

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 3537. 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, I rise today to introduce the Public Mental Health Emergency Preparedness Act of 2006. This bill 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.

Hurricanes Katrina and Rita, the events of September 11, 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—including first responders, local and state leaders, a well-developed infrastructure, and a mechanism—through which to mobilize and deploy mental health resources in a rapid and sustained manner in times of public health 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, yet we must do more to assist all who are affected. That is why I have introduced the Public Mental Health Emergency Preparedness Act of 2006.

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 four functions to benefit affected Americans in our local communities, particularly vulnerable populations like children, older Americans, and persons with disabilities.

First, the Public Mental Health Emergency Preparedness Act would make sure we have evidence-based curricula available to meet the diverse training needs of a wide range of emergency health professionals, including mental health professionals, public health and healthcare professionals, emergency services personnel, county emergency managers, school personnel, spiritual care professionals, and State and local government officials responsible for emergency preparedness. By using these curricula, 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, other experts and 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.

Finally, the Public Mental Health Preparedness Act 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.

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 would ask unanimous consent to insert the text of this legislation in the RECORD.

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

S. 3537

*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 2006".

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

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-11 et seq.) is amended by adding at the end the following:

**"Subtitle C—National Center for Public Mental Health Emergency Preparedness****"SEC. 2821. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.**

"(a) IN GENERAL.—

"(1) DEFINITION.—For purposes of this subtitle, the term 'emergency health professionals' means—

"(A) mental health professionals, including psychiatrists, psychologists, social workers, counselors, psychiatric nurses, psychiatric aides and case managers, and group home staff;

"(B) public health and healthcare professionals, including skilled nursing and assisted living professionals;

"(C) emergency services personnel such as police, fire, and emergency medical services personnel;

"(D) county emergency managers;

"(E) school personnel such as teachers, counselors, and other personnel;

"(F) spiritual care professionals;

"(G) other disaster relief personnel; and

"(H) 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 subtitle 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 enter into a contract with 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 trainings, 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 subtitle as the 'Director') from the eligible institution with which the Secretary contracts 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, particularly vulnerable populations such as older Americans, children, and persons with disabilities; and

"(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, the Department of Defense, the Department of Veterans Affairs, and tribal nations);

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

"(C) local agencies (such as county offices of mental health and substance abuse services, public health, child and family services, law enforcement, fire, emergency medical services, school districts, and county emergency management); and

"(D) other governmental and nongovernmental disaster relief organizations.

"(c) PANEL OF EXPERTS.—

"(1) IN GENERAL.—The Director, in consultation with 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—

"(i) composed of individuals who are 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, and educators; and

“(ii) recommended by their respective national professional organizational or university to such a position.

“(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. 2822. TRAINING CURRICULA FOR EMERGENCY HEALTH PROFESSIONALS.**

“(a) IN GENERAL.—The Director shall convene a Training Curricula Working Group from the panel of experts described in section 2821(c) to—

“(1) identify and review existing training curricula for emergency health professionals;

“(2) approve any such training curricula that satisfy practice and service delivery standards determined by the Training Curricula Working Group and that are evidence-based; and

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

“(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) prepare emergency health professionals, in the event of bioterrorism or other public health emergency, for identifying symptoms of mental health distress, supplying immediate relief to keep affected persons safe, recognizing when to refer affected persons for further mental healthcare, 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) include 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; and

“(C) meet the diverse training needs of the range of emergency health professionals.

“(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 2825 and the Assessment Working Group described under section 2826.

“(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. 2823. 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, shall coordinate the use of existing emergency registries 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 2822. 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. 2824. 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; and

“(2) provides such users with access to a range of public mental health emergency re-

sources 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) provides links to 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 2822.

“(d) CLEARINGHOUSE WORKING GROUP.—

“(1) IN GENERAL.—The Director shall convene a Clearinghouse Working Group from the panel of experts described under section 2821(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. 2825. 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, and experts in public mental health emergency preparedness and service delivery, as well as personnel from relevant Federal, State, and local agencies 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 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. 2826. 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 2821(c) 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.

“(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.—On an annual basis, the Assessment Working Group shall—

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

“(2) publish and disseminate the results of such evaluation on as wide a basis as is practicable, including through the NCPMHEP clearinghouse website under section 2824.

“(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. 2827. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this subtitle—

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

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

By Mr. GRAHAM:

S. 3542. A bill to improve maritime and cargo security and for other purpose; to the Committee on Commerce, Science, and Transportation.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the text of the Project Seahawk Implementation Act 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. 3542

*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 “Project SeaHawk Implementation Act of 2006”.

**SEC. 2. ESTABLISHMENT OF ADDITIONAL INTER-AGENCY OPERATIONAL CENTERS FOR PORT SECURITY.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast

Guard, shall establish or designate a center as an interagency operational centers for maritime and port security in each geographic region designated as a Coast Guard sector by the Commandant.

(b) PURPOSES.—The purposes of each center established or designated under subsection (a) are to facilitate day-to-day operational coordination, interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism.

(c) LOCATION.—Each center established or designated under subsection (a) shall be collocated with the command center for each geographic region designated as a Coast Guard sector.

(d) CONNECTIVITY.—If a port is associated with a command center that is not located at such port, the Secretary shall utilize appropriate electronic communications, including virtual connectivity, to maintain awareness of activities of that port and to provide for participation by the entities set out in subsection (f).

(e) REQUIREMENTS.—Each center established or designated under subsection (a) shall—

(1) be modeled on the Charleston Harbor Operations Center (popularly known as Project SeaHawk) administered by the United States Attorney’s Office for the District of South Carolina for the Port of Charleston located in Charleston, South Carolina; and

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating.

(f) PARTICIPATION.—The representatives of the following entities shall participate in each center established or designated under subsection (a):

(1) The United States Coast Guard.

(2) The United States Attorney’s Office in the district in which the center is located.

(3) The Bureau of Customs and Border Protection of the Department of Homeland Security.

(4) The Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

(5) The Department of Defense, if the Secretary of Homeland Security and the Secretary of Defense determine appropriate.

(6) The Federal Bureau of Investigation.

(7) Other Federal agencies with a presence at the port, as appropriate, or as otherwise determined appropriate by the Secretary.

(8) State and local law enforcement and first responder agencies responsible for the port, as appropriate, or as otherwise determined appropriate by the Secretary.

(9) Port authority representatives, maritime exchanges, private sector stakeholders, and other entities subject to an Area Maritime Security Plan prepared pursuant to part 103 of title 33, Code of Federal Regulations, if determined appropriate by the Secretary.

(g) RESPONSIBILITIES.—The head of each center established or designated under subsection (a) shall—

(1) assist, as appropriate, in the implementation of maritime transportation security plans developed under section 70103 of title 46, United States Code;

(2) implement the transportation security incident response plans required under section 70104 of such title;

(3) be incorporated into the implementation of maritime intelligence activities under section 70113 of such title;

(4) conduct short- and long-range vessel tracking under sections 70114 and 70115 of such title;

(5) be incorporated into the implementation of section 70116 of such title;

(6) carry out information sharing activities consistent with such activities required by section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) or the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

(7) be incorporated into the screening and high-risk cargo inspection programs carried out by the Bureau of Customs and Border Protection; and

(8) carry out such other responsibilities that the Secretary of Homeland Security determines are appropriate.

**SEC. 3. REPORT.**

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives a plan for the implementation of this Act.

(b) CONTENTS.—The report submitted under subsection (a) shall describe, for each center that will be established under section 2(a)—

(1) the location of such center;

(2) the entities who will participate in the center;

(3) the cost to establish and operate the center; and

(4) the resources necessary to operate and maintain, including the cost-sharing requirements for other agencies and participants.

**SEC. 4. RELATIONSHIP TO OTHER REQUIREMENTS.**

The Commandant of the Coast Guard shall utilize information developed for the report required by section 807 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1082) to carry out the requirements of this Act. The Commandant shall utilize the information developed for the report required by that section in carrying out the requirements of this Act.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary for each Coast Guard sector for fiscal years 2007 through 2012 to carry out this Act.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUE, Ms. CANTWELL, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LIEBERMAN, and Ms. COLLINS):

S. 3543. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators SNOWE, DURBIN, CHAFEE, INOUE, COLLINS, CANTWELL, BILL NELSON, BOXER, LAUTENBERG, MENENDEZ, and LIEBERMAN to introduce a bill to increase CAFE standards by 10 miles in 10 years.

This is a commonsense, bipartisan approach to reduce our dependence on foreign oil, decrease our greenhouse gas emissions, and save consumers at the pump.

We have the technology available today to increase the fuel economy of our vehicles. We just need the political will—which is why we are here today.

Specifically, our bill would raise the average fuel economy of all cars and SUVs to 35 miles per gallon by model year 2017.

This would save 2.5 million barrels of oil per day by 2025. That is the same amount of oil we currently import from the Persian Gulf.

This bill would also save consumers dollars at the pump. At \$3 per gallon, Americans driving 15,000 miles per year are, on average, using 600 gallons of gasoline and spending \$1,800 per year on gas.

By raising CAFE standards to 35 miles per gallon, consumers would only use 429 gallons of gas per year, costing \$1,287 per year for gas. That is a savings of \$513 per year at the pump.

Assuming the consumer keeps the vehicle for at least 5 years, that is a savings of more than \$2,500—more than enough to recoup the cost of more efficient vehicles.

Raising CAFE standards is also good for the environment. The two largest culprits of climate change are coal-fired powerplants and automobiles. Coal powerplants are the largest U.S. source of carbon dioxide—producing 2.5 billion tons every year. But the automobile isn't very far behind—producing nearly 1.5 billion tons of carbon dioxide every year. In fact, every gallon of gasoline burned emits 20 pounds of harmful CO<sub>2</sub> into the atmosphere. That means that each car is responsible for about 12,000 pounds of greenhouse gas emissions every year. This legislation would take a good first step at reducing our greenhouse gas emissions.

By 2025, an average fuel economy standard of 35mpg would eliminate 420 million metric tons of carbon dioxide emissions—the equivalent of taking 90 million cars—or 75 million cars and light trucks—off the road in 1 year.

Our daily driving habits are costing consumers at the pump, threatening our national security, and potentially causing irrevocable harm to our environment. We have the technology available today to make significant increases in fuel economy standards. In fact, David Greene of Oak Ridge National Laboratory, a leading expert on fuel economy, says that a 35 mpg standard by model year 2017 is cost effective and can be achieved without reducing the size, weight, or horsepower of vehicles. And 78 percent of U.S. drivers have said they are willing to pay for better fuel economy.

The longer we delay, the harder it will be to kick our addiction to oil. We must act today.

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. 3543

*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 “Ten-in-Ten Fuel Economy Act”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Average fuel economy standards for passenger automobiles and light trucks.
- Sec. 4. Passenger car program reform.
- Sec. 5. Definition of work truck.
- Sec. 6. Definition of light truck.
- Sec. 7. Ensuring safety of passenger automobiles and light trucks.
- Sec. 8. Truth in fuel economy testing.
- Sec. 9. Onboard fuel economy indicators and devices.
- Sec. 10. Secretary of Transportation to certify benefits.
- Sec. 11. Credit trading program.
- Sec. 12. Report to Congress.
- Sec. 13. Labels for fuel economy and greenhouse gas emissions.

#### SEC. 3. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking “NON-PASSENGER AUTOMOBILES.—” in subsection (a) and inserting “PRESCRIPTION OF STANDARDS BY REGULATION.—”; and

(2) by striking “(except passenger automobiles)” in subsection (a) and inserting “(except passenger automobiles and light trucks)”;

(3) by striking subsection (b) and inserting the following:

“(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

“(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2009 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2017 of at least 35 miles per gallon.

“(2) ELIMINATION OF SUV LOOPHOLE.—Beginning no later than with model year 2011, the regulations prescribed under this section may not make any distinction between passenger automobiles and light trucks.

“(3) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

“(A) increase the applicable average fuel economy standard ratably beginning with model year 2009 and ending with model year 2017;

“(B) require that each manufacturer achieve—

“(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 31.1 miles per gallon no later than model year 2009; and

“(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 23.6 miles per gallon no later than model year 2009.

“(4) FUEL ECONOMY BASELINE FOR PASSENGER AUTOMOBILES.—Notwithstanding the maximum feasible average fuel economy level established by regulations prescribed under subsection (c), the minimum fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and foreign fleet, as calculated under section 32904 of this chapter as in effect before the date of enactment of the

Ten-in-Ten Fuel Economy Act, shall be the greater of—

“(i) 27.5 miles per gallon; or

“(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

“(5) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act.”.

#### SEC. 4. PASSENGER CAR PROGRAM REFORM.

Section 32902 of title 49, United States Code, is amended—

(1) by striking “gallon.” in subsection (b)(1), as amended by section 3, and inserting “gallon or such other number (or numbers) of miles per gallon as the Secretary may prescribe under subsection (c).”; and

(2) by striking “the standard” in the first sentence of subsection (c)(1) and inserting “a standard”;

(3) by striking “the standard.” in the second sentence of subsection (c)(1) and inserting “any standard prescribed under subsection (b).”; and

(4) by inserting “The Secretary may prescribe separate standards for different classes of passenger automobiles.” after “presentation.” in subsection (c)(1);

(5) by striking “(1) Subject to paragraph (2) of this subsection, the” in subsection (c)(1) and inserting “At least 18 months before the beginning of each model year, the”; and

(6) by striking paragraph (2) of subsection (c).

#### SEC. 5. DEFINITION OF WORK TRUCK.

(a) DEFINITION OF WORK TRUCK.—Section 32901(a) of title 49 is amended by inserting after paragraph 11 the following:

“(11A) ‘work truck’ means an automobile that the Secretary determines by regulation—

“(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

“(B) is not a medium duty passenger vehicle as defined in 40 C.F.R. 86.1803-01.”.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendment made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendment not later than 18 months after the date of enactment of this Act.

(c) FUEL ECONOMY STANDARDS FOR WORK TRUCKS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe standards to achieve the maximum feasible fuel economy for work trucks (as defined in section 32901(a)(11A) of title 49, United States Code) manufactured by a manufacturer in each model year beginning in model year 2011.

#### SEC. 6. DEFINITION OF LIGHT TRUCK.

(a) DEFINITION OF LIGHT TRUCK.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (11) the following:

“(11B) ‘light truck’ means an automobile that the Secretary determines by regulation—

“(A) is manufactured primarily for transporting not more than 10 individuals;

“(B) is rated at not more than 10,000 pounds gross vehicle weight;

“(C) is not a passenger automobile; and

“(D) is not a work truck.”.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph

(1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2009.

(b) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2009.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, \$25,000,000 for each of fiscal years 2007 through 2019.

#### SEC. 7. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) VEHICLE SAFETY.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following: “§30129. Vehicle compatibility and aggressivity reduction standard

“(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce vehicle incompatibility and aggressivity between passenger vehicles and non-passenger vehicles. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of vehicles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

“(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.”

(c) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2008; and

(B) a final rule under that section not later than December 31, 2009.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective no later than September 1, 2012.

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

“30129. Vehicle compatibility and aggressivity reduction standard”.

#### SEC. 8. TRUTH IN FUEL ECONOMY TESTING.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall, as appropriate, use existing emission test cycles and updated adjustment factors to update and revise the process used to determine fuel economy values for labeling purposes as described in sections 600.209-

85 and 600.209-95 of title 40, Code of Federal Regulations, (or successor regulations) to take into consideration current factors, such as—

- (1) speed limits;
- (2) acceleration rates;
- (3) braking;
- (4) variations in weather and temperature;
- (5) vehicle load;
- (6) use of air conditioning;
- (7) driving patterns; and
- (8) the use of other fuel-consuming features.

(b) LABELS FOR FUEL ECONOMY MODE DEVICES.—The Administrator of the Environmental Protection Agency shall include fuel economy label information for all fuel economy modes provided by devices described in section 9(a)(3) of this Act.

(c) DEADLINE.—In carrying out subsection (a), the Administrator shall—

(1) issue a notice of proposed rulemaking, or amend the notice of proposed rulemaking for Docket Id. No. OAR-2003-0214, not later than 90 days after the date of enactment of this Act; and

(2) promulgate a final rule not later than 180 days after the date on which the notice under paragraph (1) is issued.

(d) USE OF COMMON MEASUREMENTS FOR LABELLING AND COMPLIANCE TESTING.—Section 32904(c) of title 49, United States Code, is amended to read as follows:

“(c) TESTING AND CALCULATION PROCEDURES.—The Administrator shall measure fuel economy for each model and calculate average fuel economy for a manufacturer using the same procedures and factors used by the Administrator for labeling purposes under section 32908 by model year 2015.”

(e) REEVALUATION AND REPORT.—Not later than 3 years after the date of promulgation of the final rule under subsection (b)(2), and triennially thereafter, the Administrator shall—

(1) reevaluate the fuel economy labeling procedures described in subsections (a) and (c) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

#### SEC. 9. ONBOARD FUEL ECONOMY INDICATORS AND DEVICES.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, as amended by section 8, is further amended by adding at the end the following:

“§32921. Fuel economy indicators and devices

“(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe a fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2013 that requires each such automobile and light truck to be equipped with—

“(1) an onboard electronic instrument that provides real-time and cumulative fuel economy data;

“(2) an onboard electronic instrument that signals a driver when inadequate tire pressure may be affecting fuel economy; and

“(3) a device that will allow drivers to place the automobile or light truck in a mode that will automatically produce greater fuel economy.

“(b) EXCEPTION.—Subsection (a) does not apply to any vehicle that is not subject to an average fuel economy standard under section 32902(b).

“(c) ENFORCEMENT.—Subchapter IV of chapter 301 of this title shall apply to a fuel economy standard prescribed under subsection (a) to the same extent and in the same manner as if that standard were a motor vehicle safety standard under chapter 301.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 329 of title 49, United States Code, as amended by section 8, is further amended by inserting after the item relating to section 32920 the following:

“32921. Fuel economy indicators and devices”.

#### SEC. 10. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2009, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of gasoline or petroleum distillates used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions, properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

#### SEC. 11. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking “passenger” each place it appears;

(2) by striking “section 32902(b)–(d) of this title” each place it appears and inserting “subsection (a), (c), or (d) of section 32902”;

(3) by striking “clause (1) of this subsection” in subsection (a)(2) and inserting “paragraph (1)”;

(4) by striking subsection (e) and inserting the following:

“(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.”

#### SEC. 12. REPORT TO CONGRESS.

Not later than December 31, 2012, the Secretary of Transportation shall submit to Congress a report on the progress made by the automobile manufacturing industry towards meeting the 35 miles per gallon average fuel economy standard required under section 32902(b)(4) of title 49, United States Code.

#### SEC. 13. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by striking “title.” in subsection (a)(1) and inserting “title, and a light truck (as defined in section 32901(a)(11A)) manufactured by a manufacturer in a model year after model year 2009; and”;

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

“(F) a label (or a logo imprinted on a label required by this paragraph) that—

“(i) reflects an automobile’s performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

“(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901); and

“(ii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

“(G) a fuelstar under paragraph (5).”; and  
 (3) by adding at the end of subsection (b) the following:

“(4) GREEN LABEL PROGRAM.—

“(A) MARKETING ANALYSIS.—Within 2 years after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

“(B) ELIGIBILITY.—Within 3 years after that date, the Administrator shall issue requirements for the label or logo required by paragraph (1)(F) to ensure that a passenger automobile or light truck is not eligible for the label or logo unless it—

“(i) meets or exceeds the applicable fuel economy standard; or

“(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle class to which it belongs in that model year.

“(C) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

“(i) The recyclability of the automobile.

“(ii) Any other pollutants or harmful by-products related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

“(5) FUELSTAR PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘fuelstar’ program, under which stars shall be imprinted on or attached to the label required by paragraph (1).

“(B) GREEN STARS.—Under the program a manufacturer may place green stars on the label maintained on an automobile under paragraph (1) as follows:

“(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902.

“(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds that standard.

“(C) GOLD STARS.—Under the program a manufacturer may place a gold star on the label maintained on an automobile under paragraph (1) if—

“(i) in the case of a passenger automobile, it obtains a fuel economy of 50 miles per gallon or more; and

“(ii) in the case of a light truck, it obtains a fuel economy of 37 miles per gallon or more.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 517—COMMENDING THE CAROLINA HURRICANES FOR WINNING THE 2006 NATIONAL HOCKEY LEAGUE STANLEY CUP

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 517

Whereas on June 19, 2006, the Carolina Hurricanes toppled the Edmonton Oilers in one of the most exciting National Hockey League (NHL) Finals in history by a score of 3-1 in the seventh and final game;

Whereas this is the first Stanley Cup for the Carolina Hurricanes;

Whereas the Hurricanes are the first professional sports team in North Carolina history to win a major sports championship;

Whereas the Hurricanes finished at the top of the Southeast Division of the Eastern Conference during the regular season with a record of 52-22-8;

Whereas the Hurricanes rallied from a 2-goal deficit, winning 4 consecutive games to defeat the Montreal Canadiens in the first round of the playoffs;

Whereas the Hurricanes rolled over the New Jersey Devils in the second round of the playoffs, winning the series in only 5 games;

Whereas the Hurricanes showed their desire to win a championship by defeating the Buffalo Sabres in the seventh game of the Eastern Conference Finals to advance to the Stanley Cup Finals;

Whereas in Game 1 of the Stanley Cup Finals the Hurricanes became only the sixth team in NHL Finals history to overcome a 3-goal deficit to win;

Whereas Cam Ward became the first rookie goaltender to win a Stanley Cup in 20 years, and with 22 saves in Game 7, was named the MVP of the playoffs, becoming the fourth rookie and second-youngest player to be awarded the Conn Smythe Trophy;

Whereas Hurricanes head coach Peter Laviolette won his first Stanley Cup in his first full season at the helm of the team;

Whereas defensemen Aaron Ward and Frantisek Kaberle scored goals during the first period in Game 7 to put the Hurricanes up 2-0;

Whereas with the team only 1 goal ahead, Justin Williams sealed the 3-1 victory with an empty net goal in the final minute of the game;

Whereas a sold-out crowd of 18,978 at the RBC Center in Raleigh, North Carolina celebrated as the final horn sounded, announcing the Hurricanes' championship;

Whereas the Hurricanes veteran captain Rod Brind'Amour, who demonstrated great leadership throughout the entire season, won his first Stanley Cup and was the first to accept the Cup from NHL commissioner Gary Bettman by hoisting the historic trophy over his head in victory;

Whereas assistant captain Glen Wesley, who has played in more playoff games than any other active NHL player, won his first Stanley Cup at age 37;

Whereas 21-year-old Eric Staal became the youngest player to lead the playoffs in scoring since Gordie Howe in 1949;

Whereas hockey now joins college basketball and NASCAR as the favorite pastimes of North Carolina;

Whereas each player from the Hurricanes championship team will have his name forever etched on the Stanley Cup; and

Whereas North Carolina will be home to the Stanley Cup for at least the next year: Now, therefore, be it

*Resolved*, That the Senate—

(1) applauds the Carolina Hurricanes for winning the 2006 Stanley Cup;

(2) recognizes the achievements of the players, head coach Peter Laviolette, the assistant coaches, and the support staff who all played critical roles in leading the Hurricanes to the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Hurricanes owner Peter Karmanos, Jr. and head coach Peter Laviolette for appropriate display.

### SENATE RESOLUTION 518—HONORING THE LIFE AND ACCOMPLISHMENTS OF JAMES CAMERON

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. ALLEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. OBAMA, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 518

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, a compelling memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it