how we are managing the bigger programs of the Federal Government. One is a proposal which came from Senator BROWNBACK which is a bipartisan commission on accountability and Federal review. It is basically a BRAC commission for all the Federal Government. So if we find programs that are overlapping—and believe me, there are an awful lot of overlapping programs in the Federal Government—if we find programs that are just not producing the results they are supposed to produce or which have served their time, which were supposed to be 3-year programs and they have been going on for 10, 15 years, we will have a mechanism where those programs can come back to the Congress and voted up or down, either they should be in place or not in place, the same way we approach managing the defense spending accounts through BRAC.

There is a second commission put in place which, again, has an automatic vote by the Congress, which is an attempt to address the most significant issue we have, which is this entitlement spending issue which was reflected in the chart I held up earlier. This is a commission which would be set up, which would be bipartisan, which would be Members of the Congress, and which would essentially take a look at these programs—Social Security and Medicare specifically—and see how we can improve them, see how we can make them work more effectively but see how we can make them more affordable for our children, and then in a bipartisan way, with an overwhelming supermajority, so there is no question that anybody will be gamed, everybody will be at the table, and nobody will be gamed, bring those proposals back to Congress and vote them up or down without amendment so that we know this commission, when it makes a report, will actually get action from a report.

The problem is that we get all these commissions and they produce wonderful reports and nothing happens. This commission will have something happening. It is a critical element. It is important.

If we don't get on this issue of mandatory spending, we will be irresponsible as a generation. We are the generation that created this problem, the baby boom generation. We are the generation governing today. Probably 80 percent of the people in this body are of the baby boom generation. And what we are doing is burying our heads in the sand and passing what we know is a huge problem—which is going to occur because all the people who are going to create this problem exist and they are going to retire—we are going to pass that problem on to our children and say: You figure it out, even though it is a problem we created. That is irresponsible.

As people who have obtained a position of governing in this country, we have an absolute responsibility to our children and our children's children and to this Nation's fiscal health to address this issue, and this commission is an attempt to do that. This Stop Over-Spending Act is an attempt to do just that.

In addition, the proposal includes biannual budgeting, which is something many people around here think will help us be more efficient in the way we approach the accounts of the Federal Government. It changes and reforms a lot of what are institutional mechanisms for the purposes of managing the day-to-day business of the spending of the Federal Government by putting in place baselines which are appropriate and limitations on the ability to spend money around here under reconciliation and limitations on the ability to raise taxes arbitrarily on the American people.

So it is a balanced approach. It has 27 cosponsors, and, quite honestly, if a percentage of these proposals were adopted, we would actually have some discipline around this place in the area of fiscal policy. We would be back on a path toward making sure we have a government that people can afford, while we still have a government that is delivering the services that people want. That should be our bottom-line goal.

It is an honor for me to have a chance to introduce this today, to be the primary sponsor of it, but I especially appreciate the support of my colleagues in signing onto this bill, which I hope will be considered or at least elements of this bill will be considered because we are running out of time.

By Ms. COLLINS:

S. 31. A bill to amend the Immigration and Nationality Act to reduce fraud in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise to introduce the H–1B Visa Fraud Prevention Act of 2007.

Many American businesses rely on the H–1B visa program. When employers can demonstrate that there are too few U.S. workers to fill particular positions with defined education and skills standards, the program allows temporary, non-immigrant workers to fill vacancies in engineering, sciences, medicine, health, and other specialties.

The program is of considerable benefit to our economy. Unfortunately, there has been a long history of some unscrupulous employers attempting to abuse the H–1B program. Last fall, the Portland Press Herald newspaper in Maine printed a three-part series resulting from its in-depth investigation of H–1B abuses.

The newspaper found evidence of shell companies filing applications for H–1B visas in Maine, but no evidence of H–1B visa holders actually working for those businesses in Maine. One company rented office space in Portland for a year and submitted at least 160 H–1B and green-card applications on behalf of foreign workers, but the building manager never saw anyone there, and was asked to forward all mail to an address in New Jersey.

This legislation will help detect and prevent the kind of fraud identified by the Portland Press Herald.

Before I describe the details of my legislation, I want to acknowledge the

leadership of Senators GRASSLEY, DURBIN, GREGG, HAGEL, and LIEBERMAN on this issue. They have also drafted bills aimed at reforming the H–1B visa issuance process as well as expanding the number of H–1B visas. My hope is that we can join forces to craft an amendment to the immigration bill that will curb the fraud afflicting this program.

Specifically, my legislation is targeted at detecting employers who do not have legitimate business operations that require H–1B workers and who intend only to transfer the H–1B workers they receive to another employer. This bill prohibits employers from contracting their H–1B workers to an employer in a different State.

The Portland Press Herald's investigation showed that some employers may have filed for H–1B workers in Maine in order to take advantage of a lower prevailing wage, then transferred those employees to States where a higher prevailing wage would have been required on the H–1B application.

The legislation I am proposing would remove onerous restrictions on the Department of Labor's ability to investigate suspected fraud. It would allow the Department to investigate applications that have clear indicators of fraud or misrepresentation, instead of merely checking for completeness and obvious inaccuracies, as current law provides.

It also would expand the types of information that can be used to investigate fraudulent activity and eliminate a requirement that the Secretary of the Department of Labor personally approve each investigation. In addition, to further deter companies from filing fraudulent applications, the legislation would double the current monetary penalties.

Preventing H–1B fraud and abuse also requires that the Department of Labor work more closely with the Department of Homeland Security's U.S. Citizenship and Immigration Services, or USCIS, which is the agency that ultimately approves an H–1B visa application. To that end, this legislation requires the Director of USCIS to share with Labor information it receives from employers who file H–1B visa applications that may indicate noncompliance with the H–1B visa program.

USCIS has taken first steps to detect fraud in other types of visas. For example, last July USCIS completed an assessment of religious-worker benefit fraud that showed fraud in one-third of the cases surveyed. From these surveys, USCIS developed known indicators of fraud for religious-worker visas that it can now compare against incoming applications.

USCIS began a similar assessment of benefit fraud for H–1B visas nearly a year ago. It is not yet completed, despite repeated inquiries by my staff on its status. This legislation requires completion of the H–1B fraud assessment within 30 days, so that USCIS can begin using this valuable tool to uncover fraud in other H–1B applications.

This legislation fills gaps in our ability to ensure that H–1B visas are granted and used in the manner Congress intended. I urge my colleagues to support this proposal as we consider immigration-reform legislation.

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. 31

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 ''H–1B Visa Fraud Prevention Act of 2007''.

SEC. 2. H–1B EMPLOYER REQUIREMENTS.

(a) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer if the worksite of the receiving employer is located in a different State;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. 3. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(1) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(H) The employer''; and

(2) in subparagraph (H), as designated by paragraph (1) of this subsection—

(A) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(B) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(C) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(D) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(E) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).''.

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A), by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(G) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(H) by adding at the end the following:

''(vii) The Secretary of Labor may impose a penalty under subparagraph (C) if the Secretary, after a hearing, finds a reasonable basis to believe that—

''(I) the employer has violated the requirements under this subsection; and

''(II) the violation was not made in good faith.''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–

1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. 4. H–1B WHISTLEBLOWER PROTECTIONS.

Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

SEC. 5. FRAUD ASSESSMENT.

Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

By Mr. MCCAIN:

S. 32. A bill to reform the acquisition process of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, I am introducing this omnibus defense acquisition reform bill today to highlight the scope and urgent need for comprehensive reform in how the Pentagon procures its biggest and most expensive weapons systems.

Defense acquisition policy has been a major issue ever since President Eisenhower first warned the Nation, in 1961, about the military-industrial complex. As Operation Ill Wind in the 1980s and the Boeing tanker lease scandal just a few years ago have taught us, Eisenhower's comments apply with equal force today.

Despite the lessons of the past, the acquisition process continues to be dysfunctional. In the 110th Congress, major acquisition policy issues have arisen in some of the biggest defense programs, including the Navy transformational program, Littoral Combat Systems, LCS and the Air Force's second largest acquisition program, Combat Search and Rescue Vehicle Replacement Program, CSAR–X.

We can not do much to ensure that taxpayers' dollars are spent wisely in developing, testing and acquiring major defense systems. By increasing transparency and accountability and maximizing competition, comprehensive acquisition reform can provide the taxpayer with the best value; minimize waste, fraud and abuse; and, perhaps most importantly, help guarantee that the U.S. maintains the strongest, most capable fighting force in the world. That is what this legislative proposal is all about.

Our colleagues in the House Armed Services Committee have already taken considerable steps in this area, which I applaud. It is my intention to offer this acquisition package to the defense authorization bill this week. The defense bill which we will be considering this week in the Committee on Armed Services totals more than $650 billion. That's serious money.

As stewards of the taxpayers' dollars we must assure the public that we are buying the best programs for our servicemen and women at the best price for the taxpayer. I have already highlighted critical weapon systems with key acquisition problems. If we continue to buy weapon systems in an ineffective and inefficient manner so that costs continue to go up or the deployment of the system is delayed, it will only hurt the soldier, sailor, airman, or marine in the field.

The reason for this is quite simple. First, it does not take an economics degree to understand that the higher that costs of a weapon system unexpectedly goes up, the fewer of them we can buy. A prime example is the F–22 Raptor. The original requirement was for 781 jet fighters, now we can only afford 183. In addition, without fundamental reforms, such as I have proposed in this bill, we will continue to buy weapon systems in an ineffective manner, which usually results in long delays and unexpected cost growth, as requirements, acquisition policy and resources never get in synch.

One aspect of how the Pentagon buys the biggest weapons systems that my proposal addresses head-on is the ''requirements process''; that is, the process by which the Pentagon defines the weapon system it wants to procure. All too often, costly requirements, many of which are unrelated to what the unified commands say they need, are piled on to these programs irresponsibly, without regard to the bottom-line. Just as egregious is the tendency to drop requirements that the warfighter has said they need, which sometimes justified the system in the first instance.

There is an emerging consensus that one way of addressing these, and related, problems is by integrating processes, that is, aligning the acquisition, resources, and requirements spheres of the procurement process in a way that provides the necessary accountability and agility for the Pentagon to make sound judgments on its defense investments. Historically, each sphere has been stove-piped and allowed to operate independently in a way that has produced poor cost, scheduling and performance outcomes, to the detriment of both the taxpayer and the warfighter.

Elements of this legislative proposal that provide for ''integrated processes'' include 1. having the Service Chiefs help oversee acquisition management decisions; 2. standing-up a ''tri-chair committee''—so-called because it will be that headed by the primary players in the acquisition, resources and requirements communities—that can help make enterprise-wide investment decisions more powerfully and with greater agility than any other procurement-related organization currently within the Pentagon 3. increasing the membership of the Pentagon's main requirements-setting body to include leadership from all three spheres; and 4. setting out guidelines that, when coupled with certain provisions currently under law, can help the Pentagon better manage unexpected cost growth.

Other elements of this proposal address particular structural problems in major weapons procurement that Congress has observed over the last few years. One such provision restricts the services from entering into multiyear contracts irresponsibly when buying weapons. Buying weapons under a multiyear contract restricts Congress's ability to exercise appropriate oversight. If Congress bought these items under a series of annual contracts, there would be a meaningful opportunity for it to annually review the programs' progress. For this reason, using multiyear contracts should be limited to only the best performing and most stable programs. The approach provided for under this legislative proposal would help to ensure that.

Other elements of this proposal would help reign in abuses in how the Government pays award fees and require defense contractors to maintain a robust internal ethics compliance program that can help maintain effective oversight of defense programs.

In developing this reform package, I have pulled the ''best of the best,'' that is, the best, most powerful ideas which enjoy the broadest consensus among some of the most respected experts, whose ideas have been ventilated in public hearings and reps over the last 3 years, including the Defense Acquisition Performance Assessment Report, a.k.a. the DAPA or the Kadish Report; the Center for Strategic International Studies' CSIS, Beyond Goldwater-Nichols Report; the section 804 report from the Undersecretary of Defense for Acquisition, Technology and Logistics; a number of reports and analyses from the Government Accountability Office and the Congressional Research Service; and others. Some of the elements of this package also institutionalize good ideas that the Pentagon has informally put in place recently.

Acquisition reform of a bureaucracy as large as the Pentagon does not happen overnight. That is why we need to act now. Our defense spending has doubled in the last decade, from $350 billion to $650 billion. Every American I talk to as I cross the country understands that we need to spend as much as necessary for national defense. However, how much is enough? Taxpayers also expect that we spend his or her hard-earned tax dollars in a sound and cost-effective manner. We have not been fulfilling that expectation. We need to. This proposed legislation sets us on that course.

Chairman LEVIN and I have discussed the need for greater oversight in the Senate Armed Services Committee and the common goal of producing concrete results on acquisition reform this year. I look forward to working with Chairman LEVIN to fully adopt this acquisition package this week and also working with his capable staff in taking comprehensive steps, similar to what our House colleagues have done, to assure that we buy weapon systems at the best price and field them as soon as practicable.

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

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

S. 32

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 ''Defense Acquisition Reform Act of 2007''.

SEC. 2. JOINT REQUIREMENTS OVERSIGHT COUNCIL EVALUATION OF MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CERTAIN COST INCREASES.

(a) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

''§ 2433a. Joint Requirements Oversight Council evaluation of programs experiencing certain cost increases

''(a) IN GENERAL.—The Secretary concerned may not reprogram funds for a major defense acquisition program described in subsection (b), or otherwise provide or provide for additional funding for such a program, until the Joint Requirements Oversight Council submits to the Secretary an assessment of the performance requirements for the item to be procured under the contract, including the effect of such requirements on cost increases under the program.

''(b) COVERED MAJOR DEFENSE ACQUISITION PROGRAMS.—A major defense acquisition program described in this subsection is any major defense acquisition program as follows:

''(1) A major defense acquisition program that experiences a percentage increase in the program acquisition unit cost of—

''(A) at least 10 percent over the program acquisition unit cost for the program as shown in the current Baseline Estimate for the program; or

''(B) at least 25 percent over the program acquisition unit cost for the program as shown in the original Baseline Estimate for the program.

''(2) A major defense acquisition program that is a procurement program that experiences a percentage increase in the procurement unit cost of—

''(A) at least 10 percent over the procurement unit cost for the program as shown in the current Baseline Estimate for the program; or

''(B) at least 25 percent over the procurement unit cost for the program as shown in the original Baseline Estimate for the program.

''(c) DEFINITIONS.—In this section:

''(1) The terms 'program acquisition unit cost' and 'procurement unit cost' have the meaning given those terms in section 2432(a) of this title.

''(2) The terms 'Baseline Estimate' and 'procurement program' have the meaning given those terms in section 2433(a) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such title is amended by inserting after the item relating to section 2433 the following new item:

''2433a. Joint Requirements Oversight Council evaluation of programs experiencing certain cost increases.''.

SEC. 3. MEMBERSHIP OF THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 181(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

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

''(F) the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

''(G) the Under Secretary of Defense (Comptroller).'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Program Analysis and Evaluation shall be an advisor to the Council in the performance of its mission under this section.''.

SEC. 4. REQUIREMENT OF APPROVAL OF JOINT REQUIREMENTS OVERSIGHT COUNCIL FOR INITIAL OPERATIONAL TEST AND EVALUATION IN ENVIRONMENT NOT SPECIFIED IN TEST AND EVALUATION MASTER PLAN.

Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) Initial operational test and evaluation of a major defense acquisition program may not be conducted in an environment other than the environment specified and defined in the test and evaluation master plan (TEMP) concerned without the approval of the Joint Requirements Oversight Council.'';

(3) in paragraph (4), as redesignated by paragraph (1) of this subsection, by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(4) in paragraph (5), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(5) in paragraph (6), as so redesignated—

(A) by striking ''paragraph (4)'' and inserting ''paragraph (5)''; and

(B) by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

SEC. 5. APPROVAL BY PROGRAM MANAGERS OF CERTAIN COST INCREASES IN CONTRACTS FOR THE ACQUISITION OF PROPERTY.

(a) REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations certain mechanisms that provide cost control measures in contracts for the acquisition of property for the Department of Defense that may be authorized or approved by the program manager.

(2) OBJECTIVES.—In prescribing the regulations, the Secretary shall seek, to the maximum extent practicable, to achieve cost control, the stabilization of requirements, and timely delivery in accordance with contract specifications in the performance of contracts for the acquisition of property for the Department.

(b) COVERED COST INCREASES.—The regulations required by subsection (a) shall provide that the cost increases that may be authorized or approved by a program manager under a contract shall be limited to the following:

(1) A cost increase necessary to secure or enhance safety in the property procured under the contract where the unsecure or unsafe condition or situation (as officially documented by a responsible oversight organization) is attributable to the Government.

(2) A cost increase necessary for the correction of a defect in the contract that is attributable to the Government, including a defect in contract specifications, a defect in or the unavailability of Government information necessary for the performance of the contract, or a defect in or the unavailability of Government equipment necessary for the performance of the contract.

(3) A cost increase associated with the unavailability of Government-specified, contractor-furnished equipment or components.

(4) A cost increase that is necessary for the modification of the property procured under the contract that is critical for the delivery or completion of operational testing.

(5) A cost increase resulting from a modification of applicable statutes or regulations, but only if—

(A) funds are specifically made available to implement such modification; or

(B) in the event funds are not so made available, the service acquisition executive concerned approves the cost increase.

(6) Any other cost increase approved and funded by an appropriate oversight organization that is the result of new or revised requirements or modifications that would result in an overall reduction in life cycle cost in the property procured under the contract.

(c) AVAILABILITY OF CHANGE ORDER FUNDS FOR COST INCREASES.—The regulations shall provide that amounts appropriated for a program and available for change orders to contracts under the program shall be available

for costs authorized or approved under subsection (b).

(d) PROHIBITION ON OTHER COST INCREASES.—The regulations shall prohibit the authorization or approval by a program manager of any cost increase under a contract not authorized pursuant to subsection (b).

(e) COST REDUCTIONS.—The regulations shall also authorize a program manager to authorize or approve an administrative change, whether engineering or non-engineering, to a contract for the acquisition of property for the Department if the change will reduce or have no effect on the cost of the contract.

(f) PROHIBITION ON USE OF CERTAIN COST REDUCTIONS FOR OFFSET.—The regulations shall prohibit the utilization as an offset for a cost increase in a contract under subsection (b)(6) of any reduction in the cost of the contract resulting from a cost change approved by the program manager, including a reduction attributable to a change authorized under subsection (e).

SEC. 6. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS AND THE CHIEFS OF STAFF.

(a) DEPARTMENT OF THE ARMY.—

(1) IN GENERAL.—There is in the Army a Military Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Army who have significant experience in the areas of acquisition and program management.

(2) GRADE.—The Military Deputy for Acquisition Matters has the grade of lieutenant general.

(3) DUTIES.—The Military Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Army with responsibility for acquisition matters in the supervision of acquisition matters for the Army.

(B) To report to the Chief of Staff of the Army regarding such matters.

(b) DEPARTMENT OF THE NAVY.—

(1) IN GENERAL.—There is in the Navy a Naval Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Navy and Marine Corps who have significant experience in the areas of acquisition and program management.

(2) GRADE.—The Naval Deputy for Acquisition Matters has the grade of vice admiral or lieutenant general.

(3) DUTIES.—The Naval Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Navy with responsibility for acquisition matters in the supervision of acquisition matters for the Navy.

(B) To report to the Chief of Naval Operations regarding such matters.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) IN GENERAL.—There is in the Air Force a Military Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Air Force who have significant experience in the areas of acquisition and program management.

(2) GRADE.—The Military Deputy for Acquisition Matters has the grade of lieutenant general.

(3) DUTIES.—The Military Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Air Force with responsibility for acquisition matters in the supervision of acquisition matters for the Air Force.

(B) To report to the Chief of Staff of the Air Force regarding such matters.

(d) EXCLUSION OF MILITARY DEPUTIES FROM DISTRIBUTION AND STRENGTH IN GRADE LIMITATIONS.—

(1) DISTRIBUTION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(9)(A) An officer while serving in a position specified in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for the grade of lieutenant general or vice admiral, as applicable.

''(B) A position specified in this subparagraph is each position as follows:

''(i) Military Deputy for Acquisition Matters of the Army.

''(ii) Naval Deputy for Acquisition Matters of the Navy.

''(iii) Military Deputy for Acquisition Matters of the Air Force.''.

(2) AUTHORIZED STRENGTH.—Section 526 of such title is amended by adding at the end the following new subsection:

''(g) EXCLUSION OF MILITARY DEPUTIES TO ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS.—The limitations of this section do not apply to a general or flag officer who is covered by the exclusion under section 525(b)(9) of this title.''.

SEC. 7. COMMITTEE ON STRATEGIC INVESTMENT IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a committee to ensure the effective allocation within major defense acquisition programs of the financial resources available for such programs.

(b) MEMBERS.—

(1) IN GENERAL.—The committee established under subsection (a) shall be composed of the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Vice Chairman of the Joint Chiefs of Staff.

(C) The Director of Program Analysis and Evaluation.

(D) Any other officials of the Department of Defense jointly agreed upon by the Under Secretary and the Vice Chairman.

(2) CHAIRS.—The officials referred to in subparagraphs (A) through (C) of paragraph (1) shall serve as joint chairs of the committee.

(c) DUTIES.—

(1) IN GENERAL.—The committee established under subsection (a) shall, at each point in the acquisition of a major defense acquisition program specified in paragraph (2), determine the most effective allocation among such program of the financial resources available to such program at such point. In making such determinations, the committee shall balance requirements, technological maturities, and available resources under such program utilizing solutions bounded by a time-certain and available resources (commonly referred to as ''bounded solutions''), portfolio management techniques, and other appropriate investment evaluation techniques to identify the most appropriate allocation of financial resources to meet requirements.

(2) POINTS WITHIN ACQUISITION PROCESS.—The points in the acquisition of a major defense acquisition program specified in this paragraph are the points as follows:

(A) At an appropriate point early in the acquisition jointly specified by the Under Secretary and the Vice Chairman.

(B) At such other point in the acquisition as the Under Secretary and the Vice Chairman shall jointly specify for purposes of this section or otherwise jointly specify for purposes of the program.

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' means a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 8. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE ORGANIZATION AND STRUCTURE FOR THE ACQUISITION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on potential modifications of the organization and structure of the Department of Defense for the acquisition of major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall include the results of a review, conducted by the Comptroller General for purposes of the report, regarding the feasibility and advisability of, at a minimum, the following:

(1) Establishing system commands within each military department, each of which commands would be headed by a 4-star general officer, to whom the program managers and program executive officers for major defense acquisition programs would report.

(2) Revising the acquisition process for major defense acquisition programs by establishing shorter, more frequent acquisition program milestones.

(3) Requiring certifications of program status to the defense acquisition executive and Congress prior to milestone approval for major defense acquisition programs.

(4) Establishing a new office (to be known as the ''Office of Independent Assessment'') to provide independent cost estimates and performance estimates for major defense acquisition programs.

(5) Establishing a milestone system for major defense acquisition programs utilizing the following milestones (or such other milestones as the Comptroller General considers appropriate for purposes of the review):

(A) MILESTONE 0.—The time for the development and approval of a mission need statement for a major defense acquisition program.

(B) MILESTONE 1.—The time for the development and approval of a capability need definition for a major defense acquisition program, including development and approval of a certification statement on the characteristics required for the system under the program and a determination of the priorities among such characteristics.

(C) MILESTONE 2.—The time or technology development and assessment for a major defense acquisition program, including development and approval of a certification statement on technology maturity of elements under the program.

(D) MILESTONE 3.—The time for system development and demonstration for a major defense acquisition program, including development and approval of a certification statement on design proof of concept.

(E) MILESTONE 4.—The time for final design, production prototyping, and testing of a major defense acquisition program, including development and approval of a certification statement on cost, performance, and schedule in advance of initiation of low-rate production of the system under the program.

(F) MILESTONE 5.—The time for limited production and field testing of the system under a major defense acquisition program.

(G) MILESTONE 6.—The time for initiation of full-rate production of the system under a major defense acquisition program.

(6) Requiring the Milestone Decision Authority for a major defense acquisition program to specify, at the time of Milestone B approval, or Key Decision Point B approval, as applicable, the period of time that will be

required to deliver an initial operational capability to the relevant combatant commanders.

(7) Establishing a materiel solutions process for addressing identified gaps in critical warfighting capabilities, under which process the Under Secretary of Defense for Acquisition, Technology, and Logistics circulates among the military departments and appropriate Defense Agencies a request for proposals for technologies and systems to address such gaps.

(c) CONSULTATION.—In conducting the review required under subsection (b) for the report required by subsection (a), the Comptroller General shall obtain the views of the following:

(1) Senior acquisition officials currently serving in the Department of Defense.

(2) Individuals who formerly served as senior acquisition officials in the Department of Defense.

(3) Participants in previous reviews of the organization and structure of the Department of Defense for the acquisition of major weapon systems, including the President's Blue Ribbon Commission on Defense Management in 1986.

(4) Other experts on the acquisition of major weapon systems.

(5) Appropriate experts in the Government Accountability Office.

SEC. 9. CHANGES TO MILESTONE B CERTIFICATIONS.

Section 2366a of title 10, United States Code, is amended—

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

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

''(b) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received certification under subsection (a) shall immediately notify the milestone decision authority of any changes to the program that are—

''(A) inconsistent with such certification; or

''(B) deviate significantly from the material provided to the milestone decision authority in support of such certification.

''(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification concerned or rescind Milestone B approval (or Key Decision Point B approval in the case of a space program) if the milestone decision authority determines that such action is in the best interest of the national security of the United States.'';

(3) in subsection (c), as redesignated by paragraph (1)—

(A) by inserting ''(1)'' before ''The certification''; and

(B) by adding at the end the following new paragraph (2):

''(2) Any information provided to the milestone decision authority pursuant to subsection (b) shall be summarized in the first Selected Acquisition Report submitted under section 2432 of this title after such information is received by the milestone decision authority.''; and

(4) in subsection (e), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (d)''.

SEC. 10. BUSINESS CASE ANALYSIS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS BEFORE MILESTONE B APPROVAL.—The milestone decision authority for a major defense acquisition program may not grant Milestone B approval for the program until the milestone decision authority obtains from a federally funded research and development center (FFRDC) a business case analysis for the program meeting the requirements of subsection (c).

(b) ANALYSIS FOLLOWING DEVIATIONS FROM MILESTONE B APPROVAL CERTIFICATION.—If the milestone decision authority for a major defense acquisition program determines that information provided to the milestone decision authority by the program manager reveals changes to the program that are inconsistent with the certification for Milestone B approval with respect to the program under section 2366a(a) of title 10, United States Code, or that significantly deviate from the material provided to the milestone decision authority in support of such certification, the milestone decision authority shall require the conduct by a federally funded research and development center of a new business case analysis for the program meeting the requirements of subsection (c).

(c) ELEMENTS OF BUSINESS CASE ANALYSIS.—The business case analysis for a major defense acquisition program under this section shall ensure the following:

(1) That the needs of the user for the system under the program have been accurately defined.

(2) That alternative approaches to satisfying such needs have been properly analyzed, and that the quantities of the system required are well understood.

(3) That the system developed or, in the case of a new developmental program, the system to be developed, is producible at a cost that matches the expectations and financial resources of the system user.

(4) That the developer has the resources to design the system with the features that the user wants and to deliver the system when the user needs the system.

(d) SUBMITTAL TO CONGRESS.—Each business case analysis conducted under this section shall be submitted to the congressional defense committees not later than seven days after the date on which such business case analysis is submitted to the milestone decision authority under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''major defense acquisition program'' means a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

(2) The term ''Milestone B approval'', with respect to a major defense acquisition program, has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

SEC. 11. GUIDANCE ON UTILIZATION OF AWARD FEES IN CONTRACTS UNDER DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations guidance on the appropriate use of award fees in contracts under Department of Defense acquisition programs.

(b) UTILIZATION OF OBJECTIVE CRITERIA IN ASSESSMENT OF CONTRACTOR PERFORMANCE.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide that, to the extent practicable, objective criteria are utilized in the assessment of contractor performance in Department acquisition programs.

(2) MIXED UTILIZATION OF OBJECTIVE AND SUBJECTIVE CRITERIA.—The regulations shall provide that, in any case in which objective criteria are available for the assessment of contractor performance, the program manager and contracting officer concerned may elect to assess contractor performance through an appropriate mixture of objective criteria and such subjective criteria as the program manager and contracting officer jointly consider appropriate under a contract providing both incentive fees and awards fees, including a cost-plus-incentive/award fee contract or a fixed-price-incentive/award fee contract.

(3) UTILIZATION OF SUBJECTIVE CRITERIA.—

(A) IN GENERAL.—The regulations shall provide that, if it is determined that objective criteria do not exist and it is appropriate to use a cost-plus-award-fee contract, the head of the contracting activity concerned shall find that the work to be performed under the contract is such that it is not feasible or effective to establish objective incentive criteria for the contract.

(B) DELEGATION.—The authority to make a determination and finding under subparagraph (A) may be delegated by the head of a contracting activity but only to an official in the contracting activity who is one level lower in the contracting chain of authority than the head of the contracting activity.

(c) SCHEDULE FOR AWARD FEES.—

(1) IN GENERAL.—The regulations required by subsection (a) shall set forth a schedule of ratings of contractor performance for award fees in contracts under Department acquisition programs, including—

(A) a range of authorized ratings;

(B) the contractor performance required for each authorized rating; and

(C) the percentage of potential award fees payable as a result of the achievement of each authorized rating.

(2) AUTHORIZED RATINGS AND PERFORMANCE.—The schedule shall set forth a range of authorized ratings and associated contractor performance as follows:

(A) Outstanding, for a contractor who meets—

(i) the minimum essential requirements of the contract; and

(ii) at least 90 percent of the criteria for the award of award fees under the contract.

(B) Excellent, for a contractor who meets—

(i) the minimum essential requirements of the contract; and

(ii) at least 75 percent of the criteria for the award of award fees under the contract.

(C) Good, for a contractor who meets—

(i) the minimum essential requirements under the contract; and

(ii) at least 50 percent of the criteria for the award of award fees under the contract.

(D) Satisfactory, for a contractor who meets the minimum essential requirements under the contract but does not meet at least 50 percent of the criteria for the award of award fees under the contract.

(E) Unsatisfactory, for a contractor who does not meet the minimum essential requirements under the contract.

(3) AWARD FEES PAYABLE.—The schedule shall provide that the amount payable from amounts available for the payment of award fees under a contract (commonly referred to as an ''award fee pool'') to a contractor who achieves a particular rating under the schedule shall be the percentage of such amounts, as determined appropriate by the contracting officer, from the percentages as follows:

(A) In the case of outstanding, 90 percent to 100 percent.

(B) In the case of excellent, 75 percent to 90 percent.

(C) In the case of good, 50 percent to 75 percent.

(D) In the case of satisfactory, not more than 50 percent.

(E) In the case of unsatisfactory, 0 percent.

(d) ESTABLISHMENT OF AWARD FEE REQUIREMENTS.—The regulations required by subsection (a) shall provide that the requirements to be satisfied for the award of award fees under a contract shall be determined by the contracting officer, in consultation with the program manager concerned and the fee determining official for the contract. The specification of such requirements in the contract may be referred to as the ''Award Fee Plan'' for the contract.

(e) ROLLOVER OF AWARD FEES TO LATER AWARD PERIODS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall establish a negative presumption against the rollover of amounts available for the payment of award fees under a contract from one award fee period under the contract to another award fee period under the contract unless the rollover of such amounts is specifically set forth in the acquisition strategy under which the contract is entered into.

(2) LIMITATION ON AMOUNT OF ROLLOVER.—The regulations shall set forth specific limits on the amount available for the payment of award fees under a contract that may be rolled over from one award fee period under the contract to another award fee period under the contract. Such limits may be expressed as specific dollar amounts or as percentages of the amount available for payment of award fees under the contract concerned.

(3) DOCUMENTATION OF ROLLOVER.—The regulations shall require that any determination by the fee determining official to roll over amounts available for the payment of award fees under a contract from one award fee period under the contract to another award fee period under the contract shall be included in writing in the contract file for the contract.

SEC. 12. SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.

(a) DEFINITION IN REGULATIONS OF SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations prescribed pursuant to subsection (b)(2)(A) of section 2306b of title 10, United States Code, to define the term ''substantial savings'' for purposes of subsection (a)(1) of such section. Such regulations shall specify the following:

(A) Savings that exceed 10 percent of the total anticipated costs of carrying out a program through annual contracts shall be considered to be substantial.

(B) Savings that exceed 8 percent of the total anticipated costs of carrying out a program through annual contracts, but do not exceed 10 percent of such costs, shall not be considered to be substantial unless the following conditions are satisfied:

(i) The program has not breached any threshold under section 2433 of title 10, United States Code, during the two-year period ending on the date on which the military department concerned first submits to Congress a multiyear procurement proposal with respect to the program.

(ii) The program is estimated to save at least $500,000,000 under a multiyear contract, as compared to annual contracts

(C) Savings that do not exceed 8 percent of the total anticipated costs of carrying out a program through annual contracts shall not be considered to be substantial.

(2) DETERMINATION OF SAVINGS.—The regulations required under this subsection shall require that the determination of the amount of savings to be achieved under a multiyear contract, including whether or not such savings are treatable as substantial savings for purposes of subsection (a)(1) of section 2306b of title 10, United States Code, shall be made by the Cost Analysis Improvement Group (CAIG) of the Department of Defense.

(3) EFFECTIVE DATE.—The modification required by paragraph (1) shall apply with regard to any multiyear contract that is authorized after the date that is 60 days after the date of the enactment of this Act.

(b) REPORTS ON SAVINGS ACHIEVED.—

(1) REPORTS REQUIRED.—Not later than January 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees a report on the savings achieved through the use of multiyear contracts that were entered under the authority of section 2306b of title 10, United States Code, and the performance of which was completed in the preceding fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall specify, for each multiyear contract covered by such report—

(A) the savings that the Department of Defense estimated it would achieve through the use of the multiyear contract at the time such contract was awarded; and

(B) the best estimate of the Department on the savings actually achieved under such contract.

SEC. 13. INVESTMENT STRATEGY FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an investment strategy for the allocation of funds and other resources among major defense acquisition programs.

(b) ELEMENTS.—The strategy required by subsection (a) shall do the following:

(1) Establish priorities among needed capabilities under major defense acquisition programs, and to assess the resources (including funds, technologies, time, and personnel) needed to achieve such capabilities.

(2) Balance cost, schedule, and requirements for major defense acquisition programs to ensure the most efficient use of Department of Defense resources.

(3) Ensure that the budget, requirements, and acquisition processes of the Department of Defense work in a complementary manner to achieve desired results.

(c) RECOMMENDATIONS.—In submitting the strategy required by subsection (a), the Secretary shall include any recommendations, including recommendations for legislative action, that the Secretary considers appropriate to implement the strategy.

(d) UTILIZATION FOR BUDGET PURPOSES.—The Secretary shall utilize the strategy required by subsection (a) in developing requests for funding and other resources to be allocated to major defense acquisition programs under the budget of the President to be submitted to Congress each fiscal year under section 1105(a) of title 31, United States Code.

(e) CURRENT PROGRAMS BEYOND MILESTONE B APPROVAL.—Pending completion of the strategy required by subsection (a), the Secretary shall, to the extent practicable, establish priorities in the allocation of funds and other resources for major defense acquisition programs that have Milestone B approval in order to ensure the acquisition of items under such programs in the most cost-effective and efficient manner.

(f) DEFINITIONS.—In this section:

(1) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

(2) The term ''Milestone B approval'' has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

SEC. 14. ETHICS COMPLIANCE BY DEPARTMENT OF DEFENSE CONTRACTORS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations a requirement that a contracting officer of the Department of Defense may not determine a contractor to be responsible for purposes of the award of a new covered contract for the Department, or an agency or component of the Department, unless the entity to be awarded the contract has in place, by the deadline specified in subsection (c), an internal ethics compliance program, including a code of ethics and internal controls, to facilitate the timely detection and disclosure of improper conduct in connection with the award or performance of the covered contract and to ensure that appropriate corrective action is taken with respect to such conduct.

(b) ELEMENTS OF ETHICS COMPLIANCE PROGRAM.—Each ethics compliance program required of a contractor under subsection (a) shall include the following:

(1) Requirements for periodic reviews of the program for which the covered contract concerned is awarded to ensure compliance of contractor personnel with applicable Government contracting requirements, including laws, regulations, and contractual requirements.

(2) Internal reporting mechanisms, such as a hot-line, for contractor personnel to report suspected improper conduct among contractor personnel.

(3) Audits of the program for which the covered contract concerned is awarded.

(4) Mechanisms for disciplinary actions against contractor personnel found to have engaged in improper conduct, including the exclusion of such personnel from the exercise of substantial authority.

(5) Mechanisms for the reporting to appropriate Government officials, including the contracting officer and the Office of the Inspector General of the Department of Defense, of suspected improper conduct among contractor personnel, including suspected conduct involving corruption of a Government official or individual acting on behalf of the Government, not later than 30 days after the date of discovery of such suspected conduct.

(6) Mechanisms to ensure full cooperation with Government officials responsible for investigating suspected improper conduct among contractor personnel and for taking corrective actions.

(7) Mechanisms to ensure the recurring provision of training to contractor personnel on the requirements and mechanisms of the program.

(8) Mechanisms to ensure the oversight of the program by contractor personnel with substantial authority within the contractor.

(c) DEADLINE FOR PROGRAM.—The deadline specified in this subsection for a contractor having in place an ethics compliance program required under subsection (a) for purposes of a covered contract is 30 days after the date of the award of the contract.

(d) DETERMINATION OF EXISTENCE OF PROGRAM.—In determining whether or not contractor has in place an ethics compliance program required under subsection (a), a contracting officer of the Department may utilize the assistance of the Office of the Inspector General of the Department of Defense.

(e) SUSPENSION OR DEBARMENT.—The regulations prescribed under subsection (a) shall provide that any contractor under a covered contract whose personnel are determined not to have reported suspected improper conduct in accordance with the requirements and mechanisms of the ethics compliance program concerned may, at the election of the Secretary of Defense, be suspended from the contract or debarred from further contracting with the Department of Defense.

(f) COVERED CONTRACT DEFINED.—In this section, the term ''covered contract'' means any contract to be awarded to a contractor of the Department of Defense if, in the year before the contract is to be awarded, the total amount of contracts of the contractor with the Federal Government exceeded $5,000,000.

SEC. 15. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS ON TOTAL OWNERSHIP COSTS AND READINESS RATES FOR MAJOR WEAPON SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the extent of the implementation of the recommendations set forth in the February 2003 report of the Government Accountability Office entitled ''Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs''.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each recommendation described in subsection (a) that has been implemented, or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement such recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of such recommendation.

(2) For each recommendation that the Secretary has not implemented and does not plan to implement—

(A) the reasons for the decision not to implement such recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary has taken or plans to take to ensure that total ownership cost is appropriately considered in the requirements process for major weapon systems.

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 35. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

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

S. 35

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 ''Western Hemisphere Traveler Improvement Act of 2007''.

SEC. 2. CERTIFICATIONS.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking ''process'' and inserting ''read''; and

(ii) inserting ''at all ports of entry'' after ''installed'';

(B) in clause (vi), by striking ''and'' at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(viii) a pilot program in which not fewer than 1 State has been initiated and evaluated to determine if an enhanced driver's license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual's driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

''(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

''(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

''(xi) sufficient passport adjudication personnel have been hired or contracted—

''(I) to accommodate—

''(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

''(bb) a surge in such demand during seasonal peak travel times; and

''(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks.''; and

(2) by adding at the end the following:

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

''(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses;

''(vi) recommendations for improving the pilot program; and

''(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver's license program as compared with participating in an alternative program.''.

SEC. 3. SPECIAL RULE FOR MINORS.

Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MINORS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

''(A)(i) is less than 16 years old;

''(ii) is accompanied by the individual's legal guardian;

''(iii) is entering the United States from Canada or Mexico;

''(iv) is a citizen of the United States or Canada; and

''(v) provides a birth certificate; or

''(B)(i) is less than 18 years old;

''(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization, or team associated with a youth athletics organization; and

''(iii) provides a birth certificate.''.

SEC. 4. TRAVEL FACILITATION INITIATIVES.

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsections:

''(e) STATE DRIVER'S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

''(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

''(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver's license or identity card meets the requirements of this paragraph if—

''(A) the license or card—

''(i) was issued by a State that is participating in the Program; and

''(ii) is tamper-proof and machine readable; and

''(B) the State that issued the license or card—

''(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

''(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

''(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

''(4) ADMISSION OF CITIZENS OF CANADA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

''(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

''(5) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

''(A) from a country other than Canada; or

''(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

''(6) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall

have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

''(7) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

''(f) WAIVER FOR INTRASTATE TRAVEL.—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a noncontiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

''(g) WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

''(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

''(B) develop not fewer than 6 mobile enrollment teams that—

''(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

''(ii) are operated along the northern and southern borders of the United States; and

''(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

''(2) DESIGNATION OF CITIES AND PORTS OF ENTRY.—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

''(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

''(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

''(h) COST-BENEFIT ANALYSIS.—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

''(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

''(2) any potential savings that would result from the implementation of the State Driver's License and Identity Card Enrollment Program established under subsection (e) as an alternative to passports and passport cards.

''(i) REPORT.—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

''(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

''(A) the average delay at border crossings; and

''(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

''(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

''(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

''(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.''.

SEC. 5. SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.

The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

SEC. 6. PASSPORT PROCESSING STAFF AUTHORITIES.

(a) REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(1) in paragraph (1), by striking ''To facilitate'' and all that follows through '', the Secretary'' and inserting ''The Secretary''; and

(2) in paragraph (2), by striking ''2008'' and inserting ''2010''.

(b) REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking ''to facilitate'' and all that follows through ''Afghanistan,''; and

(2) in paragraph (2), by striking ''2008'' and inserting ''2010''.

SEC. 7. REPORT ON BORDER INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(1) the ability of frequent travelers to access dedicated lanes for such travel;

(2) the total time required for border crossing, including time spent prior to ports of entry;

(3) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(4) the adequacy of readers to rapidly read identity documents of such individuals.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 1445. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Health, Education, Labor and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague Senator HUTCHISON in introducing the Hepatitis C Epidemic Control and Prevention Act of 2007. Senator HUTCHISON's leadership has been essential in developing this legislation, which will encourage programs for hepatitis C across the country similar to the programs that have been so effective in Texas. Our goal is to expand and improve health education, screening, and treatment to deal more effectively with the epidemic of hepatitis C.

Hepatitis C is a life-threatening disease caused by a virus and is the most common chronic, blood-borne infection in the United States. An estimated 5 million people, almost 2 percent of the population, are now infected with the hepatitis C virus. More than half a million of these Americans are suffering from chronic infection, and 30,000 more are infected every year.

Those infected come from all walks of life, and their numbers are growing fast. People at greatest risk include emergency service personnel, veterans, health care workers, and intravenous drug and methamphetamine users. Hepatitis C also disproportionately affects medically underserved populations, including African Americans, Native Americans, persons of Hispanic or Asian/Pacific Island descent, and the homeless.

It is truly a ''silent'' epidemic since the vast majority of these individuals are unaware of their infection. Millions are not receiving the care that could slow the progression of the disease or even cure it. Those who are not aware of their infection are less likely to take precautions against spreading the disease to others. Unlike the hepatitis A and B viruses, there is no vaccine currently available to prevent hepatitis C infection. It is critical to improve the screening process, so that everyone infected can be identified, obtain treatment, and learn healthier behavior.

The infection has serious health effects. It can cause liver disease, including cirrhosis and liver cancer, and is the leading cause of adult liver transplants. Chronic liver disease, most of

which is caused by this virus, is now the most common cause of death among persons infected with HIV. In addition to the human costs, the disease has massive financial implications. Direct medical costs associated with care are alone expected to exceed $1 billion a year by 2010, and those costs will undoubtedly increase without better prevention and treatment programs.

Greater Federal investment will play a critical role in reversing this silent epidemic. Our bill will increase public awareness of the dangers of hepatitis C, and make testing widely available. For those already infected, it will provide counseling, referrals, and vaccination against hepatitis A and B and other infectious diseases. It will also support research, including the development of a vaccine against hepatitis C. It also supports increased hepatitis C surveillance activities by the Centers for Disease Control and Prevention, and creates hepatitis C coordinators to provide technical assistance and training to State public health agencies.

This bill will have a major impact on the lives of millions of Americans who are infected by hepatitis C, and the families and loved ones who care for them. I look forward to working closely with my colleagues to act quickly to pass this needed legislation.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 1446. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARDIN. Mr. President, today I am introducing legislation to help sustain the Federal Government's longstanding commitment to the Washington Metropolitan area's Metrorail system. The National Capital Transportation Amendments Act of 2007 authorizes a total of $1,500,000,000 in matching Federal funds over the next 10 years to maintain and improve America's public transit system. It is a companion to a measure introduced in the House by Representative TOM DAVIS, with strong regional and bipartisan support, and is nearly identical to the legislation which was approved by the House in the 109th Congress.

In March 2006, the Washington Metropolitan Area Transit Authority celebrated the 30th anniversary of passenger service on the Metrorail system. Since service first began in 1976, Metrorail has grown from a 4.6-mile, five-station, 22,000-passenger system into the Nation's second busiest rapid transit operation. Today the Metrorail system consists of 106.3 miles, 86 stations and carries more than 100 million passengers a year. The Metrorail system provides a unified and coordinated transportation system for the region, enhances mobility for the millions of residents, visitors and the Federal workforce in the region, promotes orderly growth and development of the region, enhances our environment, and preserves the beauty and dignity of our Nation's Capital. It is also an example of an unparalleled partnership that spans every level of government from city to State to Federal.

As the largest employer in this region, the Federal Government has had a longstanding and unique responsibility to support the Metro system. This special responsibility was recognized more than 40 years ago in the National Capital Transportation Act of 1960, when Congress found that ''an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States.'' Today more than a third of Federal employees in this region rely on Metrorail to get to work, and at rush hour, more than 40 percent of Metro's riders are Federal employees. The service that WMATA provides is also a critical component of Federal emergency evacuation plans for the region. The Federal Government's interest in Metro is ''unique and enduring.''

It took extraordinary perseverance and effort to build the 106-mile Metorail system. From its origins in legislation first approved by the Congress during the Eisenhower Administration, three major statutes, the National Capital Transportation Act of 1969, the National Capital Transportation amendments of 1979, and the National Capital Transportation Amendments of 1990 were enacted to provide Federal and matching local funds for construction of the system. In addition, in ISTEA, TEA–21 and most-recently in SAFETEA–LU, we made the Metrorail eligible for millions of dollars in Federal funds annually to maintain and modernize the system, and provided an additional $104 million for WMATA's procurement of 52 rail cars and construction of upgrades to traction power equipment on 20 stations to allow the transit agency to expand many of its trains from 6 to 8 cars.

But the system is aging and has been experiencing increasing incidents of equipment breakdowns, delays in scheduled service, and unprecedented crowding on trains. In 2004, WMATA released a ''Metro Matters'' report which found a $1.5 billion shortfall in funding over 6 years to meet WMATA's capital and operating needs. A Blue Ribbon Panel, sponsored by the Metropolitan Washington Council of Governments, the Greater Washington Board of Trade and the Federal City Council published a report a year later which concluded that WMATA faces an average annual operating and capital shortfall of approximately $300 million between fiscal year 2006 and fiscal year 2015.

This legislation seeks to provide additional Federal funds to help close this gap. To be eligible for any Federals funds that may be appropriated annually under this legislation, the District of Columbia, the State of Maryland, and the Commonwealth of Virginia must first enact the required Compact amendments and either establish or use an existing dedicated funding source, such as Maryland's Transportation Trust fund, to provide the local matching funds. The legislation is still subject to the annual appropriations process and it is my hope that federal funding authorized under this Act will be forthcoming in future years. I urge my colleagues to join me in supporting this legislation.

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. 1446

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''National Capital Transportation Amendments Act of 2007''.

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.

The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

''AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

''SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

''(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

''(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

''(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in

subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

''(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

''(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

''(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

''(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

''(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

''(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

''(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

''(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

''(1) shall remain available until expended; and

''(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.''.

SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter referred to as the ''Transit Authority'') shall establish in the Transit Authority the Office of the Inspector General (hereafter in this section referred to as the ''Office''), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the ''Inspector General'').

(2) DEFINITION.—In paragraph (1), the ''Washington Metropolitan Area Transit Authority'' means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774).

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(3) REPORTS.—

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(2) STAFF.—

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide

necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

SEC. 4. STUDY AND REPORT BY COMPTROLLER GENERAL.

(a) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this Act).

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

Mr. WEBB. Mr. President, I am pleased to join my colleagues, Senators MIKULSKI, CARDIN and WARNER, to introduce legislation that will reaffirm the Federal Government's continuing responsibility for the Washington Metropolitan Area Transit Authority, WMATA. Our legislation, in cooperation with State and local governments of the national capital region, will aid in the preservation and maintenance of our regional transportation system.

Our predecessors in Congress had a clear vision for rapid rail and bus service that would not only transport Federal employees, residents, and visitors around the national capital region but that would also alleviate traffic congestion, spur growth and development, improve the economic welfare and vitality of all parts of the region, and ensure that all area residents have sufficient mobility options.

The Washington Metro transit system has fulfilled that vision and more, providing critical support to the Federal Government and the region during emergencies, helping to protect the environment and improve air quality in our Nation's Capital, and attracting visitors from around the country and the world to ride the system—now a monument of its own.

With the Federal Government's commitment to reduce our Nation's dependence on foreign oil and to increase national security, Federal support of the Washington Metro system is more important now than ever before. Congress has a fundamental interest in the transit system, and we must join our longstanding regional partners to help meet the demand of Metro's growing ridership and aging infrastructure.

Since the Washington Metro transit system began operating its first 4.6 miles of the Red Line between Rhode Island Avenue and Farragut North in 1976, the Metrorail system has added over 100 miles and extended operations to a total of 86 stations throughout the District of Columbia, Maryland, and Virginia. Almost half of all Metrorail stations today serve Federal facilities, and 42 percent of Metro's peak period commuters are Federal employees.

Metrorail and Metrobus ridership continue to grow as more than a million riders on average per weekday choose Metro as their preferred mode of transit for traveling around the national capital region. Metrorail ridership has grown steadily at an average annual growth of 4 percent, according to the Progress Report on the National Capital Region's Six-Year Transportation Capital Funding Needs, 2007–2012, by the Metropolitan Washington Transportation Planning Board, TPB. The report predicts that transit ridership demand will exceed system capacity by the year 2010. New funding authorized in this legislation would provide the necessary resources to increase bus and rail capacity and meet forecasted ridership demands, before the system and region become totally mired in congestion.

The Washington Metro transit system has proven critical to the Federal Government, not only in moving its employees and serving Federal facilities but also in providing significant support during emergencies. Immediately following the September 11, 2001, terrorist attack on the Pentagon, Metro continued operations and helped safely evacuate hundreds of thousands of people from the downtown core of the District of Columbia. For a 30-day period after September 11, Metro opened Metrorail service half an hour early to support the Department of Defense as it heightened security actions and encountered major traffic congestion accessing the Pentagon.

Metro is a key component in emergency transportation and continuity of operations plans for the entire region, including the civilian and military Federal workforce. Without the use of the Metro system, gridlock would ensue on the region's roadways to a degree that would make all emergency transportation evacuation plans inoperable. With enactment of the legislation we propose today, Congress will assist the Washington Metro transit system to continue to provide its vital service and bolster security measures throughout the system.

Additional funding will also enable the transit system to continue to provide the invaluable service of helping to reduce traffic congestion throughout the region. With area roadways becoming increasingly congested, the Washington Metro transit system is critical to the region's infrastructure.

According to the 2005 Urban Mobility Report by the Texas Transportation Institute, TTI, the Washington metropolitan area has the third-worst traffic congestion in the United States. Washington area commuters sat in traffic for 145.5 million hours in 2003, costing drivers an estimated $2.46 billion and wasting more than 87 million gallons of fuel. The report shows that the Washington area would have the worst congestion in the Nation if not for its public transportation system. Moreover, the report concludes that Washington Metro transit improvements are necessary to help further relieve congested corridors and serve major activity centers.

Currently, Metrorail and Metrobus services result in 580,000 cars being removed from the region's highways each weekday and eliminate the need for 1,400 additional highway lane miles. A reliable and safe public transportation system is essential to encouraging more commuters to utilize alternative modes of transportation, especially as congestion on regional roadways is projected to increase, along with strong job and population growth in the National Capital region.

The Metropolitan Washington Council of Governments, MWCOG, estimates the area's population will grow 36 percent by 2030. Already struggling to meet its current ridership demands, the Washington Metro transit system desperately needs increased support from the Federal Government and State and local governments in the national capital region to keep up with the region's current and future economic progress.

Metro is an unparalleled asset to the region, not only reducing traffic congestion and air pollutants but also helping to reduce our Nation's dependence on foreign oil. Public transportation is an inherently energy efficient travel mode, with each transit user consuming an average of one-half the oil consumed by the typical automobile user, according to the American Public Transportation Association, APTA.

Current public transportation usage reduces U.S. gasoline consumption by 1.4 billion gallons each year. In concrete terms, that means 108 million fewer cars are filling up with gas per year, or almost 300,000 per day, 34 fewer supertankers are leaving the Middle East per year, and over 140,000 fewer tanker trucks are making deliveries to service stations.

Locally, the Washington Metro transit system saves the region from using 75 million gallons of gasoline each year. As gas prices continue to rise, many Washington area residents will continue to seize upon the opportunity to save money on fuel consumption by taking public transportation. Additional Federal funding will allow Metro to purchase 340 new railcars and 275 new buses, which are necessary to accommodate more riders and help further reduce oil consumption throughout the Washington region.

Public transportation not only helps reduce our dependence on foreign oil, but it also helps reduce toxic emissions and air pollution caused by the large number of cars sitting in bumper-to-bumper traffic on area roadways. The Washington Metro transit system eliminates more than 10,000 tons of pollutants from the air each year. Much of the Metrobus fleet is comprised of eco-friendly buses that run on ultra low

sulfur diesel fuel, compressed natural gas, diesel electric hybrid and advanced technology fuels. Investing in Metro is one of the most significant contributions the Federal Government can make to help protect the environment in the Washington metropolitan area.

Reliable Metrorail and Metrobus service is an attractive alternative to sitting in traffic, but if Metro does not receive additional funding, reliability will diminish along with the public's confidence in the transit system. Already, Metro is struggling to accommodate more riders and modernize its existing assets. Additional dedicated sources of funding are needed if Metro is to continue to serve the Federal workforce and thousands of other area residents and visitors.

For the past 30 years, the Washington Metro transit system has been a bedrock for the national capital region, providing reliable transportation, facilitating day-to-day operations of the Federal Government, spurring economic growth and sensible development, reducing sprawl and traffic congestion, and improving the quality of life for the region's citizens and visitors to the Nation's Capital.

The future of Metro and its continued success relies upon consistent support from the Federal Government and the regional localities it serves. Now is the time for the Federal Government to commit itself to providing more long-term Federal funding for the Washington Metro system. Together, along with our jurisdictional partners, we must continue to invest in the transit system that has brought so many rewards not only to the region but also to the Federal Government and the entire Nation. I urge my colleagues to support this bill as it moves through the Senate.

By Mr. REED (for himself, Mr. LEAHY, and Mr. CORNYN):

S. 1448. A bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government; to the Committee on the Judiciary.

Mr. REED. Mr. President, on April 16, 2007, our Nation faced a terrible tragedy, the deadliest shooting in the history of our Nation. I want to express my sympathy to the victims of this senseless violence, one of whom was Daniel O'Neil, a 22-year-old Virginia Tech graduate student from Lincoln, RI.

The unfortunate truth is that this unspeakable event could have happened on any campus, anywhere. It highlighted how vulnerable our Nation's university and college campuses can be to this type of attack.

Today, I am reintroducing the Equity in Law Enforcement Act, to extend Federal benefits to law enforcement officers who serve private institutions of higher education and rail carriers, including line-of-duty death benefits under the Public Safety Officers' Benefits Program, and eligibility for bulletproof vest partnership grants through the Department of Justice. This legislation would give sworn, licensed, or certified police officers serving private institutions of higher education and rail carriers the same Federal benefits that apply to law enforcement officers serving units of State and local government.

The Public Safety Officers' Benefits, PSOB, Act of 1976 was enacted to aid in the recruitment and retention of law enforcement officers and firefighters by providing a one-time financial benefit to the eligible survivors of public safety officers whose deaths are the direct result of traumatic injury sustained in the line of duty. Specifically, this law addresses concerns that the hazards inherent in law enforcement and fire suppression, and the low level of State and local death benefits, might discourage qualified individuals from seeking careers in these fields.

The same risks also apply to police officers protecting our private universities and railways. Unfortunately, the Public Safety Officers' Benefits Act omitted coverage to sworn officers who are privately employed, even though they enforce the law and have arrest powers within their jurisdiction. These brave officers, who protect our college and university campuses and railways every day and receive the same training as their government counterparts, are thus excluded from receiving the same line-of-duty Federal death benefits as law enforcement officers serving units of State and local governments.

According to the National Law Enforcement Officers Memorial Fund, 25 college or university officers have been killed in the line of duty since September 20, 1963. The names of these 25 officers, including Officer Joseph Francis Doyle, who was killed in the line of duty at Brown University in 1988, as well as 59 railway officers who have been killed in the line-of-duty are inscribed on the Memorial.

Since September 2004, three sworn campus police officers have been killed in the line-of-duty. Two of these officers were from public universities: the University of Florida and the University of Mississippi, whose sworn officers are covered by the Public Safety Officers' Benefits Act. The third, however, was Butler University Police Department Officer James L. Davis, Jr., who was shot and killed in the line of duty on September 24, 2004, while responding to a campus disturbance. Because Butler University is a private university, Officer Davis was not eligible for the same Federal benefits as his counterparts at the University of Florida or the University of Mississippi.

I am pleased that Senators LEAHY and CORNYN have joined me in introducing this legislation to help remedy this discrepancy in death benefit payments for law enforcement officers and ensure that these public safety officers have access to the protective equipment they need.

The bill would apply only to sworn peace officers who receive State certification or licensing, and is supported by the International Association of Chiefs of Police, IACP, and the International Association of Campus Law Enforcement Administrators, IACLEA. Indeed, the benefits of this legislation far outweigh the costs. A 2004 analysis by the Congressional Budget Office found that there would be no significant budget impact by its enactment.

I urge my colleagues to join me, and Senators LEAHY and CORNYN, in cosponsoring and passing the Equity in Law Enforcement Act, to ensure that the brave officers that serve and protect our private college and university campuses and railways receive the benefits that they deserve. 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. 1448

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 ''Equity in Law Enforcement Act''.

SEC. 2. LINE-OF-DUTY DEATH AND DISABILITY BENEFITS.

Section 1204(8) of part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(8)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) an individual who is—

''(i) serving a private institution of higher education in an official capacity, with or without compensation, as a law enforcement officer; and

''(ii) sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority); or

''(E) a rail police officer who is—

''(i) employed by a rail carrier; and

''(ii) sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority).''.

SEC. 3. LAW ENFORCEMENT ARMOR VESTS.

(a) GRANT PROGRAM.—Section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a)—

(A) by striking ''and Indian tribes'' and inserting ''Indian tribes, private institutions of higher education, and rail carriers''; and

(B) by inserting before the period the following: ''and law enforcement officers serving private institutions of higher education and rail carriers who are sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority)'';

(2) in subsection (b)(1), by striking ''or Indian tribe'' and inserting ''Indian tribe, private institution of higher education, or rail carrier''; and

(3) in subsection (e), by striking ''or Indian tribe'' and inserting ''Indian tribe, private institution of higher education, or rail carrier''.

(b) APPLICATIONS.—Section 2502 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–1) is amended—

(1) in subsection (a), by striking ''or Indian tribe'' and inserting ''Indian tribe, private institution of higher education, or rail carrier''; and

(2) in subsection (b), by striking ''and Indian tribes'' and inserting ''Indian tribes, private institutions of higher education, and rail carriers''.

(c) DEFINITIONS.—Section 2503(6) of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll–2(6)) is amended by striking ''or Indian tribe'' and inserting ''Indian tribe, private institution of higher education, or rail carrier''.

SEC. 4. BYRNE GRANTS.

Section 501(b)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(2)) is amended by inserting after ''units of local government'' the following: '', private institutions of higher education, and rail carriers''.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1449. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geologic artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature and Science in Denver, Colorado; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today Senator ALLARD and I introduced the ''Rocky Mountain Science Collections Center Act of 2007,'' a bill to establish a secure collections facility and education center for archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from throughout the Rocky Mountain region at the Denver Museum of Nature & Science, Denver, Colorado.

Our bill would authorize $15 million, subject to appropriations, for the Secretary of Interior to provide grants to pay the Federal share, 50 percent of the cost of constructing appropriate, museum-standard facilities to house the collections of the Museum.

Since its founding in 1900, the Denver Museum of Nature & Science has been the principal natural history museum between Chicago and Los Angeles and has educated more than 70 million visitors. The Museum holds more than a million objects in public trust. Together, the Museum's collections, library, and archives provide the foundation for understanding science and the natural and cultural history of the region and serve as the primary resource for informal science education to Colorado school and general audiences. The Museum is a world leader in creating opportunities that allow the general public to participate in authentic collection based scientific research.

The majority of the collections that the Museum maintains in perpetuity are acquired through federal authorization, are cared for on behalf of Federal agencies, or are controlled by federal legislation. Of the more than 840,000 items in the Museum's collection, more than half were recovered from federally managed public land. Construction of on-site collection facilities, exhibition facilities and an education center for the Museum will provide a secure facility for the collection and ensure that it is accessible to members of the public, universities and research scientists alike. The Federal cost share will help pay for construction as well as the costs of design, planning, furnishing, equipping and supporting the Museum.

For the benefit of my colleagues, here is a summary of the bill's provisions:

Section 1. Short Title. The Rocky Mountain Science Collections Center Act of 2007.

Section 2. Findings. Recites several of the findings of Congress, including the size and breadth of the collections held by the Denver Museum of Nature and Science and the finding that significant portions of these collections were recovered from public lands managed by various Federal agencies. The Denver Museum of Nature and Science is the federally designated repository for these collections and as such is governed by various Federal statutes and regulations in carrying out its trustee responsibilities.

Section 3. Definitions. The term ''Museum'' in the Act refers to the Denver Museum of Nature and Science. The term ''Secretary'' in the Act refers to the Secretary of the Department of the Interior.

Section 4. Grant to the Museum. This section provides that the Secretary may provide grants to pay for the Federal share of the cost of constructing appropriate, Museum standard facilities to house the collections of the Museum. The Federal share reflects the continuing Federal ownership of the artifacts and other scientifically significant materials held by the Museum in a trust responsibility. This section authorizes the use of any grant funds for construction, design, engineering, plans, equipment, furnishing and other services or goods in furtherance of the construction of the Collections Center.

Subsection 4 (b). Application. The subsection provides an application process whereby the Museum provides the Secretary with the necessary documentation and information to assure the Secretary that grant proceeds are expended for the intended result.

Subsection 4 (c). Matching Funds. This subsection requires the Museum to provide a match for any amounts granted under the section and allows the Museum to use cash, in-kind donations and/or services in satisfaction of the match requirement.

Subsection 4 (d). Authorization. The Act authorizes $15,000,000 to be appropriated to the Secretary in carrying out the Act; such funds to remain available until expended.

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

S. 1450. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to introduce the Housing Assistance Council Authorization Act. This legislation will authorize appropriations for the Housing Assistance Council, HAC, which has been committed to developing affordable housing in rural communities for over 35 years.

The bill provides $10 million for HAC in fiscal year 2008 and then $15 million in fiscal year 2009–2014. In the past, the Council has received appropriations from the Self Help and Assisted Homeownership Opportunity Program. The funding has helped HAC provide loans to 1,875 organizations across the country, raise and distribute over $5 million in capacity building grants and hold regional training workshops. These critical services help local organizations, rural communities and cities develop safe and affordable housing.

Throughout the country, approximately one-fifth of the Nation's population lives in rural communities. About 7.5 million of the rural population is living in poverty and 2.5 million of them are children. Nearly 3.6 million rural households pay more than 30 percent of their income in housing costs. While housing costs are generally lower in rural counties, wages are dramatically outpaced by the cost of housing. Additionally, the housing conditions are often substandard and there are many families doubled up due to lack of housing. Rural areas lack both affordable rental units and homeownership opportunities needed to serve the population.

There are several Federal programs that are aimed at developing affordable housing and economic opportunities in rural communities in both the Department of Housing and Urban Development and the Department of Agriculture. However, over the past 6 years, funding for these programs has been reduced by 20 percent. For the fiscal year 2008 budget, the administration proposed to eliminate $1.3 billion in rural housing assistance. In many regions Federal funding might be the only assistance available for housing and economic development. The Housing Assistance Council is yet another tool that rural communities can utilize when trying to develop affordable housing.

In Wisconsin, HAC has provided close to $5.2 million in grants and loans to 17 nonprofit housing organizations and helped develop 820 units of housing. Specifically, since 1972 the Southeastern Wisconsin Housing Corporation has partnered with the Housing Assistance Council to develop 268 units of self-help housing. The presence of the

Council in Wisconsin has made a huge impact on rural housing development in Wisconsin and other rural communities across the country.

I am very honored to work with Senator SNOWE this legislation. Its passage will allow every State to better serve the needs of the people living in rural areas. I look forward to Working with my colleagues to ensure the adoption of this bill.

By Mr. WHITEHOUSE:

S. 1451. A bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system; to the Committee on Health, Education, Labor, and Pensions.

Mr. WHITEHOUSE. Madam President, I rise today because I will be introducing my first bills as a Member of this esteemed body; legislation that I hope will provide a helpful step forward as we address one of the most significant challenges this Senate faces, reforming America's broken health care system.

I have heard from countless Rhode Islanders who have struggled to pay for their health care and who live in fear of losing coverage on which they and their families depend. I have met nurses frustrated and heartbroken that they must spend so much time coping with the paperwork and so little time caring for patients. I have talked with families whose lives and health were shaken by terrifying medical errors, lost paperwork, missed diagnoses that should have been totally avoided.

I believe our current health care system is too complex and costs so much, yet so often does not provide patients with the quality of care they should have. It does not have to be this way. I have seen firsthand that we can make the system work better for everyone, we can cut costs, save lives, and improve the quality of the health care we receive, a critical step toward ensuring that all Americans have health care they can afford.

In Rhode Island, we have been working and experimenting for years to find solutions to many of these challenges. I have been privileged to be part of much of that work, most directly when I founded the Rhode Island Quality Institute to focus on quality reforms in health care.

While we have a long way to go, so far we have been successful. It is that Rhode Island experience that I bring to you today. It is Rhode Island's good work that I hope will provide a good example.

Right now our health care system is a mess, such a mess that we should hesitate to call it a health care system. It yields unsatisfactory results at vast expense. What I wish to talk about today is not how you finance the health care system—that is an important issue—but it is a different issue. I don't even want to talk about how you get all Americans covered by our health care system. That is another important issue, but that is not the subject today.

The subject today is the issue of how the system itself runs, how it operates, put bluntly, how badly in America it runs. If we can reduce the cost of the underlying system by improving its performance, it will make solutions easier for financing our health care system and for finding a way to make sure every American gets health care coverage. Our health care system is a mess. The number of uninsured Americans is climbing and will soon reach 50 million. The annual cost of the system exceeds $2 trillion every year, and that number is expected soon to double. We spend more of our gross domestic product on health care than any other industrialized country in the world, 16 percent. That is double the European Union average.

There is today more health care in Ford cars than there is steel. There is more health care in Starbucks coffee than there are coffee beans. Worse still, for all this money we spend, we get a mediocre product. We have the best doctors, the best nurses, the best procedures and equipment, the best medical education in the world. Yet the system produces mediocre results. As many as 100,000 Americans are killed every year by unnecessary and avoidable medical errors. That is just the fatalities. Think how many people have to stay longer in the hospital and run up costs.

Life expectancy, obesity rates, and infant mortality rates are much worse than they should be in a country such as ours. We fail by most international measures. The system itself does not work. Hospitals are going broke. Doctors are furious, and paperwork chokes the system.

Quarrels between the providers and the payers drive up costs, while potential savings in billions of dollars are left lying on the table. More American families are bankrupted by health care costs than any other cause. It is a system in crisis.

I urge my colleagues to consider this point too. If we do not fix this system now, while we still can, if we don't get these savings now, then we are going to be forced to consider very tragic choices in the future: Cutting coverage for seniors now on Medicare, throwing children off S–CHIP or pushing more and more out-of-pocket costs onto families who need Medicaid in their struggle to get by.

Those will be tragic choices, awful choices, ones I hope we never have to deliberate. But if we end up having to make these choices because today we failed to do our duty, then shame on us.

I believe what is wrong with our system can be identified. The reasons for its failures can be identified. The causes of those failures can be corrected, and the failings can be cured.

In the days to come, I will speak at greater length on three critical areas of reform, one by one, and advance proposals for each one that will help provide a cure.

Today, I wish to highlight all three of the major failures, how they combine to worsen each other and keep our system broken, and how reforming those three areas can reinforce each other and repair our broken system.

Left unattended, these three conditions will continue to degrade our system. Properly reformed, they will begin to improve it. This is because what we are dealing with, in a nutshell, is market failure. Market forces are bottled up, logjammed, conflicted, and misdirected to push the health care system in a bad direction.

I trust market forces and I believe in market forces, but I see it as our job in Government to create the environment in which market forces operate in a healthy way to serve the public interest.

That is our job. It always has been. Where that healthy environment for market forces does not exist—which is the case right now in our health care system—Government must act. The market failure in health care has three core components: One, the American health care system does not optimize investment in quality of care, even where—indeed, particularly where—that quality investment in improving care would also lower costs; two, the system does not have the information technology infrastructure to support the improvements we need; three, the way we pay for health care sends perverse price signals that steer us away from the public interest.

These problems can each be fixed, but fixing each in isolation will not yield the change we need. Similar to three climbers roped together for an ascent, the three solutions need to track with each other, not necessarily in lockstep but staying close because each one reinforces the other.

Let me tell a story about each one of those problems to illustrate the three points. Let's look at the area where improved quality of care would lower costs. That intersection, where improved quality of care and lower costs converge, should be our Holy Grail. A good example comes out of the Keystone Project in Michigan, home to Senators LEVIN and STABENOW.

The Keystone Project went into a significant number of Michigan intensive care units to improve quality and reduce line infections, respiratory complications, and other conditions that are associated with intensive care units. In a 15-month span, between March 2004 and June 2005, the project saved 1,578 lives, 81,020 days patients would otherwise have been spent in the hospital, and it saved—in that 15 months—over $165 million.

The Rhode Island Quality Institute has taken this model statewide in Rhode Island, with every hospital participating. Infections in patients with catheters decreased 36 percent from the

first quarter of 2006 to the fourth quarter. Eleven out of twenty-three participating intensive care units had zero infections for 12 months. Savings from the initiative are on track to produce $4 million annually. That is pretty good money in Rhode Island.

What is true in intensive care units in Michigan and Rhode Island is also true far more broadly in health care. There are many areas where significant savings can be achieved by making care better. There could be initiatives similar to Keystone throughout the health care sector. They do not necessarily have to be reforms of existing procedures and practices because Keystone was. Quality improvements, quality reform, could well involve improvements in prevention and detection of illness, stopping it before it even gets to the hospital. There are vast and unexplored horizons out there, rich with opportunity, and the Keystone story is one example of how improved quality of care can lower costs and save lives. This takes us to the second story, this one about the reimbursement problem. Why isn't this quality reform happening spontaneously all over the country if these big savings are there? Think of Michigan, $165 million in 15 months in one State. That is big money.

Why isn't it being pursued? Why aren't we all doing this? Well, primarily because the economics of health care pays providers not to and punishes providers who try. When a group of hospitals in Utah began following the guidelines of the American Thoracic Society for treating community-acquired pneumonia, significant complications fell from 15.3 percent to 11.6 percent, inpatient mortality fell from 7.2 to 5.3 percent, and the resulting cost savings exceeded half a million dollars a year. But net operating income of participating facilities dropped by over $200,000 per year because treating the healthier patients was reimbursed at roughly $12,000 less per case.

In Rhode Island, when we got into this intensive care unit reform, the Hospital Association estimated a $400,000 cost for $8 million in savings, a 20-to-1 return on investment. But all the savings went to the insurers and the payers, and the costs came out of the hospitals' pockets. Do you know a lot of businesses that invest money in order to reduce their revenue? I don't. How many businesses would spend $400,000 in cash to lose $8 million in revenues every year? With reimbursement incentives such as the ones we have, it is no wonder that quality investments face an uphill struggle.

The final problem is our health care information technology, which is inexcusably underdeveloped and underdeployed. It has been described by the Economist magazine as the worst information technology system in any American industry except one, the mining industry. We are leaving massive savings in health care costs unclaimed as a result.

Some pretty respectable groups have looked at health information technology to see what an adequate system would save in health care costs, and here is what they report: Rand Corporation, $81 billion per year conservatively. David Brailer, the former National Coordinator for Health Information Technology, $100 billion per year. The Center for Information Technology Leadership, $77 billion per year. That is a lot of savings to leave sitting on the table, savings desperately needed by American businesses and American families.

Here is my third story, about a courageous and passionate doctor in Rhode Island trying to build an electronic health record for patients in our State. By the way of context, Rhode Island may be the lead State in the country at developing health information technology. We have PATRICK KENNEDY in the House, our Representative, who has been an absolute leader on this issue; Lifespan and other hospitals are leaders in electronic physician order entry; the Rhode Island Quality Institute is a leader in e-prescribing, electronic health records and health information exchange; Rhode Island Blue Cross is beginning to fund innovations; all the local Rhode Island health care folks are active in this. It is very impressive. I mean no criticism by telling this story, only to illustrate what an uphill struggle it is.

The lead on developing electronic health records in Rhode Island is being taken by a very frustrated doctor, Dr. Mark Jacobs, who put his practice on hold, went out and looked at what was available, found an e-clinical works platform, had it modified to suit what he thought would be more useful for his needs, and is now raising capital and trying to recruit his colleagues to get around that system and get it up. It is his passion, and he is dedicating himself to it with energy and conviction.

What Dr. Jacobs is doing is heroic, but if you went to any business school and if they asked you, what is the best way to seize that $81 billion a year in savings that RAND Corporation has said is out there, and you had said: Well, we are going to wait until a doctor gets so frustrated he is willing to give up his practice and go out and try to learn about health care technology and do it on his own, you would be laughed out of that business school classroom. They wouldn't just say you flunked the course, they would suggest you should maybe look at another livelihood. But that is exactly the system we have right now.

If a truckdriver were to go out with a pick and shovel building bits of the interstate highway for us, that would be pretty heroic and noble. But all the way back to Dwight Eisenhower, people in Government knew that would be a pretty nonsensical way to finance the Federal highway system.

We have work to do in these three areas: fixing our information technology to increase efficiency and generate savings; improving health care quality and prevention in ways that lower costs; and repairing the reimbursement system so it does not discourage those reforms but encourages and rewards them.

In the coming days, I will expand on each of these problems, and I will propose solutions in those three areas that will unleash market incentives in positive directions. As I conclude, my message is this: The health care system that underlies all our health care financing and coverage problems is itself broken. The underlying health care delivery system is itself broken. It is administrative and bureaucratic machinery, but it is still machinery. It needs to be repaired the way any broken machinery does. Fixing it, however, will reduce costs, improve care, and make a badly operating system run better and move us a critical step forward to making sure every American family has access to health care they can afford.

I sincerely hope to work with all of my colleagues on solving this. Please think of it this way: If your car is not running right, there is no Republican or Democratic way to tune it up. There is just getting it working. If your plumbing is jammed and water is flooding out, there is not a Republican or Democratic way to fix that. It is either flowing properly or it isn't. If your electric system is sparking and short circuited, again, there is no Democratic or Republican way to solve that problem. It is working right or it is not. Our health care system is not working right, and it needs to be fixed. Because the health care system is a dynamic system, you can't tell it what to do. You have to take the trouble to identify what is wrong, identify why it is wrong, and correct the cause.

By Mrs. CLINTON (for herself and Mr. DOMENICI):

S. 1452. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today Senator DOMENICI and I are introducing the Public Mental Health Emergency Preparedness Act of 2007. I originally introduced this legislation during the 109 Congress to address mental health needs of those affected by disasters and public health emergencies, and I want to thank Senator DOMENICI for his support of this legislation and for his strong leadership on mental health issues. The Public Mental Health Emergency Preparedness Act of 2007 would take several important steps toward preparing our Nation to effectively address mental health issues in the wake of public health emergencies, including potential bioterrorist attacks. We are pleased to be introducing this important legislation in anticipation of reauthorization of the Substance Abuse and Mental Health Services Administration SAMHSA.

I want to acknowledge and thank our partners from the mental health community who have collaborated with us and have been working diligently on these issues for several years, including the American Psychological Association, the American Public Health Association, the National Association of Social Workers, and the American Academy of Child and Adolescent Psychiatry, and all the other groups who have lent their support.

The events of September 11, Hurricanes Katrina and Rita, and other recent natural and man-made catastrophes have sadly taught us that our current resources are not sufficient or coordinated enough to meet the mental health needs of those devastated by emergency events. We need a network of trained mental health professionals, first responders and leaders, and a process to mobilize and deploy mental health resources in a rapid and sustained manner at times of an emergency.

It is clear that the consequences of emergency events like hurricanes or terrorist attacks result in increased emotional and psychological suffering among survivors and responders, and we must do more to assist all who are affected. That is why I, along with Senator DOMENICI, am introducing the Public Mental Health Emergency Preparedness Act of 2007.

This bill would require the Secretary of Health and Human services to establish the National Center for Public Mental Health Emergency Preparedness the National Center to coordinate the development and delivery of mental health services in collaboration with existing Federal, State and local entities when our Nation is confronted with public health catastrophes.

This legislation would charge the National Center with five functions to benefit affected Americans at the community level, including vulnerable populations like children, older Americans, caregivers, persons with disabilities, and persons living in poverty.

First, the Public Mental Health Emergency Preparedness Act of 2007 would make sure we have evidence-based or emerging best practices curricula available to meet the diverse training needs of a wide range of emergency health professionals, including mental health professionals, public health and health care professionals, and emergency services personnel, working in coordination with county emergency managers, school personnel, spiritual care professionals, and State and local government officials responsible for emergency preparedness. By using these curricula to educate responders, the National Center would build a network of trained emergency health professionals at the State and local levels.

Second, this legislation would establish and maintain a clearinghouse of educational materials, guidelines, and research on public mental health emergency preparedness and service delivery that would be evaluated and updated to ensure the information is accurate and current. Technical assistance would be provided to help users access those resources most effective for their communities.

Third, this bill would create an annual national forum for emergency health professionals, researchers, and other experts as well as Federal, State and local government officials to identify and address gaps in science, practice, policy and education related to public mental health emergency preparedness and service delivery.

Fourth, this bill would require annual evaluations of both the National Center's efforts and those across the Federal Government in building our Nation's public mental health emergency preparedness and service delivery capacity. Based on these evaluations, recommendations would be made to improve such activities.

Finally, the Public Mental Health Emergency Preparedness Act of 2007 would ensure that licensed mental health professionals are included in the deployment of Disaster Medical Assistance Teams DMAT. Deployment of licensed mental health professionals will increase the efficacy of the medical team members by providing psychological assistance and crisis counseling to survivors and to the other DMAT team members. Further, this legislation would mandate that licensed mental health professionals are included in the leadership of the National Disaster Medical System, NDMS, to provide appropriate support for behavioral programs and personnel within the DMATs.

We must not wait until another disaster strikes before we take action to improve the way we respond to the psychological needs of affected Americans. I look forward to working with all of my colleagues to ensure passage of this bill that would take critical steps toward preparing our nation to successfully deal with the mental health consequences of public health emergencies.

I ask unanimous consent that the text and a letter of support be printed in the RECORD. Thank you.

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

S. 1452

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 ''Public Mental Health Emergency Preparedness Act of 2007''.

SEC. 2. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

(a) TECHNICAL AMENDMENTS.—The second part G (relating to services provided through religious organizations) of title V of the Public Health Service Act (42 U.S.C. 290kk et seq.) is amended—

(1) by redesignating such part as part J; and

(2) by redesignating sections 581 through 584 as sections 596 through 596C, respectively.

(b) NATIONAL CENTER.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by subsection (a), is further amended by adding at the end the following:

''PART K—NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS

''SEC. 599. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

''(a) IN GENERAL.—

''(1) DEFINITION.—

''(A) IN GENERAL.—For purposes of this part, the term 'emergency health professionals' means—

''(i) mental health professionals, including psychiatrists, psychologists, social workers, counselors, psychiatric nurses, psychiatric aides and case managers, group home staff, and those mental health professionals with expertise in psychological trauma and issues related to vulnerable populations such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty;

''(ii) public health and healthcare professionals, including skilled nursing and assisted living professionals; and

''(iii) emergency services personnel such as police, fire, and emergency medical services personnel.

''(B) COORDINATION.—In conducting activities under this part, emergency health professionals shall coordinate with—

''(i) county emergency managers;

''(ii) school personnel such as teachers, counselors, and other personnel;

''(iii) spiritual care professionals;

''(iv) other disaster relief personnel; and

''(v) State and local government officials that are responsible for emergency preparedness.

''(2) ESTABLISHMENT.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall establish the National Center for Public Mental Health Emergency Preparedness (referred to in this part as the 'NCPMHEP') to address mental health concerns and coordinate and implement the development and delivery of mental health services in conjunction with the entities described in subsection (b)(2), in the event of bioterrorism or other public health emergency.

''(3) LOCATION; DIRECTOR.—

''(A) IN GENERAL.—The Secretary shall offer to award a grant to an eligible institution to provide the location of the NCPMHEP.

''(B) ELIGIBLE INSTITUTION.—To be an eligible institution under subparagraph (A), an institution shall—

''(i) be an academic medical center or similar institution that has prior experience conducting statewide training, and has a demonstrated record of leadership in national and international forums, in public mental health emergency preparedness, which may include disaster mental health preparedness; and

''(ii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) DIRECTOR.—The NCPMHEP shall be headed by a Director, who shall be appointed by the Secretary (referred to in this part as the 'Director') from the eligible institution to which the Secretary awards a grant under subparagraph (A).

''(b) DUTIES.—The NCPMHEP shall—

''(1) prepare the Nation's emergency health professionals to provide mental health services in the aftermath of catastrophic events, such as bioterrorism or other public health

emergencies, that present psychological consequences for communities and individuals, including vulnerable populations such as children, individuals with disabilities, individuals with preexisting mental health problems (including substance-related disorders), older adults, caregivers, and individuals living in poverty;

''(2) coordinate with existing mental health preparedness and service delivery efforts of—

''(A) Federal agencies (such as the National Disaster Medical System, the Medical Reserve Corps, the Substance Abuse and Mental Health Services Administration (including the National Child Traumatic Stress Network), the Administration on Aging, the National Institute of Mental Health, the National Council on Disabilities, the Administration on Children and Families, the Department of Defense, the Department of Veterans Affairs (including the National Center for Post Traumatic Stress Disorder), and tribal nations);

''(B) State agencies (such as the State mental health authority, office of substance abuse services, public health authority, department of aging, the office of mental retardation and developmental disabilities, agencies responsible rehabilitation services);

''(C) local agencies (such as county offices of mental health and substance abuse services, public health, child and family community-based services, law enforcement, fire, emergency medical services, school districts, Aging Services Network, county emergency management, and academic and community-based service centers affiliated with the National Child Traumatic Stress Network); and

''(D) other governmental and nongovernmental disaster relief organizations; and

''(3) coordinate with childcare centers, childcare providers, community-based youth serving programs (including local Center for Mental Health Services children's systems of care grant sites), Head Start, the National Child Traumatic Stress Network, and school districts to provide—

''(A) support services to adults and their family members with mental health and substance-related disorders to facilitate access to mental health and substance-related treatment;

''(B) prevention and intervention services for mental health and substance-related disorders to youth of all ages that integrate the training curricula under section 599A; and

''(C) resources and consultation to address the psychological trauma needs of the families, caregivers, emergency health professionals; and all other professionals providing care in emergency situations.

''(c) PANEL OF EXPERTS.—

''(1) IN GENERAL.—The Director, in consultation with Federal (such as the National Association of State Mental Health Program Directors, National Association of County and City Health Officials, and the Association of State and Territorial Health Officials), State, and local mental health and public health authorities, shall develop a mechanism to appoint a panel of experts for the NCPMHEP.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The panel of experts appointed under paragraph (1) shall be composed of individuals—

''(i) who are—

''(I) experts in their respective fields with extensive experience in public mental health emergency preparedness or service delivery, such as mental health professionals, researchers, spiritual care professionals, school counselors, educators, and mental health professionals who are emergency health professionals (as defined in subsection (a)(1)(A)) and who shall coordinate with the individuals described in subsection (a)(1)(B); and

''(II) recommended by their respective national professional organizations and universities to such a position; and

''(ii) who represent families with family members who have mental health and substance-related disorders.

''(B) TERMS.—The members of the panel of experts appointed under paragraph (1)—

''(i) shall be appointed for a term of 3 years; and

''(ii) may be reappointed for an unlimited number of terms.

''(C) BALANCE OF COMPOSITION.—The Director shall ensure that the membership composition of the panel of experts fairly represents a balance of the type and number of experts described under subparagraph (A).

''(D) VACANCIES.—

''(i) IN GENERAL.—A vacancy on the panel of experts shall be filled in the manner in which the original appointment was made and shall be subject to conditions which applied with respect to the original appointment.

''(ii) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(iii) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

''SEC. 599A. TRAINING CURRICULA FOR EMERGENCY HEALTH PROFESSIONALS.

''(a) CONVENING OF GROUP.—

''(1) IN GENERAL.—The Director shall convene a Training Curricula Working Group from the panel of experts described in section 599(c) to—

''(A) identify and review existing mental health training curricula for emergency health professionals;

''(B) approve any such training curricula that are evidence-based or emerging best practices and that satisfy practice and service delivery standards determined by the Training Curricula Working Group; and

''(C) make recommendations for, and participate in, the development of any additional training curricula, as determined necessary by the Training Curricula Working Group.

''(2) COLLABORATION.—The Training Curricula Working Group shall collaborate with appropriate organizations including the American Red Cross, the National Child Traumatic Stress Network, the National Center for Post Traumatic Stress Disorder, and the International Society for Traumatic Stress Studies.

''(b) PURPOSE OF TRAINING CURRICULA.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

''(1) provide the knowledge and skills necessary to respond effectively to the psychological needs of affected individuals, relief personnel, and communities in the event of bioterrorism or other public health emergency; and

''(2) is used to build a trained network of emergency health professionals at the State and local levels.

''(c) CONTENT OF TRAINING CURRICULA.—

''(1) IN GENERAL.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

''(A) prepares emergency health professionals, in the event of bioterrorism or other public health emergency, for identifying symptoms of psychological trauma, supplying immediate relief to keep affected persons safe, recognizing when to refer affected persons for further mental healthcare or substance abuse treatment, understanding how and where to refer for such care, and other components as determined by the Director in consultation with the Training Curricula Working Group;

''(B) includes training or informational material designed to educate and prepare State and local government officials, in the event of bioterrorism or other public health emergency, in coordinating and deploying mental health resources and services and in addressing other mental health needs, as determined by the Director in consultation with the Training Curricula Working Group;

''(C) meets the diverse training needs of the range of emergency health professionals; and

''(D) is culturally and linguistically competent.

''(2) REVIEW OF CURRICULA.—The Training Curricula Working Group shall routinely review existing training curricula and participate in the revision of the training curricula described under this section as necessary, taking into consideration recommendations made by the participants of the annual national forum under section 599D and the Assessment Working Group described under section 599E.

''(d) TRAINING INDIVIDUALS.—

''(1) FIELD TRAINERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained through the curricula approved by the NCPMHEP return to their communities to recruit and train others in their respective fields to serve on local emergency response teams.

''(2) FIELD LEADERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained in curricula approved by the NCPMHEP return to their communities to provide expertise to State and local government agencies to mobilize the mental health infrastructure of such State or local agencies, including ensuring that mental health is a component of emergency preparedness and service delivery of such agencies.

''(3) QUALIFICATIONS.—The individuals selected under paragraph (1) or (2) shall—

''(A) pass a designated evaluation, as developed by the Director in consultation with the Training Curricula Working Group; and

''(B) meet other qualifications as determined by the Director in consultation with the Training Curricula Working Group.

''SEC. 599B. USE OF REGISTRIES TO TRACK TRAINED EMERGENCY HEALTH PROFESSIONALS.

''(a) IN GENERAL.—The Director, in consultation with the mental and public health authorities of each State and appropriate organizations (including the National Child Traumatic Stress Network), shall coordinate the use of existing emergency registries (including the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR–VHP)) established to track medical and mental health volunteers across all fields and specifically to track the individuals in the State who have been trained using the curricula approved by the NCPMHEP under section 599A. The Director shall ensure that the data available through such registries and used to track such trained individuals will be recoverable and available in the event that such registries become inoperable.

''(b) USE OF REGISTRY.—The tracking procedure under subsection (a) shall be used by the Secretary, the Secretary of Homeland Security, and the Governor of each State, for the recruitment and deployment of trained emergency health professionals in the event of bioterrorism or other public health emergency.

''SEC. 599C. CLEARINGHOUSE FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

''(a) IN GENERAL.—The Director shall establish and maintain a central clearinghouse of educational materials, guidelines, information, strategies, resources, and research on public mental health emergency preparedness and service delivery.

''(b) DUTIES.—The Director shall ensure that the clearinghouse—

''(1) enables emergency health professionals and other members of the public to increase their awareness and knowledge of public mental health emergency preparedness and service delivery, particularly for vulnerable populations such as children, individuals with disabilities, individuals with pre-existing mental health problems (including substance-related disorders), older adults, caregivers, and individuals living in poverty; and

''(2) provides such users with access to a range of public mental health emergency resources and strategies to address their community's unique circumstances and to improve their skills and capacities for addressing mental health problems in the event of bioterrorism or other public health emergency.

''(c) AVAILABILITY.—The Director shall ensure that the clearinghouse—

''(1) is available on the Internet;

''(2) includes an interactive forum through which users' questions are addressed;

''(3) is fully versed in resources available from additional Government-sponsored or other relevant websites that supply information on public mental health emergency preparedness and service delivery; and

''(4) includes the training curricula approved by the NCPMHEP under section 599A.

''(d) CLEARINGHOUSE WORKING GROUP.—

''(1) IN GENERAL.—The Director shall convene a Clearinghouse Working Group from the panel of experts described under section 599(c) to—

''(A) evaluate the educational materials, guidelines, information, strategies, resources and research maintained in the clearinghouse to ensure empirical validity; and

''(B) offer technical assistance to users of the clearinghouse with respect to finding and selecting the information and resources available through the clearinghouse that would most effectively serve their community's needs in preparing for, and delivering mental health services during, bioterrorism or other public health emergencies.

''(2) TECHNICAL ASSISTANCE.—The technical assistance described under paragraph (1) shall include the use of information from the clearinghouse to provide consultation, direction, and guidance to State and local governments and public and private agencies on the development of public mental health emergency plans for activities involving preparedness, mitigation, response, recovery, and evaluation.

''SEC. 599D. ANNUAL NATIONAL FORUM FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

''(a) IN GENERAL.—The Director shall organize an annual national forum to address public mental health emergency preparedness and service delivery for emergency health professionals, researchers, scientists, experts in public mental health emergency preparedness and service delivery, and mental health professionals (including those with expertise in psychological trauma and issues related to vulnerable populations such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty), as well as personnel from relevant Federal (including the National Center for Post Traumatic Stress Disorder), State, and local agencies (including academic and community-based service centers affiliated with the National Child Traumatic Stress Network), and other governmental and nongovernmental organizations.

''(b) PURPOSE OF FORUM.—The national forum shall provide the framework for bringing such individuals together to, based on evidence-based or emerging best practices research and practice, identify and address gaps in science, practice, policy, and education, make recommendations for the revision of training curricula and for the enhancement of mental health interventions, as appropriate, and make other recommendations as necessary.

''SEC. 599E. EVALUATION OF THE EFFECTIVENESS OF PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY EFFORTS.

''(a) IN GENERAL.—The Director shall convene an Assessment Working Group from the panel of experts described in section 599(c), who shall be independent from those individuals who have developed the NCPMHEP, to evaluate the effectiveness of the NCPMHEP's efforts and those across the Federal Government in building the Nation's public mental health emergency preparedness and service delivery capacity. Such group shall include individuals who have expertise on how to assess the effectiveness of the NCPMHEP's efforts on vulnerable populations (such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty).

''(b) DUTIES OF THE ASSESSMENT WORKING GROUP.—The Assessment Working Group shall—

''(1) evaluate—

''(A) the effectiveness of each component of the NCPMHEP, including the identification and development of training curricula, the clearinghouse, and the annual national forum;

''(B) the effects of the training curricula on the skills, knowledge, and attitudes of emergency health professionals and on their delivery of mental health services in the event of bioterrorism or other public health emergency;

''(C) the effects of the NCPMHEP on the capacities of State and local government agencies to coordinate, mobilize, and deploy resources and to deliver mental health services in the event of bioterrorism or other public health emergency; and

''(D) other issues as determined by the Secretary, in consultation with the Assessment Working Group; and

''(2) submit the annual report required under subsection (c).

''(c) ANNUAL REPORT AND INFORMATION.—

''(1) ANNUAL REPORT.—On an annual basis, the Assessment Working Group shall—

''(A) report to the Secretary and appropriate committees of Congress the results of the evaluation by the Assessment Working Group under this section; and

''(B) publish and disseminate the results of such evaluation on as wide a basis as is practicable, including through the NCPMHEP clearinghouse website under section 599C.

''(2) INFORMATION.—The results of the evaluation under paragraph (1) shall be displayed on the Internet websites of all entities with representatives participating in the Assessment Working Group under this section, including the Federal agencies responsible for funding the Working Group.

''(d) RECOMMENDATIONS.—

''(1) IN GENERAL.—Based on the annual report, the Director, in consultation with the Assessment Working Group, shall make recommendations to the Secretary—

''(A) for improving—

''(i) the training curricula identified and approved by the NCPMHEP;

''(ii) the NCPMHEP clearinghouse; and

''(iii) the annual forum of the NCPMHEP; and

''(B) regarding any other matter related to improving mental health preparedness and service delivery in the event of bioterrorism or other public health emergency in the United States through the NCPMHEP.

''(2) ACTION BY SECRETARY.—Based on the recommendations provided under paragraph (1), the Secretary shall submit recommendations to Congress for any legislative changes necessary to implement such recommendations.

''SEC. 599F. SUBSTANCE ABUSE.

''For purposes of this part, where ever there is a reference to providing treatment, having expertise, or provide training with respect to mental health, such reference shall include providing treatment, having expertise, or providing training relating to substance abuse, if determined appropriate by the Secretary.

''SEC. 599G. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part—

''(1) $15,000,000 for fiscal year 2007; and

''(2) such sums as may be necessary for fiscal years 2008 through 2011.''.

SEC. 3. DISASTER MEDICAL ASSISTANCE TEAMS.

Section 2812(a) of the Public Health Service Act (42 U.S.C. 300hh–11(a)) is amended by adding at the end the following:

''(4) DISASTER MEDICAL ASSISTANCE TEAMS AND MENTAL HEALTH PROFESSIONALS.—

''(A) INCLUSION OF MENTAL HEALTH PROFESSIONALS.—

''(i) IN GENERAL.—The National Disaster Medical System, in consultation with the National Center for Public Mental Health Emergency Preparedness (established under section 599) and the Emergency Management Assistance Compact, shall—

''(I) identify licensed mental health professionals with expertise in treating vulnerable populations, as identified under section 599(b)(1); and

''(II) ensure that licensed mental health professionals identified under subclause (I) are available in local communities for deployment with Disaster Medical Assistance Teams (including speciality mental health teams).

''(ii) COORDINATION.—The National Disaster Medical System shall ensure that licensed mental health professionals are included in the leadership of the National Disaster Medical System, in coordination with the National Center for Public Mental Health Emergency, to provide appropriate leadership support for behavioral programs and personnel within the Disaster Medical Assistance Teams.

''(B) DUTIES.—The principal duties of the licensed mental health professionals identified and utilized under this paragraph shall be to assist Disaster Medical Assistance Teams in carrying out—

''(i) rapid psychological triage during an event of bioterrorism or other public health emergency;

''(ii) crisis intervention prior to and during an event of bioterrorism or other public health emergency;

''(iii) information dissemination and referral to specialty care for survivors of an event of bioterrorism or other public health emergency;

''(iv) data collection; and

''(v) follow-up consultations.

''(C) TRAINING.—The National Disaster Medical System shall coordinate with the National Center for Public Mental Health

Emergency Preparedness to ensure that, as part of their training, Disaster Medical Assistance Teams include the training curricula for emergency health professionals established under section 599A.

''(D) DEFINITIONS.—In this paragraph:

''(i) DISASTER MEDICAL ASSISTANCE TEAMS.—The term 'Disaster Medical Assistance Teams' means teams of professional medical personnel that provide emergency medical care during a disaster or public health emergency.

''(ii) RAPID PSYCHOLOGICAL TRIAGE.—The term 'rapid psychological triage' means the accurate and rapid identification of individuals at varied levels of risk in the aftermath of a public health emergency, in order to provide the appropriate, acute intervention for those affected individuals.

''(iii) DATA COLLECTION.—The term 'data collection' means the use of standardized, consistent, and accurate methods to report evidence-based or emerging best practices, triage mental health data obtained from survivors of an event of bioterrorism or other public health emergency.''.

AMERICAN
PSYCHOLOGICAL ASSOCIATION,
May 22, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS CLINTON AND DOMENICI: On behalf of the 148,000 members and affiliates of the American Psychological Association (APA), I am writing to express our strong support for the Public Mental Health Emergency Preparedness Act of 2007. This important legislation would significantly enhance our preparedness, response, and recovery efforts to address the mental health aspects of disasters and public health emergencies.

Both human made and natural disasters can have significant effects on the mental health and well-being of individuals, families, and communities. Among the most common mental health problems encountered by disaster survivors are posttraumatic stress disorder (PTSD), depression, anxiety, and increased alcohol, tobacco, and substance use. For many, the psychological effects of disasters may be temporary, while others may require more long-term mental health assistance.

The Public Mental Health Emergency Preparedness Act of 2007 would take several important steps toward enhancing our Nation's public mental health preparedness and response efforts in the event of a public health emergency. In particular, this legislation would establish a National Center for Public Mental Health Emergency Preparedness to prepare for and address the immediate and long-term mental health needs of the general population and potentially vulnerable subgroups, including children, individuals with disabilities, individuals with pre-existing mental health problems, older adults, caregivers, and individuals living in poverty. This center would undertake several important activities, including developing and disseminating training curricula for emergency mental health professionals, establishing a clearinghouse of mental health emergency resources, organizing an annual national forum on mental health emergency preparedness and response, and ensuring the inclusion of mental health professionals within Disaster Medical Assistance Teams.

We commend you for your leadership and commitment to public mental health preparedness and look forward to working with you to ensure enactment of the Public Mental Health Emergency Preparedness Act. If we can be of further assistance, please feel free to contact Diane Elmore, Ph.D., in our Government Relations Office.

Sincerely,

GWENDOLYN PURYEAR KEITA, PH.D.,
Executive Director,
Public Interest Directorate.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, May 15, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American Public Health Association (APHA), the oldest, largest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States, I write in support of the Public Mental Health Emergency Preparedness Act of 2007.

Despite recent efforts to improve all-hazards preparedness in this country, the lack of mental health services available to victims of public health emergencies remains troubling. As lessons learned from the hurricanes of 2005 and essentials to adequately prepare for and respond to a flu pandemic are incorporated into national, state and local all-hazards preparedness plans, we must also ensure that mental health emergency preparedness and delivery is integrated into all of these plans, including the HHS Pandemic Influenza Plan and the National Response Plan. To ensure that this happens, APHA supports the provisions in this bill that would require the inclusion of mental health professionals in National Disaster Medical System (NDMS) leadership and Disaster Medical Assistance Teams.

To ensure that public health preparedness and response activities are comprehensive and incorporate mental health needs and realities, APHA supports the creation of a National Center for Public Mental Health Emergency Preparedness (NCPMHEP) outlined in your legislation. The NCPMHEP would be able to use existing data to train emergency health professionals in the provision of mental health services, coordinate mental health preparedness and response activities with federal, state and local partners and ensure that trained professionals in mental health service delivery can be identified and quickly mobilized.

Thank you for your attention to and leadership on this important public health issue. We look forward to working with you to move this legislation forward this Congress. If you have questions, or for additional information, please contact me or have your staff contact Courtney Perlino (202) 777–2436 or courtney.perlino@apha.org.

Sincerely,

GEORGES C. BENJAMIN, MD,
FACP, FACEP (EMERITUS),
Executive Director.

NATIONAL ASSOCIATION OF
SOCIAL WORKERS,
Washington, DC, May 22, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization in the world with 150,000 members nationwide. NASW promotes, develops, and protects the effective practice of social work services throughout the country. NASW strongly supports the ''Public Mental Health Emergency Preparedness Act of 2007,'' and is pleased to endorse it. We greatly appreciate your attention and that of Senator Domenici to the important but often neglected needs of emergency preparedness in mental health services. NASW is particularly pleased to see that social workers and other behavioral health professions would have an enhanced role in the Nation's disaster response teams through the National Disaster Medical System (NDMS).

NASW, both nationally and in state chapters, was a resource for the identification of trained mental health professionals during the Hurricane Katrina aftermath. In addition, several NASW state chapters worked with local Red Cross organization to ensure that mental health services were made available to hurricane victims in affected states. We recognize the need to be prepared to provide mental health training in emergencies and the steps that are required to ensure the availability of a wide network of trained professionals with the skills to provide emergency mental health evaluation and triage. We also understand the importance of providing emergency mental health services.

Your tireless efforts on behalf of consumers of behavioral health services and professional social workers nationwide are greatly appreciated by our members. We thank you for your sponsorship of this legislation. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,

CAROLYN POLOWY,
General Counsel.

AMERICAN ACADEMY OF
CHILD & ADOLESCENT PSYCHIATRY,
Washington, DC, May 22, 2007.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), I write in support of the Public Mental Health Emergency Preparedness Act of 2007. The AACAP is a medical membership association established by child and adolescent psychiatrists in 1953. Now over 7,000 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 7–12 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders. AACAP supports research, continuing medical education and access to quality care.

Tragic events, such as September 11 and Hurricane Katrina are devastating to the mental health of children and adolescents and could have significant alterations in child and adolescent development. Changes in environmental and societal patterns of parenting, socialization, education, maturation, acculturation, and technology due to a traumatic event all have significant ramifications. Too often mental health services for children are fragmented. This bill addresses the need to coordinate the delivery of mental health services in times of public health emergencies, which AACAP recognizes as elements of the treatment process.

It is your continued leadership that will help ensure a bright future for today's youth and the continued assurance of mentally healthy Americans. We look forward to working with you on this most important issue. Please contact Kristin Kroeger Ptakowski Director of Government Affairs, at 202.966.7300, x. 108 if you have any questions concerning children's mental health issues.

Sincerely,

THOMAS ANDERS, M.D.,
President.