United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, FRIDAY, JULY 22, 2005 No. 101

House of Representatives

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The summer sun throws its intensity upon us, O Lord, with free abandon.

The growth of the Earth responds readily to its heat; but the temperature of the human body is just enough to keep us healthy.

Cool tempers and agitation, Lord, with the gentle breeze of Your spirit.

Help the Members of Congress today in their deliberations and plans for the Nation's security and peace.

The present burdens are light enough when they earn for us the eternal weight of Your glory, which is beyond comparison.

May the inner balance of nature and the external graces You provide guide America through the present to lay the foundation of hope for the world and for eternal glory above all else.

For out of nowhere, Lord, You can stir the wind now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minutes on each side.

H.R. 3268, EMINENT DOMAIN TAX RELIEF ACT OF 2005

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of H.R. 3268, the Eminent Domain Tax Relief Act of 2005. I introduced this bill to ensure tax fairness for all who lose any type of property through eminent domain. No longer will victims of eminent domain suffer the added insult of an IRS bill while their home or business is taken by the government.

In the wake of the recent Supreme Court eminent domain decision, there is a rumbling across this great land. The American people know what this rumbling is. It is the sound of government bulldozers driven by IRS agents heading toward a condemned property near you. However, the United States House of Representatives has committed itself to stopping eminent domain abuse and restoring over two centuries' worth of property protections.

I believe that H.R. 3268 will go a long way in that fight. It is time to get the tax man and the government steamrollers off the backs of America's private property owners.

Mr. Speaker, I ask my colleagues to join me in this fight and to cosponsor the Eminent Domain Tax Relief Act.

THE ROVE SCANDAL MOVES TO A STATE DEPARTMENT DOCUMENT

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, it has almost been 2 weeks since we first learned Karl Rove leaked the identity of Valerie Plame to a reporter at Time, and then confirmed the identity for Bob Novak. Yesterday we learned that a State Department document including the information about Plame's CIA ties also included a giant ''S'' on it, meaning that the information was secret.

For 2 weeks now, some Republicans have said that Rove did nothing wrong because the information leaked to the reporters was not confidential. Well, now we know that is simply not true and the giant ''S'' on the State Department document proves it. It is now clear the information Rove leaked to the reporters was secret and should not have been shared.

When Rove became Bush's right-hand man, he signed a classified information nondisclosure agreement. In that agreement he vowed to keep quiet about intelligence information until he could confirm that it was not classified.

Mr. Speaker, at the very least President Bush should revoke Karl Rove's security clearance. Rove has clearly shown that he cannot be trusted, and yet he continues to have access to information critical to our national security. I really think it is time for the President to fire Karl Rove.

HONORING ADMIRAL FARRAGUT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, I rise today to honor a fellow Tennesseean and our Navy's first admiral, David Glasgow Farragut.

Farragut was born in Campbell's Station, Tennessee, near the city of Knoxville. One of the largest, fastest-growing and most beautiful communities in my district is named in his honor. Raised in a Navy family, Farragut sailed on the Essex as a young boy during the War of 1812, took command of his first ship when he was only 12 years old, and later grew to prominence as a Union hero during the Civil War.

He was the first to prove naval forces could seize control of an entire city

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when he led the Union Navy to the capture of New Orleans in 1862. And his command, ''Damn the torpedoes, full speed ahead'' during his victory at Mobile Bay has become legendary.

As a result of Farragut's tremendous service, Congress established the ranks of rear admiral, vice admiral and admiral. Amazingly, he was the first person to hold each of these titles.

Tomorrow in Bath, Maine, the Navy will christen its newest guided missile destroyer as the USS Farragut. This recognition of Farragut's contribution to our naval tradition is a fitting tribute to one of our Nation's greatest military heroes.

Mr. Speaker, I consider it a privilege to recognize Admiral Farragut on the House floor today. He was a true Tennessee hero and one of our greatest Americans.

COMMUNICATION FROM MEMBER OF IRAQ NATIONAL ASSEMBLY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, since the 12th of June, there has been an embargo on the American press for reporting on a letter written by the Iraqi legislature. For that reason I will read it here today:

''As the National Assembly is the legitimate representative of the Iraqi people and the guardian of its interests, and as the voice of the people, especially with regard to repeated demands for the departure of the occupation, we note that these demands have earlier been made in more than one session but have blatantly been ignored from the Chair. Worse still is the Government's request to the U.N. Security Council to extend the presence of the occupation forces, made without consultation with the people's representative in the National Assembly who hold the right to make such fateful decisions.

''In line with our historic responsibility, we reject the legitimation of the occupation and we repeat our demand for the departure of the occupation forces, especially since our national forces have been able to break the back of terrorism and to notably establish its presence in the Iraqi street and to recover the state's dignity and the citizen's trust in the security forces leading to the noble objectives in an Iraq whose sovereignty is not embellished.

''Peace and God's Mercy and Blessings be Upon You.

''Falah Hasan Shanshal.''

This letter was signed by at least 126 members of the 275-member democratically elected Iraqi parliament and it gets nothing in the American press.

Everyone should know this.

JUDGE JOHN ROBERTS DESERVES A FAIR CONFIRMATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, since the moment Justice O'Connor announced her resignation, President Bush has met with an unprecedented number of people of both political parties. His thorough and sound selection process has proven he is dedicated to nominating an impartial, highly qualified person to the Supreme Court.

The President's selection of Judge John Roberts is good for our country. Upon his nomination to the D.C. Circuit, 152 members of the D.C. bar wrote to the Senate Judiciary Committee to note that Judge Roberts is ''one of the very best and most highly respected appellate lawyers in the Nation.'' Throughout his accomplished legal career, Judge Roberts demonstrated that he will fairly interpret and apply the Constitution.

Judge Roberts is a man of great integrity who deserves a civil and swift confirmation process. The United States Senate has already unanimously expressed its confidence in Judge Roberts. I am hopeful that the Senate will confirm his appointment to the United States Supreme Court before the fall term begins.

In conclusion, God bless our troops. We will never forget September 11 and the London attacks.

''CATCH AND RELEASE''

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, about half the people caught crossing our borders illegally are from some other country than Mexico. They come from places like Colombia, Nicaragua, Brazil, Egypt, Poland, the Philippines, China, Syria, Russia and even France. But the detention facilities for these illegals are full. That means many, about half, are released on their own recognizance. That means on their word they promise to return for a deportation hearing. That means they are supposed to stay here, not leave. That further means 86 percent of those individuals never return for their hearing, according to USA Today.

Are we surprised? This catch-and-release policy defies common sense. It wastes the efforts of our border agents. It does not provide consequences for illegally coming to the United States. Giving illegals a get-out-of-jail-free card is further evidence the United States must have an immigration plan that works.

Everybody wants to live in the United States but everybody cannot live in the United States. We must have a policy that promotes legal immigration and prevents illegal immigration. This catch-and-release policy must cease.

COBB COUNTY SCHOOL SUCCESS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, when President Bush started his first term, he challenged our educational system to end the soft bigotry of low expectations. Some of my colleagues objected to the accountability necessary. Students must be challenged to achieve. We must insist on results in our classrooms rather than accepting the status quo.

Students and teachers in Cobb County, Georgia, have accepted the challenge and excelled. Pope, Walton, Kennesaw Mountain, and Lassiter High Schools have some of the highest percentages of students meeting and exceeding standards in the entire State of Georgia.

Mr. Speaker, I am proud of all the teachers and students who dedicate themselves and work so diligently to make these achievements. I am excited about what is happening with education in my district. Challenging students to excel and insisting on accountability are the keys. Administrators, parents, teachers and students are to be congratulated. I am proud of the steps the Cobb County school system has taken to provide quality education to our children, some of the best in the State.

CIVIL LIBERTIES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, yesterday the House of Representatives made permanent many of the provisions of the PATRIOT Act which have caused great concern across this country with respect to undermining basic civil liberties. When we sing the Star Spangled Banner, we ask a question, ''Does that star spangled banner yet wave o'er the land of the free and the home of the brave?''

Francis Scott Key when he wrote the Star Spangled Banner understood the connection between freedom and bravery, between democracy and courage. We must work to create a Nation where we encourage the people of America to be free of fear. We must work to create a Nation where we are not afraid to celebrate our civil liberties.

PROVIDING FOR CONSIDERATION OF H.R. 3070, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3070) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 0915

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 370 is a structured rule that provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science. It waives all points of order against consideration of the bill.

Further, this resolution provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment, waives all points of order against the committee amendment in the nature of a substitute, makes in order only those amendments printed in the Rules Committee report accompanying the resolution. It provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, shall not be subject to a demand for a division of the question in the House or in the Committee of Whole. It waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today to speak on behalf of H. Res. 370 and the underlying bill, H.R. 3070, the National Aeronautics and Space Administration Authorization Act of 2005.

I would like to first thank the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Science Committee. As a former member of the Science Committee, I have a deep respect for the chairman, and I know how hard he works for the committee.

Also, I would like to commend the gentleman from California (Mr. CALVERT), the Space Subcommittee chairman and the author of H.R. 3070, as well as the gentleman from Tennessee (Mr. GORDON) and the gentleman from Colorado (Mr. UDALL), the ranking members.

H.R. 3070 represents this House's commitment to maintaining the United States' dominance in the field of space exploration and technology. This legislation embraces and builds upon the goals laid out by President Bush in his vision for space exploration.

Overall, H.R. 3070 instructs the President, in conjunction with the administrator of NASA, to develop a national aeronautics policy through the year 2020. This act directs the NASA administrator to develop a goal and implement a strategy of running American astronauts to the Moon by 2020. Also the legislation calls for a Crew Exploration Vehicle to be launched as close to 2010 as possible.

These goals and the related studies should be key to preparing the National Aeronautics Space Administration for the eventual deployment of astronaut crews to land on and return from Mars and other destinations. America has a history of innovation and technological development, and the American people demand that NASA do all within its resources and power to see that we keep that record intact.

In this legislation, Congress also expresses its support for the Hubble space telescope and its valued use as a tool to answer important questions of space and science. Therefore, H.R. 3070 directs NASA to create and implement a plan to repair the Hubble telescope after completion of the current Space Shuttle mission.

With respect to the international space station, H.R. 3070 provides instructions and strongly encourages NASA to develop a Crew Exploration Vehicle that will enable our crews to stay at the space station for longer durations of time.

Additionally, this legislation promotes a number of additional initiatives, including the development of a supersonic aircraft capable of carrying civilian passengers.

H.R. 3070 also calls for the development of a hydrogen fuel cell-powered aircraft and an unmanned aircraft capable of operating for long periods on Mars. One study would be commissioned to assess the potential threats of near-Earth objects that are at least 100 meters in diameter, while another study would examine ways to reduce fuel consumption and noise levels of commercial aircraft.

Mr. Speaker, in a time of deficits and budget reform, this legislation responsibly requires that the President's annual budget request for NASA include a breakdown of budgets on the basis of specific programs. This practice would allow the Congress and the President to better assess the cost-benefit analysis of each individual program and make determinations about future spending. The American people want to see technological development and advancement in the field of space exploration, but they demand and deserve that such provisions are made in a fiscally responsible and sound way.

So in conclusion, Mr. Speaker, I want to again commend the work of the Science Committee and to thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from California (Mr. CALVERT), as well as the gentleman from Tennessee (Mr. GORDON) and the gentleman from Colorado (Mr. UDALL), the ranking members.

I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I am pleased to support the fiscal year 2006 National Aeronautics and Space Administration authorization, and I congratulate the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON), the ranking member; and the gentleman from California (Mr. CALVERT), the subcommittee chairman; and the gentleman from Colorado (Mr. UDALL),

the ranking member, for their hard work on this bipartisan bill. I welcome a bill that comes to the floor with such unity, and I applaud their efforts.

On March 16, 1926 Robert Goddard of Auburn, Massachusetts, which happens to be in my congressional district, successfully launched the first liquid fueled rocket. The first-of-its-kind rocket reached an altitude of only 40 feet, and its flight lasted only 2 seconds; but it inspired generations of future astronauts and scientists. Dr. Goddard, recalling his childhood curiosity for physics wrote: ''I imagined how wonderful it would be to make some device which had even the possibility of ascending to Mars. I was a different boy when I descended the tree from when I ascended, for existence at last seem purposive.''

Robert Goddard would come to be known as the Father of Modern Rocketry. And I know Dr. Goddard would be pleased to know that the exploration of Mars is within our grasp.

By prioritizing human space travel, we are trying to maintain the United States as a leader in space exploration and aeronautics. Projects such as the International Space Station encourage worldwide efforts in science, and it is important that the U.S. continue to participate. Through these missions, we will be able to explore the long-term effects of space travel on humans, collect data regarding life on other planets, and gain greater knowledge of the universe.

Mr. Speaker, the safety of our astronauts must remain our top priority. So I am pleased that the committee has included funding in this bill for the Crew Exploration Vehicle. This vehicle will serve as a backup should problems arise with the International Space Station.

The spirit of Robert Goddard and NASA inspires children of all ages to imagine what is beyond the blue sky above. In my own district, Worcester Polytechnic Institute has received $1.5 million in the last 5 years for aerospace research projects.

WPI has also sent 150 undergraduate students to the Goddard Spaceflight Program, where they researched and developed products in gravity studies and contamination prevention. With ongoing partnerships with facilities across the country, WPI has formed a multidecade bond with NASA. The knowledge gained from these undergraduate programs fosters not only a love of learning, but also offers careers at NASA and other leaders in the aeronautics field.

NASA has always been a leader in educating young people about the wonders of space and aeronautics. Through outreach programs, NASA is able to engage students and encourage studies in math and science. This bill authorizes NASA to establish two annual Charles ''Pete'' Conrad Astronomy awards for amateur astronomers. The first award would be presented to astronomers who, using amateur equipment only, discover the brightest near-Earth asteroid during the past year.

The second award would be presented to the amateur or group who made the greatest contribution to the Minor Planet Center catalog of near-Earth asteroids. Each award amounts to $3,000. By promoting the pursuit of science through such awards, we can engage children and young adults. We can get them more interested in math and science, which is so incredibly important in the 21st century.

In the spirit of ingenuity, I am also pleased to mention $6.9 billion has been set aside for science, aeronautics, and education activities. This will allow scientists to research such projects as hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions, and to study ways to reduce fuel consumption and noise levels of commercial aircraft. Important potential markets could be created from these new technologies, and in a society that is overdependent on fossil fuels, this money is well spent. In fact, the research that NASA is doing can help us make the world more environmentally safe.

Again, Mr. Speaker, I thank the authors of this bill for their hard work.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT), the distinguished subcommittee chairman.

Mr. CALVERT. I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the gentleman from New York (Mr. BOEHLERT); the gentleman from Tennessee (Mr. GORDON), the ranking member; and the gentleman from Colorado (Mr. UDALL), the ranking subcommittee member.

We have worked out a good bill. This is a good rule. This recognizes the importance of human exploration, robotics, science, aeronautics. This is a good compromise, a good bipartisan solution. Let us move this rule and get on to the general debate.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MCGOVERN) for allowing me to speak. I would also like thank the members of the committee who worked so hard to craft a bill that was strong enough to pass through the committee unanimously.

When most people think about NASA, they think about space exploration, and rightly so, with such a rich history. NASA has given us Projects Mercury and Gemini in the 1960s, followed closely by the Moon landings of Project Apollo. They gave us Skylab in the 1970s, and finally, the Space Shuttle beginning in the 1980s and sunsetting in the coming years. And of course the Hubble telescope has given us decades of groundbreaking information about deep space through its spectacular visual images. Several of those images, I might add, adorn the walls of my own office.

But NASA's contribution to America is far more than space flight alone. Its satellites have allowed NASA to pioneer the science of remote sensing, which enables us to perform incredible analyses of the Earth from space. And its aeronautic research and development has dramatically improved our air safety, our economy, and our environment. National security has especially benefited.

From surveillance systems that monitor aircraft flight paths to the development of secure communications systems, NASA's research has been instrumental in improving our national security. In addition, NASA's recent successful hypersonic flight, clocked at about 7,000 miles per hour, demonstrated that military or civilian aircraft might soon be able to fly anywhere in the world in less than 2 hours. Aeronautics is a substantial and key part of the national defense infrastructure.

NASA's basic research is critical to their success. NASA is able to develop long-term, high-risk enabling technologies that the private sector is unwilling to perform because it is either too risky or too expensive. When the government-sponsored basic research yields information that could lead to a service or product with profit potential, the private sector transitions from research to development in order to bring it to market.

□ 0930

While it is not always as simple as this, it is clear that where there is no basic research there can be no development.

NASA's field centers like the Glenn Research Center in Cleveland, Ohio, in my district, are where the actual basic research is done. There you will find unique research facilities, some of the best scientists and engineers of our time, and a track record of discovery for the public good that is the envy of the world.

One of the secrets to NASA's success has been its dual emphasis on both space and aeronautics. A successful space program is heavily dependent on a strong aeronautics program. Indeed, you cannot get to space without first navigating the atmosphere. Yet the budget proposal for fiscal year 2006 attempted to cut funding for aeronautics research. The result is that recovery would have taken decades and billions of dollars.

That is why I am here on the floor to express my gratitude for the work that my colleagues have put into this bill. It shows that the good people of the committee share my own deep affinity and appreciation for a healthy, balanced NASA. It recognizes that a healthy NASA requires strong field research centers like NASA Glenn. Strong field centers in turn are dependent on their facilities and, most importantly, their talented workforce. The

bill, therefore, protects the jobs and facilities from cuts that are driven by what accountants want instead of what good scientists and engineers in our Nation need.

The bill stands in defense of aeronautics in a nod to the crucial role that it plays in so many facets of our everyday life. The effort to keep NASA healthy is by no means over, but this bill represents a long stride in the right direction. I urge my colleagues to join me in supporting it.

I want to also thank my colleagues from other committees such as the gentleman from Virginia (Mr. WOLF), the gentleman from Ohio (Mr. HOBSON), the gentleman from Ohio (Mr. LATOURETTE), the gentlewoman from Ohio (Mrs. JONES), and others who have been very supportive of our overall efforts.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just close by saying that this is an important bill. It is important because our space program yields many benefits to the people of this country and the world.

A lot of times people do not quite understand all that we gain from the space program. It is not just about rockets flying up in the sky. It is about improving aeronautics research. It is about communications, improving our communications systems. It is about protecting our national security. It is about learning more about science and our environment. It is about finding better ways to protect our environment here on Earth. We learn of medical breakthroughs, medical research goes on during these space flights. So it benefits us in multiple ways, and I think it is important for people to appreciate that because oftentimes people will ask, why do we need to spend all this money on the space program? The reason why is there are tangible benefits all around us that have been directly derived from the space program.

Finally, Mr. Speaker, let me again say I am grateful that this is a bipartisan bill, and I am grateful that there is no controversy on the rule. This is a unique moment because we have not had such a bill like this in a long time. I ask Members to support the bill and support the rule.

Mr. Chairman, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to close by saying that from the Apollo Moon landing to the first Space Shuttle to the International Space Station, NASA has been pushing the envelope of American science.

NASA is not just about inventing TANG. It is about American achievement, American pride. As we move to consideration of the underlying bill, I would ask my colleagues to remember their first thoughts of space as a child and the wonderment they felt.

As a child I remember looking at the stars and Moon at night and the sheer awe I experienced. NASA has taken that wonderment and awe and turned it into tangible results with legal real-life applications.

My good friend and colleague from Massachusetts (Mr. MCGOVERN) talked about breakthroughs in the field of medicine where, of course, I practiced as a physician for almost 30 years, and NASA has been a part of numerous breakthroughs that do help doctors treat their patients and save lives.

For instance, NASA has been directly or indirectly involved in digital imaging breast biopsy systems; breast cancer detection; laser angioplasty for blocked arteries; ultrasound skin damage assessment; human tissue stimulator which helps control chronic pain; cool suits that lower a patient's body temperature, producing a dramatic improvement of symptoms of multiple sclerosis, cerebral palsy, spina bifida and others; programmable pacemakers, eye screening to detect eye problems in very young children; automated urinalysis, medical gas analyzer systems used to monitor operating rooms for analysis of anesthetic gasses and measurement of oxygen, carbon dioxide and nitrogen concentrations to assure proper breathing environment for surgery patients; voice-controlled wheelchairs.

Just to list off a few more: Arteriosclerosis, hardening of the arteries, detection, ultrasound scanners, automatic insulin pump, portable x-ray devices, invisible braces, dental arch wire, palate surgery. I could go on and on.

Mr. Speaker, of course the field of medicine is only one area of course that NASA has helped all of us. In reality that are so many, many more that we do not have time to mention here today. Suffice it to say, we are making tremendous breakthroughs in the field of science because of what NASA has done and how we have funded this program.

I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3070.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 370 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3070.

□ 0939

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3070) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes.

The Chair designates the gentleman from Nebraska (Mr. TERRY) as chairman of the Committee of the Whole, and requests the gentleman from Oregon (Mr. WALDEN) to assume the chair temporarily.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 3070. Let me begin by thanking the gentleman from California (Mr. CALVERT) for the magnificent work he has performed as chairman of our Subcommittee on Space and Aeronautics and the lead author of this bill. Without the gentleman's steadfast determination, his insight and openness to compromise, we would not be here today.

I also want to thank my ranking member, the gentleman from Tennessee (Mr. GORDON), and our subcommittee ranking, the gentleman from Colorado (Mr. UDALL) for their leadership and willingness to compromise, and I want to thank all the members of the committee on both sides of the aisle who have contributed to this bill. It is truly a team effort and it shows what Congress can accomplish if we work together in an open-minded and cooperative manner.

Now, I have opened my statement by focusing on compromise but I do not want anyone to think that this bill represents some kind of random hodgepodge of competing views. H.R. 3070 is built on firm central principles that will give clear direction to NASA.

What are those principles? First, Congress endorses the President's Vision for Space Exploration. The United States will work to return to the Moon by 2020 and then will move on to other destinations. We will build a new Crew Exploration Vehicle that, among other tasks, will service the International Space Station. And the bill allows the Space Shuttle to be retired no later

than 2010, which we must do if the space program is to continue to make progress.

Obviously, we hope and pray for the safe return to flight of the Space Shuttle now scheduled for next Tuesday. The Space Shuttle is a magnificent machine and our current space program is dependent on it, but it is not our future in space.

The second principle on which this bill is founded, and it is every bit as essential as the first principle, is that NASA is a multi-mission agency with vital responsibilities in space science, earth science, and aeronautics. Those programs are NASA's most successful efforts. They bring enormous economic and intellectual benefits and they create every bit as much excitement among students and the general public as do the human space flight programs.

This bill recognize the centrality of those programs and authorizes them at a greater level than the administration has proposed. The bill specifically endorses the Hubble space telescope repair mission, assuming, and this is important, assuming the NASA Administrator determines that the mission would not impose any unreasonable risk. And the bill treats these programs as priorities to be evaluated on their own merits, not in terms of the human space flight program.

The third principle behind this bill is an understanding that NASA is in a period of transition and that Congress needs much more information before we can make detailed decisions on the future of the agency's programs. For that reason the bill asks NASA to develop a vision for aeronautics, a prioritized list of science missions and a plan for its workforce and facilities. We require more joint planning with the National Oceanic and Atmospheric Administration and the Department of Energy.

We explicitly list the numerous basic reports that Administrator Griffin has promised to provide by September, including, most significantly, reports on the number of remaining shuttle flights and their mission, the final configuration of the space station, the cost of the Crew Exploration Vehicle, the plan for what we will do on the Moon, and the plan for Project Prometheus, and that is not even the full list. We have a lot of oversight work ahead of us.

The fourth principle of the bill is that NASA has to try new ways of doing business if it is to remain innovative. This is a point that the former chairman, the gentleman from California (Mr. ROHRABACHER) always hammered home and it is an emphasis of the gentleman from California (Chairman CALVERT) as well.

NASA has to be open to entrepreneurs. NASA needs to see how much it can gain from an expanded prize program which is authorized in this bill.

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NASA needs to work with international partners on the Vision for Space Exploration.

So this is a bill built on solid principles that will give NASA a solid foundation from which to launch its many missions. We can all be proud of our space program, which has been a symbol of and contributor to the Nation's technological prowess. This bipartisan bill will ensure that that remains the case, and I urge my colleagues to support it.

Mr. Chairman, I submit for the RECORD the Congressional Budget Office cost estimate on H.R. 3070.

JULY 20, 2005.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3070, the National Aeronautics and Space Administration Authorization Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mike Waters.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3070—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005—AS REPORTED BY THE HOUSE COMMITTEE ON SCIENCE ON JULY 18, 2005

Summary: H.R. 3070 would authorize appropriations for National Aeronautics and Space Administration (NASA) activities for fiscal years 2006 and 2007. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 3070 would cost $33 billion over the 2006–2010 period. The legislation would extend NASA's authority to indemnify or insure developers of experimental aerospace vehicles from damage claims by third parties. That provision could increase direct spending, but CBO estimates any such costs would be insignificant over the 2006–2015 period.

H.R. 3070 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3070 is shown in the following table. The costs of this legislation fall within budget functions 250 (general science, space, and technology) and 400 (transportation).

	By fiscal year, in millions of dollars					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
NASA Spending Under Current Law:						
Budget Authority [a]	16,196	0	0	0	0	0
Estimated Outlays	14,783	5,948	770	282	77	0
Proposed Changes:						
Authorization Level	0	16,471	16,962	0	0	0
Estimated Outlays	0	10,107	15,649	6,168	912	286
NASA Spending Under H.R. 3070:						
Authorization Level [a]	16,196	16,471	16,962	0	0	0
Estimated Outlays	14,783	16,055	16,419	6,450	989	286

[a] The 2005 level is the amount appropriated for NASA for that year.

Basis of estimate: For this estimate, CBO assumes that the amounts authorized by the bill will be appropriated near the start of each fiscal year and that outlays will follow the historical spending patterns for NASA activities.

Spending subject to appropriation

H.R. 3070 would authorize the appropriation of $16.5 billion in 2006 and almost $17 billion in 2007 for NASA activities, including science, aeronautics and education, exploration systems, space operations, and funding for NASA's Inspector General.

Direct spending

H.R. 3070 also would extend through 2015 NASA's authority to indemnify or insure developers of experimental aerospace vehicles operated by civilian developers from damage claims by third parties. The Administrator would be able to indemnify or insure a single event for up to $1.5 billion (in 1989 dollars) beyond the developer's private insurance coverage, regardless of whether amounts are available from appropriations to pay such claims.

Extending NASA's authority to indemnify developers of experimental aerospace vehicles could result in direct spending, but we estimate that any such spending would not be significant. Assuming that the risk of claims would be similar to that of existing launch vehicles and that private insurance and appropriated funds would be tapped first to pay any claims, CBO expects that the likelihood of direct spending for indemnification payments would be small. If NASA were obligated to pay claims in excess of the amounts available from private insurance and appropriations, CBO assumes that any additional payments would be made from the Claims and Judgments Fund, which would increase direct spending.

Intergovernmental and private-sector impact: H.R. 3070 contains no intergovernmental or private-sector mandates as defined by UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Mike Waters. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume, and I want to speak in support of H.R. 3070, the NASA Authorization Act of 2005. This bill, as reported out of the Committee on Science, is a good bill and one that I am pleased to support. It is the result of constructive negotiations between the majority and the minority that led to a bill that provides

important funding and policy guidelines to the National Aeronautics and Space Administration.

Mr. Chairman, during the hearings the Committee on Science held earlier this year on NASA and its human exploration initiative, I laid out a series of principles I believed needed to be included in this year's NASA authorization bill. Those principles include the following:

First, NASA should continue to be a multimission agency with robust R&D activities in science, aeronautics, and human space flights.

Second, I support human exploration beyond the low Earth orbit as an appropriate long-term goal for the space flight program. However, I believe there needs to be appropriate guidelines and flexible firewalls to ensure that it is properly paid for and not funded at the expense of other important NASA programs.

Third, there needs to be clear priorities within NASA's exploration program as well as within the agency's other core missions.

Fourth, the United States should honor its international obligations to the International Space Station program.

Fifth, there needs to be funding and policy direction to ensure that the International Space Station realizes its potential for fundamental and applied scientific and commercial research and is not just a platform for exploration initiative. The American taxpayer has invested too much money in the ISS for NASA to walk away from its longstanding commitment to research that can help benefit our citizens back here on Earth.

Finally, I believe that programmatic goals should be flexible, not rigid, guidelines. The flexibility is needed to allow for the changing situations at NASA, whether they be technical, operational, or budgetary in nature.

Mr. Chairman, it was my belief that the initial version of H.R. 3070 did not properly address those essential principles and, as a result of our concerns, Democrat members of the Subcommittee on Space and Aeronautics withheld their support for the bill when it was marked up at the subcommittee level.

Following the markup, Democrats worked to develop an alternative NASA authorization bill that would address our concerns and be credible, practical, and conferenceable. That alternative bill was introduced as H.R. 3250, with cosponsorship of all the Democratic members of the Committee on Science.

As a result, we were able to have a productive dialogue with the Committee on Science majority, which led to many of the provisions in H.R. 3250 being incorporated into the bill before us today. I am pleased at the outcome because I think it did result in a better bill, one that can provide useful congressional guidance to NASA for the coming 2 years.

Mr. Chairman, before I close, I would like to say a word about the manager's amendment that will be considered later today. I would like to focus on one particular provision, namely, the increase in the overall authorization level for NASA to allow the human exploration program to be fully funded.

That provision would result in a total of $1.26 billion being added to NASA's 2-year authorization, with all of it being allocated to the exploration initiative. It should be noted that this provision was specifically sought by the White House and that the White House indicated that failure to include it would result in an unfavorable statement of administrative policy.

I have decided to support the inclusion of the extra funding for two basic reasons: first, money is being added for the exploration in a way that is consistent with the principles I outlined earlier, that is, funds sought by the administration to increase the exploration account are coming from an augmentation to NASA's overall bottom line rather than from the cannibalizing of other important NASA activities in aeronautics and science.

Second, the White House action in seeking the additional funding for NASA provides compelling confirmation of a point I have been making all year, namely, it is not possible to provide the levels of funding needed to maintain healthy aeronautics and science programs at NASA and fully fund the Human Exploration Initiative under the budget plan put forth by the White House. The amendments sought by the White House make that point clear.

I want the exploration initiative to succeed. It is a worthwhile endeavor. But it is clear if additional resources are not forthcoming, NASA will have to adjust the scope of its exploration activities and its timetables to fit within the available funds. That is going to be challenging to accomplish, but I believe it is going to be necessary.

Finally, Mr. Chairman, I would like to take this opportunity to thank the gentleman from New York (Mr. BOEHLERT), the chairman of the committee; chairman of the subcommittee, the gentleman from California (Mr. CALVERT); the subcommittee's ranking member, the gentleman from Colorado (Mr. UDALL), for all their efforts in putting this bill together.

I would also like to give a special thanks to my staff, with Dick Obermann and Chuck Atkins, who spent late nights and many hours helping us work together, and the majority staff, who spent those same hours working together trying to get a good bill here, and they were successful. Mission accomplished.

Despite a somewhat rocky start, I believe the final product is a testament to their unwavering commitment to a strong and productive civil space program. I look forward to working with them to get this legislation enacted into law.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume, before actually yielding to this next speaker, because I feel it is most important for Members to note that the gentleman from California (Mr. CALVERT) took over the subcommittee and totally immersed himself in the work of it. He is traveling around to all the NASA centers; he is interacting with the employees. And not just the top guys, but all the way down the line. This guy is proving by performance that he is outstanding in his leadership, and for that I thank him very much.

Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from California (Mr. CALVERT), the distinguished chairman of the subcommittee.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding me this time.

The NASA Authorization Act of 2005 is the culmination of a lot of hard work on both sides of the aisle. We have developed a real bipartisan compromise. This is the first NASA authorization bill to come to the House in 5 years, and I want to commend Chairman BOEHLERT and the ranking members, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Colorado (Mr. UDALL), for their cooperation in carefully crafting this bipartisan bill. But I most especially thank Chairman BOEHLERT for his unwavering support to get this bill out and to have it here today.

Mr. Chairman, we carefully crafted this bill. It took a lot of meetings on the principles and long hard hours of staff work on both sides to come up with this balanced agreement. This is the first authorization bill to endorse the President's Vision for Space Exploration that was announced on January 14, 2004. This vision includes the shuttle's return to flight, the completion of the International Space Station, the development of a new Crew Exploration Vehicle, the CEV, which will allow us to return to the Moon by 2020 and then on to Mars and beyond.

Our civil space program excites the world. In a Gallop poll released last week, more than three-fourths of the American people support a new plan for space exploration. The Committee on Science strongly supports NASA's new administrator, Dr. Michael Griffin, and wants to provide him the flexibility to transform the agency in this second Space Age. Our bill provides the rules and tools that will enable the agency to maintain its multimission agenda with a balanced approach for human and robotic space flight, science, and aeronautics.

The Committee on Science has not addressed the Iran nonproliferation issue in our bill today, but we will continue to work with the House Committee on International Relations to resolve this matter. We are committed to resolving this issue before our bill is signed into law.

Once we pass the manager's amendment, our bill will fully fund exploration, the Space Shuttle, the International Space Station, and will increase funding for priorities such as aeronautics and the Hubble Space Telescope Servicing Mission. We have asked for a number of strategic plans in the areas of aeronautics, science, human capital, and in facilities in order to better guide NASA in the future.

The bill also addresses the need for NASA to make better use of commercial products, including software, as well as to work with the entrepreneurs in accomplishing NASA's goals. In addition, the bill authorizes a prize program for NASA to stimulate innovation and basic research and technology, modeled on the X-Prize that was recently won by Burt Rutan and his SpaceShipOne team. We have also included a cost-containment regime that has been crafted for NASA in its major development programs.

By remaining silent on the shuttle program's length of operation, the bill provides the administrator the flexibility to move forward with his plans to retire the shuttle in 2010. Ending the shuttle program at this time will free up funding to accelerate the development of the CEV and will close the gap between the shuttle and the CEV. Hopefully, this flexibility will allow us to eliminate the gap entirely.

We have asked the Office of Science and Technology Policy to look at the R&D programs across the Federal Government and to document all programs that may be redundant in multiple agencies and also those that may have fallen through the cracks. In addition, we have asked NASA to consider various business models as it looks at the agency's restructuring. In total, the information will enable Congress to craft legislation which parallels the exciting changes and challenges that NASA will be facing in the coming years.

Mr. Chairman, we do not consider this legislation in a vacuum. Other nations are actively pursuing human space flight and exploration. China alone graduates almost as many engineers in a month as we do in a year. India graduates five times as many engineers per year as we do in the United States. NASA, with its excellent reputation in exploration, science and aeronautics, is the one agency which can focus and inspire America's youth to take up the challenging work of math and science careers.

Again, I want to thank our committee leadership, Chairman BOEHLERT, Ranking Member GORDON, subcommittee Ranking Member UDALL, and the hard-working staff for their efforts in putting this bill together. This bill is an important milestone for our committee, NASA, and America.

Mr. GORDON. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL), the ranking member of the Subcommittee on Space and Aeronautics; and I thank him not only for his work on the bill in general but specifically in the aeronautics area, where he was a real leader.

Mr. UDALL of Colorado. Mr. Chairman, I want to thank the ranking member of the full committee, the gentleman from Tennessee (Mr. GORDON), for yielding me this time and also for his kind words.

I also want to acknowledge my good friend, the gentleman from New York (Mr. BOEHLERT), the chairman, and the chairman of the subcommittee, the gentleman from California (Mr. CALVERT), for the work we have all done together for this important legislation.

Mr. Chairman, I believe the legislation strikes a productive and essential balance between NASA's core missions and provides important policy direction as the agency embarks on the Mars-Moon initiative. Though I hate to use a cliche, I believe NASA is at a crossroads with its many missions: the Space Shuttle will hopefully be returning to flight next week, after being grounded for nearly 2½ years; a Hubble Servicing Mission is being considered and prepared for; and NASA is looking to accelerate the development of the Crew Exploration Vehicle; and research universities are anxiously awaiting news about the future of many of their projects with NASA.

As NASA moves forward with these initiatives, it is the opportune time for Congress to weigh in and provide NASA with long-term policy direction. The bill takes important steps to ensure that NASA continues its important investment in each of its core missions: science, aeronautics, and human space flight, including human exploration.

For example, it sets up a budgetary structure that separates NASA's human space flight and exploration accounts from its science, aeronautics, and education accounts.

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In addition to establishing flexible firewalls between NASA accounts, it provides guidance on how to deal with subsequent cuts to the overall budget. Namely, any cuts to the NASA budget would reduce the authorizations for each of its accounts proportionally, ensuring one account does not make the bulk of the cut.

These provisions provide sound government policy to ensure that the intentions of Congress are followed and that NASA maintains a balance within its missions.

The bill contains a number of provisions that seek to establish better oversight of NASA. One I would specifically like to mention requires NASA to provide a transition plan to Congress and identify funds to support any transfer of programs from NASA to NOAA. This should not be considered a congressional endorsement of the transfer of Earth science missions or Earth observing systems from NASA to NOAA. Instead, it intends to ensure that all transfers are done openly.

H.R. 3070 also takes commonsense steps to review the extension of missions which have already met their original goals. With minimal investment, many missions, such as Voyager, can continue to provide useful data even though they have exceeded their original operational timelines.

The bill requires NASA to review each of the missions and assess the costs and benefits to continue these programs, thus allowing a maximum benefit from all of our investments. I would like to turn to four areas of particular importance to me in the bill: Aeronautics, education, remote sensing and the wonderful Hubble telescope.

I am pleased to see the inclusion of positive policy and funding guidance to NASA on revitalizing the aeronautics program at NASA. Historically, aeronautics has provided America with jobs, economic security, a positive input to our balance of trade, and technological advances for both commercial aviation and defense. However, recently those aeronautics investments have been declining with projections of continuing decline in the NASA budget. This all comes at a time when the European Union has announced a goal to become a leader in aeronautics by 2020 and is increasing R&D funding in aeronautics to $2.5 billion. If we are to remain competitive, we must revitalize our R&D programs to match what the European Union and other nations in the world are doing.

The aeronautics piece also names three breakthrough R&D initiatives in subsonic, supersonic and rotorcraft, as well as rejects the proposed decline in the aeronautics budget by authorizing increased R&D funding for 2006 and 2007. Overall the bill ensures that we continue to be a global leader in aeronautics.

As this body knows, and as the gentleman from California (Mr. CALVERT) just shared with us, the United States is not graduating students in science, technology, engineering and math in the numbers required to sustain our current workforce. As we prepare for the return of flight with the Shuttle, young boys and girls are looking up to the astronaut corps and thinking one day they would like to become astronauts.

The bill provides specific emphasis on the education programs within NASA that excite and inspire our youth to continue to study in these fields. NASA's missions have the power to attract the American public, both young and old, and I believe we need to ensure that we utilize this excitement and encourage students to follow their childhood dreams of working with NASA.

I am pleased that the bill recognizes the importance of ensuring that our minority and economically disadvantaged young people have access to NASA's educational activities.

Turning to another topic, many of the American public only see NASA looking outward into space. However,

the agency's Earth science program provides valuable information about our own planet. NASA collects data about the Earth that has practical applications for States, tribal agencies, cities, and municipalities by providing geospatial data from satellites.

I am particularly interested because in my home State of Colorado, we have two of the leading companies involved in this important work, and many cities and counties in Colorado are working to address growth and sprawl. A bill that I have introduced which has been incorporated into this bill works to increase access to that data from both commercial and public sources.

Lastly, I am gratified that the bill calls for a human servicing mission to be scheduled once the Shuttle has returned to flight with appropriate safety precautions and provides authorization funding for the mission to service the Hubble telescope.

Hubble has truly become the people's telescope. Its data is accessible to scientists and nonscientists alike, and has allowed amateur astronomers of all ages to study our universe. I am pleased that NASA has already taken these steps towards a human servicing mission, and this bill affirms the congressional commitment to extending the life of Hubble.

In closing, I again want to acknowledge the great leadership of the gentleman from New York (Mr. BOEHLERT), the ranking member, the gentleman from Tennessee (Mr. GORDON), and the subcommittee chairman, the gentleman from California (Mr. CALVERT), for their work on the bill. This legislation has truly been the result of productive and positive dialogue and negotiations on both sides of the aisle. The staff has done a marvelous job in bringing us together as well. I believe this is the right policy for NASA, and I urge Members to support its passage.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from Colorado (Mr. UDALL) for his remarks and the gentleman from Tennessee (Mr. GORDON) for his remarks.

A lot of people will look at this bill and wonder how we got here today, with seemingly widespread support, and I think that will be proven when the vote actually occurs, because we started out with clear differences. We are not talking about petty cash, we are talking about $30-plus billion over the next 2 years, but we got to this point because we reasoned together.

The professional staffs, and I emphasize the word, and Members worked in a bipartisan manner to fashion compromise, and this is the product that we have here today.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, I would like to engage in a colloquy with the gentleman from New York (Mr. BOEHLERT) concerning the issue of intellectual property rights with regard to prizes.

The bill is silent on this issue, and I would like to have a better outcome. This is an issue that needs to be resolved. Is it the chairman's intention to work toward a compromise as we go forward to conference?

Mr. BOEHLERT. Mr. Chairman, this is an important outstanding issue that does need to be resolved, and it is my intention to address it in the final version of the bill.

As Members know, H.R. 3070 as originally introduced mandates that prize contestants keep their intellectual property, although NASA may negotiate a license. The gentleman's substitute would require that prize contestants choose one of two alternatives: Either agree to give NASA a royalty-free license in order to accept the prize or waive the prize in exchange for the right to negotiate a royalty agreement with NASA.

We have offered meritorious but quite different approaches, and we will have to figure out how to handle it in the final bill. I look forward to working with the gentleman on that.

Mr. GORDON. Mr. Chairman, I appreciate the gentleman's willingness to work on this issue. We have been able to accommodate other issues, and I am sure we will this one. Just as steel is made by combining iron and other elements, by combining our two bills, we have a stronger bill, and I am sure we will work this out.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL), a valued member of the committee. All members on the committee are valued, but this guy is valued for so many reasons. One is because he brings intellectual curiosity to the committee and he also brings it with a sense of wit that has us smiling even at some of the most tense times.

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. HALL. Mr. Chairman, I thank the gentleman for his kind words, and for the hard work he and the group have put in.

Mr. Chairman, as we wait to launch *Discovery* on another vital mission to the International Space Station, Congress is moving forward with legislation that celebrates and supports the Space Shuttle fleet, as well as putting our country on a new vision for space exploration.

When President Bush announced the new vision for space in January 2004, I was really excited to see that NASA had a new direction and a new focus for the future. Our ventures into space not only keep our country at the forefront of exploration and innovation, but they are also vital to our economy and very vital to our national security.

This new vision sets America on a course toward the Moon and toward Mars, and we should embrace this dream and work to make it a reality.

Today's bill before the House reauthorizes NASA and outlines the broad goals of the vision. While it embraces the exploration agenda of the space agency, it also bolsters other NASA programs in science and aeronautics that keeps America competitive globally.

I am grateful for a well-balanced bill, and I commend the gentleman from New York (Chairman BOEHLERT) and the gentleman from California (Chairman CALVERT), and the ranking members, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Colorado (Mr. UDALL), and the staff, for crafting such a fine bill.

I am particularly pleased that the bill includes a provision that I worked with that directs Administrator Griffin, our fine new leader, to develop a Crew Exploration Vehicle with a robust crew escape system. As we implement this new space vision, I am going to continue to work and I know our leaders are going to continue to work to ensure that NASA fulfills this priority and minimizes the risk for our brave men and women who fly our space missions.

Our hopes and dreams ride with them, and we must do all we can, and we want to do all we can, and we are going to do all we can at whatever cost is necessary to ensure their safety.

The money that we put into NASA grows exponentially when we consider the scientific and technological spin-offs that space exploration provides. Experiments conducted on the Space Shuttle and International Space Station expand health research and move us toward cures for some of our most threatening diseases. Microgravity experiments in the 1990s led to advances in antibiotics to fight infections. These experiments also unlocked secrets to protein growth that produced medicines to treat patients who have suffered from strokes and to prepare them for open-heart surgery. Americans suffering from osteoporosis also benefit from bone-density experiments conducted on the International Space Station in microgravity environments. These tests accelerated the clinical trials of a drug that is expected to be on the market soon. From the development of MRI technology to microchips, the scientific partnerships between NASA and American universities and companies ensure our Nation's viability, increase our Nation's competitiveness, and help drive our economy.

I urge Members to pass this bill with the space shuttle and International Space Station. I thank everybody involved.

Mr. GORDON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HONDA), a very active member of the committee.

Mr. HONDA. Mr. Chairman, I would like to share my thanks to the gentleman from New York (Mr. BOEHLERT) and the gentleman from California (Mr. CALVERT) and the ranking members, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Colorado (Mr. UDALL), and their staff for all of the work they have done in producing a bill that we all can support.

I think Members sometimes wish they could say that they sit on a committee that is working well and being productive, and I am one such Member that can say that. Our chairman, the chairman of the subcommittee, and our ranking members have put together a very, very good bill that all of us can be very proud of. It focuses not only on NASA, but also on the productivity of this country.

I was concerned, however, along with many other members of the committee, that a singular focus on manned space exploration was going to drain resources from other parts of NASA's mission. Outstanding scientific work, such as that being done at NASA's Ames Research Center, in fields such as astrobiology, the life sciences, and nanotechnology, was losing out in a battle for resources with short-term acquisitions for exploration systems. In addition, air traffic management and other important aviation and aeronautic programs were being given the short shrift.

I am pleased that the bill enables us to move forward in exploration, science and aviation which are critical not only to manned space exploration but also to other NASA priorities. I hope that this balance will ensure that existing scientific and technical collaborations such as the University Affiliated Research Center collaboration between Ames and the University of California at Santa Cruz and Carnegie Mellon University's West Coast campus at Ames will continue as envisioned.

The bill also brings some rationality to the agency's workforce strategy. The process had appeared to be driven by a desire to shed civil servants solely to reduce the number of employees without much thought about the competencies that would be lost. The workforce strategy required by the bill will ensure the workforce has the appropriate skills to get the job done, and the bill allows the NASA Federal employees unions to participate in the process.

I am grateful that the chairman accepted into the manager's amendment my amendment which extended the bill's moratorium on reduction in force or involuntary separations to make it consistent with Acting Administrator Gregory's testimony to our committee.

I will end by noting that I am pleased that the bill seeks to honor our existing international partnerships on the International Space Station. I am particularly supportive of continuing our partnership in biological research on the International Space Station. I am glad the bill contains language supporting life science work on the space station.

To accomplish this work, the space station will need the centrifuge module, and I am glad the manager's amendment notes that nothing in this bill prevents the centrifuge from flying.

I thank the chairmen, the ranking members and all of the staff.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), the former chairman of the subcommittee who helped immeasurably to get us where we are today.

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this legislation, this authorization bill. I want to congratulate the gentleman from New York (Chairman BOEHLERT) and the ranking member, the gentleman from Tennessee (Mr. GORDON), for a job well done. I especially want to congratulate the gentleman from California (Mr. CALVERT), who has taken over the position of chairman of the subcommittee, and the ranking member, the gentleman from Colorado (Mr. UDALL). Good job. It is a good job for America, good job for NASA and a good job for the future.

In its short history, I believe NASA has done more than any other governmental agency to inspire generations of America's youth to pursue careers in science and engineering and thus propel the United States and the world into an era of technology that has elevated the human condition to what, only a few decades ago, was beyond imagination.

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Now at a time of intense global competition, NASA plays a vital role for our country both in inspiration and in technology development. America's success in the future depends on it.

In just a few short months, NASA administrator Michael Griffin has shown tremendous leadership in transforming an agency from a maintenance-oriented mindset to a mission-oriented mindset. Dr. Griffin is fully behind the President's Vision for Space Exploration, and I am confident that he is the right man at the helm to guide NASA to achieve the vision and to achieve goals that will uplift all of humankind and especially our own country.

Although these are exciting times for NASA, these are also challenging times. Hard decisions will have to be made as the administrator and all of us have to prioritize spending. The pressure of a constrained budget, expensive legacy missions, and future program developments of the Crew Exploration Vehicle and other exploration initiatives will require creative and bold spending cuts as well as an expansive partnership with the private sector. The administrator will need our support for making those tough decisions. NASA's success, America's success depends upon it.

NASA cannot be an agency that does everything for everyone, or it will not be able to accomplish anything for anybody. It needs to have a clear focus and vision, and it needs to execute that vision as well. Let us stand proudly behind NASA and its new administrator. Let us make sure that America leads the world into this new frontier and elevates all of humankind, as was our mission that was set in place by our Founding Fathers over 225 years.

I again congratulate those who have reached a bipartisan consensus in this bill today, and I am very proud that over my 18 years in Congress the Committee on Science has always demonstrated bipartisanship in this committee.

Mr. GORDON. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to thank the gentleman from Tennessee (Mr. GORDON), ranking member, and also the gentleman from New York (Chairman BOEHLERT) for their leadership in this matter.

I am excited once again to see our Nation inspired by space travel with the imminent launch of Discovery and the recent success of the Deep Impact mission. That was an extraordinary success.

Creating new and far-reaching goals, such as the Moon landing and the International Space Station, and subsequent conquering of these goals, is one of the great legacies of NASA.

However, I remain concerned that the narrow focus on the Mars mission that has been proposed by the President may limit other critical science initiatives that have played an integral role in the evolution of NASA. I think that a lot has been done in this bill to give the NASA administrator the flexibility to be able to accommodate the various changes that will be necessary as time moves on. But we all know the lesson that has been taught us in NASA's history so far, and that is that we have to have continuity if we are going to have success.

Every administration cannot come up and say, I want my new initiative, and then the next President comes in and says, I want my new initiative. And, in fact, there is no way that it is going to be successful unless we have a kind of well-thought-through decision where the country comes to a decision that this is going to be the goal.

And one of the things that I was concerned with is that the President seemed to put this new direction out like it was a press release and did not, in my view, seem to bring in all of the different points of view as to what were going to be the various options, the various courses of action for the future of NASA. Were we going to put the money into the life sciences, or were we simply going to put vehicles into space? What was going to be the measure of success in the future? These are the kinds of questions that I think need to continue to be asked. And my only concern is that we would embark upon a path that is so stringent it would leave us no flexibility to move in other directions.

I thank the ranking member for yielding me this time.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), a very valuable

member of the committee, relatively new member; but he brings to the committee the leadership qualities he demonstrated in the Florida legislature, and we frequently turn to him for counsel as we are dealing with these thorny matters.

(Mr. FEENEY asked and was given permission to revise and extend his remarks.)

Mr. FEENEY. Mr. Chairman, I am very grateful today for the leadership of the gentleman from New York (Chairman BOEHLERT) for the advancement of science in general and space science in particular. I am grateful that the gentleman from California (Mr. CALVERT), our chairman of the subcommittee, is about to pass the first authorization bill for NASA in some 5 years.

It is important now that the President has laid out a grand new vision for the future of space that Congress weigh in and participate, and this is our first opportunity on the House floor. I am grateful for both the gentleman from New York (Chairman BOEHLERT) and the gentleman from California (Mr. CALVERT), but I too want to suggest that it is important we have a bipartisan consensus so that the gentleman from Tennessee (Mr. GORDON), ranking member, and the gentleman from Colorado (Mr. UDALL) have played an important role in making sure that this is a United States space vision, not a Bush vision, not a Democratic or Republican vision; and this is a great opportunity to start in this new millennium.

And, of course, Mike Griffin has done a terrific job. He has got a background with more science credentials than some entire science departments at universities; and he has proven that he can take the bull by the horns, change the entire attitude and culture at NASA in a positive way. And that is going to be necessary because in the aftermath of the Columbia accident, many on Capitol Hill and many in the space community observed there was a drift in the American human space flight program. The President responded with the Vision for Space Exploration, and I am pleased that this bill embraces that vision and enjoys such broad bipartisan support.

America's Vision for Space Exploration provides a logical pace and sustainable transition from current vehicles and missions to an exploration and science agenda that breaks out of low Earth orbit and ensures America will be a spacefaring Nation for generations to come. America will return the Shuttle to flight, complete the International Space Station, and then extend our presence to the Moon, Mars, and beyond.

The Columbia Accident Investigation Board correctly observed that NASA ''is an organization straining to do too much with too little.'' As this bill moves forward in the legislative process, I hope that the lessons learned apply to Congress as well as to NASA, that we work to provide NASA with a focused mission, including, but not limited to, human space flight, but avoid overloading and micromanaging this great agency and its leadership.

Mr. GORDON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a valuable and active member of our committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member for his leadership. I thank the chairman for the tone of collegiality and purpose that he sets in this committee. I thank the gentleman from California (Mr. CALVERT), chairman of the subcommittee, for his renewed vigor on the idea of space, and certainly the leadership of the ranking member of the subcommittee for his forceful support of science and the environment.

Mr. Chairman, H.R. 3070 allows America to dream, but at the same time it allows America to generate results. I am gratified to rise in enthusiastic support of this legislation because it is a compilation of the views and interests of a wide range of those of us who are committed to a forceful and determined vision for science in America. It is not limited to the vision of space, although we in Houston understand that though we heard the words ''Houston, there is a problem,'' we now know ''Houston, we can dream.''

I live amongst astronauts and scientists who have for decades committed themselves to the science of space and the results that come about through that. They are brave men and women and families, who every day rally around their astronauts and allow them to do things that others of us simply dream to do.

This legislation captures that spirit, but it also is a commonsense initiative. For example, I am gratified, as the gentleman from Colorado (Mr. UDALL) expressed, through his leadership we have firewalls between science and human space flight so that we do have the dollars necessary to set aside for science, building up our very poor resources and engineers and physicists and chemists and biologists and at the same time we have this commitment to human space flight.

For example, we are able to give a long-term commitment to this project. Funding for fiscal year 2006 is about $6.5 billion, which is approximately $15 million more than the President's request. We go on to authorize it in the years to come to give us a sense of consistency, which I think is extremely important.

Might I for a moment say that I will be supporting the manager's amendment, and I appreciate what the gentleman from New York (Chairman BOEHLERT) had to do on the International Space Station; however, I want the space station to be able to house six persons and disappointed if Dr. Griffin will pull back on that, but I am gratified that this amendment, the manager's amendment, asks for proof as to why that cannot be done. That is a constructive way to look at that problem of downsizing the space station, which I think does not serve the program very well.

Let me also say that I am very pleased because of the work of the ranking member in the subcommittee, as we have worked together on this issue, concerning the constituents who live around airports; and I have in my congressional district the Houston International Airport, one of the number one airports, or one of the largest airports in the Nation, that we have in this document the ability to provide research on noise levels so that the noise levels of airports will not go beyond the contents of this particular area, so that from the research that will be in this legislation, the word shall go out to all those who live around airports, because we know that populations have grown around airports, that they might be free at least from the sound of those airplanes taking off.

Let me quickly conclude by saying that I am grateful that in this particular legislation I have amendments that provide for a report on how much money is spent on safety, how important that is as we launch our discovery. Also, a new safety commission, which I will talk about more extensively, dealing with the International Space Station that will in this legislation as well, and finally an amendment that gives us equal access to education programs that provide for those new engineers.

I think this is a good bill. I ask my colleagues to support it.

I rise as a vigorous supporter of this NASA Authorization bill, which I am proud to say, passed by a unanimous vote of the Science Committee. Let me thank Chairman BOEHLERT and Ranking Member GORDON for their outstanding work in making this consensus legislation that takes into consideration all points of view. NASA is at a very pivotal moment in its history and therefore it is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. After the tragic Colombia Space Shuttle accident the Science Committee and this Congress were forced to reevaluate NASA's purpose. I have stated that safety must be the number one priority of NASA; however this should not deter NASA from pushing the boundaries of technology and discovery. I feel confident that this Authorization addresses both safety and discovery in a comprehensive manner.

I have been supportive of President Bush's Vision for Space Exploration because I firmly believe that the investment we make today in science and exploration will pay large dividends in the future. Similarly, I do not want to put a cap on the frontiers of our discovery, NASA should aim high and continue to push our nation at the forefront of space exploration. The President has stated that the fundamental goal of his directive for the Nation's space exploration program is ". . . to advance U.S. scientific, security, and economic interests through a robust space exploration program." I could not agree more with that statement and I believe this Authorization finally

gives more detail and purpose to the overall mission.

This bill authorizes funding for the National Aeronautics and Space Administration for fiscal year 2006 and fiscal year 2007. Funding for fiscal year 2006 is $16.471 billion, which is approximately $15 million more than the President's request and the same as House Appropriations. For fiscal year 2007, the bill authorizes $16.962 billion, which is the same as the President's request. This legislation also directs NASA to strive to return Americans to the Moon no later than 2020, launch a Crew Exploration Vehicle as close to 2010 as possible, and conduct research on the impacts of space on the human body to enable long-duration space exploration. These provisions give more shape to the President Vision for Space Exploration.

I am also very pleased that many of my amendments regarding safety and equal access to NASA education programs are written into this legislation. The first amendment I advocated for requires that NASA report how much money is used for safety activities on a yearly basis. This provision is designed to ensure the safety of NASA personnel through governmental transparency. It is important to examine whether proper resources are being allocated towards ensuring the safety of our NASA personnel. My amendment addresses how the money is allocated and how much is going specifically to address safety concerns.

In addition, the Science Committee included my second amendment which calls for an independent Presidentially-appointed commission to investigate safety aboard the ISS. This amendment was introduced in the form of H.R. 4522, the International Space Station Independent Safety Commission Act of 2004 which I introduced in the 108th Congress. This vital piece of legislation can potentially make all the difference for the international crew that is stationed aboard the ISS. It is one of our most important NASA programs and therefore we must ensure that all safety precautions have been met.

My final amendment that was included was meant to ensure Equal Access to NASA's Education Programs, in which the Administrator shall strive to ensure equal access for minority and economically disadvantaged students to NASA's Education programs. Space exploration is one the most amazing things we have been able to do, and such enthusiasm for exploratory ventures should continue for generations. By striving to include minority and disadvantaged students in NASA Education Programs, we are opening a truly remarkable career to those who might have missed it.

In sum, this legislation is both comprehensive and provides a strong blueprint for NASA to follow. We as a Congress must approve this legislation and once again recommit ourselves to space exploration. Truly, we as a nation have come a long way in the area of space exploration since President John F. Kennedy set the course for our Nation when he stated in a speech at Rice University in 1962:

> We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. For space science, like nuclear science and technology, has no conscience of its own. Whether it will become a force for good or ill depends on man, and only if the United States occupies a position of preeminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war . . . The great British explorer George Mallory, who was to die on Mount Everest, was asked why did he want to climb it. He said because it is there. Well space is there, and we're going to climb it. And the moon and the planets are there. And new hopes for knowledge and peace are there. And therefore, as we set sail, we ask God's blessing, on the most hazardous, and dangerous, and greatest adventure, on which man has ever embarked.

I hope that we can look back to today as another step in this grand journey for exploration.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), who has contributed so much for so long to the workings of the committee.

Mr. SMITH of Texas. Mr. Chairman, first of all, I would like to thank the gentleman from New York, the chairman of the Committee on Science, for yielding me this time. But I would also like to thank him for his initiative, for his leadership, and for his enthusiasm whenever it comes to space issues.

Mr. Chairman, I strongly support the NASA authorization bill, as do most Americans. A recent Gallup survey shows that almost 80 percent of the American people support space exploration.

As the country gathers to witness NASA's return to flight in the launch of the Space Shuttle *Discovery*, a new generation of young people will be inspired and older generations will honor the pioneers of the Apollo program.

The launch of the Space Shuttle *Discovery* is historic. It represents the first step towards our bold new vision for space exploration, a vision that takes us and our international partners back to the International Space Station, returns our Nation to the surface of the Moon, and directs our gaze towards Mars and beyond.

The exploration of space is about hope, imagination, and new technology. The Space Shuttle and research programs on the International Space Station will help us maintain our Nation's leadership role in a globally competitive economy.

Americans of all ages and backgrounds support our human spaceflight program because they have a clear understanding that it has changed our lives and is critical to our Nation's future. The launch of the *Discovery* and continued research on the International Space Station are part of the vision that will carry us to new frontiers in both space and technology.

Mr. Chairman, I hope our colleagues will support this legislation. Again, I want to thank the gentleman from New York for his leadership on this subject.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. COSTELLO), second ranking member on the Committee on Science.

Mr. COSTELLO. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 3070 and ask my colleagues to support this legislation.

□ 1030

Mr. Chairman, I want to commend Chairman Boehlert and Ranking Member GORDON for producing a thoughtful and balanced authorization for NASA. In addition, I want to thank Subcommittee Chairman Calvert and also Ranking Subcommittee Member Udall.

NASA not only inspires the imagination of our people through its space exploration programs, it funds important research and development work in aeronautics, communications, and Earth sciences. The work of NASA maintains our preeminence in engineering and sciences. As we have heard so often over the years, NASA's work lays the foundation for the creation of new industries and new products that improve our daily lives.

Mr. Chairman, I intended to offer an amendment today to ensure that NASA would spend U.S. tax dollars here in the United States. We may not be able to stop major corporations here in the United States from outsourcing jobs, but we should be able to assure the American people that their tax money, whenever possible, stays here in the United States. When NASA spends tax money on contracts, goods and services, they should spend that money here in the United States whenever possible. And when NASA enters into contracts with contractors and subcontractors, they should be able to assure the Congress and the American people that those contractors that are hired will spend the money here in the United States for goods, services and for employees.

I have been assured by the committee leadership that that is their goal as well and I intend to work with them to accomplish this goal. Let me again commend the gentleman from Tennessee (Mr. GORDON) and the gentleman from New York (Mr. BOEHLERT) for their leadership, and I appreciate their cooperation in working with me on this matter. Therefore, I will not be offering the amendment today.

Mr. BOEHLERT. Just let me say to the gentleman from Illinois how much we value his many contributions to the committee and how much we look forward to a continuing productive working relationship.

Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I am deeply concerned that NASA's diminishing investment in aeronautics research and development will, in time, jeopardize the health of our aerospace industry as well as jeopardize the ability of the Pentagon to develop and field aircraft to defend our homeland and to carry troops and materiel to distant battles. NASA's investment in aeronautics research and development has shrunk by half since 1998 and the agency's proposed 5-year budget continues this downward trend. This has got to stop.

Over the decades, NASA researchers and engineers have made incalculable

contributions to aviation safety, efficiency, and noise and emission reductions. The current challenges facing the aerospace industry are no less daunting as we seek to transform the Nation's commercial aviation system, avoid aviation gridlock, and to continue to sustain America's preeminence in the world's aerospace marketplace.

Is it the gentleman from New York's intention to work for a stronger aeronautics research and development program?

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Mrs. JO ANN DAVIS of Virginia. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I could not agree with the gentlewoman from Virginia more. Aeronautics R&D must remain a vital component of NASA's mission, and the bill before us contains several provisions to reverse, as the gentlewoman said, the downward trend. First, we increase the authorization numbers for aeronautics above those requested by the administration. Incidentally, the gentlewoman should take some credit for that because I know how strongly she feels about it and her representations to the committee have not gone unnoticed.

Second, we direct NASA to develop a national aeronautics policy to help guide the agency's investment in the years ahead and to ensure that we have the proper people and facilities to support these efforts.

Finally, we direct NASA to better manage its wind tunnels and test facilities to ensure they are accessible and cost competitive. The Science Committee is committed to ensuring that aeronautics remains a key part of NASA's mission, and we look forward to working with the gentlewoman now and in the years to come to keep aeronautics front and center.

Mrs. JO ANN DAVIS of Virginia. I thank the gentleman for those assurances.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me hasten to thank the chairman of the committee and the ranking member for continuing to work together. In our usual fashion, we have an agreed bill.

I rise today to say that I fully support this bill and also to talk a little bit about the importance of NASA. For decades, NASA has attracted some of our best and brightest. The scientific and technological advances developed by the NASA program have truly been unmatched. From athletic shoes to breast cancer screening, NASA has touched almost every aspect of our lives. It is difficult to imagine what our lives would be like if not for the race to space.

NASA plays a key part in developing new technology and innovations. Underfunding or dismantling parts of NASA will negatively impact new research and technology. We must not fall behind other countries in this field, for this has been a major reason why we have been able to remain on the cutting edge with innovations. If the United States wants to continue to be on the technological forefront, NASA authorization must have a balanced approach that includes a strong dedication to science, aeronautics, and human exploration.

As we move toward a new era in science and technology, the most important aspect of being globally competitive is developing young scientists. We must have a firm commitment to educating our young people. Therefore, this Congress needs a comprehensive authorization that addresses the needs of developing and retaining our best scientists.

During a time of extreme divisiveness in this Congress, I am very proud to say that this bill is a bipartisan compromise. I hope my colleagues will join me in supporting this important piece of legislation.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I salute the work of the committee. I know that the ranking member has done an excellent job, the chairman has been a diligent supporter of science and of scientific freedom and I admire that, but I do want to express my profound disagreement on policy terms with much of this bill.

Mr. Chairman, we have held up for years now a transportation bill, literally years, because we are quarreling over the amount of money. To commit billions of dollars to go to Mars when we are not providing the funds for Americans to go from one city to another is simply a waste of money. The Mars money is in a zero-sum situation, and to commit $3 billion now, I am told, and billions more in the future to go to Mars when day after day when appropriations bills come up we are told, no, we can't do enough for housing and we can't do enough for health care, and the appropriators say, look, we agree with you, it's a good program we're cutting, we wish we had more, but we then set aside billions for Mars.

Indeed, I think this is a fundamental debate that the country ought to have. I hope we will see a bill that will put this question about whether or not we commit these untold billions to go to Mars coming at the expense of other important programs before us.

On this whole question of our priorities, I was struck on July 7 by a very thoughtful editorial in USA Today, with which I agreed, which called for a diminution of human space and more of the sort of scientific space travel that has in fact been so beneficial. Under the General Leave, I am going to insert this as well as a rebuttal from Mr. Griffin, but I believe, particularly now, that we have to talk about the priorities. These are not separate entities. The money that goes, the tens of billions that are being committed to go to space travel, come at the expense of cleaning up Superfund sites, of building transportation, of providing health care and providing housing. The country may decide in context to go forward with that, but we need to have that decision put before us in an explicit way.

PUBLIC SUPPORT CAN'T FLY IF MANNED FLIGHTS REMAIN COSTLY AND AIMLESS

NASA's Deep Impact probe, which smashed into a comet Monday, was a big hit. In fact, it was a billion hits. That's how many computer ''hits'' NASA's website recorded in just 24 hours around the event.

This deep interest in Deep Impact is illustrative of a new reality that the human space program confronts as it gears up for next week's planned return of the shuttle. Robotic probes, once the domain of pointy-headed academics, have become NASA's new stars.

The probes have always generated more science. Now they generate more enthusiasm and romance. They are cheaper, faster and more exciting. They go farther and stay longer. They explore the frontiers of the cosmos.

What's more, they make better use of the pre-eminent technology of our times, the Internet. Thanks to signals sent back by the Mars rovers Spirit and Opportunity, the Red Planet has been ''visited'' a little more than 670 million times since January of last year.

When and if astronauts arrive there, the product they provide the Internet consumer will be, in many respects, inferior. No sooner would they arrive than attention would shift to getting them home safely. Rovers, on the other hand, plow on, month after month, sending data, living off nothing but sunshine.

For its 22-year history, USA TODAY has been an avid supporter of the human space program. We continue to believe it should be maintained for such a day when engineers find a way of bringing down its costs, making more ambitious projects possible.

But it's impossible to deny its current status as a cure for insomnia. The International Space Station, its main focus for the past decade, orbits in near oblivion. The shuttle doesn't really go anywhere. Sadly, it makes headlines only when its flights end in tragedy. The launch of Discovery, scheduled for Wednesday, night generate attention, but only because of its novelty as the first in more than two years. President Bush's plan for sending astronauts back to the moon and on to Mars, announced in 2003, was met by public apathy and unfavorable polls. Having pushed budget deficits to the moon, he also has no plan to pay for it.

Nevertheless, Bush and Congress seem oblivious. They are intent on a vision whose main impact is not to explore space but to channel money to aerospace companies and bureaucracies.

NASA is embarking on a costly shuttle replacement program, when far cheaper options exist. This project is being undertaken in the name of Bush's moon-Mars plan, an iffy prospect at best.

Even now, in the early stages, almost two thirds of NASA's budget, a little less than $10 billion annually, goes into human space programs—the shuttle fleet, the Space Station and Bush's plan.

NASA, to its credit, did come up with an elegant and cost-effective way of continuing the human space program without having it eat up most of its funding. The so-called Orbital Space Plane was to have been lifted into space atop existing commercial rockets. Alas, the idea was too good to survive. Lawmakers representing aerospace contractors

and major NASA employment centers made sure it died.

That has left the space program on a costly and uncertain trajectory. The shuttle replacement might get built by 2014, or even 2010, as some people hope. Or it might end up like the X–33 and the National Launch System, two programs abandoned when their costs became clear. The moon-Mars idea is even more problematic, requiring increasing allocations of money from future presidents.

What does appear certain is that lawmakers will pump vast amounts of money into a directionless human space program just as the public's attention has shifted away.

That's too bad. After watching Deep Impact and other robotic missions of late, it's clear that NASA's science division has become a veritable hit machine. It would be fascinating to see what it could do if set loose.

WE, NOT ROBOTS, KNOW WHAT WE NEED FROM OUR TRAVELS, DISCOVERIES

(By Michael Griffin)

Within the lifetime of a baby born this Fourth of July—the day NASA's Deep Impact spacecraft collided with the comet Tempel 1 (late on July 3 in the western USA), and also the 1,705th consecutive day of human occupancy onboard the International Space Station—human pioneers will build outposts on the moon and Mars, extract minerals from large asteroids and construct huge space telescopes to map the details of continents on distant planets.

This is the space program NASA will pursue, based on the premise that a robust program of human and robotic space exploration will help fuel American creativity, innovation, technology development and leadership.

If history demonstrates anything, it is that those nations that make a commitment to exploration invariably benefit. Because of Britain's centuries-long primacy in the maritime arts, variations on British systems of culture and government thrive across the globe. I believe that America, through its mastery of human spaceflight, can shape the cultures and societies of the future, in space and here on Earth, as the great nations of the past have shaped the cultures of today. This future is being purchased for the 15 cents per day that the average taxpayer currently provides for space exploration.

Spaceflight is a continuation of the ancient human imperative to explore, discover and understand; to settle new territory and to develop new ways to live and work. We need both robotic pathfinders and people in our space journeys. As capable as our robots are, a human explorer can move over new territory far more quickly than a robot, assess and interpret the local environment, and make unexpected discoveries. In all other human activities, we complement, but do not supplant, ourselves with our machines. Why should it be any different in space?

As with all pioneering journeys into the unknown, spaceflight is risky. Next week, if all goes well, we will launch seven courageous astronauts on the Space Shuttle Discovery. A successful mission would give us greater confidence we can fly the shuttle safely through its planned 2010 retirement, then move on into a new era of exploration.

It is inconceivable to me that this nation will ever abandon space exploration, either human or robotic. If this is so, then the proper debate in a world of limited resources is over which goals to pursue. I have little doubt that the huge majority of Americans would prefer to invest their 15 cents per day in the exciting, outward-focused, destination-oriented program we are pursuing.

Mr. GORDON. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I rise to commend my colleagues today. We are having a very sweet garden party here this morning. But I hope the gentleman from New York (Mr. BOEHLERT), the gentleman from California (Mr. CALVERT), the gentleman from Tennessee (Mr. GORDON) and others on their committee appreciate that we appreciate how much hard work went into this. We have not had an authorization bill. This is a 2-year authorization bill. There was a lot of hard work that went into this. We appreciate how much work you did for this bill.

This is a 2-year bill, covering fiscal years 2006 and 2007. I just want to make the point that as soon as this thing gets signed into law, and we hope that it does, you will be thinking again about what the next authorization is going to look like. That is the nature of this process. It builds in a further look.

Last night I wish we had had that same opportunity. As one who had voted for the PATRIOT Act 4 years ago and as one of the 171 who voted against it last night, I believe we would have had another 100 votes in support had we had the built-in sunset provisions that the gentleman from California (Mr. ROHRABACHER) and the gentleman from Virginia (Mr. BOUCHER) had presented to us in the motion to recommit.

Thank you for your work. I hope that we will do better when this PATRIOT bill comes back from conference.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time.

Let me just conclude by once again thanking all the parties in bringing this bill together. Also, let me say a word to my friend from Massachusetts who I think made a good point about priorities. In this bill, we tried to establish priorities. We have to make them in context to going to schools, picking up the garbage, all the things that have to be done in this country. But I hope that we have seen in the past that also benefits on Earth have come about from our efforts in space, whether it is inspiring our youth to be involved in math and science or the different products that have been involved.

But a good point has been made. We need to have this balance. We want to work with him and others to try to have that balance. If we can't explain to you and justify to you the benefits of going to Mars, going to the Moon and the other aeronautic aspects of NASA, then we haven't done our job.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself the balance of my time.

Let me conclude by thanking all the staff who worked so hard on this bill. That is a lot of credit to go around. I want to thank David Goldston and John Mimikakis and our new chief counsel Sara Gray. They all worked so very hard. And our Space Subcommittee staff led by Bill Adkins. That staff includes Ed Feddeman, Tom Hammond, Johannes Loschnigg, Ken Monroe and Roselee Roberts, Shep Ryan and Kristi Karls, all of whom have put countless hours into this bill. We sometimes need to stop and think about it all. We will work maybe into the evening, sometimes into the wee hours of the morning and then we shake hands and we say, Okay, staff, take care of it. And we go home and sometimes they do all-nighters. They are truly dedicated. They are also very professional, Democrat, Republican.

Thank you, thank you, thank you.

And I want to thank Tim Brown of the Legislative Counsel's office who was very helpful to us. I also want to thank Dick Obermann and Chuck Atkins. They worked with us to craft on a bipartisan basis a really outstanding bill. I also want to thank Dave Ramey and Deena Contreras from the personal staff of the gentleman from California (Mr. CALVERT). What a splendid job they did.

Let me end this by thanking the NASA team. He may be gone, but he is not forgotten, the former Administrator, Sean O'Keefe, who gave so much to the program. The new Administrator who has taken over the reins. He is providing clear direction.

So many members of the committee like to talk about the equal opportunity society we have. We have got equal opportunity in spades within the NASA program. It excites so many people. I take great pride in pointing out that when the Space Shuttle returns to flight, the commander of that ship will be a New Yorker, Eileen Collins. What a wonderful role model she is for all of us. The NASA team is just particularly good.

Chris Shank, another former member of our staff, and Tim Hughes, they did a lot to help. There are so many thank-you's to go around, but most of all we all thank this great Nation of ours for making possible this opportunity.

Mr. DREIER. Mr. Chairman, the bill we are considering today, H.R. 3070, the National Aeronautics and Space Administration Authorization Act, is an important piece of legislation, especially because it is the first NASA authorization reported out of the Science Committee in 5 years. I want to commend my good friends Mr. CALVERT, who Chairs the Space and Aeronautics Subcommittee, and Mr. BOEHLERT, who Chairs the Full Committee, for working to get this bill before us.

NASA has undertaken a variety of missions over the years, and in my opinion some of the most exciting have happened in the past 3 or 4 years. As my colleagues all know, I have the privilege of representing NASA's La Canada Flintridge-based Jet Propulsion Laboratory. I was at JPL for Deep Impact, the mission that occurred during the Fourth of July and in which NASA engineers successfully maneuvered a probe into a collision course with a comet.

Several of my colleagues, including Mr. CALVERT and Mr. SCHIFF, joined me at JPL to celebrate our Nation's independence and to

witness this incredible event. This was the first mission of its kind ever undertaken by NASA, and it will give us new insight into the origins of our solar system. Deep Impact is important not only for the science that it will yield, but also for the technical feat it represents. Temple I, the comet into which Deep Impact was steered, was traveling at 23,000 miles per hour some 268 million miles from Earth.

Deep Impact was not the first time I have been able to witness first hand the amazing things that NASA and its scientists are capable of accomplishing. I was also at JPL in January of 2004 when the Mars Rover Spirit landed. Both Rovers have far surpassed their expected operational life and are still making discoveries on the Martian surface. Deep Impact, the Cassini-Huygens Probe, the Mars Rovers, and many missions before them, are all examples of what's right with NASA.

NASA's missions are important not only for what we learn from them, but also for what they inspire us to do. NASA's missions and educational programs give our youth a sense of what is made possible by the sciences. Mathematics, engineering, and chemistry are all vitally important fields and are at the forefront of American innovation in the global economy. Without federal investment in NASA-sponsored programs, we would lose an important part of our technological edge in the world.

With the Space Shuttle's imminent return to flight, and so many other exciting missions on the horizon, there is no reason why we cannot accomplish the bold vision that President Bush has outlined for space exploration. As Dr. Charles Elachi has so aptly stated after being named Director of JPL, ''We will continue to do what has never been done before, and go where no one has gone before.'' I commend the Members of the Science Committee for recognizing the important role that NASA plays not only in our society, but in our economy as well, and urge my colleagues to support this legislation.

Mr. CARDIN. Mr. Chairman, since 1990 the Hubble Space Telescope, HST, has inspired scientists and students' alike. Unlike ground-based telescopes, HST is uninhibited by the Earth's atmosphere and therefore uniquely suited to capture images from distant space with high image clarity. HST allows us to look further back in time to the universe's earliest days.

By design, the Hubble Telescope requires regular servicing missions. These missions have occurred in 1993, 1997, 1999, and 2002, and the mission scheduled for 2004 was postponed after the *Columbia* Shuttle tragedy. Servicing missions allow us to repair broken parts of the telescope and to add additional components that improve viewing abilities by ten degrees or more.

Our next servicing mission would repair three faulty gyroscopes that failed in April 2003. Without this mission, HST will continue to operate in degraded mode. There is only a 50 percent chance that HST will be in operation past March 2007 without a servicing mission. Beyond 2007, the chance for continued operation of HST declines significantly.

On January 16, 2004 former NASA Administrator Sean O'Keefe informed workers at the Space Telescope Science Institute at Johns Hopkins University in Baltimore and NASA's Goddard Space Flight Center (which built Hubble and oversees STScI) that he was canceling SM–4, a Hubble Servicing mission, because the shuttle would not have the International Space Station as a safe haven. The implication was that shuttles that have the ISS as a safe-haven are safer, but this claim is not supported by NASA or STSI experts.

I am pleased to see Congress respond to this decision, and to authorize a Hubble servicing mission in the near future. Section 302 of base bill takes into consideration the recommendations of the National Academy of Sciences, and states that ''it is the sense of the Congress that the Hubble Space Telescope is an extraordinary instrument that has provided, and should continue to provide, answers to profound scientific questions . . . all appropriate efforts should be expended to complete the Space Shuttle servicing mission. Upon successful completion of the planned return-to-flight schedule of the Space Shuttle, the schedule for a Space Shuttle servicing mission to the Hubble Space Telescope shall be determined, unless such a mission would compromise astronaut safety.''

I urge my colleagues to support this important legislation.

Ms. ESHOO. Mr. Chairman, I rise today to pay tribute to the excellent work being carried out daily by the men and women at NASA Ames Research Center, located in my district in California's Silicon Valley.

For over half a century, NASA Ames has been one of the world's premiere research labs, leading the scientific community in a wide range of endeavors as it provides vital support to NASA's core missions.

Located in the Silicon Valley, our nation's cutting-edge technology center, NASA Ames has created partnerships with leading universities and high-technology industry leaders, and brought the scientific, academic, and business communities together in multifaceted efforts to expand knowledge and explore the unknown.

As NASA begins to rise to the challenges laid out in the new Vision for Space Exploration, NASA Ames will lead the way in mission-enabling research within its core competencies of astrobiology, advanced supercomputing, intelligent adaptive systems, entry systems, and air traffic management systems. All but entry systems are uniquely resident at NASA Ames, and they represent the critical skills, facilities and people that are needed to meet NASA's mission, including the Vision for Space Exploration.

Over the last decade, NASA Ames has taken full advantage of its strategic location to create new partnerships between the private sector and federal researchers. Following the disestablishment of the Naval Air Station Moffett Field in 1991, NASA took the initiative to develop on existing federal property the NASA Ames Research Park, which today is home to over 30 companies and over 13 universities conducting collaborative research with NASA.

Thanks to this forward-thinking model for federal land reuse, major new construction plans are in motion, including a plan by the University of California to build a 120,000 square-foot Bio-Info-Nano Convergence Research & Development Lab, a project which I have been proud to support.

Mr. Chairman, I, along with many of my colleagues, have expressed deep concerns in recent months over proposed cuts to science funding within NASA's budgets. While some shifting of funding priorities is to be expected as NASA prepares to implement its new Vision for Space Exploration, my core concern has been the danger we face in losing the long-term viability of NASA's Science mission, and the risk we face in harming our Nation's ability to lead the rest of the world in scientific and high-technology innovation.

I'm pleased that the bill before us addresses my concerns in three key areas. The increases in science funding will go a long way toward ensuring the long-term viability of NASA's in-house research and development capability. To protect NASA's top-notch talent and critical skills, the bill protects Civil Service workers by blocking any layoffs until February 2007. To ensure we honor our commitment to the International Space Station, the bill expresses the Sense of the Congress of the important need to complete the centrifuge aboard the station, an important component of the Space Station Biological Research Project, which has the potential to yield enormous benefits for human systems understanding, a critical need if we are going to safely send astronauts to Mars and back.

Mr. Chairman, this is a good bill for NASA and our nation's innovation capability as a whole. I consider NASA, and the irreplaceable staff, expertise, and abilities housed at NASA Ames Research Center a national treasure, and one that deserves our fullest support as it continues to shape the technologies and understanding that will guide our nation in the 21st Century.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in support of H.R. 3070, the National Aeronautics and Space Administration Authorization Act of 2005. In particular, I am happy to see that important provisions in regards to the future of our nation's aeronautics policy were included in the bill before us today.

Over 4 years ago, the European Union unveiled its plan for gaining dominance in the global aerospace market entitled, ''European Aeronautics: A Vision for 2020.'' This plan laid out an ambitious, $93 billion, 20-year agenda for winning global leadership in aeronautics and aviation. In stark contrast, however, NASA aeronautics funding has declined dramatically over the past decade, from a high of $1.54 billion in 1994 to $906 million just last year.

As a result, the United States has put its leadership in cutting edge aeronautics R&D at risk. We are losing high paying jobs and intellectual capital critical to our economy and national defense. The only way the U.S. can continue to create high wage, high value jobs and maintain aerospace leadership is to innovate faster than the rest of the world.

To do this, we need an exciting and robust NASA aeronautics program that not only revitalizes current research but also fosters future innovation. This requires a long term national investment in critical research of emerging technologies and the training of highly skilled Americans to lead our aeronautics industry into the future.

H.R. 3070 is a step in the right direction. While it does not authorize the levels of funding necessary to fully robust NASA's aeronautics programs, it does authorize an additional $60 million more than the President's FY06 budget request. In addition, the bill requires the President to answer Europe's aeronautics plan by developing a national aeronautics policy to guide NASA's aeronautics

programs through 2020. This is bill is a good start, but there is still much more that Congress can—and must—do to ensure that America does not lose its edge in aeronautics research.

I applaud the work of Mr. GORDON, the ranking member of the Science Committee and Mr. UDALL, the ranking member on the Space and Aeronautics Subcommittee, for their hard work in ensuring that aeronautics R&D was not forgotten in this bill. Their efforts were integral in ensuring that many of the provisions of H.R. 2358, the Aeronautics Research and Development Revitalization Act, were included in the bill before us today.

Again, I thank the members of the Science Committee for their dedication to the American aeronautics industry, and look forward to continuing to work with them to ensure that NASA has the direction and resources necessary to once again make America the unsurpassed aeronautics leader in the world.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in strong support of this bill to authorize funding for NASA programs over the next two fiscal years.

Over the years, NASA as a government agency has stream lined and reduced their cost and has done amazing research and developed innovative technology. They are a model agency which should be applauded as a role model for other government agencies to follow.

I am pleased this bill will authorize $150 million for maintenance and repair of the Hubble Space Telescope by a manned mission. As this bill states, the Hubble telescope is an ''extraordinary instrument'' that has given us immense understanding and knowledge about the far reaching edges of the universe since its launch in 1990.

I am also pleased this bill does not set a specific date for the retirement of the space shuttle. The shuttle has performed 113 flights since 1981, and is crucial to our vision of space exploration. While I agree we need to move beyond the shuttle at some point, we should not retire our only means for transporting humans into space without having a replacement vehicle ready to continue that mission.

One of the most important benefits NASA provides does not occur on the launch pad, in the laboratories, or in space however, but in the classrooms of schools across this country. NASA is to science and math, what the National Football League and the National Basketball Association are to amateur sports; our space program inspires high school, middle school, and even elementary school students to take an interest in math and science.

Since 1997, I have had the privilege of having NASA astronauts visit middle schools in the congressional district I represent. The interaction of these middle school students with the astronauts and the questions they ask about space and NASA, demonstrate the benefits of our space program and the impact it has in getting students excited about these subjects.

Mr. Chairman, as a member of the Houston delegation, home to the Johnson Space Center, I have been an avid supporter of NASA. As we return to flight, possibly as early as next Tuesday, this bill authorizes funding necessary to fulfill our vision for the future of the space program. I strongly support this bill and urge my colleagues to do the same.

Mr. REYES. Mr. Chairman, I rise in strong support of H.R. 3070, the National Aeronautics and Space Administration Authorization Act of 2005.

Technology and innovation are a vital force behind our Nation's prosperity, and NASA continues to advance our scientific, security, and economic interests through its cutting-edge work.

NASA conducts flight training for the Space Shuttle program in my congressional district of El Paso, Texas. My constituents have also benefited from NASA programs that provide local schools with funding to improve student learning in science and mathematics. In addition, small businesses in El Paso have received contracts with NASA, the University of Texas at El Paso has been awarded education grants, and local students have received scholarships to study science and engineering.

H.R. 3070 will help NASA advance its work in my district and across America.

Mr. Chairman, I urge all of my colleagues to give this important, bi-partisan bill their support.

Mr. CRAMER. Mr. Chairman, I rise to congratulate the Chairmen and Ranking Members of the Space and Aeronautics Subcommittee and the Full Science Committee for bringing this bipartisan bill to the House Floor.

I am a Member of the House Appropriations Committee, and I have served on NASA's funding subcommittee for some years now.

Since the President first challenged NASA to permanently extend mankind's presence beyond Earth orbit, we have looked to the Science Committee to bring a bill to the Floor that allows the full House to weigh in on this new mission.

Today we are considering a NASA authorization bill that thoughtfully addresses the future of our Nation's space program. This may well be one of the most critical NASA authorization bills in decades.

NASA has been given a bold challenge of exploration that calls for returning the Shuttle fleet to flight, completing the International Space Station, returning to the Moon in little more than a decade, and future missions to Mars and beyond.

This bill endorses NASA's Vision for Space Exploration, and includes full funding for the exploration activities. It recognizes the importance of returning the Space Shuttle fleet to flight as the first step in the exploration vision. It highlights the importance of scientific research onboard the International Space Station. And this legislation preserves and strengthens Space and Earth science.

The bill also helps ensure that the agency will have strong management plans for its workforce and for its facilities. And I hope that we can continue to strengthen this bill in conference.

In particular, it is important that Congress addresses the consequences of the Iran Nonproliferation Act on the crew escape needs for the Space Station.

We should ensure a balanced approach to our Nation's nonproliferation policy—one that maintains a strong nonproliferation stance while preserving peaceful cooperation with Russia in the area of human space exploration.

I also hope that we can re-look at some of the many reporting requirements that are contained in this legislation during conference.

Mr. Chairman, I have the privilege to represent the employees and contractors of NASA's Marshall Space Flight Center in my congressional district.

During the *Apollo* program, my constituents were challenged to help lead mankind's first steps of exploration off of our planet Earth. They responded by developing the *Saturn 1, Saturn IB* and the *Saturn 5* rockets, and the F1 and the J2 rocket engines. They developed the Lunar Roving Vehicle that transported astronauts on the lunar surface. They developed Skylab, America's first crewed orbiting space station.

And today, they are ready to get on with the hard work of finishing the job—permanently extending mankind's presence beyond Earth orbit.

Mr. Chairman, as our Nation prepares for the historic launch of the Shuttle *Discovery* and the return of America's ability to launch humans into space, I will support this balanced legislation that we are considering today.

Mr. HOYER. Mr. Chairman, I congratulate the Science Committee and Chairman BOEHLERT and Ranking Member GORDON on bringing to the floor a fair, balanced NASA authorization bill. The unanimous vote to report the bill out of the committee is testament to the positive outcome that results when Members work together in a bipartisan fashion to make good public policy.

And this is a good bill for NASA, for Goddard Space Flight Center in my district, and the American people. The bill restores our investment in a more vigorous, forward-looking space agency and provides multi-year funding and detailed policy guidance to NASA at a critical time in the history of space exploration.

NASA has a unique set of challenges as we seek to return to flight and expand our reach in space. What we do now will determine how well we meet those challenges in the future.

That's why I was pleased to see that the bill included $150 million for a new servicing mission to the Hubble Space Telescope and a directive to NASA to devise a plan to send a crew to repair the Hubble Telescope after completion of the currently planned space shuttle mission.

This funding is a clear recognition by the Committee of the unique role that the Hubble Space Telescope plays in broadening our scientific understanding of the observable universe. I applaud the call for a manned servicing mission to repair Hubble and extend its life so that future generations will be able to further understand and explore distant galaxies and the mysteries of space. I look forward to working with my colleagues to make sure that a new servicing mission is adequately funded and supported.

The bill also renews focus on the significance and future of science research. While Mars/Moon exploration also continues to be a major focus of the work at NASA, we must not lose sight of the needs and promise of a core area of future inquiry such as science. This bill finds the right balance. Not only does the bill provide increase funding for NASA science programs, but it also directs NASA to develop a comprehensive science policy through 2016, complete with proposed missions, priorities, budget, and staff to bring much-needed focus back onto science research. This will go a long way in bringing new focus to science in the 21st Century.

Finally, the bill provides funding and brings attention to such important areas as aeronautics, education, and space operations and exploration activities that will help our nation further understand and explore distant galaxies and develop breakthrough technologies important to our health and security.

This is a big step forward in our efforts to maintain innovation and ingenuity at NASA and in space and technology industries in the years ahead. Working together, Congress will pass a bill that would make NASA stronger and better prepared to face the future challenges that it may confront.

I urge a "yes" vote on this bill.

Mr. BOEHLERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3070

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—GENERAL PRINCIPLES AND REPORTS

Sec. 101. Responsibilities, policies, and plans.
Sec. 102. Reports.
Sec. 103. Baselines and cost controls.
Sec. 104. Prize authority.
Sec. 105. Foreign launch vehicles.
Sec. 106. Safety management.
Sec. 107. Lessons learned and best practices.
Sec. 108. Commercialization plan.
Sec. 109. Study on the feasibility of use of ground source heat pumps.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Structure of budgetary accounts.
Sec. 202. Fiscal year 2006.
Sec. 203. Fiscal year 2007.
Sec. 204. ISS research.
Sec. 205. Test facilities.
Sec. 206. Proportionality.
Sec. 207. Limitations on authority.
Sec. 208. Notice of reprogramming.
Sec. 209. Cost overruns.
Sec. 210. Official representational fund.
Sec. 211. International Space Station cost cap.

TITLE III—SCIENCE

Subtitle A—General Provisions

Sec. 301. Performance assessments.
Sec. 302. Status report on Hubble Space Telescope servicing mission.
Sec. 303. Independent assessment of Landsat-NPOESS integrated mission.
Sec. 304. Assessment of science mission extensions.
Sec. 305. Microgravity research.
Sec. 306. Coordination with the National Oceanic and Atmospheric Administration.

Subtitle B—Remote Sensing

Sec. 311. Definitions.
Sec. 312. Pilot projects to encourage public sector applications.
Sec. 313. Program evaluation.
Sec. 314. Data availability.
Sec. 315. Education.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

Sec. 321. George E. Brown, Jr. Near-Earth Object Survey.

TITLE IV—AERONAUTICS

Sec. 401. Definition.

Subtitle A—National Policy for Aeronautics Research and Development

Sec. 411. Policy.

Subtitle B—NASA Aeronautics Breakthrough Research Initiatives

Sec. 421. Environmental aircraft research and development initiative.
Sec. 422. Civil supersonic transport research and development initiative.
Sec. 423. Rotorcraft and other runway-independent air vehicles research and development initiative.

Subtitle C—Other NASA Aeronautics Research and Development Activities

Sec. 431. Fundamental research and technology base program.
Sec. 432. Airspace systems research.
Sec. 433. Aviation safety and security research.
Sec. 434. Zero-emissions aircraft research.
Sec. 435. Mars aircraft research.
Sec. 436. Hypersonics research.
Sec. 437. NASA aeronautics scholarships.
Sec. 438. Aviation weather research.
Sec. 439. Assessment of wake turbulence research and development program.
Sec. 440. University-based centers for research on aviation training.

TITLE V—HUMAN SPACE FLIGHT

Sec. 501. International Space Station completion.
Sec. 502. Human exploration priorities.
Sec. 503. GAO assessment.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

Sec. 601. Orbital debris.
Sec. 602. Secondary payload capability.

Subtitle B—Education

Sec. 611. Institutions in NASA's minority institutions program.
Sec. 612. Program to expand distance learning in rural underserved areas.
Sec. 613. Charles ''Pete'' Conrad Astronomy Awards.
Sec. 614. Review of education programs.
Sec. 615. Equal access to NASA's education programs.

TITLE VII—MISCELLANEOUS AMENDMENTS

Sec. 701. Retrocession of jurisdiction.
Sec. 702. Extension of indemnification.
Sec. 703. NASA scholarships.
Sec. 704. Independent cost analysis.
Sec. 705. Limitations on off-shore performance of contracts for the procurement of goods and services.

TITLE VIII—INDEPENDENT COMMISSIONS

Sec. 801. Definitions.

Subtitle A—International Space Station Independent Safety Commission

Sec. 811. Establishment of Commission.
Sec. 812. Tasks of the Commission.
Sec. 813. Sunset.

Subtitle B—Human Space Flight Independent Investigation Commission

Sec. 821. Establishment of Commission.
Sec. 822. Tasks of the Commission.

Subtitle C—Organization and Operation of Commissions

Sec. 831. Composition of Commissions.
Sec. 832. Powers of Commission.
Sec. 833. Public meetings, information, and hearings.
Sec. 834. Staff of Commission.
Sec. 835. Compensation and travel expenses.
Sec. 836. Security clearances for Commission members and staff.
Sec. 837. Reporting requirements and termination.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On January 14, 2004, the President unveiled the Vision for Space Exploration to guide United States policy on human space exploration.

(2) The President's vision of returning humans to the Moon and working toward a sustainable human presence there and then venturing further into the solar system provides a sustainable rationale for the United States human space flight program.

(3) As we enter the Second Space Age, the National Aeronautics and Space Administration should continue to support robust programs in space science, aeronautics, and earth science as it moves forward with plans to send Americans to the Moon, Mars, and worlds beyond.

(4) The National Aeronautics and Space Administration's programs can advance the frontiers of science, expanding understanding of our planet and of the universe, and contribute to American prosperity.

(5) The United States should honor its international commitments to the International Space Station program.

(6) The United States must remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation's economic or security interests. Past Federal investments in aeronautics research and development have benefited the economy and national security of the United States and improved the quality of life of its citizens.

(7) Long-term progress in aeronautics and space requires continued Federal investment in fundamental research, test facilities, and maintenance of a skilled civil service workforce at NASA's Centers.

(8) An important part of NASA's mission is education and outreach.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term ''ISS'' means the International Space Station.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

TITLE I—GENERAL PRINCIPLES AND REPORTS

SEC. 101. RESPONSIBILITIES, POLICIES, AND PLANS.

(a) GENERAL RESPONSIBILITIES.—

(1) PROGRAMS.—The Administrator shall ensure that NASA carries out a balanced set of programs that shall include, at a minimum, programs in—

(A) human space flight, in accordance with subsection (b);

(B) aeronautics research and development; and

(C) scientific research, which shall include, at a minimum—

(i) robotic missions to study planets, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(ii) earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(iii) support of university research in space science and earth science; and

(iv) research on microgravity, including research that is not directly related to human exploration.

(2) CONSULTATION AND COORDINATION.—In carrying out the programs of NASA, the Administrator shall—

(A) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(B) work closely with the private sector, including by—

(i) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(ii) contracting with the private sector for crew and cargo services to the extent practicable; and

(iii) using commercially available products (including software) and services to the extent practicable to support all NASA activities; and

(C) involve other nations to the extent appropriate.

(b) VISION FOR SPACE EXPLORATION.—The Administrator shall manage human space flight programs to strive to achieve the following goals:

(1) Returning Americans to the Moon no later than 2020.

(2) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(3) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available.

(4) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

(c) AERONAUTICS.—

(1) IN GENERAL.—The President of the United States, through the Administrator, and in consultation with other Federal agencies, shall develop a national aeronautics policy to guide the aeronautics programs of NASA through 2020.

(2) CONTENT.—At a minimum, the national aeronautics policy shall describe for NASA—

(A) the priority areas of research for aeronautics through fiscal year 2011;

(B) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(C) the facilities and personnel needed to carry out the aeronautics program through fiscal year 2011; and

(D) the budget assumptions on which the national aeronautics policy is based, which for fiscal years 2006 and 2007 shall be the authorized level for aeronautics provided in title II of this Act.

(3) CONSIDERATIONS.—In developing the national aeronautics policy, the President shall consider the following issues, which shall be discussed in the transmittal under paragraph (5):

(A) The extent to which NASA should focus on long-term, high-risk research or more incremental research, and the expected impact on the United States aircraft and airline industries of that decision.

(B) The extent to which NASA should address military and commercial needs.

(C) How NASA will coordinate its aeronautics program with other Federal agencies.

(D) The extent to which NASA will fund university research, and the expected impact of that funding on the supply of United States workers for the aeronautics industry.

(E) The extent to which the priority areas of research listed pursuant to paragraph (2)(A) should include the activities authorized by title IV of this Act, the discussion of which shall include a priority ranking of all of the activities authorized in title IV and an explanation for that ranking.

(4) CONSULTATION.—In the development of the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

(5) SCHEDULE.—The Administrator shall transmit the national aeronautics policy to the Committee on Appropriations and the Committee on Science of the House of Representatives, and to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the national aeronautics policy.

(d) SCIENCE.—

(1) IN GENERAL.—The Administrator shall develop a policy to guide the science programs of NASA through 2016.

(2) CONTENT.—At a minimum, the policy shall describe—

(A) the missions NASA will initiate, design, develop, launch, or operate in space science and earth science through fiscal year 2016, including launch dates;

(B) a priority ranking of all of the missions listed under subparagraph (A), and the rationale for the ranking;

(C) the budget assumptions on which the policy is based, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act; and

(D) the facilities and personnel needed to carry out the policy through fiscal year 2016.

(3) CONSIDERATIONS.—In developing the science policy under this subsection, the Administrator shall consider the following issues, which shall be discussed in the transmittal under paragraph (6):

(A) What the most important scientific questions in space science and earth science are.

(B) The relationship between NASA's space and earth science activities and those of other Federal agencies.

(4) CONSULTATION.—In developing the policy under this subsection, the Administrator shall draw on decadal surveys and other reports in planetary science, astronomy, solar and space physics, earth science, and any other relevant fields developed by the National Academy of Sciences. The Administrator shall also consult widely with academic and industry experts and with other Federal agencies.

(5) HUBBLE SPACE TELESCOPE.—The policy developed under this subsection shall address plans for a human mission to repair the Hubble Space Telescope consistent with section 302 of this Act.

(6) SCHEDULE.—The Administrator shall transmit the policy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the policy.

(e) FACILITIES.—

(1) IN GENERAL.—The Administrator shall develop a plan for managing NASA's facilities through fiscal year 2015. The plan shall be consistent with the policies and plans developed pursuant to this section.

(2) CONTENT.—At a minimum, the plan shall describe—

(A) any new facilities NASA intends to acquire, whether through construction, purchase, or lease, and the expected dates for doing so;

(B) any facilities NASA intends to significantly modify, and the expected dates for doing so;

(C) any facilities NASA intends to close, and the expected dates for doing so;

(D) any transaction NASA intends to conduct to sell, lease, or otherwise transfer the ownership of a facility, and the expected dates for doing so;

(E) how each of the actions described in subparagraphs (A), (B), (C), and (D) will enhance the ability of NASA to carry out its programs;

(F) the expected costs or savings expected from each of the actions described in subparagraphs (A), (B), (C), and (D);

(G) the priority order of the actions described in subparagraphs (A), (B), (C), and (D);

(H) the budget assumptions of the plan, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act; and

(I) how facilities were evaluated in developing the plan.

(3) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2008 to the Congress.

(f) WORKFORCE.—

(1) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. The strategy shall cover the period through fiscal year 2011.

(2) CONTENT.—The strategy shall describe, at a minimum—

(A) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(B) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(C) the steps NASA will use to retain needed employees; and

(D) the budget assumptions of the strategy, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act, and any expected additional costs or savings from the strategy by fiscal year.

(3) SCHEDULE.—The Administrator shall transmit the strategy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal Employee Unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the Unions.

(4) LIMITATION.—NASA may not initiate any buyout offer or Reduction in Force until 60 days after the strategy required by this subsection has been transmitted to the Congress in accordance with paragraph (3). NASA may not implement any Reduction in Force or other involuntary separations prior to October 1, 2006.

(g) CENTER MANAGEMENT.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine whether any of NASA's centers should be operated by or with the private sector by converting a center to a Federally Funded Research and Development Center or through any other mechanism.

(2) CONTENT.—The study shall, at a minimum—

(A) make a recommendation for the operation of each center and provide reasons for that recommendation; and

(B) describe the advantages and disadvantages of each mode of operation considered in the study.

(3) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration the experiences of other relevant Federal agencies in operating laboratories and centers and any reports that have reviewed the mode of operation of those laboratories and centers, as well as any reports that have reviewed NASA's centers.

(4) SCHEDULE.—The Administrator shall transmit the study conducted under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than May 31, 2006.

(h) BUDGETS.—The proposed budget for NASA submitted by the President for each fiscal year shall be accompanied by documents showing—

(1) the budget for each element of the human space flight program;

(2) the budget for aeronautics;

(3) the budget for space science;

(4) the budget for earth science;

(5) the budget for microgravity science;

(6) the budget for education;

(7) the budget for technology transfer programs;

(8) the budget for the Integrated Financial Management Program, by individual element;

(9) the budget for the Independent Technical Authority, both total and by center;

(10) the budget for public relations, by program;

(11) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget;

(12) the amount of unobligated funds and unexpended funds, by appropriations account—

(A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;

(B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and

(C) that are estimated will remain at the end of the fiscal year for which the budget is being presented; and

(13) the budget for safety, by program.

(i) GENERAL AND ADMINISTRATIVE EXPENSES.—NASA shall make available, upon request from the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate, information on Corporate and Center General and Administrative Costs and Service Pool costs, including—

(1) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;

(2) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and

(3) the major activities included in each cost category.

(j) NASA TEST FACILITIES.—

(1) REVIEW.—The Director of the Office of Science and Technology Policy shall commission an independent review of the Nation's long-term strategic needs for test facilities and shall submit the review to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The review shall include an evaluation of the facility needs described pursuant to subsection (c)(2)(C).

(2) LIMITATION.—The Administrator shall not close or mothball any aeronautical test facilities identified in the 2003 independent assessment by the RAND Corporation, entitled ''Wind Tunnel and Propulsion Test Facilities: An Assessment of NASA's Capabilities to Serve National Needs'' as being part of the minimum set of those facilities necessary to retain and manage to serve national needs, as well as any other NASA test facilities that were in use as of January 1, 2004, until the review conducted under paragraph (1) has been transmitted to the Congress.

SEC. 102. REPORTS.

(a) IMMEDIATE ISSUES.—Not later than September 30, 2005, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on each of the following items:

(1) The research agenda for the ISS and its proposed final configuration.

(2) The number of flights the Space Shuttle will make before its retirement, the purpose of those flights, and the expected date of the final flight.

(3) A description of the means, other than the Space Shuttle, that may be used to ferry crew and cargo to and from the ISS.

(4) A plan for the operation of the ISS in the event that the Iran Nonproliferation Act of 2000 is not amended.

(5) A description of the launch vehicle for the Crew Exploration Vehicle.

(6) A description of any heavy lift vehicle NASA intends to develop, the intended uses of that vehicle, and whether the decision to develop that vehicle has undergone an interagency review.

(7) A description of the intended purpose of lunar missions and the architecture for those missions.

(8) The program goals for Project Prometheus.

(9) A plan for managing the cost increase for the James Webb Space Telescope.

(b) CREW EXPLORATION VEHICLE.—The Administrator shall not enter into a development contract for the Crew Exploration Vehicle until at least 30 days after the Administrator has transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the expected cost of the Crew Exploration Vehicle through fiscal year 2020, based on the specifications for that development contract;

(2) the expected budgets for each fiscal year through fiscal year 2020 for human space flight, aeronautics, space science, and earth science—

(A) first assuming inflationary growth for the budget of NASA as a whole and including costs for the Crew Exploration Vehicle as projected under paragraph (1); and

(B) then assuming inflationary growth for the budget of NASA as a whole and including at least two cost estimates for the Crew Exploration Vehicle that are higher than those projected under paragraph (1), based on NASA's past experience with cost increases for similar programs, along with a description of the reasons for selecting the cost estimates used for the calculations under this subparagraph and the probability that the cost of the Crew Exploration Vehicle will reach those estimated amounts; and

(3) the extent to which the Crew Exploration Vehicle will allow for the escape of the crew in the event of an emergency.

(c) SPACE COMMUNICATIONS STUDY.—

(1) STUDY.—The Administrator shall develop a plan for updating NASA's space communications architecture for both low-Earth orbital operations and deep space exploration so that it is capable of meeting NASA's needs over the next 20 years. The plan shall also include life-cycle cost estimates, milestones, estimated performance capabilities, and 5-year funding profiles. The plan shall also include an estimate of the amounts of any reimbursements NASA is likely to receive from other Federal agencies during the expected life of the upgrades described in the plan. The plan shall include a description of the following:

(A) Projected Deep Space Network requirements for the next decade, including those in support of human space exploration missions.

(B) Upgrades needed to support Deep Space Network requirements.

(C) Cost estimates for the maintenance of existing Deep Space Network capabilities.

(D) Cost estimates and schedules for the upgrades described in subparagraph (B).

(2) CONSULTATIONS.—The Administrator shall consult with other relevant Federal agencies in developing the plan under this subsection.

(3) REPORT.—The Administrator shall transmit the plan under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 17, 2007.

(d) PUBLIC RELATIONS.—Not later than December 31, 2005, the Administrator shall transmit a plan to the Committee on Appropriations and the Committee on Science of the House of Representatives, and to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, describing the activities that will be undertaken as part of the national awareness campaign required by the report of the Committee on Appropriations of the House of Representatives accompanying the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, and the expected cost of those activities. NASA may undertake activities as part of the national awareness campaign prior to the transmittal of the plan required by this subsection, but not until 15 days after notifying the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of any activity. The plan required by this subsection shall include the estimated costs of any activities undertaken pursuant to notice under the preceding sentence.

(e) JOINT DARK ENERGY MISSION.—The Administrator and the Director of the Department of Energy Office of Science shall jointly transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007, a report on plans for a Joint Dark Energy Mission. The report shall include the amount of funds each agency intends to expend on the Joint Dark Energy Mission for each of the fiscal years 2007 through 2011, and any specific milestones for the development and launch of the Mission.

(f) SHUTTLE EMPLOYEE TRANSITION.—The Administrator shall consult with other appropriate Federal agencies and with NASA contractors and employees to develop a transition plan for Federal and contractor personnel engaged in the Space Shuttle program. The plan shall include actions to assist Federal and contractor personnel to take advantage of training, retraining, job placement, and relocation programs, and any other actions that NASA will take to assist the employees. The plan shall also describe how the Administrator will ensure that NASA and its contractors will have an appropriate complement of employees to allow for the safest possible use of the Space Shuttle through its final flight. The Administrator shall transmit the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 90 days after the date of enactment of this Act.

(g) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—

(1) STUDY.—The Director of the Office of Science and Technology Policy shall conduct a study to determine—

(A) if any research and development programs of NASA are unnecessarily duplicating aspects of programs of other Federal agencies; and

(B) if any research and development programs of NASA are neglecting any topics of national interest that are related to the mission of NASA.

(2) REPORT.—Not later than March 1, 2006, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(A) describes the results of the study under paragraph (1);

(B) lists the research and development programs of Federal agencies other than NASA that were reviewed as part of the study, which shall

include any program supporting research and development in an area related to the programs of NASA, and the most recent budget figures for those programs of other agencies;

(C) recommends any changes to the research and development programs of NASA that should be made to eliminate unnecessary duplication or address topics of national interest; and

(D) describes mechanisms the Office of Science and Technology Policy will use to ensure adequate coordination between NASA and Federal agencies that operate related programs.

SEC. 103. BASELINES AND COST CONTROLS.

(a) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—NASA shall not enter into a contract for the development phase of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks; and

(B) the program complies with all relevant policies, regulations, and directives of NASA.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement under this subsection.

(b) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Not later than February 15 of each year following the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on each major program for which NASA proposes to expend funds in the subsequent fiscal year. Reports under this section shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost and an estimate of the annual costs until the development is completed;

(C) the schedule for the development, including key program milestones; and

(D) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs with respect to which a Baseline Report has been previously submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(D) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 7 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(D) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 5 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 14 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay will have on any other program within NASA; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

NASA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) THIRTY PERCENT THRESHOLD.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than the lower of 30 percent or $1,000,000,000, then, beginning 1 year after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term ''development'' means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(2) the term ''development cost'' means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term ''life-cycle cost'' means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term ''major program'' means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $100,000,000.

SEC. 104. PRIZE AUTHORITY.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451, et seq.) is amended by inserting after section 313 the following new section:

''PRIZE AUTHORITY

''SEC. 314. (a) IN GENERAL.—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a program to award prizes only in conformity with this section.

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

''(c) ADVERTISING.—The Administrator shall widely advertise prize competitions to encourage participation.

''(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

''(e) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

''(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

''(2) shall have complied with all the requirements under this section;

''(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

''(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

''(f) LIABILITY.—(1) Registered participants must agree to assume any and all risks and waive claims against the United States Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this subparagraph, the term 'related entity' means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(2) Participants must obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss, as determined by the Administrator, from claims by—

''(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the

registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

''(B) the United States Government for damage or loss to Government property resulting from such an activity.

''(g) JUDGES.—For each competition, the Administration, either directly or through a contract under subsection (h), shall assemble a panel of qualified judges from both within and outside the Administration to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from the private sector. A judge may not—

''(1) have personal or financial interests in, or be employees, officers, directors, or agents of, any entity that is a registered participant in a competition; or

''(2) have a familial or financial relationship with an individual who is a registered participant.

''(h) ADMINISTERING THE COMPETITION.—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

''(i) FUNDING.—(1) The Administrator may accept funds from other Federal agencies and from the private sector for cash prizes under this section. Such funds shall not increase the amount of a prize after the amount has been announced pursuant to subsection (d). The Administrator may not give any special consideration to any private sector entity in return for a donation.

''(2) Funds appropriated for the program under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

''(3) No prize may be announced under subsection (d) until all the funds for that prize have been appropriated or obligated for such purpose by a private sector source.

''(4) No prize competition under this section may offer a prize in an amount greater than $10,000,000 unless 30 days have elapsed after written notice has been provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(j) USE OF NASA NAME AND INSIGNIA.—A registered participant in a competition under this section may use the Administration's name, initials, or insignia only after prior review and written approval by the Administration.

''(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.''.

SEC. 105. FOREIGN LAUNCH VEHICLES.

(a) ACCORD WITH SPACE TRANSPORTATION POLICY.—NASA shall not launch a mission on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004.

(b) INTERAGENCY COORDINATION.—NASA shall not launch a mission on a foreign launch vehicle unless NASA commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the mission.

(c) APPLICATION.—This section shall not apply to any mission for which development has begun prior to the date of enactment of this Act, including the James Webb Space Telescope.

SEC. 106. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There is hereby'';

(2) by striking ''plans referred to it'' and inserting ''plans referred to it, including evaluating the National Aeronautics and Space Administration's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,'';

(3) by inserting ''and the Congress'' after ''advise the Administrator'';

(4) by striking ''and with respect to the adequacy of proposed or existing safety standards and shall'' and inserting '', with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also''; and

(5) by adding at the end the following:

''(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of the Administration's safety management culture. Each annual report shall include an evaluation of the Administration's compliance with the recommendations of the Columbia Accident Investigation Board.''.

SEC. 107. LESSONS LEARNED AND BEST PRACTICES.

(a) IN GENERAL.—The Administrator shall provide an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 108. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science missions and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in conducting research and the development of technologies and services. The plan shall include provisions for developing and funding sustained university and industry partnerships to conduct commercial research and technology development, to proactively translate results of space research to Earth benefits, to advance United States economic interests, and to support the vision for exploration.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 109. STUDY ON THE FEASIBILITY OF USE OF GROUND SOURCE HEAT PUMPS.

(a) IN GENERAL.—The Administrator shall conduct a feasibility study on the use of ground source heat pumps in future NASA facilities or substantial renovation of existing NASA facilities involving the installation of heating, ventilating, and air conditioning systems.

(b) CONTENTS.—The study shall examine—

(1) the life-cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;

(2) barriers to installation, such as availability and suitability of terrain; and

(3) such other issues as the Administrator considers appropriate.

(c) DEFINITION.—In this section, the term ''ground source heat pump'' means an electric-powered system that uses the Earth's relatively constant temperature to provide heating, cooling, or hot water.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. STRUCTURE OF BUDGETARY ACCOUNTS.

Section 313 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f) is amended to read as follows:

''SEC. 313. BUDGETARY ACCOUNTS.

''Appropriations for the Administration for fiscal year 2007 and thereafter shall be made in four accounts, 'Science, Aeronautics, and Education', 'Exploration Systems', 'Space Operations', and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General. Appropriations shall remain available for two fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.''.

SEC. 202. FISCAL YEAR 2006.

There are authorized to be appropriated to NASA for fiscal year 2006 $16,471,050,000, as follows:

(1) For Science, Aeronautics and Education (including amounts for construction of facilities), $6,870,250,000 of which—

(A) $962,000,000 shall be for Aeronautics;

(B) $150,000,000 shall be for a Hubble Space Telescope servicing mission; and

(C) $24,000,000 shall be for the National Space Grant College and Fellowship Program.

(2) For Exploration Systems (including amounts for construction of facilities), $3,181,100,000.

(3) For Space Operations (including amounts for construction of facilities), $6,387,300,000.

(4) For the Office of Inspector General, $32,400,000.

SEC. 203. FISCAL YEAR 2007.

There are authorized to be appropriated to NASA for fiscal year 2007 $16,962,000,000, as follows:

(1) For Science, Aeronautics and Education (including amounts for construction of facilities), $7,331,600,000 of which—

(A) $990,000,000 shall be for Aeronautics; and

(B) $24,000,000 shall be for the National Space Grant College and Fellowship Program.

(2) For Exploration Systems (including amounts for construction of facilities), $3,589,200,000.

(3) For Space Operations (including amounts for construction of facilities), $6,007,700,000.

(4) For the Office of Inspector General, $33,500,000.

SEC. 204. ISS RESEARCH.

The Administrator shall allocate at least 15 percent of the funds budgeted for ISS research to research that is not directly related to supporting the human exploration program.

SEC. 205. TEST FACILITIES.

(a) CHARGES.—The Administrator shall establish a policy of charging users of NASA's test facilities for the costs associated with their tests at a level that is competitive with alternative test

facilities. As a general principle, NASA shall not seek to recover the full costs of the operation of those facilities from the users. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) FUNDING ACCOUNT.—The Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

SEC. 206. PROPORTIONALITY.

If the total amount appropriated for NASA pursuant to section 202 or 203 is less than the amount authorized under such section, the amounts authorized under each of the accounts specified in such section shall be reduced proportionately.

SEC. 207. LIMITATIONS ON AUTHORITY.

Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for the particular program by section 202 or 203, unless a period of 30 days has passed after the receipt, by each such Committee, of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such a proposed action. NASA shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those Committees.

SEC. 208. NOTICE OF REPROGRAMMING.

If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 209. COST OVERRUNS.

When reprogramming funds to cover unexpected cost growth within a program, the Administrator shall, to the maximum extent practicable, protect funds intended for fundamental and applied Research and Analysis.

SEC. 210. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to this Act may be used, but not to exceed a total of $35,000 in any fiscal year, for official reception and representation expenses.

SEC. 211. INTERNATIONAL SPACE STATION COST CAP.

Section 202 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note) is repealed.

TITLE III—SCIENCE

Subtitle A—General Provisions

SEC. 301. PERFORMANCE ASSESSMENTS.

(a) IN GENERAL.—Performance of each discipline in the Science account of NASA shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) TIMING.—Beginning with the first fiscal year following the date of enactment of this Act, the Administrator shall select at least one discipline for review under this section. The Administrator shall select disciplines so that all disciplines will have received their first review within six fiscal years of the date of enactment of this Act.

(c) REPORTS.—Each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by NASA in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external reviews of NASA's science mission priorities and programs.

SEC. 302. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

It is the sense of the Congress that the Hubble Space Telescope is an extraordinary instrument that has provided, and should continue to provide, answers to profound scientific questions. In accordance with the recommendations of the National Academy of Sciences, all appropriate efforts should be expended to complete the Space Shuttle servicing mission. Upon successful completion of the planned return-to-flight schedule of the Space Shuttle, the schedule for a Space Shuttle servicing mission to the Hubble Space Telescope shall be determined, unless such a mission would compromise astronaut safety. Not later than 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a status report on plans for a Hubble Space Telescope servicing mission.

SEC. 303. INDEPENDENT ASSESSMENT OF LANDSAT-NPOESS INTEGRATED MISSION.

(a) ASSESSMENT.—In view of the importance of ensuring continuity of Landsat data and in view of the challenges facing the National Polar-Orbiting Environmental Satellite System program, the Administrator shall seek an independent assessment of the costs as well as the technical, cost, and schedule risks associated with incorporating the Landsat instrument on the first National Polar-Orbiting Environmental Satellite System spacecraft versus undertaking a dedicated Landsat data ''gap-filler'' mission followed by the incorporation of the Landsat instrument on the second National Polar-Orbiting Environmental Satellite System spacecraft. The assessment shall also include an evaluation of the budgetary requirements of each of the options under consideration.

(b) REPORT.—The Administrator shall transmit the independent assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 304. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

(a) ASSESSMENT.—The Administrator shall carry out annual termination reviews within each of the Science disciplines to assess the cost and benefits of extending the date of the termination of data collection for those missions which are beyond their primary goals. In addition:

(1) Not later than 60 days after the date of enactment of this Act, the Administrator shall carry out such an assessment for the following missions: FAST, TIMED, Cluster, Wind, Geotail, Polar, TRACE, Ulysses, and Voyager.

(2) For those missions that have an operational component, the National Oceanic and Atmospheric Administration shall be consulted and the potential benefits of instruments on missions which are beyond their primary goals taken into account.

(b) REPORT.—Not later than 30 days after completing the assessments required by subsection (a)(1), the Administrator shall transmit a report on the assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 305. MICROGRAVITY RESEARCH.

(a) IN GENERAL.—The Administrator shall—

(1) not later than 60 days after the date of enactment of this Act, provide to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of microgravity research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then validated in space;

(2) ensure the capacity to support ground-based research leading to space-based basic and applied scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of microgravity and the space environment; and

(3) carry out, to the maximum extent practicable basic, applied, and commercial ISS research activities such as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities.

(b) ON-ORBIT CAPABILITIES.—The Administrator shall ensure that the on-orbit analytical capabilities of the ISS are sufficient to support any diagnostic human research and on-orbit characterization of molecular crystal growth, cellular research, and other research that NASA believes is necessary to conduct, but for which NASA lacks the capacity to return the materials that need to be analyzed to Earth.

(c) ASSESSMENT OF POTENTIAL SCIENTIFIC USES.—The Administrator shall assess further potential scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

SEC. 306. COORDINATION WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) JOINT WORKING GROUP.—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall appoint a Joint Working Group, which shall review and monitor missions of the two agencies to ensure maximum coordination in the design, operation, and transition of missions. The Joint Working Group shall also prepare the transition plans required by subsection (c).

(b) COORDINATION REPORT.—Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator shall jointly transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on how the earth science programs of the National Oceanic and Atmospheric Administration and NASA will be coordinated during the fiscal year following the fiscal year in which the report is transmitted.

(c) COORDINATION OF TRANSITION PLANNING AND REPORTING.—The Administrator, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, shall evaluate all NASA missions for their potential operational capabilities and shall prepare transition plans for all existing and future Earth observing systems found to have potential operational capabilities and all National Oceanic and Atmospheric Administration operational space-based systems.

(d) LIMITATION.—The Administrator shall not transfer any NASA earth science mission or Earth observing system to the National Oceanic and Atmospheric Administration until the transition plan required under subsection (c) has been approved by the Administrator and the Administrator of the National Oceanic and Atmospheric Administration and until financial resources have been identified to support the transition or transfer in the President's budget request for the National Oceanic and Atmospheric Administration.

Subtitle B—Remote Sensing

SEC. 311. DEFINITIONS.

In this subtitle—

(1) the term ''geospatial information'' means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data;

(2) the term ''high resolution'' means resolution better than five meters; and

(3) the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 312. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) IN GENERAL.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of commercial data sets, including high resolution commercial satellite imagery and derived satellite data products, existing public data sets where commercial data sets are not available or applicable, or the fusion of such data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) REPORT.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) WORKSHOP.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) REGULATIONS.—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 313. PROGRAM EVALUATION.

(a) ADVISORY COMMITTEE.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industry, to monitor the program established under section 312. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 312.

(b) EFFECTIVENESS EVALUATION.—Not later than December 31, 2009, the Administrator shall transmit to the Congress an evaluation of the effectiveness of the program established under section 312 in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

SEC. 314. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 312 shall be retrievable through an electronic, Internet-accessible database.

SEC. 315. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

SEC. 321. GEORGE E. BROWN, JR. NEAR-EARTH OBJECT SURVEY.

(a) SHORT TITLE.—This section may be cited as the ''George E. Brown, Jr. Near-Earth Object Survey Act''.

(b) FINDINGS.—The Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Similar objects have struck the Earth or passed through the Earth's atmosphere several times in the Earth's history and pose a similar threat in the future.

(3) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth, and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(4) The efforts taken to date by NASA for detecting and characterizing the hazards of near-Earth objects are not sufficient to fully determine the threat posed by such objects to cause widespread destruction and loss of life.

(c) DEFINITIONS.—For purposes of this section the term ''near-Earth object'' means an asteroid or comet with a perihelion distance of less that 1.3 Astronomical Units from the Sun.

(d) NEAR-EARTH OBJECT SURVEY.—

(1) SURVEY PROGRAM.—The Administrator shall plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 100 meters in diameter in order to assess the threat of such near-Earth objects to the Earth. It shall be the goal of the Survey program to achieve 90 percent completion of its near-Earth object catalogue (based on statistically predicted populations of near-Earth objects) within 15 years after the date of enactment of this Act.

(2) AMENDMENTS.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(A) by redesignating subsection (g) as subsection (h);

(B) by inserting after subsection (f) the following new subsection:

''(g) The Congress declares that the general welfare and security of the United States require that the unique competence of the National Aeronautics and Space Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth.''; and

(C) in subsection (h), as so redesignated by subparagraph (A) of this paragraph, by striking ''and (f)'' and inserting ''(f), and (g)''.

(3) ANNUAL REPORT.—The Administrator shall transmit to the Congress, not later than February 28 of each of the next 5 years beginning after the date of enactment of this Act, a report that provides the following:

(A) A summary of all activities taken pursuant to paragraph (1) for the previous fiscal year.

(B) A summary of expenditures for all activities pursuant to paragraph (1) for the previous fiscal year.

(4) INITIAL REPORT.—The Administrator shall transmit to Congress not later than 1 year after the date of enactment of this Act an initial report that provides the following:

(A) An analysis of possible alternatives that NASA may employ to carry out the Survey program, including ground-based and space-based alternatives with technical descriptions.

(B) A recommended option and proposed budget to carry out the Survey program pursuant to the recommended option.

(C) An analysis of possible alternatives that NASA could employ to divert an object on a likely collision course with Earth.

TITLE IV—AERONAUTICS

SEC. 401. DEFINITION.

For purposes of this title, the term ''institution of higher education'' has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

Subtitle A—National Policy for Aeronautics Research and Development

SEC. 411. POLICY.

It shall be the policy of the United States to reaffirm the National Aeronautics and Space Act of 1958 and its identification of aeronautical research and development as a core mission of NASA. Further, it shall be the policy of the United States to promote aeronautical research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation's air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

Subtitle B—NASA Aeronautics Breakthrough Research Initiatives

SEC. 421. ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of enactment of this Act, technologies to enable the following commercial aircraft performance characteristics:

(1) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) ENERGY CONSUMPTION.—Twenty-five percent reduction in the energy required for medium to long range flights, compared to aircraft in commercial service as of the date of enactment of this Act. This reduction may be achieved by a combination of improvements to—

(A) specific fuel consumption;

(B) lift-to-drag ratio; and

(C) structural weight fraction.

(3) EMISSIONS.—Nitrogen oxides on take-off and landing that are reduced by 50 percent relative to aircraft in commercial service as of the date of enactment of this Act.

(b) STUDY.—

(1) REQUIREMENT.—The Administrator shall enter into an arrangement for the National Research Council to conduct a study to identify and quantify new markets that would be created, as well as existing markets that would be

expanded, by the incorporation of the technologies developed pursuant to this section into future commercial aircraft. The study shall identify whether any of the performance characteristics specified in subsection (a) would need to be made more stringent in order to create new markets or expand existing markets. The National Research Council shall seek input from at least the aircraft manufacturing industry, academia, and the airlines in carrying out the study.

(2) REPORT.—A report containing the results of the study conducted under paragraph (1) shall be provided to Congress not later than 18 months after the date of enactment of this Act.

SEC. 422. CIVIL SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, within 20 years after the date of enactment of this Act, technologies to enable overland flight of supersonic civil transport aircraft with at least the following performance characteristics:

(1) Mach number of at least 1.4.

(2) Range of at least 4,000 nautical miles.

(3) Payload of at least 24 passengers.

(4) Noise levels on takeoff and on airport approach and landing that meet community noise standards in place at airports from which such commercial supersonic aircraft would normally operate at the time the aircraft would enter commercial service.

(5) Shaped sonic boom signatures sufficiently low to permit overland flight over populated areas.

(6) Nitrogen oxide, carbon dioxide, and water vapor emissions consistent with regulations likely to be in effect at the time of this aircraft's introduction.

SEC. 423. ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator may establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating in a relevant environment, within 10 years after the date of enactment of this Act, technologies to enable significantly safer, quieter, and more environmentally compatible operation from a wider range of airports under a wider range of weather conditions than is the case for rotorcraft and other runway-independent air vehicles in service as of the date of enactment of this Act.

Subtitle C—Other NASA Aeronautics Research and Development Activities

SEC. 431. FUNDAMENTAL RESEARCH AND TECHNOLOGY BASE PROGRAM.

(a) OBJECTIVE.—In order to ensure that the Nation maintains needed capabilities in fundamental areas of aeronautical research, the Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects.

(b) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of the Nation's future requirements for fundamental aeronautics research and whether the Nation will have a skilled research workforce and research facilities commensurate with those requirements. The assessment shall include an identification of any projected gaps, and recommendations for what steps should be taken by the Federal Government to eliminate those gaps.

(c) REPORT.—The Administrator shall transmit the assessment, along with NASA's response to the assessment, to Congress not later than 2 years after the date of enactment of this Act.

SEC. 432. AIRSPACE SYSTEMS RESEARCH.

(a) OBJECTIVE.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace System, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system.

(b) ALIGNMENT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 433. AVIATION SAFETY AND SECURITY RESEARCH.

(a) OBJECTIVE.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it. The program shall develop prevention, intervention, and mitigation technologies aimed at causal, contributory, or circumstantial factors of aviation accidents.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a 5-year prioritized plan for the research to be conducted within the Aviation Safety and Security Research program. The plan shall be aligned with the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 434. ZERO-EMISSIONS AIRCRAFT RESEARCH.

(a) OBJECTIVE.—The Administrator may establish a zero-emissions aircraft research program whose objective shall be to develop and test concepts to enable a hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions into the environment.

(b) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 435. MARS AIRCRAFT RESEARCH.

(a) OBJECTIVE.—The Administrator may establish a Mars Aircraft project whose objective shall be to develop and test concepts for an uncrewed aircraft that could operate for sustained periods in the atmosphere of Mars.

(b) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 436. HYPERSONICS RESEARCH.

The Administrator may establish a hypersonics research program whose objective shall be to explore the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles.

SEC. 437. NASA AERONAUTICS SCHOLARSHIPS.

(a) ESTABLISHMENT.—The Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish regulations governing the scholarship program under this section.

(c) COOPERATIVE TRAINING OPPORTUNITIES.—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the NASA Centers engaged in aeronautics research and development during the summer prior to the first year of the student's Masters program, and between the first and second year, if applicable.

SEC. 438. AVIATION WEATHER RESEARCH.

The Administrator may carry out a program of collaborative research with the National Oceanic and Atmospheric Administration on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 439. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of Federal wake turbulence research and development programs. The assessment shall address at least the following questions:

(1) Are the Federal research and development goals and objectives well defined?

(2) Are there any deficiencies in the Federal research and development goals and objectives?

(3) What roles should be played by each of the relevant Federal agencies, such as NASA, the Federal Aviation Administration, and the National Oceanic and Atmospheric Administration, in wake turbulence research and development?

(b) REPORT.—A report containing the results of the assessment conducted pursuant to subsection (a) shall be provided to Congress not later than 1 year after the date of enactment of this Act.

SEC. 440. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

(a) IN GENERAL.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more Centers for Research on Aviation Training under cooperative agreements with appropriate NASA Centers.

(b) PURPOSE.—The purpose of the Centers shall be to investigate the impact of new technologies and procedures, particularly those related to the aircraft flight deck and to the air traffic management functions, on training requirements for pilots and air traffic controllers.

(c) APPLICATION.—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

(d) AWARD DURATION.—An award made by the Administrator under this section shall be for a period of 5 years and may be renewed on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed by the Center in its application under subsection (c); and

(2) other requirements as specified by the Administrator.

TITLE V—HUMAN SPACE FLIGHT

SEC. 501. INTERNATIONAL SPACE STATION COMPLETION.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) be used for a diverse range of microgravity research, including fundamental, applied, and commercial research;

(2) have an ability to support crew size of at least 6 persons;

(3) support Crew Exploration Vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential period during which the Space Shuttle or its follow-on crew and cargo systems is unavailable, and provide sufficient prepositioning of spares and other supplies needed to accommodate any such hiatus.

(c) CERTIFICATION.—Not later than 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this

Act, the Administrator shall certify in writing to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate NASA's plan to meet the requirements of subsections (a) and (b).

SEC. 502. HUMAN EXPLORATION PRIORITIES.

(a) IN GENERAL.—The Administrator shall—

(1) construct an architecture and implementation plan for NASA's human exploration program that is not critically dependent on the achievement of milestones by fixed dates; and

(2) determine the relative priority of each of the potential elements of NASA's implementation plan for its human exploration program in case funding shortfalls or cost growth necessitate the adjustment of NASA's implementation plan.

(b) PRIORITIES.—Development of a Crew Exploration Vehicle with a robust crew escape system, development of a launch system for the Crew Exploration Vehicle, and definition of an overall architecture and prioritized implementation plan shall be the highest priorities of the human exploration program over the period governed by this Act.

SEC. 503. GAO ASSESSMENT.

Not later than 9 months after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the milestones and estimated costs of the plans submitted under section 102(a)(7).

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

SEC. 601. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 602. SECONDARY PAYLOAD CAPABILITY.

The Administrator is encouraged to provide the capabilities to support secondary payloads on United States launch vehicles, including freeflyers, for satellites or scientific payloads.

Subtitle B—Education

SEC. 611. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

*The matter appearing under the heading "**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**—SMALL AND DISADVANTAGED BUSINESS" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking "Historically Black Colleges and Universities and" and inserting "Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and".*

SEC. 612. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 613. CHARLES "PETE" CONRAD ASTRONOMY AWARDS.

(a) SHORT TITLE.—This section may be cited as the "Charles 'Pete' Conrad Astronomy Awards Act".

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

(1) the term "amateur astronomer" means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(2) the term "Minor Planet Center" means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(3) the term "near-Earth asteroid" means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(4) the term "Program" means the Charles "Pete" Conrad Astronomy Awards Program established under subsection (c).

(c) PETE CONRAD ASTRONOMY AWARD PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish the Charles "Pete" Conrad Astronomy Awards Program.

(2) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(4) AWARD AMOUNT.—An award under the Program shall be in the amount of $3,000.

(5) GUIDELINES.—(A) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this section.

(B) The decisions of the Administrator in making awards under this section are final.

SEC. 614. REVIEW OF EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a review and evaluation of NASA's science, technology, engineering, and mathematics education program. The review and evaluation shall be documented in a report to the Administrator and shall include such recommendations as the National Research Council determines will improve the effectiveness of the program.

(b) REVIEW.—The review and evaluation under subsection (a) shall include—

(1) an evaluation of the effectiveness of the overall program in meeting its defined goals and objectives;

(2) an assessment of the quality and educational effectiveness of the major components of the program, including an evaluation of the adequacy of assessment metrics and data collection requirements available for determining the effectiveness of individual projects;

(3) an evaluation of the funding priorities in the program, including a review of the funding level and funding trend for each major component of the program and an assessment of whether the resources made available are consistent with meeting identified goals and priorities; and

(4) a determination of the extent and the effectiveness of coordination and collaboration between NASA and other Federal agencies that sponsor science, technology, engineering, and mathematics education activities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report required under subsection (a).

SEC. 615. EQUAL ACCESS TO NASA'S EDUCATION PROGRAMS.

The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to NASA's Education programs. Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts by the Administrator to ensure equal access for minority and economically disadvantaged students under this section, and the results of such efforts.

TITLE VII—MISCELLANEOUS AMENDMENTS

SEC. 701. RETROCESSION OF JURISDICTION.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end of title III the following new section:

"RETROCESSION OF JURISDICTION

"SEC. 316. (a) Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

"(b) For purposes of this section, the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.".

SEC. 702. EXTENSION OF INDEMNIFICATION.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 458c) is amended in subsection (f)(1) by striking "December 31, 2002" through "September 30, 2005" and inserting, "December 31, 2010, except that the Administrator may extend the termination date to a date not later than September 30, 2015, if the Administrator has entered into an arrangement with the National Academy of Public Administration to determine the impact on private parties and the Federal Government of eliminating this section".

SEC. 703. NASA SCHOLARSHIPS.

(a) AMENDMENTS.—Section 9809 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking "Act." and inserting "Act (42 U.S.C. 1885a or 1885b).";

(2) in subsection (c) by striking "require." and inserting "require to carry out this section.";

(3) in subsection (f)(1) by striking the last sentence; and

(4) in subsection (g)(2) by striking "Treasurer of the" and all that follows through "by 3" and inserting "Treasurer of the United States".

(b) REPEAL.—The Vision 100—Century of Aviation Reauthorization Act is amended by striking section 703 (42 U.S.C. 2473e).

SEC. 704. INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) is amended—

(1) by striking "Phase B" in subsection (a) and inserting "implementation";

(2) by striking ''$150,000,000'' in subsection (a) and inserting ''$250,000,000'';

(3) by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

(4) by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

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

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results.''.

SEC. 705. LIMITATIONS ON OFF-SHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

(a) CONVERSIONS TO CONTRACTOR PERFORMANCE OF ADMINISTRATION ACTIVITIES.—Except as provided in subsection (c), an activity or function of the Administration that is converted to contractor performance under Office of Management and Budget Circular A–76 may not be performed by the contractor or any subcontractor at a location outside the United States.

(b) CONTRACTS FOR THE PROCUREMENT OF SERVICES.—(1) Except as provided in subsection (c), a contract for the procurement of goods or services that is entered into by the Administrator may not be performed outside the United States unless it is to meet a requirement of the Administration for goods or services specifically at a location outside the United States.

(2) The President may waive the prohibition in paragraph (1) in the case of any contract for which the President determines in writing that it is necessary in the national security interests of the United States for goods or services under the contract to be performed outside the United States.

(3) The Administrator may waive the prohibition in paragraph (1) in the case of any contract for which the Administrator determines in writing that essential goods or services under the contract are only available from a source outside the United States.

(c) EXCEPTION.—Subsections (a) and (b)(1) shall not apply to the extent that the activity or function under the contract was previously performed by Federal Government employees outside the United States.

(d) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—The provisions of this section shall not apply to the extent that they are inconsistent with obligations of the United States under international agreements.

(e) ANNUAL REPORT.—The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year, a report on the contracts performed overseas and amount of purchases by NASA from foreign entities in that fiscal year. Such report shall separately indicate the dollar value of contracts for which the provisions of this section were waived and the dollar value of items for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

TITLE VIII—INDEPENDENT COMMISSIONS

SEC. 1. DEFINITIONS.

For purposes of this title—

(1) the term ''Commission'' means a Commission established under this title; and

(2) the term ''incident'' means either an accident or a deliberate act.

Subtitle A—International Space Station Independent Safety Commission

SEC. 811. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an independent, nonpartisan Commission within the executive branch to discover and assess any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

(b) DEADLINE FOR ESTABLISHMENT.—The President shall issue an executive order establishing a Commission within 30 days after the date of enactment of this Act.

SEC. 812. TASKS OF THE COMMISSION.

The Commission established under section 811 shall, to the extent possible, undertake the following tasks:

(1) Catalog threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, and inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

(2) Make recommendations for corrective actions.

(3) Provide any additional findings or recommendations related to ISS safety.

(4) Prepare a report to Congress, the President, and the public.

SEC. 813. SUNSET.

The Commission established under this subtitle shall expire not later than one year after the date on which the full Commission membership is appointed.

Subtitle B—Human Space Flight Independent Investigation Commission

SEC. 821. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an independent, nonpartisan Commission within the executive branch to investigate any incident that results in the loss of—

(1) a Space Shuttle;

(2) the International Space Station or its operational viability;

(3) any other United States space vehicle carrying humans that is being used pursuant to a contract with the Federal Government; or

(4) a crew member or passenger of any space vehicle described in this subsection.

(b) DEADLINE FOR ESTABLISHMENT.—The President shall issue an executive order establishing a Commission within 7 days after an incident specified in subsection (a).

SEC. 822. TASKS OF THE COMMISSION.

A Commission established pursuant to this subtitle shall, to the extent possible, undertake the following tasks:

(1) Investigate the incident.

(2) Determine the cause of the incident.

(3) Identify all contributing factors to the cause of the incident.

(4) Make recommendations for corrective actions.

(5) Provide any additional findings or recommendations deemed by the Commission to be important, whether or not they are related to the specific incident under investigation.

(6) Prepare a report to Congress, the President, and the public.

Subtitle C—Organization and Operation of Commissions

SEC. 831. COMPOSITION OF COMMISSIONS.

(a) NUMBER OF COMMISSIONERS.—A Commission established pursuant to this title shall consist of 15 members.

(b) SELECTION.—The members of a Commission shall be chosen in the following manner:

(1) The President shall appoint the members, and shall designate the Chairman and Vice Chairman of the Commission from among its members.

(2) Four of the 15 members appointed by the President shall be selected by the President in the following manner:

(A) The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of candidates for membership on the Commission.

(B) The President shall select one of the candidates from each of the 4 lists for membership on the Commission.

(3) In the case of a Commission established under subtitle A, the President shall select one candidate from a list of candidates for membership on the Commission provided by the President of the collective-bargaining organization including the largest member of NASA engineers.

(4) No officer or employee of the Federal Government shall serve as a member of the Commission.

(5) No member of the Commission shall have, or have pending, a contractual relationship with NASA.

(6) The President shall not appoint any individual as a member of a Commission under this section who has a current or former relationship with the Administrator that the President determines would constitute a conflict of interest.

(7) To the extent practicable, the President shall ensure that the members of the Commission include some individuals with experience relative to human carrying spacecraft, as well as some individuals with investigative experience and some individuals with legal experience.

(8) To the extent practicable, the President shall seek diversity in the membership of the Commission.

(9) The President may waive the prohibitions in paragraphs (5) and (6) with respect to the selection of not more than 2 members of a Commission established under subtitle A.

(c) DEADLINE FOR APPOINTMENT.—All members of a Commission established under subtitle A shall be appointed no later than 60 days after issuance of the executive order establishing the Commission. All members of a Commission established under subtitle B shall be appointed no later than 30 days after the incident.

(d) INITIAL MEETING.—A Commission shall meet and begin operations as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, a Commission shall meet upon the call of the Chairman or a majority of its members. Eight members of a Commission shall constitute a quorum. Any vacancy in a Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 832. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—A Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(b) CONTRACTING.—A Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—A Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by

members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) NASA ENGINEERING AND SAFETY CENTER.—The NASA Engineering and Safety Center shall provide data and technical support as requested by a Commission.

SEC. 833. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.

(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this Act.

(b) PUBLIC HEARINGS.—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 834. STAFF OF COMMISSION.

(a) APPOINTMENT AND COMPENSATION.—The Chairman, in consultation with Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILEES.—Any Federal Government employee, except for an employee of NASA, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any consultant or expert whose services are procured under this subsection shall disclose any contract or association it has with NASA or any NASA contractor.

SEC. 835. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of a Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 836. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with a Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 837. REPORTING REQUIREMENTS AND TERMINATION.

(a) INTERIM REPORTS.—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) TERMINATION.—

(1) IN GENERAL.—A Commission, and all the authorities of this title with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

The CHAIRMAN. No amendment to that amendment is in order except the amendments printed in House Report 109–179. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–179.

AMENDMENT NO. 1 OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOEHLERT:

Page 7, line 10, strike ''space science and earth science'' and insert ''space science, earth science and microgravity science''.

Page 16, line 25, strike ''or Reduction in Force''.

Page 17, line 4, insert ''(except for cause)'' after ''separations''.

Page 17, line 5, strike ''October 1, 2006'' and insert ''February 16, 2007''.

Page 21, line 5, insert ''non-aeronautical'' after ''other''.

Page 26, line 21, strike ''90 days after the date of enactment of this Act'' and insert ''February 1, 2006''.

Page 29, line 6, strike the period and insert, '', except in cases in which the Administrator has a conflict of interest.''.

Page 30, line 1, insert '', program reserves,'' after ''cost''.

Page 30, line 4, strike ''and''.

Page 30, after line 4, insert the following new subparagraph:

(D) the plan for mitigating technical, schedule, and cost risks prepared in accordance with subsection (a)(1)(A); and

Page 30, line 5, strike ''(D)'' and insert ''(E)''.

Page 33, line 15, strike ''1 year'' and insert ''18 months''.

Page 33, line 20, insert ''An appropriation for the program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection.'' after ''by law.''.

Page 34, line 24, strike ''$100,000,000'' and insert ''$150,000,000''.

Page 36, line 24, strike ''subparagraph'' and insert ''paragraph''.

Page 37, line 4, strike ''to compensate for the maximum probable loss, as''.

Page 37, line 21, strike ''from both within and outside the Administration''.

Page 38, line 1, insert ''from outside the Administration, including'' after ''individuals''.

Page 38, line 4, strike ''employees, officers, directors, or agents of,'' and insert ''an employee, officer, director, or agent of''.

Page 38, line 14, strike ''Such funds shall not increase the amount of a prize after the amount has been announced pursuant to subsection (d).''.

Page 38, line 19, strike ''Funds appropriated for the program'' and insert ''Notwithstanding any other provision of law, funds appropriated for prize awards''.

Page 39, strike line 3 through line 5 and insert the following:

(3) No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source. The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

Page 41, line 20, strike ''provide'' and insert ''transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate''.

Page 43, line 18, insert at the end ''Not later than one year after the date of enactment of this Act, the Administrator shall transmit the study to the Committee on Science of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate''.

Page 44, after line 6, add the following new section:

SEC. 110. SPACE SHUTTLE RETURN TO FLIGHT.

It is the sense of Congress that, in keeping with the President's Vision for Space Exploration, the Space Shuttle should return to flight as soon as the Administrator determines that a flight can be accomplished with an acceptable level of safety.

In the table of contents in section 1(b), insert after the item relating to section 109 the following:

Sec. 110. Space shuttle return to flight.

Page 44, line 24, strike ''$16,471,050,000'' and insert ''$16,965,650,000''.

Page 45, line 6, strike ''and''.

Page 45, line 8, strike the period and insert ''; and''.

Page 45, after line 8, insert the following new subparagraph:

(D) $8,900,000 for the Science and Technology Scholarship Program.

Page 45, line 10, strike ''$3,181,100,000'' and insert ''$3,844,100,000''.

Page 45, line 12, strike ''$6,387,300,000'' and insert ''$6,218,900,000''.

Page 45, line 17, strike ''$16,962,000,000'' and insert ''$17,726,800,000''.

Page 46, line 2, strike ''$3,589,200,000'' and insert ''$4,514,000,000''.

Page 46, line 4, strike ''$6,007,700,000'' and insert ''$5,847,700,000''.

Page 47, line 14, strike ''each such Committee'' and insert ''the Committee on Science of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate''.

Page 49, line 13, strike ''Each year'' and insert ''Not later than March 1 of each year''.

Page 50, line 7, insert ''study titled 'Assessment of Options for Extending the Life of the Hubble Space Telescope' '' after ''after National Academy of Sciences''.

Page 50, line 10, insert ''the Administrator shall determine'' after ''Space Shuttle,''.

Page 50, line 12, strike ''shall be determined''.

Page 54, lines 11 and 12, strike ''the Under Secretary of Commerce for Oceans and Atmosphere and''.

Page 54, line 12, insert ''and the Administrator of the National Oceanic and Atmospheric Administration'' after ''Administrator''.

Page 71, line 11, strike ''shall'' and insert ''may''.

Page 72, strike line 5 and all that follows through line 16, and insert the following:

SEC. 440. UNIVERSITY-BASED CENTERS.

(a) IN GENERAL.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more centers for the purpose described in subsection (b).

(b) PURPOSE.—The purpose of the centers is to conduct basic and applied research on the impact of new technologies and procedures, particularly those related to aeronautical navigation and control.

In the table of contents in section 1(b) strike the item relating to section 440 and insert the following:

Sec. 440. University-based centers.

Page 73, line 15, strike the semicolon and insert '', unless the Administrator transmits a report to the Committee on Science of the House of Representatives and the Committee on Science, Transportation of the Senate prior to awarding a development contract for the Crew Exploration Vehicle, explaining why such a requirement should not be met and the impact of not meeting the requirement on the ISS research agenda and operations;''.

Page 73, line 25, strike ''provide sufficient'' and insert ''require sufficient surge delivery capability or''.

Page 74, after line 10, insert the following new subsection:

(d) CENTRIFUGE.—Nothing in this Act shall be construed to prohibit the installation of the centrifuge on the ISS.

Page 81, line 15, insert at the end the following: ''As part of the report, the Administrator shall provide data on minority participation in NASA's education programs, at a minimum in the following categories: elementary and secondary education, undergraduate education, and graduate education.''

Page 81, after line 15, insert the following new sections:

SEC. 616. MUSEUMS.

The Administrator may provide grants to, and enter into cooperative agreements with museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, earth science, or microgravity.

SEC. 617. REVIEW OF MUST PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit a report to Congress on the legal status of the Motivating Undergraduates in Science and Technology program. If the report concludes that the program is in compliance with the laws of the United States, NASA shall implement the program, as planned in the July 5, 2005 National Research Announcement.

In the table of contents in section 1(b), insert after the item relating to section 615 the following:

Sec. 616. Museums.
Sec. 617. Review of MUST program.

Page 82, line 11, strike ''(42 U.S.C. 458c)'' and insert ''(42 U.S.C. 2458c)''.

Page 83, line 17 strike ''(2) by striking'' and all that follows though line 18.

Page 83, line 19, strike ''(3)'' and insert ''(2)''.

Page 83, line 22, strike ''(4)'' and insert ''(3)''.

Page 83, line 24, strike ''(5)'' and insert ''(4)''.

Page 86, after line 3, add the following new section:

SEC. 706. LONG DURATION FLIGHT.

No provision of this or any other Act shall be construed to prohibit NASA from accommodating the exercise of religion by astronauts engaged in long duration space flight missions.

In the table of contents in section 1(b), insert after the item relating to section 705 the following:

Sec. 706. Long duration flight.

Page 87, line 17, strike ''expire'' and insert ''shall transmit its final report''.

Page 88, line 5, insert ''that is owned by the Federal government or'' after ''humans''.

Page 90, line 3, strike ''member'' and insert ''number''.

The CHAIRMAN. Pursuant to House Resolution 370, the gentleman from New York (Mr. BOEHLERT), and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise to support my amendment, which I am offering along with my partners in this endeavor, the gentleman from California (Chairman CALVERT), the gentleman from Tennessee (Mr. GORDON), and the gentleman from Colorado (Mr. UDALL). This amendment makes many technical and clarifying changes to the bill, some of them sought by NASA. It includes specific language sought by a number of Members, including the gentleman from Florida (Mr. FEENEY) and the gentlewoman from Illinois (Mrs. BIGGERT), the gentleman from California (Mr. HONDA), and the gentleman from California (Mr. BACA).

Most importantly, this amendment fully funds the President's request for exploration for fiscal years 2006 and 2007, not by cutting other programs, but by adding to the bottom line of the bill. I want to thank the administration and key members of our committee, including the gentleman from Texas (Mr. HALL) and the gentleman from Texas (Mr. SMITH) and the gentleman from Florida (Mr. FEENEY) for working with us on this amendment.

The amendment also specifically recognizes our hope for return to flight. It gives NASA flexibility on the crew size for the space station and clarifies provisions relating to cost reporting on major programs, and raises the threshold for a major program to those with a life-cycle cost of at least $150 million.

The amendment, like the underlying bill, represents a bipartisan effort, and it has the full support of the administration. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to claim the time in opposition under the rule, since no opponent has risen to claim that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to speak in support of the manager's amendment to H.R. 3070. This manager's amendment is a result of a great deal of constructive discussion and negotiation between the majority and the minority. I believe that on balance it will make a good bill better.

The gentleman from New York (Chairman BOEHLERT) has already outlined the provisions of the manager's amendment, so I will not take the time to restate them. Instead, I would like to limit myself to a few comments.

First, I am prepared to support the increased funding of NASA's exploration program that is contained in this amendment. As I said in my statement during the general debate, I think that the approach taken in the amendment to increase exploration funding is the right one. If this amendment passes, as I hope it will, it will be a clear statement that the House of Representatives believes that additional funding for the exploration program should not be obtained by cannibalizing NASA's other core missions. That is an important policy statement, and I am pleased that the House will make it by adopting this amendment.

There are other constructive provisions in the amendment; namely, provisions to ensure that the needs of NASA's workforce are addressed in the midst of all the changes occurring at NASA; provisions to encourage the participation of minorities and women in NASA's educational activities, as well as other programs; a statement of support for NASA's shuttle return-to-flight efforts; and a statement making clear that Congress is certainly not opposed to installing the life sciences centrifuge on the International Space Station to support its research agenda.

Mr. Chairman, the manager's amendment also makes a number of technical changes that strengthen the bill.

In sum, I think the manager's amendment improves an already good bill, and I urge the Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from

California (Mr. CALVERT), the distinguished chairman of the Subcommittee on Space.

Mr. CALVERT. Mr. Chairman, the manager's amendment for the NASA Authorization Act of 2005 is an important complement to the bill reported out of our committee last week.

The amendment includes some technical changes, as was mentioned, as well as a number of amendments from committee members and other interested Members. We will now fully fund the President's Vision for Space Exploration, which includes the Space Shuttle's return to flight, completion of the International Space Station, and development of the new Crew Exploration Vehicle, which will allow us to return to the Moon by 2020, to Mars, and beyond.

Just as our bill is a bipartisan compromise, this amendment also represents a bipartisan effort with approval of both sides of the aisle for each addition that was incorporated. Our committee also worked with the administration on several of the fundamental concepts in both the bill and the amendment. As a result, we have received the support of the administration on the bill with the changes in the manager's amendment.

We all recognize that NASA is a multi-mission agency, and the committee worked to provide the rules and tools that will enable the agency to maintain the balance as we proceed into the Second Space Age.

We are hoping this is the first of many NASA authorization bills over the years. It has been too long since that last authorization. We owe it to NASA and the American people to offer guidance through the authorizing process on a regular basis. I commend the gentleman from New York (Mr. BOEHLERT) for his leadership and the gentleman from Tennessee (Ranking Member GORDON) and the gentleman from Colorado (Ranking Member UDALL) all for their persistence in pursuing this balanced, bipartisan bill. I also thank the committee staff, as was mentioned before, on both sides of the aisle for their efforts on this bipartisan compromise.

I urge my colleagues to support the manager's amendment and vote for its passage.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the Ranking Member of the subcommittee, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this manager's amendment.

I concur with the comments of the gentleman from Tennessee (Mr. GORDON) and believe he has accurately summarized the strengths of the manager's amendment.

I have to tell my colleagues I am particularly heartened that the amendment adds additional provisions intended to improve participation by Hispanics, African Americans, Native Americans, and other minorities in NASA's educational programs. In addition, it addresses some important concerns of the NASA workforce.

Finally, as was pointed out by the gentleman from Tennessee (Ranking Member GORDON), this amendment indicates that Congress supports exploration, but also that Congress is making clear that additional funding for exploration should not be obtained by cutting NASA's important science, aeronautics, and education programs. I think this is crucial policy guidance.

In closing, Mr. Chairman, I would like to again thank the chairman of the committee, the gentleman from New York (Mr. BOEHLERT), my good friend, the chairman of the subcommittee, the gentleman from California (Mr. CALVERT), and the gentleman from Tennessee (Ranking Member GORDON) for this very important piece of legislation, and salute the staff and everybody involved in the crafting of this legislation. I urge the adoption of the manager's amendment.

Mr. BOEHLERT. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to support the manager's amendment. Much deliberation went into the amendment. As I said earlier, the chairman of the committee and ranking member worked very closely together. We started out very far apart, but they worked very close together and we were able to come together on an agreed upon bill.

It does speak to minority participation across the board, and workforce, because we know we have to build a strong workforce to keep this mission going, and the type of research it is and how important it is to our everyday lives. It encourages us to get the shuttle back into space, because that is where we have gotten most of our products and services, through that type of research. We do not want to hasten to Mars, but we know that we cannot stop in research. It must go on continually and constantly so that we can maintain a competitive edge.

All of us know that we will not bring any products to the market or any health care techniques and technologies to the market without research. This is the type of research that has brought us to where we are now. I am delighted to say that this is my thirteenth year on this committee, and I am never bored. We know we need to encourage more young people, American-born, because most of our researchers are not, to go into the field of research so that we can, as a Nation, continue to lead the world.

Mr. BOEHLERT. Mr. Chairman, it is my pleasure to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, I rise in support, strong support of the NASA reauthorization as it continues the agency's vital work, implementing and filling in the details of the President's bold Vision for Space Exploration.

Almost 36 years to the day since Neil Armstrong took his ''small step for man,'' today the House will help NASA make its next ''giant leap for mankind.''

The Committee on Science has brought forth a comprehensive bill that fully funds the Space Shuttle, the International Space Station, both vital components of the President's vision, aeronautics, servicing the Hubble telescope and the James Webb telescope project.

I am particularly gratified that the committee has seen fit to fully fund NASA's exploration systems, which, of course, is not only the heart and soul of the agency, but the very essence of America's mission in space.

The bill dovetails seamlessly with President Bush's vision by calling for a timely return to shuttle flight, the completion of the ISS, and the development of a new Crew Exploration Vehicle.

The manager's amendment to the bill contains many improvements over the original bill, including a provision to restore $1.26 billion in funding to exploration systems, while also crafting important language to better monitor potential cost overruns. It also acknowledges the critical role the shuttle has in achieving the first step of the President's vision.

I just want to thank the gentleman from New York (Mr. BOEHLERT), the gentleman from California (Mr. CALVERT), the gentleman from Tennessee (Ranking Member GORDON), and the gentleman from Colorado (Ranking Member Udall) and the rest of their committee for their hard work on these provisions. This is an excellently crafted bill. It is a bipartisan bill; in fact, one could probably say it is a nonpartisan bill, and one that has shown how Members can come together, work together, and have an excellent outcome.

But, ultimately, Mr. Chairman, this bill does one thing: it gives the men and women of NASA, many of whom I am fortunate enough to represent, the resources they need to make that next giant leap, and I encourage all Members to support the manager's amendment and the bill.

Mr. GORDON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, in closing, I urge my colleagues to vote for this bipartisan manager's amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–179.

AMENDMENT NO. 2 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. VELÁZQUEZ:

Add at the end of section 102 (page 28, after line 10) the following new subsection:

(h) OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.—The Administrator shall transmit to the Committee on Science and the Committee on Small Business of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate a quarterly report on the NASA Office of Small and Disadvantaged Business Utilization, which shall include a description of the outreach activities of the Office and the impact of such activities on the participation of small businesses, including small businesses owned by women and minorities, in NASA contracts.

The CHAIRMAN. Pursuant to House Resolution 370, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Federal marketplace is doing record levels today, with nearly every agency buying more than ever before. NASA alone has increased their contracting volume by 30 percent in the past 4 years.

Despite NASA's significant increase in procurement volume, small firms continue to fare poorly when it comes to working with this agency. NASA's small business contracts have declined by 50 percent in the past 4 years. The amendment I am offering today will help to change this.

Small companies represent the majority of businesses in this country, and they are the most innovative. They issue more patents per employee than their large business counterparts. One would assume that this innovation would shine through in agencies that rely on scientific knowledge and expertise. However, this has not been the case.

NASA is an agency that relies heavily on scientific expertise while, at the same time, they control a large segment of the Federal marketplace. They are consistently ranked third out of all Federal agencies in terms of procurement volume, buying more than the Department of Health and Human Services, the Department of Agriculture, and the Department of Interior combined.

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Clearly, NASA has the capability to meet their small business goals; however, they do need some assistance and we have no way to evaluate whether or not their efforts in increasing small business contracts are truly yielding results. This agency has an array of options when it comes to identifying small companies, whether they work with them individually, host national conferences, or connect with the SBA to identify contracting possibilities. But whatever they are doing is not yielding an increase in small business contracts.

My amendment would guarantee that these outreach methods are examined so that we can pinpoint the best way for NASA to reach out to small firms. This would allow us to truly see what works, what does not work, and what industries are more likely to successfully penetrate NASA's procurement opportunities. It will also enable the Small Business Committee and the Science Committee to move forward in ensuring NASA is taking the right steps to meet their small business contracting goal.

This amendment is a good government solution to a problem that has been facing our Nation's small companies for years now, their ability to access the Federal marketplace, and it is supported by the U.S. Women's Chamber of Commerce. Clearly, as stewards of taxpayer dollars, one of our most important charges is ensuring that these resources are used in the most effective and efficient manner possible. One of the best ways to go about this is to ensure accountability exists, and adoption of this amendment will achieve just that. This amendment will begin the process of identifying the barriers that prevent small companies from doing business with NASA. It will also assist NASA in honing its efforts at increasing small business access to contracts to those endeavors that have proven successful.

I urge a ''yes'' vote on this amendment.

Mr. GORDON. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, I rise today in support of this amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ). She has a longstanding interest and has been a great advocate for small and disadvantaged businesses. The amendment offered by the gentlewoman is a sensible measure that will help us to ensure that NASA's outreach efforts with small and disadvantaged businesses are reached to their full potential. I hope Members will join me in support of this measure and vote to include it in the bill.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to take this opportunity to thank the gentleman from Tennessee (Mr. GORDON), the ranking member, for supporting my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I rise to claim time in opposition to the amendment, although I do not intend to oppose it.

The Acting CHAIRMAN (Mr. ADERHOLT). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I rise today in support of this valuable legislation to fund NASA, and I would like to thank the gentleman from New York (Mr. BOEHLERT) for his extraordinary leadership on this issue.

Americans have high hopes for the future of the space program. But if we are to explore the boundaries of our final frontier through the President's Vision for Space Exploration, NASA and its manned space flight program must be adequately supported. This legislation does just that, and it also gives NASA Administrator Mike Griffin the tools he needs to work towards the completion of the International Space Station.

In the 1960s, President Kennedy helped us begin the race to the Moon. And the United States reached that lofty goal six times with the Nation watching and listening to every mission. We won that race then, and now we must adopt again the same spirit of enthusiasm for space exploration. Accordingly, President Bush has laid out a plan that sets a goal of returning Americans to the Moon within 15 years.

However, the success of the Vision For Space Exploration is predicated on these goals being in the heart of tomorrow's scientists and engineers. To meet this need, the President's plan will again make space exploration an exciting and educational priority for America. He has made it clear within the next half century, America will be the world leader in space exploration with missions to the Moon, Mars and beyond.

We must keep in mind that we are not the only ones pursuing this goal, and America is once again in a space race. European countries are peacefully competing against us in a race to be the first country to land a man on Mars. And to win this race, NASA must work with the private sector, universities around the Nation, and possibly other countries to overcome the most challenging technological obstacles NASA has yet to face.

The successes that are surely to come from the vision will benefit not only America and its manned space flight program, but humanity and our planet will be direct benefactors of this historic undertaking.

In a world tattered by war and terrorism, the NASA space exploration program brings the hope and promise of a brighter tomorrow for our children and for future generations. Our goals to explore the endless boundaries of our universe will and must continue. They are efforts linked to no political party or branch of government. Our need and want to explore space and the bodies around the Earth belong not just to Americans but to humanity. Indeed, they are efforts to continue what humans have done since our inception and that is to explore.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume. I claim the time in opposition to the amendment only because it is procedurally necessary. I do not oppose the amendment. As a matter of fact, after careful examination of not only the language but the intent, we are pleased to accept the amendment. And I want to commend the gentlewoman from New York for offering this amendment. I think it enriches the bill.

We, because of the proximity of our offices and the frequency with which we have to travel from the offices to the floor, often find ourselves on the same path at the same time. And let me say to my colleagues, I can think of no one who is more ardent in her support of small business and her determination to help us enrich bills, no matter which committee we might serve on.

So I tell the gentlewoman I thank her for offering this constructive amendment, and we accept it.

Ms. VELÁZQUEZ. I thank the gentleman from New York (Mr. BOEHLERT) for supporting my amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–179.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 45, line 6, strike ''and''.

Page 45, line 8, strike the period and insert a semicolon.

Page 45, after line 8, insert the following new subparagraphs:

(D) $69,200,000 shall be for Historically Black Colleges and Universities education programs; and

(E) $46,400,000 shall be for Hispanic Serving Institutions education programs.

Page 45, line 22, strike ''and''.

Page 45, line 24, strike the period and insert a semicolon.

Page 45, after line 24, insert the following new subparagraphs:

(D) $71,200,000 shall be for Historically Black Colleges and Universities education programs; and

(E) $47,400,000 shall be for Hispanic Serving Institutions education programs.

The Acting CHAIRMAN. Pursuant to House Resolution 370, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from New York (Mr. BOEHLERT) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 2 minutes. And let me just thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON), the ranking member, for their leadership on this issue; my colleagues as well, the gentleman from Texas (Mr. AL GREEN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and the entire Science Committee that have worked extensively on this issue.

My amendment is to restore funds to Historically Black Colleges under the NASA education program and to Hispanic Serving Colleges under the NASA education program. This amendment specifically would add a funding level of $69.2 million for fiscal year 2006 and $72.2 million for fiscal year 2007. My amendment would also restore funding for Hispanic Serving Institutions under NASA education programs in the amount of $46.4 million fiscal year 2006 and $47.4 million fiscal year 2007.

Let me first of all again acknowledge the underlying bill to have included my amendment dealing with equal access to NASA's education programs in which the administrator shall strive to ensure equal access to education by minorities. Might I give you a very small example. In the opportunity to visit NASA last week on the launch of the new Discovery, I met a young lady who I had not seen for a number of years. It was a number of years ago where I recommended that she attend a NASA launch, an African American young woman in an environmental science program, Ph.D. program at Texas Southern University in Houston, Texas.

Lo and behold, when I went there she came up to me and introduced herself and said, I am the young lady that you allowed to go to a launch. Now I have a Ph.D. in environmental sciences. I am affiliated with NASA and I am writing a proposal to enhance the affiliation with Texas Southern University.

This works, Mr. Chairman. The funding of these colleges work. The greatest producer of scientists are those who, in fact, come from Historically Black Colleges. And I read into the RECORD these numbers: for S and E graduates, scientists, female in the United States only 835,000. White students, 2 million-plus. Black students 121,000; Hispanics 120,000.

We need to pass this amendment.

Mr. Chairman, I rise today in support of my amendment, which would restore funding for historically Black colleges and universities, HBCUs, under NASA education programs to the fiscal year 2004 funding level of $69.2 million for fiscal year 2006 and $71.2 million for fiscal year 2007. My amendment would also restore funding for Hispanic serving institutions under NASA education programs in the amount of $46.4 million for fiscal year 2006 and $47.4 million for fiscal year 2007.

Unfortunately, we do not have nearly enough minority representation in the fields of science and engineering. Minorities represent only a small proportion of scientists and engineers in the United States. Collectively, Blacks, Hispanics, and other ethnic groups—the latter includes American Indian/Alaskan Natives—constituted 24 percent of the total U.S. population and only 7 percent of the total science and engineering workforce in 1999. Blacks and Hispanics each accounted for about 3 percent of scientists and engineers, and other ethnic groups represented less than 0.5 percent.

The fact is that this year HBCUs face a $13 million cut in their allotment from NASA education funds. Clearly, this money could make a significant difference in the future diversity of the science community. For most of America's history, African-Americans who received a college education could only get it from an HBCU. Today, HBCUs remain one of the surest ways for an African-American, or student of any race, to receive a high quality education. In 1998, 29 percent of the African-Americans who received science and engineering bachelor's degrees earned them at HBCUs. Seven of the top eleven producers of African-American baccalaureates in engineering were HBCUs, including No. 1 North Carolina A&T State University. The top three producers of African-American baccalaureates in health professions—No. 1 Southern University and A&M College, No. 2 Florida A&M University, and No. 3 Howard University—were HBCUs. The 12 top producers of African-American baccalaureates in the physical sciences, including No. 1 Xavier University of Louisiana, were all HBCUs.

Hispanic serving institutions, HSIs, have also suffered dramatic cuts because of lower funding this year. Despite the fact that about one-third of Hispanics who earned science and engineering bachelor's degrees did so at HSIs. According to the Hispanic Association of Colleges and Universities, Hispanics are historically underrepresented in the areas of science, technology, engineering and mathematics. HSIs receive only half the Federal funding per student, on average, according to every other degree-granting institution. Indeed it seems sadly clear that HSIs are a long way from Federal funding parity with other institutions of higher learning.

I hope every Member of this body can agree on the importance of HBCUs and HSIs and I hope you will support my amendment to restore their funding to a proper level.

APPENDIX TABLE 3–15.—MEDIAN ANNUAL SALARIES OF U.S. INDIVIDUALS IN S&E OCCUPATIONS, BY HIGHEST DEGREE, OCCUPATION, SEX, RACE/ETHNICITY, AND YEARS SINCE DEGREE: 1999

[Dollars]

Degree, occupation, sex, and race/ethnicity	Employed individuals	Years since highest degree							
		Less than 5	5–9	10–14	15–19	20–24	25–29	30–34	35 or more
All S&E occupations	60,000	46,000	57,000	64,000	69,000	70,000	70,600	72,000	70,000
Male	64,000	48,800	60,000	66,000	70,000	70,700	72,100	74,000	70,100

APPENDIX TABLE 3–15.—MEDIAN ANNUAL SALARIES OF U.S. INDIVIDUALS IN S&E OCCUPATIONS, BY HIGHEST DEGREE, OCCUPATION, SEX, RACE/ETHNICITY, AND YEARS SINCE DEGREE: 1999—Continued

[Dollars]

Degree, occupation, sex, and race/ethnicity	Employed individuals	Years since highest degree							
		Less than 5	5–9	10–14	15–19	20–24	25–29	30–34	35 or more
Female	50,000	40,000	50,000	57,000	60,000	58,700	60,000	57,000	52,000
White	61,000	45,000	56,000	65,000	70,000	70,000	71,000	73,000	70,000
Asian/Pacific Islander	62,000	53,000	63,000	68,000	70,000	72,000	70,000	67,200	64,800
Black	53,000	45,000	54,000	55,000	60,000	58,000	53,000	53,000	46,500
Hispanic	55,000	44,000	56,000	58,000	65,000	61,000	68,500	67,000	68,000
Other	52,000	42,000	50,000	57,000	55,000	65,000	75,000	88,000	S
Scientists	58,800	43,000	54,500	62,000	65,300	65,000	67,600	68,100	65,000
Male	62,000	47,800	58,500	65,900	70,000	68,000	70,000	71,000	70,000
Female	50,000	37,000	48,000	55,000	58,100	58,000	60,000	56,000	49,000
White	59,700	41,000	53,000	62,000	65,000	65,000	68,000	70,000	69,000
Asian/Pacific Islander	60,000	54,000	63,000	67,000	73,000	69,000	67,500	60,000	58,200
Black	50,000	44,000	50,000	51,500	58,000	55,600	50,000	50,000	46,500
Hispanic	51,000	41,000	56,000	56,000	65,000	56,000	60,000	54,500	55,000
Other	45,000	38,000	47,500	50,000	36,000	54,000	74,200	70,000	S
Mathematical/computer scientists	64,000	55,000	62,000	66,000	69,000	70,000	70,000	69,000	64,000
Male	65,900	55,000	64,000	70,000	71,000	71,000	72,000	70,000	65,000
Female	58,000	50,000	57,000	58,400	60,000	60,000	63,000	62,000	58,000
White	65,000	53,000	60,000	67,000	68,600	70,000	70,000	69,200	65,000
Asian/Pacific Islander	65,000	60,000	70,000	70,000	75,000	70,000	62,000	69,100	59,000
Black	54,000	49,000	54,000	53,700	60,000	57,000	48,000	34,500	S
Hispanic	59,000	51,000	65,000	58,600	68,000	59,000	60,000	S	S
Other	54,000	54,000	30,000	60,000	S	S	S	S	S
Life and related scientists	47,700	29,000	43,000	52,800	60,000	56,000	63,000	61,000	72,100
Male	51,000	30,000	45,000	53,000	61,000	60,000	67,000	69,000	73,500
Female	39,000	28,100	40,000	49,800	55,000	52,000	50,600	46,000	40,000
White	49,000	28,100	42,000	53,000	60,000	58,000	63,000	61,000	72,100
Asian/Pacific Islander	43,000	30,000	44,700	50,400	76,000	54,000	80,000	68,000	58,200
Black	42,000	30,000	49,000	48,000	44,000	41,500	57,000	30,900	S
Hispanic	35,500	25,000	40,000	48,000	40,000	28,500	34,000	80,000	S
Other	39,000	35,000	43,000	87,000	43,000	43,100	S	S	S
Physical and related scientists	52,000	35,000	46,000	60,000	63,800	62,500	65,000	73,000	60,000
Male	56,000	35,000	47,500	60,000	65,000	68,000	66,000	75,000	74,000

APPENDIX TABLE 3–16.—EMPLOYED U.S. SCIENTISTS AND ENGINEERS, BY HIGHEST DEGREE ATTAINED, OCCUPATION, SEX, AND RACE/ETHNICITY: 1999

Degree and occupation	Employed individuals	Sex		Race/ethnicity				
		Male	Female	White	Black	Hispanic	Asian/Pacific islander	Other
All degree levels: [1]								
All S&E occupations	3,540,800	2,705,000	835,800	2,896,600	121,600	120,900	390,500	11,300
Scientists	2,170,500	1,464,800	705,800	1,774,200	84,000	71,800	233,900	6,700
Mathematical/computer scientists	1,167,400	850,600	316,700	922,200	51,400	37,600	153,600	2,700
Life/related scientists	341,900	217,500	124,400	285,100	6,600	10,900	37,700	1,600
Physical/related scientists	297,900	229,400	68,400	252,500	8,800	7,800	27,800	900
Social/related scientists	363,400	167,300	196,200	314,400	17,200	15,500	14,800	1,500
Engineers	1,370,300	1,240,200	130,000	1,122,400	37,700	49,100	156,600	4,600
Bachelor's:								
S&E occupations	1,994,400	1,564,700	429,700	1,680,900	73,900	74,800	158,300	6,600
Scientists	1,087,100	744,300	342,800	908,100	46,600	41,500	87,700	3,100
Mathematical/computer scientists	740,500	538,900	201,600	612,200	34,200	27,000	65,400	1,700
Life/related scientists	135,500	76,900	58,600	117,100	2,000	5,700	9,800	900
Physical/related scientists	139,600	101,700	38,000	120,600	5,800	4,600	8,400	S
Social/related scientists	71,400	26,800	44,600	58,300	4,600	4,200	4,000	S
Engineers	907,400	820,400	86,900	772,800	27,300	33,300	70,600	3,400
Master's:								
S&E occupations	1,032,100	751,200	280,900	807,200	35,900	32,800	153,000	3,100
Scientists	655,500	411,400	244,200	516,000	27,300	19,100	91,100	2,100
Mathematical/computer scientists	354,100	253,700	100,500	256,200	15,200	8,800	72,900	900
Life/related scientists	72,500	44,000	28,500	61,200	2,200	1,800	7,100	300
Physical/related scientists	73,000	53,700	19,300	62,300	1,800	1,400	7,100	400
Social/related scientists	155,900	60,000	95,900	136,200	8,100	7,100	4,000	500
Engineers	376,500	339,800	36,700	291,300	8,600	13,600	62,000	1,000
Doctoral:								
S&E occupations	484,100	368,900	115,200	381,600	11,000	12,900	77,000	1,600
Scientists	399,900	290,900	109,100	325,100	9,300	11,000	53,100	1,500
Mathematical/computer scientists	67,100	54,900	12,200	49,500	1,400	1,600	14,500	S
Life/related scientists	121,100	86,200	34,900	95,600	2,100	3,500	19,500	400
Physical/related scientists	84,900	73,700	11,200	69,200	1,200	1,800	12,300	300
Social/related scientists	126,900	76,100	50,800	110,800	4,500	4,100	6,800	700
Engineers	84,200	78,000	6,200	56,500	1,700	1,900	23,900	100

[1] Includes professional degrees.
Note.—S suppressed for reasons of confidentiality and/or data reliability.
Source: National Science Foundation, Division of Science Resources Statistics, Scientists and Engineers Statistical Data System (SESTAT), 1999.

Mr. GORDON. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, I rise today in support of the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE). The gentlewoman has long been an articulate advocate when it comes to education. Over the years she has worked tirelessly to ensure that minority-serving institutions have adequate resources and that educational opportunities are available to all students. This amendment continues that legacy.

I understand that the gentlewoman is not going to seek a vote on her amendment today, but would like to work with the majority and minority to see that these issues are addressed during discussions with the Senate on the final version of the bill. I want to assure the gentlewoman that her concerns will receive my full support, and I look forward to working with her.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his leadership and for his support on this effort.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume. I appreciate that the gentlewoman intends to withdraw this amendment as she did at committee. The bill already recognizes, and I think this is very, very important, the importance of minority colleges and universities in several other provisions. But I am happy to work with the gentlewoman to see if some version of this language might be included in the final version of the bill.

Mr. Chairman, may I ask how much time the gentlewoman has. Because I just want to demonstrate the spirit of comity and good relations.

The Acting CHAIRMAN. The gentlewoman has 2 minutes remaining.

Mr. BOEHLERT. Mr. Chairman, I will let the gentlewoman proceed with her time; and then if she exhausts her

time, I understand the gentleman from Texas (Mr. AL GREEN) feels very strongly about this in support of it and he would like to have a minute or so, so I would be glad to yield that time. So I will let the gentlewoman proceed.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE. Mr. Chairman, I am very pleased to yield 1½ minutes to the distinguished gentleman from Texas (Mr. AL GREEN), a member of the Science Committee and as well a colleague from Houston, Texas.

(Mr. AL GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Chairman, I would like to start by thanking the gentlewoman from Texas (Ms. JACKSON-LEE) for her dynamic leadership on this issue. She has taken the bull by the horns, and she has done yeoman's work. I am so honored that she has brought this to our attention.

I would also like to thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) because they have really demonstrated how bipartisanship can efficaciously cause us to reach a consensus that will cause great things to happen in the United States Congress. Those who say that there is no bipartisanship in this Congress are not familiar with the good works of this committee and especially the good works of these fine men, the chair and the ranking member.

Mr. Chairman, I want to make note that these institutions are not black and brown institutions. This is important because these institutions serve a multiplicity of ethnicities. They are the epitome of diversity. They are dearly needed because of the people that they serve. They do not get the children of the best and the brightest. They many times will get the children of the least, the last and the lost. They literally take the essence of mental clay and mold it into the quintessential manifestation of intellectual cloisonne. They are providing the bootstraps that we need in this society so that we can have good productive citizens who will pay taxes and will become part of the main stream that we so desire.

□ 1115

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Texas (Mr. AL GREEN) for his support and for his leadership on the issue.

Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and I thank the gentlewoman very much for the long-standing commitment and the legislative initiatives that she has had in creating equal opportunity access of the sciences for our students in America.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a valued member of the committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to support the amendment. This committee has always accepted amendments and direction to be inclusive and I really appreciated that over the years. I appreciate the gentlewoman from Texas (Ms. JACKSON-LEE) for putting this amendment up for consideration.

We have in the manager's amendment addressed much of the issue, and I am delighted that the Chair and ranking member have agreed to work to get perhaps more specific language in the bill in conference. And so I thank them for their leadership.

I thank both the Chair and the ranking member for always being open and being understanding about increasing opportunities.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, again, let me emphasize, as my colleagues have done, the very, very clear bipartisanship of this committee. And let me specifically thank the gentleman from Tennessee (Mr. GORDON), the chairman, the subcommittee chairman, and the ranking member of the subcommittee for their work in this area.

Let me close by simply suggesting and reading that collectively blacks and Hispanics and other ethnic groups, the latter includes American Indians and Alaskan Natives, constitute 24 percent of the U.S. population but only 7 percent of the total.

My good friend, the gentleman from Texas (Mr. AL GREEN) emphasizes that these universities are diverse. And so out of an investment of added, if you will, support, we will diversify the base of scientists which will include women, minority women, African Americans, Hispanics, Native Americans and others who have been, if you will, in the lesser numbers of these particular disciplines.

I ask that this amendment be considered in conference. I thank the chairman for working with me and hoping that we can work through conference to build these numbers up. I thank the gentleman for that.

Mr. Chairman, I ask unanimous consent that my amendment be withdrawn to further work in conference.

The Acting CHAIRMAN (Mr. ADERHOLT). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

I guess the amendment is withdrawn but let me say, I marvel at the ability of the gentlewoman from Texas (Ms. JACKSON-LEE) to stretch 60 seconds into 5 minutes.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–179.

AMENDMENT NO. 4 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. VELÁZQUEZ:

Add at the end of title VII the following new section:

SEC. 706. MINORITY INSTITUTION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program to make grants to minority institutions for the development of physical facilities and infrastructure to be provided to NASA prime contractors for use in the performance of research, development, test, and evaluation projects pursuant to NASA prime contracts.

(b) APPLICATION.—To be eligible to receive a grant under the pilot program established in subsection (a), a minority institution shall submit an application to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require.

(c) MATCHING REQUIREMENT.—As a condition of a grant under the pilot program, the Administrator shall require that a matching amount be provided from a source other than the Federal Government that is equal to the amount of the grant.

(d) COOPERATIVE AGREEMENT.—As part of the pilot program under this section, the Administrator shall enter into a cooperative agreement with a non-profit organization that has experience developing relationships between industry, minority institutions, and other entities, under which the non-profit organization shall develop regional and national relationships between industry, minority institutions, and other entities to facilitate the development and provision of physical facilities and infrastructure of the minority institutions receiving grants under this section.

(e) MINORITY INSTITUTION.—In this section, the term ''minority institution'' has the meaning given that term in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section, $4,000,000 for each of fiscal years 2006 through 2009.

The Acting CHAIRMAN. Pursuant to House Resolution 370, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from New York (Mr. BOEHLERT) each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

With limited job opportunity in this country, more than ever minorities are turning to entrepreneurship, with 15 percent of this Nation's small businesses being minority owned today. Clearly this business ownership rate is well below the mainstream rate, especially in high tech fields.

My amendment will begin to change this by creating a 4-year pilot grant program focused on the development of technology laboratories at our Nation's minority institutions.

In these on-campus facilities, through a simple partnership, NASA experts will work with some of our brightest students to expose them to innovative technology development.

This will help to shore up current programs that are too narrowly focused on basic science and limited by the technological capabilities of these institutions.

This has successfully been done in more mainstream centers of learning. If you look at the Massachusetts Institute of Technology, investment by the government and private sector created an environment that allowed it to become the world renown center of study that it is now.

The tie to entrepreneurship and the development of minority students in the technological field is quite clear. Entrepreneurs who have founded technology oriented enterprises emerged from institutions with a strong affiliation to government and industry applied research. These are exactly the type of facilities this amendment will create.

As ranking member of the Committee on Small Business, I am constantly talking to agencies about their small business contracting performance. One of the agencies who struggles the most is NASA, which has regularly failed to meet its goal, and awards to minorities have decreased by 25 percent in the last 4 years.

I believe that there are several reasons for this. One is we need to develop more minority technology companies capable of meeting NASA's requirements. By making sure our science and engineering students are exposed to these opportunities early in their careers, we are increasing their ability to learn and develop. This would pay dividends in the future.

The adoption of this amendment will go a long way in opening up a culture which can seem closed and intimidating when you do not know it. We also provide these future entrepreneurs with a vital opportunity to receive mentoring and develop the understanding of the inner workings of NASA.

This will greatly increase the willingness of those at the agency to take a chance on bright individuals with innovative ideas but who may not have the history that more established entities do.

This amendment is supported by the National Black Chamber of Commerce, the Minority Business Enterprise Legal Defense Fund and the Latin American Management Association.

The adoption of this amendment is a win for all those involved. NASA will win because they will have the access to the minority high tech sector they are so desperately looking for, and the minority-serving institutions and their students will win because they will be advancing technology development. But most importantly, our Nation wins as we create the next generation of high tech firms that will be so critical to advancing this Nation's economy in years to come.

I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

As a preamble, let me say one of the things I am proudest of in my 23 years in this great institution is the record that I have tried to establish to expand opportunity for all, and I have worked diligently on every committee on which I have served to expand opportunities for minorities.

This committee recognizes the importance of that as the members of the committee will tell the gentlewoman who has offered the amendment. We are concerned. We care. We back up our words with deed. But I rise in strong opposition to this amendment.

This amendment proposes to take scarce Federal funds to build buildings for private industry. I cannot imagine why we would use taxpayer money in that way. The idea is apparently for the Federal Government to build buildings on the campuses of minority institutions, which is an undefined term by the way, that would then in some way be turned over to the private sector.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to clarify the gentleman's statement. This is not to construct buildings. This funding in this amendment will not pay for the construction of facilities. $4 million does not pay for facilities. It will give the funds that these minority-serving institutions need to do capacity building, to start the partnership, to set up the partnership, and to manage it. It will not use one penny to build physical facilities.

Mr. BOEHLERT. Reclaiming my time, reading from the language of the amendment. ''The Administrator shall establish and carry out a pilot program to make grants to minority institutions for the development of physical facilities and infrastructure to be provided by NASA prime contractors for use in the performance of research, development, test and evaluation.''

I am not quite sure we can understand that. We on a bipartisan basis have some real problem with this language.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. For clarification, it says here, ''shall enter into a cooperative agreement with a non-profit organization that has experience developing relationships between industry, minority institutions . . . ''

It does not say physical or construction of physical facilities. And ''develop'' does not mean build.

Mr. BOEHLERT. Reclaiming my time, there are some real problems with the drafting of this amendment because I am reading specifically language from the amendment. ''Development of physical facilities and infrastructure to be provided to NASA prime contractors.''

Maybe then the gentlewoman should withdraw the amendment and make sure we are understanding fully the clear intent of it so that we can work on it in a constructive manner in conference. But with that let me continue my statement because I have made a clear offer.

The Federal Government has pretty much gotten out of the business of funding the construction of campus buildings because we simply do not have the money, and funding research and equipment is a better use of Federal funds. But funding construction in this manner where the final user of the building would be private industry makes the notion even more questionable. And the language of the amendment, quite honestly, is so vague that it is not clear how anyone would benefit from this unusual financial handout. That is not the way we should be handling the taxpayers' money.

Let me once again offer to the gentlewoman in the spirit that this committee always operates, we will be glad to work with her on clearly defining the language and the intent so that as we go to conference committee, then perhaps we can come to some area of agreement. But as it now stands, I strongly oppose it.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman. I read the language also. As a former developer, ''develop'' means, in my vernacular it does mean build. And so I think people would interpret this legislation as building additional infrastructure. And as the chairman mentioned, NASA is trying to get out of the bricks and mortar business.

The fact is we have facilities, space centers throughout this country that have been woefully unmaintained. As we go through the centers around the country and look at them, we are not maintaining the facilities that we have presently. We need to make sure that the facilities that our NASA workers are working in today are maintained in proper order.

I understand what the gentlewoman is trying to accomplish, but we just do not have the resources at this time to develop additional infrastructure, additional buildings and additional maintenance costs throughout this country at this time.

I would ask the committee to oppose this amendment or to work with the chairman to come up with some language that may have a different accomplishment on what the gentlewoman is trying to do.

The Acting CHAIRMAN. The gentlewoman from New York (Ms. VELÁZQUEZ) has 1½ minutes remaining.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 30 seconds for clarification.

I am the author of this legislation or this amendment. It does not say here

in any way to build a physical facility. It says ''development of physical.'' And I want for the RECORD to reflect that I do not mean to build physical facilities.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from New York.

Mr. BOEHLERT. What does ''development of physical facilities'' mean then in the author's mind?

Ms. VELÁZQUEZ. I mean by the minority-serving institution to develop the physical facility and develop the relationship.

I will propose to the gentleman that he adopt the amendment, and it is a matter of semantics and that we will work to clarify it.

Mr. BOEHLERT. I would propose in response to the gentlewoman that she withdraw the amendment and we work in the spirit of bipartisanship to refine it so we all clearly understand what we are talking about.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time to close.

Mr. Chairman, this is a commonsense amendment. It is not only good for all those involved but it will also empower us to take a huge step toward closing the technology gap that is so prevailing among the minority population.

□ 1130

The truth is that this approach has already been taken with some of the most highly renowned research facilities across the country and has proven successful. The only difference now is that it will focus on bringing these advancements to minority-serving institutions and, ultimately, closing this Nation's technology gap.

The timing could not be better for this as NASA starts fresh, undertaking a review of their facilities, leasing activities, and partnership agreements. Mr. Chairman, I urge adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ADERHOLT). The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 109–179.

It is now in order to consider amendment No. 6 printed in House Report 109–179.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. JACKSON-LEE of Texas:

Page 44, after line 6, insert the following:

SEC. 110. WHISTLEBLOWER PROTECTION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a plan describing steps to be taken by NASA to protect the employment status of NASA employees who raise or have raised concerns about a potentially catastrophic risk to health or safety.

In the table of contents in section 1(b), insert after the item relating to section 109 the following:

Sec. 110. Whistleblower protection.

The Acting CHAIRMAN. Pursuant to House Resolution 370, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 3 minutes.

I think it is appropriate again to acknowledge both the chairman of the full committee, the gentleman from New York (Mr. BOEHLERT), and the ranking member, the gentleman from Tennessee (Mr. GORDON), in helping me construct both this idea and this vision. At the same time, I want to acknowledge our ranking member of the subcommittee and of course the chairman of the subcommittee.

Mr. Chairman, I speak in soft tones because this is a very serious issue, inasmuch as I think we learned a very definitive lesson after first *Challenger* and then *Columbia*. I started out by saying that this legislation helps America to dream, but I also mentioned the famous words ''Houston, we've got a problem.'' Of course, we now know how we can fix the problem.

I have worked on this committee to ensure that there is a safety vehicle, and I am gratified that this legislation includes my legislation for an independent Presidentially appointed commission to investigate safety aboard the International Space Station. This amendment was introduced earlier into H.R. 4522 in 2004, and this vital piece of legislation can potentially make the difference regarding safety for the international space crew.

The amendment I offer today is one that will protect the human resource. It may be called whistleblower legislation; but in actuality it is legislation that will expand and protect human space flight, for it protects employees who do raise or have raised concerns about a potentially catastrophic risk to health or safety. This issue was raised by the Columbia Space Shuttle Accident Investigation Board as part of the problem at NASA because employees often felt intimidated by raising safety concerns.

This is a sense of Congress that will allow us to have a placeholder, if you will, as this bill goes to conference, in that we will have and be able to utilize draft language which will create a safe reporting board where NASA employees and contractors can go safely to report potentially catastrophic health or safety concerns that may lead to the loss of a craft or a crew.

Mr. Chairman, when we send brave Americans into space, we also send their families and loved ones. We owe them a huge debt of gratitude, but we owe them our commitment to never doing anything to our knowledge that would make this unsafe. Reports after the tragic *Columbia* Space Shuttle accident indicates that this bill may serve a vital role in improving communications at NASA, protecting workers, and averting catastrophic accidents in the future. It would rapidly screen such disclosures, and either report them directly to the administrator or reject them as noneligible.

Mr. Chairman, I ask my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume to state that we will accept the amendment, and I want to thank the gentlewoman for working with us on the language of the amendment. We will work with her and NASA to draft language in the final version of the bill that will ensure that whistleblowers have the protection they need at NASA.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE). From the Columbia Accident Investigation Board's report, it is clear that one of the underlying causes of the *Columbia* tragedy was a broken safety culture at NASA. While I understand that many of these cultural issues are being addressed, we need to ensure that NASA employees are in an environment where they can feel comfortable airing their safety concerns.

This is a constructive amendment that is a positive step towards fixing NASA's safety culture and ensuring the safety of the brave men and women in our space program. I am sure our chairman shares our concerns for the safety of our astronauts, and I hope we can work together to include this in the final version of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Colorado (Mr. UDALL), the distinguished ranking member of the subcommittee.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in support of her important amendment. We all know that safety is a top priority for our space program and this is a sensible measure the House should support.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time, and I thank the distinguished gentleman from Colorado very much.

Let me simply close by saying that this need for such a safety vehicle for the employees to protect themselves was documented on page 169 of the Gehman Report that said there was a broken culture of safety.

Mr. Chairman, I believe we have gone miles ahead of this report and have really constructed a safety firewall, if you will, for the employees. This amendment, added to this legislation and working through conference, will make it clear you are protected, let us know what is going on so we can save lives and continue our vision and our dream of sending men and women into space.

Mr. Chairman, I ask my colleagues to support this amendment.

Mr. Chairman, I rise today in support of my amendment, which offers protection for whistleblowers at NASA who raise concerns about safety. This amendment would require the NASA Administrator to transmit to the House Committee on Science and the Senate Committee on Commerce, a plan describing steps NASA will take to protect employees who do raise or have raised concerns about a potentially catastrophic risk to health or safety. This issue was raised by the Columbia Space Shuttle Accident Investigation Board as part of the problem at NASA because employees often felt intimidated from raising safety concerns.

I hope that Chairman BOEHLERT will work with me to go further on this issue once this bill goes in to Conference. I have draft language which would create a "Safe Reporting Board" where NASA employees and contractors can go to report "potentially catastrophic health or safety concerns" that could lead to the loss of a craft or crew. Reports after the tragic *Columbia* space shuttle accident indicated that this bill may serve a vital role in improving communications at NASA, protecting workers, and averting catastrophe in the future.

This Safety Reporting Board would rapidly screen such disclosures and either report them directly to the Administrator, or reject them as non-eligible—perhaps with a suggestion to seek redress through their union, OSHA representative, ombudsman, etc. Afterward, the Board would be tasked with keeping a registry of reporting workers and with dispute resolution in the event that the worker alleges retaliation by management. Coupling the reporting and anti-retaliation functions in one board should limit the scope of the board to truly vital issues, and make workers feel confident that their concerns will not be lost or buried in the bureaucracy of standard whistleblower or OSHA claims. The Board would include both NASA managers and non-managers, with diverse expertise, representing multiple Centers, and include an advocate for workers.

Admiral Gehman and the Columbia Accident Investigation Board explained how fear of retaliation by management, has lead some engineers to stifle their own concerns about the safety and well-being of NASA missions and crew. Page 169 of their report gives great insight into the broken culture of safety at NASA that impeded the flow of critical information from engineers up to program managers. I quote: "Further, when asked by investigators why they were not more vocal about their concerns, Debris Assessment Team members opined that by raising contrary points of view about Shuttle mission safety, they would be singled out for possible ridicule by their peers."

That reaffirms to me that strong whistleblower protections do not just protect workers. They protect lines of communication and dialog that prevent waste, fraud, and abuse, and, in this case, might have saved lives. I believe strongly that my language will enhance whistleblower protections for the NASA workforce, to make sure that critical information is never lost due to intimidation or fear. This problem may have contributed to the loss of two Shuttles and 14 brave crewmembers already. Last year, an independent business consulting firm Behavioral Science Technology, Inc. reported that the problem persists at NASA even after the *Columbia* shuttle accident. Safety must be the number one priority of NASA and this amendment helps solve one of the biggest roadblocks we have remaining.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment on which further proceedings were postponed.

AMENDMENT NO. 4 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 206, not voting 35, as follows:

[Roll No. 415]

AYES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Harman
Herseth
Higgins
Hinchey
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—206

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh

McKeon
McMorris
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Wamp
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—35

Bishop (UT)
Boren
Brady (TX)
Brown (SC)
Cardoza
Clay
Cooper
Crenshaw
Cubin
Cunningham
DeGette
Delahunt
Gutierrez
Hastings (FL)
Hinojosa
Holt
Jefferson
Kingston
Linder
Miller (FL)
Myrick
Nussle
Pearce
Pickering
Radanovich
Reynolds
Stark
Taylor (MS)
Taylor (NC)
Thomas
Waxman
Weldon (FL)
Westmoreland
Wexler
Young (FL)

□ 1200

Mrs. KELLY and Messrs. SODREL, MCHUGH, GUTKNECHT, and TANNER changed their vote from ''aye'' to ''no.''

Messrs. BERRY, BOUSTANY, and JINDAL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HOLT. Mr. Chairman, earlier today I was detained at a hearing and I missed rollcall vote No. 415. Had I been present, I would have voted "aye."

The Acting CHAIRMAN (Mr. ADERHOLT). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. ADERHOLT, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3070) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes, pursuant to House Resolution 370, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 15, not voting 35, as follows:

[Roll No. 416]

AYES—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—15

Blackburn
Conyers
DeFazio
Dingell
Flake
Frank (MA)
McDermott
Meehan
Oberstar
Obey
Olver
Sabo
Sanders
Shadegg
Tierney

NOT VOTING—35

Baker
Bishop (UT)
Boren
Brown (SC)
Cardoza
Clay
Cooper
Crenshaw
Cubin
Cunningham
DeGette
Delahunt
Gohmert
Gutierrez
Hastings (FL)
Hinojosa
Inslee
Jefferson
Kingston
Linder
Miller (FL)
Myrick
Nussle
Paul
Pickering
Radanovich
Stark
Taylor (MS)
Taylor (NC)
Thomas
Waxman
Weldon (FL)
Westmoreland
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PUTNAM) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1218

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on July 22, 2005. I would like the record to show that, had I been present, I would have voted "aye" on rollcall votes 415 and 416.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, on rollcall Nos. 415 and 416, I was detained in a conference with the Senate. Had I been present, I would have voted "no" on rollcall No. 415 and "aye" on rollcall No. 416.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3070, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3070, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader the schedule for the week to come.

I yield to my friend, the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate my friend yielding to me.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the day. Any votes called on these measures will be rolled until 6:30 p.m.

On Tuesday and the balance of the week, the House will consider additional legislation under suspension of the rules, as well as several measures under a rule: H.R. 525, the Small Business Health Fairness Act of 2005; H.R. 5, the HEALTH Act of 2005; and H.R. 22, the Postal Accountability and Enhancement Act. In addition, we expect to consider H.R. 3045, the Dominican Republic-Central American Free Trade Agreement sometime later in the week.

Finally, I would like to note that we are expecting a very busy week heading into the August recess. Members should expect to work some late nights as we resolve these important pieces of legislation.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. Realizing that next week is a busy week and there are a number of very important items on the agenda, how likely, Mr. Leader, do you think it is that we will be in on Friday?

I yield to the distinguished gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. There is no way that we can tell what hour of the day on Friday that we might be finished with our work. As the gentleman knows, next week is going to be a typical pre-district work period week. We have several bills to consider, as well as multiple potential conference reports. Because of the unpredictability of conference reports, I would hesitate to even make firm commitments for any of the week.

For now, I would note that our plan is to consider both postal reform and small business health plans on Tuesday, and after that we will have to see where various components are and how they come together.

Mr. HOYER. Mr. Speaker, reclaiming my time, thank you for that information, Mr. Leader.

Mr. Leader, obviously next week I suppose the most controversial and most focused-upon piece of legislation will be the Central American Free Trade Agreement. This week, of course, the PATRIOT Act, which we thought was going to start Thursday and go through today, in fact was accelerated and NASA was taken today, clearly to ensure full consideration of the PATRIOT Act.

Might it be possible with some assurance to let the Members know when the CAFTA bill will be on the floor, in effect adopting a similar procedure?

I yield to the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

As I said earlier, it is very difficult. Certainly we will consult with the minority as to timing. For instance, right now we think we will have a highway conference report. There may be an energy conference report. There could be one to three appropriations conference reports. It is very difficult today to fashion a schedule that we could give to the Members.

I feel very confident by Monday we will have a better feel for what the week should look like and, in consultation with the minority, we would have a better idea when the Central American Free Trade Agreement can be considered. But I say to the gentleman that it will be fully discussed with an ample amount of time for debate, and we will just do it when we can get to it.

Mr. HOYER. Mr. Speaker, I thank the leader for that response. I understand the problem of pinning down now exact times. Would it be fair, however, Mr. Leader, to say that it would not be considered on the last day we are here, on Friday, or not, so that we could make sure that Members knew and had some degree of confidence, because it is such an important piece of legislation, that it would not be considered on the last day we are here?

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

I cannot say that. I really do not have any idea. I know it will be after Tuesday, and that is about the best I can give the gentleman.

Mr. HOYER. Mr. Speaker, reclaiming my time, the postal accountability bill, you seem to indicate that that might be considered earlier in the week rather than later. Is that accurate?

I yield to my friend.

Mr. DELAY. I thank the gentleman for yielding.

Yes, we plan to present the postal reform bill on Tuesday. We think we can do both that and the small business health plan on Tuesday.

Mr. HOYER. Mr. Speaker, I thank the leader.

Reclaiming my time, you mentioned appropriations bills. Are we likely to have motions to go to conference on appropriations bills next week; and if so, can you anticipate what bills that might be?

Mr. DELAY. It is possible that Interior, Legislative Branch, and Homeland Security conference reports could be presented by next week.

Mr. HOYER. Those conferences would be on the floor, is that what the gentleman is saying, possibly?

Mr. DELAY. We could bring them to the floor by next week.

Mr. HOYER. In terms of motions to go to conference, do you anticipate motions to go to conference on any appropriations bills next week?

Mr. DELAY. If the gentleman will continue to yield, we would have to go to conference on those three bills for sure, and, depending on the progress of the other body, we may be going to conference on others.

Mr. HOYER. I appreciate that. On the bill of the gentleman from Arizona (Mr. SHADEGG), I think it is H.R. 2355, dealing with the insurance issues, there is a lot of interest on our side of the aisle. Will that bill be considered? Did you list that as one of the health bills that would be considered?

Mr. DELAY. If the gentleman will continue to yield, no, we did not list that bill as of yet. There are still discussions going on about that bill, and until those discussions are concluded, we cannot predict when it will come to the floor.

Mr. HOYER. Reclaiming my time, Mr. Leader, I take it that in light of the fact you have not mentioned it, at this point in time it is not on the schedule. But there is a lot of discussion on this side of the aisle about that bill. Do you think it would be possible that it might be added to the calendar?

I yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding. It is possible it could be added to the calendar, but looking at how busy a week we have next week and the controversial issues that we will be bringing to the floor of the House, it is hard to say if we could put that bill on the floor next week.

Mr. HOYER. Because there is so much interest in that bill on our side, Mr. Leader, would it be fair to say that that decision would be made prior to the close of business on Monday so that we would have some notice of that in time to fairly consider it?

I yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding. We will try our best, in consultation with you, to give you some idea of when we could possibly bring that bill, and if it is going to be considered next week and we can fit into the schedule, then certainly we would let you know by probably the end of business Monday.

□ 1230

Mr. HOYER. Mr. Speaker, reclaiming my time, we would appreciate that.

The other bills that I would like to talk about, the highway bill conference report the gentleman indicated as a possibility, can the gentleman inform us of the status of that conference and where we are on this bill?

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate my friend yielding. I am very encouraged. I serve on the conference committee, so I am very encouraged by the accomplishments and progress that has been made over the course of this week.

I believe there is really only one major issue left to be resolved by the conferees, and that relates to transit funding. Hopefully, that can be resolved prior to the Wednesday night expiration of the current short-term funding measure, and then, as normal, there are a lot of smaller issues that can be resolved by then. I am very hopeful that we can pass that conference report before we leave here next week.

Mr. HOYER. Mr. Speaker, reclaiming my time, I presume, am I correct, that the gentleman's effort would be to try to pass it prior to the expiration of the last temporary extension, or would the gentleman anticipate another, which I guess would be the tenth or the eleventh extension; or does the gentleman think he can perhaps get it through prior to Wednesday night?

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. Everyone is working as hard as they can. As the gentleman knows, this bill has taken a long time to work out the differences between the House and the Senate. We get very close every time we reach the deadline of an expiration date.

The expiration date is set on Wednesday. Everybody is going to be working over the weekend, and we are working as hard as we can with the goal to bring that conference report to the floor before the expiration of the short-term funding measure.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the leader for his comments and observations. We are certainly hopeful on our side, and I know the gentleman is on his side, that we get this bill through. It is probably as significant a jobs creation bill as we will pass in this Congress, and it has been delayed for a very long period of time. I know the gentleman has been frustrated by it, and we have been frustrated by it, and hopefully, we can get that done by next week.

The energy bill conference report, can the gentleman tell us where that stands? I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. We are working on it. We hope to get it done by the end of next week. It is a very ambitious goal, I must say, to take a bill of this magnitude and, in a matter of 2 weeks, get all the differences worked out between the House and the Senate and bring it to the floor.

This is another item that the House and Senate are working on through the weekend, and at least encouragement has been brought to my attention by the chairman of the Committee on Energy and Commerce that, with a lot of hard work, it is very possible that we could get this energy conference report to the Members for a vote by the end of next week.

Mr. HOYER. Mr. Speaker, reclaiming my time, in light of the fact, Mr. Leader, I will simply observe that if we get all of those things moving we are going to have a lot of work to do next week, and I presume our Members ought to be prepared for long days and, clearly, if we get all of that done, it will be Friday late before we get out of here.

In light of the fact we will not have a colloquy next week because we will be going on recess for the summer work period, can the gentleman tell us what he anticipates might be on the agenda when we come back on September 6, what might be on the agenda early in the September weeks? Clearly, appropriations bills conference reports, to the extent they are done, will be on the calendar, but other than that, can the gentleman enlighten us as to what your thoughts are? I yield to the leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. We have not made any decisions yet, but obviously the gentleman knows and Members understand that the appropriations process did end with us passing our bills before the July 4 break. The Senate is working on appropriations bills, and we will be doing those conferences as they present themselves.

Also, we do know that at least the first week back, we could be looking at the Coast Guard authorization bill and possibly a research bill from the Committee on Science. That is the first week back. Other bills will be considered during the August district work period, and we will be able to make a more firm announcement to the Members as to what we anticipate having the first week back and, in addition to that, the second week also.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for that information.

Lastly, there are two pieces of legislation, major pieces of legislation that the gentleman did not mention but have been talked about, and that is, of course, the Social Security legislation and the campaign finance legislation, one or the other bill, or both.

Can the gentleman give me his thoughts on where they stand and when they might come on the agenda if, in fact, they will be coming on the agenda?

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. The campaign finance committees are still working on those issues. It is quite possible that we could address those issues in September. The way that I am watching the schedule of the other body, we will probably be here at least a week or two after October 1, and we would be working on those issues.

I have every expectation that the Committee on Ways and Means will put out a retirement security bill for us to consider in September or the first of October. And, I am sure the gentleman remembers, we have a reconciliation process that is ongoing. We could have a reconciliation bill in that time period.

So those are some of the major issues that we will be facing in September and October.

Mr. HOYER. Mr. Speaker, I thank the leader for all of the information.

ADJOURNMENT TO MONDAY, JULY 25, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING THE BALTIC COUNTRIES OF ESTONIA, LATVIA, AND LITHUANIA

Mr. MCCOTTER. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 128) expressing the sense of Congress that the Government of the Russian Federation should issue a clear

and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia, and Lithuania, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. SHIMKUS. Mr. Speaker, reserving the right to object, although I will not object to this resolution, but I want to claim the time to speak in support of this resolution.

I am proud to be a cosponsor of this resolution, with 29 other Members of Congress, that calls upon Russia to acknowledge the occupation and subsequent suffering of the Baltic people under Soviet control during the period of time of the secret Molotov Richenberg agreement.

The resolution comes to the floor in a timely manner. This week is Captive Nations Week, first declared so by the U.S. Congress on July 17, 1959 as a joint resolution against continuing Communist domination of the Baltic countries. President Bush has again declared this week Captive Nations Week and urges Americans to reaffirm their commitment to all those seeking liberty, justice and self-determination. I can think of no better way to honor the memories of those who fought for freedom against Communist control than to pass this resolution.

During Communist occupation of the Baltics, hundreds of thousands of people were torn from their families and deported to Siberia, many never to be heard from again. No one can exactly be sure of the amount of those who died or fled Soviet control, but it has been estimated from 500,000 to 750,000 people. You cannot meet a person in these countries that did not have a family member or loved one who was not affected by these horrible practices. Russia has been unwavering in its nonrecognition of the mass deportations, tortures, and murders committed during the Soviet regime; a Soviet regime that was a Communist regime, not a supposedly more open Russian government that purports to be democratic today.

I feel, along with the 29 cosponsors of this resolution, that Russia needs to acknowledge the mistakes of the past so it can move forward and become a truthful State and, in turn, a stronger democracy. It is important that the United States join with our allies in the Baltics and stand for democracy and the rights of individuals to be protected everywhere. Democracy and freedom cannot exist without truth and transparency.

I would hope Russia would take a step towards this as a Nation by acknowledging the past, and I encourage my colleagues to vote in favor of this resolution.

I also want to take the time to thank the gentleman from Illinois (Chairman HYDE), the gentleman from California (Ranking Member LANTOS), the gentleman from California (Chairman GALLEGLY), and the gentleman from Florida (Ranking Member Wexler) for allowing this to be moved in an expeditious manner.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 128

Whereas the incorporation in 1940 of the Baltic countries of Estonia, Latvia, and Lithuania into the Soviet Union was an act of aggression carried out against the will of sovereign people;

Whereas the United States was steadfast in its policy of not recognizing the illegal Soviet annexation of Estonia, Latvia, and Lithuania;

Whereas the Russian Federation is the successor state to the Soviet Union;

Whereas the Molotov-Ribbentrop Pact of 1939, including its secret protocols, between Nazi Germany and the Soviet Union provided the Soviet Union with the opportunity to occupy and annex Estonia, Latvia, and Lithuania;

Whereas the occupation brought countless suffering to the Baltic peoples through terror, killings, and deportations to Siberian concentration camps;

Whereas the peoples of Estonia, Latvia, and Lithuania bravely resisted Soviet aggression first through armed resistance movements and later through political resistance movements;

Whereas the Government of Germany renounced its participation in the Molotov-Ribbentrop Pact of 1939 and publicly apologized for the destruction and terror that Nazi Germany unleashed on the world;

Whereas, in 1989, the Congress of Peoples' Deputies of the Soviet Union declared the Molotov-Ribbentrop Pact of 1939 void;

Whereas the illegal occupation and annexation of the Baltic countries is one of the largest remaining unacknowledged incidents of oppression in Russian history;

Whereas a declaration of acknowledgment of such incident by the Russian Federation would lead to improved relations between the people of Estonia, Latvia, and Lithuania and the people of Russia, would form the basis for improved relations between the governments of the countries, and strengthen stability in the region;

Whereas the Russian Federation is to be commended for beginning to acknowledge grievous and regrettable incidents in their history, such as admitting complicity in the massacre of Polish soldiers in the Katyn Forest in 1939;

Whereas the truth is a powerful weapon for healing, forgiving, and reconciliation, but its absence breeds distrust, fear, and hostility; and

Whereas countries that cannot clearly admit their historical mistakes and make peace with their pasts cannot successfully build their futures: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia, and Lithuania, the consequence of which will be a significant increase in good will among the affected peoples and enhanced regional stability.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. MCCOTTER

Mr. MCCOTTER. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. MCCOTTER:

Strike the preamble and insert the following:

Whereas the incorporation in 1940 of the Baltic countries of Estonia, Latvia, and Lithuania into the Soviet Union was an act of aggression carried out against the will of sovereign people;

Whereas the United States was steadfast in its policy of not recognizing the illegal Soviet annexation of Estonia, Latvia, and Lithuania;

Whereas the Russian Federation is the successor state to the Soviet Union;

Whereas the Molotov-Ribbentrop Pact of 1939, including its secret protocols, between Nazi Germany and the Soviet Union provided the Soviet Union with the opportunity to occupy and annex Estonia, Latvia, and Lithuania;

Whereas the occupation brought countless suffering to the Baltic peoples through terror, killings, and deportations to Siberian concentration camps;

Whereas the peoples of Estonia, Latvia, and Lithuania bravely resisted Soviet aggression and occupation;

Whereas the Government of Germany renounced its participation in the Molotov-Ribbentrop Pact of 1939 and publicly apologized for the destruction and terror that Nazi Germany unleashed on the world;

Whereas in 1989, the Congress of Peoples' Deputies of the Soviet Union denounced the Molotov-Ribbentrop Pact of 1939 and its secret protocols;

Whereas President Putin recently confirmed that the statement of the Congress of Peoples' Deputies remains the view of the Russian Federation;

Whereas the illegal occupation and annexation of the Baltic countries by the Soviet Union remains unacknowledged by the Russian Federation;

Whereas a declaration of acknowledgment of the illegal occupation and annexation by the Russian Federation would lead to improved relations between the people of Estonia, Latvia, and Lithuania and the people of Russia, would form the basis for improved relations between the governments of the countries, and strengthen stability in the region;

Whereas the Russian Federation is to be commended for acknowledging grievous and regrettable incidents in the Soviet era, such as the massacre by the Soviet regime of Polish soldiers in the Katyn Forest in 1939;

Whereas the truth is a powerful weapon for healing, forgiving, and reconciliation, but its absence breeds distrust, fear, and hostility; and

Whereas countries that cannot clearly admit their historical mistakes and make peace with their pasts cannot successfully build their futures: Now, therefore, be it

Mr. MCCOTTER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Michigan (Mr. MCCOTTER).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

OPPOSING CAFTA LEGISLATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the sugar provisions in the Central American Free Trade Agreement would cost U.S. taxpayers $500 million over the next 10 years, according to estimates released this week by the nonpartisan Congressional Budget Office. The CBO, the arm of Congress that estimates the costs of legislation, also found that revenues in the U.S. Treasury would fall by $4.4 billion over the same 10 years if CAFTA is enacted.

So this trade agreement, the Central American Free Trade Agreement, is not just about our trade deficit, which has gone from $38 billion to $618 billion in the last 12 years; it is not just about lost jobs, and we have lost 3 million jobs, manufacturing jobs alone in the last 5 years; it is also about busting our budget. It is going to cost us jobs, it is going to swell the trade agreement, it is going to cost us $4.4 billion, and it does nothing for the people of Central America or families in the United States.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SALUTING THE BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are many things in America that give us cause for celebration. I am delighted to rise today and salute the Boy Scouts of America that are celebrating the jamboree and to acknowledge the service that they give to all of America.

I am a proud member of the Sam Houston Area Council Boy Scouts of America. I am a Silver Beaver, and I have an Eagle Scout as a young son. To all of those who have achieved as Boy Scouts in America, our future leaders, we congratulate them. We thank them very much for the service that they give. I am reminded of the old sign of Boy Scouts laying down a raincoat or jacket over the water to allow an elderly person to walk. It is symbolic of the service that they give.

I hope as they enjoy the wonderment of this great Capitol of the United States and the fact that they are able to see those of us who serve in the United States Congress, working the democratic way, they will be emboldened and they will be infused with a sense of energy, of leadership, and that they will carry the message of the Boy Scouts with great honor and serve their country in a very honorable way.

□ 1245

With that I thank you, Mr. Speaker, and I wish them the very best. And I might see them out there. Boy Scouts equal America. God bless America, and God bless the Boy Scouts of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

(Mr. OTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NOMINATION OF JUDGE ROBERTS TO SUPREME COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, apart from the decision to go to war, a President makes no more consequential choice than filling a vacancy on the Supreme Court of the United States. I rise today for a few short moments to say that in choosing Judge John Roberts as the next Associate Justice of the United States Supreme Court, President Bush has chosen wisely.

Judge Roberts built a career of excellence in the legal profession and in public service on the values of personal integrity and civility that I say proudly he learned growing up in my home State of Indiana. While he was born in Buffalo, New York, he was raised and to this day says he is from what we call the region in northwestern Indiana, going to school in La Porte, Indiana, before heading off to Harvard where he would graduate with honors and then Harvard law school where he would be a member of the Law Review and graduate with highest honors.

He is one of four children. Today he lives in Bethesda, Maryland and was, prior to being appointed to service on what is routinely referred to as the second highest court in the land, the District of Columbia Court of Appeals, he built an almost unprecedented career in the law, both in and out of public service.

The National Journal actually wrote not long ago: ''John Roberts seems a good bet to be the kind of judge we should all want to have. All of us, that is, who are looking less for congenial ideologues than for professionals committed to the impartial application of the law.''

Indeed, his entire career has been, as the former White House counsel C. Boyden Gray reflected recently, ''one of unquestioned integrity and fairmindedness.''

He is an extraordinary individual who has actually argued before the United States Supreme Court on 39 separate occasions. He is, as the President reflected during his nomination on Tuesday night, he is singularly one of the most accomplished and brilliant legal minds of his generation. And it has been acknowledged in the political process as well.

Because he personifies the very qualities that most Americans would seek on the Supreme Court, Judge Roberts was reported favorably out of the Senate Judiciary Committee just 2 short years ago for his appointment to his present post. In fact, the Senate Judiciary Committee voted 16 to 3, and Judge Roberts was confirmed by the United States Senate for the D.C. Circuit Court of Appeals by unanimous consent.

And let me speak to this point of timing because we are 1 week away from the August recess. As I rise today, understanding that the House of Representatives has no formal role in the confirmation of an Associate Justice to the Supreme Court, I would urge nonetheless respectfully my colleagues in the Senate to give every deliberate consideration to Judge Roberts' nomination because time is of the essence, and time is on our side.

History tells us President Clinton's two nominations to the Supreme Court took an average of 58 days from the day of nomination to confirmation. Over the past 30 years, the confirmation process has averaged 72 days from confirmation to nomination. And as we look at the calendar today, there are essentially 73 days between when the President nominated Judge Roberts and when the Court would begin its work this fall. The Senate has the time for a thoroughgoing vetting of Judge Roberts' credentials and his background and his capacity to serve in this august position, and I urge them to move with all deliberate speed and I do so with respect.

Again, I simply rise today recognizing that apart from a decision to go to war, a President makes no more consequential choice than filling a vacancy on the Supreme Court; and I say with gratitude to the President of the United States that in choosing Judge John Roberts, a son of the State of Indiana, a man who is devoted to the law and devoted to the application of the law and not the creation of the law, the President has chosen wisely.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. HERSETH. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Ohio (Mr. BROWN).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

ETHANOL'S POSITIVE ENERGY BALANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today to again set the record straight regarding one of the persistent urban myths about ethanol and other renewable fuels. Yet again in the past couple of weeks I read about another study that contains faulty and outdated assumptions, analysis and conclusions about the net energy balance of producing renewable fuels like ethanol and biodiesel.

Whether produced from corn or other grains or biomass, ethanol production has matured into an extremely energy-efficient process. As you would expect with any developing industry, technological advances have greatly improved these efficiencies over the years. Unfortunately, some academic studies choose to ignore these improvements.

Farmers are much more efficient today than they were in years past. They get more bushels of corn from an acre of land than we did 25 years ago. Some areas have seen yield improvements of 45 percent or more. Moreover, they do it using far less energy. Farmers today use precision and no-till farming to greatly reduce tillage trips and chemical applications. The efficiency of fertilizer and pesticide production also has greatly improved over the years.

What is more, the process of turning this corn into ethanol has greatly improved. Mechanical and biological advancements in the process mean that we get more ethanol from a bushel of corn than we used to. All of these developments have a significant and positive impact on the net energy balance of ethanol production.

This fact has been confirmed by countless analyses. A recent study by the Department of Energy's Argonne National Laboratory found that for every 100 BTUs of energy used to produce ethanol, 135 BTUs of ethanol are produced. That is because corn plants are extremely efficient solar panels. USDA analysis has found that corn farmers use about half the energy to produce a bushel of corn than they did just 25 years ago.

And the industry is not resting on its laurels. Research continues into ethanol production from feed stock such as rice straw, corn stover, and sugar cane waste. These should even further reduce fossil energy use and improve net energy balance. According to the U.S. Department of Energy, ethanol produced from these sources generates 13.2 BTUs of energy for every BTU of fossil energy consumed.

Finally, I will share with my colleagues an important point that was raised yesterday in an Agriculture Committee hearing on renewable fuels. Calculating and arguing over the net energy balance of ethanol, petroleum and any other energy source is not even the most relevant inquiry. From an economic standpoint, the pertinent question really should be, what does it cost to put a gallon of fuel in my gas tank when and where I want to?

Based on that inquiry, ethanol is clearly winning that contest today. Today in Sioux Falls, South Dakota you can go to any Get-n-Go gas station in the city and purchase a gallon of E85, a blend of 85 percent ethanol and 15 percent gasoline for $1.79, whereas a gallon of premium gasoline costs $2.39. If you know how frugal South Dakotans are, I do not have to tell you which pump they are lining up behind.

ORDER OF BUSINESS

Mr. SHAYS. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

9/11 COMMISSION REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. A year ago today, the 9/11 Commission released its report. This report outlined 41 recommendations to protect this Nation from future terrorist attacks.

It is crucial we ensure the implementation of these recommendations.

The 9/11 Commission produced what I feel is a sacred document. Their conduct should bring pride to all Americans because they realized that their mission was larger than partisan politics and acted accordingly.

They completed this undertaking with determination, clarity, and vision. On behalf of a grateful Nation, we pledge to continue to work to make their entire vision reality.

Congress and the administration have made many significant changes over the years to improve the security of the homeland. The Intelligence Reform and Terrorism Prevention Act signed by the President in December of 2004 was a critical step forward in reorganizing our intelligence community, creating a Director of National Intelligence with personnel and budgetary authority, creating in statute a National Counterterrorism Center, improving our transportation security, and making important immigration reforms.

There are still challenges, however, that need to be met. The Privacy and Civil Liberties Board established by the Intelligence Reform and Terrorism Prevention Act, for example, should be operating and should be mandated with robust powers to oversee the government's adherence to the guidelines set forth by the 9/11 Commission. This board is critical in ensuring a balance between civil liberties and security.

In addition, more attention needs to be given to aviation security, mass transit issues, and first responders. We need to inspect air cargo that rides in the hold of passenger aircraft, and we must tighten security around mass transit areas.

Furthermore, our first responders must have appropriate communications.

Finally, the 9/11 Commission concluded that Congress needed to dramatically strengthen oversight and focus accountability. The commission recommended a single principal point of oversight and review for homeland security in each House of Congress, preferably a standing committee on homeland security and dedicated appropriations subcommittees on intelligence. We have a dedicated committee in the House of Representatives on homeland security, but it needs to be strengthened.

The Senate still does not have such a committee for Homeland Security.

Today's anniversary reminds us how important it is we implement the recommendations of the 9/11 Commission and how important it is we protect our Nation from those who would do us harm.

TRIBUTE TO THE SOLIDARITY TRADE UNION IN POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the workers of the Solidarity Trade Union in Poland. On August 30 we will celebrate the 25th anniversary of the worker strikes in Poland that led to the unprecedented establishment of the Solidarity Trade Union.

At the end of the Second World War, Poland was forcefully incorporated into the Soviet Union's Communist Bloc. By 1980, they endured decades of communism, with endemic corruption, the lies of its press, and its denial of basic human and worker rights.

Although major strikes and uprisings had taken place, all of them had been put down violently by military forces and the leaders had been arrested.

Things began to change in 1979 when Pope John Paul II, in his first official visit to his homeland, encouraged the people of Poland to be not afraid. Empowered by the Pope's words, Poles soon began standing up to their communist government.

On August 14, 1980, at the Lenin Shipyard in the Baltic port city of Gdansk, 17,000 workers staged a strike under the leadership of Lech Walesa. Initially formed as a response to increases in the price of food and a dismissal of several popular workers, the strike soon evolved into a broad demand for workers' rights.

In mid-August, 1980, an interfactory strike committee was established in Gdansk to coordinate rapidly spreading strikes there and elsewhere. Within a week, the committee presented the Polish Government with a list of 21 demands ranging from the right to join independent unions and an increase in the minimum wage to broader issues such as censorship.

□ 1300

On September 22, 1980, Solidarity was formally established and became the first independent labor union in any Soviet bloc country. By early 1981 the trade union had a membership of about 10 million people and represented most of the workforce in Poland.

In the early 1980s, Solidarity was forcibly suppressed by the Communist government and Solidarity was declared illegal. Although the union was formally dissolved, it continued as an underground organization. Solidarity reemerged in 1989 to become the first opposition movement to participate in free elections in a post-Soviet bloc nation since the 1940s.

The case of Solidarity, the movement that ended communism in Poland without bloodshed, inspired other nations under Soviet control to do the same and led to the end of the Cold War.

This year marks the 25th anniversary of the strikes in Poland. Let us remember Solidarity as the beginning of a great struggle that ended decades of oppression and tyranny in Eastern Europe and led to the establishment of democracy in Poland. We must recognize and forever remember the sacrifice, determination, and struggle that Poland endured to secure their freedom.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

(Mr. KOLBE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL SECURITY CHALLENGES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, today we face a great national security challenge, many challenges in fact.

As we wage a global war on terror, we face an enemy that kills indiscriminately in its campaign against freedom, democracy and political pluralism. The brutal attacks in London just a couple of weeks ago and, of course, the other tragic news that we have gotten from London this week are a tragic reminder of the nature of the enemy that we face. But I believe that the true sign of our times is not the carnage of suicide bombers. It is the image of millions of Iraqis waiting in line to cast their first free votes, and millions more in Afghanistan, the Ukraine, Lebanon, Georgia, Kyrgyzstan, and on and on and on around the world.

Democracy is sprouting in places that seemed unthinkable and that has been the case for quite a while. The worldwide terror campaign that is being perpetrated and the rise of democracy in formerly inhospitable places are not unrelated. Just the opposite, in fact. The war that is being waged against political and economic freedom and our unwavering resolve to defeat it is pushing oppressed people to a tipping point. They are demanding the right to determine their own futures. And as President Bush has so clearly articulated, the spread of freedom is not just a consequence of the global war on terror. It is our best defense. That is, the spread of freedom is the most important thing that we can do for our national security. Those who embrace the democratic principles of liberty, opportunity and tolerance do not resort to terrorism. Aiding the establishment of democratic and free societies is squarely within our national interest.

To that end I have had the great privilege of working with our distinguished Speaker, the gentleman from Illinois (Mr. HASTERT), in the establishment of the House Democracy Assistance Commission. I have joined my colleague, the gentleman from North Carolina (Mr. PRICE) who is the ranking member of this task force.

The House Democracy Assistance Commission provides a forum for this body to play a significant and proactive role in establishing the strong, independent, transparent legislatures that are essential to a vibrant and healthy democracy. Our commission was established precisely because we realized that spreading freedom throughout the globe is as critical to preserving it right here at home because we realize that we cannot abandon anyone to tyranny.

Just a short time ago most of us could not have imagined millions of Iraqis turning out to vote. But there they were on January 30, defying the terrorists and the world's expectations of what would happen there.

Those of us who have been engaged with Central America over the past 2½ decades have been amazed by the transformation that has taken place there as well. Like their Iraqi counterparts, the people of Central America have made the journey from violence and oppression to democracy and freedom. Many of my colleagues will remember just how difficult that process was.

Two decades ago President Reagan and this body were deeply concerned about the threat posed to the United States by the communist expansion and civil war that existed in our own backyards. As the Cold War neared its fourth decade, violent conflict in El Salvador, Guatemala, Nicaragua and Honduras had the region in turmoil. Stability, let alone democracy, seemed absolutely unattainable.

Today the region is just as important, Mr. Speaker, to our national interests. But rather than a threat, Central America is an ally and a partner in trade, counter terrorism, drug interdiction, and migration control. Our Central American friends play a vital role in the security and well-being of the United States of America.

Again, for those who remember the struggle of the 1980s, this transformation is no less astounding than the one taking place at this very moment in Iraq. And our commitment to solidifying and strengthening the democratic institutions that are taking root there should be no less firm today than it was a decade and a half ago when this process began.

The people of Central America have embraced democracy, but they now expect concrete results from their democratically elected leaders, and rightly so. They must find new opportunities for prosperity and a higher standard of living or they will question the democratic institutions that have only recently brought peace to that region.

We cannot take the threat of faltering democracy lightly.

Recent events in Venezuela and Bolivia are a testament to the potential for political instability in the absence of economic growth. Great economic gains have been made in the decade and a half since democracy took hold, but there is far more that needs to be done, Mr. Speaker.

The average gross domestic product per capita for the five countries of DR–CAFTA, and those countries are the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Costa Rica, the GDP on a per capita basis is roughly about $2,660 or less than 7 percent of the U.S. GDP per capita. Even citizens in the post successful of those 5 countries, Costa Rica, have one-fourth the purchasing power of the average American. Inflation, unemployment and under-employment are significant challenges.

If these economic realities are not more effectively resolved, our neighbors could in fact turn to alternative leadership. Leadership far more hostile to the United States and democracy. All one needs to do is simply witness Venezuela and their President, Hugo Chavez.

The countries of -CAFTA have 2 paths before them. One leads to trade liberalization and the rule of law. The other leads to protectionism and the rule of the well-connected. The United States should not slam the door in the face of those who are making the right and difficult decision to pursue open trade.

The presidents of the DR–CAFTA countries have staked much political capital on their decisions to adopt this multilateral free trade agreement. The DR–CAFTA leaders have embarked on this path because they know it will mean for their citizens, they know it will mean a great deal for them, economic opportunities, less economic stratification, increased economic transparency, a strengthened rule of law and hope for the future.

An American rejection of the Dominican Republic-Central American Free Trade Agreement, would be politically devastating to these democratically elected governments that have staked so much on the promise of this agreement. If they are unable to deliver on the economic improvements they have pledged, these visionary leaders will be pressured to pursue protectionism over liberalization, or worse, failure to enact the Dominican Republic-Central American Free Trade Agreement, could lead to the rise of the political elite, a political elite that is hostile to the United States, inclined to demagoguery, and uncooperative in regional security and economic affairs. Again, all one needs to witness is Venezuela's Hugo Chavez.

Now, let us consider the case of Nicaragua. President Enrique Bolanos' government in Managua faces a litany of threats on a daily basis. An unholy alliance of the extreme left led by Daniel Ortega and of the extreme right led by jailed former President Aleman is challenging the authority and stability of the Bolanos government. These two old Nicaraguan political hands, Ortega and Aleman, would seem to have little in common but they do share a distaste for the free market. These men have staked their political futures in large part on their opposition to the Dominican Republic-Central American Free Trade Agreement.

Defeating the agreement would give credence to their anti-economic liberalization rhetoric and momentum to their undemocratic plots.

Aleman cares more for his own enrichment than for democracy and Ortega is a compadre of Fidel Castro's and routinely describes the United States of America as an ''enemy of humanity.''

Ortega also keeps close company with Commandante Tomas Borge, someone who I got to know quite well during the 1980s. Tomas Borge is the only surviving member of the Sandinista Front in Nicaragua. He has said that the defeat of the Dominican Republic-Central American Free Trade Agreement which he has worked very hard to bring down, the defeat of that would lead to the consolidation, he says, of the ''leftist triangle.'' That leftist triangle of course is Cuba, Venezuela, and as he says, now Nicaragua.

Coming from a man who founded an organization, the Sandinista Liberation Front, that violated human rights, consorted and to this day continues to consort with terrorists, and targeted Americans is obviously a very troubling sign. A return of the Sandinista regime and the establishment of an anti-American coalition involving Castro and Chavez would be extremely dangerous for the United States and for our regional interests.

We must do everything in our power, Mr. Speaker, to support the positive democratic governments we worked so hard to help create. A return to the violent past would be devastating for the United States, the region and, most tragically, the people of Central America for whom we fought and struggled so hard during the 1980s.

Just as we are working to spread freedom and democracy around the world, we must not negligent it in our own back yard. We must help to increase the prosperity that undergirds peace. And we can accomplish this, Mr. Speaker, by passing the Dominican Republic-Central American Free Trade Agreement. But DR-CAFTA and the economic future of the region are not just critical to our security interests. They are vital to our economic interests as well.

Over the past 20 years, we have unilaterally opened our market to Central American trade. Producers in the DR-CAFTA region send 80 percent of their goods, including 99 percent of their agricultural products, to the United States of America duty free.

□ 1315

Now, that is good for U.S. consumers to have access to all of those things. These special preferences have enjoyed strong support from the Congress. Large bipartisan, and I stress bipartisan, majorities in both Houses of Congress have long recognized the importance of supporting economic growth in the region. Back in 1983, we passed the original Caribbean Basin Initiative in the House by a vote of 392 to 18. It does not get much stronger and more bipartisan than that.

Since then, we have continued to acknowledge that opening our economy to the Central American people is critical to stabilizing the region and providing the tools that will lift them out of poverty. In 2000, the House reaffirmed our commitment to creating new opportunities in this hemisphere when 309 Members, which included 183 Republicans and 126 Democrats, voted in support of the Trade and Development Act, further opening the U.S. market to Central American goods.

With DR-CAFTA, our partners in the region are offering to make these benefits reciprocal. They have access to our markets. Everything that they have can come virtually duty-free into the United States. Now, U.S. producers under this agreement will enjoy the duty-free access that their Central American counterparts currently enjoy. Tariffs on 80 percent of all manufactured goods will immediately drop to zero, Mr. Speaker, that is from 80 percent to zero, while the rest are phased in over a 10-year period of time.

But lower tariffs are just the beginning. In the 21st century it is not just the product itself that is important; it is the idea behind the product, the innovations and the creative content, that make U.S. producers so valuable and our economy so strong. Our knowledge-based economy, based on our power to innovate, has secured our place as the world's economic superpower.

But as intellectual property grows in significance to the United States economy, so does the importance of protecting intellectual property. We always talk about the importance of property rights. Intellectual property is equally important.

DR-CAFTA fully accounts for the value of intellectual property and provides the state-of-the-art protection that our 21st-century economy demands. It will bring the region's intellectual property laws in line with U.S. laws. It will ensure that violators will be appropriately punished. And, most important, it will provide the tools to successfully enforce these comprehensive commitments. This agreement will create an environment where innovative American goods can compete fairly and openly. Without these protections, Mr. Speaker, the benefits of low tariffs could not be fully realized.

The 21st-century economy is also a service-providing economy. Services, those that cater to consumers like you

and me, those that cater to other businesses now make up 80 percent of private-sector GDP, as well as 80 percent of employment in this country. And it is in these sectors that our DR-CAFTA negotiators achieved some of our hardest fought and most significant gains.

Service sectors in the DR-CAFTA countries are heavily protected, and in many cases they are closed entirely, closed entirely, to foreign investment and to competition as well. This agreement will open up these markets virtually across the board for the highly competitive service providers based here in the United States. From telecommunications to insurance to financial planning, DR-CAFTA will grant the United States new access in the sectors that make up the backbone of our economy and the future of our continued competitiveness.

But to fully grasp the significance of this agreement for our economy, we have to look beyond individual sectors and tariff schedules. We have to look at the bigger picture. Mr. Speaker, we live in a global economy. We were reminded of that just this week when Prime Minister Singh delivered his address, the Indian Prime Minister, to a joint session of Congress. The impact of the worldwide market is growing, not shrinking. It would not be in our interest to run from globalization, even if it were possible for us to do so. Our response must be to become more competitive and continue to prosper from a growing global marketplace. After all, 94 percent of the world's consumers are outside of our borders.

A key part of making this region more competitive is to work together. We already have economies that are complementary, and there is no better example of how the economic relationship between the United States and the Dominican Republic-Central American countries region can work for our mutual benefit than the textile and apparel industries.

The DR-CAFTA countries are the second largest importers of U.S. textiles. Again, they are the second largest importers of U.S. textiles; and we are their largest export destination for finished product, for apparel. At a time when the United States textile industry looks for new ways to remain competitive in the global economy, this region is our strongest trading partner in textiles and apparel.

Just look at the content of clothes that our families wear. Central American apparel is made mostly from U.S. products, 80 percent on average. Apparel coming from the Pacific Rim, by contrast, is made up of less than 2 percent, 2 percent, U.S. content. Again, 80 percent of that from Central America is U.S. content. Only 2 percent from Asia is made up of U.S. content.

With the lifting of worldwide textile quotas earlier this year, we all face the challenge of growing Chinese imports. This includes Central American apparel manufacturers, who have been forced to close up shop as a result of increased Sino competition. The Dominican Republic-Central American Free Trade Agreement provides the opportunity to strengthen the regional supply chain and boost an apparel industry that is heavily dependent on U.S. products.

Upon enactment of this agreement, Mr. Speaker, more than 90 percent of all apparel made in the DR-CAFTA region will be sewn from fabric and yarn made right here in the United States of America. All American textile goods will receive immediate duty-free access to the DR-CAFTA market, and these benefits will be retroactive to January 1 of 2004. That is a year and a half back.

By dismantling the trade barriers that have hindered job creation here at home, we will create new opportunities for America's workers. And by strengthening regionally based industries, job creation here in the United States will support job creation in the DR-CAFTA countries. Far from a zero sum game, a zero sum scenario, we have the chance to prosper and grow together.

The opportunities for greater economic opportunity do not end with textiles and apparel. As the DR-CAFTA economies grow and diversify, the strengths of our economies will continue to reinforce each other. This further integration of the regional economy will build upon the tremendous success of another FTA, an FTA that we are frequently told rhymes with CAFTA.

Many DR-CAFTA opponents paint the agreement as a repeat of the North American Free Trade Agreement, NAFTA. Then they bemoan NAFTA as a catalyst for economic failure and job loss in the United States. Mr. Speaker, one simply has to look at the economic facts to declare their rhetoric as the distortionist tactics of protectionists.

So what are these facts? First, since NAFTA's implementation, we have added 20 million jobs to our labor market here in the United States. Our economy has grown by 38 percent since implementation of the NAFTA. U.S. exports to our NAFTA partners have more than doubled, growing by 112 percent. Let me say that again. Many people believe that we only buy everything from Mexico and Canada. But our exports since passage of the North American Free Trade Agreement have increased by 112 percent.

Some of the biggest economic gains have been, believe it or not, Mr. Speaker, in the manufacturing sector. Manufacturing output has risen by a third, while real manufacturing wages have increased by 27 percent. And NAFTA has yielded 43 percent of U.S. manufacturing export growth as well as 28 percent of import growth. So we have seen that this has clearly been a win-win all the way around.

The U.S. certainly has not monopolized the benefits of NAFTA. The agreement also led to 30 percent growth in the Mexican economy. While economic liberalization has moved more slowly and less uniformly than we would hope, it is clear that increased trade has been a very positive force there as well. Wages in Mexico in trade-related industries are 37 percent higher than in other industries. Again, in trade-related areas we have a 37 percent higher wage rate in Mexico than in other areas. Mexican wages and employment are higher in states with higher foreign investment and trade; and migration from those states, Mr. Speaker, is lower. Wages are also higher in sectors with more exposure to either imports or exports.

First through NAFTA and now through DR-CAFTA, we are cooperating, growing, and becoming more competitive with our friends and neighbors in this region. We can continue to use our respective strengths and resources to our mutual benefit and compete in the worldwide market.

Many of my colleagues, Mr. Speaker, claim that mutually beneficial cooperation is not possible because the DR-CAFTA countries are too poor and their labor protections are far from perfect. It is certainly true that far too many Dominicans and Central Americans live in poverty. No one is ignoring that fact. But how can we look at rampant poverty in our own back yard and then condemn our neighbors to remain in these conditions?

The World Bank recently conducted a study of DR-CAFTA and the impact it would have on the region. Their findings were very clear. This agreement will reduce poverty and raise the standards of living for Dominicans and Central Americans, they found. As the report notes, parties to free trade agreements experience higher growth in GDP, averaging a 3 percent increase over 5 years. For the DR-CAFTA countries, this extra 3 percent growth will mean that nearly half a million people, nearly half a million people will be lifted out of poverty by the end of this decade.

The World Bank confirms the DR-CAFTA will increase investment in the region, combat corruption, and improve the quality of public institutions. It will raise the standard of living, particularly for those who are living in poverty. It will spur innovation, and it will solidify the broad economic gains made in the region in recent years.

The report's analysis further notes that FTAs like DR-CAFTA lead to higher wages and improved working conditions. All of these factors lead the World Bank to conclude: ''A central factor in determining the future of Central America will be the ratification and implementation of a Dominican Republic-Central American Free Trade Agreement.''

Mr. Speaker, rejecting CAFTA, on the other hand, would simply sanction the status quo. Let us look at all the challenges we have. No one has offered an alternative to the DR-CAFTA. If we were to reject it, it would deny the DR-CAFTA countries the tools to create

jobs and develop the resources to implement strong labor protections. Congress recognized this principle when we passed free trade agreements with Jordan and Morocco. Both Jordan and Morocco have struggled with high poverty levels and a lack of adequate resources to fully enforce labor protections.

Yet bipartisan majorities in the House and Senate demonstrated that economic liberalization was key to improving these conditions and sent these FTAs to the President's desk.

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That was a decision that both Houses of Congress made with bipartisan votes. Once again, we have the opportunity to combat poverty and improve labor conditions with the passage of the Dominican Republic-Central American Free Trade Agreement.

Once again, Mr. Speaker, these positive economic benefits have broader security implications for the United States. Rising standards of living in the region will assist in resolving an issue that affects all of us, that issue is illegal immigration. Specifically, we can deter illegal immigration by addressing one of its root causes, that being poverty.

Mr. Speaker, illegal immigration is a national problem that saps the resources of local law enforcement, overwhelms our medical system, and puts great strains on our schools. With over 10 million illegal immigrants in the United States, the cost to the Federal Government and State governments, as we all know, is enormous.

Nearly all illegal immigrants to the United States come in search of work, economic opportunity, a chance to feed their families because they have found limited opportunity at home. In fact, T.J. Bonner, the President of the National Border Patrol Council, estimates that 98 percent of illegal immigrants come to this country for one reason and one reason only, seeking economic opportunity. To stem the tide of illegal immigrants, it stands to reason that we should encourage economic prosperity in the countries that are frequently the source of those illegal immigrants.

DR–CAFTA gives the Dominican Republic and the Central American countries the much-needed push towards prosperity that they so strongly desire. It will open markets and opportunity in the region, allow their citizens to purchase more goods for less money, give small businesses reason to expand, help create jobs, and raise the standards of living.

And most important, the people of Central America will have an incentive to build their future in their own countries rather than to make the dangerous, illegal attempts to enter our country. This is in our best interest as a country. It is our duty as a steadfast ally to our friends and neighbors in Central America.

As the former President of Costa Rica, the Nobel Peace Prize winner Oscar Arias wrote in the Washington Post, ''The Central American Free Trade Agreement would allow Central America to thrive by exporting goods through trade rather than exporting people through migration. Access to the U.S. market is the most important tool to speed our economic and social development and to keep our people at home.''

Mr. Speaker, I urge this body not to, in the words of Oscar Arias, punish Central America for achieving peace.

Tom Friedman of the New York Times recently wrote, ''In the 1980s we were worried that Central America was going communist. Now it seems today that people are worried that Central America is going capitalist.''

Our neighbors want to embrace that economic liberalization and what it can bring. Through the Dominican Republic-Central American Free Trade Agreement, we will help them continue to make progress against poverty in our hemisphere and reduce the flow of illegal immigrants into the United States.

Unfortunately, it is on this very issue of immigration that the DR–CAFTA debate has become clouded. There has been some confusion as to the impact of the agreement, and the impact it will have on U.S. immigration law. I would like to set the record straight. There is absolutely nothing in the agreement that affects our immigration laws. To ensure against any ambiguity in that matter, all seven parties to the agreement signed a legally binding document unequivocally saying ''No provision of the agreement shall be construed to impose any obligation on a party regarding its immigration measures.'' That is actually part of the agreement.

To make it very clear, nothing in the Central American Free Trade Agreement will in any way modify U.S. immigration law. DR–CAFTA fully preserves both existing U.S. immigration law and the power of this Congress to legislate at its discretion on immigration matters. In fact, DR–CAFTA fully preserves the power of this Congress to legislate at its discretion on any matter whatsoever.

This agreement will not cede our sovereignty or create loopholes in our immigration law, as some have argued. What it will do is lower the tariff and nontariff barriers our producers and service providers currently face. It will strengthen the regional supply chain that helps us compete globally, particularly with regards to China. It will build upon the economic gains we have already achieved in this region through the North American Free Trade Agreement, and it will pave the way for even stronger gains throughout the hemisphere.

DR–CAFTA will provide the Dominican Republic and the Central American people with the tools to reach the first rung of the economic ladder, and it will help them as they seek to climb that economic ladder. It will provide hope for opportunities at home; and, therefore, an incentive to stay and build a future in their home country. It will reinforce their faith in the power of economic freedom and strengthen their commitment to the rule of law and the free market. And it will solidify these six countries as free and democratic allies right at our doorstep.

Mr. Speaker, we have learned just how critical the spread of democracy is to our national security. Our troops are currently in harm's way in Iraq and Afghanistan, fighting to ensure their fledgling democracies are sustained.

The Central American people have already done the most difficult work. With our help, they have rejected dictatorship, totalitarian, authoritarianism, and they have chosen to embrace democracy. They have laid the foundations of the rule of law, political pluralism and a commitment to free markets.

But these tremendous gains are still very fragile and they are reversible. After all, these are democracies that are only 15 years old. We cannot leave before the job is done. We need the Dominican Republic-Central American Free Trade Agreement to fully achieve what Ronald Reagan set out to do more than 20 years ago, and that is bring permanent peace and prosperity to our back door.

When Ronald Reagan announced his candidacy for President on November 6, 1979, he envisioned a free trade accord for this entire hemisphere. The Dominican Republic-Central American Free Trade Agreement is a very important step on that road towards implementing the vision of Ronald Reagan.

I urge my colleagues to join with us in a bipartisan way, which is the way that we have traditionally dealt with the very important issue of international trade, and come together when we next week cast this critical vote on the Dominican Republic-Central American Free Trade Agreement.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOREN (at the request of Ms. PELOSI) for today.

Mr. LINDER (at the request of Mr. DELAY) for today on account of traveling to Georgia with the President of the United States.

Mr. PICKERING (at the request of Mr. DELAY) for today on account of attending a BRAC Commission hearing for his district.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today on account of family medical illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. HERSETH) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, July 29.

Mr. SHAYS, for 5 minutes, today.

Ms. FOXX, for 5 minutes, July 28.

Mr. OTTER, for 5 minutes, July 25, 26, 27, 28, and 29.

Mr. PENCE, for 5 minutes, today.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, July 25, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3032. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Highly Pathogenic Avian Influenza; Additional Restrictions [Docket No. 04-011-3] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3033. A communication from the President of the United States, transmitting a request for a FY 2006 budget amendments for the Department of Homeland Security; (H. Doc. No. 109–50); to the Committee on Appropriations and ordered to be printed.

3034. A letter from the Director, Executive Office of the President, transmitting a report on the estimated costs in the future fiscal years of: Operation Iraqi Freedom and Operation Enduring Freedom; any related military operations in and around Iraq and Afghanistan; and reconstruction, internal security, and related economic support to Iraq and Afghanistan for fiscal years 2006 through 2011, pursuant to Public Law 108–287, section 9012; to the Committee on Appropriations.

3035. A letter from the Administrator, General Services Administration, transmitting a report of a violation of the Antideficiency Act by the Information Technology Fund, Treasury symbol 47X4548, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3036. A letter from the Administrator, General Services Administration, transmitting a report of a violation of the Antideficiency Act by the Working Capital Fund, Treasury Symbol 47X4540.1, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3037. A letter from the Assistant Deputy Under Secretary for Transportation Policy, Department of Defense, transmitting A report on the Department's implementation of Postal System improvements, pursuant to Public Law 108–375 section 568(b); to the Committee on Armed Services.

3038. A letter from the Under Secretary for Aquisition, Technology and Logistics, Department of Defense, transmitting a report on the Department's implementation of Postal System improvements, pursuant to Public Law 108–375 section 568(b); to the Committee on Armed Services.

3039. A letter from the Under Secretary for Aquisitions, Technology and Logistics, Department of Defense, transmitting a report on the Department's implementation of Postal System improvements, pursuant to Public Law 108–375 section 568(b); to the Committee on Armed Services.

3040. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3041. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3042. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Berry Amendment Memoranda [DFARS Case 2004-D035] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3043. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Sole Source 8(a) Awards to Small Business Concerns Owned by Native Hawaiian Organizations [DFARS Case 2004-D031] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3044. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Business Restructuring Costs-Delegation of Authority to Make Determinations Relating to Payment [DFARS Case 2004-DO26] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3045. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral Paul E. Sullivan, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3046. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill ''To expand the list of statutes contained in the original HIPC debt reduction legislation to include the Lend-Lease Act of 1941''; to the Committee on Financial Services.

3047. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting report on transactions involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3048. A letter from the Asst. Gen. counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Federal Policy for the Protection of Human Subjects (RIN: 1890-AA08) received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3049. A letter from the Acting Assistant Deputy Secretary for Innovation and Improvement, Department of Education, transmitting the Department's final rule — Credit Enhancement for Charter School Facilities Program (RIN: 1855-AA02) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3050. A letter from the Secretary, Department of Health and Human Services, transmitting the Fiscal Year 2003 Biennial Report to Congress on the Status of Children in Head Start Programs as required by Section 650 of the Head Start Act; to the Committee on Education and the Workforce.

3051. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of the Treasury, transmitting the Department's final rule — Preventing the Accumulation of Surplus Controlled Substances at Long Term Care Facilities [Docket No. DEA-240F] (RIN: 1117-AA75) received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3052. A letter from the Asst. Gen. Counsel for Legislation and Regulatory Law, OS, Department of Energy, transmitting the Department's final rule — Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations [Docket No. SO-RM-00-01] (RIN: 1992-AA28) received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3053. A letter from the Attorney, Office of Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Price Competitive Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions (RIN: 1901-AB15) received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3054. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2004 financial report for the Animal Drug User Fee Act (ADUFA), enacted on November 18, 2003 (Pub. L. 108-199); to the Committee on Energy and Commerce.

3055. A letter from the Regualtions Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Public Health Service Policies on Research Misconduct (RIN: 0940-AA04) received May 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3056. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Amending the Regulations Governing Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, Sex, and Age to Conform to the Civil Rights Restoration Act of 1987 (RIN: 0991-AB10) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3057. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Authority for Practitioners to Dispense or Prescribe Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment [Docket No. DEA-202F] (RIN: 1117-AA68) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3058. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Defect and Noncompliance Responsibility and Reports Defect and Noncompliance Notification [Docket No. NHTSA-2004-18341; Notice No. 2] (RIN: 2127-AJ48) received July 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3059. A letter from the Legal Advisor to Chief, MB, Federal Communications Commission, transmitting the Commission's

final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Green Bay, Wisconsin) [MB Docket No. 01-325, RM-10136] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3060. A letter from the Legal Advsior to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Shorter, Orrville, Selma and Birmingham, Alabama) [MB Docket No. 04-201, RM-10972, RM-11103] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3061. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Clatskanie, Oregon, Long Beach and Ilwaco, Washington) [MB Docket No. 04-428, RM-11124] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3062. A letter from the Acting Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45) received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3063. A letter from the Senior Legal Advisor, Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Section 304 of the Telecommunications Act of 1996 [CS Docket No. 97-80]; Commercial Availability of Navigation Devices — received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3064. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments FM Broadcast Stations. (Ferrysburg, Michigan) [MB Docket No. 02-74, RM-10401] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3065. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Dulac, Louisiana) [MB Docket No. 04-329, RM-11050]; (King City, California) [MB Docket No. 04-332, RM-11054]; (Fallon Station, Nevada) [MB Docket No. 04-333, RM-11055]; (Coachella, California) [MB Docket No. 04-334, RM11056]; (Cambria, California) [MB Docket No. 04-335, RM-11057]; (Carbon, Texas) [MB Docket No. 04-336, RM-11058]; (Northport, Alabama) [MB Docket No. 04-337, RM-11059] Received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3066. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Evergreen, Alabama, and Shalimar, Florida) [MB Docket No. 04-219, RM-10986] received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3067. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Cedarville, California) [MB Docket No. 04-387, RM-11083] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3068. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interchange Carriers [CG Docket No. 02-386] received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3069. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ammon and Dubois, Idaho) [MB Docket No. 04-427, RM-11127, RM-11239] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3070. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Crystal Falls, Michigan) [MB Docket No. 04-370, RM-11081]; (Laona, Wisconsin) [MB Docket No. 04-371, RM-11082]; (Blythe, California) [MB Docket No. 04-388, RM-11089]; (Celoron, New York) [MB Docket No. 04-390, RM-11091]; (Wells, Texas) [MB Docket No. 04-391, RM-11092] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3071. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jackson and Charlotte, Michigan) [MB Docket No. 05-35, RM-11134] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3072. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (McCook, Maxwell, and Broken Bow, Nebraska) [MB Docket No. 04-203, RM-10976] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3073. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2, 25, and 73 of the Commission's Rules to Implement Decisions from the World Radiocommunication Conference (Geneva, 2003) (WRC-03) Concerning Frequency Bands Between 5900 kHz and 27.5 GHz and to Otherwise Update the Rules in this Frequency Range [ET Docket No. 04-139] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3074. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers [CG Docket No. 02-386] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3075. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') —— received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3076. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Austrailia (Transmittal No. DTC 004-05), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3077. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3078. A letter from the General Counsel, Department of Defense, transmitting proposals of legislation prepared through the joint effort of the Department of Defense and the Department of State; to the Committee on International Relations.

3079. A letter from the Deputy Secretary, Department of Defense, transmitting reports pursuant to the Emergency Supplemental Appropriations Act for Defense, the Global War an Terror, and Tsunami Relief, 2005, Public Law 109–13; to the Committee on International Relations.

3080. A letter from the Acting Assistant Secretry for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101–246)), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107–228); to the Committee on International Relations.

3081. A letter from the President, United States Institute of Peace, transmitting a report on the findings of the Task Force on the United Nations entitled, ''American Interests and UN Reform,'' pursuant to Public Law 108–447; to the Committee on International Relations.

3082. A letter from the Chair, CPB Board of Directors, Corporation of Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3083. A letter from the Acting General Counsel, Department of Commerce, transmitting a draft bill entitled ''To Continue the Secretary of Commerce's Authority to Conduct the Quarterly Financial Report Program''; to the Committee on Government Reform.

3084. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3085. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3086. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3087. A letter from the Direcor, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3088. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3089. A letter from the General Counsel, OFHEO, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3090. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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3121. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3122. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2004, through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3123. A letter from the CEO & Managing Director, Federal Home Loan Banks, transmitting the 2004 management reports and statements on system of internal controls of 9 Federal Home Loan Banks (FHLBanks), Resolution Funding Corporation (REFCORP) and the Financing Corporation (FICO), pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

3124. A letter from the Chief Financial Officer, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2004; to the Committee on Government Reform.

3125. A letter from the Commissioner, Social Security Administration, transmitting a report entitled, ''Report on Acquisitions Made from Foreign Manufacturers for Fiscal Year 2004''; to the Committee on Government Reform.

3126. A letter from the Librarian, Library of Congress, transmitting a report on the design and construction progress on the National Audio-Visual Conservation Center in Culpeper, Virginia; to the Committee on House Administration.

3127. A letter from the Director, Executive Secretariat, Department of the Interior, transmitting the Department's final rule — Deposit of Proceeds from Lands Withdrawn for Native Selection (RIN: 1076-AE74) received July 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3128. A letter from the Program Manager, ATF, Department of Justice, transmitting the Department's final rule — Identification Markings Placed on Imported Explosive Materials and Miscellaneous Amendments (2000R-238P)[Docket No. ATF 5F; AG Order No. 2766-2005] (RIN: 1140-AA02) received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3129. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Clarification of the Exemption of Sales by Retail Distributors of Pseudoephedrine and Phenylpropanolamine Products [Docket No. DEA-239T] received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3130. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result of the record and/or near record snow on January 22-23, 2005, in the State of Rhode Island, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3131. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result of the record and/or near record snow on January 22-23, 2005, in the State of Connecticut, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3132. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Security Considerations on the Flightdeck of Transport Category Airplanes [Docket Nos. 2002-11302; 2002-12504, and 2003-15653] (RIN: 2120-AI54, -AH70, -and AH96) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3133. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Environmental Impact and Related Procedures (RIN: 2132-AA78) Receieved May 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3134. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's third report on the Drinking Water Infrastructure Needs Survey and Assesment for 2003; to the Committee on Transportation and Infrastructure.

3135. A letter from the Administrator, General Services Administration, transmitting an informational copy of the General Services Administration's Fiscal Year 2006 Capital Investment and Leasing Program report, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

3136. A letter from the Administrator, General Services Adminsitration, transmitting informational copies of prospectuses that support the General Services Administration's Fiscal Year 2006 Program; to the Committee on Transportation and Infrastructure.

3137. A letter from the Executive Vice President, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2004, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

3138. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

3139. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Tariff Treatment Related to Disassembly Operations Under the North American Free Trade Agreement [CBP Dec. 05-24] (RIN: 1505-AB41) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3140. A letter from the Chairman and Vice Chairman, U.S.-China Commission, transmitting a copy of the Trade Lawyers Advisory Group's report entitled, ''The Importance of Trade Remedies to the U.S. Trade Relationship with China''; to the Committee on Ways and Means.

3141. A letter from the Deputy Secretry Under Secretary for Personnel and Readiness, Department of Veterns Affairs Department of Defense, transmitting a report for Fiscal Year 2004 regarding the activities and accomplishments of the Department of Veterans Affairs and the Department of Defense Joint Executive Committee, pursuant to Public Law 108–136 section 583; jointly to the Committees on Armed Services and Veterans' Affairs.

3142. A letter from the Secretary, Department of Energy, transmitting the Department's report on the Defense Nuclear Facilities Safety Board's recommendation 2004-2, Active Confinement Systems, pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on Energy and Commerce and Armed Services.

3143. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the appropriateness of a Demonstration project to test the feasibility of using Preferred Provider Organization (PPO) networks to reduce the costs of acquiring eyeglasses for Medicare beneficiaries following cataract surgery, pursuant to Public Law 108–173 section 645(b); jointly to the Committees on Energy and Commerce and Ways and Means.

3144. A letter from the Secretary, Depatment of Health and Human Services, transmitting a report entitled, ''A Study on How to Make Prescription Pharmaceutical Information, Including Drug Labels and Usage Instructions, Accessible for Blind and Visually Impaired Individuals'' pursuant to section 107(f) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108–173; jointly to the Committees on Energy and Commerce and Ways and Means.

3145. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108–106) as amended by Pub. L. 108-375; jointly to the Committees on International Relations and Appropriations.

3146. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's proposed legislation entitled, ''To authorize appropriations to the National Aeronautics and Space Administration for science, aeronautics and exploration; space flight capabilities; and Inspector General,and for other purposes''; jointly to the Committees on Science, Government Reform, and Small Business.

3147. A letter from the Secretary, Department of Transportation, transmitting a proposed bill entitled, ''To amend and enhance certain maritime programs of the Department of Transportation, and for other purposes''; jointly to the Committees on Armed Services, Transportation and Infrastructure, Government Reform, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEY: Committee on House Administration. H.R. 513. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; with an amendment (Rept. 109–181). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, Mr. SCHIFF, Mr. WEINER, and Mr. COBLE):

H.R. 3402. A bill to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes; to the Committee on the Judiciary.

By Mr. ISTOOK (for himself, Mr. PAUL, and Mr. RYUN of Kansas):

H.R. 3403. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3404. A bill to authorize the grant program for elimination of the nationwide backlog in analyses of DNA samples at the level necessary to completely eliminate the backlog and obtain a DNA sample from every person convicted of a qualifying offense; to the Committee on the Judiciary.

By Mr. BONILLA (for himself, Ms. HERSETH, Mr. GOODLATTE, Ms. WATERS, Mr. POMBO, Mr. SMITH of Texas, Mr. DEFAZIO, Mr. OTTER, Mrs. DRAKE, Mr. BOYD, Mr. CALVERT, Mr. PEARCE, Mr. KUCINICH, Mr. DUNCAN, Mr. THORNBERRY, Mr. NEUGEBAUER, and Mr. MCKEON):

H.R. 3405. A bill to prohibit the provision of Federal economic development assistance for any State or locality that uses the power of eminent domain power to obtain property for private commercial development or that fails to pay relocation costs to persons displaced by use of the power of eminent domain for economic development purposes; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, Financial Services, Resources, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. DINGELL, Ms. SOLIS, Mr. KILDEE, Mr. BRADY of Pennsylvania, Mr. SANDERS, and Mr. CONYERS):

H.R. 3406. A bill to protect United States workers from competition of foreign workforces for performance of Federal and State contracts; to the Committee on Government Reform.

By Mr. EMANUEL (for himself, Mr. FILNER, Mr. BURTON of Indiana, Ms. CARSON, Ms. SCHWARTZ of Pennsylvania, Mr. BISHOP of New York, Mr. LANTOS, Mr. BOSWELL, Mr. UDALL of Colorado, Mr. MCHUGH, and Mr. OWENS):

H.R. 3407. A bill to provide grants to States and local governments to assess the effectiveness of sexual predator electronic monitoring programs; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself and Mr. PETERSON of Minnesota):

H.R. 3408. A bill to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act; to the Committee on Agriculture.

By Mr. HOSTETTLER (for himself, Mr. BURTON of Indiana, Mrs. CUBIN, Mr. CANNON, Mr. TANCREDO, Mr. PENCE, Mr. FLAKE, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. GARRETT of New Jersey):

H.R. 3409. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income and social security taxes; to the Committee on Ways and Means.

By Mr. HOSTETTLER (for himself, Mr. PAUL, Mr. BURTON of Indiana, Mr. PENCE, Ms. FOXX, Mr. BARTLETT of Maryland, Mr. SOUDER, and Mr. BUYER):

H.R. 3410. A bill to amend the Internal Revenue Code of 1986 to provide a religious exemption from providing identifying numbers for dependents to claim certain credits and deductions on a tax return; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. GUTIERREZ, Mr. WAXMAN, Mr. MCNULTY, Mr. SANDERS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, and Ms. WOOLSEY):

H.R. 3411. A bill to amend the Public Health Service Act to establish a program of research regarding the risks posed by the presence of dioxin, synthetic fibers, and other additives in feminine hygiene products, and to establish a program for the collection and analysis of data on toxic shock syndrome; to the Committee on Energy and Commerce.

By Mr. NEY (for himself, Mr. STRICKLAND, Mr. BUTTERFIELD, and Mr. CANTOR):

H.R. 3412. A bill to authorize and request the President to issue a posthumous commission in the regular Army to Milton Holland, who, while sergeant major of the 5th Regiment, United States Colored Infantry, was awarded the Medal of Honor for gallantry during the Civil War; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. SENSENBRENNER, Mr. CHABOT, and Mr. NADLER):

H. Con. Res. 216. Concurrent resolution expressing the sense of the Congress that, as Congress observes the 40th anniversary of the Voting Rights Act of 1965 and encourages all Americans to do the same, it will advance the legacy of the Voting Rights Act of 1965 by ensuring the continued effectiveness of the Act to protect the voting rights of all Americans; to the Committee on the Judiciary.

By Mr. SOUDER (for himself, Mr. FEENEY, Mr. FLAKE, and Mr. TERRY):

H. Con. Res. 217. Concurrent resolution expressing the sense of the Congress that the President should seek to enter into a free trade agreement with the United Kingdom; to the Committee on Ways and Means.

By Mr. UPTON (for himself and Mr. MARKEY):

H. Res. 376. A resolution expressing the sense of the House of Representatives that the Federal Trade Commission should investigate the publication of the video game ''Grand Theft Auto: San Andreas'' to determine if the publisher intentionally deceived the Entertainment Software Ratings Board to avoid an ''Adults-Only'' rating; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania:

H. Res. 377. A resolution expressing the sense of the House of Representatives that the Government of the People's Republic of China should adhere to internationally recognized health standards by prohibiting the use of antiviral medication to protect their livestock, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Ms. SCHWARTZ of Pennsylvania and Mr. LANTOS.

H.R. 97: Mr. KIRK.

H.R. 115: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 239: Mr. BURTON of Indiana.

H.R. 282: Ms. JACKSON-LEE of Texas.

H.R. 305: Mr. HOLT.

H.R. 356: Mr. NORWOOD and Mr. ADERHOLT.

H.R. 460: Mr. GERLACH.

H.R. 515: Mr. BOYD.

H.R. 552: Mr. TAYLOR of North Carolina, Mr. FEENEY, and Mr. NORWOOD.

H.R. 562: Mr. PALLONE.

H.R. 613: Mr. CONYERS.

H.R. 615: Mr. BUTTERFIELD.

H.R. 658: Mr. FITZPATRICK of Pennsylvania.

H.R. 699: Mr. CANTOR, Mr. ROHRABACHER, and Mr. ROTHMAN.

H.R. 851: Mr. SMITH of Washington.

H.R. 859: Mr. KANJORSKI.

H.R. 923: Mr. OTTER.

H.R. 949: Mr. LANTOS.

H.R. 986: Mr. LAHOOD.

H.R. 1100: Mr. WELDON of Florida.

H.R. 1116: Mr. MOORE of Kansas, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1131: Ms. DELAURO, Mr. FOSSELLA, Mr. JOHNSON of Illinois, Mr. CONYERS, Mr. WALSH, Mr. MCNULTY, Mr. JENKINS, Mr. BOEHLERT, Mr. GREEN of Wisconsin, and Mr. SCHWARZ of Michigan.

H.R. 1153: Mr. GUTIERREZ and Ms. BEAN.

H.R. 1163: Mr. SHADEGG.

H.R. 1217: Mr. NADLER.

H.R. 1227: Mr. HOLDEN and Mr. LATOURETTE.

H.R. 1246: Mr. GEORGE MILLER of California.

H.R. 1312: Mr. LARSON of Connecticut.

H.R. 1355: Mr. HAYES.

H.R. 1401: Mr. LANTOS.

H.R. 1402: Mr. BACHUS, Mr. KELLER, Mr. KING of New York, Mr. KIRK, Mr. KOLBE, Mr. PLATTS, Mr. LEACH, Mr. SMITH of New Jersey, Mr. WALSH, and Mr. BONILLA.

H.R. 1409: Ms. KILPATRICK of Michigan and Mr. WEINER.

H.R. 1517: Ms. FOXX.

H.R. 1526: Ms. NORTON, Mr. SERRANO, and Mr. SALAZAR.

H.R. 1634: Mr. MCHUGH and Mr. BRADLEY of New Hampshire.

H.R. 1652: Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. SIMMONS, Ms. PELOSI, and Mr. GONZALEZ.

H.R. 1696: Mr. MARSHALL.

H.R. 1709: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, and Ms. PELOSI.

H.R. 1719: Mr. MOORE of Kansas.

H.R. 1748: Mr. CULBERSON.

H.R. 1749: Mr. MCCAUL of Texas and Ms. HERSETH.

H.R. 1789: Mr. OWENS.

H.R. 1790: Mr. HYDE and Mr. CALVERT.

H.R. 1898: Mr. CROWLEY.

H.R. 2047: Mr. JINDAL.

H.R. 2068: Mr. SOUDER, Mr. BOUCHER, Ms. PRYCE of Ohio, and Mr. UPTON.

H.R. 2108: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2177: Mr. CAPUANO.

H.R. 2207: Mr. MEEKS of New York.

H.R. 2238: Mr. MACK.

H.R. 2343: Mr. ROSS.

H.R. 2427: Mr. BOOZMAN.

H.R. 2471: Mr. OXLEY.

H.R. 2521: Mr. KUCINICH, Mr. MCHUGH, and Mr. CUMMINGS.

H.R. 2553: Ms. PELOSI and Mr. MILLER of North Carolina.

H.R. 2694: Mr. STUPAK.

H.R. 2746: Mr. HINCHEY, Mr. CROWLEY, and Mr. HINOJOSA.

H.R. 2835: Mr. OLVER.

H.R. 2869: Mr. ROSS and Mr. PASTOR.

H.R. 2872: Mr. GORDON, Ms. DELAURO, Mr. SESSIONS, Mr. TANNER, Mr. ALEXANDER, Mr. MEEKS of New York, and Mr. BISHOP of Georgia.

H.R. 2892: Ms. ESHOO, Mr. MCGOVERN, Mr. MILLER of North Carolina, and Mr. INSLEE.

H.R. 2945: Mr. CLYBURN.

H.R. 2947: Mr. SNYDER, Mr. GRAVES, Mr. NADLER, Ms. NORTON, Mr. AL GREEN of Texas, Mr. GRIJALVA, and Mr. BLUMENAUER.

H.R. 2963: Ms. HARRIS, Mr. SANDERS, and Mr. GUTIERREZ.

H.R. 3005: Mr. DELAY, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. BOSWELL, Mr. CANNON, Mr. CANTOR, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARNAHAN, Ms. CARSON, Mr. CASE, Mr. CHABOT, Mr. CONYERS, Mr. COSTELLO, Mr. COX, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DREIER, Mr. EHLERS, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. FORBES, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GILCHREST, Mr. GILLMOR, Mr. GORDON, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Ms. HARRIS, Mr. HOLT, Mr. HONDA, Mr. HUNTER, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. KAPTUR, Mr. KING of New York, Ms. LEE, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mr. McGovern, Mr. MCHUGH, Mr. MEEHAN, Mr. MELANCON, Mr. MICA, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. OXLEY, Mr. PALLONE, Mr. PETRI, Mr. PITTS, Mr. POMBO, Mr. POMEROY, Ms. PRYCE of Ohio, Mr. RANGEL, Mr. REGULA, Mr. REYNOLDS, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHWARZ of Michigan, Mr. SCOTT of Virginia, Mr. SHERMAN, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STUPAK, Mr. TANCREDO, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. THOMAS, Mr. UDALL of New Mexico, Ms. WATSON, Mr. WATT, Mr. WELLER, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. WU.

H.R. 3142: Mr. PAUL.

H.R. 3143: Mr. LEWIS of Kentucky.

H.R. 3161: Mr. LARSON of Connecticut.

H.R. 3171: Mr. MILLER of North Carolina, Mr. TIERNEY, Mr. DOGGETT, Mr. CLEAVER, Mr. BAIRD, and Mr. ALLEN.

H.R. 3173: Mr. WAXMAN, Mr. HINCHEY, and Mr. CUMMINGS.

H.R. 3187: Mr. HINOJOSA and Mr. INSLEE.

H.R. 3205: Mr. BURGESS, Mr. NORWOOD, Mr. WALDEN of Oregon, Mr. UPTON, and Mrs. BONO.

H.R. 3253: Mr. PRICE of North Carolina and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3255: Mr. MCINTYRE and Mr. SPRATT.

H.R. 3260: Ms. MCKINNEY, MR. KUCINICH, Mr. DEFAZIO, Mr. WYNN, Ms. SCHAKOWSKY, Mr. SANDERS, Ms. MCCOLLUM of Minnesota, Mr. STARK, and Mr. VISCLOSKY.

H.R. 3268: Mr. DUNCAN.

H.R. 3302: Ms. SCHAKOWSKY.

H.R. 3322: Mr. STARK.

H.R. 3326: Ms. MCCOLLUM of Minnesota, Ms. HARMAN, Mr. BISHOP of New York, Mr. SABO, and Mr. SIMMONS.

H.R. 3337: Mr. WELDON of Pennsylvania and Mr. GRIJALVA.

H.R. 3352: Mr. UDALL of Colorado.

H.R. 3361: Mr. MCNULTY.

H.R. 3373: Mr. GARRETT of New Jersey, Mr. VISCLOSKY, Mr. SWEENEY, and Ms. BERKLEY.

H.R. 3385: Mr. JINDAL.

H.R. 3401: Mr. GOODE.

H. Con. Res. 172: Mr. HOLDEN.

H. Con. Res. 195: Mr. CARNAHAN.

H. Con. Res. 206: Ms. CARSON, Mr. SNYDER, Ms. BALDWIN, Mr. BERRY, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. PAUL, Mr. RUPPERSBERGER, Mr. SABO, Mr. CLAY, Mrs. EMERSON, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. LAHOOD, Mrs. LOWEY, Ms. MATSUI, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEKS of New York, and Mr. VAN HOLLEN.

H. Res. 31: Mr. ISSA.

H. Res. 61: Ms. ROYBAL-ALLARD, Ms. KILPATRICK of Michigan, and Ms. NORTON.

H. Res. 299: Mr. RAHALL.

H. Res. 317: Ms. MOORE of Wisconsin.

H. Res. 329: Mr. SABO.

H. Res. 357: Ms. HART, Mr. UPTON, and Mr. KIRK.

H. Res. 360: Mr. CALVERT.

H. Res. 363: Mr. DELAHUNT, Ms. KILPATRICK of Michigan, Mr. MCNULTY, Mr. OLVER, Mr. ACKERMAN, Mr. VISCLOSKY, Mr. NADLER, Mr. FARR, Mr. UDALL of Colorado, Mr. THOMPSON of California, and Mr. NEAL of Massachusetts.

H. Res. 368: Ms. JACKSON-LEE of Texas, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. ENGEL, Mr. CROWLEY, Mr. ROTHMAN, Mrs. MALONEY, Mr. MCNULTY, Mr. HOLDEN, Mr. BISHOP of Georgia, Ms. MATSUI, Mr. NADLER, Mr. WEXLER, Mr. SHERMAN, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. LANTOS, Mr. SAXTON, Mr. GREEN of Wisconsin, Ms. WASSERMAN SCHULTZ, Mr. KING of Iowa, Mr. AKIN, Mr. PENCE, Ms. LINDA T. SÁNCHEZ of California, Mr. ETHERIDGE, Mr. AL GREEN of Texas, Mr. BACA, Mr. FOLEY, Mr. GRAVES, Mr. ACKERMAN, Mr. FEENEY, Mr. SULLIVAN, Ms. BERKLEY, Mr. HENSARLING, Mr. BROWN of South Carolina, Ms. HARRIS, Mr. JOHNSON of Illinois, and Mrs. TAUSCHER.

H. Res. 371: Mr. SAM JOHNSON of Texas.

H. Res. 375: Ms. WATERS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. Marshall on House Resolution 270: James L. Oberstar.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, FRIDAY, JULY 22, 2005 No. 101

Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Percell Church, Jr., of the Zion United Methodist Church in North Las Vegas, NV.

PRAYER

The guest Chaplain offered the following prayer:

May we bow with humility in prayer.

Eternal and Everlasting God, we approach You today with reverence, sincerity, and hope, knowing that You are our source and strength in this world. Your sovereign hand continues to create opportunity while the almighty wind of Your spirit propels us into our destiny. It is You who has made us in Your image and for Your pleasure, and for that alone we are grateful and thankful.

We acknowledge and center ourselves in this time of prayer that though we are living in the heat of calamity, You are the calm that cools, cares, and constructs a divine citadel. It is through the sagacity of Your spirit we are ushered into a place where we experience the forgiving nature of a true and loving Lord. And yet, with intentionality and precision, You cause those things which have made us stumble to somehow sustain, support, and strengthen our faith in You.

Lord God, we ask a special blessing for our Senators. You have ordained this group of ''servants of the people'' to lead our Nation and bless our world. As they live out the course of their tenure, please continue to bless their families and respectful constituencies.

It is in Your Name, power, and glory we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Madam President, this morning, we will resume debate on the Defense authorization bill. Chairman WARNER is here, and Senator LEVIN just walked into the Chamber. He is here as well. They will be here to manage the bill this morning. Senators are expected to come over and offer several amendments. Although no roll-calls will occur today, the managers will be able to accept amendments which have been cleared on both sides of the aisle.

We will file a cloture motion today, which will be ready for a vote on Tuesday. This will allow us to finish the bill next week. If we invoke cloture, Senators will still be able to offer their amendments, and we would still be ensured we could proceed to passage sometime before the August recess.

As the majority leader has repeated, we have a number of items to consider over these last days prior to our departure for the month of August. I will say more on next week's schedule at closing, but Senators should be ready for a long week next week. I do not believe anyone should be preparing for any early departures, and that includes next Friday.

I remind our colleagues we will be voting Monday evening. We have not yet set any votes at that time. However, we do expect a vote or votes to occur on Monday.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

WELCOMING OUR GUEST CHAPLAIN

Mr. REID. Madam President, it is a pleasure for me to be here this morning to recognize Dr. Percell Church. As has been indicated by the Chair, he is the leader of the Zion United Methodist Church in Las Vegas.

When he came to Las Vegas a short time ago, in relative terms, he had some very big shoes to fill. The Zion United Methodist Church had been operated, pastored, by one of Nevada's very famous residents, Marion Bennett, who had served with great distinction

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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in the Nevada State legislature and led this very large church.

So when Dr. Church came to run the church, we were all anticipating the tremendously large shoes he had to fill. And it is easy for me to say that he has done it with distinction, honor, and class.

Dr. Church is a native of New Orleans, LA, where he earned a bachelor of science degree from Southern University. He later earned his master of divinity from Gammon Theological Seminary in Atlanta, GA, and received his doctor of ministry from Oxford University.

Serving in the ministry for more than 20 years, this young man, Dr. Church, has been a guest speaker at countless churches around the world. He has ministered in India, Nigeria, the Bahamas.

He is leading the revival and growth of the Zion United Methodist Church. He hosts a daycare center servicing working parents in the Las Vegas area. He has established a remarkable youth ministry, the purpose of which is to get young adults involved in the church and the community. That has been successful.

He is also a loving husband to his wife Angela, and a loving father to his three sons, Daniel, Ephraim, and Immanuel. They are with us today.

I commend Dr. Church for his leadership and wish him well in his ministry and his continued service to humanity. What a great addition to the State of Nevada has been Dr. Percell Church. I am proud to be able to say he is my friend, and I look forward to his continued spiritual guidance to the people of Zion United Methodist Church and the people of the State of Nevada.

DEFENSE AUTHORIZATION

Mr. REID. Madam President, changing direction here a little bit, I say to Dr. Church, and others, I want to take up where we left off last night. I have thought about what status we are in here today. It is so disheartening to me. We took up this bill, this very important Defense authorization bill, Wednesday, very late in the day. Statements were given by the two managers.

We came to do our work yesterday, and we worked hard, and we were suddenly struck with the suggestion—we thought it was just some of the rumors that happen around here in the Senate that could not be valid. I called the majority leader: You are not going to file cloture on the Defense authorization bill after 1 day of debate, are you? And he said: Yes. I said: Well, Bill, I am going to go to the floor and complain about that because that is wrong.

Now, let me say, Madam President, on this issue I do not agree with a number of my Senators, but the thing he wants to take up next is an NRA bill, a bill dealing with gun liability. Fine. But at the expense of the defense of this country? What are we coming to around here? What are we coming to here? After 1 day of debate we are getting off to do gun liability? We can do that in September when we come back here, or finish this bill.

I want the American public to know what is happening. My dear friend, the senior Senator from Virginia, got up yesterday and, in his gentlemanly way, said: Well, it is my fault. It is not his fault. Let's be realistic about it. He does not determine when cloture motions are filed. It is done by the Republican leadership in this Senate. To think we are moving off of this bill after 1 full day of debate, and cloture is filed, should be an embarrassment to this leadership that is leading this Senate.

I attended a funeral on the Saturday I came back here a couple weeks ago in Boulder City, NV. A 21-year-old man was killed in service to our country. He was a Navy SEAL named Shane Patton. The SEALs are a very small, elite group. His commander there at that funeral cried because he had lost one of his men. I think we owe more to Shane and his family—his father was also a frogman, as they are called, Jim Patton.

The distinguished ranking member will today go over how much time we have spent on these Defense bills in years past. I guarantee you, it has been more than 1 day of full debate. People are going to say: Well, we are here on Friday.

We don't dispose of anything here today. We will offer some amendments. We will have no votes. We will vote late Monday, a few hours before cloture will be voted on.

Madam President, I don't know if I can deliver, but I am going to try. I am going to try to deliver my Democratic Senators to oppose cloture. See, I have been around here a little bit. I understand the games that are being played. The Republican leader wants to blame us for not having the Defense bill go forward. Well, I want the record to be spread, it is not us. It is them. I am going to do everything within my power to stop cloture from being invoked on this bill. We deserve better than this. Shane Patton deserves more than this. In his memory, we deserve more than 1 day of debate—a 21-year-old man, dead.

We have had one recorded vote on this bill. We could have had more, but we had to stop voting yesterday early. We have offered four amendments on this side. If cloture is invoked, Members of this body will be denied the opportunity to debate and vote on major issues.

What kind of major issues? Well, such as ensuring that our troops, active and retired, get the pay and benefits they have earned. No time to debate our course in Iraq. I don't know if I am being a little too political here, but let's think about this a little bit. We are spending about $2 billion a week in Iraq—$2 billion a week in Iraq. I wonder, as to just that alone, should we spend more than 1 day here in the Senate on this bill? Two billion dollars a week.

I wonder if there should be a little debate here on a Defense authorization bill about what is going on in Iraq.

What about the fact that we need to spend a little time talking about the spread of weapons of mass destruction? A report was issued on Tuesday, led by former Defense Secretary Perry, that we have a lot of loose nukes, that the real problem we have in this country, as far as our security goes, is what to do about these loose nukes. I think that deserves a little bit of time. Should we spend a little bit of time addressing the detainee abuse scandal? I think that would be a good idea. We can't do this unless we have time to debate issues and have some votes. The Defense authorization bill in years past hasn't taken days; it has taken weeks to complete. No one is trying to slow up things. I support gun manufacturers liability legislation. JACK REED who doesn't like it, but I have kept him advised every step of the way. I support that legislation, but not at the expense of Shane Patton.

If cloture is not invoked, does that mean the leader, who has the right to pull this bill off the floor, will pull it off and go to gun liability and forget the promise he made to the Hawaiian Senators, a promise that he made that we would do native Hawaiian legislation?

The move that is taking place in the Senate regarding the defense of our country is unprecedented. The Armed Services Committee keeps records back to 1987. These records are thorough and highly accurate. During that period, approximately the last 18 years, no majority leader has filed cloture on the Defense authorization bill after so little time and so little action. Doing so now during a time of war, when more than 200,000 of our troops are in harm's way looking for our support, would be as disturbing as it is unprecedented.

As it stands now, if the majority leader proceeds with this motion, it is entirely possible that the Senate will vote to cut off debate on this legislation before we will have a single vote on a Democratic amendment—a single vote. Let me repeat, it is possible we will have voted to cut off debate before we have voted on a single Democratic amendment. We can go back before 1987. I can't believe anything like that has ever happened.

If this cloture motion is successful, those who support it are sending one message—they do not believe the Senate should debate the important national security issues that are very much on the minds of our troops, their families, and the American people. At the same time, the majority leader has apparently concluded we should cut off debate on this critical legislation after less than 3 days, only one of which is a real day—around here we don't do anything on Fridays and Mondays. We travel. We go around raising money. We don't have votes. We are down to a

2½-day workweek here. But we could spend more than a month, more than 30 days on five judges, every one of which had a job. A third of our time in the Senate has been spent on five people, all of whom had jobs.

The majority leader's decision raises an important question. Why would we prematurely cut off debate on critical national security legislation? Why would we want to prevent the Senate from doing everything we can to help our men and women in uniform? The Senator from Michigan and the Senator from Virginia are role models for how to work together on legislation. He has some ideas that he wants to try to improve this bill. There are other Members who have amendments that are waiting. The Senator from Massachusetts has some ideas on how he wants to try to improve this legislation. But unfortunately, the answer to these questions is very familiar. Rather than address the concerns on the minds of the American people, our Republican colleagues are once again insisting the Senate focus its time on less important business. Earlier this year, we put judges ahead of health care, retirement security, education. Now they are apparently willing to put gun liability—and I have heard now estate tax—ahead of the needs of our troops.

Frankly, this action is not in keeping with the spirit in which this bill came to the Senate floor. To this point the process has been completely bipartisan. I should say nonpartisan. As I have already said, the chairman and ranking member, as well as the other Republicans and Democrats on the Armed Services Committee, worked together to see that our security needs were addressed. Republicans and Democrats even on the committee, after reporting the bill out, said: We have a few things we would like to a try to address to the whole Senate to see if we can make the whole bill better.

The chairman welcomed input from Members on both sides of the aisle, as did the ranking member. He made no attempt to prevent Members from addressing critical issues or cut off debate, and he should be lauded for the course he chose. The majority leader should follow his example.

We want to pass this bill. We want to pass it before we go home for the August recess. That is why, for the past 2 months, I have been on this floor urging us to move to this bill. But, no, we couldn't because we were tied up with judges, the nuclear option. We were happy when he finally brought it to the floor 2 days ago. But little did we know it was apparently just an effort to get another thing off the shelf. We are here, ready to debate the numerous important issues raised by the legislation. We won't be able to do that.

I hope the Republican leadership will reconsider this action. Let us get back to work on this important bill. I repeat: We are going to oppose cloture, and that is the only thing we can do, in my mind, to make sure that Shane Patton and the other approximately 2,000 men and women who have been killed in Iraq and the scores who have been killed in Afghanistan will have at least the attention of the Senate for a few days.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I listened carefully to my good friend from Nevada, the Democratic leader. I don't want to unduly prolong the discussion because Chairman WARNER and Ranking Member LEVIN are here to do business on the bill. The more the Democratic leader and myself talk, the less able they are to offer amendments and move forward with the bill.

I would say this, however. I don't know that it is written on some tablet somewhere that we need to spend multiple weeks on a DOD authorization bill, particularly in a time of war. We turned to this bill last Wednesday night. That is Wednesday night, Thursday, Friday, Monday, and Tuesday before the cloture vote would ripen. During all of that time, Senators could offer nongermane amendments. And then if cloture is invoked, there are 30 additional hours for amendments to be offered that are germane to the Defense bill. I don't think there is any particular reason why the Senate ought not to, particularly in a time of war, do this bill in a more expeditious manner and allow us to also complete other matters before the Senate, one of which the Democratic leader just pointed out he is in favor of, before we leave next week. We are open for business this morning. Chairman WARNER and Senator LEVIN are here. Others are here who want to offer amendments. We encourage that. That is why we are in session today.

My suggestion to all of us is that we move forward with the business that is before the Senate this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. Madam President, I don't need to get the last word, but I have to get make sure the facts are spread across this Senate. Let's not be misled. Wednesday, opening statements; Thursday, one amendment voted on; Friday, nothing voted on; Monday, nothing voted on. I guess we will vote Monday night sometime. Tuesday, please help me on that, we ought to vote this Tuesday morning. And then to talk about 30 hours afterwards, that is one of the biggest farces we have around here. If you are lucky, you can have a vote or two during the 30 hours, but remember, there is no necessity to have a vote on anything. It is all up to the majority what they let us vote on.

In a time of war, does that mean we speed through this? I would think that we should take an inordinate amount of time, lots of time, when we are in a state of war. And we are in a state of war. Just ask the people of Great Britain.

I am glad we are here to do business today. The managers are here. Senator KENNEDY is here to offer an amendment. But especially in a time of war, let's at least do the average amount of debate on this bill.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I don't want to prolong it any further because we are taking up time for the offering of amendments which we encourage. We are anxious to have amendments. We are willing to have votes. We are not trying to deny anybody the opportunity to offer their amendment or to have votes. That is why the chairman and ranking member are here today. I see Senator WARNER is ready to do business.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Frist amendment No. 1342, to support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America.

Inhofe amendment No. 1311, to protect the economic and energy security of the United States.

Inhofe/Collins amendment No. 1312, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission.

Inhofe/Kyl amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross.

Lautenberg amendment No. 1351, to stop corporations from financing terrorism.

Ensign amendment No. 1374, to require a report on the use of riot control agents.

Ensign amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council.

Collins amendment No. 1377 (to Amendment No. 1351), to ensure that certain persons do not evade or avoid the prohibition imposed under the International Emergency Economic Powers Act.

Durbin amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events.

Hutchison/Nelson (FL) amendment No. 1357, to express the sense of the Senate with regard to manned space flight.

Thune amendment No. 1389, to postpone the 2005 round of defense base closure and realignment.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I was present last night. We had a colloquy among ourselves not unlike what took place today. The Republican leader, Senator FRIST, entrusted me with the management of this bill. It was my decision with regard to the votes. It was my decision that we file a cloture motion. I accept full responsibility for those decisions. I am proud of the way we operate on this side, where our leadership reposes in their managers those responsibilities; I accept them. If, in due course, it proves to be in error, I accept that responsibility. But I do believe, based on some 27 years of experience managing this bill, that we can achieve the opportunity for all Senators to have their amendments heard and voted upon in a timely manner.

The matter of cloture, as it ripens on Tuesday, can be addressed by the leadership, in consultation with the managers, and a determination made as to whether it should or should not be invoked. I think that decision, in large measure, would be dependent on what we can achieve between now and Tuesday.

I look upon this in a very positive way. I have confidence in this institution, confidence in the managers of this bill to see that it is done in a fair and proper manner and done in the best interests certainly of the men and women of the Armed Forces.

I yield the floor.

Mr. LEVIN. I wonder if the Senator will yield. For about 1 minute, I will go back to the history, and I will not go through it all. Last year, we spent 7 days on this bill. The 1st filing of cloture was on the 11th day of debate, after considering 42 amendments. The 2nd filing of cloture was on the 15th day of debate. I think it is totally inappropriate to file cloture today.

I have no better friend in this body than the Senator from Virginia. I was glad to hear what he basically just said, which is that he is going to take a close look at where we are before this vote takes place. He has always been openminded. I hope he will reconsider this cloture motion. We are going to make progress today, even though there are no votes.

It is difficult for Senators. Senator KENNEDY is going to be offering a very important amendment in a few moments, but the vote on that is not going to take place until probably after the cloture because we have so many amendments that are stacked up here. He deserves better and, more importantly, the subject matter of the amendment deserves better than to be debated on a Friday and then laid aside and not voted on until many days later. Traditionally, we try to vote on amendments after they are debated—shortly after, not days and days after they are debated.

We are going to accommodate the demands of the schedule by trying to offer a lot of amendments today and on Monday in order to see if we can show enough progress here so that the motion for cloture will be vitiated. That is our hope. I hope the Senator from Virginia will do what he always does so magnificently, which is maintain an open mind, keep options open, and see what kind of progress can be made to avoid a divisive vote. It is inappropriate to have a cloture vote this soon after the debate begins.

I yield the floor.

Mr. WARNER. Mr. President, just to finish, I have a practice of not bringing up personal situations, and I am still going to refrain. If continued to be pushed on this issue, I will recount several things that occurred yesterday where I tried to accommodate interests on that side of the aisle, and when it is said that not a Democratic vote was taken, I know of one vote where I pleaded that it be made, found the time, but the sponsors decided—and it was a joint amendment with a Republican and a Democrat—not to do that.

I am not going to get involved in personal situations, but there is a limit to the patience of the Senator from Virginia. On this matter by Mr. KENNEDY, I respect my good friend. Our friendship goes back as long as any two Members in this Chamber. This amendment is an important amendment, there is no question about it. But I ask the Senator from Michigan, was not the same amendment voted on by the Senate 3 weeks ago?

Mr. LEVIN. We will have to wait and see the precise nature of the amendment.

Mr. WARNER. It is very similar, if not identical.

Mr. LEVIN. I commend my friend from Virginia for his temperament, his ability to withhold any suggestion of personal comment. He is to be commended. He is literally a role model for that. The Senator from Virginia is correct. He showed great care for the Members of this body yesterday, gave great consideration to the Members, and I commend him for that.

Mr. WARNER. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

AMENDMENT NO. 1415

Mr. KENNEDY. Madam President, I join the ranking member of the Armed Services Committee, Senator LEVIN, in paying tribute to the Armed Services Committee. I have been lucky enough to be on that committee now for 24 years. I must say that all of us have the highest regard and respect for the Senator from Virginia, the chairman of the committee. There has never been a time that he has not been courteous and diligent and thoughtful and considerate for those who have differing views that come up before the committee.

I understand the remarks by the Senator from Michigan and also our leader, Senator REID; and although our friend takes the responsibility, we have been around here long enough to know that the overall schedule and timetable is made by the majority leader, with all due respect. He has the responsibility, obviously, for the Senate and the Senate agenda.

The part which is of concern is this, and I will mention this briefly. When we have cloture, we find out that many amendments that are related and are enormously important in terms of the subject matter, which is the Defense authorization bill, are effectively eliminated.

I took a quick look at some of the amendments that have been filed to date. We have a Stabenow amendment to fully fund health care for veterans. Nobody could watch the news last night and not understand the challenge our veterans are having in getting coverage and being treated well. That is true in my State, and the Nation was alerted again. We have had some debate on that issue. It is an issue of enormous importance. We make a commitment to those young men and women who volunteer and fight in our wars that they are going to have their needs attended to when they come back. They are not being attended to.

The Senator from Michigan, Ms. STABENOW, has an amendment that probably would not be eligible after cloture. It is on pay equity for reservists who are being deployed. We have so many being deployed over in Iraq, and it is an important amendment to make sure they are to be compensated. It is very important in terms of morale and, most of all, in terms of fairness for the reservists.

Then there is reform of the Pentagon procurement, with all of the kinds of challenges we have seen on the purchasing of the humvee. We reviewed that last night once again. An article that was written in the New York Times and the purchase conflict between the services, the lack of priority that was given really as a result of a failure of our procurement policies, we can do something about that, but we are not going to do something about it if we have cloture. Then there is the limitation of profits on defense contractors. We don't have to take a lot of time on that issue, but I think the American taxpayer, when they see hundreds of millions in windfall profits going to so many defense contractors, would have to say that spending a few moments on that to make sure, for example, the allegations that our troops are going to get the food they deserve and need on time and not be given second-level food is something that ought to be debated.

My amendment with Senator FEINSTEIN and Senator KERRY on bunker busters relates to the whole issue of nuclear proliferation and stability. We probably would not be eligible to bring that up. There have been important issues on funding for the cooperative threat reduction, which is so important in terms of the nuclear proliferation, with the very important and impressive study released this last week.

Those give you a little bit of a flavor, and they are related to national security and defense. We are told we don't have time for that. I have been here when we spent 2 full weeks debating bankruptcy and for the credit card companies. The result of the bankruptcy bill we passed here means the profits for the credit card companies are going up $5.6 billion this next year. We spent 2 weeks on that issue that will benefit special interests. We spent more than a week on class action, which will benefit very special interests. We spent more than a week on highways. If you can spend more than a week on highways and you can look after the credit card companies and you can look after the major financial interests in class action, surely we can debate these issues that are related to the security and well-being of the troops of this country.

That is the point. I believe it is irrefutable myself. We were told last night, well, we had heard that Senator LEVIN, Senator REID, and others might propose a commission to look into the whole question of the torture policies that have taken place at Abu Ghraib. We had 12 different studies done by the Armed Services Committee, and we still don't have anybody in the civilian areas that has been held accountable, even though they were the architects of the torture policy. This has given us a black eye all over the world. It has been an incentive, and it is inflaming al-Qaida. It has been a recruiting tool used in order to gather more recruits for al-Qaida.

It had been suggested that we have an independent commission review that. And then guess what happened. Within a matter of hours, the White House says, If that amendment is accepted, I will veto the bill that is developing with Defense authorization. Imagine that. The President will veto the bill if that amendment is accepted. He will veto the bill that provides the resources for our fighting men and women if we are going to have an independent kind of review about how we got into all of this trouble in terms of torture and inflaming al-Qaida because of those activities. They are going to veto the bill. Therefore, we are going to have cloture.

We don't have to be around here for a number of years to understand what is happening. That is just plain wrong, Mr. President. It is just plain wrong. It is not the way this body ought to be doing business. These issues are too important. People are ready to debate them.

We had the amendment that I have here, which is very similar to the amendment Senator FEINSTEIN and I offered earlier on another appropriations bill. It is a matter of enormous importance in terms of the issue of nuclear proliferation.

There is an excellent study this last week about the worst weapons in the worst hands. The National Security Advisory Group is chaired by Willian Perry, former Secretary of Defense, and is made up of an extraordinary group of men and women who have spent their lives in terms of national security and defense and talking about the dangers of increased nuclear weapons. Well, we have now in this bill the design for new nuclear weapons. They will say: No, we don't, it is only $4.5 million. Look at the Department of Energy's congressional budget, right here on page 63, where cumulatively they are planning to spend a half billion dollars on it. New nuclear weapon? We are looking at a new nuclear weapon in the Defense authorization bill.

Look at the front page here of the New York Times, right up on the top: ''New York Starts to Inspect Bags on the Subways.'' What is the greatest threat to our homeland security, a new nuclear weapon or—here it is—''New York Starts to Inspect Bags on the Subways.'' The second story: Bombs set in London at four sites, failed to explode, no one hurt. And we are going out and building another nuclear weapon.

We welcome the opportunity to address the Senate now on Friday, but this is a matter of enormous importance and consequence. We are told these issues are not as important as freeing the gun industry from liability, a special interest. So we have an NRA check. I know where the votes are on that. We are going to get another special interest check. We have a special interest check for credit cards, a special interest check because of class actions, and we are going to get another one now from the NRA.

We are not going to have the chance for these Senators to be able to debate pay equity for the reserves? Health care for veterans? No. We don't have the time. What is more important to us? I have plans at the end of next week along with everybody else, but what is more important than continuing and finishing this legislation? That is what we are supposed to do as Senators.

Mr. President, when you look over where we spend the time and how we have spent the time, surely these issues that are of such fundamental importance to our national security and to the security of the American people deserve the kind of time our leader and Senator LEVIN have suggested.

For the past 60 years, one of the principal tenets of the American national security policy has been to limit the number of nuclear weapons in the world and to limit the number of countries that possess them.

In 1962, President Kennedy warned that if action weren't taken at that time, there would be 20 nuclear weapon nations by the end of the 1970s. That is what he said in 1962. Because of initiatives he and successive Presidents—Republican and Democrat—took to prevent that, today there are only eight nuclear armed states.

Through careful negotiations, we arrived at the Nuclear Non-Proliferation Treaty, the foundation of all current global nuclear arms control. The nonproliferation treaty, signed in 1968, has long stood for the fundamental principle that the world will be safer if nuclear proliferation doesn't extend to other countries.

I send to the desk an amendment on behalf of myself, the Senator from California, Mrs. FEINSTEIN, and my colleague and friend, the Senator from Massachusetts, Mr. KERRY.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, and Mr. BINGAMAN, proposes an amendment numbered 1415.

Mr. KENNEDY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To transfer funds authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities and available for the Robust Nuclear Earth Penetrator to the Army National Guard, Washington, District of Columbia, chapter)

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. TRANSFER OF FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR TO THE ARMY NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.

(a) REDUCTION IN FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR.—The amount authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities by section 3101(a)(1) is hereby reduced by $4,000,000, which reduction shall be allocated to amounts available for the Robust Nuclear Earth Penetrator.

(b) INCREASE IN FUNDS AVAILABLE TO ARMY NATIONAL GUARD, WASHINGTON, DISTRICT OF COLUMBIA, CHAPTER.—The amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is hereby increased by $4,000,000, with the amount of such increase to be available for the Army National Guard of the District of Columbia, as follows:

(1) $2,500,000 shall be made available for urban terrorist attack response training.

(2) $1,500,000 shall be made available for the procurement of communications equipment.

Mr. KENNEDY. Madam President, in that compact of the Nuclear Non-Proliferation Treaty, the foundation of all global nuclear arms control, 184 nations have voluntarily rejected nuclear weapons. These include 40 states, such as Japan, Germany, Sweden, and Singapore, that have the technical infrastructure to build nuclear arsenals if they chose to do so.

In addition, Ukraine, Kazakhstan, Belarus, South Africa, Argentina, Brazil, Taiwan, South Korea, and others have turned away from nuclear weapons because of the NPT and our leadership.

America led the way to a safer world by example. By adhering to these carefully crafted agreements, we were able to discourage the spread of dangerous nuclear weapons that would threaten our security.

However, the Bush administration has abandoned that course. Not only has this White House expressed disdain for decades of nuclear arms control, but it now threatens to launch a new nuclear arms race. As we are discouraging North Korea and Iran from producing nuclear arms—and as we are trying to keep nuclear weapons out of the hands of terrorists—the Bush administration recklessly proposes for the United States to produce a new breed of nuclear weapon. President Bush and Secretary Rumsfeld want to develop a new tactical nuclear weapon that can burrow deep into the earth and destroy bunkers and weapon caches. The new weapon they propose has the chilling title of robust nuclear earth penetrator. They hold the dangerous and misguided belief that our Nation's interests are served by developing what they consider a more easily usable nuclear bomb—more easily usable nuclear bomb. That is just what we need more of today.

Most Americans believe that is wrong. Therefore, the amendment that Senator FEINSTEIN and I offer today will halt this dangerous new policy and redirect the $4 million in funds from the robust nuclear earth penetrator research program to the National Guard for the more urgent task of preventing another terrorist attack on our Nation's capital.

This action is especially warranted in light of the bombings in the London subway. Instead of developing new nukes, we should address the real-world challenges of terrorism that we face right here, right now.

In the end, the administration would like us to buy something we don't need, that endangers us by its mere existence, and that makes our important diplomatic goals much more difficult to achieve.

Our challenge in addressing nuclear nonproliferation issues is not that there are too few nuclear weapons in the world, but that there are too many; not that they are too difficult to use but too easy.

North Korea has recently acquired nuclear weapons and does not hesitate to rattle them. Iran is widely thought to be moving forward on the development of nuclear weapons capability. The increased availability of nuclear technology to other nations is an ominous development, especially when it is difficult to accept at face value their statements that the technology is intended only for peaceful purposes.

What moral authority do we have to ask other nations to give up their desire for nuclear weapons of their own when we are developing a new generation of such weapons of our own? How can we tell other nations not to sell their nuclear technology to others when we are exporting our own technology?

For the past 2 years, Congress has raised major doubts about the bunker-buster program and significantly cut back on its funding. But the administration still presses forward for their development. For fiscal year 2004, they requested $15 million for it, and Congress reluctantly provided half that amount. For 2005, they requested another $27 million and submitted a 5-year request for nearly $500 million, and Congress denied their request.

This year, nothing has changed. The fiscal year 2006 budget request from the President includes $4 million for the Department of Energy to study the bunker buster, and $4.5 million for the Department of Defense for the same purpose. Thankfully, our colleagues in the House were wiser and eliminated the funds.

The administration obviously is still committed to this reckless approach. Secretary Rumsfeld made his position clear in January, when he wrote to Energy Secretary Spencer Abraham:

> I think we should request funds in 06 and 07 to complete the study . . . You can count on my support for your efforts to revitalize the nuclear weapons infrastructure and to complete the RNEP study.

The fiscal year 2006 budget requests funds only to complete the feasibility study for these nuclear weapons, but we already know what the next step is. In the budget sent to us last year, the administration stated in plain language that they intend to develop it. Ambassador Linton Brooks, the head of the National Nuclear Security Administration, claims the future budget projection was merely a placeholder ''in the event the President decides to proceed with the development and Congress approves.'' But their fiscal year 2005 budget clearly shows the administration's unmistakable intention to develop and ultimately produce this weapon.

They would like us to believe this is a clean, surgical nuclear weapon. They say it will burrow into underground targets, destroy them with no adverse consequence for the environment. But science says such claims are false.

A National Academy of Sciences April 2005 study confirms exactly what most of us thought: that these nuclear weapons, like other nuclear bombs, result in catastrophic nuclear fallout. They can poison tens of millions of people and create radioactive lands for many years to come.

The study goes on to say:

> Current experience and empirical predictions indicate that the earth-penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. To be fully contained, a 300 kiloton weapon would have to be detonated at the bottom of a carefully stemmed emplacement hole about 800 meters deep. Because the practical penetrating depth of an earth penetrating weapon is only a few meters—a small fraction of the depth for the full containment—there will be blast, thermal, initial nuclear radiation, and fallout effects—

From the use of the weapon.

Even if we were willing to accept the catastrophic damage a nuclear explosion would cause, the bunker buster would still not be able to destroy all the buried bunkers the intelligence community has identified.

This chart, based on the data from the National Academy of Sciences, depicts the simulated maximum effect of a 1-megaton earth-penetrating weapon. This massively destructive weapon cannot reach more than 400 meters. All an adversary has to do is bury its bunker below that depth.

Bunker busters also require pinpoint accuracy to hit deeply buried bunkers. But such accuracy requires precise intelligence about the location of the target. As the study emphasized, an attack by a nuclear weapon can be effective in destroying weapons or weapons materials, including nuclear materials and chemical or biological agents, but only if it is detonated in the actual chamber where the weapons or materials are located. Even more disturbing, if the bomb is only slightly off target, the detonation may cause the spread of deadly chemical and germs, in addition to the radioactive fallout.

If it were clear that this weapon were needed to protect our troops, then Congress would probably support it. But that is not the case. At the House Armed Services Committee hearing in March, program chief Linton Brooks once again was asked if there was a military requirement for the bunker buster, and he categorically said:

> No, there is not.

This chart shows how important it is that the bunker buster be precise, in terms of targeting, or otherwise it is not going to destroy the target, and the dangers of chemical and nuclear material proliferation are dramatic.

Our military has no need for a nuclear bunker buster. Existing conventional weapons have the ability to neutralize this threat. These charts from the National Academy of Sciences show the types of deeply buried, hardened bunkers the nuclear bunker buster is intended to destroy. All bunkers must have air intakes, energy sources, and entrances. If we can destroy them by conventional means, we have accomplished our purpose.

The administration's effort to build a new class of nuclear weapon is only further evidence of their reckless nuclear policy.

We have studied this issue long enough. It is ridiculous for the administration to try to keep this program going, and it could be suicidal for the Nation and for our troops. While the administration studies a weapon that will never work and may never be used, it has taken its eye off the true danger: terrorists with weapons of mass destruction here at home in our subways and our train stations.

Protecting our Nation should be the administration's No. 1 priority and, sadly, they have not learned that lesson from 9/11. The alarm bell that went

off on September 11, 2001, is still ringing loudly. It rang in London earlier this month and again yesterday. It rang in Madrid last year. And it has been ringing in Turkey, Indonesia, Morocco, Kenya, and elsewhere around the world in the nearly 4 years since the tragedy of 9/11.

In our Nation's Capital, the alarm bell continues to sound, but the administration has been inexcusably slow in heeding its warning.

Our amendment will better protect our Nation's Capital from a terrorist attack. It provides urgently needed funds to the Washington, DC, National Guard to make up for the shortfalls they face in equipment and training.

U.S. officials plainly state that al-Qaida and other terrorist groups are determined to strike the United States again. And we all know that our Nation's Capital is a prime target.

On July 10, Homeland Security Secretary Michael Chertoff said that ''the desire and the capability'' are there for another terrorist attack in America.

The former Deputy Secretary of Homeland Security, ADM James Loy, told the Senate Intelligence Committee on February 16:

> We believe that attacking the homeland remains at the top of al-Qaida's operational priority list . . . We believe that their intent remains strong for attempting another major operation here.

He says:

> The probability of an attack is assessed to be high. . . .

FBI Director Robert Mueller told the Intelligence Committee on February 16:

> The threat posed by international terrorism, and in particular from al-Qaida and related groups, continues to be the gravest we face . . .

Despite these serious and terrifying threats, the DC National Guard, which provides an indispensable role in responding to terrorist attacks, has long received inadequate funding.

In a terrorist attack, the DC National Guard will be mobilized to assist in evacuation efforts, provide security at the attack site, and assist in mass casualty care. Mayor Williams and the city council realize the vulnerability to such attacks and the potentially catastrophic consequences if terrorists attack a train carrying hazardous material.

According to a RAND analysis on terrorism and railroad security, 40 percent of freight being carried from city to city across the country, including half of the Nation's hazardous material, is moved by rail. In 2003 alone, 11,000 railroad cars containing hazardous material passed through Washington, DC.

We believe the administration's position in supporting the development of a new nuclear weapon system is misguided. It is not based on sound science. And there is a recognition that they do not have their priorities straight. We have learned the lesson of this past week, that what we have to do is expand our attention in terms of the homeland security issue. That has to be our focus, and we learned that again this morning in London.

Why the administration insists that they think our national security is going to be enhanced and expanded by building a new system makes no sense at all.

A final point. There are those who will say this is just a study; we ought to be able to study; we ought to be able to study what progress can be developed in terms of the shape of our warheads and the building materials that are necessary to make it more effective; we live in a dangerous world. All of which is true, we ought to be able to have a study, but that is not what this is about.

As I have mentioned, the opposition, by and large, will say this is just a study. Then we will have to come back to Congress and get the approval.

See what the intention of this administration is. ''Department of Energy, 2005 Congressional Budget Request, National Nuclear Security Administration, Office of the Administrator, Weapons Activities.'' Open this to page 63. There it is.

They talk about what is going to be the request over the period of these next 5 years, and it is $484 million. That is not a study. That is the development of a weapons system. Those resources could be more effectively used providing security at home, working through homeland security, than developing a new weapons system which will make it more complicated and more difficult for the United States to be the leader in the world, which we have been under Republican and Democratic Presidents since 1962, in reducing the number of countries that have dangerous nuclear weapons. We should stay the course. That has been a wise judgment and decision by Republican and Democratic Presidents. We should not be about the business of developing new nuclear weapons, which is going to upset that whole movement and make this country less secure.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to pick up on my distinguished colleague's last point with regard to the projected budget cycle as it relates to this program. In fairness, the distinguished Senator from Massachusetts should point out that while that document outlines a proposal for a program, Congress carefully has enacted the checks and balances such that every step of the way that program has to be reviewed by the Congress, authorized, and appropriated. Those are the types of checks and balances that should be accorded a program of this significance.

I point out, and I read from the conference report on the National Defense Authorization Act for fiscal year 2004, the requirement for specific authorization of Congress for commencement of engineering development phase and subsequent phase of the robust nuclear earth penetrator, section 3117 of the law, the Senate amendment contained in provision 3135 that would require the Secretary of Energy to obtain specific authorization from Congress to commence development engineering phase of the nuclear weapons development process or any subsequent phase of a robust nuclear earth penetrator weapon.

So I assure my colleagues, I assure the American public, Congress is carefully monitoring each step of this proposed program.

My good friend from Massachusetts pointed out about the military requirements. The Chairman of the Joint Chiefs of Staff, in appearing before Congress, established the military requirement. Senators on the other side of this debate have argued there is no military requirement, as did my good friend and colleague from Massachusetts. Congress should not be funding, he has argued. This is a case of getting so involved in technology that we lose sight of the purpose behind the words.

I think it is extremely important that the record of this debate reflect the following: In an appearance before the House Armed Services Committee in February of this calendar year, the Chairman of the Joint Chiefs of Staff, General Myers, addressed the following question:

> Is there a military requirement for RNEP?

General Myers answered the question as follows:

> Our combatant commander that is charged by this nation to worry about countering the kind of targets, deeply buried targets, certainly thinks there's a need for this study. And General Cartwright has said such. I think that. I think the Joint Chiefs think that. And so, the study is just that. It's not a commitment to go forward with a system; it's just to see if it's feasible.

It is just to see whether the technology of the United States can take an existing warhead. There was some inference that we are increasing the stockpile. It is very important to recognize we are simply performing tests and evaluation on existing warheads to determine whether they can be reconfigured to achieve the mission of penetrating the earth to certain depths, depending on the consistency of the soil and the above earth, and render less effective, if not destroy, a potential situation beneath the earth, which definitely challenges the security of this Nation and the world. It is as simple as that.

So this whole debate is about whether a modest sum of money can be continued to be applied to a program to determine a feasibility study. Depending on the outcome, the Congress comes back in and then establishes whether the facts justify, as well as the threat situation, as well as the military needs, the next step of a program that would take some several years to evolve and produce a weapon.

General Myers continued:

> So we can argue over the definition of a ''military requirement'' and when a ''military requirement'' is established. We can

argue over when in the study of a concept—which is what we are talking about here—when should the requirement be established.

We can argue over definitions or we can listen to the Chairman of the Joint Chiefs and the Commander of Strategic Command, who advise the Congress that it is in the interest of the United States to complete the feasibility study.

Somewhat regrettably, over the past 24 hours we have had a lot of back and forth about time consumed on this, that and one of the other things. I tend to be very indulging in the fact that the Senate is an unusual body and there is the right to discuss whatever a Senator wishes. But just 3 weeks ago we had this exact amendment before this body, except for one change. Senator FEINSTEIN had put the funds which would be resulting from a cancellation towards the public debt, a laudable purpose. It has nothing to do with the military requirements, nothing to do with anything about the weapon. Senator KENNEDY made one small change: Let us take it from the public debt and give it to the DC National Guard.

Well, I can understand how the DC National Guard is brought into a clear focus in its responsibilities given the worldwide events of recent times. I am not unmindful of those situations. But if there is a need for funding for the D.C. National Guard, let it be brought forth independently. It should not be a predicate or a basis for making a major decision as to whether to go forward on this important research program and study.

So I say to my colleagues, if there is a problem with the D.C. National Guard, bring it to the attention of the managers. We will be on this bill for a few days. We have time. We will take a look at it.

I am mindful of what occurred here last night and what occurred here again this morning about how we are just grinding our wheels and not being productive. This same identical amendment was rejected by the Senate 3 weeks ago in a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of the Kennedy amendment dealing with the robust nuclear earth penetrator, or RNEP. This issue has been discussed and debated at length many times. In fact, my impression was that we had come at least legislatively to a conclusion. The conclusion was that this was not a weapons system that would materially aid our ability to advance national security purposes of the United States.

In the fiscal year 2003 budget request, the Department of Energy sought $15 million to fund the first year of what was to be a 3-year, $45 million study to determine the feasibility of using one of two existing large nuclear weapons as a robust nuclear earth penetrator.

They couched it in terms of a study. There is some discussion about requirements and studies. My impression is that a requirement is a formal decision made by the Department of Defense through elaborate procedures. With respect to the particular nuclear penetrator to attack deeply buried targets, I do not believe there is a formal requirement. There is a general requirement to hold at risk hard, deeply buried targets, but there are many different variations that could be applied to that, and I do not believe the Department of Defense has yet come to a conclusion, a requirement, that this mission can only be undertaken by a robust nuclear penetrator.

Nevertheless, early on, several years ago the Department of Energy's budget called for studies. Congress authorized and appropriated the $15 million for the first phase of this study by the Department of Energy, but DOE was not to begin this work until it submitted a report setting forth requirements for an RNEP and the target types that RNEP was designed to hold at risk. DOE proposed their response in April of 2003, and the funds were released to begin again this study. Once again, DOE insisted that this was just a study. There was no decision to begin the process of development and production that would lead to a weapon.

The following fiscal year 2004, DOE again sought $15 million for the RNEP, but now Congress had become, I think rightfully, a little skeptical of the technology, of the efficacy of this proposed weapon, to do what it was intended to do, and as a result, only $7.5 million was appropriated. DOE took the reduced funding and said: Still, this is just a study. We just want to look at this concept. We study lots of concepts. We certainly cannot inhibit the intellectual inquiry when it comes to an issue of so much importance to our national security.

Now, in the 2005 budget request, after 2 years of various requests, the true nature of the RNEP proposal is becoming much clearer. It does not appear today to be just a study. DOE sought $27.5 million for RNEP in the 2005 budget request. In addition, DOE included the RNEP in its 5-year budget report demonstrating that the real plan was to continue with the RNEP project through the next 5 years through the development stage and just up to the point at which production would begin.

Now it is no longer just a study. In fact, DOE is talking about almost $500 million over the next several years to get ready to build an RNEP. The cost of the feasibility study has also increased dramatically from the initial $45 million—$15 million a year for 3 years—to now $145 million. If the study is increasing from $45 million to $145 million, if that same progression is applied to development, then right now we are talking about almost a billion dollars to get to the point of development and production for this RNEP.

Finally, though, I think Congress had its fill with the study that turned out to be a stalking horse for a production program, and in the fiscal year 2005 budget cycle denied funding. I applaud particularly our colleagues in the other body who were very much involved in this decision on a bipartisan basis and decided that this program was not worth the investment; that it was not a study; that if it was a true study it could have been concluded and the results could have been provided to decisionmakers for a more thoughtful review of this aspect of national security.

The administration just did not get the message. So in 2006, this budget request, DOE requested $4 million to start the RNEP feasibility study again, and $14 million will be needed in fiscal year 2007 to finish the study.

It should be apparent right now, this is not about a study. This is about developing a weapons system to hold hard and deeply buried targets at risk. The National Academy of Sciences conducted their own study to look at the feasibility of doing this and the usefulness of this type of weapons system, at the request of the Armed Services Committee. Their study sheds a great deal of light on the practical implications of this weapons system.

DOE says the RNEP project is to look at the feasibility of using a bomb with a small nuclear yield to target hard and deeply buried targets with minimal collateral damage on the surface and minimal fallout. That would be a very important development, if it were feasible. But the Academy points out in their study, and makes it clear, that to really hold hard and deeply buried targets at risk the RNEP would have to be very large and would not be contained. This is about physics, I think, more than it is about wishful thinking. The physics of the problem suggests if you really want to destroy that target you can't use a small nuclear charge. You would have to use a rather considerable one.

Therefore, the DOE is considering modifying an existing large-yield nuclear weapon, the B–83, to be a nuclear penetrator. The B–83 nuclear bomb has a 1-megaton yield. That is explosive power equivalent to 1 million tons of TNT, hardly a small, discrete weapon. The full megaton yield of the B–83 would be needed to hold at risk a target buried 900 feet below the surface—because of engineering progress, you effectively can burrow that far down and put facilities or intelligence centers or other critical military installations at that depth. But not only would the fallout not be contained after the detonation of this large a weapon, the resulting radioactive debris that the B–83 would put in the atmosphere would make the fallout worse. You would be sending a charge down into the earth, exploding the earth, blowing it up into the atmosphere and spreading the fallout. There would be substantial casualties if it were used, and the fallout would spread for hundreds of miles.

The National Academy of Sciences study makes it clear that in a populated area, millions of people would be killed and injured.

Let me give sort of a rough comparison of the effects of the B–83 system. It

has yields ranging up to 1 megaton; that is 1 million tons of TNT. The bomb we dropped on Hiroshima was 14 kilotons. It resulted in the death of 140,000 people. The Nagasaki bomb was 21 kilotons; 73,000 people died. The yield of the B–83 bomb is 71 times larger than that used at Hiroshima and 47 times larger than Nagasaki. That would cause incredible damage and casualties.

In a practical sense, if you are striking a critical installation, most likely that installation is close enough to either an urban area or close enough to other key terrain that a military commander would have to think twice about dropping a nuclear bomb on such a target. The reality is we could not operate in that area for years, because of fallout, because of damage. If your goal were to ultimately destroy and occupy an opposing foe, why would you essentially create a situation where you could not even operate in the area?

The other thing about this whole approach to the RNEP is it fails to recognize that we have precision conventional weapons that may not be able to reach down 900 feet, but certainly these weapons can be used to deal devastating blows to the communication networks that serve these facilities and to the entrances. Eventually there has to be someplace where you go into these tunnels. Those facilities, if they can be identified, can be shut off by conventional munitions. The goal is to neutralize the target, and that can be done, I think, more readily by conventional weapons, particularly conventional precision weapons. So the need for this system on a practical basis is not at all compelling to me, and I do not believe it is compelling to the more thoughtful people in the military, those who are thinking about these types of situations.

There is another factor, too. Again, the presumption is that we are going to have a nuclear device that we are going to use to take out a deeply buried target, which could be in a circumstance where we would be contemplating the first use of a nuclear weapon against one of these targets. We have to be very sure that we have the kind of intelligence that will support such extraordinary use of military power. If we reflect back on Operation Iraqi Freedom, we thought there were nuclear weapons—some people did. We thought there were chemical weapons and thought there were biological weapons. Secretary Powell was before the United Nations talking about these mobile biological vans.

The reality is our intelligence was very poor; certainly not sufficient, in my view, to justify the use of a nuclear weapon like this. So there is a further complication about ever using one of these weapons; and that is, would we have the intelligence to support, particularly, the first use of a nuclear weapon to take out a target like this?

We do not need to spend $1 billion to develop to the point of production an RNEP. I think our colleagues in the House, on a bipartisan basis, figured this out last year. We should be equally astute and adroit. We have conventional precision weapons that can deal lethal blows to these types of installations. I think we should not contemplate using nuclear weapons, such weapons as the B–83, which would yield vast areas of a particular country literally uninhabitable for months if not years. Also, by the way—which we found from our adversaries, particularly from our adversaries in Iraq—they are fairly astute about trying to counteract our weapons with their tactics. If you were someone who was afraid that the United States might have such a weapon like an RNEP and use it against you, I think there would be a strong temptation to put that deeply buried target underneath a city, underneath a historic or religious site, so that our choices would be further complicated by the fact that we would be delivering a nuclear device in an area where there could be significant population or significant reasons to avoid the detonation of a nuclear bomb.

I think this funding is not appropriate. I join Senator KENNEDY in urging that we move to drop it. I urge my colleagues to vote for the Kennedy amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator for his comments. We would disagree on this, but he is a skilled person in the defense of our country, and I respect his comments.

Three weeks ago, this Senate voted 53 to 43 on this amendment. I am glad we are having this debate. Some have said there is not enough time to have a debate on these issues, to bring up and highlight points that the other side may want to raise. But we just voted on it 3 weeks ago. We voted on this twice last year. This amendment to strike this language was defeated; the language was kept in the bill. Overwhelmingly, the Senate has maintained its view that a study of this robust nuclear earth penetrator is valid and needed and the Defense Department and the Energy Department have certified to that and we ought to go forward with it. But it is perfectly legitimate that we talk about it.

I would just say this for emphasis, to follow up on Chairman WARNER's comments: The way this language is placed in this legislation, it mandates explicitly that the Department of Energy or Department of Defense cannot go forward to commence development engineering without the specific approval of Congress.

This robust nuclear earth penetrator issue began being discussed by the military in 1985, and when the need was recognized, it was supported by the Clinton administration Defense and Energy Departments. Secretary O'Leary specifically supported this. There were no limitations of the kind I just mentioned in the language that came forward during the Clinton administration to decide to conduct this study. But now we are putting that in there to allay the concerns that any might have, that somehow authorizing a study would result in development and deployment of a weapons system. We know that cannot happen without Congress's approval, but this really clamps it down to say there would have to be an affirmative legislative act by Congress before the Energy Department could go forward with developing any such weapon as this.

I think that ought to allay the concerns. I will suggest that is why there has been so much support for it on a bipartisan basis.

A couple of years ago, Secretary of State Colin Powell wrote Chairman WARNER in support of the RNEP. He asked us to fund a feasibility and cost study of it, and noted that:

> I do not believe that these legislative steps will complicate our ongoing efforts with North Korea, inasmuch as the work was funded and authorized in last year's Defense bill. I believe that North Korea has already factored RNEP into its calculations. It is important for you to work on these issues and please do not hesitate to call on me. . . .

Secretary Powell supported it and said it basically furthered our foreign policy. So, again, this would be a multiyear feasibility study, and we are talking about $4 million being spent on it. In the scheme of our huge budget, I would say that is not excessive.

Suggestions have been made that somehow this indicates that we are indifferent to nuclear weapons, the powers that they contain, the danger that they represent, and that somehow this administration is not sensitive to the need to reduce the threat from nuclear weapons in the world. Nothing could be further from the truth.

Let me mention a few things about what this Nation is doing with regard to its nuclear arsenal. We have already done more than any other nation in the world to reduce our nuclear arsenal. We are committed to huge reductions in our nuclear weapons. In the last 15 years, the number of U.S. deployed strategic warheads has declined from 10,000 to less than 6,000. Under the treaty we signed, the Moscow Treaty, we will reduce our strategic nuclear warheads to between 1,700 and 2,200 by 2012—from over 10,000. That is a huge reduction. In fact, we have already dismantled more than 13,000 nuclear weapons since 1988 and eliminated nearly 90 percent of U.S. nonstrategic nuclear weapons.

(Mr. ALLARD assumed the Chair.)

We have not produced high enriched uranium for weapons since 1964, nor plutonium for weapons since 1988. In fact, we are the only nuclear power in the world that has no capability at this moment to produce nuclear weapons. We are simply relying on our old stockpile, and that is a matter that a number of people are concerned about, but it is true.

As Senator ALLARD, now I see is the Presiding Officer, who last year chaired the strategic subcommittee in the Armed Services Committee that deals with these issues, and I now chair that strategic subcommittee—has gone on to bigger and better things—but it is an important subcommittee and it deals with the strategic defense of America. We are moving to incredible reductions in our nuclear weapons, but we are going to keep something like 2,000. How does it threaten the world in peace and make us a warmonger, if we can design and make a few of those weapons capable of being effective against hardened targets?

Let's be realistic. People say, ''This is a new weapon. This is a new weapon,'' even when we get to the bottom, 2,000 or more nuclear weapons. What is wrong if we have figured out a way to use a targeted nuclear weapon to deal with a hardened site? It makes a lot of sense. It certainly does not indicate we are in a warmongering mode.

I have a number of other things I would say on this subject. I see the Senator from California is here. I am pleased to yield the floor. I assume the Senator from California is talking on Armed Services issues?

Mrs. FEINSTEIN. Yes.

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair. I also thank the distinguished Senator from Alabama.

I wish to speak on the bill. There is probably no one in the Senate I have greater respect for than the chairman of the Committee on Armed Services. He certainly does know his material. He certainly has put in the years. He certainly has done the work.

I very profoundly disagree with what he has said with respect to the robust nuclear earth penetrator. We have heard this is only a study, that it is minor in scope, that we have debated this before. It is certainly true, we have debated this before. We debated it before because we feel strongly about this issue. We have debated it before because the Congress eliminated the money last year. We have debated it before because we have a strong passion and belief that this is the wrong way for our Nation to go. The fact that we have debated this issue before—Senator KENNEDY, Senator REED, Senator LEVIN, myself—does not in any way, shape, or form downgrade or demean our arguments.

Let me discuss this program which is only ''a study.'' Let me discuss for a moment the way this program started out.

It started with appropriations for the study of a robust nuclear earth penetrator with a 5-year budget projection of $486 million. That is how it started.

It also coincided with a program called ''advanced concepts initiatives'' which is not in this authorization but which last year envisioned the development of low-yield tactical nuclear weapons of under 5 kilotons, or battlefield nuclear weapons. That is about a third the force that was used at Hiroshima, a 15-kiloton weapon. That is not, as I say, in this bill.

It started out with a plan to build a Modern Pit Facility which could produce up to 450 new plutonium pits—the pit being the trigger that detonates a nuclear weapon. If you take a good look, you know you do not need up to 450 plutonium pits for replenishment of the existing nuclear arsenal. You may need 40 to 60. So if you put forward up to 450 plutonium pits, to me it is an indicator that there is a broader program afoot.

Part of this is also an increase of the time to test readiness from 3 years to 18 months. What that says is: Beware, something is going on. We want to be able to resume testing and we do not want to resume testing within the normal 3-year delay, we want to move that up to 18 months. So, something is cooking.

The fact is, no one should doubt this authorization enables the reopening of the nuclear door to the creation of a new generation of nuclear weapons, in this case, a robust nuclear earth penetrator of 1 megaton. This is a major effort.

It is true, we fenced it, as the Senator from Alabama pointed out. Before it goes beyond the engineering stage, it must come back to this Senate for approval. But that does not signify that there is not a new generation of nuclear weapons being studied, researched, advanced, and authorized in this bill, specifically the $4 million for the robust nuclear earth penetrator.

Our intention is being signaled to the rest of the world. The Department has been clever in not revealing its hand. No longer does it provide the 5-year cost of this study as it did last year. No longer does it mention this effort in its statement of administration policy. The statement of administration policies on the House Defense Authorization and House Energy and Water Appropriations bills do not mention a robust nuclear earth penetrator. Rather, the attempt was to cloak the study in some kind of obfuscation, to divide it between two budgets—Energy and Defense—half, $4 million here, the other $4.5 million in the other budget, with the hope that if one fails, the other will get through.

But nonetheless, this is not minor in scope. The Modern Pit Facility which could produce up to 450 new plutonium pits is not even being discussed. There is supposed to be a study that will come back and indicate how many pits are necessary to replenish the present nuclear arsenal. That is not before the Senate. That is in this bill. There is no study to indicate we need 450 pits today to refresh the existing arsenal, particularly when that arsenal is being diminished in size.

The intention is clear. Obviously, the way you begin a new nuclear weapon program is with a study, research, and engineering. So it is true we are trying to catch it at the beginning. That is not a bad thing. That is a very good thing.

The money, as was stated accurately, would go to the DC National Guard to enable it to prepare for possible terrorist attacks in the Nation's Capital. Many think this is a much more realistic use of this money than a robust nuclear earth penetrator, especially when the laws of physics say it is impossible to drive a missile deep enough in the Earth to prevent the spewing of hundreds of millions of cubic yards of radioactive waste and cause the death of hundreds of thousands, if not millions of people.

It is true, we had this debate 3 weeks ago on the Energy and Water appropriations bill. That was the other half of this request. We were not successful with that vote. We said we would be back to debate this issue. And we will be back again and again and again until we are able to defeat this effort. It is morally wrong and I believe it jeopardizes the national security of our country.

The House has had the good sense to decisively eliminate funding for the robust nuclear earth penetrator, first under the leadership of Representative DAVID HOBSON, the chairman of the Energy and Water Appropriations Subcommittee. That bill eliminated the $4 million for the Department of Energy portion of the robust nuclear earth penetrator. Second, the House fiscal year 2006 Defense appropriations bill limits research for a bunker buster to a conventional program. Finally, during its mark of the 2006 Defense authorization bill—that is the companion to the bill we are talking about this morning—the House Armed Services Committee eliminated all of the Department of Energy funding for the robust nuclear earth penetrator and transferred the $4 million to the Air Force budget for work on a conventional nonnuclear version. So there is a growing body of thought in three specific efforts successfully concluded by the House of Representatives that says we should not proceed with this program.

Let me recap: The House Energy and Water appropriations bill eliminates $4 million. The House 2006 Defense appropriations bill limits research to a conventional program. And finally, the House Armed Services Committee eliminated all of the Department of Energy funding for the nuclear earth penetrator and transferred it to work on a conventional nonnuclear version.

It will be a very hot conference committee on these items. But the House has taken the action in three ways rather completely.

We are not out on a limb. This is not some whim of a small faction of Members of the Senate. We represent a majority of the Members of the House of Representatives. I believe we represent a majority of thinking of the American people. Polls have been done which

clearly show a bulk of the American people are, in fact, not in support of commencing this research, of doing this study.

Let me give a fact sheet of a 2004 poll brought to my attention by the Union of Concerned Scientists. It found most Americans do not support the development of new nuclear weapons by the United States. A substantial majority of Americans would oppose funding for the nuclear bunker buster. Sixty-five percent of Americans say there is no need for the United States to develop new types of nuclear weapons. They know what the Senator from Rhode Island pointed out, that there are conventional bunker busters that should be developed. They know the key to this is good intelligence as to vent holes, ingress, egress areas, intelligence which can lead us to ferret out a nuclear bunker buster. Sixty-three percent found convincing the argument that the United States would be setting a bad example by starting to develop new types of nuclear weapons, and a large majority opposes using nuclear weapons for anything other than a deterrent to prevent other countries from using nuclear weapons. Eighty-one percent oppose the Bush administration's revelation that they would countenance a first use of nuclear weapons. Eighty-four percent oppose the United States using threats of nuclear retaliation to attempt a deterrent attack on the United States with chemical or biological weapons. And 57 percent support the United States reaffirming a commitment to not use nuclear weapons against countries that do not have nuclear weapons as a way of encouraging those countries not to acquire or build nuclear weapons.

Americans have a clear preference for a much smaller nuclear arsenal. Based on this poll, a substantial majority of Americans opposes the study into the nuclear bunker buster. These findings also show substantial distaste for nuclear weapons in general, with a clear preference for a small nuclear arsenal designed only as a deterrent to prevent other countries from using nuclear weapons.

I ask unanimous consent this fact sheet from the Union of Concerned Scientists be printed in the RECORD.

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

SUPPORT AMENDMENTS TO THE ENERGY & WATER APPROPRIATIONS BILL TO PREVENT NEW NUCLEAR WEAPONS

The Robust Nuclear Earth Penetrator (RNEP) is a proposed new nuclear weapon intended to burrow a few meters into rock or concrete before exploding, thus generating a powerful underground shock wave. Its intended targets are deeply buried command bunkers or underground storage sites containing chemical or biological agents.

Technical realities:

According to several recent scientific studies, RNEP would have limited effectiveness at destroying underground targets and would have substantial drawbacks. Specifically. . .

RNEP would produce tremendous radioactive fallout

RNEP could kill millions of people

RNEP would not be effective at destroying chemical or biological agents

RNEP would not be effective at destroying deep or widely separated bunkers.

THE ROBUST NUCLEAR EARTH PENETRATOR

The Robust Nuclear Earth Penetrator (RNEP): RNEP is a nuclear weapon that would burrow a few meters into the ground before exploding and thus generate a powerful underground shock wave. Its hypothetical targets are deeply buried command bunkers or underground storage sites containing chemical or biological agents.

The RNEP design: Weapons designers at Lawrence Livermore National Laboratory intend to use an existing high-yield nuclear warhead—the 1.2–megaton B83 nuclear bomb—in a longer, stronger and heavier bomb casing. The B83 is the largest nuclear weapon in the U.S. arsenal, and nearly 100 times more powerful than the nuclear bomb used on Hiroshima.

Technicai realities: According to several recent scientific studies, RNEP would not be effective at destroying many underground targets, and its use could result in the death of millions of people.

RNEP would produce tremendous radioactive fallout: A nuclear earth penetrator cannot penetrate deep enough to contain the nuclear fallout. Even the strongest casing will crush itself by the time it penetrates 10–30 feet into rock or concrete. For comparison, even a one-kiloton nuclear warhead (less than 1/10th as powerful as the Hiroshima bomb) must be buried at least 200–300 feet to contain its radioactive fallout. The high yield RNEP will produce tremendous fallout that will drift for more than a thousand miles downwind. As, Linton Brooks, the head of the National Nuclear Security Administration told Congress in April, the laws of physics will [never allow a bomb to penetrate] far enough to trap all fallout. This is a nuclear weapon that is going to be hugely destructive over a large area.''

RNEP could kill millions of people: A simulation of RNEP used against the Esfahan nuclear facility in Iran, using the software developed for the Pentagon, showed that 3 million people would be killed by radiation within 2 weeks of the explosion, and 35 million people in Afghanistan, Pakistan and India would be exposed to increased levels of cancer-causing radiation.

RNEP would not be effective at destroying chemical or biological agents: Unless the weapon detonates nearly in the same room with the agents, it will not destroy them. Because the United States is unlikely to know the precise location, size and geometry of underground bunkers, a nuclear attack on a storage bunker containing chemical or biological agents would more likely spread those agents into the environment, along with the radioactive fallout.

RNEP would not be effective against the deepest or widely separated bunkers. The seismic shock produced by the RNEP could only destroy bunkers to a depth of about a thousand feet. Modern bunkers can be deeper than that, with a widely separated complex of connected rooms and tunnels.

There are more effective conventional alternatives to RNEP: Current precision-guided conventional weapons can be used to cut off a bunker's communications, power, and air, effectively keeping the enemy weapons underground and unusable until U.S. forces secure them. Sealing chemical or biological agents underground is far more sensible than trying to blow them up.

The RNEP budget: RNEP is not just a feasibility study: DOE's 2005 budget included a five-year projection—totaling $484.7 million—to produce a completed warhead design and begin production engineering by 2009. The FY06 budget request includes $4 million for RNEP and $4.5 million to modify the B–2 bomber to carry RNEP. Last year, David Hobson, Republican chair of the House Appropriations Energy and Water Development Subcommittee, zeroed out FY05 funding for the program, stating, ''we cannot advocate for nuclear nonproliferation around the globe, while pursuing more usable nuclear weapons options here at home.''

AMERICANS OPPOSE NEW NUCLEAR WEAPONS

A 2004 poll found that most Americans do not support the development of new nuclear weapons by the United States and strongly oppose the idea of the United States ever using a nuclear weapon first. As Congress debates funding for the Robust Nuclear Earth Penetrator (RNEP), these results are particularly relevant. Findings from the poll, which was conducted by the Program on International Policy Attitudes (PIPA), include:

A substantial majority of Americans would oppose funding for the RNEP, or ''bunker buster.''

65% of Americans say there is no need for the United States to develop new types of nuclear weapons.

63% found convincing the argument that the United States would be setting a bad example by starting to develop new types of nuclear weapons.

A large majority opposes using nuclear weapons for anything other than a deterrent to prevent other countries from using nuclear weapons.

81% oppose the United States ever using nuclear weapons first.

84% oppose the United States using threats of nuclear retaliation to attempt to deter an attack on the United States with chemical or biological weapons.

57% percent support the United States reaffirming a commitment to not use nuclear weapons against countries that do not have nuclear weapons, as a way of encouraging those countries not to acquire or build nuclear weapons.

Americans have a clear preference for a much smaller U.S. nuclear arsenal.

100—The median answer for the number of nuclear weapons Americans believe are needed to provide deterrence.

6,000—The approximate number of U.S. nuclear weapons, with roughly 2,000 of these maintained on high alert status, ready to be launched in a matter of minutes.

Based on this poll, a substantial majority of Americans would oppose research into the RNEP, a new nuclear ''bunker buster'' supported by the Bush administration. These findings also show the U.S. public's distaste for nuclear weapons in general, with a clear preference for a small nuclear arsenal designed only as a deterrent to prevent other countries from using nuclear weapons.

These poll results are from ''Public Believes Many Countries Still Secretly Pursuing WMD,'' a media release published by Program on International Policy Attitudes (PIPA) and Knowledge Networks. The poll was conducted with a nationwide sample of 1,311 respondents from March 16–22, 2004. The margin of error was plus or minus 2.8%–4.5%, depending on whether the question was administered to all or part of the sample. The release can be found at: http://www.pipa.org/OnlineReports/WMD/ WMDpress___04____15___04.pdf and the full poll at: http://www.pipa.org/ OnlineReports/WMD/WMDreport___04____15___04.pdf.

Mrs. FEINSTEIN. Let me point out, House Armed Services Committee member Sylvester Raiz stated that the

House committee took the ''N'' or nuclear out of the robust nuclear earth penetrator program.

Remember, last year, in this strong statement I have just told you about—in the deletion of funding of the $27.5 million for the earth penetrator and the $9 million for advanced concepts that at the time included a study for the development of the low-yield nuclear weapons—Republicans and Democrats, authorizers and appropriators alike, joined together to send a clear signal to the administration that the House and Senate would not support moving forward with the development of a new generation of nuclear weapons. If you consider this, along with the facts I have just revealed, based on a polling of the American people, you have to wonder why the administration comes back with a new request this year.

In April of this year, a group of experts of the National Academies of Sciences confirmed what we have long argued—that according to the laws of physics, it is simply not possible for a missile casing on a nuclear warhead to survive a thrust into the earth deep enough to take out a hard and deeply buried military target without spewing millions of tons of radiation into the atmosphere.

That is where we are—funding a study that the law of physics says will not work. It is folly to me. And the repercussions are enormous. The National Academies of Sciences study, commissioned by Congress to study the anticipated health and environmental effects of the nuclear earth penetrator, found the following: that current experience and empirical predictions indicate that earth-penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. It also found that in order to destroy hard and deeply buried targets at 200 meters, or 656 feet, you would need a 300-kiloton weapon. And in order to destroy a hard and deeply buried target at 300 meters—that is 984 feet—you would need a 1-megaton weapon.

The point is, the deeper the bunker, the larger the nuclear blast must be, and the greater the amount of nuclear fallout will be.

The number of casualties, they find, from an earth-penetrator weapon detonated at a few meters' depth, which is all that can be achieved for all practical purposes, is equal to that of a surface burst of the same nuclear weapon. Do you know what we are contemplating here, what that surface burst would be? It would be the largest spewing of radioactivity in the history of the world. Enormous. If it were used in North Korea, it would spread to South Korea and Japan. It is unthinkable.

For attacks near or in densely populated areas using nuclear earth-penetrator weapons on hard and deeply buried targets, the number of casualties would range from thousands to more than a million, depending primarily on weapon yield.

So once again, the bottom line is that a bunker buster cannot penetrate into the earth deep enough to avoid massive casualties, and there would be the spewing of millions of cubic feet of radioactive materials into the atmosphere. This would result in the deaths of up to a million people or more if used in densely populated areas.

So why are we doing this? What kind of Machiavellian thinking is behind this reopening of the nuclear door?

Ambassador Linton Brooks of the National Security Administration agrees with these findings. Earlier, in a congressional hearing, Congresswoman Ellen Tauscher asked him how deep he thought a bunker buster could go. Here is his answer from the transcript of the House hearing. I quote:

> . . . a couple of tens of meters maybe. I mean certainly—I really must apologize for my lack of precision if we in the administration have suggested that it was possible to have a bomb that penetrated far enough to trap all fallout. I don't believe that—I don't believe the laws of physics will ever let that be true.

And remember, we are talking about a 1-megaton bomb, 71 times the size of the bomb dropped on Hiroshima—71 times bigger than the 15-kiloton bomb. The devastation from using such a weapon will be catastrophic.

The National Academies of Sciences study is the strongest evidence to date that we should not move forward with this study and that we should put a stop to it once and for all. Again, the Senate should listen to the experts and follow the House's lead.

So what is the main argument from opponents of this amendment, such as Secretary of Defense Donald Rumsfeld? Their argument is: This is just a study. Nothing is going to happen. Nobody is going to get the idea: Oh, my goodness, the United States is moving in this direction; we better move. North Korea: They are coming after us; we better get there first. India, worried about Pakistan: Let's begin to develop it. Pakistan, worried about India: Let's do the same thing.

I do not believe for a second this is just a study. This is the beginning of a major effort to develop a new generation of nuclear weapons, and nobody should think it is anything else but that.

This year, the request is $8.5 million. In fiscal year 2007, the request will increase to $17.5 million, including $14 million for the Department of Energy and $3.5 million for the Pentagon. And while the administration is silent this year on how much it plans to spend on the program in future years, we should not forget that last year's budget request called for spending $486 million on the robust nuclear earth penetrator over 5 years. So that part of the plan was revealed. This 5-year figure was omitted this year, and that is deceiving, I believe. But even if you accept the argument that this is just a study, that does not justify moving forward with this program.

First, a study on the development of new nuclear weapons will still greatly undermine our nuclear nonproliferation efforts by telling the rest of the world that when it comes to nuclear weapons, do as we say and not as we do. That is hypocrisy, pure and simple. How does that make us safer from the prospect of nuclear terror? Answer: It does not.

In a letter to committee members of the Senate Appropriations Committee, the Reverend John H. Ricard, bishop of Pensacola-Tallahassee and chairman of the Committee on International Policy of the U.S. Conference of Catholic Bishops, stated:

> Nations that see the U.S. expanding and diversifying our nuclear arsenal are encouraged to seek or maintain nuclear deterrents of their own and ignore nonproliferation obligations.

I could not agree more.

How will a study of new nuclear weapons help compel North Korea to abandon its nuclear program? It will not. It will do exactly the opposite. How will a study of new nuclear weapons help convince the Iranians to respond and give up their own nuclear weapons? Answer: It will not. Just as calling these nations part of the ''axis of evil'' has done nothing but instill in them the desire to develop their own nuclear weapons programs. That, in fact, has been exactly the case.

In both cases, a study to develop new nuclear weapons, especially when we already have a robust nuclear arsenal, only makes those weapons more important to those who do not yet have them, such as Iran, or who refuse to give them up, such as North Korea. And the proliferation of nuclear weapons only increases the chances of them falling into the hands of terrorists who will not be deterred by a nuclear bunker buster.

Secondly, a study will not change the conclusions of the National Academies of Sciences report: It is not possible to develop a nuclear bunker buster that can burrow deep enough into the earth to contain massive amounts of radioactivity fallout. The inevitable result will be the deaths of up to a million people.

So why do we do it? Physics says it cannot be done, and somebody in the Pentagon who does not know word one about physics says it can be. Who do I trust? I do not trust the Pentagon, I do trust the Academies of Sciences, on this point. This study will not change that simple fact. And as Ivan Oelrich of the Federation of American Scientists points out:

> Any nation that can dig under a hundred meters of hard rock can dig under a kilometer of hard rock.

Our adversaries will only have to build a bunker deeper than 400 meters to avoid the effects of a 1-megaton bomb that is 71 times bigger than Hiroshima. It makes no sense.

Finally, a study will not change the fact that we need to improve our intelligence capabilities in relation to underground targets. Why aren't we putting that money into intelligence on

underground targets, where the vent shafts are, where the aromas come up, where ingress, egress, and access is, to pinpoint locations? What use is a nuclear bunker buster if we cannot locate and identify an underground target which, ladies and gentlemen, is today the case?

What would have been the consequences if we had used a nuclear bunker buster in Iraq to take out bunkers filled with chemical and biological weapons—that did not exist? The fact is, we can improve our intelligence capabilities and locate and identify targets. We can use conventional weapons with specialized delivery systems to seal off their vulnerable points, such as air ducts and entrances for personnel and equipment.

We can also look at conventional bunker busters. Last month, I was briefed by Northrop Grumman on a program they are working on with Boeing to develop a conventional bunker buster—the Massive Ordnance Penetrator—which is designed to go deeper than any nuclear bunker buster and take out 25 percent of the underground and deeply buried targets. This is a 30,000-pound weapon, 20 feet in length, with 6,000 pounds of high explosives. It will be delivered in a B–2 or B–52 bomber. It can burrow 60 meters in the ground through 5,000 PSI—pounds per square inch—of reinforced concrete. It will burrow 8 meters into the ground through 10,000 PSI reinforced concrete.

We have already spent $6 million on this program, and design and ground testing are scheduled to be completed next year. Why are we doing this nuclear bunker buster that cannot be done according to the law of physics? We should focus on practical programs such as the Northrop Grumman-Boeing program that will put these underground targets at risk without reopening the nuclear door.

Let me look once again at the policies underlying this request.

The 2002 Nuclear Posture Review, which is a white paper put out by the administration—singularly overlooked by this body but read widely by the rest of the world—places nuclear weapons as part of the strategic triad, therefore blurring the distinction between the conventional and nuclear use. Why do this? One reason: It makes them easier to use. It also discussed, for the first time, seven countries that could be targets of U.S. nuclear weapons: Russia, China, Iraq, Iran, North Korea, Libya, Syria.

I did not write this. This is in the Nuclear Posture Review. Other nations have seen this. This is foolish.

Secondly, National Security Directive-17, which came a few months later, indicates that the United States will engage in a first use of nuclear weapons—a historic statement in itself. We have never said we would not engage in a first use. We have never said we would engage in a first use. And here we say we would engage in a first use to respond to a chemical or biological attack.

We could have done that in Iraq. What would have happened had we done this? Would a nuclear bunker buster have been used in Iraq? I wonder. Fortunately, we will never know.

My point is, these policies encourage other nations to develop similar weapons, thereby putting American lives at risk and our national security interests at risk. This isn't the example we should set for the rest of the world. Indeed, I believe the United States can take several actions to make better use of our resources and demonstrate our commitment to keeping the world's most dangerous weapons out of the world's most dangerous hands.

First, we should work to strengthen the Nuclear Proliferation Treaty. Senator HAGEL and I have introduced a sense of the Senate amendment to this bill that calls on parties to the Nuclear Proliferation Treaty to insist on strict compliance with the nonproliferation obligations of the treaty and to undertake effective enforcement actions against states that are in violation of their obligations; to agree to establish more effective controls on sensitive technologies that can be used to produce materials for nuclear weapons; to accelerate programs to safeguard and eliminate nuclear weapons usable material to the highest standards to prevent access by terrorists or other states; to agree that no state may withdraw from the treaty and escape responsibility for prior violations of the treaty or retain access to controlled materials and equipment acquired for peaceful purposes; and to accelerate implementation of the NPT-related disarmament obligations and commitments that would, in particular, reduce the world's stockpiles of nuclear weapons and weapons-grade material.

I urge my colleagues and the managers of this bill to support our amendment.

Second, we should expand and accelerate Nunn-Lugar threat reduction programs and provide the necessary resources to improve security and take the rest of the Soviet era nuclear, chemical, and biological weapons arsenals and infrastructure out of circulation.

Third, we should strengthen and expand the ability of the Department of Energy's Global Threat Reduction Initiative to secure and remove nuclear weapons-usable materials from vulnerable sites around the world.

Last year, Senator DOMENICI and I sponsored an amendment to the fiscal year 2005 National Defense Authorization Act that authorized the Secretary of Energy to lead an accelerated, comprehensive, worldwide effort to secure, remove, and eliminate the threat by these materials.

Finally, as I noted previously, we should improve our intelligence capabilities to locate and identify underground targets. There is a lot of improvement needed.

In August, we will commemorate the 60th anniversaries of the two uses of nuclear weapons on Hiroshima and Nagasaki. In Hiroshima, 140,000 people died. In Nagasaki, 100,000 people lost their lives. Two bombs, 240,000 people dead. The 1-megaton bomb of the robust nuclear earth penetrator study is 71 times bigger than the bomb at Hiroshima. That is what we are looking at. For shame.

What message do we send to the survivors of those attacks and to the friends and families of the victims by moving forward with a study to develop a nuclear bunker buster of 1 megaton? Let us acknowledge these anniversaries and pay tribute to the victims by putting a stop to this program once and for all. Let us work together on commonsense programs that will make our country safer without reopening the nuclear door.

I urge my colleagues to follow the House lead, support this amendment and kill this program.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. LEVIN. Will the Senator from Colorado yield for a unanimous consent request?

Mr. ALLARD. Yes.

Mr. LEVIN. I have talked to the chairman about this. I ask unanimous consent, with the concurrence of the chairman, after Senator ALLARD has completed, that the Chair then recognize Senator SALAZAR, and following Senator SALAZAR, that then Senator DORGAN be recognized. It is a little bit out of order because we have been going back and forth, but in terms of time, I think it may be a fair apportionment.

Mr. WARNER. Reserving the right to object, I would like to amend it to enable the distinguished Senator from Alabama, whose subcommittee has jurisdiction over at least one of the amendments of Senator ALLARD, be permitted to use such time as he desires in the colloquy between the three Senators.

Mr. LEVIN. I would ask Senator SESSIONS if he could give us an idea as to about how long he would be so Senator DORGAN could plan his time.

Mr. SESSIONS. It would be no more than 5 minutes—less than that, probably.

Mr. LEVIN. Could we then amend the unanimous consent request to include Senator SESSIONS immediately following Senator SALAZAR, then it would go to Senator DORGAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. I thank the Chair.

Madam President, I rise in opposition to the amendment to strike the $4 million appropriation for the robust nuclear earth penetrator commonly known as RNEP. There are some comments made in the debate today to which I would like to add my perspective because they were basically incorrect.

We have been debating this amendment for the past 3 years. And we have been passing this provision in the Senate, defeating any amendments to take it out of legislation. In all the testimony I have had over the past 3 years as chairman of the Strategic Subcommittee, which my distinguished colleague from Alabama now chairs, never once has anybody, in testifying before that committee, said that there will not be any nuclear fallout. Not once have they indicated that they felt this was going to lead us into an arms race.

Here is what we have done. This is what they have talked about, taking some of the nuclear warheads that we now have in our nuclear arsenal and redesigning those in a way in which they might be more effective, if we happen to have a deep bunker that is posing a threat to Americans, whether American soldiers or American citizens.

We need to have a study. That is what this provision is all about. What we are talking about is reducing the amount of collateral damage. That means reducing the amount of, perhaps, nuclear fallout or perhaps reducing the blast range because you take all that energy and you drive it down into the ground instead of driving it in a horizontal direction, which obviously means for collateral damage. They are talking about focusing the study on the B–83 warhead which is part of our arsenal today. That is all we are talking about, a study. We are going to be looking at the current arsenal makeup of weapons that we have to modify them to reduce collateral damage. I think that is a commendable goal. I think it warrants the support of the Members of the Senate.

This bill includes funding of $4 million to continue the Air Force-led feasibility study. This is a study on the robust nuclear earth penetrator. This is not a new issue for Congress to consider. In both the defense authorization and the Energy and Water appropriations bills, amendments have been offered to cut all funding for the robust nuclear earth penetrator. These amendments have been defeated on multiple occasions.

The purpose of the RNEP feasibility study is to determine if an existing nuclear weapon can be modified to penetrate into hard rock in order to destroy a deeply buried target that could be hiding weapons of mass destruction or command and control assets. The Department of Energy has modified nuclear weapons in the past to modernize their safety and security and reliability aspects. We have also modified existing nuclear weapons to meet our new military requirements. Under the Clinton administration, we modified the B–61 so it could penetrate frozen soils. The RNEP feasibility study is narrowly focused to determine whether the B–83 warhead can be modified to penetrate hard rock or reinforced underground facilities.

Funding research on options, both nuclear and conventional, for attacking such targets is a responsible step for our country to take. As many as 70 nations are developing or have built hardened and deeply buried targets to protect command and communications and weapons of mass destruction production and storage assets. Of that number, a number of nations have facilities that are sufficiently hard and deep enough that we cannot destroy most of them with our conventional weapons. Some of them are so sophisticated that they are beyond the current U.S. nuclear weapons capability.

I believe it is prudent and imperative that we fund this study. I emphasize again, this is a study on the potential capabilities to address this growing category of threat.

Should the Department of Energy determine, through this study, that the robust nuclear earth penetrator can meet the requirements to hold a hard and deeply buried target at risk, the Department still could not proceed to full-scale weapon development, production or deployment without an authorization and appropriation from Congress. Let me repeat that. The Department of Energy cannot go ahead, beyond this study, without the express authorization or appropriation from Congress.

Frankly, we should allow our weapons experts to determine if the robust nuclear earth penetrator could destroy hardened and deeply buried targets. That is the purpose of the study. Then Congress could have the information it would need to make a responsible decision as to whether development of such a program is appropriate and necessary to maintain our Nation's security.

Again, I urge my colleagues to oppose the amendment before us.

AMENDMENT NO. 1418

Mr. ALLARD. Madam President, I ask unanimous consent to lay aside the pending amendment so I may offer a number of amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. Madam President, I send to the desk amendment No. 1418.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. MCCONNELL, proposes an amendment numbered 1418.

Mr. ALLARD. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require life cycle cost estimates for the destruction of lethal chemical munitions under the Assembled Chemical Weapons Alternatives program)

On page 66, after line 22, insert the following:

SEC. 330. LIFE CYCLE COST ESTIMATES FOR THE DESTRUCTION OF LETHAL CHEMICAL MUNITIONS UNDER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Upon completion of 60 percent of the design build at each site of the Assembled Chemical Weapons Alternatives program, the Program Manager for Assembled Chemical Weapons Alternatives shall, after consultation with the congressional defense committees, certify in writing to such committees updated and revised life cycle cost estimates for the destruction of lethal chemical munitions for each site under such program.

AMENDMENT NO. 1419

Mr. ALLARD. Madam President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 1419.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SALAZAR, proposes an amendment numbered 1419.

Mr. ALLARD. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date)

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. RETIREMENT BENEFITS FOR WORKERS AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) PROGRAM AUTHORIZED.—Subject to the availability of funds under subsection (d), the Secretary of Energy shall establish a program for the purposes of providing health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado (in this section referred to as the ''Site''), who do not qualify for such benefits because the physical completion date was achieved before December 15, 2006.

(b) ELIGIBILITY FOR BENEFITS.—A worker at the Site is eligible for health, medical, and life insurance benefits under the program described in subsection (a) if the employee—

(1) was employed by the Department of Energy, or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at the Site on September 29, 2003; and

(2) would have achieved applicable eligibility requirements for health, medical, and life insurance benefits as defined in the Site retirement benefit plan documents if the physical completion date had been achieved on December 15, 2006, as specified in the Site project completion contract.

(c) DEFINITIONS.—In this section:

(1) HEALTH, MEDICAL, AND LIFE INSURANCE BENEFITS.—The term ''health, medical, and life insurance benefits'' means those benefits that workers at the Site are eligible for through collective bargaining agreements, projects, or contracts for work scope.

(2) PHYSICAL COMPLETION DATE.—The term ''physical completion date'' means the date

the Site contractor has completed all services required by the Site project completion contract other than close-out tasks and services related to plan sponsorship and management of post-project completion retirement benefits.

(3) PLAN SPONSORSHIP AND PROGRAM MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term ''plan sponsorship and program management of post-project completion retirement benefits'' means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to workers at the Site.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Secretary of Energy in fiscal year 2006 for the Rocky Flats Environmental Technology Site, $15,000,000 shall be made available to the Secretary to carry out the program described in subsection (a).

Mr. ALLARD. Madam President, I rise to discuss amendment No. 1419 and the incredible achievements of the workers at the Department of Energy's Rocky Flats environmental technology site and to offer an amendment on behalf of these workers. Rocky Flats is located a few miles northwest of Denver, CO. For four decades, this facility was the Department of Energy's dedicated site for manufacturing plutonium pits for the U.S. nuclear weapons stockpile.

This highly classified production facility was run by over 8,000 Coloradans who worked day and night for most of the Cold War and used some of the most dangerous substances known to man, including plutonium, beryllium, and uranium. The workers at Rocky Flats were devoted to their jobs and believed in their mission. They risked their lives on a daily basis and did so with the knowledge that their efforts were contributing to the security of our Nation. They are heroes of the Cold War and have earned our respect, admiration, and our appreciation.

When plutonium pit production ended in 1991, it was unclear what role these workers would play in the cleanup of Rocky Flats. They could have walked away from the job. They had performed their duty with excellence for nearly 40 years. No one could ask them to do more. Yet the workers at Rocky Flats were not ready to quit. They saw a new challenge in front of them—a challenge they could not walk away from. They knew the cleanup would be difficult and very dangerous, but they were not deterred.

These workers stayed and, over the next decade, they performed magnificently. Their task was anything but simple. Five large plutonium processing facilities encompassing over a million square feet were highly contaminated with dangerous radioactive material. The contamination was so severe that these buildings were ranked among the top 10 contaminated facilities in the DOE nuclear weapons complex. Building No. 771, in particular, was even singled out by the national media as ''the most dangerous building in America.''

The cleaning and eventual demolishing of these buildings was just the beginning. Hundreds of vials of contaminated process piping interlaced the complex. More than a dozen infinity rooms were so contaminated that they had been sealed and abandoned—some for as long as 30 years. Hundreds of tons of plutonium compound, uranium byproducts, and other radioactive and toxic residues remained at Rocky Flats.

Yet the workers at Rocky Flats were not deterred. They had built components using some of the most dangerous substances the world has ever known. Now they were ready to tackle one of the most dangerous cleanup projects ever contemplated.

In 1992, Rocky Flats was transferred to the DOE's environmental management program for the purpose of cleaning up the contamination and waste. Few knew where to begin. The unprecedented size and magnitude of the project was simply daunting. It took years to just figure out the best approach to the project. The expected cost was also staggering. In 1995, the cleanup was predicted to cost upward of $35 billion and to take 70 years to complete.

When I came to the Senate in 1996, the cleanup of Rocky Flats had been dragging out for nearly 4 years with little progress. Tons of weapons-grade plutonium remained and most buildings at Rocky Flats had not been touched. More than 2 million 55-gallon drums of waste needed to be removed.

I found this lack of progress simply unacceptable. The safety of the people of Colorado was at risk and the American taxpayer could ill afford to allow this project to drag on indefinitely. At my urging, the DOE, in 2000, finally put the resources into accelerating the cleanup of Rocky Flats. Under the leadership of then-Under Secretary Bob Card, and then-Assistant Secretary Jesse Roberson, the DOE took the unprecedented step of rethinking its approach to the cleanup. These creative leaders challenged the lead contractor, CH2M HILL, and the workers at Rocky Flats to move much more aggressively. They were given the seemingly impossible mission of completing the cleanup of the massive contamination at Rocky Flats by 2007, at a cost of less than $7 billion.

Most scoffed at this approach. They believed there would be considerable cost overruns and schedule delays. They didn't think CH2M HILL could effectively execute this kind of contract. Most of all, they doubted the commitment of the workers at Rocky Flats. They could not fathom why these workers would work themselves out of a job. Even the GAO doubted the ability of the workers at Rocky Flats to ship massive quantities of waste required to achieve closure by 2006.

I, however, had faith in the workers at Rocky Flats. I am pleased to state today that Kaiser-Hill and the workers at Rocky Flats have not disappointed me. In fact, it appears that Kaiser-Hill and the workers at Rocky Flats are far exceeding their cleanup commitments.

I cannot express the full extent of how proud I am of their achievement. Listen to some of their accomplishments: All weapons grade plutonium was removed in 2003.

More than 1,400 contaminated glove boxes and hundreds of process tanks have been removed.

More than 400,000 cubic meters of low-level radioactive waste has been removed.

Six hundred and fifty of the eight hundred and two facilities have been demolished.

All four uranium production facilities have been demolished.

All five plutonium production facilities have been demolished or will be within the next 3 months.

Three hundred and ten of three hundred and sixty sites of soil contamination have been remediated.

The last shipment of transuranic waste was shipped this past April.

It now appears that the cleanup of Rocky Flats will be completed—completed—as early as this October, a full year ahead of schedule, and save the American taxpayers not thousands, not millions, but billions upon billions of dollars.

Mr. President, you can only appreciate the magnitude of this accomplishment when you realize that within 6 years, Rocky Flats will have been transformed from one of the dangerous places on Earth to a beautiful and safe natural wildlife refuge.

I applaud the leadership provided by CH2M HILL. The management expert provided by this company was critical to this effort. Kaiser-Hill took the challenge head on despite the tough schedule and limited funding. The company can be proud of its accomplishments and its contribution to the safety of the people of Colorado.

Yet CH2M HILL could not have achieved the demanding goals established by the Department of Energy without the hard work and determination of the Rocky Flats workers. Most of these workers had to literally develop an entire new skill set. They went from manufacturing plutonium pits to dismantling glove boxes. They cleaned up rooms that were so contaminated that they were forced to use the highest level of respiratory protection available.

Perhaps more important, these workers were extraordinarily productive even though they knew they were essentially working themselves out of a job. With the completion of the cleanup and closure of Rocky Flats, they knew they would have to find employment elsewhere. There was no guarantee that the next job would pay as much or provide the same level of benefits.

Despite knowing they were going to lose their jobs, the workers at Rocky Flats remained highly motivated and totally committed to their cleanup

mission. They believed in what they were doing and worked hard to clean up the facility as quickly and as safely as possible. They achieved more in less time and with less money than anyone dreamed possible. I am proud of the workers at Rocky Flats. I believe they have once again earned our Nation's sincere appreciation and respect.

Given the sacrifice and dedication demonstrated by these workers, you would think the Department of Energy would do everything it could to ensure that these workers received the compensation and benefits they have earned.

You would think assisting those workers who lose their retirement benefits because of the early completion of the cleanup would be a top priority of the Department. After all, these workers saved the Department billions upon billions in cleanup costs.

Last year, it became clear to the DOE and to me that the cleanup at Rocky Flats could be completed much earlier than anyone expected. The workers were supportive of early closure but were concerned that some of their colleagues would lose retirement benefits because of early closure.

I share their concern and requested in last year's Defense authorization bill that the DOE provide Congress with a report on the number of workers who would not receive retirement benefits and the cost of providing these benefits. After a lengthy delay, the DOE reported that about 29 workers would not receive pension and/or lifetime medical benefits because of early closure. The cost of providing benefits to these workers is estimated to be just over $12 million.

To my dismay, I discovered the DOE's report was woefully incomplete. I was subsequently informed that at least another 50 workers would have qualified for retirement benefits had the DOE bothered to include those workers who had already been laid off because of the accelerated closure schedule.

Mr. President, this means as many as 75 workers at Rocky Flats will lose their pensions, medical benefits, or, in some cases, both because they worked faster, less expensively, and achieved more than they were supposed to. They not only worked themselves out of a job but also out of retirement benefits and medical care.

I find the Department of Energy's refusal to pay these benefits to be outrageous.

Many of the workers at Rocky Flats served our Nation for over two decades. They have risked their lives day in and day out, first by building nuclear weapon components, and then by cleaning up some of the most contaminated buildings in the world. All they have asked for in return is to be treated with fairness and honesty.

To my disappointment, and to the disappointment of the workers at Rocky Flats, the DOE cannot seem to keep its end of the bargain.

These workers would have received retirement benefits had the cleanup continued to 2035, as originally predicted. The workers would have received their retirement benefits had the cleanup continued to December 15, 2006, as the site contract specified. But by accelerating the cleanup by over a year and saving the taxpayers hundreds of millions of dollars, these workers are left without the retirement benefits they deserve and, I feel, have justly earned.

Mr. President, the Department's refusal to provide these benefits has ramifications far beyond Rocky Flats. Because Rocky Flats is the first major DOE cleanup site, workers at other sites around the country are watching to see how the DOE treats the workers at Rocky Flats. Unfortunately, they have seen how the DOE has failed to step up and provide retirement benefits to those who have earned it.

The workers at other sites now have no incentive to accelerate cleanup. Why should they? The Department of Energy hasn't lifted a finger to help the workers at Rocky Flats. It would be foolish for workers at other sites to think the DOE would act fairly with them if they accelerated cleanup.

To me, the Department's decision is penny-wise and pound-foolish. By refusing to provide these benefits, the Department saves money in the short term. Yet by discouraging the workers from supporting acceleration, the Department is going to cost the American taxpayers hundreds of millions in additional funding in the long run.

I believe Congress needs to correct the Department's mistake before it is too late.

Today, I offer an amendment that will provide some of the benefits to those workers who have lost them because of early closure. I am pleased that my colleague from Colorado, Senator SALAZAR, has agreed to cosponsor this important amendment. I support his bipartisan effort. The amendment is narrowly focused on providing health, medical, and life insurance benefits to those workers affected.

This amendment is limited in the funding it provides. It is solely focused on providing these benefits to those workers who would have received health, medical, and life insurance benefits had the site remained open until December 15, 2005, the date of the site cleanup contract.

To be clear, these benefits are not an additional bonus for a job well done, nor is it a going away present for those two decades of service. The health, medical, and life insurance benefits are what these workers have already earned—nothing more, nothing less.

I urge my colleagues to support this amendment. These workers have earned these benefits, and it is up to this body to see they receive it.

Let's not let the bureaucrats in the Department of Energy tarnish the credibility of the Federal Government. It is time for this body to correct this mistake before the Department's foolishness costs the American taxpayers even more money in the future.

I yield the floor.

Mr. SESSIONS. Madam President, I think under the UC, I was given a few minutes.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator ALLARD for his leadership in the Senate and for his leadership on nuclear issues. There is no one who understands the issue more. No one has been more committed to effectively and efficiently eliminating the difficulties at Rocky Flats than he has, and the Nation is in his debt. That I say with certainty.

At one time in my life, I was a U.S. attorney and am aware that Federal officials are limited in certain of their powers. Somebody might say they have earned something, but maybe they have not legally earned it. And if they have not legally earned it, they cannot be paid for it.

I don't know where we will come out with this amendment the Senator has offered. I know how committed Senator ALLARD and Senator SALAZAR are to helping these employees, but I note that as I understand it, these are not governmental employees but employees of a private contractor. That complicates matters, to say the least.

We are talking about providing benefits to employees of a private contractor over and above the collective bargaining agreement they had. Since this program has been scheduled to be completed, they did have benefits in the agreement for them for early termination and early generous payments when this contract ended.

I say to my friend how much I respect him. I am telling you, Madam President, he is working. He has almost shut down the Senate over this issue, but I am not sure we can ask the Department of Energy and I am not sure this Congress can take this step. We are closing BRAC sites around the country. We have a chemical weapons facility in my State destroying poison gases. I hope it finishes early. I am not sure we can give every private contractor employee a bonus. Presumably the company had that in their contract.

Those are the problems with which we are dealing. It is not a lack of concern. It is real difficulties that exist. I salute both Senators from Colorado for their interest in these employees. I share those concerns.

Mr. ALLARD. Will the Senator from Alabama yield?

Mr. SESSIONS. I will be pleased to yield. I have just a minute, as I know the Presiding Officer is committed to leaving and I am supposed to replace her.

Mr. ALLARD. Madam President, I appreciate the fine work of the Senator from Alabama, a good friend of mine. There are a couple points I would like to make.

The workers at Rocky Flats were paid by Federal dollars. They were not technically employed by the Federal Government. Their benefits were paid by the Federal Government. There is a commitment there, in my view. This amendment tries to correct any legal problems we may have there.

Again, I appreciate the concern and interest the chairman of the Subcommittee on Strategic Affairs has toward this issue. I hope somehow we can resolve this in all fairness, not only to the taxpayers but also to the workers.

Mr. SESSIONS. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, before my colleagues depart—I have been engaged in a wide variety of activities here—can the Senator advise me, through the Chair, are these to be pending amendments to be voted on? Is there to be a further period of debate? We want to accommodate the Senator's desire if he could give us a clarification of the procedures he hopes to have.

Mr. ALLARD. Madam President, we may very well have to vote on these pending amendments. I would like to have them available for that purpose. I would like to continue to talk with the staff of the Department of Energy and the chairman and his staff. But if necessary, I would like to have an opportunity to have a vote on this amendment.

Mr. WARNER. Would the Senator consider seeking the votes now so they are in that category? Does the Senator wish to have a rollcall vote, Madam President?

Mr. ALLARD. The proper request is, I ask for their consideration.

The ACTING PRESIDENT pro tempore. The amendments are pending.

Mr. WARNER. I think that is sufficient clarification.

Mr. ALLARD. We would like to have a vote on the amendments.

Mr. WARNER. At the appropriate time, we can arrange that.

I thank the distinguished Senators from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Madam President, I rise in strong support of amendment No. 1419 offered by Senator ALLARD, my good friend from Colorado. I fully support it. I think it demonstrates the bipartisan nature of this particular amendment.

Let me make two points with respect to Rocky Flats. First and foremost, I think this Nation should be very grateful to the workers of Rocky Flats for having done what they did during almost five decades to make sure we did everything within our power to bring about an end to the Cold War. The men and women who worked at Rocky Flats were principally responsible for creating the nuclear arsenal we had in our Nation that allowed us to be strong during the Cold War, that allowed us to then bring the Cold War to an end.

At the same time, it is important for us to recognize that within the Department of Energy complex today, there are numerous sites that are undergoing very difficult, very complex, and very expensive cleanups. The men and women of Rocky Flats, who have been working there for decades, have been the ones who have taught the United States of America, including the Department of Energy, what it is we have to do to make sure we can move forward with an efficient, effective cleanup that will cost less money.

Indeed, the contract for the cleanup of Rocky Flats had called for that contract to be completed at the end of this year, 2005. But because of the good work of the men and women at Rocky Flats, that schedule has been expedited.

Indeed, when one looks back at the history of Rocky Flats over the last several years, there was a time when it was thought Rocky Flats would not be cleaned up and ready for closure until 2010. Later it was 2007, and moved back to 2006. Yet employees working with CH2M HILL at Rocky Flats have brought the conclusion of Rocky Flats to probably October of this year, which is only a few months away.

For the employees who worked at Rocky Flats during this timeframe, they had an expectation that the contract would be in place through the end of December 31, 2005. The amendment which has been authored by Senator ALLARD and by myself and offered to our colleagues to consider simply recognizes the contribution of these employees so they are, in fact, made whole.

With all due respect to my friend from Alabama, I have to say these employees were Federal employees and were brought in to continue the work that had to be done there at Rocky Flats with respect to the cleanup.

The amount of money we are asking for in this amendment is a small amount relative to the billions and billions of dollars that have been spent in the Department of Energy complex and cleanups that have not been as successful as the one at Rocky Flats.

I join my colleague Senator ALLARD in urging bipartisan support for this amendment because it recognizes, first, the men and women who helped us bring about the end of the Cold War and, second, the men and women who helped us demonstrate to this country how it is you take a facility contaminated with plutonium and how it is you clean it up in record time, and which will serve as a model for America as we move forward in the cleanup of DOE facilities.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Dakota.

AMENDMENT NO. 1415

Mr. DORGAN. Mr. President, I have come to the floor to offer a couple of amendments. First I will say a few words about the amendment offered by the Senator from Massachusetts and the Senator from California. Senator FEINSTEIN was speaking on it when I came to the Chamber today. That is the question of money that is designated to begin research on the construction, hopefully, according to those who want it, of an earth penetrating bunker buster nuclear weapon.

There is somewhere in the neighborhood of 25,000 to 30,000 nuclear weapons on this Earth. Mr. President, 25,000 to 30,000 nuclear weapons exist on this Earth. And now we have people talking about building new nuclear weapons in this country, building designer nuclear weapons, creating a new category of nuclear weapons, beginning to test nuclear weapons once again. That strikes me as pretty foolhardy because our responsibility as the world's superpower is to lead in a direction that tries to prevent nuclear weapons from ever entering into the hands of terrorists or rogue nations or adversaries. Our leadership responsibility is to try to stop the spread of nuclear weapons, to convince others not to build nuclear weapons.

Let me read from Time magazine, March 11, 2002.

> For a few harrowing weeks last fall, a group of U.S. officials believed that the worst nightmare of their lives—something even more horrific than 9/11—was about to come true. In October, an intelligence alert went out to a small number of Government agencies, including the Energy Department's top secret Nuclear Emergency Search Team based in Nevada. The report said terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and planned to smuggle it into New York City.
>
> The source of the report was an agent code name Dragonfire who intelligence officials believed was of ''undetermined'' reliability. But Dragonfire's claim tracked with a report from a Russian general who believed his forces were missing a 10-kiloton nuclear weapon.
>
> Since the mid-'90s, proliferation experts have suspected that several portable nuclear devices might be missing from the Russian stockpile. That made this Dragonfire report alarming. So did this: Detonated in lower Manhattan, a 10-kiloton bomb would kill some 100,000 civilians. . . . And counterterrorist investigators there went on their highest state of alert.

That was from Time magazine, March of 2002. Many of us heard reports of this before. It said following 9/11 in October of that year, there was a rumor that intelligence officials took seriously that terrorists had acquired a nuclear weapon and were intending to smuggle that nuclear weapon into a major American city and detonate it.

Interestingly, no one believed it was impossible for someone to have obtained a nuclear weapon. There are 25,000 to 30,000 nuclear weapons on this Earth. We hear the stories about the then-Russian nuclear stockpile of thousands of weapons without adequate control and maintenance, some reports about the command and control of those weapons being dealt with with pencil notations and notebook paper. So it was not beyond the pale that someone could have stolen a nuclear

weapon. Neither did intelligence officials doubt that having stolen a nuclear weapon, terrorists would be able to find a way to detonate a nuclear weapon.

Why do I mention this? Because with the thousands of nuclear weapons that exist in this world, the acquisition of one nuclear bomb by a terrorist group detonated in a major city in this country or in other countries will cause a catastrophe unlike any we have ever known.

(Mr. LUGAR assumed the Chair.)

That ought to persuade us that our responsibility is to do everything humanly possible, as the world's most powerful nation, to stop the spread of nuclear weapons, to prevent terrorists in rogue nations from ever acquiring nuclear weapons, and to begin reducing the number of nuclear weapons. That is our leadership responsibility. That responsibility falls to our country and yet we have people who say, well, not to worry about that; in fact, let us talk about building new nuclear weapons; let us design different nuclear weapons. There is even talk about potentially using a nuclear weapon. There is discussion about beginning testing nuclear weapons. I think that sort of thing is reckless because it sends a signal to the rest of the world that we are not really serious about trying to reduce the number of nuclear weapons in this world.

We should be serious about it. It ought to be the highest priority for this country to stop the spread of nuclear weapons, halt the ability of terrorists to ever acquire a nuclear weapon with which they would threaten thousands, tens of thousands, hundreds of thousands of people.

This Defense authorization bill is spending a great deal of money on an antiballistic missile defense system, kind of a catcher's mitt, in case a terrorist organization or rogue nation would launch an intercontinental ballistic missile against our country with a nuclear warhead. This antiballistic missile program is kind of a catcher's mitt to go up and catch a speeding bullet and hit it with another speeding bullet. Frankly, it is the least likely threat to this country. The threat that a terrorist organization or a rogue nation would acquire an intercontinental ballistic missile armed with a nuclear warhead and then shoot it at our country, that is one of the least likely scenarios.

The most likely scenario would be a terrorist or rogue nation acquiring a nuclear weapon through theft or some other device and then deciding to put it in the trunk of a rusty car sitting in a dock in New York City or putting it in one of the many containers that show up at an American port on a container ship. After all, there are 5.7 million containers that show up at our ports. Only a very small percentage are ever inspected. That is a much greater, much more likely threat to this country.

I have great concern about those who talk so easily about our country building new nuclear weapons, perhaps even using a nuclear weapon. We have heard that language in recent years, talking about the need to create designer nuclear weapons. Our responsibility is far greater than that. I believe our responsibility as a world leader is to lead in the direction of preventing the spread of nuclear weapons; to do everything humanly possible to prevent the spread of nuclear weapons; to do everything humanly possible to control the nuclear weapons that now exist and safeguard those nuclear weapons that now exist.

Since the Presiding Officer is from the State of Ohio, I will show something I have shown many times that is in my desk. I ask unanimous consent to show my colleagues two pieces of information.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This happens to be from a wing strut of a backfire bomber that the Soviets used to fly when we were in the Cold War. My assumption perhaps is that this bomber carried nuclear weapons. In the Cold War, the nuclear weapons on top of missiles were aimed at our country. The nuclear weapons carried in the bomb bay of a backfire bomber did not mean good things for our country.

How did I acquire a piece of an airplane that was part of a Soviet bomber? This happens to be sawed off the wing of that airplane. It was sawed off the wing of an airplane at American taxpayer expense, one of the most successful things we have ever done. The reason I mention it now is the Presiding Officer's name is on that legislation, and through a program advanced by Senators LUGAR and NUNN, we have had remarkable success in reducing the weapons delivery systems.

This is from a bomber. This is the ground-up copper wire of a submarine that used to stealthily move under the waters of our oceans, again with nuclear weapons, with warheads prepared to aim at American cities. How did I acquire copper wire from a submarine that belonged to the Soviet Union? That submarine was taken apart, dismantled, as a result of arms control agreements that dismantled weapons delivery systems that at one point threatened America.

It is now in this form, a piece of a bomber and copper wire from a submarine, which I hold in my hand on the Senate floor because programs like the Nunn-Lugar program, things like arms control agreements, do work and can work to reduce the threat in this country. I have had this in my desk for some while and have used it only to demonstrate that our responsibility as a world leader is to lead in the direction of doing everything humanly possible to reduce the number of nuclear weapons on this Earth, to stop the spread of nuclear weapons to rogue nations, terrorists, and other countries that desperately wish to acquire them, and to safeguard the nuclear weapons that already exist in our arsenal to make certain that they are not acquired by other interests.

That is a diversion from the point I was making but an important one, I think. I came here to say that I support the amendment that has been offered today. I do not support the spending of money for the development of a designer nuclear weapon, bunker busters, whatever it might be called. It seems to me that is moving in exactly the wrong direction.

Since I think the most likely threat is a stolen nuclear weapon put in the trunk of a rusty car at an American dock or an American city, I would hope that we would begin to spend as much time and resources dealing with the most likely threats as we do dealing with the most unlikely threat, and that is the spending of billions and billions of dollars to create an electronic catcher's mitt, an antiballistic missile system, in the belief that a rogue nation or a terrorist would acquire an ICBM and then arm it with a nuclear warhead.

Could that conceivably happen? Perhaps, but it is the least likely threat we face from terrorists. The most likely threat is the theft of a nuclear weapon and the placement of that in the trunk of a car or in a container on a ship, and I hope we will spend as much time worrying about that and dealing with that as we do the other.

Again, that is sort of a long way of saying I support the amendment that has been offered to strip the funding for the robust nuclear earth penetrator bunker buster.

AMENDMENT NO. 1426

I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1426.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on the declassification and release to the public of certain portions of the Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, and to urge the President to release information regarding sources of foreign support for the hijackers involved in the terrorist attacks of September 11, 2001)

At the end of subtitle G of title X, add the following:

SEC. 1073. SENSE OF SENATE ON DECLASSIFICATION OF PORTIONS OF THE JOINT INQUIRY INTO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Administration has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the hijackers involved in the September 11, 2001, terrorist attacks while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the September 11, 2001, terrorist attacks.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing content entirely.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should declassify the 28-page section of the Joint Inquiry into The Terrorist Attacks of September 11, 2001, that deals with foreign sources of support for the hijackers involved in the September 11, 2001, terrorist attacks; and

(2) only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

Mr. DORGAN. This amendment that I have offered is a sense-of-the-Senate amendment and it deals with this booklet. It is, as published, December 2002, ''A Joint Inquiry Into the Intelligence Community Activities Before and After The Terrorist Attacks of September 11, 2001,'' a report of the U.S. Senate Select Committee on Intelligence and the U.S. House Permanent Select Committee on Intelligence, dated December 2, 2002.

It was the first evaluation of intelligence related to the attack against this country on September 11, 2001.

On page 395, and I will read a portion of it, it begins a discussion about something that is very sensitive and then it turns to 396 and subsequent pages. As we can see, those pages are blank. There are 28 pages in the middle of this book that are blank. They are blank because they are classified at the moment as top secret. Members of Congress can, under certain conditions, go and read this top secret material. I and a good number of my colleagues have. Previously, I and other colleagues have as well brought to the attention of the Senate the need for this information to be declassified.

The amendment that I offer is very simple. It says that the President should declassify the 28-page section of the joint inquiry into the terrorist attacks of September 11 that deals with foreign sources of support for the hijackers involved in the September 11, 2001, attack.

The American people have been prevented from seeing this. I will, in a moment, quote from Senator SHELBY and Senator GRAHAM, then-chairman and vice chairman of the Intelligence Committee in the Senate, both of whom felt that this information should be made available to the American people. But it has never been made available to the American people.

Let me read the page prior to the 28 pages that have been redacted. Page 395:

Finding: Through its investigation, the Joint Inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States.

Fifteen of the nineteen hijackers were citizens of Saudi Arabia. The finding says they developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States. The joint inquiry's review confirmed that the intelligence community also has information, much of which has yet to be independently verified, concerning these potential sources of support.

Instead, the Joint Inquiry referred a detailed compilation of information it had uncovered in documents and interviews to the FBI and CIA for further investigation by the Intelligence Community and, if appropriate, law enforcement agencies.

It talks then at the end of this page about the joint inquiry, which states:

It was not the task of this Joint Inquiry to conduct the kind of extensive investigation that would be required to determine the true significance of such alleged support to the hijackers. On the one hand, it is possible that these kinds of connections could suggest, as indicated in a CIA memorandum, ''incontrovertible evidence that there is support for these terrorists,'' blank, blank, blank.

At that point, it is redacted.

This was classified at the White House. These documents went to the White House, then to be published publicly, and prior to publication 28 pages were classified top secret. That is why in the middle of this booklet we see 28 pages with no information.

There was a call to declassify it because a substantial amount of information in the press and elsewhere raised questions about this issue.

I will read from The Washington Post at this point in time, December 12, 2002:

Leaders of the congressional panel ending an investigation of the September 11, 2001, terrorism attacks yesterday accused the administration of refusing to declassify information about possible Saudi Arabian financial links to U.S.-based terrorists because the material would be embarrassing and would heighten political tensions with the desert kingdom.

Continuing from The Washington Post:

In releasing the panel's final report on the intelligence agencies' performance before the attacks, Sen. Bob Graham (D-Fla.), chairman of the Senate intelligence committee, and Sen. Richard C. Shelby (R-Ala.), the vice chairman, said the information on Saudi Arabia should be made public to inform the public about a continued source of support for anti-American terrorism groups. Doing so also would put more pressure on the U.S. government to force the Saudis to sever their financial links to charities and individuals who support terrorism, they said.

In other comments, Senator SHELBY said that he believed 90 to 95 percent of this should be made available to the American people and would not compromise any intelligence sources.

The President was asked about this issue. He was asked actually in a Rose Garden appearance back at that point before a meeting with King Saud, where the President said he had no qualms at all about rebuffing the request to release this information publicly because he said there is an ongoing investigation into the 9/11 attacks, and we do not want to compromise the investigation.

Well, even the Ambassador from Saudi Arabia to the United States called for the release of this information because there was substantial speculation about what it said. I cannot say what it said on the Senate floor because it is top secret. I can read what Senator SHELBY has said and what Senator GRAHAM said on the Senate floor. I can show that in this report there are 28 pages which the American people are not allowed to see. I can say that there are published reports—and I have read them into the record now from The Washington Post and others and I will read into the record, if it is necessary, the comments from my two colleagues who were the chairman and ranking member of the Intelligence Committee, that references Saudi Arabia. The point is even the Government of Saudi Arabia suggested and said publicly that this material should be declassified and made public.

Senator SHELBY, the vice chairman of the congressional inquiry at that point, reiterated his view that 90 to 95 percent of the classified pages could be released without jeopardizing national security.

My point is this. I have reviewed the top secret material. I am sure many of my colleagues have. They all should. It contains information that the American people have a right to see.

Let me again read the lead to the 28 redacted pages. Again, I am reading from the Joint Intelligence Committee Report:

Through its investigation, the joint inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States.

Every Member of the Senate should read that top secret material. But every American citizen should have access, to understand what it says, because it should not be classified. It is unfair. It is unfair to the American people, and I submit it is unfair to Saudi Arabia. The Saudi Arabian Government has said it ought to be unclassified.

I have on a previous occasion offered this amendment to the Senate. There was an objection, so I offer the same amendment again today. It is now 4 years from the date of that attack. It is now long past the time when investigation is ongoing. The President said he would not declassify this because

there is an ongoing investigation into 9/11, and we don't want to compromise it. That investigation by the 9/11 Commission, authorized by the Congress—that investigation is over. So this excuse is no longer an excuse.

I submit the American people have a right to know if there were those who provided support to the 9/11 terrorists who were in this country and preparing to launch the attack on 9/11. If there were those foreign governments, foreign interests, or as the report indicated simply, ''foreign sources of support,'' then the American people have a right to know.

My amendment is a very simple amendment, painfully simple. Once again, I offer it to say it is the sense of the Senate that this information shall be declassified. We ask the President to declassify this information and see that it is made available to the American people.

I was intending to read this. I think I shall not—perhaps just a paragraph or two of it.

My colleague, Senator GRAHAM from Florida, who in fact stood at this desk and made this statement, he was then-chairman of the Intelligence Committee. Senator SHELBY, who I described as chairman, was chairman at one point, and then Senator GRAHAM as the ranking member, and then it switched and Senator GRAHAM was chairman. During this particular time, Senator GRAHAM, as chairman, and Senator SHELBY, as vice chairman, both agreed that the bulk of this ought to be made available to the American people. Let me just quote the statement made on the floor of the Senate by our colleague, Senator GRAHAM, the chairman of the Intelligence Committee. He is describing this.

> This report makes a very compelling case, based on the information submitted by the agencies themselves, that there was a foreign government which was complicitous in the actions leading up to September 11, at least as it relates to some of the terrorists who were present in the United States.
>
> There are two big questions yet to be answered. Why would this government have provide the level of assistance—financial, logistical, housing, support service—to some of the terrorists and not to all of the terrorists? We asked that question. There has been no response.
>
> My own hypothesis—and I will describe it as that—

I am continuing to quote Senator GRAHAM—

> is that in fact similar assistance was being provided to all or at least most of the terrorists. The difference is that we happened, because of a set of circumstances which are contained in these 28 censored pages, to have an unusual window on a few of the terrorists. We did not have a similar window on others. Therefore, it will take more effort to determine if they were, in fact, receiving that assistance.

I continue to quote Senator GRAHAM of Florida.

> An even more serious question is what would lead us to believe that if there was this infrastructure of a foreign government supporting some of the 19 terrorists, that as soon as September 11 concluded, as soon as the last flames were put out at the Pentagon, the World Trade Center and on the field in Pennsylvania, all that infrastructure was immediately taken down? Again, this is my hypothesis: I don't believe it was taken down. I believe that infrastructure is likely to still be in place assisting the next generation of terrorists who are in the United States.

Those are very fundamental questions, and if the public had access to these 28 pages, they would be demanding answers.

That is a response from the chairman of the Senate Intelligence Committee, not some partisan, with sentiments echoed largely by the vice chairman of the committee, about the top secret classification of those 28 pages.

My amendment, once again, simply says I believe the American people have the right to know what is on these pages. These 28 pages are blank. I know what is there. Some of my colleagues know what is there because we are able to see top secret material. The American people don't know what is there, and they should.

Having read it, I simply say they ought to have the right to see it as well, and my amendment is a sense-of-the-Senate amendment that would ask the President to make available, to declassify this material, so there are no longer questions about what it says.

Mr. WARNER. Mr. President, I thank my distinguished colleague, and I assure him, in consultation with the chairman and indeed the ranking member of the Senate Intelligence Committee, his amendment will be given every careful consideration.

Mr. President, at this time I know there is another Senator.

Mr. DORGAN. Mr. President, I am not finished. I thought you were asking me to yield for a question.

Mr. WARNER. Yes, I wasn't quite certain. I thought there was a brief time in which you were going to address the Senate. I am trying to accommodate one of your colleagues.

Mr. DORGAN. I have one additional amendment.

Mr. WARNER. Can the Senator advise the Chair and the Senate the time you would require?

Mr. DORGAN. I indicated to my colleague I would be speaking about 20 minutes, but I have one additional amendment that probably will take about 10 minutes.

Mr. WARNER. Very well, Mr. President. We will all wait that period of time. Thank you.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the Senator from North Dakota, if it is not already locked in, then the Senator from Colorado be recognized to introduce three amendments which will take a total of—about how long?

Mr. SALAZAR. Mr. President, approximately 15 minutes.

Mr. LEVIN. Approximately 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding was we had ample time this afternoon. I will truncate my remarks. I had intended to speak longer than 10 minutes, but I don't want to disadvantage my colleague on the floor or disadvantage those managing the bill. I will come back on Monday and speak at greater length about the amendment I will offer now and keep my comments short at this moment.

Mr. WARNER. I would very much appreciate it if the Senator will accommodate the Senate in that way.

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1429

(Purpose: To establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism)

Mr. DORGAN. Mr. President, I offer an amendment for myself, Senator DURBIN, and Senator LAUTENBERG. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself, Mr. DURBIN, and Mr. LAUTENBERG, proposes an amendment numbered 1429.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DORGAN. Mr. President, this is an amendment that deals with a subject I have previously brought to the floor of the Senate, so far unsuccessfully, but my hope is this time perhaps I will have better luck. It deals with the question of dramatic waste, fraud, and abuse in contracting, particularly with respect to the war effort in Iraq.

In the early 1940s, 1941 to be exact, Harry Truman, a Democrat from the State of Missouri, serving here in the Senate when a Democratic President was in the White House, decided that he wanted to have an investigation of what he considered substantial waste, fraud, and abuse in Pentagon spending and spending by contractors. I am sure it was uncomfortable for a Democrat in the White House to have a member of his own party in the Senate pushing, but he did. He kept pushing as only Harry Truman could, and created finally a Truman committee, a special committee. They held hearings all around the country. They were relentless. They found massive amounts of waste, fraud, and abuse in spending—yes, even during the war effort. It was, perhaps, uncomfortable for everybody that this was going on, that this kind of inquiry existed. But Harry Truman was not about to take a ''no'' answer

from anybody, so he pushed and pushed.

Finally, it came on the radar screen in the Senate that when you spend money, particularly when you are at war, you can't have people profiteering. It has to be spent effectively in support of this country's interests in support of our troops.

We have a war in Iraq. We have soldiers in harm's way in Afghanistan. We are moving massive quantities of money out the door in the Congress—$81 billion here, $45 billion there, $55 billion there. It is, in many cases, going to contractors—some substantial amounts to replenish Defense Department accounts, but a substantial amount to contractors.

We hear substantial waste, fraud, and abuse. It almost makes you sick. This is a picture of $2 million wrapped in Saran wrap. In fact, the guy standing right here said they were playing football, playing catch with bundles of hundred-dollar bills. What were they doing with this? They were actually giving money to contractors in Iraq. Contractors were told: Bring a bag, we pay in cash. Bring a bag because we pay in cash over here.

This picture shows what was going on. The guy who did this testified before a committee at a hearing that I held. I don't need to go through a lot of charts, but ''Uncle Sam Looks Into Meal Bills, Halliburton Refunds $27 Million.''

We had one example: Halliburton corporation charging the American taxpayer. They were feeding 42,000 a day—at least that is what they were charging for, 42,000 meals a day. Guess what. They were only serving 14,000 meals a day.

I came from a small town that had a really small restaurant. I can understand them missing a cheeseburger or two, but a corporation that overcharges the Federal Government for feeding soldiers by 28,000 meals a day?

Then we had another hearing. We had one of the food service supervisors in Iraq who works for a subsidiary of Halliburton. He said we were feeding food that was outdated and expired, expired stamps on it by as much as a year.

I see the Washington Times had a little blurb today. They mentioned that. People were writing in and saying: That is nothing, we used to eat old K rations. Does anybody believe it is right that when we send our soldiers to Iraq and we have food hauled over by a contractor and we pay for good food to be fed to our troops, and then they end up with food that is expired for a year, they say that is OK, serve it to the troops; and if a convoy comes through and is subject to attack the supervisor says, you grab that food out, pull the shells out and shrapnel out, and feed it to the troops. I put that testimony in the RECORD.

Let me tell you, a top civilian official at the Corps of Engineers, involved in awarding sole-source contracts to companies like Halliburton—and there are more involved—the top civilian official is a wonderful woman with a wonderful record who has worked for years for this country. Here is what she said. And by the way, she is paying for it with her career because whistleblowing is not looked upon with favor by the old boys network. Here is what she said, Bunny Greenhouse:

> I can unequivocally state that the abuse related to the contracts awarded to K.B.R. Halliburton represents the most blatant and improper contract abuse I have witnessed during the course of my professional career. She is paying for this bit of honesty with her career because the good old boys don't like to hear that.

The question is, for all the things that are being done—payment to have a room air conditioned, have the contractor come pick up a bag of cash, and it goes to a subcontractor—pretty soon the American taxpayers' payment to have room air conditioning, turns out the room has a little fan in it and we paid for air conditioners.

It is unbelievable what is going on. There are 85,000 brand new trucks left on the roadside because they had a flat tire, to be trashed and torched. Plugged fuel pumps? Dump the truck.

It is unbelievable what is going on in waste, fraud, and abuse. I have held five hearings in the policy committee on this. We had whistleblowers who have the courage to show up and talk about what is going on. There are 50,000 tons of nails laying in the sands of Saudi Arabia because they ordered the wrong size, so they dump them on the sands. The American taxpayer will pay for that. Need some towels for troops? The Halliburton subsidiary orders towels for troops and they nearly doubled the cost of the towels so they could put their logo on the towels.

Yes, it is going on all the time. It is unbelievable. And nobody does a thing about it. Nothing. Do you think this Congress is holding aggressive oversight hearing? None. Nobody is interested. Why? Because it would embarrass somebody. Meanwhile the American taxpayer is taking a bath and the troops are being poorly served, in my judgment, with this sort of nonsense.

My amendment is simple. I will speak at some length on Monday. I want to truncate this for the sake of the time problems my colleagues have. My amendment is very simple. My amendment calls for the establishment of a Truman-type committee again that would do the oversight that is not being done by this Congress. It will be bipartisan. It seems to me we have an obligation to the American people and we have an obligation to our troops. I offer the amendment and I will come back and speak later.

In the interest of time problems, I yield the floor.

Mr. WARNER. Mr. President, I thank our colleague. The Senator brings to the Senate a very serious proposal. It will be given serious consideration.

At this time, the Senator from Colorado desires to be recognized.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WARNER. Before the distinguished Senator addresses the Senate, I see our distinguished colleague from Connecticut. If I could inquire as to the Senator's wishes. We are trying to arrange a schedule.

Mr. LIEBERMAN. Mr. President, I thank my friend from Virginia. Five minutes is the maximum I require.

Mr. DORGAN. If I might I make one comment, I defamed my friend, the Presiding Officer. I suggested some while ago he was from Ohio. He, in fact, is from Indiana. I have known that all along, and those in the Northern Great Plains see everything out there as east. But my distinguished colleague Senator LUGAR, to whom I refer, is from Indiana. I talked about Nunn-Lugar and the wonderful work done. I want to make sure I identify it correctly.

Mr. LEVIN. We, the defamed people from Michigan, are really from Ohio.

Mr. WARNER. If I might ask that the Senator from Connecticut be recognized following the remarks by the Senator from Ohio—the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. It is, indeed, fortunate to be a Senator from the State of Colorado.

I start my comments by giving my appreciation to the Senator from Virginia, Senator WARNER, and to the Senator from Michigan, Senator LEVIN, for their great leadership in putting together what is a very good bill.

I also thank their staffs because at the end of the day I know how much of the work goes into these major pieces of legislation put together by our great staffs. Judy Ainslee and Rick DeBobes have done a fantastic job on behalf of the United States, on behalf of the Senate. I thank them for their efforts.

AMENDMENTS NOS. 1421, 1422, AND 1423, EN BLOC

I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I have a series of amendments at the desk, Nos. 1421, 1422, and 1423. I ask they be called up en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Colorado [Mr. SALAZAR] proposes amendments numbered 1421, 1422, and 1423, en bloc.

Mr. SALAZAR. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1421

(Purpose: To rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation)

At the end of subtitle D of title VI, add the following:

SEC. 642. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479 (1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subscction (a), by striking ''a gratuity'' in the mattcr preceding paragTaph (1) and inserting ''fallcn hero compensation''; and

(B) in suhscetion (b) (2), by inserting ''or othcr assistanee'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—

(1) Such subchapter is further amended by striking **''Death gratuity:''** each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting **''Fallen hero compensation:''.**

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

AMENDMENT NO. 1422

(Purpose: To provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965)

At the end of subtitle G of title V, insert the following:

SEC. 585. APPLICATIONS FOR IMPACT AID PAYMENT.

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2), (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act for fiscal year 2005 from a local educational agency that—

(1) for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year; and

(2) submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

AMENDMENT NO. 1423

(Purpose: To provide for Department of Defense support of certain Paralympic sporting events)

At the end of subtitle C of title III, add the following:

SEC. 330. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4)) which is—

''(A) held in the United States or any of its territories or commonwealths;

''(B) governed by the International Paralympic Committee; and

''(C) sanctioned by the United States Olympic Committee.''; and

(2) in subsection (d)—

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

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

''(2) Not more than $1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).''.

Mr. SALAZAR. Mr. President, before discussing these amendments, I underscore the great importance of this legislation. This legislation sends an important message to our troops and to their families, to the important work it funds, and the important signal it sends to the world from the United States of America.

Today, more than 15,000 people from my State are serving overseas in support of Operations Iraqi Freedom and Enduring Freedom in Afghanistan. Many of these soldiers, air men and women, reservists, and National Guard men and women are preparing for their second tour of duty away from their families.

The 4,000 soldiers of the 3rd Armored Cavalry Regiment are in Iraq for their second tour of duty, and 1,800 soldiers from the 43rd Area Support Group and 130 from the 571st Medical Company are also overseas, while the 947th Engineering Company and the second of the 135th Aviation Battalion are preparing to leave for Iraq in the fall.

I give a sincere welcome home to all 3,762 soldiers from the 2nd Brigade Combat Team, 2nd Infantry, who are returning to their families in Colorado Springs as I stand in the Senate today.

The most moving thing I have done since coming to the Senate some 6 months ago was a bipartisan trip which I took to Iraq led by Senator HARRY REID from Nevada. On that trip I saw many moving things, though nothing more impressive than our troops and their dedication to the mission and to their units.

Shortly after returning to the United States from Iraq, I dropped a line to Lieutenant Colonel ''Mac'' from Colorado whom I had met on the trip. I inquired how he was doing, and in responding he wrote:

Our troops' spirits remain high. Some more than others, as I've worked and received permission to allow about 40 of our troops to redeploy early, as the pace of our support has decreased and will remain steady but not too hectic over the next six months of our deployment. Having worked the plan from start to final approval, I am personally happy knowing that they will be able to spend more quality time with their loved ones. I know my place is here, and will remain until we all leave in early Autumn.

That one response from one lieutenant colonel underscored our troops' dedication to the cause we are engaged in. This young man with his own family back in Colorado Springs was celebrating that members of his unit—not he—were returning home to their families. Thousands of troops are making that same selfless sacrifice every day. We owe each of them the best possible equipment and training. They and their families also should expect that we will ensure their quality of life.

The $441 billion bill in the amendments we have adopted in the last day will begin to do just that. That bill authorizes a total of $109 billion in appropriations to the Department of Defense for military personnel, and $236 million of that amount is more than the President's budget requested.

In my State of Colorado, where more than 9,000 troops are currently deployed overseas, I am especially mindful of the important quality-of-life investments that have been included in this bill.

The bill would provide a 3.1-percent across-the-board pay raise for military personnel. That is important to honor our men and women in uniform. It authorizes the payment of imminent danger pay to servicemembers hospitalized as a result of wounds they have incurred as a result of hostile action for the duration of their hospitalization. That is a move in the right direction. It would permanently increase the fallen hero compensation for servicemembers killed in combat or combat-related activities from $12,000 to $100,000. With the inclusion of Senator LEVIN's important amendment, it will ensure that the family of any active-duty soldier who was killed will qualify for this important assistance.

The legislation also permanently increases the maximum amount of coverage for group life insurance from $250,000 to $400,000. That is the right start. I am hopeful with the inclusion of Senator NELSON's amendment we will eliminate the survivor benefit plan dependency indemnity compensation offset and fix serious inequities in how the military treats the survivors of military retirees.

The bill also extends several bonuses relating to recruiting and retention, including the selected reserve reenlistment bonus, the ready reserve enlistment and reenlistment bonuses, the prior service enlistment bonus, the enlistment and reenlistment bonuses for active-duty members, and the retention bonus for servicemembers with critical military skills.

I will cosponsor an amendment with my friends Senators LIEBERMAN, CLINTON, and NELSON, to increase the size of our Active-Duty Army by 80,000 troops. Increasing the size of our military will reduce the strain placed on individual

soldiers, improving the quality of their lives and their families' lives. It will allow our fighting men and women to spend more time at home with their families between deployments. It will address what is today an overstretched American Army. Most importantly, adding 80,000 troops will help to defend our Nation at home and abroad with the strongest military in the world.

Our health care for our troops and their families also is addressed. This bill would extend health care coverage under TRICARE Prime for the children of active-duty servicemembers who died while on active duty and who have been on active duty for a period of more than 30 days, so the dependent child would be able to receive TRICARE until age 21.

After the inclusion on Thursday of the excellent bipartisan amendment offered by Senators GRAHAM and CLINTON, it will ensure access to TRICARE for Guard and Reserve and that care will continue.

This bill also requires the Secretary of Defense to report to Congress about the adverse health effects that may be associated with the use of antimalaria drugs.

This is a good bill. The bill is vitally important for the work it also funds. It funds $78.2 billion for procurement. It authorizes $127 billion for operations and maintenance. It does a lot to support our investment in creating a strong defense for our Nation.

I am particularly pleased the committee included $6.4 million to construct a Space Warning Squadron Support Facility at the Greeley Air National Guard Station. Our air guard provides a vital service at that station, but the current facility is substandard by anyone's measure. When personnel leave that facility, they drape plastic over their computers today so they are not destroyed by the water that leaks through the roof.

I am also pleased with the inclusion of the amendment offered by my colleagues from Kentucky, Senators MCCONNELL and BUNNING, and my good friend from Colorado, Senator ALLARD, that we are prepared to take another positive step forward in meeting our responsibility to destroy the chemical weapons at the Pueblo Chemical Army Depot. I am also hopeful with the efforts of my good friend Senator ALLARD and efforts I have undertaken with him, we will be able to wrap up the cleanup of Rocky Flats in a successful manner.

This bill is important because it sends a message to the world. There is no more comprehensive statement of our dedication to defend this country and to maintain our position in the world. Our enemies should never take comfort in any sense that America is disengaging from the world. This bill sends a very clear message on two vitally important threats.

On Wednesday, a group of leading defense and foreign policy experts, led by former Defense Secretary Perry, concluded:

> . . . the gravest threat facing America today is a terrorist detonating a nuclear bomb in one of our cities. The National Security Advisory Group judges that the Bush Administration is taking insufficient actions to counter this threat.

We must do better. Knowing that such a horrendous act is even possible, we must take every step possible now to ensure it does not come about.

This bill authorizes $415 million for DOD's Cooperative Threat Reduction Program, taking an important first step in locking down, perhaps, the most ready source of nuclear materials for terrorists.

With the inclusion of the Lugar amendment, of which I was proud to be a cosponsor, I hope we will begin to cut through the red tape that has hindered our efforts at locking down this threat for far too long. I commend my colleague from Indiana for his leadership over the decades on this effort.

Authorizing a total of $50 billion in supplemental appropriations for this next fiscal year for ongoing operations in Iraq and Afghanistan, and the global war on terror, the bill also tells the world we are not deterred by the hateful attacks on buses and trains in London or on cars in Baghdad.

We are prepared, once again, to fulfill our obligations to fund the effort in Iraq. I repeat my plea to the President that he frankly discuss his plan for success in Iraq with the American people while he candidly informs Americans about how we will pay for it.

I am also hopeful that as this bill moves forward to its final form, the amendments I have called up for consideration will also be included.

Amendment No. 1421 would simply change the name of the ''death gratuity'' to ''fallen hero compensation.'' This amendment was approved by the Senate in the supplemental appropriations bill but was dropped in conference.

''Death gratuity'' is the name for the assistance that taxpayers make available to military survivors. The term ''gratuity'' means gift. Not one of the widows, widowers, or children left behind think of that money as a gift. This is a simple change. There should be no opposition from Members of this body to include that name change. It more properly reflects the sacrifices military survivors have made and more properly expresses the gratitude and dignity we as a nation owe these families.

Amendment No. 1423, the Paralympic amendment, would allow the Pentagon's Office of Special Events to provide support to national and international Paralympic competitions hosted in the United States with a million-dollar limit on support in any one year. The Office of Special Events today supports the regular Olympics and other international sporting events. All this amendment does is to say we will treat our disabled athletes with the same support and respect.

The amendment would also allow support of a new USOC program that has been developed to assist with the rehabilitation of disabled veterans returning from Iraq and Afghanistan. It is a simple amendment that addresses a very important issue, especially to the disabled veterans who are returning from Operation Iraqi Freedom and Operation Enduring Freedom.

Amendment No. 1422 is another amendment that improves upon this bill. It will restore badly needed educational impact aid funding to the El Paso School District, which educates the children of more than 60 percent of the military personnel serving our Nation at the Fort Carson military base in Colorado.

For the 2004–2005 fiscal year, the El Paso School District submitted its application for impact aid to the Department of Education on time, but due to inadvertence and, perhaps, bureaucratic misdirection and mistake, it was deemed to be untimely because they failed to submit the application in electronic format. As a result, the school district that serves mostly military families was assessed a 10-percent penalty. This amendment will deem the school district's application as timely. The money is already in the Department of Education's budget. Thus, this amendment does not take money away from another source or another State.

One may ask, What connection does this have to our service personnel? And why is it so critical to the support of our military personnel?

First of all, 60 percent of the 5,500 El Paso School District students belong to military families stationed at Fort Carson, and they will be impacted by the cut in the amount of money available for their education.

Many of the loved ones of the students and staff of the El Paso School District have been deployed to Iraq as part of Operation Iraqi Freedom. In fact, over 11,000 soldiers from Fort Carson are currently deployed in Iraq today. That is over one-half of the fort's total forces. Many units from Fort Carson are now starting their second and third tours of duty in Iraq. Sadly, over 50 service personnel from Fort Carson have died in active duty in Iraq over the last several years.

Without the funds we are requesting, the school district will be forced to lay off teachers and cut educational programs that educate the families of service personnel. Our military personnel sacrifice a great deal for our freedom. We owe it to them to restore the educational funding for their children.

In closing, I am reminded once again of the thousands of Macs—just like the valiant lieutenant colonel I met in Kuwait—who are standing guard each and every day to protect our Nation. I am mindful of their families—in my own State, in Colorado Springs, in Denver,

in Grand Junction; in small, rural communities, and in every State and community throughout our Nation—awaiting their return or dreading their departure. We owe them, as the Senate, our best work.

This bill is very good work. As I started my comments today, I commended the leadership of my friends from Michigan and Virginia and their staffs for their great work. I hope our Democrats and Republicans will join together, as we move forward, to bring this legislation to successful conclusion because it is important for a strong defense for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to assure our distinguished colleague from Colorado that we will give very careful consideration to his amendments.

Have they been sent to the desk, I ask the Presiding Officer?

The PRESIDING OFFICER. Yes.

Mr. WARNER. Mr. President, I ask unanimous consent that they be set aside, such that the Senator from Connecticut is to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, if the Senator will yield, let me thank the Senator from Colorado for his extremely thoughtful and sensitive statement about what this bill is all about. I thank him for his kind remarks.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Let me first thank the chairman of the Senate Armed Services Committee, the distinguished Senator from Virginia, and the ranking member, the distinguished Senator from Michigan, for the extraordinary work they have done in bringing this bill forward. I am honored to be a member of the committee and proudly support its work.

AMENDMENT NO. 1389

Mr. President, I rise today to speak specifically about amendment No. 1389 offered by the Senator from South Dakota, Mr. THUNE. I am one of many cosponsors of this amendment. Its intention is to delay the implementation of the current round of base realignment and closures, the so-called BRAC, until we are better able to assess our defense needs.

The news from London in the last few days reminds us in the most stark and stunning ways of the fact that we are at war. It may not feel like that to most of us. It is a different kind of war. But there is an enemy out there worldwide who is committed to achieving some kind of victory over us and our allies and establishing a regime in a significant part of the world that would be fanatical, hateful, and, to say the least, undermine our national security and our national principles.

In the midst of such a war, it seems to me the reduction of our base structure has to be done with real care. The point of Senator THUNE's amendment, to delay this process, is this: One, we are in a war. As Senator SALAZAR said with great effect and poignancy, we have tens of thousands of American soldiers coming and going from Iraq, using bases in a way we may not have foreseen when this particular base realignment and closure process began.

We also are being asked and the Commission is being asked to make final judgments about some very important military installations in our country but before our final facts are before the Commission, the Congress, and the Pentagon. That is the intention of the Thune legislation, which, as I say, I am a cosponsor of—to put the brakes on, to say, let's not rush to judgment. Because in some cases of bases the Pentagon has recommended be closed, we may look back and say: This rush to judgment has really been a dash to disaster, that we have closed some military facilities we will urgently need in the years ahead.

Of course, I support cutting excess and unneeded defense spending and support saving money where we can. That is why I earlier voted for the BRAC round. But I think Senator THUNE and I, and so many others, when we saw the recommendations come out—now, in the middle of a war, based on information that is incomplete—we said to ourselves: Let's just step back a bit and get the facts we need before we make these final judgments.

Let me state it clearly. I have a local interest in this. The Pentagon has recommended, as all my colleagues know, the closing of Submarine Base New London, an extraordinary, in my opinion, national asset. But the point I want to make is if you close, God forbid, Submarine Base New London or some of these other bases that are recommended for closure, that is it. This is not like turning off the water in your house when you go away for a summer vacation, and when you come back and turn it back on, there is the water. If you close a base like Submarine Base New London, it is never going to be opened again. Therefore, you have to be able to reach a conclusion that not only is it not of military value today and in the near future, but it never will be; that is, in decades ahead, in an uncertain world. In this case of this submarine base—and I fear in some of the others—the facts that were used as a basis for the judgment do not stand up.

Too often, monetary savings have been confused with military value, and military value has been based on judgments that are incomplete. And here I come to one of our larger points: The Pentagon is now in the midst of its Quadrennial Defense Review, the most significant overarching review of America's military needs and goals for the future. That review is due next year. But we are being asked through BRAC and eventually in Congress to make final judgments on these bases before the final information is in, in the midst of a war.

I can tell you about Submarine Base New London, which I know best. The recommendation to close seems to be based on an estimate of the size of our submarine force, our attack submarine force, in the years ahead, which is the lowest anyone has ever seen and lower than every other study that has been done. I suppose if the base is closed, it will prejudge the fact. But I fear we will look back and say in the years ahead, as we face rising pure competitors: Why did we ever do that? I have enough confidence in this particular Base Realignment and Closure Commission and the independence and strength with which they are going at their responsibilities, at every turn making it clear they are not just going to be a rubberstamp for the Pentagon, that they are not going to allow Submarine Base New London to be closed. But I worry there are bases across this Nation that are recommended for closing on insubstantial, incomplete information that we will regret having closed. This amendment No. 1389 says: Let's just step back for a while. Let's wait until the Quadrennial Defense Review is in. Let's wait until we see the return of some more of our troops from Iraq so we know what our base needs are here at home. Let us not rush to judgment.

We are talking about our national security in a time of war, in an uncertain world, with rising new superpowers, but much more menacing than that: rogue states and nonstate actors gaining access to weapons of mass destruction. We have to get this right. I believe Senator THUNE's amendment would help us do that.

Mr. President, I will just say one final word about the news from London. I am sure the distinguished occupant of the chair, like myself, has been following these developments closely. They remind us that there is an insidious group out there, a fanatical group that will strike at civilians and try to strike panic in the hearts of average citizens to gain their political goals.

What has been as stirring as the attacks in London have been revolting has been the reaction of the British people. It really does remind us of their strength and determination during the Second World War. It is an inspiration. Most of all, I hope it will send a message to these terrorists that they may strike, but we are stronger than they are. Our principles are superior to theirs. They will never defeat us. I thank our friends from Britain, the average citizens, whose actions and words speak so loudly to us of their faith in the future, for giving us that model and that inspiration. We stand with them today as they have stood with us on so many previous days.

I thank the Chair and yield the floor.

AMENDMENTS NOS. 1343, 1430 THROUGH 1432, EN BLOC

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if my distinguished ranking member is prepared, we are about to send a series of amendments to the desk which have been cleared on both sides. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1343

(Purpose: To increase the limit on the value of assistance that may be provided to eligible entities to carry out procurement technical assistance programs operating on less than a Statewide basis)

On page 237, after line 17, add the following:

SEC. 846. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(2) of title 10, United States Code, is amended by striking ''$150,000'' and inserting ''$300,000''.

AMENDMENT NO. 1430

(Purpose: To clarify certain authorities relating to adoptions by members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.

(a) REIMBERSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United States Code, is amended by inserting ''or other source authorized to place children for adoption under State or local law'' after ''qualified adoption agency''.

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting 11, or by any other source authorized by State or local law to provide adoption placement,'' after ''(recognized by the Secretary of Defense)''.

AMENDMENT NO. 1431

(Purpose: To require a Comptroller General study on the features of successful personnel management systems of highly technical and scientific workforces)

At the end of title XI, add the following:

SEC. 1106. COMPTROLLER GENERAL STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

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

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces to attract and retain critical employees and to provide local management authority to Department of Defense laboratory officials.

(c) PURPOSES.—The purposes of the study shall include—

(1) the identification of the specific features of successful personnel management systems of highly technical and scientific workforces;

(2) an assessment of the potential effects of the utilization of such features by Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(3) recommendations as to the future utilization of such features in Department of Defense laboratories.

(d) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:

(1) The authorities in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) The authorities in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by this section. The report shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (d); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense laboratories.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services, Appropriations, and Government Reform of the House of Representatives.

AMENDMENT NO. 1432

(Purpose: To extend the effective date of the Higher Education Relief Opportunities for Students Act of 2003)

At the end of subtitle E of title VI, add the following:

SEC. 653. EXTENSION OF EFFECTIVE DATE.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30 2007''.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, subject to anything my distinguished colleague would want to do, I would like to have the Senate go into morning business.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are ready to proceed on a number of amendments, but we are going to withhold those as an accommodation to, I gather, a lot of folks here who want to go out right now. We will then offer the amendment on the Berlin cafe which has not yet been cleared. We will hold that off until Monday. And remarks on RNEP I will withhold until Monday. The national missile defense we also will withhold until Monday, if that is the desire of the chairman.

Mr. WARNER. Mr. President, I thank my ranking member for his usual courtesy and our ability to work out matters to accommodate both sides of the aisle.

Mr. LEVIN. I wonder if I could inquire, while we are waiting, I will also withhold an amendment which is ready to go which I don't know if it has been cleared or not on the time and material contract abuses. I will withhold that until Monday. If we have a moment, if we could ask a parliamentary inquiry, how many amendments now have been laid aside and are pending for either vote by rollcall or voice vote or acceptance?

The PRESIDING OFFICER. Eighteen first-degree amendments and one second-degree amendment have been laid aside.

Mr. LEVIN. I thank the Chair.

Mr. WARNER. Mr. President, there is a matter that must come before the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Tuesday, July 26, when the Senate resumes the Defense authorization bill, and notwithstanding the provisions of rule XXII, there then be 20 minutes of debate divided between Senators COLLINS and LAUTENBERG; provided further that following the use or yielding back of the time, the Senate proceed to a vote in relation to the Collins amendment No. 1377, to be modified to be a first-degree amendment, to be followed by a vote in relation to the Lautenberg amendment; provided further that no second degrees be in order to the above amendments prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Bill Frist, John Warner, Michael Enzi, John Cornyn, Jon Kyl, Richard Burr, Kit Bond, Lindsey Graham, John E. Sununu, Chuck Grassley, Mike DeWine, Lamar Alexander, James Talent, Pat Roberts, Johnny Isakson, Conrad Burns, Richard G. Lugar.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. For the information of our colleagues, this vote will occur on Tuesday.

Mrs. FEINSTEIN. Mr. President, I am pleased to be able to join with my colleagues, Senator CHUCK GRASSLEY from Iowa, and Senators BOXER and HARKIN in support of an amendment to the FY06 National Defense Authorization Act that would transfer one of our Nation's greatest battleships, the USS *Iowa* to the State of California for permanent donation status.

I understand the affection that many Iowans have for this important ship and that a model of the USS *Iowa* can be viewed in the Rotunda of the Iowa State Capitol. Therefore, I truly appreciate the support of Senators GRASSLEY and HARKIN for helping to ensure that the USS *Iowa* will have a permanent home in California.

I was privileged to have the opportunity to introduce legislation in 1998 and 1999 to assist in transporting the USS *Iowa* from Newport, RI, to Suisun Bay in San Francisco, where it now sits as part of the Navy's Reserve Fleet. Through its transfer from reserve to donation status, any port community in California will have the opportunity to competitively bid for the battleship.

While I am sure a number of communities in California will be interested, I understand that the Port of Stockton has already begun making preparations and raising money to bid on this project.

Having the USS *Iowa* as a permanent floating museum in California will be an honor for my State and a tremendous memorial to the thousands of sailors who served aboard this battleship over the past 6 decades.

The USS *Iowa*, nicknamed the ''big stick,'' was first launched in August 1942 and commissioned in February 1943 under the command of Capt. John L. McCrea. In August 1943 it was mobilized for the first time along the Atlantic coast to protect against the threat of German battleships believed to be operating in Norwegian waters.

In one of the more memorable moments of the battleship's history, the USS *Iowa* carried President. Franklin D. Roosevelt to Casablanca on his way to the Teheran Conference in November 1943, and afterwards provided the President transportation back to the United States. The USS *Iowa* engaged in combat for the first time after it was deployed to the Pacific theater as the flagship of Battleship Division 7.

During the early months of 1943, as part of the battle for the Marshall Islands, the USS *Iowa* supported U.S. aircraft carrier strikes and helped support numerous air strikes near Micronesia and neighboring islands. It was next deployed to assist U.S. forces in combat in the South Pacific near New Guinea and joined the Marianas campaign in June 1943.

During the Battle of the Philippines, the Iowa ably drove back and neutralized a series of air raids attempted by the Japanese middle fleet. Throughout the winter of 1944, the USS *Iowa* continued to engage in action off the Philippine coast until it was directed to return to the U.S. for maintenance in January 1945.

From January 1945 through March 1945, the Battleship *Iowa* received a full overhaul in the Port of San Francisco before steaming off for Okinawa to take part in combat operations near Japan. Arriving in April, the *Iowa* supported U.S. air strikes against Japan and the surrounding islands until the Japanese surrender in August 1945.

The ship was honored to be one of the few American battleships to sail into Tokyo Bay with the occupation forces and take part in the surrender ceremonies. After returning to the West Coast following the war, the USS *Iowa* operated in reserve status until it was decommissioned for the first time in March 1949.

In August 1951, after hostilities broke out in Korea, the USS *Iowa* was recommissioned and mobilized to that region. In March 1952, the battleship was deployed to the war zone as the flagship of VADM Robert Briscoe, the Commander of the 7th Fleet. For the next 7 months, the *Iowa* was fully engaged in support of the U.N. troops, bombarding strategic targets throughout North Korea.

Following the cessation of combat, the USS *Iowa* was sent to Norfolk, VA, to receive an overhaul in October 1952. For the next 5 years, the *Iowa* was engaged in training maneuvers in Northern Europe, including NATO exercises, and in the Mediterranean Sea. In 1958, it was decommissioned for the second time and made part of the Atlantic Reserve Fleet based at Philadelphia.

Despite being decommissioned twice, the USS *Iowa* was renovated and upgraded in April 1984, and was recommissioned for the third time as part of President Reagan's plan to expand the Navy to 600 ships. Throughout the 1980s, the battleship spent the majority of its deployment in the waters off the European coast while also taking tours of the Indian Ocean and Arabian Sea.

Despite surviving two wars and numerous combat engagements over its long history, the USS *Iowa* suffered its worst catastrophe in April 1989 when one of its 16-inch gun turrets blew up, causing the death of 47 sailors. The source of the explosion was never conclusively identified, in spite of a thorough investigation of the incident by the Navy. Even with its damaged turret, the *Iowa* went on to further assignments in the Atlantic and Mediterranean Sea until it was decommissioned for the final time at Norfolk, VA, on October 26, 1990.

In early 1998, I was contacted by city officials in San Francisco requesting help with bringing the USS *Iowa* out to the west coast. Together with Senator BOXER, we introduced legislation in October 1998, as part of the FY99 Defense Authorization Act, to provide for the transfer of the USS *Iowa* to San Francisco.

The next year I worked with colleagues in the California congressional delegation to secure $3 million to pay for the transport of the battleship from Rhode Island to California. On April 20, 2001, the USS *Iowa* finally arrived in San Francisco and has been berthed at Suisun Bay since that time.

This amendment ensures that this amazing battleship, which earned nine battle stars for its World War II service and two battle stars in the Korean war, will be memorialized permanently as a floating museum in California.

Once again, I thank Senators GRASSLEY, BOXER, and HARKIN for their support on this important provision.

I ask unanimous consent that this statement be placed in the RECORD next to the relevant amendment.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 15, S. 397, which is the Protection of Lawful Commerce in Arms Act, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 15, S. 397: A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of

firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

BILL FRIST, GEORGE ALLEN, LARRY E. CRAIG, CRAIG THOMAS, MICHAEL B. ENZI, JEFF SESSIONS, CHRISTOPHER BOND, LAMAR ALEXANDER, MITCH MCCONNELL, SAM BROWNBACK, TOM COBURN, RICHARD BURR, JOHN MCCAIN, RICHARD SHELBY, SAXBY CHAMBLISS, JOHN ENSIGN, CHUCK HAGEL.

Mr. MCCONNELL. Mr. President, I ask that the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2005

Mr. ENZI. Mr. President, as chairman of the Health, Eduation, Labor, and Pensions Committee, I would like to take the opportunity to comment on a very important piece of legislation the Senate passed this week—a managers' substitute for S. 544, the Patient Safety and Quality Improvement Act of 2005, offered by myself, Senators JEFFORDS, GREGG, KENNEDY, FRIST, MURRAY, and BINGAMAN.

More than 5 years in the making, this legislation is an important step toward building a culture of safety and quality in our health care system.

The language of this bill reflects a carefully negotiated bipartisan, bicameral agreement between the chairmen and ranking members of the Senate Health, Education, Labor, and Pensions Committee and the House Energy and Commerce Committee. I want to thank my colleagues Senator KENNEDY, Chairman BARTON, and Representative DINGELL for their hard work in bringing this agreement to fruition.

Tremendous credit also goes to the HELP Committee's previous Chairman, Senator GREGG, whose tireless work on this issue was invaluable in bringing us to where we are today, and to Senator JEFFORDS, sponsor of the original legislation upon which this agreement builds.

The Patient Safety and Quality Improvement Act will create a framework through which hospitals, doctors, and other health care providers can work to improve health care quality in a protected legal environment.

More specifically, the bill will extend crucial legal privilege and confidentiality protections to health care providers to allow them to report health care errors and ''near misses'' to specially designated patient safety organizations. In turn, these patient safety organizations, some of which exist in limited form today, will be able to collect and analyze patient safety data in a confidential manner.

After conducting this analysis, patient safety organizations will report back to providers on trends in health care errors and will offer guidance to them on how to eliminate or minimize these errors. Some of this takes place today, but much more information could be collected and analyzed if providers felt confident that reporting such errors would not increase the likelihood that they could be sued.

It is not the intent of this legislation to establish a legal shield for information that is already currently collected or maintained separate from the new patient safety process, such as a patient's medical record. That is, information which is currently available to plaintiffs' attorneys or others will remain available just as it is today. Rather, what this legislation does is create a new zone of protection to assure that the assembly, deliberation, analysis, and reporting by providers to patient safety organizations of what we are calling ''Patient Safety Work Product'' will be treated as confidential and will be legally privileged.

Errors in medical treatment take place far too often. Unfortunately, however, providers live in fear of our unpredictable medical litigation system. This fear, in turn, inhibits efforts to thoroughly analyze medical errors and their causes. Without appropriate protections for the collection and analysis of patient safety data, providers are understandably loath to participate in medical error reporting systems.

I am pleased that the negotiated final version of this bill reflects and upholds several of the key priorities of the bill the HELP Committee marked up earlier this year, and which was also passed out of the Senate last year.

For example, this agreement makes very clear that, in addition to strong legal privilege provisions, patient safety work product will also be subject to a clear and affirmative duty of confidentiality. That is, not only will patient safety work product be subject to a privilege in legal and related proceedings, but the bill will also impose penalties of up to $10,000 per violation should such patient safety work product be disclosed.

It was a key priority of the Senate bill that such information not only be privileged in a legal proceeding, but also that serious consequences will ensue if patient safety organizations, providers, or anyone else divulges it in ways not permitted under the bill. I am very pleased that the compromise agreement we are passing this week upholds this commitment to an affirmative duty of confidentiality.

Also, we believed very strongly that the definition of patient safety work product—that is, exactly what kind of information is to be protected—be drawn broadly enough to assure that providers will feel safe and secure in participating in a patient safety system—and that they not be chilled from participating by fear that their efforts to assemble, analyze, deliberate on, or report patient safety information to patient safety organizations would somehow fall outside of a too-narrow statutory definition of patient safety work product.

With this in mind, we negotiated a definition in the agreement which takes great care to make clear to providers that the assembly of data, its analysis, deliberations about it, and its reporting to a patient safety organization will be firmly protected. We also clarified that information that is collected, maintained, or developed separately from the patient safety system will continue to be treated the same as it is under current law.

Before I close, I want to take just a minute to thank the many Senate staff members who worked very hard to bring this legislation to where it is today. Among those who deserve special recognition and thanks are Andrew Patzman and Stephen Northrup of my HELP Committee professional staff, David Bowen of Senator KENNEDY's Committee staff, Peggy Binzer with Senator GREGG, Dean Rosen of Senator FRIST's Leadership staff, and Sean Donohue with Senator JEFFORDS. Much credit also goes to the hard work of the staff of the House Energy and Commerce Committee, as well as to the expert and very capable legislative staff at the Department of Health and Human Services.

I ask unanimous consent that a section-by-section summary of the legislation be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY

''PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2005''

MANAGERS SUBSTITUTE AMENDMENT

[July 2005]

SECTION 1. SHORT TITLE

The Patient Safety and Quality Improvement Act of 2005.

SECTION 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Creates a new Part C of Title IX of the Public Health Service Act, Entitled ''Patient Safety Improvement''

SECTION 921. DEFINITIONS

''Patient Safety Activities'' describes activities involving providers and certified patient safety organizations (see Sec. 924, below) which include the following: (1) efforts to improve patient safety and the quality of health care delivery, (2) collection and analysis of patient safety work product, (3) development and dissemination of information with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices, (4) utilization of patient safety work product for the purposes of encouraging a culture of safety and of providing feedback and assistance to effectively minimize patient risk, (5) maintenance of procedures to preserve confidentiality with respect to patient safety

work product, (6) activities related to the operation of a patient safety evaluation system and to the provision of feedback to participants in a patient safety evaluation system.

''Patient Safety Evaluation System'' means the collection, management, or analysis of information for reporting to or by a patient safety organization.

''Patient Safety Work Product'' is the data and other information for which the bill provides legal privilege and confidentiality protection. Patient safety work product includes any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements which: (1) are assembled or developed by a provider for reporting to a patient safety organization and are reported to such an organization, (2) are developed by a patient safety organization for the conduct of patient safety activities, or, (3) identify or constitute the deliberations or analyses of a patient safety evaluation system, or which identify the fact of reporting pursuant to such a system.

Patient safety work product does not include a patient's medical record, billing and discharge information, or any other original patient or provider record, or information that is collected, maintained, or developed separately, or exists separately, from a patient safety evaluation system.

SECTION 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS

Provides that patient safety work product is legally privileged and as such is not subject to (1) Federal, State or local civil, criminal, or administrative subpoena, (2) discovery in connection with a Federal, State or local civil, criminal, or administrative proceeding, (3) disclosure pursuant to the Freedom of Information Act (FOIA), (4) admitted as evidence in any Federal or State civil, criminal, or administrative proceeding, (5) admitted in a professional disciplinary proceeding.

Provides that patient safety work product is also confidential and shall not be disclosed.

Provides a number of exceptions to the privilege and confidentiality protections:

Exceptions to both privilege and confidentiality include disclosure of patient safety work product in a criminal proceeding after a court makes an in camera determination that such work product contains evidence of a criminal act and that it is material to the proceeding and not reasonably available from another source, disclosure of patient safety work product if authorized by the providers identified in it, and disclosure of patient safety work product when such disclosure is necessary in a proceeding against an employer for an adverse employment action based on a person's having made a good faith report to a patient safety organization.

Exceptions to the confidentiality rule but not to the privilege protection include (1) disclosure of patient safety work product to carry out patient safety activities, (2) disclosure of non-identifiable patient safety work product, (3) disclosure of patient safety work product for HHS-sanctioned research, (4) disclosure by a provider of patient safety work product to the FDA regarding products or activities regulated by the FDA, (5) voluntary disclosure of patient safety work product by a provider to an accrediting body, (6) such disclosures as the Secretary may determine are necessary to carry out business operations, (7) disclosure of patient safety work product to law enforcement authorities relating to the commission of a crime if the person making the disclosure reasonably believes that the work product being disclosed is necessary for criminal law enforcement purposes, (8) with respect to persons who are not patient safety organizations, the disclosure of patient safety work product that does not include materials that assess the quality of care of an identifiable provider or describe or pertain to one or more actions or failures to act by an identifiable provider.

Provides that in most cases, the disclosure of patient safety work product pursuant to one of the exceptions above does not constitute a waiver of privilege or confidentiality with respect to subsequent disclosures of such work product.

Provides that in most cases a patient safety organization shall not be compelled to disclose information collected or developed under this act, unless such information is identified, is not patient safety work product, and is not available from another source.

Provides that an accrediting body shall not take an accrediting action against a provider based on the provider's participation in a patient safety process, and that an accrediting body may not require a provider to reveal its communications with a patient safety organization.

Provides that a provider may not take an adverse employment action against an individual based on such individual's good faith reporting of information to the provider or to a patient safety organization.

Provides that civil monetary penalties of up to $10,000 per violation shall apply to any person who knowingly or recklessly violates the confidentiality or privilege protections, as well as equitable relief to address a wrongful employment action. Where a violation of this act also constitutes a violation of the Health Insurance Portability and Accountability Act (HIPAA), there shall be no double penalty.

Provides for a number of rules of construction, including that nothing in this act shall be construed: (1) to limit other Federal, State, or local laws that may provide for confidentiality or privilege provisions stronger than those in this act, (2) to limit or affect current law pertaining to information that is not confidential or privileged under this act, (3) to alter or affect implementation of HIPAA, except where specifically specified in this act, (4) to limit, alter, or affect any requirement for reporting to the Food and Drug Administration information regarding the safety of an FDA-regulated product, (5) to prohibit any person from conducting additional analysis for any purpose regardless of whether such additional analysis involves issues identical to or similar to those for which information was reported to or assessed by a patient safety organization.

Clarifies that for purposes of applying HIPAA confidentiality regulations (regarding patient health information), patient safety organizations shall be treated as business associates, and patient safety activities of a provider under this act are deemed to be health care operations, as such terms are defined pursuant to HIPAA.

Directs the Secretary to prepare a report, based on reporting to the Network of Patient Safety Databases (see Sec. 923 below), on effective strategies for reducing medical errors and increasing patient safety.

SECTION 923. PATIENT SAFETY NETWORK OF DATABASES

Directs the Secretary to facilitate the creation of a network of patient safety databases to collect and analyze relevant non-identifiable patient safety information voluntarily reported by patient safety organizations, providers, or other entities, and to provide an interactive evidence-based management resource. The Secretary may also establish common standards for the reporting of such data.

SECTION 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING

Provides for procedures to be used in the certification, recertification, and (as necessary) revocation of certification of patient safety organizations by HHS.

Criteria for certification as a patient safety organization include the following: (1) the mission and primary activity of the entity are to conduct activities that are to improve patient safety and the quality of health care delivery, (2) the entity has appropriately qualified staff as determined by the Secretary, including medical professionals, (3) the entity receives and reviews patient safety work product from more than one provider, (4) the entity is not a health insurance issuer (as defined in section 2791 (b)(2) of the Public Health Service Act).

Where applicable, the entity shall fully disclose to the Secretary any financial, reporting, or contractual relationship between the entity and any provider that contracts with the entity, and the fact that the entity is not managed, controlled, and operated independently from any provider than contracts with the entity.

The Secretary shall review such disclosures and make findings whether the entity can fairly and accurately operate as a patient safety organization, and shall consider such findings in determining whether to accept, condition, deny, or revoke such entity's certification.

SECTION 925. TECHNICAL ASSISTANCE

The. Secretary may provide technical assistance to patient safety organizations, including convening annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

SECTION 926. SEVERABILITY

If any provision of this act is held to be unconstitutional, the remainder of the act shall be unaffected.

Authorization of Appropriations—for purposes of carrying out this act, there are authorized such sums as may be necessary for each of the fiscal years 2006 through 2010.

Mr. JEFFORDS. Mr. President, I came to the floor today to commend our colleagues and extend my appreciation to them because last night the Senate unanimously passed S. 544, the Patient Safety and Quality Improvement Act of 2005. I do not believe it is too great an exaggeration to say that this bill will be among the most significant healthcare legislation the Senate will consider during this Congress. I say that because I believe this legislation will contribute immensely to the current efforts that are underway to save lives and reduce the tragedy of needless medical errors.

This legislation starts with a simple premise. Let us set up a system that helps our health care providers learn from each other. Let us set up a system that promotes the reporting and analysis of medical errors. Let us set up a system that engenders the trust of providers and the patients they serve.

The passage of this legislation represents the successful culmination of efforts, by many of our colleagues, that began with the publication of a small but significant report about medical errors.

With the publication of the Institute of Medicine, IOM, study, To Err is Human in 1999, we were all reminded

that Hippocrates' maxim to ''first, do no harm'' is as relevant to the practice of medicine today as it was in 400 B.C. That IOM report was among the first to galvanize national attention on the issue of patient safety when it reported that medical errors contribute to approximately 100,000 patient deaths a year. This startling and troubling statistic has been verified in subsequent studies and cited in peer reviewed articles in the leading journals of biomedical research, including the Journal of the American Medical Association, the Lancet, and the New England Journal of Medicine.

When I was Chairman of the Senate Committee on Health, Education, Labor, and Pensions in 1999, I undertook several hearings—5 in all—to examine this issue and discuss the recommendations of the To Err is Human report. The preponderance of testimony overwhelmingly agreed with several of the original Institute of Medicine recommendations.

Perhaps the most important of these recommendations stresses that improving patient safety requires a learning environment rather than a punitive environment; voluntary data gathering systems as opposed to mandatory systems; and appropriate legal protections—including confidentiality and privilege from discovery—that allow for the review and analysis of medical error information.

In response to this attention to patient safety issues, a myriad of public and private patient safety initiatives have begun. The Department of Health and Human Services has initiated several patient safety projects, including project grants funded by the Agency for Healthcare Research and Quality, AHRQ. The work of the Veterans' Administration in developing and implementing innovative patient safety systems—especially in the area of medication management—has drawn attention from throughout the country. In addition, the Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that can be taken by each Federal agency involved in health care; and agency activities to implement these steps are ongoing. Finally, efforts are well underway to bring the advanced electronic technology of the information-age to bear on solving many of the problems associated with medical errors.

Several non-governmental organizations and professional societies have also ''stepped up to the plate'' on patient safety. The Joint Commission on Accreditation of Healthcare Organizations, the U.S. Pharmacopoeia, the American Medical Association, medical specialty societies and other health care providers including the American Hospital Association and the American Federation of Hospitals have launched innovative efforts dedicated to improving patient safety.

Consumers of healthcare and academia are involved in reducing errors in patient care as well. Examples of these include: ''The Leapfrog Group'' an initiative driven by organizations that buy health care that are working to initiate breakthrough improvements in the safety, quality and affordability of healthcare; and the Institute for Healthcare Improvement, led by an original IOM panel member, Dr. Don Berwick, which has provided seminal work advancing the goals of patient safety. All of these efforts deserve our gratitude because without them deaths and injuries stemming from medical errors would continue to increase.

However, many of the organizations currently collecting patient safety data have expressed the need for legal protections that will allow them to review protected information so that they may collaborate in the development and implementation of patient safety improvement strategies.

The work of Lucien Leape, another member of the IOM panel and adjunct professor of health policy at Harvard University, has supported this view. Dr. Leape has argued persuasively that we, as a society, will continue to have difficulty reducing medical errors and improving patient safety because our institutions are ''still locked into a blame and punish approach to errors and a focus on individual culpability . . .'' in turn, ''the fear of malpractice litigation thus becomes a major barrier to openly discussing and reporting errors.''

To respond to these needs, I and several of our colleagues have for many years introduced legislation that would promote the open discussion of medical errors that is so needed to curb these needless deaths and injuries. Last year, this legislation passed the Senate unanimously, but unfortunately, a conference with our House colleagues never occurred.

This Congress, I reintroduced S. 544, the Patient Safety and Quality Improvement Act, with the bipartisan support of Senators GREGG, BINGAMAN, ENZI, FRIST, and MURRAY. Our group was soon joined in this effort by Senators SESSIONS, LANDRIEU and COLLINS. Early in this session, the Health, Education, Labor, and Pensions Committee unanimously passed S. 544. To Chairman ENZI's great credit, he recognized the significance of this legislation early-on and, enlisting the support of Senator KENNEDY, led the way to resolving differences between S. 544 and language that was being considered by our colleagues in the House of Representatives. Together, these Members worked untiringly to hone and improve this legislation, which resulted in its consideration by, and the unanimous support of, our colleagues last night.

The legislation raises expectations for higher standards for continuous patient safety improvement and it encourages a new and needed culture of patient safety among health care providers and American hospitals. The bill accomplishes these goals by establishing appropriate legal protections for patient safety information voluntarily shared among patient safety organizations and providers. Our legislation reflects the belief that a culture of patient safety can flourish best in an environment where information, data, processes, and recommendations enjoy legal protection and privilege.

Because it appropriately addresses an obvious need and concern, the Patient Safety and Quality Improvement Act has enjoyed widespread endorsement by hospital, patient, doctor, and consumer advocacy organizations. This degree of support underscores the broad appeal and essential nature of this proposed legislation.

In the time since the release of To Err is Human, the Congress has been unable to enact sensible legislation to reduce medical errors and increase patient safety. In that time, assuming that the IOM data are accurate, approximately one-half million more individuals have died and countless others have experienced significant injuries through medical errors.

With the leadership of Chairman ENZI and Senator KENNEDY we have met to work out differences with our colleagues in the House and it too will soon consider legislation. I am encouraged that we have reconciled disagreements that have previously stopped this legislation from moving forward and I hope the House will act favorably so that this legislation can become law.

We need to apply Hippocrates' admonition to ''first, do no harm'' beyond the medical community to the legislative community. We need to pass legislation now that will help the health care community stop the needless injury caused by unintentional medical errors.

Of course, we also live in a complex society—one in which medical errors that may have harmed a patient might also be the basis for litigation. It is a right under our laws to seek a remedy when harmed, and we need to preserve access to certain information for this redress of grievances.

However, an unfortunate consequence of living in a litigious society is that hospitals and providers often feel that it's not in their best interests to share information openly and honestly. We know, in fact, that their attorneys and risk managers often advise them not to do so. So, in order for our system to work, it needs to balance these sometimes competing demands.

I believe the Patient Safety and Quality Improvement Act strikes this balance. It calls for the creation of new entities we call Patient Safety Organizations that would collect voluntarily reported data in the form of patient safety workproducts. This bill provides the protections of confidentiality and privilege to that patient safety data—but this bill also sets definite limitations on what can be considered confidential and privileged.

This legislation does nothing to reduce or affect other Federal, State or

local legal requirements pertaining to health related information. Nor does this bill alter any existing rights or remedies available to injured patients. The bottom line is that this legislation neither strengthens nor weakens the existing system of tort and liability law.

Instead, the legislation before us creates a new, parallel system of information collection and analysis, designed to educate our doctors and protect patients' safety everywhere. This bill reflects difficult negotiations and many compromises over almost 5 years of consideration. Through the contributions of Members on both sides of the aisle, this legislation has been greatly strengthened since I first introduced it back in the 106th Congress.

I offer my appreciation to the many contributions from several colleagues who have worked to reach an agreement on this legislation. But I believe Chairman ENZI and Ranking Member KENNEDY deserve special recognition in their efforts to reach a consensus and so I commend them once again. I also want to commend the work of Chairman BARTON and that of the Dean of the House, Representative DINGELL, for their work to address our differences. It is my true hope that they can persuade their colleagues to favorably consider this bill.

When a significant bill makes its way through the many hoops of the legislative process and is destined to be signed into law, as I believe this one is, we have a custom in the Senate that we take a moment to acknowledge those whose work on that measure often has made difference between success and failure.

Chainnan ENZI's staff, Katherine McGuire, Steve Northrup, and especially Andrew Patzman deserve many thanks for their contributions and for reflecting so well the leadership of the Chairman. From Senator KENNEDY's office Michael Myers' commitment to this effort over the many years has often served to keep discussions going and David Bowen has once again demonstrated his ability to find common ground on difficult issues. Vince Ventimiglia and Peggy Binzer of Senator GREGG's office deserve special acknowledgement, not only for ''advancing the ball'' throughout the last Congress, but also for the legal expertise and insights they brought to the process.

The majority leader has been a partner in this effort from the very beginning and Dean Rosen and Liz Hall have contributed both their subject expertise and their legislative navigational skills. Bruce Lesley of Senator BINGAMAN's office and Anne Grady with Senator MURRAY led the way with improvements to the bill that helped start its way down the bipartisan path to success. Finally, I want to commend Sean Donohue, of my staff, for his contributions to the bill and also to his tenacious commitment over several years to get this legislation enacted.

We legislate on many issues in the Congress, but it is not often we can say that what we do makes a difference as a matter of life and death. Patient safety, however, is one of those issues. When this legislation is signed into law, everyone that has worked to improve it can know that, in this instance, they have made that difference.

LONG-TERM CARE

Mr. AKAKA. Mr. President, the Department of Veterans Affairs is to be applauded for facilitating a conference on the role of medical foster homes. The conference is titled: ''Medical Foster Home: A New Choice for Long-Term Care.'' The conference kicks of tomorrow in Little Rock, AR.

I also want to applaud the conference participants for taking time to attend the conference. We truly must be open to new ideas about how VA can care for veterans in need of long-term care. In my view, medical foster homes are an important part of the equation.

We know that today VA is facing tremendous demand for long-term care. In the years ahead, demand will explode. Yet the President's budget includes significant cuts to long-term care programs. The goal seems to reduce VA's workload and shift the burden elsewhere. But where are veterans to go?

Should VA be cutting back at a time when demand is growing? Should these cuts target needed nursing home and state home beds? According to the President's budget proposal, the answer is yes.

There is another side to this story: there are places on the VA landscape where some truly wonderful things are happening to keep veterans well cared for and in the setting of their choice. Good programs must be fostered.

Indeed, there are VA clinicians who, in grappling with the demand, have not waited but have found some innovative solutions. I am always deeply gratified by the level of dedication and innovation of VA employees, and I salute those who have moved forward.

One such good program is the medical foster home program in Arkansas. In 2002, Tom McClure testified before the Senate VA Committee about the foster home program. I know that all the Members of the Committee were amazed at the success of the program—despite some of the snags he has faced along the way. Nearly 3 years later, it seems VA is finally ready to advance the concept.

For my part, I recently introduced legislation to develop a medical foster home program on the Island of Oahu in Hawaii. While we have a wonderful VA nursing home—the Center on Aging, it only has 60 beds. Unfortunately, community nursing homes have few beds, as well. So, it is absolutely critical that Hawaii's veterans be provided with needed long-term care.

More and more veterans are seeking alternatives to nursing homes. They want to remain in the community. With the right kind of support and care from VA, they are able to do so—even with chronic and debilitating conditions. I do want to say that for many veterans, however, non-institutional options will not work; and because of this Congress is on record stating that VA must have sufficient nursing home capacity.

It is vital that VA's role as a model for long-term care be recognized and rewarded, because we will have enormous problems with demand for this care in the years ahead. The only entity of any scope, size, or capacity that is dealing with how to meet the needs of an older population is VA. This role of VA must be highlighted and supported.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT

GRANTS

Ms. COLLINS. Mr. President, last week, Senator LIEBERMAN and I offered, and the Senate adopted, Amendment #1142 to H.R. 2360, the Department of Homeland Security Appropriations Act. The amendment, which seeks to improve the process for providing homeland security grants to State and local governments, is nearly identical to S. 21, the Homeland Security Grant Enhancement Act of 2005, a bill which was reported out of the Committee on Homeland Security and Governmental Affairs. S. 21 was placed on the Senate's legislative calendar on May 4, 2005, and a detailed and comprehensive report from the Committee, Senate Report 109–71, accompanied S. 21 at that time. Because of the near identity of S. 21 and the amendment, this report pertains to Amendment #1142 as well.

Mr. LIEBERMAN. Mr. President, I agree with the Senator from Maine that the Committee report pertains to the amendment as well as to S. 21, on which the amendment is almost wholly based. The report provides a useful explanation of, and a broader context to, the amendment, and I recommend that those participating in the conference of the Homeland Security Appropriations bill look to it to elucidate the amendment. Also, to the extent that the language of Amendment #1142 will be enacted, I urge the Department of Homeland Security and others who may be called upon to implement or interpret these provisions to look to the text of the committee report for guidance in that implementation or interpretation.

Ms. COLLINS. Mr. President, I join with the Senator from Connecticut in encouraging those who are conferees on this bill and those who will be implementing the amendment if it is enacted to read and rely on the text of Senate Report 109–71.

ADDITIONAL STATEMENTS

COMMEMORATING THE 100TH ANNIVERSARY OF BIDWELL PARK

• Mrs. FEINSTEIN. Mr. President, I would like to recognize the City of Chico as they celebrate the 100th Anniversary of Bidwell Park, which is a significant part of Chico's identity and its crown jewel.

Bidwell Park was established in July of 1905 when Annie Bidwell, wife of Chico's founding father, John Bidwell, gave the City 1,902 acres of their ranch, Rancho del Arroyo Chico. Since that time, the City has purchased additional land enlarging the park to its present day size of 3,670 acres, making it the largest municipal park per capita in the United States.

Bidwell Park has a long history with the people of Chico and surrounding areas in Northern California. Some of America's classic movies such as the Adventures of Robin Hood, starring Errol Flynn, Gone with the Wind and Red Badge of Courage were filmed in Bidwell Park using the Park's natural setting and wild landscape as a backdrop.

Today, the City of Chico estimates that there are between 150,000 and 200,000 visits to Bidwell Park every year. Citizens who visit the Park can take advantage of wide-ranging recreational opportunities such as cooling off in one of the countless swimming holes or making the most of approximately 72 miles of trails for hiking, horseback riding and mountain biking.

Bidwell Park also serves as an ideal venue for numerous community events such as Chico's 4th of July Community Celebration held at the One-Mile Recreation Area and the Annual Shakespeare in the Park Series as well as the hundreds of family gatherings, weddings and company picnics.

I would like to especially recognize the work done by the Bidwell Park Centennial Committee and their Co-Chairs Tom Barrett and Chico City Councilmember Ann Schwab for their tireless efforts organizing the scores of events commemorating Bidwell Park's 100th birthday.

I would be remiss if I did not mention the contributions of the Bidwell Park Centennial Supporters and volunteers, especially the Chico Creek Nature Center, for all of their time and resources that illustrate the possibilities that can be realized when public and private interests come together for the benefit of the community.

Again let me say congratulations to the City of Chico and all of the people participating in events celebrating Bidwell Park's centennial year. You should feel proud of all that you are doing and I wish you the very best in the future.•

DO THE WRITE THING CHALLENGE 2005

• Mr. LEVIN. Mr. President, the ''Do the Write Thing Challenge'' is a national writing contest that gives middle school students the opportunity to express themselves about community problems including guns, gangs, drugs, and violence. The students are asked to identify actions they can take to help address such problems.

The Do the Write Thing Challenge, or DtWT, was created in 1994 and is sponsored by the National Campaign to Stop Violence. DtWT currently operates in 22 cities and counties, including Detroit, MI. In 2005, more than 32,000 students nationwide participated in DtWT by written submissions and by pledging not to engage in violence. Since its creation, more than 145,000 students have participated in the DtWT Challenge.

The national DtWT finalists from each participating jurisdiction recently came to Washington, DC to talk to lawmakers about youth violence and its impact on their lives. In addition, the finalists were honored by the National Campaign to Stop Violence at a national recognition ceremony. Among those honored were Samantha Medina and Michael Henderson of Detroit, MI.

Samantha and Michael both addressed the issue of gun violence in their writings. In her poem, Samantha wrote about the constant threat that guns pose to her family and friends. Michael wrote a personal essay about two friends and an uncle who were murdered by criminals using guns. Both students also chose to write about the importance of nonviolent solutions in resolving conflict and how the actions of individuals impact the safety of their entire community.

I congratulate Samantha and Michael, and the other DtWT national finalists as well as all of the participants across America for their achievements and efforts to eliminate violence from the areas where they live. I believe Congress can do more to support their efforts. Several pieces of legislation which would increase the number of police officers on our streets, increase resources for school and community violence prevention programs, and make it more difficult for criminals to obtain powerful weapons are currently awaiting further consideration in the Senate. I urge my colleagues to take up and pass these bills to make our families and communities more safe.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on July 21, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 212. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3377.

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on July 21, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Under the authority of the order of July 21, 2005, the enrolled bill was signed on July 21, 2005, during the adjournment of the Senate, by the Acting President pro tempore (Mr. MCCONNELL).

MESSAGE FROM THE HOUSE

At 1:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2601. An act to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2601. An act to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1389. A bill to reauthorize and improve the USA PATRIOT Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. VOINOVICH:

S. 1464. A bill to make a technical correction to the Act providing for the designation of the David Berger Memorial; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mrs. BOXER, Mr. LEVIN, and Mr. SARBANES):

S. 1465. A bill to strengthen programs relating to ocean, coastal, and Great Lakes science training by providing coordination of efforts, greater interagency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration, and to diversify the ocean, coastal, and Great Lakes science community by attracting underrepresented groups; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM:

S. 1466. A bill to suspend temporarily the duty on Desmodur R–E; to the Committee on Finance.

By Mr. SANTORUM:

S. 1467. A bill to suspend temporarily the duty on Walocel VP–M 20660; to the Committee on Finance.

By Mr. SANTORUM:

S. 1468. A bill to reduce temporarily the duty on Crelan VP LS 2147 (self-blocked cycloaliphatic polyuretdione); to the Committee on Finance.

By Mr. SANTORUM:

S. 1469. A bill to suspend temporarily the duty on Desmodur BL XP 2468; to the Committee on Finance.

By Mr. SANTORUM:

S. 1470. A bill to suspend temporarily the duty on Desmodur HL; to the Committee on Finance.

By Mr. SANTORUM:

S. 1471. A bill to suspend temporarily the duty on Desmodur RF–E; to the Committee on Finance.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mr. WARNER, and Mr. ALLEN):

S. 1472. A bill to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 1992 to provide for the restoration, protection, and enhancement of the environmental integrity and social and economic benefits of the Anacostia Watershed in the State of Maryland and the District of Columbia; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 1473. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1474. A bill to amend the Deficit Reduction Act of 1984 to clarify the Permanent University Fund arbitrage exception and to increase from 20 percent to 30 percent the amount of securities and obligations benefitting from the exception; to the Committee on Finance.

By Mr. VITTER:

S. 1475. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Finance.

By Mr. VITTER:

S. 1476. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. SARBANES, Ms. SNOWE, Mr. JEFFORDS, Mr. FRIST, Mrs. CLINTON, and Mr. REID):

S. Res. 205. A resolution honoring the life and legacy of Constantino Brumidi and recognizing his contributions to the United States on the 200th anniversary of his birth; considered and agreed to.

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

S. Res. 206. A resolution designating August 2005 as ''Psoriasis Awareness Month''; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. VITTER, Mr. MARTINEZ, Mr. THUNE, and Mr. JOHNSON):

S. Con. Res. 45. A concurrent resolution supporting the goals and ideals of National Life Insurance Awareness Month, and for other purposes; to the Committee on the Judiciary.

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

S. Con. Res. 46. A concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 390

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1129

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1248

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1248, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1300, a bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1375

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1375, a bill to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

S. 1418

At the request of Mr. ENZI, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN), the Senator from Alabama (Mr. SESSIONS), the Senator from Rhode Island (Mr. REED) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1418, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1420

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1420, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

S. 1424

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1424, a bill to remove the restrictions on commercial air service at Love Field, Texas.

S. RES. 198

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 198, a resolution commemorating the 25th anniversary of the 1980 worker's strike in Poland and the birth of the Solidarity Trade Union, the first free and independent trade union established in the Soviet-dominated countries of Europe.

AMENDMENT NO. 1354

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 1354 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1356

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 1356 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year

2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1389

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 1389 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1399

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1399 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1402

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1402 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. INOUYE, MRS. BOXER, Mr. LEVIN, and Mr. SARBANES):

S. 1465. A bill to strengthen programs relating to ocean, coastal, and Great Lakes science training by providing coordination of efforts, greater interagency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration, and to diversify the ocean, coastal, and Great Lakes science community by attracting underrepresented groups; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce a bill that will enhance science education for kids of all ages—including my age.

This bill capitalizes upon the natural allure of our oceans and coastlines to spark an interest in science. This will improve the general science literacy of Americans, which is a key to remaining competitive in today's global economy.

The bill will also foster a deeper appreciation of our oceans and fragile coastal environment. As the U.S. Commission on Ocean Policy, Ocean Commission, pointed out in a report last year, our oceans and their resources are in trouble. Fishery stocks are declining . . . development is changing our coastal environments . . . and water quality has become a problem in many areas.

We won't solve these challenges overnight. The future of our oceans and coastal regions rests with young people—so we must nurture their interest in ocean and coastal science.

The Ocean Commission also pointed out that the level of science knowledge among graduating high school seniors is well below other nations. We must bridge this science gap. And one of the best ways to get kids excited about science is by drawing on their own experiences of our oceans, coasts, and Great Lakes. Kids are captivated by marine science. Their eyes light up when you show them an octopus squirting ink, a porpoise leaping out of the water, or an ocean wave pounding the shore.

The bill we are introducing today, Ocean and Coastal Literacy in Urban and other Environments—or Ocean CLUE—will ensure that our students have an opportunity to learn about the ocean.

Agencies like the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation and NASA already have wonderful ocean education programs. Ocean CLUE will provide a Task Force to coordinate these activities and help shape a national ocean and coastal education strategy.

Our bill will also create a program within NOAA that will complement existing programs and satisfy an area of need identified by the Ocean Commission: minority representation in ocean and coastal careers.

Our new K–12 program will also focus on urban areas. Though many coastal problems can be traced far up watersheds to suburban and rural watersheds, problems are often most acute in population centers. This new urban focus will complement existing ocean and coastal science programs. My hope is that any science teacher nationwide will be able, with the click of a mouse, to easily find an ocean and coastal education program that perfectly suits their needs.

Our oceans are one of the greatest legacies we will bequeath to our children and grandchildren. We must also bequeath to them the knowledge and training to manage this crucial resource. This bill will do that.

I want to thank my colleagues who are co-sponsoring this legislation: Senators INOUYE, BOXER, LEVIN, and SARBANES.

I ask Unanimous Consent that the text of the bill be printed in the RECORD.

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

S. 1465

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ocean and Coastal Literacy in Urban and other Environments''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—OCEAN AND COASTAL SCIENCE EDUCATION COORDINATION

Sec. 101. National Science and Technology Council Technical Amendments.
Sec. 102. National Ocean and Coastal Science Education Task Force.
Sec. 103. Ocean and coastal science education advisory panel.

TITLE II—INTERAGENCY PROGRAMS TO ADVANCE OCEAN AND COASTAL KNOWLEDGE

Sec. 201. National strategy for ocean and coastal science education.
Sec. 202. Ocean and coastal science education program.

TITLE III—NOAA OCEAN AND COASTAL SCIENCE EDUCATION PROGRAMS

Sec. 301. NOAA ocean and coastal science education programs.
Sec. 302. Amendment to the National Sea Grant College Program Act.
Sec. 303. Amendment to the Coastal Zone Management Act of 1972.

TITLE IV—AUTHORIZATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The coastal regions and ocean waters of the United States are vital to the Nation's public safety, homeland security, transportation, trade, energy production, recreation and tourism, food production, scientific research and education, environmental and human health, and historical and cultural heritage.

(2) Development, resource extraction, and other human activities throughout watersheds, coupled with an expanding coastal population, are contributing to processes of environmental change that may significantly threaten the long-term health and sustainability of ocean, coastal, and Great Lakes ecosystems.

(3) The United States Commission on Ocean Policy reports that United States high school graduates' scientific literacy is below the international average and finds that exciting ocean, coastal, and Great Lakes sciences and education has the potential to stem the tide of science illiteracy in the Nation.

(4) Development and implementation of ocean, coastal, and Great Lakes literacy programs are essential to ensure a public that is fully knowledgeable about, fully informed about, and fully capable of decisions contributing to ocean, coastal, and Great Lakes issues.

(5) Development and implementation of education and training programs are essential to build a national scientific, technological, and engineering workforce fully representative of the Nation's citizens that meets the needs of growing ocean, coastal, and Great Lakes economies and better prepares the Nation for competition in the global economy.

(6) Those involved in ocean, coastal, and Great Lakes policy and sciences are not fully representative of the Nation's citizens, with only 10 percent of United States graduate students in marine sciences from underrepresented groups.

(7) A coordinated program of ocean and coastal science education would assist the Nation and the world in furthering knowledge of the ocean and the global climate system, ensuring homeland and national security, developing innovative marine products, improving weather and climate forecasts, improving human health, strengthening management and sustainable use of ocean and coastal resources, increasing the safety and efficiency of maritime operations, and protecting the environment and mitigate man-made and natural hazards.

(8) Seven of the 10 most populated urban centers in the United States are located along our marine, estuarine, and Great Lakes coasts, and a coordinated program of education specifically focused on urban coastal issues, including urban stakeholders, would focus national attention on the unique challenges faced by urban coastal communities.

(9) Increased Federal cooperation and investment are essential to build on ocean, coastal, and Great Lakes research and education activities that are taking place within numerous federal, state, and local agencies, academic institutions and industries and to establish new partnerships for sharing ocean, coastal, and Great Lakes science resources, intellectual talent, and facilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR; ADMINISTRATION.—The terms ''Administrator'' and ''Administration'' mean the Administrator of the National Oceanic and Atmospheric Administration and that Administration, respectively.

(2) ADVISORY PANEL.—The term ''Advisory Panel'' means the Ocean Research and Education Advisory Panel established under section 103.

(3) COUNCIL.—The term ''Council'' means the National Science and Technology Council.

(4) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution that is—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

(F) an institution determined by the Secretary of Education to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

(5) OCEAN AND COASTAL.—When used as an adjective, the term ''ocean and coastal'' means ocean, coastal (including estuarine), and Great Lakes.

(6) OCEAN AND COASTAL SCIENCES.—The term ''ocean and coastal sciences'' includes the exploration of ocean, coastal (including estuarine), and Great Lakes environments, the development of methods and instruments to study and monitor such environments, and the conduct of basic and applied research to advance understanding of—

(A) the physics, chemistry, biology, and geology of the ocean, coasts, and Great Lakes;

(B) ocean, coastal, and Great Lakes processes and interactions with other components of the total Earth system; and

(C) the impacts of the ocean, coastal regions, and Great Lakes on society and manner in which such environments are influenced by human activity.

(7) OCEAN AND COASTAL SCIENCE EDUCATION.—The term ''ocean and coastal science education'' includes literacy, outreach, formal education, and informal education focused on the oceans, coasts, and Great Lakes at all levels, including elementary, secondary, undergraduate, graduate, and the general public.

(8) STRATEGY.—The term ''strategy'' means the National Strategy for Ocean and Coastal Science, Education, and Literary developed under section 201.

(9) TASK FORCE.—The term ''task force'' means the National Ocean and Coastal Science Education Task Force established under section 102.

(10) UNDERREPRESENTED GROUP.—The term ''underrepresented group'' means, with respect to ocean and coastal sciences, policy, and education programs and activities, members of a minority group, women, individuals with disabilities, and any other class of individuals who are underrepresented.

TITLE I—OCEAN AND COASTAL SCIENCE EDUCATION COORDINATION

SEC. 101. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL TECHNICAL AMENDMENTS.

(a) DIRECTOR OF OFFICE OF SCIENCE AND TECHNOLOGY POLICY TO CHAIR COUNCIL.—Section 207(a) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(a)) is amended—

(1) by striking ''CHAIRMAN OF FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY'' in the subsection heading and inserting ''CHAIR OF THE NATIONAL SCIENCE AND TECHNOLOGY COUNCIL''; and

(2) by striking paragraph (1) and inserting the following:

''(1) serve as Chair of the National Science and Technology Council; and''.

(b) FUNCTIONS.—Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended to read as follows:

''SEC. 401. FUNCTIONS OF COUNCIL.

''(a) IN GENERAL.—The National Science and Technology Council shall consider problems and developments in the fields of science, technology, engineering, and mathematics and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

''(1) provide more effective planning and administration of Federal scientific, engineering, and technology programs;

''(2) identify research and education needs, including areas requiring additional emphasis;

''(3) achieve more effective use of the scientific, engineering, and technological resources and facilities of Federal agencies, including elimination of unwarranted duplication; and

''(4) further international cooperation in science, engineering and technology.

''(b) COORDINATION.—The Council may be assigned responsibility for developing long-range and coordinated plans for scientific and technical research and education activities which involve the participation of more than 2 agencies. The plans shall—

''(1) identify research approaches and priorities which most effectively advance scientific understanding and provide a basis for policy decisions;

''(2) provide for effective cooperation and coordination of research among Federal agencies; and

''(3) encourage domestic and, as appropriate, international cooperation among government, industry and university scientists.

''(c) OTHER DUTIES.—The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chair of the Council.

''(d) ASSISTANCE OF OTHER AGENCIES.—For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council, including—

''(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

''(2) undertaking upon the request of the Chair, such special studies for the Council as come within the scope of authority of the Council.

''(e) STANDING COMMITTEES; TASK FORCES; WORKING GROUPS.—For the purpose of developing interagency plans, conducting studies, and making reports as directed by the Chairman, standing committees, task forces, and working groups of the Council may be established.''.

SEC. 102. NATIONAL OCEAN AND COASTAL SCIENCE EDUCATION COMMITTEE.

(a) TASK FORCE.—The President shall establish a National Ocean and Coastal Science Education Task Force.

(b) MEMBERSHIP.—The task force shall be composed senior representatives with responsibility for, and expertise in, education from each of the following agencies and departments:

(1) The National Oceanic and Atmospheric Administration.

(2) The Navy.

(3) The National Science Foundation.

(4) The National Aeronautics and Space Administration.

(5) The Department of Energy.

(6) The Environmental Protection Agency.

(7) The Coast Guard.

(8) The United States Geological Survey.

(9) The United States Fish and Wildlife Service.

(10) The National Park Service.

(11) The Minerals Management Service.

(12) The Army Corps of Engineers.

(13) The National Institutes of Health.

(14) The Department of Agriculture.

(15) The Office of Science and Technology Policy.

(16) The Department of Labor.

(17) The Department of Education.

(18) The Smithsonian Institution.

(19) Such other Federal agencies and departments as the chair and vice chairs of the task force deem appropriate.

(c) CHAIR AND VICE CHAIRS.—The chair and vice chairs of the task force shall be appointed every 2 years by a selection committee composed of leaders of the departments and agencies represented on the task force including, at a minimum, the Administrator and the Director of the National Science Foundation. The term of office of the chair and vice chairs shall be 2 years. A person who has previously served as chair or vice chair may be reappointed.

(d) RESPONSIBILITIES.—The task force shall—

(1) serve as the primary source of advice and support on ocean and coastal science education for the Council and assist in carrying out the functions of the Council as they relate to such matters, including budgetary analyses;

(2) serve as the committee on ocean and coastal science education for the Council and carry out Council functions under section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) that relate to ocean and coastal sciences;

(3) improve cooperation among Federal departments and agencies with respect to ocean and coastal sciences and education budgets, programs, operations, facilities and personnel;

(4) stimulate collaborations among Federal departments and agencies to allow more efficient and effective use of existing Federal assets;

(5) provide a forum for development of the national strategy for ocean and coastal science education and oversee its implementation;

(6) establish standards for United States ocean and coastal literacy, which may include development of ocean and coastal science assessments or curricula to meet national or State science standards in elementary and secondary education science programs;

(7) establish standards for an ocean and coastal literacy outreach program to link science and education programs to broader communities, especially with respect to underrepresented groups and urban coastal areas;

(8) foster the development of ocean and coastal education and outreach programs that are integrated with and based upon Federal ocean and coastal science programs and that link educators and scientists, especially with respect to underrepresented groups and specifically urban coastal issues;

(9) coordinate Federal programs to improve representation of underrepresented groups and groups from urban areas in ocean-related careers;

(10) coordinate Federal ocean and coastal education activities for students at all levels, including funding for educational opportunities at the elementary, secondary, undergraduate, graduate, and post-doctoral levels;

(11) identify and work to establish linkages among Federal programs and those of States, academic institutions, museums and aquariums, industry, foundations, and other nongovernmental organizations;

(12) coordinate United States government ocean and coastal science education activities with those of other nations;

(13) carry out such other activities as the Council may require; and

(14) establish such interagency subcommittees and working groups as necessary to support the functions of the task force and develop comprehensive and balanced Federal programs and approaches to ocean and coastal sciences and education needs.

SEC. 103. OCEAN AND COASTAL SCIENCE EDUCATION ADVISORY PANEL.

(a) MEMBERSHIP.—

(1) APPOINTMENT.—The task force shall maintain an Ocean and Coastal Science Education Advisory Panel consisting of not less than 10 and not more than 18 members appointed by the chair.

(2) QUALIFICATIONS.—Members of the advisory panel shall be selected from among individuals representing ocean and coastal industries and foundations, State governments, museums and aquariums, non-governmental organizations, formal and informal educators, ocean and coastal science educators, and such other participants in ocean and coastal activities as the chair considers appropriate, who have the requisite expertise under paragraph (3).

(3) EXPERTISE.—Members shall have expertise in fields of endeavor including ocean and coastal sciences, ocean and coastal science education, outreach, ocean and coastal management and policy, and ocean engineering.

(4) REPRESENTATIVES OF UNDERREPRESENTED GROUPS.—Representatives of underrepresented groups shall have balanced representation on the advisory panel without regard to the requirements of paragraphs (2) and (3).

(b) RESPONSIBILITIES.—The advisory panel will advise the task force on—

(1) development and implementation of the national strategy for ocean and coastal science education;

(2) matters relating to links between ocean and coastal science education and ocean and coastal observing systems, oceanographic facilities and laboratories, and national oceanographic data requirements;

(3) issues pertaining to involvement of underrepresented groups in ocean-related careers; and

(4) Any additional matters that the task force considers appropriate.

(c) FUNDING.—The chair and vice chairs of the task force annually shall make funds available to support the activities of the Advisory Panel.

TITLE II—INTERAGENCY PROGRAMS TO ADVANCE OCEAN AND COASTAL KNOWLEDGE

SEC. 201. NATIONAL STRATEGY FOR OCEAN AND COASTAL SCIENCE EDUCATION AND LITERACY.

(a) IN GENERAL.—The task force shall develop a national strategy for ocean and coastal science education and literacy. The chair shall submit the strategy to the Congress within 1 year after the date of enactment of this Act, and submit a revised strategy at least once every 3 years thereafter. The initial strategy shall be based on the recommendations of the United States Commission on Ocean Policy and shall establish, for the 10-year period beginning in the year the strategy is submitted, the goals and priorities for education that most effectively support national workforce and professional development needs and improve public understanding and ability to participate in ocean policy decisions.

(b) SPECIFIC ACTIONS.—The strategy shall—

(1) provide for increased Federal investment in ocean and coastal science education over 5 years and for additional investments in education and outreach, technology development, and ocean exploration;

(2) make recommendations for the coordination of Federal ocean and coastal science education activities with those of States, regional entities, other nations, and international organizations;

(3) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities;

(4) establish a plan to improve representation of traditionally underrepresented groups in ocean-related careers, both policy and science;

(5) establish a plan to address specifically urban marine and coastal issues, emphasizing the link between urban communities and coastal issues including health, recreation, open space, development, and resource use;

(6) build on and complement existing programs; and

(7) develop an evaluation and assessment strategy for determining the most effective practices for existing and new ocean and coastal science education programs.

(c) ELEMENTS.—The strategy shall include the following elements:

(1) Ocean and coastal science education coordination and establishment of mechanisms to improve ocean literacy and contribute to public awareness of the condition and importance of the ocean.

(2) Partnerships among Federal agencies, States, academia, industries, members of the ocean and coastal science community, and underrepresented groups.

(3) Workforce and professional development including traineeships, scholarships, fellowships, and internships.

(4) Information management systems that provide information from varied sources to produce information readily usable by ocean and coastal science educators, students, and the public.

(5) The development, adapted for ocean and coastal science education, of technology and sensor development, including adaptation of their products for ocean and coastal science education.

(6) The development of information management systems and new learning technologies for efficient delivery of Federal marine science assets to students, teachers, and citizen decision-makers.

(d) PUBLIC PARTICIPATION.—In developing the strategy, the task force shall consult with the Advisory Panel, academic, State, industry, museums and aquariums, education, and conservation groups and representatives. Not later than 90 days before the chair submits the strategy, or any revision thereof, to the Congress, a summary of the proposed strategy or revision and a response to comments shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 202. OCEAN AND COASTAL SCIENCE EDUCATION PROGRAM.

(a) ESTABLISHMENT.—Consistent with the strategy, the President shall establish an interagency ocean and coastal education program to improve public awareness, understanding, and appreciation of the role of the ocean in meeting our Nation's economic, social, and environmental needs. The program shall complement and build upon existing efforts rather than duplicate such efforts. The ocean and coastal education program shall include formal education activities for elementary, secondary, undergraduate, graduate, and postdoctoral students, continuing education activities for adults, and informal education activities for learners of all ages. Under the program, particular attention shall be paid with respect to—

(1) students from underrepresented groups, especially at the elementary and secondary levels; and

(2) elementary and secondary students in urban areas, with the goal of improving public awareness and literacy of urban coastal problems.

(b) ELEMENTS.—

(1) IN GENERAL.—The program shall use appropriate interagency coordination mechanisms, build upon existing programs, and shall, at a minimum, provide sustained funding for—

(A) development of model instructional programs for students at all levels, with special focus on developing an urban unit;

(B) a regional education network to support academic competition and experiential learning opportunities for middle and high school students;

(C) a regional education network specifically to enhance ocean literacy opportunities for minority students and students in urban areas;

(D) teacher enrichment programs that provide for participation in ocean and coastal sciences, research expeditions, voyages of exploration, and the conduct of scientific research;

(E) educator professional development and student training and support to provide diverse ocean-related education opportunities at the undergraduate, graduate, and postdoctoral levels;

(F) mentoring programs and partnerships with minority-serving institutions, building on elementary and secondary minority programs, to ensure diversity in the ocean and coastal workforce;

(G) a national network of Centers for Ocean and Coastal Sciences Education Excellence to improve the acquisition of knowledge by students at all levels through enhanced collaborations between the scientific and education communities;

(H) the National Ocean and Coastal Sciences Bowl, a competition among high schools to promote knowledge of the ocean and coasts, with evaluation of the potential merits of a similar program for middle schools;

(I) the EstuaryLive program, a experiential learning program focused on coastal resources and issues; and

(J) an internet-based ocean and coastal science portal to provide a centralized source of Federal, State, academic, non-governmental, and other ocean and coastal science education materials, programs, and products.

(2) EVALUATION.—The task force shall assess and evaluate the elements of the program for success on a continuing basis.

(c) INTERAGENCY FUNDING.—The Administration, the National Science Foundation, and other Federal agencies involved in the program are authorized to participate in interagency financing and share, transfer, receive, and spend funds appropriated to any Federal participant in the program for the purposes of carrying out any administrative or programmatic project or activity under this section. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs of the same.

TITLE III—NOAA OCEAN SCIENCE AND COASTAL EDUCATION PROGRAMS

SEC. 301. NOAA OCEAN AND COASTAL SCIENCE EDUCATION PROGRAMS.

(a) IN GENERAL.—

(1) AUTHORITY TO ESTABLISH PROGRAMS.—The Administrator shall conduct, develop, support, promote, and coordinate formal and informal educational activities authorized by this section to enhance public awareness and understanding of the science, service, and stewardship missions of the Administration, such as the EstuaryLive program, the Bay Watershed Education and Training Program, and the Teacher-at-Sea and Teacher-in-the Air Programs. In conducting those activities, the Administrator shall consult with the task force and build upon the educational programs and activities of the National Sea Grant College Program, the National Marine Sanctuaries Program, the National Estuarine Research Reserve System, regional offices of the Administration, and programs relating to ocean exploration, undersea research, marine resources, marine observations, and oceans and human health.

(2) EDUCATIONAL ACTIVITIES INCLUDED.—In carrying out this section, the Administrator shall include among the educational activities education of the general public, teachers, students at all levels (including primary and secondary levels), and ocean and coastal managers and stakeholders, with particular attention to addressing the lack of participation by underrepresented groups in ocean and coastal sciences and policy careers.

(3) GRANT AND CONTRACT AUTHORITY.—In carrying out educational activities under this section, the Administrator may enter into grants, contracts, cooperative agreements, resource sharing agreements or interagency financing with Federal, State and regional agencies, tribes, commercial organizations, educational institutions, non-profit organizations or other persons.

(4) GOALS; STANDARDS; PERIODIC ASSESSMENTS.—The Administrator shall establish goals and standards for assessing the success of each of the Administration's educational activities under this section and shall evaluate the success of each such activity every 3-to-5 years.

(5) STRATEGIES.—The Administrator, in consultation with the appropriate program directors, shall ensure that educational activities under this section will—

(A) integrate agency-conducted and agency-funded science into high-quality educational materials;

(B) improve access to Administration educational resources;

(C) support educator professional development programs to improve understanding and use of agency sciences;

(D) promote participation in agency-related sciences and careers, particularly by members of underrepresented groups; and

(E) leverage partnerships to enhance formal and informal environmental science education.

(b) REGIONAL EDUCATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a regional elementary and secondary education program that—

(A) focuses on providing experiential learning opportunities for students in the area of ocean and coastal resources, based on the model of the Bay Watershed Education and Training Program;

(B) is administered, wherever possible, at the local and regional offices of the Administration or Sea Grant College Program offices or offices of other appropriate existing programs; and

(C) shall provide funding, on a competitive basis, to organizations emphasizing experiential learning for elementary and secondary students.

(2) PRIORITIES.—The regional program shall give a priority to—

(A) providing experiential ocean and coastal education programs for elementary, middle, and secondary school students that are aligned with National or State standards of learning; and

(B) providing teacher training in ocean and coastal education, including adequate training for teachers to bring experiential learning into their classrooms.

(c) OCEAN AND COASTAL LITERACY IN URBAN ENVIRONMENTS PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish an Ocean and Coastal Literacy in Urban Environments Program (to be known as the Ocean CLUE Program) that is designed to broaden knowledge about the oceans and coastal areas among underrepresented groups and in urban areas.

(2) ELIGIBILITY CRITERIA.—In order to be eligible to participate in the program—

(A) at least 50 percent of the student body of an applicant school, or a school with which an applicant group proposes to work, shall consist of members of underrepresented groups; or

(B) the applicant school, or a school with which an applicant proposes to work, shall be located in an urban area.

(3) GRANTS.—

(A) IN GENERAL.—Under the program, the Administrator shall award grants to eligible elementary and secondary schools, or groups proposing to work with elementary and secondary schools selected through a competitive process, on the basis of the merits of their proposals.

(B) TERM.—A grant under the program shall be awarded initially for a period of 1 year, but may be renewed annually for up to 3 additional years.

(C) REQUIREMENTS.—As a condition of receiving a grant under the program, a recipient shall demonstrate to the satisfaction of the Administrator that—

(i) it will use a curriculum of ocean and coastal science that complements or satisfies National, State, or regional science requirements;

(ii) activities funded in whole or in part by the grant will focus on marine science, marine policy, and other maritime social sciences, with experiential teaching methods explored;

(iii) it will contribute to a coordinated Ocean CLUE website established by the Administrator that is accessible by the public; and

(iv) it will undertake to meet with other grant recipients at least once during each year for which it is receiving a grant to share curricula and to discuss successful techniques and challenges.

(d) BAY WATERSHED EDUCATION AND TRAINING PROGRAM.—The Administrator shall expand the Bay Watershed Education and Training Program by not more than 1 region per year.

(e) EDUCATIONAL PARTNERSHIP PROGRAM.—The Administrator shall establish a program of educational partnerships with minority-serving institutions, providing financial assistance to these institutions to support collaborative research and training of students in ocean, atmospheric, and Earth sciences through competitive processes. The program shall have include at least the following 4 components:

(1) Cooperative Science Centers will be established at minority-serving institutions in partnership with other institutions that have established programs and graduate degrees in ocean, Earth, and atmospheric disciplines.

(2) An Environmental Entrepreneurship Program will provide funding to eligible minority-serving institutions to attract students who are members of an underrepresented group to pursue academic study, careers, and entrepreneurship opportunities in ocean, Earth, and atmospheric sciences.

(3) A Graduate Sciences Program will recruit and provide graduate level training in ocean, Earth, and atmospheric sciences to outstanding candidates who are members of an underrepresented group.

(4) An Undergraduate Scholarship Program will be established whose goal is to increase the number of students who undertake coursework and graduate with degrees in fields integral to the Administration's mission.

(f) ADDITIONAL ELEMENTARY AND SECONDARY PROGRAMS.—The Administrator shall establish elementary and secondary ocean education programs, exploring partnerships with non-governmental organizations and exploring experiential or non-traditional education techniques, such as the EstuaryLive and the Bay Watershed Education and Training programs.

(g) TEACHER-AT-SEA; TEACHER-IN-THE-AIR.—The Administrator shall—

(1) establish a program, to be known as the Teacher-at-Sea Program, to bring teachers from elementary, middle, and secondary schools, and from institutions of higher education to sea aboard Administration research and survey ships to work under the tutelage of scientists and crew;

(2) establish a related program, to be known as the Teacher-in-the Air Program, using Administration aircraft for the purposes of marine observations and studies of links between the atmosphere and the ocean; and

(3) consider establishing a counterpart program to the Teacher-at-Sea Program in

coastal areas using smaller Administration ships.

(h) NOAA SCIENCE EDUCATION PLAN.—The Administrator, in consultation with the Ocean Education Council and representatives of the Marine Sanctuaries Program, the Sea Grant Program, the National Estuarine Research Reserve System, the Office of Exploration, the National Undersea Research Program, and other appropriate Administration programs, shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years. The plan shall—

(1) set forth the Administration's goals, priorities, and programmatic activities for ocean and coastal science education in 5-year phases;

(2) identify links between the Administration's ocean and coastal science education activities and its programs and missions;

(3) consider the recommendations of ocean and coastal science and education experts, as well as those of professional education associations or organizations;

(4) be developed in consultation with programmatic offices, ocean and coastal sciences and education experts, and interested members of the public; and

(5) be evaluated and updated every 3-to-5 years.

SEC. 302. AMENDMENT TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 212(a) of the National Sea Grant College Program Act (33 U.S.C 1131(a)) is amended by adding at the end the following:

''(3) MARINE AND AQUATIC SCIENCE EDUCATION.—In addition to the amounts authorized for each fiscal year under paragraphs (1) and (2), there are authorized to be appropriated for marine and aquatic science education in each of fiscal years 2006 through 2011—

''(A) $6,000,000 in funding for the educational activities of sea grant programs;

''(B) $4,000,000 for competitive grants for projects and research that target national and regional ocean and coastal science literacy; and

''(C) $3,000,000 for competitive grants to support educational partnerships under the national Coastal and Ocean Education Program to be funded through an appropriate interagency mechanism.''.

SEC. 303. AMENDMENT TO THE COASTAL ZONE MANAGEMENT ACT OF 1972.

Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(a)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (1)(C);

(2) by striking ''1999.'' in paragraph (2)(C) and inserting ''1999; and''; and

(3) by adding at the end the following:

''(3) for estuarine science education, there are authorized to be appropriated, in addition to the amounts authorized for each fiscal year under paragraphs (1) and (2), in each of fiscal years 2006 through 2011—

''(A) $3,000,000 in increased funding for the educational activities of National Estuarine Research Reserves; and

''(B) $1,000,000 for competitive grants for projects that use National Estuarine Research Reserve System system-wide monitoring program data to advance ocean and coastal science literacy.''.

TITLE IV—AUTHORIZATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL OCEAN AND COASTAL EDUCATION PROGRAM.—Of the amounts authorized annually to the Department of the Navy, the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and other agencies that are members of the National Ocean and Coastal Science Education Task Force for fiscal year 2006 through fiscal year 2011, up to $25,000,000 from each agency may be made available for the National Ocean and Coastal Education Program under section 202.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In addition to the amounts authorized to be made available by subsection (a) of this section and under section 212(a)(3) of the National Sea Grant College Program Act (33 U.S.C 1131(a)(3)) and section 318(a)(3) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(a)(3)), there are authorized to be appropriated to the Administrator—

(1) $20,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(a);

(2) $8,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301 (c);

(3) $8,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(d);

(3) $10,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(e);

(4) $6,000,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(f); and

(5) $200,000 for each of fiscal years 2006 through 2011 for educational activities under section 301(g).

(c) AVAILABILITY.—Sums appropriated pursuant to subsection (b) shall remain available until expended.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mr. WARNER, and Mr. ALLEN):

S. 1472. A bill to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 1992 to provide for the restoration, protection, and enhancement of the environmental integrity and social and economic benefits of the Anacostia Watershed in the State of Maryland and the District of Columbia; to the Committee on Environment and Public Works.

Mr. SARBANES. Mr. President, today I am reintroducing legislation, together with my colleagues Senators MIKULSKI, LANDRIEU, WARNER and ALLEN to bolster efforts to restore the Anacostia River.

I spoke during the 108th Congress about the need for this legislation and I want to underscore the principal reasons today. The Anacostia River is a resource rich in history and with tremendous natural resource and recreational potential. It is home to 43 species of fish, some 200 species of birds, as well as more than 800,000 people whose neighborhoods border the watershed. Flowing through Montgomery and Prince George's Counties in Maryland and emptying into the Potomac at the District of Columbia, the watershed consists of a 176 square mile drainage area. One of the most urbanized watersheds in the United States, the Anacostia suffers a series of problems including trash, toxic pollution from urban runoff, sewage pollution from leaking sewer lines and combined sewer overflows, sediment pollution from erosion, and loss of fish and wildlife and recreational resources. It is a resource that has long been abused and neglected, but one that, in my view, can and must be protected and restored.

Efforts to begin rejuvenating the Anacostia watershed began formally in 1987 when the State of Maryland, Montgomery and Prince George's Counties, and the District of Columbia signed an Anacostia Watershed Restoration Agreement. The Agreement authorized the Washington Area Council of Governments, COG, to manage the restoration program and the Interstate Commission on the Potomac River Basin, ICPRB, to protect the resources and facilitate public participation. COG created an Anacostia Watershed Restoration Committee, AWRC, to coordinate and implement restoration projects throughout the watershed. Since that time, local, State, and Federal Government agencies, as well as the Anacostia Watershed Society, the Anacostia Citizens Advisory Committee and other environmental organizations and dedicated private citizens have contributed significant resources toward re-establishing the Anacostia watershed ecosystem.

Thanks to this cooperative and coordinated Federal, State, local and private effort, we are beginning to make some progress in restoring the watershed. A Six Point Action Plan was signed in 1991 setting ambitious and broad-reaching goals for the river's restoration. In 1993 we celebrated the successful restoration of 32 acres of emergent tidal wetlands by the Army Corps of Engineers at Kenilworth marsh. The project has shown significant results in improving tidal water flow through the marsh, and reducing the concentration of nitrogen and phosphorus in the area and demonstrates what can be achieved in urban river restoration. There have been other success stories as well in urban stream restoration in Montgomery and Prince George's counties, removing barriers to fish passage and reforestation efforts throughout the watershed, to name only a few. In 1999, a new Anacostia Watershed Agreement was signed to strengthen the regional governmental commitment to Anacostia restoration. There are today more than 60 local, State and Federal agencies involved in Anacostia watershed restoration. And more than $100 million has been spent cleaning up the river. There is clearly much for which we can all be proud. But the job of restoring the Anacostia watershed is far from complete. The Anacostia is still one of North America's most endangered and threatened rivers. It is designated one of three ''regions of concern'' for toxics in the Chesapeake Bay watershed.

The legislation which we are introducing authorizes more than $200 million in Federal assistance over the next 10 years to restore the Anacostia. Of these funds, $170 million is authorized to address the biggest pollution problems in the watershed—storm water runoff and failing waste-water infrastructure. As the builder of much of

the original infrastructure and a major user, the Federal Government has an important responsibility to help stem the flow of this pollution and comply with the Clean Water Act. The remaining funds will allow the Administrator of EPA, working together with an ''Anacostia Watershed Council'' of State and local officials, to develop a comprehensive environmental protection and resource management plan for the watershed, for several Federal agencies to join in the implementation of the plan.

The Anacostia River suffers from centuries of impacts and changes. Once a healthy, thriving river, it is today severely degraded. This legislation is urgently needed if we are to achieve the goal of making the Anacostia and its tributaries swimmable and fishable again. It is my hope that provisions of this measure will be included in the reauthorization of the Water Resources Development Act and I urge my colleagues to join me in supporting this measure.

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 1473. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce The Commercial Fishermen Safety Act of 2005, a bill to help fishermen purchase the life-saving safety equipment they need to survive when disaster strikes. I am pleased to be joined by my good friend from Massachusetts, Senator KENNEDY, in introducing this legislation. Senator KENNEDY has been a leader in the effort to sustain our fisheries and to maintain the proud fishing tradition that exists in his State and mine.

Recent portrayals of the commercial fishing industry in film and in literature have provided the American public with glimpses of the challenges and dangers associated with earning a living from the sea. These stories and movies merely scratch the surface of what it is like to be a modern-day fisherman. Everyday, members of our fishing communities struggle to cope with the pressures of running a small business, complying with burdensome regulations, and maintaining their vessels and equipment. Added to these challenges are the dangers associated with fishing, where disaster can strike, often without notice.

Year-in and year-out, commercial fishing ranks among the Nation's most dangerous occupations, often as the most dangerous occupation. Between the years of 1992, when the Bureau of Labor Statistics began compiling occupational safety statistics, and 2003, 756 commercial fishing-related fatalities have been documented. This profession is roughly 30 times more dangerous than the average occupation.

Too often, commercial fishing has proved tragic throughout our coastal waters including the north Pacific, the Gulf of Mexico, and the north Atlantic. The New England fishing community is no stranger to heartbreak. The 2004–2005 winter proved no exception, with the December 20, 2004 sinking of the *Northern Edge*. Five fishermen were lost during this incident, which was the worst loss of life in the New England fishing community since 1991. One fisherman, Pedro Furtado, was saved when the *Northern Edge* went down. Pedro was able to locate a life raft, to which he clung for half an hour in high winds and freezing temperatures before being rescued by the crew of a nearby scallop boat. This incident could have been even more tragic, if vital lifesaving safety equipment were not at hand.

Not all disasters at sea end with a loss of life. Fishermen also tell stories of dramatic rescues, stories that all have something in common: safety equipment. On February 9, 2005, a 38-foot gillnet vessel, *Hollywood*, sank 45 miles off of Cape Ann, Massachusetts. Aboard this boat were three fishermen, all of who survived. These men survived despite 40 degree water temperatures. Two of the three crew members were wearing survival suits, and they all were able to get into a life raft before the boat sank.

Tragedy has again visited the New England fishing community. This month alone, two New England vessels have sank, during a time of year that is generally not as hazardous for the industry. On the evening of July 13, the *Sirius* sank 25 miles south of Matinicus Island, Maine. Sadly, the captain of the *Sirius* was lost. Fortunately, the two remaining crew members were rescued by fellow fishermen. Just four, short days later, another fishing vessel, *Princess*, sank off of Chatham, Massachusetts. Fortunately, the entire crew of this vessel was rescued, due in no small part to their safety equipment.

Coast Guard regulations require all fishing vessels to carry safety equipment. The requirements vary depending on factors such as the size of the vessel, the temperature of the water, and the distance the vessel travels from shore to fish.

Required equipment can include a life raft that automatically inflates and floats free, should the vessel sink; personal flotation devices or immersion suits which help protect fishermen from exposure and increase buoyancy: EPIRBs, which relay a downed vessel's position to Coast Guard Search and Rescue Personnel; visual distress signals; and fire extinguishers.

When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining this equipment must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance. Meeting all of these obligations is made more difficult by a regulatory framework that uses measures such as trip limits, days at sea, and gear alterations to manage our marine resources.

The Commercial Fishermen Safety Act of 2005 lends a hand to fishermen attempting to prepare in case disaster strikes. My bill provides a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at $1500. Items such as EPIRBs and immersion suits cost hundreds of dollars, while life rafts can reach into the thousands. The tax credit will make life-saving equipment more affordable for more fishermen, who currently face limited options under the federal tax code.

Safety equipment saves lives in an occupation that has suffered far too many tragedies. By extending a tax credit for the purchase of federally required safety equipment, Congress can help ensure that fishermen have a better chance of returning home each and every time they head out to sea.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 205—HONORING THE LIFE AND LEGACY OF CONSTANTINO BRUMIDI AND RECOGNIZING HIS CONTRIBUTIONS TO THE UNITED STATES ON THE 200TH ANNIVERSARY OF HIS BIRTH

Mr. ENZI (for himself, Mr. KENNEDY, Mr. SARBANES, Ms. SNOWE, Mr. JEFFORDS, Mr. FRIST, Mrs. CLINTON, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas Constantino Brumidi was born in Rome, Italy, on July 26, 1805, to an Italian mother and a Greek father who inspired his lifelong love of liberty and freedom of expression;

Whereas Constantino Brumidi emigrated to the United States from Rome in 1852 and became a naturalized citizen in 1857;

Whereas Constantino Brumidi established a reputation for excellence in his craft that led to him being known as the ''Michelangelo of the Capitol'';

Whereas Constantino Brumidi represents the many immigrant artists and craftsmen who have contributed over the years to the design and decoration of the United States Capitol;

Whereas Constantino Brumidi painted murals and other outstanding artworks in the United States Capitol over the last third of his life, between 1855 and 1880, including the first fresco painted in the United States, in what is today the House Appropriations Committee Room, the famous ''Brumidi Corridor'' on the Senate side of the Capitol, and the paintings in the President's Room (S–216);

Whereas Constantino Brumidi painted ''The Apotheosis of George Washington'' and began the frieze of American history on the interior of the dome above the Rotunda at the center of the United States Capitol, but died while working on sketches for the frieze;

Whereas Constantino Brumidi succeeded in his effort to encourage the use of the Capitol as a living testament to the past, present, and glorious future of the United States of America with his artwork, especially with his murals; and

Whereas Constantino Brumidi's celebration of the liberty he found in America can be seen in his signature on his painting that he was an Artist Citizen of the United States and in his statement on being hired for his first Capitol commission that, ''I no longer have any desire for fame or fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty.'' :Now, therefore, be it

Resolved, That the Senate, on behalf of the American people, honors the life and legacy of Constantino Brumidi, artist and patriot, and recognizes his many contributions to the world of art as well as the legacy of the United States as reflected in the building that houses Congress, the United States Capitol Building.

SENATE RESOLUTION 206—DESIGNATING AUGUST 2005 AS ''PSORIASIS AWARENESS MONTH''

Mr. SMITH (for himself and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 206

Whereas psoriasis and psoriatic arthritis are chronic, immune-mediated diseases for which there is no cure;

Whereas more than 5,000,000 men, women, and children in the United States have been diagnosed with either psoriasis or psoriatic arthritis;

Whereas psoriasis and psoriatic arthritis are painful and disabling diseases that have a significant and adverse impact on the quality of life of an individual diagnosed with either of these diseases;

Whereas the National Institute of Mental Health funded a study that found that psoriasis may cause as much physical and mental disability as other major diseases, including cancer, arthritis, hypertension, heart disease, diabetes, and depression;

Whereas psoriasis is associated with elevated rates of depression and suicidal ideation;

Whereas each year the people of the United States spend more than $4,000,000,000 to treat psoriasis;

Whereas early diagnosis and treatment of psoriatic arthritis may help prevent irreversible joint damage; and

Whereas treating psoriasis and psoriatic arthritis presents a challenge for patients and physicians because no 1 treatment works for everyone, some treatments lose effectiveness over time, many treatments are used in combination with other treatments, and all treatments may cause a unique set of side effects: Now, therefore, be it

Resolved, That the Senate designates August 2005 as ''Psoriasis Awareness Month''.

Mr. President, I am pleased to join the junior Senator from Oregon in submitting a resolution designating August 2005 as Psoriasis Awareness Month. This awareness month will increase public knowledge about psoriasis and aid in efforts in the medical community to diagnose, treat, and eventually cure the disease.

Psoriasis is a non-contagious, immune-mediated, lifelong skin disorder. The source of psoriasis is believed to have a genetic component which triggers a faster growth cycle of skin cells that results in buildup; however, the exact cause is unknown. The severity of psoriasis can vary from person to person. For most people, the disease appears as raised, red patches or lesions covered with a silvery white buildup of dead skin cells, called scale.

Psoriatic arthritis is a condition associated with psoriasis. This disease is a chronic inflammatory disease of the joints and connective tissue, which causes stiffness, pain, swelling and tenderness of the joints and the tissue around them. Without treatment, psoriatic arthritis can be potentially disabling and crippling. Approximately 10 to 30 percent of people with psoriasis develop psoriatic arthritis.

Psoriasis and psoriatic arthritis have been diagnosed in more than 5 million men, women and children in the United States. Each year, the United States spends $4 billion dollars to treat this lifelong disease. Furthermore, about 56 million hours of work are lost each year by people who suffer from psoriasis, and the National Institute of Mental Health has found that psoriasis can cause as much physical and mental disability as other major diseases.

Researchers are still searching for a cure for psoriasis. In the meantime, we must continue to support such efforts and raise public awareness of the symptoms and available treatments for psoriasis and psoriatic arthritis. I hope that my colleagues will join me in this effort.

SENATE CONCURRENT RESOLUTION 45—SUPPORTING THE GOALS AND IDEALS OF NATIONAL LIFE INSURANCE AWARENESS MONTH, AND FOR OTHER PURPOSES

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. VITTER, Mr. MARTINEZ, Mr. THUNE, and Mr. JOHNSON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 45

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families in the event of a premature death by helping surviving family members to meet immediate and longer-term financial obligations and objectives;

Whereas nearly 50,000,000 Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the insured results in three-fourths of surviving family members having to take measures such as working additional jobs or longer hours, borrowing money, withdrawing money from savings and investment accounts, and, in too many cases, moving to smaller, less expensive housing;

Whereas individuals, families, and businesses can benefit greatly from professional insurance and financial planning advice, including the assessment of their life insurance needs; and

Whereas the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2005 as ''Life Insurance Awareness Month'', the goal of which is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the goals and ideals of Life Insurance Awareness Month; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 46—EXPRESSING THE SENSE OF THE CONGRESS THAT THE RUSSIAN FEDERATION SHOULD FULLY PROTECT THE FREEDOMS OF ALL RELIGIOUS COMMUNITIES WITHOUT DISTINCTION, WHETHER REGISTERED AND UNREGISTERED, AS STIPULATED BY THE RUSSIAN CONSTITUTION AND INTERNATIONAL STANDARDS

Mr. BROWNBACK (for himself and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 46

Whereas the Russian Federation is a participating State of the Organization for Security and Cooperation in Europe (OSCE) and has freely committed to fully respect the rights of individuals, whether alone or in community with others, to profess and practice religion or belief;

Whereas the Russian Federation specifically committed in the 1989 Vienna Concluding Document to ''take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief'' and to ''grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in the respective countries'';

Whereas Article 28 of the Constitution of the Russian Federation declares that ''everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion'' and Article 8 of the 1997 Law on Freedom of Conscience and Religious Associations provides for registration for religious communities as ''religious organizations,'' if they have at least 10 members and have operated within the Russian Federation with legal status for at least 15 years;

Whereas registration is critical for religious groups to fully enjoy their religious freedoms, as many rights and privileges afforded to religious communities in the Russian Federation are contingent on obtaining registration;

Whereas many religious groups refuse to seek registration on theological or other grounds, while other communities have been unjustly denied registration or had their registration improperly terminated by local authorities;

Whereas many of the unregistered communities in the Russian Federation today were never registered under the Soviet system because they refused to collaborate with that

government's anti-religious policies and they are now experiencing renewed discrimination and repression from the authorities;

Whereas over the past 2 years there have been an estimated 10 arson attacks on unregistered Protestant churches, with little or no effective response by law enforcement officials to bring the perpetrators to justice;

Whereas in some areas of the Russian Federation law enforcement personnel have carried out violent actions against believers from unregistered communities peacefully practicing their faith; and

Whereas the United States has sought to protect the fundamental and inalienable human right to seek, know, and serve God according to the dictates of one's own conscience, in accordance with the international agreements committing nations to respect individual freedom of thought, conscience, and belief: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States Government should—

(1) urge the Government of the Russian Federation to ensure full protection of freedoms for all religious communities without distinction, whether registered and unregistered, and end the harassment of unregistered religious groups by the security apparatus and other government agencies;

(2) urge the Government of the Russian Federation to ensure that law enforcement officials vigorously investigate acts of violence against unregistered religious communities, as well as make certain that authorities are not complicit in such attacks;

(3) continue to raise concerns with the Government of the Russian Federation over violations of religious freedom, including those against unregistered religious communities, especially indigenous denominations not well known in the United States;

(4) ensure that United States Embassy officials engage local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and undertake outreach activities to educate local officials about the rights of unregistered religious communities;

(5) urge both the Personal Representative of the OSCE Chair-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, and the United Nations Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation and raise with federal and local officials concerns about the free practice of unregistered religious communities; and

(6) urge the Council of Europe and its member countries to raise with Russian Federation officials issues relating to freedom of religion, especially in light of the Russian Federation's responsibilities as President of the Council in 2006.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1413. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1414. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1415. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, Mr KERRY, Mr. FEINGOLD, and Mr. BINGAMAN) proposed an amendment to the bill S. 1042, supra.

SA 1416. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1417. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1418. Mr. ALLARD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 1042, supra.

SA 1419. Mr. ALLARD (for himself and Mr. SALAZAR) proposed an amendment to the bill S. 1042, supra.

SA 1420. Mr. SMITH (for himself, Mr. WYDEN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1421. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 1422. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 1423. Mr. SALAZAR (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 1424. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1425. Mr. HARKIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1426. Mr. DORGAN proposed an amendment to the bill S. 1042, supra.

SA 1427. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1428. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1429. Mr. DORGAN (for himself, Mr. DURBIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, supra.

SA 1430. Mr. WARNER (for Mr. NELSON, of Nebraska) proposed an amendment to the bill S. 1042, supra.

SA 1431. Mr. WARNER (for Mr. SESSIONS (for himself and Mr. REED)) proposed an amendment to the bill S. 1042, supra.

SA 1432. Mr. WARNER (for Mr. ENZI (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1042, supra.

SA 1433. Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr REED, Mr. NELSON, of Florida, Mr. SALAZAR, Mr KERRY, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1434. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1435. Ms. STABENOW (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1436. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1437. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1438. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1413. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. EXCLUSION OF SPECIAL PAY AND ALLOWANCES FROM INCOME FOR SUPPLEMENT SECURITY INCOME BENEFITS.

(a) IN GENERAL.—Paragraph (20) of section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)(20)) is amended to read as follows:

''(20) special pay receive pursuant to chapter 5 of title 37, United States Code, and allowances received pursuant to chapter 7 of title 37, United States Code;''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to eligibility determinations made and benefit amounts payable after the date of the enactment of this Act.

SA 1414. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 2 and 3, insert the following:

SEC. 807. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF SPECIALTY METALS USED TO PRODUCE FORCE PROTECTION EQUIPMENT.

(a) IN GENERAL.—Section 2533a(a) of title 10, United States Code, shall not apply to the procurement, during the 2-year period beginning on the date of the enactment of this Act, of specialty metals if such specialty metals are used to produce force protection equipment for Department of Defense applications.

(b) TREATMENT OF PROCUREMENTS WITHIN PERIOD.—For the purposes of subsection (a), a procurement shall be treated as being made during the 2-year period described in that subsection to the extent that funds are obligated by the Department of Defense for that procurement during that period.

SA 1415. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, and Mr. BINGAMAN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. TRANSFER OF FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR TO THE ARMY NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.

(a) REDUCTION IN FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR.—The amount authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities by section 3101(a)(1) is hereby reduced by $4,000,000, which reduction shall be allocated to amounts available for the Robust Nuclear Earth Penetrator.

(b) INCREASE IN FUNDS AVAILABLE TO ARMY NATIONAL GUARD, WASHINGTON, DISTRICT OF COLUMBIA, CHAPTER.—The amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is hereby increased by $4,000,000, with the amount of such increase to be available for the Army National Guard of the District of Columbia, as follows:

(1) $2,500,000 shall be made available for urban terrorist attack response training.

(2) $1,500,000 shall be made available for the procurement of communications equipment.

SA 1416. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. RECRUITMENT AND ENLISTMENT OF HOME SCHOOLED STUDENTS IN THE ARMED FORCES.

(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

(1) IN GENERAL.—The Secretary concerned shall prescribe a policy for the recruitment and enlistment of home schooled students in the Armed Force or Armed Forces under the jurisdiction of such Secretary.

(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary of Defense shall ensure that the polices prescribed under paragraph (1) apply, to the extent practicable, uniformly across the Armed Forces.

(b) ELEMENTS.—The policy under subsection (a) shall include the following:

(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

(2) Provision for the treatment of graduates of home schooling with Tier I status with no practical limit with regard to enlistment.

(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or its recognized equivalent (GED) as a precondition for enlistment in the Armed Forces.

(c) HOME SCHOOL GRADUATES.—In identifying a graduate of home schooling for purposes of subsection (b), the Secretary concerned shall ensure that the graduate meets each of the following requirements:

(1) The home school graduate has taken the Armed Forces Qualifying Test (AFQT) and scored 50 or above.

(2) The home school graduate has provided the Secretary concerned with—

(A) a signed home school notice of intent form that conforms with the State law of the State where the graduate resided when the graduate was in home school; or

(B) a home school certificate or diploma from—

(i) the parent or guardian of the graduate; or

(ii) a national curriculum provider.

(3) The home school graduate has provided the Secretary concerned with a copy of the graduate's transcript for all secondary school grades completed, which transcript shall—

(A) include the enrollment date, graduation date, and type of curriculum; and

(B) reflect successful completion of the last full academic year of schooling from the home school national curriculum provider, parent, or guardian issuing the home school certificate or diploma.

(4) The home school curriculum used by the home school graduate involved parental instruction and supervision and closely patterned the normal credit hours per subject as used in a traditional secondary school.

(5) The home school graduate has provided the Secretary concerned with a third party verification letter of the graduate's home school status by the Home School Legal Defense Association or a State or county home school association or organization.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given such term in section 101(a)(9) of title 10, United States Code.

SA 1417. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. EMERGENCY ACCESS TO BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND OTHER INVESTIGATIONS.

(a) EMERGENCY ACCESS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

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

(2) by inserting after subsection (c) the following new subsection (d):

''(d)(1) Notwithstanding any other provision of this section, when the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the production of tangible things for an investigation described in subsection (a) before an order authorizing production of such tangible things can with due diligence be obtained; and

''(B) the factual basis for the issuance of an order under this section to approve production of such tangible things exists,

the Attorney General may issue an order requiring production of such tangible things, which order shall have the same effect as an order issued by the court established by section 103(a) if a judge having jurisdiction under section 103 is informed by the Attorney General, or a designee of the Attorney General, at the time of the issuance of such order that the Attorney General has made the decision to require production of such tangible things under this subsection and an application in accordance with this section is made to that judge as soon as practicable, but not later than 72 hours, thereafter.

''(2) In the event that an application under paragraph (1) is denied, or in any other case where no order is issued by the court established by section 103(a) approving access to tangible things, no information obtained or evidence derived from the production of tangible things under paragraph (1) shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from the production of tangible things under paragraph (1) shall subsequently be used or disclosed in any other manner by any officer or employee of the Federal Government without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(3) The denial of an application under paragraph (1) may be reviewed as provided in section 103.''.

(b) CONSTRUCTION OF PROVISIONS OF ACT.—No provision of this Act may be construed to authorize the Federal Bureau of Investigation to utilize administrative subpoenas for foreign intelligence or national security investigations.

SA 1418. Mr. ALLARD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 66, after line 22, insert the following:

SEC. 330. LIFE CYCLE COST ESTIMATES FOR THE DESTRUCTION OF LETHAL CHEMICAL MUNITIONS UNDER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Upon completion of 60 percent of the design build at each site of the Assembled Chemical Weapons Alternatives program, the Program Manager for Assembled Chemical Weapons Alternatives shall, after consultation with the congressional defense committees, certify in writing to such committees updated and revised life cycle cost estimates for the destruction of lethal chemical munitions for each site under such program.

SA 1419. Mr. ALLARD (for himself and Mr. SALAZAR) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. RETIREMENT BENEFITS FOR WORKERS AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) PROGRAM AUTHORIZED.—Subject to the availability of funds under subsection (d), the Secretary of Energy shall establish a program for the purposes of providing health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado (in this

section referred to as the ''Site''), who do not qualify for such benefits because the physical completion date was achieved before December 15, 2006.

(b) ELIGIBILITY FOR BENEFITS.—A worker at the Site is eligible for health, medical, and life insurance benefits under the program described in subsection (a) if the employee—

(1) was employed by the Department of Energy, or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at the Site on September 29, 2003; and

(2) would have achieved applicable eligibility requirements for health, medical, and life insurance benefits as defined in the Site retirement benefit plan documents if the physical completion date had been achieved on December 15, 2006, as specified in the Site project completion contract.

(c) DEFINITIONS.—In this section:

(1) HEALTH, MEDICAL, AND LIFE INSURANCE BENEFITS.—The term ''health, medical, and life insurance benefits'' means those benefits that workers at the Site are eligible for through collective bargaining agreements, projects, or contracts for work scope.

(2) PHYSICAL COMPLETION DATE.—The term ''physical completion date'' means the date the Site contractor has completed all services required by the Site project completion contract other than close-out tasks and services related to plan sponsorship and management of post-project completion retirement benefits.

(3) PLAN SPONSORSHIP AND PROGRAM MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term ''plan sponsorship and program management of post-project completion retirement benefits'' means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to workers at the Site.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Secretary of Energy in fiscal year 2006 for the Rocky Flats Environmental Technology Site, $15,000,000 shall be made available to the Secretary to carry out the program described in subsection (a).

SA 1420. Mr. SMITH (for himself, Mr. WYDEN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AUTHORIZATION FOR NO-COST SECURE IDENTITY CONTRACTS.

(a) IN GENERAL.—Notwithstanding sections 1342 and 3302 of title 31, United States Code, the Department of Defense is authorized to execute no-cost contracts for vendor secure identity programs such as the Fast Access program, and other similar secure identity programs.

(b) APPLICATION.—This section shall apply to existing and future no-cost contracts for secure identity programs.

SA 1421. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479 (1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsection (a), by striking ''a gratuity'' in the matter preceding paragraph (1) and inserting ''fallen hero compensation''; and

(B) in subsection (b)(2), by inserting ''or other assistance'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—

(1) Such subchapter is further amended by striking **''Death gratuity:''** each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting **''Fallen hero compensation:''.**

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SA 1422. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title V, insert the following:

SEC. 585. APPLICATIONS FOR IMPACT AID PAYMENT.

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2), (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act for fiscal year 2005 from a local educational agency that—

(1) for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year; and

(2) submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

SA 1423. Mr. SALAZAR (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4)) which is—

''(A) held in the United States or any of its territories or commonwealths;

''(B) governed by the International Paralympic Committee; and

''(C) sanctioned by the United States Olympic Committee.''; and

(2) in subsection (d)—

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

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

''(2) Not more than $1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).''.

SA 1424. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR RESERVE MEMBERS.

(a) EQUAL TREATMENT OF RESERVE MEMBERS.—Subsection (g) of section 403 of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

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

''(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

''(A) A member who is called or ordered to active duty for a period of more than 30 days.

''(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.''; and

(3) in paragraph (4), as so redesignated, by striking ''less than 140 days'' and inserting ''30 days or less''.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting ''or for a period of more than 30 days'' after ''in support of a contingency operation'' both places it appears.

SA 1425. Mr. HARKIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. AMERICAN FORCES NETWORK.

(a) MISSION.—The American Forces Network (AFN) shall provide members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed outside the continental United States and at sea with the same type and quality of American radio and television news, information, sports, and entertainment as is available in the continental United States.

(b) POLITICAL PROGRAMMING.—

(1) FAIRNESS AND BALANCE.—All political programming of the American Forces Network shall be characterized by its fairness and balance.

(2) FREE FLOW OF PROGRAMMING.—The American Forces Network shall provide in its programming a free flow of political programming from United States commercial and public radio and television stations.

(c) OMBUDSMAN OF THE AMERICAN FORCES NETWORK.—

(1) ESTABLISHMENT.—There is hereby established the Office of the Ombudsman of the American Forces Network.

(2) HEAD OF OFFICE.—

(A) OMBUDSMAN.—The head of the Office of the Ombudsman of the American Forces Network shall be the Ombudsman of the American Forces Network (in this subsection referred to as the ''Ombudsman''), who shall be appointed by the Secretary of Defense.

(B) QUALIFICATIONS.—Any individual nominated for appointment to the position of Ombudsman shall have recognized expertise in the field of mass communications, print media, or broadcast media.

(C) PART-TIME STATUS.—The position of Ombudsman shall be a part-time position.

(D) TERM.—The term of office of the Ombudsman shall be five years.

(E) REMOVAL.—The Ombudsman may be removed from office by the Secretary only for malfeasance.

(3) DUTIES.—

(A) IN GENERAL.—The Ombudsman shall ensure that the American Forces Network adheres to the standards and practices of the Network in its programming.

(B) PARTICULAR DUTIES.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman shall—

(i) initiate and conduct, with such frequency as the Ombudsman considers appropriate, reviews of the integrity, fairness, and balance of the programming of the American Forces Network;

(ii) initiate and conduct, upon the request of Congress or members of the audience of the American Forces Network, reviews of the programming of the Network;

(iii) identify, pursuant to reviews under clause (i) or (ii) or otherwise, circumstances in which the American Forces Network has not adhered to the standards and practices of the Network in its programming, including circumstances in which the programming of the Network lacked integrity, fairness, or balance; and

(iv) make recommendations to the American Forces Network on means of correcting the lack of adherence identified pursuant to clause (iii).

(C) LIMITATION.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman may not engage in any pre-broadcast censorship or pre-broadcast review of the programming of the American Forces Network.

(4) RESOURCES.—The Secretary of Defense shall provide the Office of the Ombudsman of the American Forces Network such personnel and other resources as the Secretary and the Ombudsman jointly determine appropriate to permit the Ombudsman to carry out the duties of the Ombudsman under paragraph (3).

(5) INDEPENDENCE.—The Secretary shall take appropriate actions to ensure the complete independence of the Ombudsman and the Office of the Ombudsman of the American Forces Network within the Department of Defense.

(6) ANNUAL REPORTS.—

(A) IN GENERAL.—The Ombudsman shall submit to the Secretary of Defense and the congressional defense committees each year a report on the activities of the Office of the Ombudsman of the American Forces Network during the preceding year.

(B) AVAILABILITY TO PUBLIC.—The Ombudsman shall make available to the public each report submitted under subparagraph (A) through the Internet website of the Office of the Ombudsman of the American Forces Network and by such other means as the Ombudsman considers appropriate.

SA 1426. Mr. DORGAN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. SENSE OF SENATE ON DECLASSIFICATION OF PORTIONS OF THE JOINT INQUIRY INTO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Administration has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the hijackers involved in the September 11, 2001, terrorist attacks while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the September 11, 2001, terrorist attacks.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing content entirely.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should declassify the 28-page section of the Joint Inquiry into The Terrorist Attacks of September 11, 2001, that deals with foreign sources of support for the hijackers involved in the September 11, 2001, terrorist attacks; and

(2) only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

SA 1427. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, between lines 13 and 14, insert the following:

SEC. 1034. SENSE OF THE SENATE ON FUNDING FOR COUNTER-DRUG TETHERED AEROSTAT SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the Department of State, drug trafficking organizations shipped approximately 9 tons of cocaine to the United States through the Dominican Republic in 2004, and are increasingly using small, high-speed watercraft.

(2) Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions, and fragmented investigative efforts.

(3) The tethered aerostat system in Lajas, Puerto Rico contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The range and operational capabilities of the aerostat system allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.

(4) Including maritime radar on the Lajas aerostat will expand its ability to detect suspicious vessels in the eastern Caribbean corridor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress and the Department of Defense should fully fund the Counter-Drug Tethered Aerostat program; and

(2) Congress and the Department of Defense should install maritime radar on the Lajas, Puerto Rico, aerostat system.

SA 1428. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. ADMINISTRATIVE AND OPERATIONS STRUCTURES, SCOTT AIR FORCE BASE, ILLINOIS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may enter into agreements with St. Clair County, Illinois, for the joint construction and use of administrative and operations facilities at Scott Air Force Base, Illinois.

(b) LIMITATIONS.—

(1) TOTAL COST.—The total cost of agreements entered into under subsection (a) may not exceed $60,000,000.

(2) LEASE PAYMENTS.—All payments made by the Air Force under leases entered into under subsection (a) shall be made out of funds available for the Air Force for operation and maintenance.

(3) TERMS OF LEASES.—Any lease agreement entered into under subsection (a)—

(A) shall provide for the lease of such administrative or operations facilities for a period not to exceed 30 years; and

(B) shall provide that, upon termination of the lease, all right, title, and interest in the facilities shall, at the option of the Secretary, be conveyed to the United States.

SA 1429. Mr. DORGAN (for himself, Mr. DURBIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. ____01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. ____02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

SEC. ____03. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. ____04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. ____05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. ____06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and

shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. ___07. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section ___03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section ___03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. ___08. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. ___09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. ___10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 1430. Mr. WARNER (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.

(a) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United States Code, is amended by inserting ''or other source authorized to place children for adoption under State or local law'' after ''qualified adoption agency''.

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting '', or by any other source authorized by State or local law to provide adoption placement,'' after ''(recognized by the Secretary of defense)''.

SA 1431. Mr. WARNER (for Mr. SESSIONS (for himself and Mr. REED)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1106. COMPTROLLER GENERAL STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

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

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces to attract and retain critical employees and to provide local management authority to Department of Defense laboratory officials.

(c) PURPOSES.—The purposes of the study shall include—

(1) the identification of the specific features of successful personnel management systems of highly technical and scientific workforces;

(2) an assessment of the potential effects of the utilization of such features by Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(3) recommendations as to the future utilization of such features in Department of Defense laboratories.

(d) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:

(1) The authorities in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) The authorities in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by this section. The report shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (d); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense laboratories.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services, Appropriations, and Government Reform of the House of Representatives.

SA 1432. Mr. WARNER (for Mr. ENZI (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. EXTENSION OF EFFECTIVE DATE.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30 2007''.

SA 1433. Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. REED, Mr. NELSON of Florida, Mr. SALAZAR, Mr. KERRY, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 403. INCREASE IN END-STRENGTH FOR THE ARMY.

Section 691 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) Notwithstanding subsection (b)(1), the authorization for the number of members of the Army at the end of each fiscal year as follows shall be not less than the number specified for such fiscal year:

''(1) Fiscal year 2006, 522,400.

''(2) Fiscal year 2007, 542,400.

''(3) Fiscal year 2008, 562,400.

''(4) Fiscal year 2009, 582,400.

''(5) Any fiscal year after fiscal year 2009, 582,400.''.

SA 1434. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 114. UH–60 BLACK HAWK HELICOPTER PROCUREMENT IN RESPONSE TO ATTRITION.

(a) INCREASE IN AMOUNT.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for the procurement UH–60 Black Hawk helicopters in response to attrition is hereby increased to $40,600,000, with the amount to be used to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters.

(b) OFFSET.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for UH–60 Black Hawk helicopter medevac kits is hereby reduced to $29,700,000, with the amount to be derived in a reduction in the number of such kits from 10 kits to 6 kits.

SA 1435. Ms. STABENOW (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.

(a) FUNDING TO ADDRESS CHANGES IN POPULATIONS AND INFLATION.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 320. Funding for veterans health care to address changes in population and inflation

''(a) By the enactment of this section, Congress and the President intend to ensure access to health care for all veterans. Upon the enactment of this section, funding for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) to accomplish this objective shall be provided through a combination of discretionary and mandatory funds. The discretionary amount should be equal to the fiscal year 2005 discretionary funding for such programs, functions, and activities, and should remain unchanged each fiscal year thereafter. The annual level of mandatory amount shall be adjusted according to the formula specified in subsection (c). While this section does not purport to control the outcome of the annual appropriations process, it anticipates cooperation from Congress and the President in sustaining discretionary funding for such programs, functions, and activities in future fiscal years at the level of discretionary funding for such programs, functions, and activities for fiscal year 2005. The success of that arrangement, as well as of the funding formula, are to be reviewed after 2 years.

''(b) On the first day of each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (c) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (d). There is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, amounts necessary to implement this section.

''(c)(1) The amount applicable to fiscal year 2005 under this subsection is the amount equal to—

''(A) 130 percent of the amount obligated by the Department during fiscal year 2005 for the purposes specified in subsection (d), minus

''(B) the amount appropriated for those purposes for fiscal year 2004.

''(2) The amount applicable to any fiscal year after fiscal year 2006 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (d) for fiscal year 2005:

''(A) The sum of—

''(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

''(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

''(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

''(3)(A) For purposes of paragraph (2)(B), the term 'per capita baseline amount' means the amount equal to—

''(i) the amount obligated by the Department during fiscal year 2005 for the purposes specified in subsection (d), divided by

''(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2004.

''(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

''(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

''(d)(1) Except as provided in paragraph (2), the purposes for which amounts made available pursuant to subsection (b) shall be all programs, functions, and activities of the Veterans Health Administration.

''(2) Amounts made available pursuant to subsection (b) are not available for—

''(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

''(B) grants under subchapter III of chapter 81 of this title.

''(e) Nothing in this section shall be construed to prevent or limit the authority of Congress to reauthorize provisions relating to veterans health care.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''320. Funding for veterans health care to address changes in population and inflation.''.

(b) COMPTROLLER GENERAL REPORT.—(1) Not later than January 31, 2008, the Comptroller General of the United States shall submit to Congress a report on the extent to which section 320 of title 38, United States Code (as added by subsection (a)), has achieved the purpose set forth in subsection (a) of such section 320 during fiscal years 2006 and 2007.

(2) The report under paragraph (1) shall set forth the following:

(A) The amount appropriated for fiscal year 2005 for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) of section 320 of title 38, United States Code.

(B) The amount appropriated by annual appropriations Acts for each of fiscal years 2006 and 2007 for such programs, functions, and activities.

(C) The amount provided by section 320 of title 38, United States Code, for each of fiscal years 2006 and 2007 for such programs, functions, and activities.

(D) An assessment whether the amount described in subparagraph (C) for each of fiscal years 2006 and 2007 was appropriate to address the changes in costs to the Veterans Health Administration for such programs, functions, and activities that were attributable to changes in population and in inflation over the course of such fiscal years.

(E) An assessment whether the amount provided by section 320 of title 38, United States Code, in each of fiscal years 2006 and 2007, when combined with amounts appropriated by annual appropriations Acts for each of such fiscal years for such programs, functions, and activities, provided adequate funding of such programs, functions, and activities in each such fiscal year.

(F) Such recommendations as the Comptroller General considers appropriate regarding modifications of the formula under subsection (c) of section 320 of title 38, United States Code, or any other modifications of law, to better ensure adequate funding of such programs, functions, and activities.

(c) CONGRESSIONAL CONSIDERATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—

(1) JOINT RESOLUTION.—or purposes of this subsection, the term ''joint resolution'' means only a joint resolution which is introduced (in the House of Representatives by the Speaker of the House of Representatives (or the Speaker's designee) or the Minority Leader (or the Minority Leader's designee) and in the Senate by the Majority Leader (or the Majority Leader's designee) or the Minority Leader (or the Minority Leader's designee)) within the 10-day period beginning on the date on which Congress receives the report of the Comptroller General of the United States under subsection (b), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which consists of amendments of title 38, United States Code, or other amendments or modifications of laws under the jurisdiction of the Secretary of Veterans Affairs to implement the recommendations of the Comptroller General in the report under subsection (b)(2)(F); and

(C) the title of which is as follows: ''Joint resolution to ensure adequate funding of health care for veterans.''.

(2) REFERRAL.—resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Veterans' Affairs of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Veterans' Affairs of the Senate.

(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Comptroller General submits to Congress the report under subsection (b), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(4) CONSIDERATION.—(A) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) CONSIDERATION BY OTHER HOUSE.—(A) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(6) RULES OF SENATE AND HOUSE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 1436. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIII, add the following:

SEC. 2305. PROHIBITION ON USE OF FUNDS FOR MILITARY CONSTRUCTION PROJECT AT KARSHI-KHANABAD AIR BASE, UZBEKISTAN.

No funds authorized to be appropriated by this Act, and no funds appropriated by an Act enacted before the date of the enactment of this Act that remain available for obligation as of that date, may be obligated or expended for a military construction project to extend, repair, or both the runways and taxiways at Karshi-Khanabad air base, Uzbekistan.

SA 1437. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XV—RECRUITMENT AND RETENTION

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Military Recruiting Initiatives Act of 2005''.

SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.

(a) ENLISTMENT BONUS FOR SELECTED RESERVE MEMBERS.—Section 308c(b) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$40,000''.

SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a

bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus paid for a referral under subsection (a) may not exceed $1,000. The bonus shall be paid in a lump sum.

(e) TIME OF PAYMENT.—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which bonuses are offered under this section, the Secretary of the Army may not pay more than 1,000 referral bonuses per component of the Army.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking ''thirty-five years of age'' and inserting ''forty-two years of age''.

SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE ENLISTMENT BONUS FOR RECEIPT OF OTHER ENLISTMENT OR REENLISTMENT BONUS FOR SERVICE IN THE SELECTED RESERVE.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.

(a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) INCREASE IN MAXIMUM AMOUNT.—Subsection (d) of such section is amended by striking ''$6,000'' and inserting ''$10,000''.

SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of section 2171(a) of title 10, United States Code, 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 ''; or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Paragraph (2) of such section is amended by striking ''an enlisted member in a military specialty'' and inserting ''a member in an officer program or military specialty''.

SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.

(a) STUDY.—The Secretary of Defense shall conduct a study of the Reserve Dental Insurance program.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve Dental Insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve Dental Insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve Dental Insurance program.

(c) REPORT.—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative action regarding the Reserve Dental Insurance program as the Secretary considers appropriate in light of the study.

(d) RESERVE DENTAL INSURANCE PROGRAM DEFINED.—In this section, the term ''Reserve Dental Insurance program'' includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

SA 1438. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. REDESIGNATION OF THE NAVAL RESERVE AS THE NAVY RESERVE.

(a) REDESIGNATION OF RESERVE COMPONENT.—The reserve component of the Armed Forces known as the Naval Reserve is redesignated as the Navy Reserve.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) TEXT AMENDMENTS.—Title 10, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(A) Section 513(a).
(B) Section 516.
(C) Section 526(b)(2)(C)(i).
(D) Section 971(a).
(E) Section 5001(a)(1).
(F) Section 5143.
(G) Section 5596(c).
(H) Section 6323(f).
(I) Section 6327.
(J) Section 6330(b).
(K) Section 6331(a)(2).
(L) Section 6336.
(M) Section 6389.
(N) Section 6911(c)(1).
(O) Section 6913(a).
(P) Section 6915.
(Q) Section 6954(b)(3).
(R) Section 6956(a)(2).
(S) Section 6959.
(T) Section 7225.
(U) Section 7226.
(V) Section 7605(1).
(W) Section 7852.
(X) Section 7853.
(Y) Section 7854.
(Z) Section 10101(3).
(AA) Section 10108.
(BB) Section 10172.
(CC) Section 10301(a)(7).
(DD) Section 10303.
(EE) Section 12004(e)(2).
(FF) Section 12005.
(GG) Section 12010.
(HH) Section 12011(a)(2).
(II) Section 12012(a).
(JJ) Section 12103.
(KK) Section 12205.
(LL) Section 12207(b)(2).
(MM) Section 12732.
(NN) Section 12774(b) (other than the first place it appears).
(OO) Section 14002(b).
(PP) Section 14101(a)(1).
(QQ) Section 14107(d).
(RR) Section 14302(a)(1)(A).
(SS) Section 14313(b).
(TT) Section 14501(a).
(UU) Section 14512(b).
(VV) Section 14705(a).
(WW) Section 16201(d)(1)(B)(ii).

(2) CAPTION AMENDMENTS.—Such title is further amended by striking ''NAVAL RESERVE'' each place it appears in a provision as follows and inserting ''NAVY RESERVE'':

(A) Section 971(a).
(B) Section 5143(a).

(3) SECTION HEADING AMENDMENTS.—(A) The heading of section 5143 of such title is amended to read as follows:

''§ 5143. Office of Navy Reserve: appointment of Chief''.

(B) The heading of section 6327 of such title is amended to read as follows:

''§ 6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay''.

(C) The heading of section 6389 of such title is amended to read as follows:

''§ 6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service''.

(D) The heading of section 7225 of such title is amended to read as follows:

''§ 7225. Navy Reserve flag''.

(E) The heading of section 7226 of such title is amended to read as follows:

''§ 7226. Navy Reserve yacht pennant''.

(F) The heading of section 10108 of such title is amended to read as follows:

''§ 10108. Navy Reserve: administration''.

(G) The heading of section 10172 of such title is amended to read as follows:

''§ 10172. Navy Reserve Force''.

(H) The heading of section 10303 of such title is amended to read as follows:

''§ 10303. Navy Reserve Policy Board''.

(I) The heading of section 12010 of such title is amended to read as follows:

"§ 12010. Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result".

(J) The heading of section 14306 of such title is amended to read as follows:

"§ 14306. Establishment of promotion zones: Navy Reserve and Marine Corps Reserve running mate system".

(4) TABLES OF CONTENTS AMENDMENTS.—(A) The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5143 and inserting the following new item:

''5143. Office of Navy Reserve: appointment of Chief.''.

(B) The table of sections at the beginning of chapter 571 of such title is amended by striking the item relating to section 6327 and inserting the following new item:

''6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay.''.

(C) The table of sections at the beginning of chapter 573 of such title is amended by striking the item relating to section 6389 and inserting the following new item:

''6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.''.

(D) The table of sections at the beginning of chapter 631 of such title is amended by striking the items relating to sections 7225 and 7226 and inserting the following new items:

''7225. Navy Reserve flag.
''7226. Navy Reserve yacht pennant.''.

(E) The table of sections at the beginning of chapter 1003 of such title is amended by striking the item relating to section 10108 and inserting the following new item:

''10108. Navy Reserve: administration.''.

(F) The table of sections at the beginning of chapter 1006 of such title is amended by striking the item relating to section 10172 and inserting the following new item:

''10172. Navy Reserve Force.''.

(G) The table of sections at the beginning of chapter 1009 of such title is amended by striking the item relating to section 10303 and inserting the following new item:

''10303. Navy Reserve Policy Board.''.

(H) The table of sections at the beginning of chapter 1201 of such title is amended by striking the item relating to section 12010 and inserting the following new item:

''12010. Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result.''.

(I) The table of sections at the beginning of chapter 1405 of such title is amended by striking the item relating to section 14306 and inserting the following new item:

''14306. Establishment of promotion zones: Navy Reserve and Marine Corps Reserve running mate system.''.

(c) CONFORMING AMENDMENT TO TITLE 14, UNITED STATES CODE.—Section 705 of title 14, United States Code, is amended by striking ''Naval Reserve'' each place it appears and inserting ''Navy Reserve''.

(d) CONFORMING AMENDMENTS TO TITLE 37, UNITED STATES CODE.—

(1) TEXT AMENDMENTS.—Title 37, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(A) Section 101(24)(C).
(B) Section 201(d).
(C) Section 205(a)(2)(I).
(D) Section 301c(d).
(E) Section 319(a).
(F) Section 905.

(2) CAPTION AMENDMENT.—Section 301c(d) of such title is further amended by striking ''NAVAL RESERVE'' and inserting ''NAVY RESERVE''.

(e) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(1) Section 101(27)(B).
(2) Section 3002(6)(C).
(3) Section 3202(1)(C)(iii).
(4) Section 3452(a)(3)(C).

(f) CONFORMING AMENDMENTS TO OTHER CODIFIED TITLES.—

(1) TITLE 5, UNITED STATES CODE.—Section 2108(1)(B) of title 5, United States Code, is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(2) TITLE 18, UNITED STATES CODE.—Section 2387(b) of title 18, United States Code, is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(3) TITLE 46, UNITED STATES CODE.—(A) Title 46, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(i) Section 8103(g).
(ii) Section 8302(g).

(B) The heading of section 8103 of such title is amended to read as follows:

"§ 8103. Citizenship and Navy Reserve requirements".

(C) The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 8103 and inserting the following new item:

''8103. Citizenship and Navy Reserve requirements.''.

(g) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) Section 2301(4)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(4)(C)) is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(2)(A) The Merchant Marine Act, 1936 is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(i) Section 301(b) (46 U.S.C. App. 1131(b)).
(ii) Section 1303 (46 U.S.C. App. 1295b).
(iii) Section 1304 (46 U.S.C. App. 1295c).

(B) Such Act is further amended by striking ''NAVAL RESERVE'' each place it appears in a provision as follows and inserting ''NAVY RESERVE'':

(i) Section 1303(c).
(ii) 1304(h).

(3)(A) Section 6(a)(1) of the Military Selective Service Act (50 U.S.C. App. 456(a)(1)) is amended by striking ''United States Naval Reserves'' and inserting ''members of the United States Navy Reserve''.

(B) Section 16(i) of such Act (50 U.S.C. App. 466(i)) is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(h) OTHER REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Naval Reserve, other than a reference to the Naval Reserve regarding the United States Naval Reserve Retired List, shall be considered to be a reference to the Navy Reserve.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 22, 2005, at 10 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's executive calendar: Calendar Nos. 185, 186, 187, 214, 215, 216, 217, 218, 223, 224, 225, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF COMMERCE

David A. Sampson, of Texas, to be Deputy Secretary of Commerce.

John J. Sullivan, of Maryland, to be General Counsel of the Department of Commerce.

William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Suzanne C. DeFrancis, of Maryland, to be an Assistant Secretary of Health and Human Services.

Alex Azar II, of Maryland, to be Deputy Secretary of Health and Human Services.

Charles E. Johnson, of Utah, to be an Assistant Secretary of Health and Human Services.

NATIONAL SCIENCE FOUNDATION

Kathie L. Olsen, of Oregon, to be Deputy Director of the National Science Foundation.

DEPARTMENT OF THE INTERIOR

Mark A. Limbaugh, of Idaho, to be an Assistant Secretary of the Interior.

FEDERAL MARITIME COMMISSION

Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for a term expiring June 30, 2010. (Reappointment)

DEPARTMENT OF HOMELAND SECURITY

Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

GENERAL SERVICES ADMINISTRATION

Brian David Miller, of Virginia, to be Inspector General, General Services Administration.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN706 COAST GUARD nomination of Melissa Diaz, which was received by the Senate and appeared in the Congressional Record of July 12, 2005.

PN707 COAST GUARD nomination of Royce W. James, which was received by the Senate and appeared in the Congressional Record of July 12, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

HONORING THE LIFE AND LEGACY OF CONSTANTINO BRUMIDI

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 205, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 205) honoring the life and legacy of Constantino Brumidi and recognizing his contributions to the United States on the 200th anniversary of his birth.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 205

Whereas Constantino Brumidi was born in Rome, Italy, on July 26, 1805, to an Italian mother and a Greek father who inspired his lifelong love of liberty and freedom of expression;

Whereas Constantino Brumidi emigrated to the United States from Rome in 1852 and became a naturalized citizen in 1857;

Whereas Constantino Brumidi established a reputation for excellence in his craft that led to him being known as the ''Michelangelo of the Capitol'';

Whereas Constantino Brumidi represents the many immigrant artists and craftsmen who have contributed over the years to the design and decoration of the United States Capitol;

Whereas Constantino Brumidi painted murals and other outstanding artworks in the United States Capitol over the last third of his life, between 1855 and 1880, including the first fresco painted in the United States, in what is today the House Appropriations Committee Room, the famous ''Brumidi Corridor'' on the Senate side of the Capitol, and the paintings in the President's Room (S–216);

Whereas Constantino Brumidi painted ''The Apotheosis of George Washington'' and began the frieze of American history on the interior of the dome above the Rotunda at the center of the United States Capitol, but died while working on sketches for the frieze;

Whereas Constantino Brumidi succeeded in his effort to encourage the use of the Capitol as a living testament to the past, present, and glorious future of the United States of America with his artwork, especially with his murals; and

Whereas Constantino Brumidi's celebration of the liberty he found in America can be seen in his signature on his painting that he was an Artist Citizen of the United States and in his statement on being hired for his first Capitol commission that, ''I no longer have any desire for fame or fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty.'': Now, therefore, be it

Resolved, That the Senate, on behalf of the American people, honors the life and legacy of Constantino Brumidi, artist and patriot, and recognizes his many contributions to the world of art as well as the legacy of the United States as reflected in the building that houses Congress, the United States Capitol Building.

UNANIMOUS CONSENT AGREEMENT—COMMEMORATING ENACTMENT OF AMERICANS WITH DISABILITIES ACT

Mr. WARNER. Mr. President, I ask unanimous consent that at 1 p.m. on Monday, July 25, the Senate proceed to the immediate consideration of a resolution commemorating the 15th anniversary of the Americans with Disabilities Act, the text of which is at the desk. I further ask that there be no amendments in order to the preamble or resolution, and that there be 1 hour of debate as follows: 30 minutes at 1 p.m. on Monday and 30 minutes at 5 p.m. on Monday, all equally divided between the majority leader or his designee and Senator HARKIN or his designee. I further ask unanimous consent that upon the use or yielding back of time, the Senate proceed to a vote on the resolution, at the conclusion of which the preamble be agreed to and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 25, 2005

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, July 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the immediate consideration of the Senate resolution commemorating the enactment of the Americans with Disabilities Act, as under the previous order. I further ask unanimous consent that upon the use or yielding back of the first 30 minutes of debate on the ADA resolution, the Senate resume consideration of S. 1042, the Defense authorization bill; provided further, that Senators on Monday have until 2 p.m. in order to file timely first-degree amendments to the Defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, on Monday, the Senate will consider a resolution marking the anniversary of the Americans with Disabilities Act, and a vote on the resolution has been ordered for 5:30 p.m. At approximately 1:30 p.m. on Monday, the Senate will resume consideration of the Defense authorization bill. Again, our next vote will occur at approximately 5:30 p.m. on Monday. It is my expectation that we will be voting in relation to one or more amendments to the Defense authorization bill following the vote on the ADA resolution, so Senators should be prepared for stacked votes beginning at 5:30 on Monday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

AMENDMENT NO. 1342, AS MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent that following the two stacked votes on Tuesday, the Senate proceed immediately to a vote in relation to Frist amendment No. 1342, as now modified, with the changes that are at the desk; provided further that no second degrees be in order to the above amendment prior to the vote and notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1342), as modified, is as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Support Our Scouts Act of 2005''.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term ''youth organization''—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations.

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convictedof a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a ''tent city'' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

''(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

''(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

''(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.''.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting ''or (e)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(e) EQUAL ACCESS.—

''(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

''(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.''.

ADJOURNMENT UNTIL 1 P.M., MONDAY, JULY 25, 2005

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, and I thank the Presiding Officer for his courtesy.

There being no objection, the Senate, at 2:10 p.m., adjourned until Monday, July 25, 2005, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 2005:

SECURITIES AND EXCHANGE COMMISSION

ROEL C. CAMPOS, OF TEXAS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2010. (REAPPOINTMENT)

ANNETTE L. NAZARETH, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2007, VICE WILLIAM H. DONALDSON.

FEDERAL DEPOSIT INSURANCE CORPORATION

MARTIN J. GRUENBERG, OF MARYLAND, TO BE VICE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION, VICE JOHN M. REICH.

MARTIN J. GRUENBERG, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 27, 2006, VICE JOHN M. REICH.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate Friday, July 22, 2005:

DEPARTMENT OF COMMERCE

DAVID A. SAMPSON, OF TEXAS, TO BE DEPUTY SECRETARY OF COMMERCE.

JOHN J. SULLIVAN, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

WILLIAM ALAN JEFFREY, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

NATIONAL SCIENCE FOUNDATION

KATHIE L. OLSEN, OF OREGON, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.

DEPARTMENT OF THE INTERIOR

MARK A. LIMBAUGH, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

FEDERAL MARITIME COMMISSION

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2010.

DEPARTMENT OF HOMELAND SECURITY

EDMUND S. HAWLEY, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

GENERAL SERVICES ADMINISTRATION

BRIAN DAVID MILLER, OF VIRGINIA, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUZANNE C. DEFRANCIS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

ALEX AZAR II, OF MARYLAND, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

CHARLES E. JOHNSON, OF UTAH, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

IN THE COAST GUARD

COAST GUARD NOMINATION OF MELISSA DIAZ TO BE LIEUTENANT.

COAST GUARD NOMINATION OF ROYCE W. JAMES TO BE LIEUTENANT.

EXTENSIONS OF REMARKS

ISRAELI AMBASSADOR'S OP-ED WARNING PALESTINIANS TO CONTROL TERRORISM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. LANTOS. Mr. Speaker, I rise today to call attention to a particularly important and insightful op-ed written by Israeli Ambassador Daniel Ayalon in yesterday's Washington Post. Ambassador Ayalon gives a forthright analysis of the precarious position that Israel finds itself in as it prepares courageously to implement Gaza disengagement.

Israel's bold decision to hand Gaza over to the Palestinians—risking its national unity for the sake of advancing prospects for resolving the Israeli-Palestinian conflict—clearly demonstrates its profound devotion to peace-making. Nevertheless, Palestinian terrorism is on the rise again. Islamic extremists from Hamas and Palestinian Islamic Jihad, in particular, continue to attack Israeli civilians with Qassam rockets, mortars, suicide bombings, and drive-by shootings. The reason is clear. The terrorists want people to believe that Israel is withdrawing out of fear, not generosity or commitment to peace.

Ambassador Ayalon rightly warns Palestinian Authority President Mahmoud Abbas that he must bring the terrorism to a halt; otherwise, he will waste the Palestinians' best opportunity ever to demonstrate that they are "capable of governing a functioning democratic society, free from terrorism and focused on improving the lives of its citizens." Mr. Speaker, I want to underscore my complete agreement with this judgment. Ambassador Ayalon is exactly right in saying that "Gaza is both the opportunity and the test for the Palestinian leadership."

With much of Israeli society in anguish over the disengagement, no one can dispute that the Israeli government is doing more than its part for the sake of peace. Now it is time for the Palestinian government to respond in kind; if it equivocates, the terrorists will win.

Mr. Speaker, I ask that the entire text of the Ambassador's soberingly perceptive op-ed be placed in the RECORD.

IN GAZA, A TEST CASE FOR PEACE

(By Ambassador Daniel Ayalon)

Next month thousands of Israelis will be uprooted from their homes in 25 settlements, against the backdrop of widespread political opposition and intensifying Palestinian terrorism. Israel faces difficult days ahead.

Prime Minister Ariel Sharon is boldly determined to move forward with disengagement from Gaza and the northern West Bank out of a deep conviction that it is critical to Israel's future. Unfortunately, the Palestinian leadership has failed to meet him halfway. The Palestinian Authority's refusal to disarm terrorist organizations has enabled the terrorists to regroup and renew deadly attacks against Israelis, compounding the difficulties of this engagement and casting an ominous shadow on the possibility of future progress.

The sharp increase in Palestinian terrorist attacks, particularly in the past week, underscores the precariousness of the situation. While Israel is committed to completing the disengagement as planned, we will not sit idly by while our civilians are under attack. Time is running out for the Palestinian leadership to confront the terrorists. Should it fail to do so, Israel will be forced to take the necessary steps to defend its people. Lest the Palestinians miss another historic opportunity, the world should insist that they crack down on terrorism now.

After numerous failed attempts by Israelis and Palestinians to reach peaceful accommodation over the past 15 years, Sharon decided to embark on a different course. Disengagement is an immense political, strategic and indeed historical undertaking, aimed at reducing friction between Israelis and Palestinians, jump-starting the peace process and providing the Palestinians with a unique opportunity to build institutions of responsible self-governance.

At the same time, it puts a terrible burden on thousands of Israelis called on to leave their homes against their will. Many have lived there for more than three generations. Specially trained, unarmed units will move from house to house as part of a massive logistical operation involving some 50,000 security personnel, accompanied by teams of social workers and psychologists. Living, breathing communities, some more than 30 years old, will simply vanish. Businesses, factories and farms will be shut down. Schools, synagogues and cemeteries will be relocated. The removal of graves, including those of terrorism victims, will be especially heart-wrenching.

The trauma of disengagement has unleashed dangerous rifts in Israeli society. While the withdrawal is supported by most of the public, many Israelis deeply oppose it on moral, religious and security grounds. Sharon has demonstrated steadfast leadership in the face of an unprecedented political backlash from his traditional supporters. Given the intense political opposition and growing civil disobedience, the prospect of violent resistance cannot be ruled out. Regardless of the outcome, the repercussions of disengagement will be felt in Israel for years. At stake is not only the success of disengagement but also the very fabric of Israeli society.

Adding fuel to the fire, public anxiety in Israel has increased because of the resurgence of Palestinian terrorism, including suicide bombings, drive-by shootings and rocket attacks. Rather than confront the terrorist organizations and disarm them, Palestinian President Mahmoud Abbas has invited Hamas into his government, thereby providing a terrorist organization with an official seal of approval. The result has been an emboldened Hamas, a further weakening of the Palestinian Authority and a potentially disastrous perception that disengagement is a victory for terrorism rather than an opportunity for peace.

Abbas must seize the moment and lead the Palestinians toward peace. The terrorist organizations must be disarmed as called for in the "road map" if Palestinian statehood is to be achieved. This is non-negotiable. Gaza is both the opportunity and the test for the Palestinian leadership. Will that leadership prove itself capable of governing a functioning democratic society, free from terrorism and focused on improving the lives of its citizens, or will it squander yet another opportunity? After leaving Gaza, Israel will no longer provide an easy excuse for Palestinian failure.

The rock-solid, principled and bipartisan support for Israel in the United States has been vital to our ability to overcome terrorism and prepare the ground for a political initiative. The notion of disengagement would have been unthinkable had Israel not prevailed in the latest round of sustained terrorism waged by the Palestinians since September 2000.

The stakes for Israel are enormous. We are a strong but small country facing a largely hostile region roughly 500 times our size. We can ill afford to make mistakes. Iran's nuclear weapons program is imminent, posing an existential threat. Syria and Iran promote and support Palestinian terrorist groups sworn to our destruction. Hezbollah has intensified terrorist attacks against Israel from Lebanon, opening a second front aimed at derailing any progress. Despite these challenges, Israel has shown it is prepared to take difficult steps to achieve President Bush's vision for peace in the Middle East. The world should insist on no less from the Palestinians.

THE AFRICAN GROWTH AND OPPORTUNITY ACT FORUM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues and this country an important announcement by the Bush Administration. This week, the Administration took to two important steps in developing a strong trade and investment partnership between the United States and sub-Saharan Africa.

On Monday, President Bush announced the African Global Competitiveness Initiative, which continue and increase funding for trade capacity building efforts currently funded under the Trade for African Development and Enterprise Program. Under these new changes, the U.S. Agency for International Development's Regional Trade Hubs would be expanded from three to four in order to create greater opportunities and mechanisms for trading in Africa. The Hubs are currently located in Accra, Ghana; Gaborone, Botswana; Nairobi, Kenya. These hubs are important in identifying, promoting, and developing trading alliances that benefit the people of Africa and the U.S.

On Wednesday, during her visit to Dakar, Senegal, the Honorable Secretary of State Condoleezza Rice announced the creation of the African Growth and Opportunity Act (AGOA) Diversification Fund. The fund will provide resources to help African countries diversify their economies, including the development of transportation systems in African

countries. It would provide important opportunities to assist in Africa's development of new and emerging markets and technologies and aid in their economic progress

These initiatives are useful steps forward. I look forward to working with the Administration to ensure that these programs are fully funded and that we conduct a sustained effort to promote growth in Africa that reaches everyone—working people, farmers, and businesses—by extending duty-free allowances for apparel produed in Africa using the fabric from other regions, and in diversifying the range of products eligible for duty-free treatment under AGOA.

These steps continue recent efforts of the United States and the international community to reach out to the people of Africa in order to aid in their economic development. It is important that the United States takes a role in assisting the African community in this regard. With the resources, knowledge, and manpower of this country; we should be able to reach more to our brothers and sisters in Africa. We should continue to provide aid and assistance to these developing countries in the interest of ensuring quality lives, healthy environments, and real opportunities for people who have too often been excluded from technological advances. We should finding ways to address the crippling poverty, the disturbing barriers to adequate health care, and the limitations and restrictions to education and progress that predominate in the countries of Africa.

The Administration has taken two important steps in this regard in the last week. The 109th Congress should join with the President and other African leaders to ensure that everything is done to ensure that the progress of the 21st century does not pass Africa by.

I submit for the CONGRESSIONAL RECORD three statements from the Bush White House and the State Department detailing their efforts and justifications for extending our assistance to the people of Africa. Let us push forward in our efforts and our resolve to assist the continent of Africa and its people.

AFRICAN GLOBAL COMPETITIVENESS INITIATIVE

''I think one of the things that many African nations have come to discover is that through trade, they can develop a more hopeful society rather than through aid. . . . When you open up your market to entrepreneurs and small businesses, it helps spread wealth. And that's, after all, what we're trying to achieve.''—President George W. Bush, June 7, 2005.

FACT SHEET

President Bush has announced the African Global Competitiveness Initiative with a five-year funding target of $200 million of additional resources. This new initiative greatly expands the trade capacity building efforts underway with African nations through the U.S. Agency for International Development's (USAID) Regional Trade Hubs located in Accra, Ghana; Gaborone, Botswana; and Nairobi, Kenya. The Initiative will further the work of the Trade Hubs in enabling African economies to become better integrated into regional and global markets and to take advantage of trade opportunities afforded by the African Growth and Opportunity Act (AGOA).

As part of the new African Global Competitiveness Initiative, USAID will open a fourth trade hub. The new hub will complement the efforts of the USAID trade hubs in Botswana, Ghana, and Kenya.

The Global Competitiveness Initiative will emphasize trade capacity building in the following areas:

Improve the climate for private investment in Africa;

Expand AGOA trade and intra-African trade;

Strengthen the emphasis on information and communications technology in facilitating investment and trade-related efforts in Africa;

Stimulate private sector development;

Encourage and promote the diversification of exports;

Reduce time to market and transport costs by facilitating trade at borders and along transport corridors;

Strengthen the financial sector;

Facilitate investment in infrastructure and address general barriers to competitiveness; and

Improve the capacity of African countries to meet international quality standards and U.S. animal and plant health inspection requirements.

Improving African Competitiveness

Open trade and international investment are some of the surest and fastest ways for Africa to make economic progress. With the rebounding of the global economy and recovery from several lengthy conflicts, much of Africa is poised to see more robust economic growth and an improvement in living standards in the years ahead.

AGOA is the cornerstone of the Administration's trade and investment policy toward Sub-Saharan Africa. AGOA's objectives include promoting free markets, expanding U.S.-African trade and investment, stimulating economic growth, and facilitating regional integration and Sub-Saharan Africa's integration into the global economy.

To continue to realize the potential benefits of AGOA, eligible Sub-Saharan African countries need to diversify greatly their export base, develop intra-regional trade linkages, and enhance their external competitiveness. The U.S. views trade capacity building and technical assistance programs as essential components of its trade and investment policy.

SECRETARY OF STATE RICE ANNOUNCES NEW AGOA FUND TO PROMOTE AFRICAN ECONOMIC GROWTH

On her first trip to Africa as Secretary of State, Condoleezza Rice announced the African Growth and Opportunities Act (AGOA) Diversification Fund at the U.S.-Sub-Saharan Africa Trade and Economic Cooperation Forum in Dakar, Senegal, on July 20.

This fund will provide resources through several U.S. Government agencies to help African countries diversify their economies and thus take advantage of a wider range of opportunities under AGOA. Among the projects to be funded are a feasibility study for West Africa regional rail integration and technical assistance for the development of a new West African aviation safety and security agency.

On July 18, 2005, President Bush announced another AGOA-related program, the African Global Competitiveness Initiative (AGCI). It will provide an additional $200 million over the next 5 years to build the capacity of African nations to take advantage of trade opportunities and increase their competitiveness.

AGOA seeks to spur economic development and expedite the integration of African economies into the world trading system. It expands duty-free access for more than 6,400 products to U.S. markets. It also provides a framework for U.S. technical assistance to build trade capacity and to expand business links. In 2004, AGOA imports to the United States totaled $26.6 billion, up 88 percent over 2003. The AGOA theme for this Forum is ''Expanding and Diversifying Trade To Promote Growth and Competitiveness.''

The Secretary of State's participation in the AGOA Forum reflects the importance President Bush gives to the African Growth and Opportunities Act, and highlights his vision of Africa as a continent of promise and progress.

Also attending the Dakar Ministerial are Agriculture Secretary Mike Johanns, USAID Administrator Andrew Natsios, Millennium Challenge Corporation CEO Paul Applegarth, U.S. Global AIDS Coordinator Randall Tobias, and officials from the U.S. Trade Representative's Office and the Departments of Commerce and Energy.

At the Forum, members of the U.S. delegation met with senior government officials, private sector leaders, and civil society activist from 37 African nations and the United States.

REMARKS OF SECRETARY CONDOLEEZZA RICE AT THE AGOA FORUM

Thank you very much. I want, first of all, to thank Foreign Minister Gadio for that extraordinary introduction—(laughter)—very, very kind introduction. Before I begin I want to acknowledge something that the Foreign Minister has said. I was here just about two years ago in Senegal with President Bush and we went to Gorée Island to the site of the transatlantic slavery. And as we stood at the gate that I think one could call a gate of no return, we all thought about the extraordinary bonds of kinship, of blood, of tragedy between the United States and Africa.

In my own personal case, of course, many of my ancestors may have come through that gate. And it is only in the course of the last several years that the United States has fully begun to come to terms with that great tragedy. It has become—we managed to come to terms through institutions of democracy and inclusion. But I personally want to acknowledge my gratefulness to the sons and daughters of Africa, without whom there quite literally would have been no United States of America.

(Applause.)

And as President Bush said when he was at Gorée Island, it was one of the great ironies that Africans, who came in chains to America to build America alongside Europeans, would ultimately help America to find itself as slavery was abolished and as less than 50–years ago, segregation was finally abolished in my home state of Alabama and throughout the South. We have a long heritage and history together, but we also have a very promising future.

(Applause.)

I want to thank the people of Senegal, President Wade and his (inaudible) for hosting this event. I want to thank Prime Minister Sall for his efforts. Whether measured by the distance on a map or by the strength of a partnership between America and Africa are closest together here in the city of Dakar.

I would like to welcome my fellow ministers and many members of both African civil society and the private sector, who have crossed this great continent to be here this morning. And I am pleased to join all of you for the annual Forum of the African Growth and Opportunity Act.

We gather today not two weeks after President Bush and other G–8 leaders met in Gleneagles, Scotland to launch an historic partnership with the nations of Africa. Our partnership rests on the conviction that only the people of Africa can solve the problems of Africa. But for these men and women to fulfill their dreams of democracy and security and prosperity, all developed nations have a responsibility to help.

As President Bush has said, ''We believe Africa is a continent full of promise, and talent, and opportunity. And the United States

of America will do our part to help the people of Africa realize the brighter future they deserve.''

With President Bush's leadership, America has tripled our development assistance to Africa. And we will double it again by 2010. I would like to recognize Andrew Natsios the Director of the U.S. Agency for International Development who is helping Africa to expand and transform our partnership here in the developing world.

President Bush has launched the largest effort ever by one nation to combat a single disease—the $15 billion Emergency Plan for AIDS Relief. And joining us here today is Randall Tobias the President's Coordinator for Global AIDS who is helping America give hope to thousands of men, women and children living with this disease.

Just last month, President Bush strengthened America's partnership with Africa even further. He pledged $1.2 billion to fight malaria, with the ultimate goal of covering 175 million people in 15 nations. He also proposed new initiatives to train half-a-million African teachers, to offer scholarships to 300,000 African students, mostly girls, and to help several African states better protect the rights of their women citizens.

Not only is America giving new money, we are revolutionizing how much of that money is given, together with Africans who believe in good governance, democracy, and an open society.

Under the leadership of Paul Applegarth, who is here today, our Millennium Challenge Account Initiative is providing new development grants to nations that govern justly, promote economic freedom, and invest in their people. So far, eight African countries have qualified to apply for grants, including Senegal, and one, Madagascar, has already signed a development compact worth $110 million.

Development assistance can be catalytic. But it alone, will never enable people to lift themselves out of poverty. Open markets that allow individuals to realize the benefits of their own hard work are essential. This is the purpose of the African Growth and Opportunity Act, or AGOA, which brings us here to Dakar today.

AGOA represents the strong bipartisan consensus behind America's support for Africa's development. And it enshrines the principles of good governance as a condition of membership. Governments that advance democratic reform, protect economic liberty, and strengthen the rule of law are the best partners to entrepreneurial citizens. So far, 37 sub-Saharan African countries are meeting these critical standards.

AGOA benefits everyone. African businesses create more, better-paying jobs. And American consumers receive more goods at lower prices, products like sorbet from South Africa, and woodcarvings from Tanzania, and tuna from right here in Senegal. Last year alone, non-oil imports increased 22%, and the United States imported over $26 billion in total from the AGOA group of African nations.

To expand the success of AGOA, African economies must become more competitive and better able to seize the opportunities of trade. With these goals in mind, the United States is launching two new initiatives to build the capacity of African countries to trade in freedom.

The first, which President Bush announced today, is the African Global Competitiveness Initiative. This will provide $200 million over the next five years to help the people of Africa participate more fully in trade. As part of this initiative, we are opening a fourth ''trade hub'' here in Dakar, where teams of experts will help African countries trade more effectively with one another and with the United States.

The second initiative, which I am proud to announce today, is the AGOA Diversification Fund. Through this initiative, several U.S. agencies will support the efforts of African governments to diversify their economies and capitalize further on the promise of AGOA. One project, run by the U.S. Trade and Development Agency, will provide grants totaling nearly $1 million to help West African nations increase the safety of their air travel and plan a new railway to better integrate the region.

Ladies and Gentlemen: Africa is a continent of overwhelming promise. All human beings possess the dignity and the capacity to flourish in freedom. And AGOA is helping the talented men and women of Africa to realize their natural potential for prosperity.

The United States will always offer our full support to the people of Africa as they build thriving democracies and achieve lasting development. You have set these goals for yourselves, and by yourselves. You are taking ownership of your destiny. And America is proud to be your partner.

(Applause.)

Now, it is my great honor to welcome Prime Minister Sall to the podium. Thank you very much for your time.

TRIBUTE TO ROBERT S. (BOBBY) REESE, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. CLYBURN. Mr. Speaker, on Saturday, August 6th we will commemorate the 60th anniversary of the birth of the Atomic Age, widely celebrated as having begun when President Harry S Truman ordered the historic and fateful mission of the *Enola Gay.* But, another event took place on that day in and of itself that could have triggered the onset of this historic period, at least in the mind of Robert S. (Bobby) Reese, Jr., who was born on that day in Florence, South Carolina to ''Big Bobby'' and ''Gem'' Reese.

Bobby worked here in Washington for more than 30 years representing the American Trucking Associations and the Altria Group. Many in this chamber have had the good fortune and pleasure to have shared much of that time with Bobby. During my tenure here, Bob has been a trusted advisor and personal friend. I, like many others in this august body, often partnered with Bobby on the golf course, and often shared with him the thrill of victory. Of course there were moments when Bobby and many of us experienced the agony of defeat. But I think that all of us will agree that he was always a reliable partner or tough competitor. And, at least with me, he never understood the phrase ''customer golf.''

Bobby retired about 2 years ago and he and his lovely wife, Peggy, moved back to our home State and are enjoying their retirement in the Dunes West golf course community near Mount Pleasant. Bobby and Peggy are also enjoying spending more time with their four adult children: Patty, Cynthia, Taylor and Michael and two grandchildren Tayson and Senna.

Mr. Speaker, I ask that you and my colleagues join me in wishing a happy and festive 60th birthday to Robert S. ''Bobby'' Reese, and our hopes that he, Peggy and all of the Reese family and friends will have a joyous occasion on August 6, 2005 and for many more years to come.

IN HONOR OF UNITED HEALTH CENTERS OF THE SAN JOAQUIN VALLEY, INC.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate United Health Centers of the San Joaquin Valley, Inc., on the opening of their new Kerman Health Center in Kerman, California.

United Health Centers of the San Joaquin Valley has been a dedicated leader in bringing quality medical care and services to underserved rural residents. In the effort to complete its mission, United Health Centers has brought to the forefront many public issues related to unattended healthcare concerns in the community.

Through the numerous clinics located in the heart of rural California, this organization offers a variety of services including family medicine, dental, x-ray, pharmacy and laboratory. United Health Centers has also adopted a preventative agenda and taken the initiative to implement family support programs such as prenatal care, nutrition, Women Infant and Children, health education, family planning and immunization.

The new Kerman facility is the latest addition to seven already existing health centers in Fresno and Tulare Counties. The last three decades have chronicled the growth of United Health Centers into Huron, Earlimart, Mendota, Kerman, Sanger, Parlier and Orange Cove. The two-story Kerman operation will house seven dental stations, ten examination rooms and a full-service pharmacy and lab.

United Health Center's employees, directors and organizers have touched the lives of numerous economically disadvantaged individuals who are so often overlooked by existing healthcare organizations. This dedication ceremony marks an opportunity to welcome improvements in the availability of healthcare and also provides incentive to look toward the future for innovative and novel means of making adequate medical care accessible to all communities—specifically rural communities.

PROVIDING FOR CONSIDERATION OF H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to oppose this closed rule and H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

The manner in which the amendment process of this bill was handled is shameful. Both the Judiciary and the Intelligence Committee had jurisdiction over this legislation, yet somehow, the Chairman of the Judiciary Committee

has managed to twist this bill into one that only he finds acceptable.

As a Senior Member of the Intelligence Committee, I offered an amendment that would have extended the sunset for Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 until 2010. Section 6001, also known as the ''lone wolf' provision, allows the government to define any individual non-US person as a terrorism suspect, even if that person has no clear ties to a foreign government. This new authority has been in place for a mere seven months and has yet to be subjected to meaningful review. Extending the sunset would give Congress a significant period of time in which to assess the impact of this considerable new authority. Members of the Intelligence Committee agreed; and my amendment had the support of almost every single Member of the Committee, both Republican and Democrat. Inexplicably, the amendment was later removed by the Judiciary Committee.

I asked Chairman SENSENBRENNER point blank in the Rules Committee hearing yesterday why my amendment was removed from the bill. His response—''I don't know.'' He doesn't know, then who does? I guess somewhere between the fourth floor of the Capitol and the Judiciary Committee, my amendment must have been lost.

I believe the partisanship and incivility of the Judiciary Committee has unfortunately, infected the bipartisan manner in which the Intelligence Committee has always approached its work. Regardless, I am still committed to pursuing my amendment and working with the conference committee in a bipartisan fashion to reinsert my amendment into this legislation.

Mr. Speaker, it is disappointing that, once again, I find myself protesting the manner in which legislation has been brought to the floor. Over sixty amendments were offered in the Rules Committee yesterday yet only twenty have been made in order. Forty amendments, including my own, will not be debated today. Even Representative HARMAN, the ranking Member on the Intelligence Committee, offered four amendments that the Rules Committee refused to make in order. In fact, none of the amendments offered by any Intelligence Committee Democrat is made in order under this rule. This is absolutely inexcusable.

America's national security is of paramount importance, but our security needs will not be met by limiting debate on the issue. The American people deserve a Congress that has fulfilled its Constitutional role by considering each and every idea put forth by its Members to improve this and all pieces of legislation.

Without a doubt the underlying bill could be improved. For example, this bill amends Section 213 of the Patriot Act to require the government to notify the subject of a search warrant within 180 days of the search but does not sunset the provision. Statistics provided to Congress show that only eleven percent of the searches conducted using this power were related to terrorism—eleven percent! Given that this overbroad search and seizure power is abused almost ninety percent of the time, isn't Section 213 the very model of a section in need of a sunset? Again, amendments were submitted to the Rules Committee addressing these issues but they were not made in order.

While no one in this body, Democrat or Republican, objects to this country's need to fight terrorism, the sweeping, un-checked powers provided to our government through the provisions of the Patriot Act and the Intelligence Reform and Terrorism Prevention Act of 2004 are beyond worrisome. The inclusion of sunsetting provisions allows us to examine the practical effects, both positive and negative, before permanently allowing such a broad expansion of government power.

As a freedom loving society, we must diligently monitor any infringement on our civil liberties to ensure it is justified. But this bill, allowing the virtually unchecked monitoring of the average citizen on the flimsiest of justifications, is too broadly tailored to defend. After careful consideration and examination, I cannot support a bill that takes away so much while offering so little. I urge my colleagues to vote no on this closed rule and no on H.R. 3199.

HONORING TROY UNIVERSITY'S TRANSFORMATION INTO ''ONE GREAT UNIVERSITY''

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. EVERETT. Mr. Speaker, I rise today to congratulate a unique university based in my congressional district in southeast Alabama which is truly transforming itself into a global force in education.

On July 29th, Troy University, formerly Troy State University, will officially join its 60 campuses in 11 countries and 13 time zones across the world into ''One Great University.''

This change will unite the entire student body of each campus. All curriculums will be the same at each campus making it easier for students to transfer within the system. Besides a common curriculum, the students will now have unified identification cards, the same student handbook, as well as pay the same fees.

The unification of Troy University is more than a clerical notation, however. A long established leader in higher education in the Southeastern United States will officially raise its banner high enough to be seen around the world. This is a very proud moment for Troy University and Alabama.

I would also like to congratulate Chancellor Jack Hawkins and his staff on their great efforts to make this transition a success. Their hard work and dedication will be recognized and remembered for years to come as Troy takes center stage in uniting our world through the promise of higher education.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, four years ago I voted against the bill that became the ''USA PATRIOT Act,'' more commonly called simply the ''PATRIOT Act.''

I agreed that our law-enforcement agencies needed increased power and more tools to fight terrorists. But I also thought then—and still think today—it was imperative for Congress to proceed carefully in order to protect Americans' civil liberties.

I take very seriously my duty to preserve and protect our Constitution. For me, this is a matter of conscience—and four years ago I concluded that I could not fulfill my duty and also vote for the legislation.

However, I took some comfort from the fact that a number of the most troublesome provisions of the new law were temporary and would expire unless Congress acted to renew them.

And the imminent expiration of those provisions is the reason this bill is before us today.

I think the value of such ''sunset'' provisions is shown by the debate we are having today. It is evidence that requiring Congressional action to renew agencies' authorities can and does result in ongoing Congressional oversight and periodic reconsideration.

Unfortunately, the bill before us today does not fully follow the good example of our procedure 4 years ago. Instead, the bill would make permanent no fewer than 14 of the 16 provisions of the original ''PATRIOT Act'' that were covered by the law's ''sunset'' clause—as well as other new authorities provided by last year's bill to reform the intelligence community—and under the bill the other two will not ''sunset'' for a full 10 years.

That is one of the main reasons I will vote against this bill. But it is not the only reason.

Neither the expiring provisions nor the other sections of the ''PATRIOT Act'' are limited to cases involving terrorism. This makes even more troubling their potential for abuse or misuse in ways that intrude on Americans' privacy and civil liberties.

Because of that potential, over the last four years more than 300 communities and seven States, including Colorado—governments representing over 62 million people—have passed resolutions opposing parts of the ''PATRIOT Act.''

Much of that public concern—a concern I share—has focused on the possible effects on the privacy of patrons and customers from the application of section 215 of the ''PATRIOT Act'' to libraries and bookstores.

Section 215 expanded the FBI's ability to obtain ''any tangible thing'' under the Foreign Intelligence Surveillance Act. Previously, the government could obtain records only from hotels/motels, storage facilities and car rental companies, and only if the records pertained to agents of a foreign power.' Now, it can seek ''any tangible thing'' from anyone at all as long as the information is relevant to an investigation.

Many of us think this is so broad that the government could investigate consumers' reading and Internet habits and private records (such as credit card information, medical records, and employment histories), without the requirement of relevance to any criminal activity that applies in grand jury investigations.

I would like to think that this authority will not be abused. But we cannot be sure that will never occur, and I think there are reasons to worry.

I understand, for example, that the American Library Association has confirmed that

Federal agents went into a library and asked for a list of everyone who checked out a book on Osama bin Laden—which likely would include people who wanted to learn about his connection to the terrorist attacks on New York and Washington—and that overall, since those attacks libraries have received more than 200 formal and informal requests for materials, including 49 requests from federal officers.

It is not clear what authority (if any) was cited by the federal officers for obtaining this information—and, because recipients of orders issued under section 215 not only have no effective way of challenging them but in fact are prohibited from disclosing to anyone but their attorneys that they received such an order, there is no way of knowing how often this authority has been used.

So, I remain concerned about the possibility that the "PATRIOT Act" would be used to obtain very private information—whether library records, medical information, or gun purchase records—without an adequate showing of a connection to terrorism.

It is true that this bill would make some worthwhile changes to current law, including allowing the recipient of a Section 215 order to challenge it before a three-judge panel of the Foreign Intelligence Surveillance Court, FISC, in Washington, DC, and assert that the law was wrongly applied.

But I think we ought to have at least had the opportunity to debate more substantial reform to this part of the law.

To begin with, we should have been able to at least consider a limited exemption for bookstores and libraries, along the lines of the bipartisan amendment that the House voted to add to the Justice Department appropriations bill for fiscal 2006. However, the Republican leadership blocked that amendment from even being offered.

Further, I think consideration should be given to changing the standard for issuing a section 215 order, to require some individual suspicion that the records the government wants are related to a spy, terrorist or other foreign agent—which could include the records of other parties if they were clearly relevant to the activities of the subject under investigation. Again, no amendment along those lines was allowed consideration.

It is true that the House did have the opportunity to consider a number of worthwhile amendments. I was glad to have the chance to vote for them, and am glad that so many were adopted. However, we should have had the chance to consider many more.

For example, the House ought to have had the chance to at least debate changes such as some proposed in the Intelligence and Judiciary Committees. I have in mind the amendment to "sunset" the so-called "lone wolf' provision, approved by the Intelligence Committee and an amendment offered in the Judiciary Committee to restore a requirement for reporting on the disclosure of electronic communications that was included in the bill approved by the Judiciary Committee in 2001 but later stripped by the Rules Committee without explanation.

Unfortunately, the Republican leadership did not allow any of these amendments to even be debated on the House floor, although it did allow time for a new amendment—not considered in committee, as far as I can tell—that would, among other things, change the rules for jury trials in many federal criminal trials, evidently including some not related to terrorism.

And so, Mr. Chairman, my reaction to the bill now before the House is similar to the one I had to the original "Patriot Act" legislation four years ago.

As I did then, I strongly support combating terrorism, here at home as well as abroad.

But I continue to think that it is essential that we remember and respect the Constitutional rights of law-abiding Americans as we wage war against those who would destroy both our Constitution and our country. In fact, I think that if we don't do that we will lose much of what we are seeking to defend.

And, now as then, I have concluded that for the reasons I have mentioned this bill as it stands—especially after rejection of the proposal to shorten the extension of expiring provisions—does not strike the right balance, and should not become law in its present form.

But, now as four years ago, I am hopeful that the bill will be further improved as the legislative process continues.

Four years ago, that did not happen. However, I think there is good reason to think that this time history will not repeat itself.

There evidently is considerable support in the other body—by Senators on both sides of the aisle—for provisions that would improve on this legislation. I hope and expect that the Senate will make such improvements and that in the end the result will be a measure that deserves the support of all Members of Congress.

INTRODUCTION OF A RESOLUTION COMMEMORATING THE 40TH ANNIVERSARY OF THE VOTING RIGHTS ACT OF 1965

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. CONYERS. Mr. Speaker, today I rise to join Congressman JOHN LEWIS in introducing a resolution commemorating the 40th anniversary of the Voting Rights Act of 1965. On August 6, 1965, President Lyndon B. Johnson signed the Voting Rights Act into law. This Act is one of the Nation's most important civil rights victories and serves as a tribute to those that marched, struggled, and even died to secure the right to vote for all Americans.

Brave Americans of different races, ethnicities, and religions risked their lives to stand up for political equality. Most notably, on March 7, 1965, a day that would come to be known as "Bloody Sunday," nonviolent civil rights activists, like Congressman JOHN LEWIS, were brutalized and demeaned in their pursuit of voting rights for all Americans. It took this horrific violence for the Nation to realize it had to own up to the democratic ideals it preached. Eight days later, President Lyndon B. Johnson called for a comprehensive and effective voting rights bill.

This call for a voting rights bill was to ensure that this country realized the 15th Amendment of the Constitution, that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." Forty years later, the Act has proven effective in furthering this Constitutional ideal, as it has enhanced political participation and opportunity among racial and ethnic minorities. Today the Voting Rights Act also serves to protect the rights of language minority and disabled voters.

Please join us in celebrating this significant progress from 40 years of enforcement of the Voting Rights Act.

THE ELEVENTH ANNIVERSARY OF THE PASSING OF THE LUBAVITCHER REBBE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. WEINER. Mr. Speaker, Sunday July 10, 2005 (3 Tamuz, 5765), marked the eleventh anniversary of the passing of Rabbi Menachem Mendel Schneerson, of righteous memory. When Rabbi Schneerson first became the Rebbe, or spiritual leader, of Chabad-Lubavitch, the movement had barely survived the brutality of the Holocaust. Yet, over the course of his 44 years as "The Rebbe," Rabbi Schneerson turned Chabad-Lubavitch into a worldwide movement.

Under the Rebbe's leadership, Chabad-Lubavitch began to offer educational and social services to the elderly, ill, and infirm. Over time, and under Rabbi Schneerson's leadership, Chabad-Lubavitch became a global force for good-will and kindness. It is not surprising therefore, that upon Rabbi Schneerson's passing, both this House, as well as the Senate, voted unanimously to award him the Congressional Gold Medal.

It is a testament to the Rebbe's leadership that Chabad-Lubavitch's social, educational, and humanitarian efforts did not cease upon his passing. In fact, Chabad-Lubavitch presently has over four thousand emissaries operating more than three thousand institutions around the globe. Chabad-Lubavitch offers vital outreach and social services to communities in more than sixty countries on six continents.

In the wake of the devastating Tsunami in South-East Asia, Chabad-Lubavitch responded to the crisis in a manner consistent with Rabbi Schneerson's teachings and leadership. Chabad-Lubavitch of Thailand has extended a helping hand to all Tsunami victims and survivors, regardless of race or religion.

Chabad-Lubavitch has provided both funding and technical assistance to local relief organizations in order to support the local relief effort. Chabad-Lubavitch also provides interest free loans to Tsunami survivors in order to assist in the economic recovery of individuals and communities. Chabad-Lubavitch also participates in an ongoing effort to provide fresh food and drinking water to the villages of Koh Muk, Laem Naew, Baan Talae Nok, Ko Rah, Bak Jok, Ko Surin, and Tung Dap.

Mr. Speaker, while we continue to honor Rabbi Schneerson's memory, we must also celebrate his ongoing legacy of kindness and compassion.

RECOGNIZING CORINA VILLARAIGOSA, THE FIRST LADY OF THE CITY OF LOS ANGELES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to an extraordinary woman, Corina Villaraigosa, the First Lady of the City of Los Angeles.

Corina is a working mother whose proven ability to balance a successful career while never losing sight of her first priority—her family—has made her a role for model for countless Latinas and other women. Corina is a very talented and giving person whose love for her children and her students has no boundaries.

For nearly 20 years, Corina Villaraigosa has extended her love for children beyond her home and into the schools of the Montebello Unified School District. Thousands of young Californians, many of them English language learners, have been fortunate enough to call Mrs. Villaraigosa their teacher. Whether at home or in the classroom Corina creates an enriched environment that enables children to embrace the gift of learning and to become productive members of our society. She understands that education is the great equalizer for the Latino community and all communities. For Corina, teaching is truly a vocation, a calling to help young people—our Nation's greatest treasure.

Corina's strong sense of civic duty was learned at an early from her beloved parents. As a mother, a teacher and now as the First Lady of Los Angeles, Corina has always served her community with grace and distinction. The residents of Los Angeles are proud to call Corina Villaraigosa their First Lady.

Mr. Speaker, I ask my colleagues to join me in saluting Mrs. Corina Villaraigosa for her selfless and extraordinary dedication to her family and community. She is a role model for future generations of Mexican-American women and all women, and I am honored to recognize her today.

CALLING FOR FREE AND FAIR PARLIAMENTARY ELECTIONS IN THE REPUBLIC OF AZERBAIJAN

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. EDWARDS. Mr. Speaker, with H. Res. 326, the House of Representatives calls for free and fair parliamentary elections in the Republic of Azerbaijan. Without question, we send a message with this resolution that improvements must be made in Azerbaijan's democratic process, but while we discuss our hopes for improvement, it is important to remember how important Azerbaijan is to American interests in the region.

Azerbaijan is a staunch ally in the global war on terrorism. Following September 11, Azerbaijan was amongst the first countries to offer the United States unconditional support in the war against terrorism, providing its airspace and the use of its airports for Operation Enduring Freedom in Afghanistan. Azerbaijan was the first Muslim nation to send its troops to serve shoulder-to-shoulder with U.S. forces in Iraq.

Azerbaijan joined all 12 international conventions on counter-terrorism and reinforces regional cooperation on fighting terrorism through signing numerous agreements and participating in the activities of regional organizations such as NATO, the Organization for Security and Cooperation in Europe, and others. Azerbaijan serves as the chair of the GUUAM Working Group (Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova) on the fight against terrorism, organized crime and drug trafficking. GUUAM countries actively cooperate in law-enforcement, trade and transportation, and political-military spheres.

Azerbaijan was a pioneer in opening the Caspian Sea to international cooperation and oil and gas exploration. Since 1994, Azerbaijan has extensively developed its energy resources to diversify western energy supplies. The Baku-Tbilisi-Ceyhan (BTC) oil pipeline opened May 25 of this year. It is widely recognized that the East-West energy corridor plays an important security role in the region.

To the United States, Azerbaijan is a critical partner in the Global War on Terrorism and the energy sector. To Azerbaijan, the United States is a pivotal leader in its efforts to promote democracy and stability within its borders and throughout the region.

Azerbaijan is seeking to establish itself as a democratic nation and viable socio-economic partner in the Caucasus, Europe and on the world stage. It is already an important partner on many fronts, and free and fair elections will allow us to further develop that partnership.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes:

Mr. LEVIN. Mr. Chairman, I supported the State Department Authorization (FY 06–07) bill as reported by the International Relations Committee, and supported many of the amendments offered here on the floor of the House. However, this bill now also includes three major amendments which came up on the floor of the House, which are misguided and which I opposed.

The Rohrabacher amendment correctly acknowledges the importance of intelligence gathering, while it ignores allegations of serious abuses at Guantanamo Bay. These instances of abuse, combined with others have damaged our credibility around the world and hindered the effectiveness of our efforts in Iraq and the war on terror.

As to the Ros-Lehtinen amendment on Iraq, I have never supported setting a deadline for withdrawing American troops from Iraq. We do need an effective plan in place to transfer responsibility for Iraq's security to the Iraqi people as soon as possible. This requires specific and meaningful benchmarks to gauge progress and determine when our troops can return home. The Ros-Lehtinen amendment, which was never discussed in Committee, makes no reference at all to any benchmarks and contains language that gives support to a vague, open-ended commitment to keep our troops in Iraq indefinitely.

Finally, I support U.N. reform. The Hyde legislation regarding the U.N. when brought up separately in the House was opposed by 195 Members and was the subject of serious objections from the Bush Administration. It was also quite clear that it could not pass the Senate, so it is being bootstrapped to this bill. The Hyde Amendment lacks the flexibility needed for the Administration to effectively seek the necessary reforms at the U.N. For example, if a single one of 14 specific goals set forth in the amendment are not met by 2007, 50 percent of our dues would be withheld. Such a rigid approach would weaken the Bush Administration's hand to implement the changes which are necessary at the U.N.

Because the final State Department Authorization bill contains those three amendments, which I opposed, I am voting against final passage. I hope the Senate and Administration will seek the necessary improvements in this legislation.

TRIBUTE TO A GREAT MENTOR

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, mentors have played an important role for business leaders, artists, athletes and politicians for hundreds of years. Having an influential and important role model to learn from and to lean on for support and advice is priceless. Today I would like to honor and compliment my personal mentor, New York State Senator Owen Johnson from Babylon, Long Island.

For over 10 years I had the honor and privilege to work for my good friend Owen in the New York State Senate. Always supportive of my entrepreneurial efforts, Owen encouraged intellectual curiosity and always gave me the latitude and freedom to complete my master's degree.

While Owen had the chance to run for Congress himself, he chose to remain a New York State Senator to be closer to his family. Christel, his lovely wife, son Owen, and daughter Chirsten are truly the loves of his life.

Owen Johnson, a conservative before it was fashionable, is the chairman of the prestigious Senate Finance Committee. A seasoned and polished debater and legislator, Owen and I had hundreds of spirited debates over the years. While we may not have always agreed at the end of the day, each conversation was a learning experience.

I am extremely proud to call Owen Johnson a mentor, a friend, and the best State Senator New York State has ever had.

Here's to you Owen for all you taught me about conservative and family values.

ADDRESSING THE GRAVE HUMAN RIGHTS AND RELIGIOUS FREEDOM ABUSES OF THE CHINESE GOVERNMENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today to express my profound concerns over the People's Republic of China's, PRC, persistent efforts to squash religious freedom and religious expression. As a senior member of the House International Relations Committee, I have worked—along with like-minded colleagues in the House and Senate—to send a strong, consistent message to repressive regimes like the PRC that membership in the community of nations requires a real commitment to support and advance democratic governance, political openness, respect for human rights, and promotion and protection for the freedom of speech and religion. Tragically, this message continues to fall upon deaf ears and the persecution of religious freedom continues; as best exemplified by the PRC's campaign of repression against members of the peaceful Falun Gong movement.

Many of us have become familiar with the case of the Falun Gong—also known as Falun Dafa—a religious movement which combines a regimen of exercise with meditation. According to its practitioners, the beliefs of Falun Gong are derived from qigong, a set of movements that stimulate the flow of vital energies throughout the body. As I understand it, the practice teaches the virtues of truthfulness, compassion, and forbearance, while warning against moral degeneration and materialism.

Since 1999, because the members of this peaceful practice dared to ask their government for official recognition and their constitutional rights to free speech, press, and assembly, the PRC has systematically and ruthlessly cracked down on the practitioners of Falun Gong. Yet the Falun Gong were only one of many groups to face persecution. On October 30, 1999, China's National People's Congress promulgated an ''anti-cult'' law, retroactively suppressing the Falun Gong movement and thousands of other religious sects across the country; closing 67 teaching stations and 1,627 practice sites in Beijing alone.

Subsequently, the PRC detained and questioned over 30,000 followers nationwide, and charged Falun Gong leaders with numerous crimes, including: organizing superstitious sects, disrupting public order, leaking state secrets to foreigners, and engaging in unlawful assembly and publication. Between 150 and 450 group leaders and other members were tried and sentenced to terms of up to 18–20 years in prison; and an estimated 10,000 to 100,000 citizens have spent time in detention or ''labor reeducation'' camps solely because of their religious beliefs.

In fact, the U.S. State Department's International Religious Freedom Report of 2004 stated that ''the Government [of China] continued its repression of groups that it categorized as 'cults' in general and of the Falun Gong in particular.'' Moreover, the arrest, detention, and imprisonment of Falun Gong practitioners continued as they respectfully refused to recant their beliefs. As a result, they are being continually subjected to harsh treatment in prisons and re-education through labor camps—many times resulting in deaths due to torture and abuse. For example, in December 2003, Falun Gong practitioner Liu Chengjun died after reportedly being abused in custody in the Jilin Province. The report went on to state that the Chinese Government ''tends to perceive unregulated religious gatherings or groups as a potential challenge to its authority, and it attempts to control and regulate religious groups to prevent the rise of groups or sources of authority outside the control of the Government and the CCP.'' The U.S. Department of State—for 6 consecutive years—has designated China as a ''Country of particular concern'' for ''particularly severe violations of religious freedom,'' especially as it pertains to the persecution of Falun Gong members.

It is in part due to the brave and courageous writers at The Epoch Times—a Chinese-language newspaper and publisher of the Nine Commentaries on the Communist Party—that we have an accounting of this religious persecution and the numerous other dangerous activities of the PRC. The Commentaries present an uncensored and honest history of the Chinese Communist Party, CCP, effectively and poignantly detailing the brutal conditions under the CCP which have prompted over 3 million Chinese to make public statements renouncing all ties to Communism. By now, over 300 public forums of the Nine Commentaries and 100 public rallies—with tens of thousands of supporters—have been held in more than 50 major cities throughout the world. I applaud and commend their tireless efforts to show the world what is truly happening inside China.

Mr. Speaker, the right to religious freedom is firmly enshrined in both our own Bill of Rights as well as the Universal Declaration of Human Rights, Article 18; and a nation's adherence to this principle is now widely understood to be a strong indicator of the good governance required to protect the rights of minorities and safeguards of social peace. The importance of promoting religious freedom cannot be overstated. In many ways, the promotion of religious freedom is intimately connected to the promotion of other fundamental human and civil rights, as well as to the growth of democracy. Once believers cannot convene, worship, and publish their literature, there is essentially no freedom of expression, freedom of association, and freedom of press.

As we work to spread the ideals of democracy to areas of the world that have languished in the shadow of tyranny, we must also carry forward the simple but powerful message that every person has a right to religious freedom and fight to roll back the tide of religious repression whenever and wherever it threatens to spread across the globe.

To that end, I ask my colleagues to join with me to support efforts in the U.S. Congress that seek to highlight the plight of and express American support for all the innocent citizens who have been imprisoned unfairly; and to continue to stress to China's leaders that the American people are firmly committed to defending religious freedom throughout the world.

In closing, I would respectfully commend to my colleagues' attention an open letter to the world written by Yeong-Ching Foo to rescue her fiancé Charles Li, one of the many Falun Gong practitioners persecuted by the People's Republic of China; and I would like to have the text of this letter placed into the CONGRESSIONAL RECORD following my statement.

OPEN LETTER TO RESCUE CHARLES LI

FELLOW AMERICANS: My fiancé, a former post doctoral researcher of Massachusetts General Hospital, is jailed by a government which has inflicted on its own people wars, famine, tyranny, massacre, and terror. Now my fiancé's life and fate are at its disposal. Over two and a half years have passed since Charles was arrested in China. Since the very beginning of his arrest, every day has been a nightmare. I have not been allowed to hear his voice, but not once have I stopped thinking about how he is doing. I can't imagine the abuse he suffers and the brainwashing sessions he is forced to constantly attend.

Charles has been subjected to other forms of torture; I cannot list them all. He could have lost his life twice, and over 2½ years, the authorities have been trying to take away his soul with brainwashing. We should never have given them the chance to hurt him like that. Charles must be rescued back immediately.

In June 2003, after Charles had not had food in his stomach for almost eight days, Chinese guards shoved a tube into his stomach and left it there for 33 hours.

In July 2003, Charles was physically forced by inmates that were instigated by the authorities to attend a brainwashing class to renounce his belief in Falun Gong. They knocked Charles down to the ground and dragged him by the feet down a flight of stairs, causing bruises all over his body.

In December 2004, Charles was tortured until he experienced fast heart beats and shortness of breath. He was forced to sit up straight with his head facing forward and was not allowed to move for 4 to 7 hours each day. He was tortured like this for 48 consecutive days.

Charles went to China trying to stop the persecution of Falun Gong in China by trying to expose the atrocity and brutal persecution of Falun Gong that is based on lies. Persecution of Falun Gong is carried out in a large scale to the extent where the former communist ruler, Jiang Zemin himself handed the propaganda of Falun Gong to high officials outside China; building '6–10 offices', a Gestapo-like organization set up to eradicate Falun Gong throughout the whole world. This was confirmed by Hao Fengjun, a former policeman in the '6–10' office, defected to Australia. He verified that the persecution of Falun Gong practitioners in China is indeed extremely brutal (See http://enqlish.epochtimes.com/news/5–6–10/29446.html).

For each hour that Charles is held captive in China, his life is endangered. My heart has been bleeding for over 888 days by now! All this time, I have been very strong and forbearing. Actually, without my practice of Falun Gong that teaches me Truthfulness, Compassion and Tolerance, I know I would have gone crazy.

Since Charles' arrest, I have appealed to you—Charles' fellow Americans—for support and help in rescuing him. The response has been overwhelming and we are both very grateful. Two summers ago, after a series of van tours across the U.S. when thousands of people expressed their support, Charles' treatment improved. But as public attention turned to other issues, his situation has worsened. As long as Charles is still in jail, I will not stop trying to bring him home, but I need your help.

The United States was founded on the principle of freedom of belief, as those who fled religious persecution in England were seeking independence in the New World. The Chinese people also seek spiritual independence

and an escape from the lies and hate that have plagued them under the CCP. I am proud of Charles for the risk he took to try and accomplish that in peaceful, non-violent way. I am proud of him for his courage.

Charles should be rescued back immediately, and unconditionally. I believe that, together, we, the American people and the US government, will not let him down.

''My family, friends and I are fortunate to have so much help and support from you ever since I have been illegally detained and persecuted. We all appreciate it very much. As time goes by, I believe that the truth will be revealed to you. The persecution of Falun Gong is totally illegal and brutal. And also, as Dr. King says, injustice anywhere is a threat to justice everywhere. Thank you very much! Yours Very Sincerely, Charles Li''—From a letter written in jail by Charles to US officials, May 16, 2003.

Let's rescue our fellow US citizen back from the hand of the Chinese Communist Party and let the moral value and conscience be awakened! Thank You!

Yours sincerely,

YEONG-CHING FOO.

MARCUS GARVEY—KEEPING HIS LEGACY ALIVE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. RANGEL. Mr. Speaker, I rise to draw attention to the life and legacy of a towering figure in the struggle for global human rights. Marcus Garvey is now widely viewed as one of the most crucial figures in the modern history of peoples of African descent, and is considered a national hero in his native Jamaica. The movement he started with the Universal Negro Improvement Association (UNIA) during the early 1900's is still the largest that the modern Black world has ever seen. During a bleak and oppressive period, he gave Black people in this country and around the world a pride in themselves and a hope for the future.

His efforts were a major impetus in the later movements that ended legalized discrimination in this country, and freed many parts of the Black World from the shackles of colonization. Indeed, his life and philosophy were embraced by influential leaders of the 20th century such as Kwame Nkrumah, Martin Luther King and Malcolm X.

Marcus Garvey has been an inspiration to me since I was a child. I was born, raised, and still live in Harlem, where Garvey established the Headquarters for the Universal Negro Improvement Association. Though I was born three years after Garvey was deported from the United States, his imprint on Harlem was still deep throughout my childhood and adolescence. I often met followers of Garvey's movement, known as Garveyites, who would preach his philosophy. Their words encouraged me to do my own research. As I grew older, I came to fully understand the importance of Garvey—both the man and his message—, and the injustice of his wrongful conviction.

Despite his future impact, he lived in an early 20th century America that was very resistant to change. Many became threatened by the size and implications of his movement, and he soon became the target of significant government harassment, led by a young J. Edgar Hoover.

Hoover became determined to rid the country of Garvey and his message. After many failed attempts to impugn his reputation and his motives, he ultimately became the victim of an unjust prosecution and conviction by the United States government in 1923, on a single count of mail fraud. So great was the outcry regarding the suspect nature of the conviction that President Calvin Coolidge would commute his sentence in 1927.

The actions of J. Edgar Hoover in his capacity as FBI Director are well documented, and have been the source of much public objection. Indeed, we now know of the efforts he made to undermine and discredit Dr. Martin Luther King and the civil rights movement.

Outside the issue of J. Edgar Hoover however, the case of Mr. Garvey highlights a regrettable period in American history—when groups and individuals inexcusably used the American legal system to assail innocent people, especially African Americans. Many, like Garvey, who had achieved great fame and success, were victims of such malevolence.

Jack Johnson, the famous African American Boxer, is one example. His wrongful prosecution and conviction, which occurred little more than a decade before that of Marcus Garvey's, has elicited a bi-partisan effort in the Congress to bring about his exoneration.

Since 1987 I have sought to clear the name of Marcus Garvey by seeking Congressional recognition of the injustice done to him, and securing a Presidential pardon of his conviction. I have continued this effort in 109th Congress with H. Con. Res. 57, and have received the most support for the effort since I first introduced legislation nearly 20 years ago.

The case of Henry O. Flipper gives me optimism as I move forward with the current Garvey effort. Flipper was West Point's first Black graduate, and the Army's first black officer. But he was also the victim of an unjust, and racially motivated court-martial. President Clinton's 1999 exoneration of Mr. Flipper has cleared the way for other such posthumous Presidential pardons.

In addition, I am also heartened by the fact that individuals and groups in the U.S. and around the world continue to ensure that the deeds and legacy of Marcus Garvey is preserved for future generations. UNIA, the organization which Marcus Garvey established nearly 100 years ago still exists today, and continues Marcus Garvey's message of self improvement and self awareness, through various education and service programs around the country. The organization will actually be having a 91st anniversary celebration here in Washington, DC on July 30th, which will serve to further illuminate the life and message of this important man.

Other groups and organizations, such as the Connecticut-based International Foundation for the Exoneration of Marcus Garvey, have been active in spreading awareness of Marcus Garvey's wrongful conviction, and building support for the exoneration effort. I thank all of them for everything they continue to do to seek justice for Marcus Garvey and keep him alive in our hearts and minds.

Marcus Garvey once asserted that, ''Action, self-reliance, the vision of self and the future, have been the only means by which the oppressed have seen and realized the light of their own freedom.'' This message transcends any race or group; it is a universal human American ideal. It is why the world must never forget Marcus Garvey.

TRIBUTE TO COL. ROBERT A. ROWLETTE, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Colonel Robert A. Rowlette, Jr., Commander of the Army Corps of Engineers for the Louisville District. On July 29, 2005, after 26 years of distinguished and dedicated military service to our country, Colonel Rowlette will retire from his post as commander. I believe it is important to highlight the honors he has received and the assignments in which he has dutifully served.

Born in Berea, Kentucky, Colonel Rowlette was commissioned in the Corps of Engineers upon graduation from the University of Kentucky in 1979. At the University of Kentucky he earned a Bachelor of Science degree in Civil Engineering. He returned to the University of Kentucky to earn a Master of Science degree in Civil Engineering in 1990. Additionally, he is a graduate of the Army Command and General Staff College. Colonel Rowland is registered as a Professional Engineer in the Commonwealths of Virginia and Kentucky.

Colonel Rowlette has received many honors and awards for his service to our Country. His military honors include the Meritorious Service Medal with seven Oak Leaf Clusters, The Army Commendation Medal, The Army Achievement Medal with Oak Leaf Cluster, and the National Defense Service Medal.

Prior to becoming the Army Corps of Engineers' Commander for the Louisville District, Colonel Rowlette's tour of duty included assignments in the continental United States and Hawaii. He has previously served as a project manager and assistant chief Army Programs in the Louisville District. Following his assignment to Louisville District he served with the 46th Battalion at Ft. Rucker, Alabama as a company commander and operations officer.

Colonel Rowlette's next assignment was at the United States Military Academy at West Point, New York where he served as an instructor and an Assistant Professor of Mathematical Sciences. Following his time at West Point attended the Command and General Staff College. Following graduation, he served as the Executive Officer for the 84th Engineer Battalion at Schofield Barracks, Hawaii. He next served as the Operations Officer for the 416th ENCOM FWD cell at Fort McPherson, GA.

I had the pleasure of meeting and working with Colonel Rowlette when he arrived in Charleston, South Carolina to serve as Commander of the Charleston District of the U.S. Army Corps of Engineers in my Congressional District. He followed his tenure in my home state, as the Engineer Colonel Assignments Officer with the U.S. Total Army Personnel Command and attended the Canadian Forces College in Toronto, Ontario.

Mr. Speaker, I ask that you and my colleagues join me in celebrating the 26-year career of Colonel Robert A. Rowlette, Jr. His leadership has been characterized by excellence and service. He has been a great asset to his profession and a role model for all of those who follow him in the United States Army Corps of Engineers. I wish him a very happy retirement and Godspeed.

IN HONOR OF SELF HELP ENTERPRISES

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Self Help Enterprises on the organization's 40th Anniversary of dedicated service to rural communities of California's San Joaquin Valley.

Self Help Enterprises' (SHE) efforts are based upon the simple principle of providing the tools necessary for individuals to help themselves succeed. SHE assists rural residents, primarily farmworkers, in a variety of housing needs. Offering technical assistance, helping people to compete for scarce resources and empowering individuals has been the main focus of this community oriented non-profit.

The beginnings of Self Help Enterprises can be traced back to 1964 when President Johnson launched the ''War on Poverty'' with the passage of the Economic Opportunity Act of 1964. This legislation provided a much needed source of federal funding to help combat the devastating effects of continuous economic hardship. Self Help Enterprises originated in 1965 as the first rural self-help housing organization in the nation and shortly thereafter received its first of many grants from the United States Office of Economic Opportunity.

Since then SHE has been instrumental in the housing development needs throughout eight counties located in the heart of the San Joaquin Valley: Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus and Tulare.

Self Help Enterprises' volunteers, benefactors and organizers have touched the lives of numerous families who are so often overlooked by the rest of the community. The 40th Anniversary of the founding of Self Help Enterprises is a time for us to not only commemorate past efforts, but also look toward the future for innovative and novel means of helping underserved rural residents.

COMMENDING THE CONTINUING IMPROVEMENT IN RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF INDIA

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I want to recognize the visit of the Prime Minister of India on the occasion of his visit to Washington. Prime Minister Singh's visit to the United States is the first by a national Indian leader since that of Prime Minister Vajpayee in November 2001. The Prime Minister's visit comes at a critical moment for relations between the United States and India. The 21st Century has brought our democracies together as partners with shared priorities.

The United States and India share the values of democracy and diversity and are building a vital economic and strategic partnership. As the world's most populous democracy, India is an important ally of the United States. Like the United States, India draws much of its democratic strength from its diversity. Dr. Manmohan Singh's election as Prime Minister, the first time a Sikh has been elected to this office, demonstrates that diversity. The United States and India also share the priorities of promoting global stability and combating terrorism around the globe, promoting trade and democracy, developing new technology, and combating the spread of HIV and other global health pandemics.

Relations between the United States and India are particularly important to the residents of the 9th Congressional District of Illinois. We have a dynamic Indian American community in the 9th Congressional District that has shared Indian culture with our residents and made a strong contribution to our economy. While these Indian Americans are now residents and citizens of the U.S., many of them still have family in India. The close, friendly relationship developing between our countries is important to Indian Americans in my district, and beneficial to all Americans and Indians. As a member of the Congressional India Caucus, I've been pleased to see the relations between our countries improve.

I had the honor of accompanying President Clinton to India in March of 2000—the first time a U.S. President traveled to India since President Carter in 1978. That trip also served a greater purpose. President Clinton's trip to Asia represented a major initiative by that Administration and members of Congress to set U.S.-India relations on a new level of increased cooperation across a broad spectrum of issues. President Clinton and Prime Minister Vajpayee agreed in a vision statement to institutionalize dialogue between our two countries through regular bilateral ''summits.'' In the years following that trip, many aspects of the vision statement have been realized and our countries have drawn closer together.

Since 1991, the United States and India have forged close economic relations. As India has liberalized its economy, it has become a more important trading partner for the United States. India has invested both in its businesses and its workers, fighting poverty while growing its economy at a steady, sustainable rate. Our economic relationship with India is sure to expand in the time to come.

India is an important strategic partner to the United States. After our country was attacked on September 11th, India quickly rushed to America's side to offer its full support to combat the terrorists and use of its bases for counterterrorism operations. India is a critical ally of geopolitical importance to the United States on the Asian continent. India is a partner in our efforts to work towards a more peaceful world, and has recently taken encouraging steps towards peace with Pakistan. The growing military partnership between the United States and India is a sign of our shared strategic priorities.

While India faces many challenges today, such as continued mass poverty and an HIV/AIDS epidemic, I will work closely with the Indian American community in my district, with my colleagues on the India Caucus and in the Congress as a whole to ensure that the United States continues to support India as it faces those challenges that threaten its development.

Mr. Speaker, I thank Prime Minister Singh for continuing to strengthen the relationship between the United States and India. A close relationship between our countries will help promote security, peace, and economic prosperity around the globe.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

SPEECH OF

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes:

Mr. MACK. Mr. Chairman, I rise today to express my thoughts and concerns regarding the USA PATRIOT and Terrorism Prevention Reauthorization Act (H.R. 3199). This legislation—though controversial since it was originally signed into law in 2001—is an important and effective tool for combating and winning the war on terrorism. However, it is the duty of this body to err on the side of freedom and that is why I support commonsense legislative oversight of this law.

Four years ago, Congress came together to provide law enforcement and intelligence officials with sweeping powers to increase intelligence-gathering abilities and information sharing in the name of fighting terrorism. This was a wise and prudent choice. However, due to the legitimate concerns raised about the powers this law puts into the hands of government and the need to be mindful of the liberty we are sworn to uphold, sunset provisions were attached to the original law to ensure there would be a judicious review of the law and how it has been implemented. Make no mistake, Mr. Speaker: sunset provisions do not weaken the law, nor do they undermine its purpose or its execution.

Last night, during the debate on the USA PATRIOT and Terrorism Prevention Reauthorization Act (H.R. 3199), a Motion to Recommit was offered that included instructions to extend the current sunset provisions on the sixteen most controversial provisions from 2005 to 2009. Two hundred and nine of my colleagues voted ''yea'' on this Motion to Recommit. I intended to vote ''yea,'' however, due to a technical malfunction, my vote was not recorded in the official CONGRESSIONAL RECORD. Regrettably, because the Motion to Recommit failed (209 to 218), the legislation contained only two limited 10-year sunsets. Thus, in the spirit of freedom, liberty, and limited government, I voted against the final passage of the House-version of the PATRIOT Act reauthorization.

Detractors of sunset provisions state there has not been any evidence of widespread abuse of any of the PATRIOT Act's provisions. But, as leaders, we are supposed to have the gift of foresight. By making the law permanent at this time, we will handcuff the ability of Congress to carry out a constitutionally-mandated power legislative oversight. Why should we not review this Act in four year's time? Having an intelligent debate to weigh the accomplishments of the bill is a smart undertaking now, just as it will be in 2009.

History tells us that in times of war or conflict, government is all too willing to ask its citizens to trade a bit of their liberty for the hope

of greater security. We witnessed it during World War II with the immoral internment of Japanese Americans. Liberty has been trampled during every war we've fought. But we must ensure that it does not happen again through vigilant oversight of the provisions of the PATRIOT Act. Some have characterized the PATRIOT Act as an irresponsible reaction. I disagree because Congress was smart and just to include "sunsets" at the time. Most of the provisions in the PATRIOT Act were needed and should be reauthorized. But to contend as some of its supporters do that it is a perfect law and should not be looked at critically is absurd.

Mr. Chairman, I look forward to working with my colleagues in both the House and the Senate to ensure that proper legislative safeguards are achieved, in conference, through additional sunsets on the most controversial provisions. In the words of one of our Founding Fathers, Benjamin Franklin, "they that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." Mr. Speaker, the war on terrorism will be won. But, America must continue to be a shining beacon of freedom, security, and prosperity for the world. It is the job of this esteemed legislative body to strike the proper balance between liberty and safety. We ascended to our current world position by being a cradle of freedom—now is not the time to turn our backs on that fundamental principle.

HONORING THE 2005 "TREE CITY USA" CITIES OF FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize the 110 Florida communities that received the 2005 Tree City USA recognition from the National Arbor Day Foundation. This designation is in recognition of these communities' support of the USDA Forest Service's Urban and Community Forestry Program. These Florida communities have dedicated substantial efforts to the improvement of the environment in their cities and towns.

For almost 30 years, the Tree City USA program has facilitated cooperation and partnership in the urban forestry community, and has proven a cost-effective way for state and federal governments to support the conservation efforts of local communities. The Tree City USA program has effectively coordinated and engaged public and private participants including municipal leaders, State and Federal governments, tree care professionals, and nonprofit organizations, toward a common goal of bettering our environment.

Tree City USA municipalities allocate over $765 million each year to forestry programs. These funds go towards enhancing the natural beauty of the environment in order to make our communities a more pleasant place to live.

Mr. Speaker, I congratulate the communities of Boca Raton, Boynton Beach, Coconut Creek, Cooper City, Coral Springs, Deerfield Beach, Juno Beach, Jupiter, Lighthouse Point, Oakland Park, Palm Beach Gardens, Plantation, Pompano Beach, and West Palm Beach on their efforts to promote environmental conservation and I encourage them to continue to improve the natural beauty of Florida.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2601) to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes:

Ms. LEE. Mr. Chairman, let me thank my distinguished colleague from California, the Ranking Member of the International Relations Committee for his leadership and commitment to addressing the global HIV/AIDS pandemic. And I also want to thank the Chairman, HENRY HYDE for his dedication and willingness to work with me on this important issue over the last several years.

Mr. Speaker, this amendment is completely unnecessary. While I appreciate the efforts of the Chairman to improve it, the real problem is that it reinforces the prostitution pledge—an underlying policy that I believe is fatally flawed, and I want to tell you why.

In 2003 I traveled to Zambia as part of a Congressional Delegation examining food security and HIV/AIDS in Africa. We visited the Chirundu region, on the border with Zimbabwe, where delays in processing travel had forced many truckers to wait for months before they could cross the border.

The Chirundu region is incredibly poor. But because the truckers were still receiving their per diem and had time to waste, many poor and destitute women were drawn there to sell their bodies in exchange for money to buy food and provide clothing and shelter for their families.

Thankfully, the USAID Cross Border Initiative was reaching out to the truckers and these women, to ensure that they were educated about the dangers of sex work, about the risks of HIV/AIDS, and about the need to protect themselves.

These women trusted the USAID program to help them, because even as it encouraged them to find other sources of income, and tried to educate and protect them from HIV, it did not cast judgment on them for trying to feed their families.

By requiring organizations to formally oppose prostitution, we hinder their ability to reach out to sex-workers and teach them about the dangers of HIV.

Such a policy runs counter to good public health practices, and effectively denies vital HIV prevention services and education to women.

We need to fix this broken, misguided policy.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes:

Mr. KENNEDY of Rhode Island. Mr. Chairman, as we consider reauthorizing The USA PATRIOT Act today, it is important to recognize that the 16 expiring provisions addressed by this legislation are controversial with good reason. That is why Congress wisely established sunset timelines for these particular sections when the original legislation was passed amidst extraordinary circumstances in 2001; this is one of the main reasons that I voted for its original passage. The sheer fact that Congress included a sunset provision in the bill shows that Members did have concerns with the bill, and recognized its troublesome aspects, even as they acted on the need for swift passage in the immediate wake of September 11th. While I believe it is critical that we update our law enforcement tools to respond to the deadly and unconventional threats we face from global terrorist organizations, it is vital that we do not at the same time endanger the basic civil liberties and freedoms that we hold so dear. I will vote against this legislation because I believe it fails to strike the critical balance between civil liberties and national security.

Reestablishing sunsets for all 16 controversial provisions, thereby recognizing the crucial role that Congress needs to continue to play in providing ongoing oversight in this most sensitive of legislative areas impacting our basic civil freedoms, would greatly improve this bill, but the rule does not allow us to vote on this. The rule also does not allow an amendment which would have defended important civil liberties, including the right to freedom of speech, by excluding booksellers and libraries from the scope of Section 215 FISA search orders. Before the PATRIOT Act, these requests at least had to be directed at "agents of a foreign power." Now they can be used against American citizens, even if they are not suspected of doing anything wrong, as long as there is a showing of "relevance" to a terror investigation. I strongly oppose such a provision which would allow government officials to collect personal data on ordinary Americans, including medical and library records, without any evidence linking them to terrorism or other crimes.

I also remain very concerned with Section 213 of the PATRIOT Act and the fact that it is not subject to a sunset. This permanent section of the law allows the delay of notification in executing warrants. I have serious misgivings about this provision, as it could indefinitely delay notice of a search or seizure. This notice provides a crucial check on the government's power by requiring authorities to operate in the open and by allowing the subjects of such searches to protect their Fourth Amendment rights. I also have concerns about the use of National Security Letters under Section 505 of the Act, which require no judicial review, and the use of roving "John Doe" wiretaps, which deserve increased oversight, such as requiring the FBI to identify with particularity the person targeted. Further, I am baffled that the majority voted twice to prevent the consideration of amendments which would have kept dangerous firearms out of the hands of terrorists. These amendments, which would have criminalized the selling of firearms to anyone on an FBI terrorist watchlist and prevented terrorists from obtaining .50-caliber

sniper rifles, would have gone a long way towards achieving the goal of securing our nation against the threat of terrorism.

I believe that successfully addressing our national security needs while protecting our basic freedoms and civil liberties requires continual Congressional oversight, and I will continue to work to assert the role of this body in carrying out this grave responsibility. I will also continue to fight for increased funding for state and local law enforcement, as well as for increased security measures to protect our nation's public transportation and critical infrastructure systems. I would like to have an opportunity to vote for a reauthorization of the USA PATRIOT Act that more perfectly strikes a balance between civil liberties and national security, and am hopeful that the Senate will address the aforementioned issues of concern. It is my understanding that the corresponding bill approved by the Senate Judiciary Committee today would incorporate greater checks on several of these controversial powers, and I remain open to reevaluating my vote should a bill incorporating such modifications come before the House of Representatives in the near future. The bill in front of us today, however, does not adequately reform parts of this law which I believe violate important civil liberties. Likewise, it fails to provide for continued congressional oversight of many questionable provisions. I cannot vote for this measure, as it fails to adequately safeguard our country's fundamental freedoms.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes:

Mr. LANGEVIN. Mr. Chairman, today I rise in reluctant opposition to H.R. 3199, the USA PATRIOT Act Reauthorization. We must provide law enforcement all the tools they need to keep us safe in today's changing world, but we need a bill that strikes a more appropriate balance between civil liberties and fighting the war on terrorism.

Since the enactment of the USA PATRIOT Act in the wake of 9/11, I have met with many constituents and countless groups to discuss the details of this controversial legislation. At a town hall meeting I hosted, the U.S. Attorney for Rhode Island and a representative of the state's American Civil Liberties Union passionately argued their cases. Some agreed with the U.S. Attorney that only the USA PATRIOT Act can prevent us from another attack. However, most of that crowd, as well as most Rhode Islanders, worry that we have already ceded too much ground on our precious civil liberties. In my state, six cities and towns have passed resolutions opposing parts of the USA PATRIOT Act, and my constituents understand what this bill means to them and their freedom.

Keeping America safe is not a partisan issue, but unfortunately, several provisions of this bill are. We could have reached a bipartisan solution to extend the provisions that are effective, such as permitting searches to the Internet and e-mail, and modify the provisions that need changes, such as the searching of library records and ''sneak and peek'' searches, to which Congress has already voiced strong and clear opposition. Instead, we forgo Congressional oversight and take away future opportunities for review.

I am most troubled that the Rules Committee has not permitted a single amendment to determine if 15 controversial provisions should expire. Sunsets require Congress to review the Act, extend what is working, and change what is not. Sunsets would make the bill better, and ensure regular oversight, but the rule does not permit us to vote on this important modification. Simply adding sunsets could have made the H.R. 3199 more palatable, and I am confident it could have had strong bipartisan support. However, the Republicans have again chosen division over unity.

I recognize the need for our laws to keep pace with new technology and a changing world, and I am committed to ensuring our law enforcement has the tools they need to keep our nation safe. However, providing these tools need not come at the expense of the liberties and freedoms that we hold so dear. If we cede these, we have already given up the very values the terrorists are trying to destroy.

I look forward to working with my colleagues to make many changes in H.R. 3199 to fight terrorism and protect our freedoms. I am encouraged that the Senate is taking a more bipartisan approach to renewal of the USA PATRIOT Act, and I look forward to a conference agreement that we can all support to protect our liberties and our country.

FREEDOM FOR GUIDO SIGLER AMAYA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Guido Sigler Amaya, a political prisoner in totalitarian Cuba.

Mr. Sigler Amaya is a member of the Alternative Option Movement, and an activist of the pro-democracy opposition in Cuba. According to Amnesty International, he has been detained and harassed several times in the past. He was incarcerated in the totalitarian gulag in December 1999, after participating in a peaceful demonstration to celebrate the 51st anniversary on the Universal Declaration of Human Rights. In 2002, he was again detained when he attempted to meet at a home in Havana to discuss human rights.

Despite the constant threats, despite being previously incarcerated in the gulag, Mr. Sigler Amaya never gave up his dignified struggle for democracy and basic human rights. Unfortunately, as part of the dictator's condemnable, March 2003, crackdown, Mr. Sigler Amaya was arrested. After a sham trial, he was sentenced to 20 years in the totalitarian gulag.

Let me be very clear, Mr. Sigler Amaya is languishing in the depraved conditions of the totalitarian gulag because of his peaceful actions to promote basic human rights: The U.S. State Department describes the conditions in the gulag as, ''harsh and life threatening.'' It is a crime of the highest order that brave men and women are imprisoned in these nightmarish conditions simply for their belief in freedom.

Tragically, Mr. Guido Sigler Amaya is not the only member of his family sentenced to the totalitarian gulag. His brothers, Ariel and Miguel Sigler Amaya, whom I will speak about in the coming weeks, have been sentenced to 20 years and over 2 years in the gulag, respectively. These three brothers are brilliant and admirable examples of the heroism of the Cuban people. No matter how intense the repression, no matter how severe the consequences of a dignified struggle for liberty, the totalitarian gulags are full of men and women who represent the very best of the Cuban nation.

Mr. Speaker, it is completely unacceptable that, while the world stands by in silence and acquiescence, these three brothers are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My Colleagues, we must demand the immediate and unconditional release of Guido Sigler Amaya, Ariel Sigler Amaya, Miguel Sigler Amaya and every political prisoner in totalitarian Cuba.

CELEBRATING THE UNVEILING OF THOMAS JEFFERSON STATUTE IN JEFFERSON PARK

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. EMANUEL. Mr. Speaker, I am pleased to join with the citizens of the Jefferson Park neighborhood of Chicago in celebrating the unveiling of the new statue of Thomas Jefferson. The ceremony that will take place tomorrow is the I culmination of years of work by many members of the community, and I am pleased to offer my gratitude and congratulations on this exciting event.

Jefferson Park, on Chicago's northwest side, is one of the most unique and interesting neighborhoods in Chicago and I am proud to represent its citizens in the U.S. House of Representatives. The mix of cultural and ethnic divergences is unrivaled in our great city. The Jefferson Park Chamber of Commerce is one of the most active organizations in my district, and I applaud their efforts to honor our nation's 3rd President with this outstanding statue.

The bronze statue, the first life-sized statue of President Jefferson in the state of Illinois, was created by sculptor, Edward Hlavka. It depicts President Jefferson at a writing table signing a copy of the Declaration of Independence. Surrounding the statue are 13 pedestals representing the original American colonies, along with the inscription of one his most famous quotes, ''The will of the people is the only legitimate foundation of any government.''

The statue will adorn the front of the Chicago Transit Authority station in Jefferson Park, the major hub for commuters on the northwest side, and was made possible through the leadership of the Jefferson Park Chamber, Alderman Patrick J. Levar, State

Representative Joseph M. Lyons, and countless other members of the Jefferson Park neighborhood.

Mr. Speaker, the City of Chicago and the 5th District of Illinois are truly honored to welcome the new Thomas Jefferson statue to Jefferson Park, and I thank all of those responsible for making this possible.

TRIBUTE TO HARRIET HENDERSON

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend one of my constituents, Harriet Henderson, on her outstanding service as the Director of Public Libraries in Montgomery County, Maryland.

As Director for the past eight years, Ms. Henderson has helped make the Montgomery County library system the envy of library systems throughout the country. The Montgomery County library system consistently ranks among the nation's top ten, often noted as ''one of the best . . . in the country.'' Working to increase library hours and expand the materials collection, Henderson has demonstrated a profound commitment to improving the quality and accessibility of our region's public libraries.

The impact of Ms. Henderson's work is not limited to her role in Montgomery County. A former president of the Public Library Association and the Virginia Library Association, Ms. Henderson has made contributions on a national scale. She has also served in leadership positions with the Urban Libraries Council as well as other organizations.

Ms. Henderson will soon assume a new position as Director of the Richmond Public Libraries. I am confident that she will excel in all of her future endeavors and that the Richmond libraries will benefit greatly from her wisdom and experience.

I applaud Harriet Henderson and wish her continued success in the years ahead.

REGARDING THE RETIREMENT OF HENRY JAMES ''JIM'' SCHWEITER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Mr. SKELTON. Mr. Speaker, change is a constant here in the House, and I suppose that's a good thing. It keeps fresh ideas and energy coming in. But sometimes it sure is hard to say farewell to trusted friends.

As you know, I never miss an opportunity to quote my fellow Missourian Harry Truman. In this case, the occasion is bittersweet.

Harry Truman minted one of the axioms of Washington. ''It is amazing what you can accomplish if you do not care who gets the credit.''

To many in Washington, Mr. Speaker, that phrase may sound quaint.'' After all, so much of service in Congress is about credit. We issue press releases every day to make sure the folks back home know we're working for them. Much of what we are able to do is tied to the credit we get for our achievements.

Let me tell you about someone for whom that's not true.

Jim Schweiter has lived Harry Truman's words, not only during his service here but throughout his career. Jim is retiring from the Armed Services Committee staff at the end of next month. Thanks to our bipartisan structure, he has the official title of counsel. But for the last five and a half years, he has been, in effect, the minority staff director. And he has been my close and trusted friend.

Jim came to the Armed Services Committee from the Air Force in 1988. He brought with him a law degree and experience as a trial lawyer and judge advocate. But he also brought some things you can't learn.

Jim brought sound and mature judgment, informed by the kind of strong moral compass that informs both what should be done and how it should be done. When confronted with a difficult policy question, Jim frequently asks ''What is in the best interest for the Republic?'' I believe the Republic is the better for many of the policy issues on which Jim has had a hand. Jim has been involved in many aspects of the committee's work, serving with the Personnel and Investigations subcommittees, and later as General Counsel and ultimately as Minority Staff Director. In these roles, Jim has never done just what was required of him. He has always sought creative and sound legislative solutions when he saw a way of improving a situation. Though the Reserve Office Personnel Management Act in which he played a key role and the future management and professional development of Judge Advocates are just two examples of the legislation he has helped enact, Jim has frequently been directly involved in improving the lives of our military men and women.

The Armed Services Committee is near unique in the House for its integrated staff and the degree of its bipartisanship. In this, Jim could stand as the exemplar. He served as General Counsel to both Chairman Ron Dellums and Chairman Floyd Spence and provided exceptional advice to both. He embodies what we mean by professional bipartisan staff.

He also exemplifies a spirit of service to this House and to the Nation. When I asked him to return to the Committee after his distinguished service in the Department of Defense as Deputy Assistant Secretary of Defense for Reserve Affairs, Jim did not hesitate. In the time since he has returned, he has not only provided wise counsel at every turn, he has demonstrated strong leadership to the rest of our staff. They are a true team because of that leadership.

Beyond all his other attributes, Jim brought an unwavering patriotism to his position. That might have something to do with Jim's late father, Major General Leo Schweiter, who jumped into Normandy on D-Day and continued distinguished service through Korea and Vietnam. It might have had something to do with growing up in the shadow of the Army War College. But mostly, I think it's just Jim.

While Jim is retiring, there is no doubt that he will continue to have an active career. To the Armed Services Committee, Jim has brought a fierce intellect, an encyclopedic knowledge of House procedure, and an outstanding rapport with both members and staff. Jim's skills could easily carry him through many more careers—as a parliamentarian, a law professor, or a professional hunter—to name just a few. I hope he gets a chance to try them all.

I suspect Jim's heart may be most in the last of these pursuits. Like so many who grow up in central Pennsylvania, Jim is a dedicated outdoorsman. He hunts with his close friends and he has hunted with members of Congress, including our current Chairman DUNCAN HUNTER. He is no more at home than walking the woods. While Jim's new home of Minneapolis won't give him much opportunity to watch his beloved Baltimore Orioles play at home, it will continue to give him many chances to be where he wants to be during hunting season.

Mr. Speaker, as this good servant of the people moves on, and as this invaluable friend gets a little farther away, it is a time of sadness for me. But it is also a challenge to the House. I hope that we can remain the kind of House that continues to inspire and attract people the caliber of Jim Schweiter, people who know that the good of the nation and the merit of ideas come before all else. He is an example for us of what the House should be—and what America deserves.

I know I speak for everyone on the Armed Services Committee in thanking Jim for his years of service and extending my best wishes to Jim and his wife Donna on the next phase of their lives together.

VETERANS BUDGET SHORTFALL

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 2005

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to comment on the inadequate Supplemental request that President Bush has sent to the Congress for its approval.

The President has sent up a new supplemental request, this time for Fiscal Year 2006. While the amount of $1.977 billion sounds like a lot, the devil is in the details.

Of this amount, $300 million is the additional money for Fiscal Year 2005 that the original supplemental did not include.

Also, the President continues to insist that veterans have not done enough to protect the freedom of this country. He is continuing to insist that a $250 user fee and an increase in the prescription co-pay be included in the budget.

This House of Representatives, in fact this Congress, has spoken many times against these provisions. They do not want to pass these costs onto the backs of veterans.

Yet again and again, President Bush ignores the wishes of the public and this Congress by submitting a supplemental that includes these legislative policies of his.

I am trying to understand this series of events.

The House passed $27.8 billion for FY05. The request for the VA in FY06 was the same $27.8 billion. There was no accounting for inflation, the rapid increase of health care costs in general or the fact that a war was ongoing. Soldiers were to return from Iraq and Afghanistan and would need to be integrated into the system.

George Bush underestimated the problem to the detriment of veterans health.

A first year accounting student could understand that adding more people and services

into an already overwhelmed system would cost more.

Except in the George Bush land of make-believe.

Then Bush comes to us with a ''make-believe'' $975 million supplemental to cover the shortfall. However, that turns out not to be enough and that you actually need $300 million more.

As I said earlier, the Fiscal Year 2006 supplemental of $1.977 does not include funding for the ''legislative policies'' of George Bush by charging veterans for their service to this country.

This supplemental request is short by another $1.2 billion.

In reality, this request of $1.977 should read at least $2.977 if you use George Bush's estimate of what these ''legislative policies'' will cost. Most likely it will cost much more.

Support the higher amounts advocated by the Senate: $1.5 billion in emergency supplemental funding for FY05 and $3.2 billion in emergency supplemental funding for FY06.

I am not looking forward to whatever budget fiction George Bush is planning to lay on the veterans for Fiscal Year 2007.

Daily Digest

Highlights

The House passed H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005.

Senate

Chamber Action

Routine Proceedings, pages S8715–S8765

Measures Introduced: Thirteen bills and four resolutions were introduced, as follows: S. 1464–1476, S. Res. 205–206, and S. Con. Res. 45–46.

Pages S8745–46

Measures Reported:

S. 1389, to reauthorize and improve the USA PATRIOT Act, with an amendment in the nature of a substitute. **Page S8745**

Measures Passed:

Honoring Constantino Brumidi: Senate agreed to S. Res. 205, honoring the life and legacy of Constantino Brumidi and recognizing his contributions to the United States on the 200th anniversary of his birth. **Page S8764**

Department of Defense Authorization: Senate continued consideration of S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto:

Pages S8717–40, S8764–65

Adopted:

Warner (for Allen) Amendment No. 1343, to increase the limit on the value of assistance that may be provided to eligible entities to carry out procurement technical assistance programs operating on less than a Statewide basis. **Pages S8738–39**

Warner (for Nelson (NE)) Amendment No. 1430, to clarify certain authorities relating to adoptions by members of the Armed Forces. **Page S8739**

Warner (for Sessions/Reed) Amendment No. 1431, to require a Comptroller General study on the features of successful personnel management systems of highly technical and scientific workforces.

Page S8739

Warner (for Enzi/Kennedy) Amendment No. 1432, to extend the effective date of the Higher Education Relief Opportunities for Students Act of 2003. **Pages S8739–40**

Pending:

Frist Modified Amendment No. 1342, to support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America.

Pages S8764–65, S8717

Inhofe Amendment No. 1311, to protect the economic and energy security of the United States.

Page S8717

Inhofe/Collins Amendment No. 1312, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission. **Page S8717**

Inhofe/Kyl Amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross.

Page S8717

Lautenberg Amendment No. 1351, to stop corporations from financing terrorism. **Page S8717**

Ensign Amendment No. 1374, to require a report on the use of riot control agents. **Page S8717**

Ensign Amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council. **Page S8717**

Collins Amendment No. 1377 (to Amendment No. 1351), to ensure that certain persons do not evade or avoid the prohibition imposed under the International Emergency Economic Powers Act.

Page S8717

Durbin Amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events. **Page S8717**

Hutchison/Nelson (FL) Amendment No. 1357, to express the sense of the Senate with regard to manned space flight. **Page S8717**

Thune Amendment No. 1389, to postpone the 2005 round of defense base closure and realignment. **Page S8738**

Kennedy Amendment No. 1415, to transfer funds authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities and available for the Robust Nuclear Earth Penetrator to the Army National Guard, Washington, District of Columbia, chapter. **Pages S8718–28, S8731–32**

Allard/McConnell Amendment No. 1418, to require life cycle cost estimates for the destruction of lethal chemical munitions under the Assembled Chemical Weapons Alternatives program. **Page S8728**

Allard/Salazar Amendment No. 1419, to authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date. **Pages S8728–31**

Dorgan Amendment No. 1426, to express the sense of the Senate on the declassification and release to the public of certain portions of the Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, and to urge the President to release information regarding sources of foreign support for the hijackers involved in the terrorist attacks of September 11, 2001. **Pages S8732–34**

Dorgan Amendment No. 1429, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism. **Pages S8734–35**

Salazar Amendment No. 1421, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation. **Pages S8735–36**

Salazar Amendment No. 1422, to provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965. **Page S8736**

Salazar/Reed Amendment No. 1423, to provide for Department of Defense support of certain Paralympic sporting events. **Pages S8736–38**

A unanimous-consent agreement was reached providing that on Tuesday, July 26, 2005, when the Senate resumes consideration of the Defense Authorization bill, notwithstanding the provisions of Rule 22, there be 20 minutes of debate divided between Senators Collins and Lautenberg; that following the use or yielding back of time, Senate proceed to a vote in relation to Collins Amendment No. 1377 (to Amendment No. 1351), to be modified to become a first-degree amendment, followed by a vote in relation to Lautenberg Amendment No. 1351, to stop corporations from financing terrorism; provided further, that no second-degree amendments be in order to the above listed amendments prior to the vote. **Page S8739**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, July 26, 2005. **Page S8740**

A unanimous-consent agreement was reached providing that following the 2 stacked votes on Tuesday, July 26, 2005, Senate proceed to a vote in relation to Frist Modified Amendment No. 1342 (listed above); provided further, that no second-degree amendments be in order to the amendment prior to the vote, and notwithstanding the provision of Rule 22. **Pages S8764–65**

A unanimous-consent agreement was reached providing that on Monday, July 25, 2005, Senators have until 2 p.m. in order to file first-degree amendments to the bill. **Page S8764**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 1:30 p.m., on Monday, July 25, 2005. **Page S8764**

Protection of Lawful Commerce in Arms Act: Senate began consideration of the motion to proceed to consideration of S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others. **Pages S8740–41**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, July 26, 2005. **Pages S8740–41**

Subsequently, the motion to proceed was withdrawn. **Page S8741**

Americans With Disabilities Act Commemoration—Agreement: A unanimous-consent-time agreement was reached providing that at 1 p.m. on Monday, July 25, 2005, Senate begin consideration of a resolution commemorating the 15th anniversary of the Americans With Disabilities Act; that there be no amendments in order to the preamble or resolution; that there be 30 minutes of debate at 1 p.m.,

and 30 minutes of debate at 5 p.m., equally divided between the Majority Leader, or his designee, and Senator Harkin, or his designee; and that following the use or yielding back of time, Senate vote on the resolution at approximately 5:30 p.m. **Page S8764**

Nominations Confirmed: Senate confirmed the following nominations:

Brian David Miller, of Virginia, to be Inspector General, General Services Administration.

David A. Sampson, of Texas, to be Deputy Secretary of Commerce.

Suzanne C. DeFrancis, of Maryland, to be an Assistant Secretary of Health and Human Services.

Alex Azar II, of Maryland, to be Deputy Secretary of Health and Human Services.

Charles E. Johnson, of Utah, to be an Assistant Secretary of Health and Human Services.

John J. Sullivan, of Maryland, to be General Counsel of the Department of Commerce.

Mark A. Limbaugh, of Idaho, to be an Assistant Secretary of the Interior.

Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology.

Kathie L. Olsen, of Oregon, to be Deputy Director of the National Science Foundation.

Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for a term expiring June 30, 2010.

Routine lists in the Coast Guard. **Page S8765**

Nominations Received: Senate received the following nominations:

Roel C. Campos, of Texas, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2010.

Annette L. Nazareth, of the District of Columbia, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

Martin J. Gruenberg, of Maryland, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

Martin J. Gruenberg, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring December 27, 2006. **Page S8765**

Messages From the House: **Page S8745**

Measures Placed on Calendar: **Page S8745**

Additional Cosponsors: **Pages S8746–47**

Statements on Introduced Bills/Resolutions: **Pages S8747–54**

Additional Statements: **Page S8745**

Amendments Submitted: **Pages S8754–63**

Authority for Committees to Meet: **Page S8763**

Adjournment: Senate convened at 10:01 a.m., and adjourned at 2:10 p.m. until 1 p.m., on Monday, July 25, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8764.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Karen P. Hughes, of Texas, to be Under Secretary of State for Public Diplomacy, with the rank of Ambassador, who was introduced by Senators Hutchison and Cornyn, Josette Sheeran Shiner, of Virginia, to be Under Secretary of State for Economic, Business, and Agricultural Affairs, Kristen Silverberg, of Texas, to be Assistant Secretary of State for International Organization Affairs, and Jendayi Elizabeth Frazer, of Virginia, to be Assistant Secretary of State for African Affairs, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 3402–3412; and 4 resolutions, H. Con. Res. 216–217; and H. Res. 376–377 were introduced. **Pages H6380–81**

Additional Cosponsors: **Page H6381**

Reports Filed: H.R. 513, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes (H. Rept. 109–181). **Page H6380**

National Aeronautics and Space Administration Authorization Act of 2005: The House passed H.R. 3070, to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, by a recorded vote of 383 ayes to 15 noes, Roll no. 416.

Pages H6332–68

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill is considered as an original bill for the purpose of amendment.

Pages H6347–57

Agreed to:

Boehlert Manager's amendment (No. 1 printed in H. Rept. 109–179) changes a number of provisions in the bill, and makes a number of technical and clarifying changes; **Pages H6357–59**

Velázquez amendment (No. 2 printed in H. Rept. 109–179) that requires the NASA Administrator to submit a quarterly report on the NASA Office of Small and Disadvantaged Business Utilization;

Pages H6360–61

Jackson-Lee amendment (No. 6 printed in H. Rept. 109–179) that requires the NASA Administrator to transmit a plan describing steps NASA will take to protect employees who do raise or have raised a potentially catastrophic risk to health or safety; **Pages H6365–66**

Rejected:

Velázquez amendment (No. 4 printed in H. Rept. 109–179) that sought to establish a four-year pilot grant program allowing NASA to expand advanced research opportunities through minority-serving institutions (by a recorded vote of 192 ayes to 206 noes, Roll No. 415); **Pages H6363–65, H6366–67**

Withdrawn:

Jackson-Lee amendment (No. 3 printed in H. Rept. 109–179), that was offered and subsequently withdrawn, that sought to restore funding for Historically Black Colleges and Universities, and Hispanic Serving Institutions under NASA education programs; **Pages H6361–63**

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill to reflect the actions of the House.

Page H6368

H. Res. 370, the rule providing for consideration of the bill was agreed to by voice vote. **Page H6367**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 12:30 on Monday, July 25 for morning hour debate. **Page H6369**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, July 27. **Page H6369**

Sense of Congress regarding the Soviet Union's occupation and annexation of Baltic countries from 1940 to 1991: The House agreed to H. Con. Res. 128, expressing the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia, and Lithuania.

Pages H6369–71

Agreed to the McCotter amendment to the preamble of the measure. **Pages H6370–71**

Quorum Calls—Votes: Two recorded votes developed during the proceedings of today and appear on pages H6366–67, H6367. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 1:39 p.m.

Committee Meetings

COLLEGE ACCESS AND OPPORTUNITY ACT

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 690, College Access and Opportunity Act.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 801)*

H.R. 1001, to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building". Signed on July 21, 2005. (Public Law 109–36)

H.R. 3377, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. Signed on July 22, 2005. (Public Law 109–37)

CONGRESSIONAL PROGRAM AHEAD

Week of July 25 through July 30, 2005

Senate Chamber

On *Monday,* at 1 p.m., Senate begin consideration of a resolution commemorating the 15th Anniversary of the Americans With Disabilities Act, with 30 minutes for debate; following which, at approximately 1:30 p.m., Senate resume consideration of S. 1042, Department of Defense Authorization, and at 5 p.m., Senate continue consideration of the resolution (listed above), with an additional 30 minutes for

debate, followed by a vote on the resolution to occur at approximately 5:30 p.m.

On *Tuesday*, Senate will continue consideration of S. 1042, Department of Defense Authorization, and vote on, or in relation to, certain amendments including Collins Amendment No. 1377 (to Amendment No. 1351), Lautenberg Amendment No. 1351, and Frist Modified Amendment No. 1342. Also, Senate will vote on the motion to invoke cloture on the bill. Additionally, Senate will resume consideration of the motion to proceed to consideration of S. 397, Protection of Lawful Commerce In Arms Act, and will vote on the motion to invoke cloture on the motion to proceed to consideration of the bill.

During the balance of the week, Senate expects to complete consideration of S. 1042, Department of Defense Authorization and will consider any other cleared legislative and executive business, including any appropriation bills, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: July 26, Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold hearings to examine how farm bill programs can better support species conservation, 10 a.m., SR–328A.

July 27, Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold an oversight hearing to examine the Conservation Reserve Program, 10 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: July 26, to hold hearings to examine the nomination of Christopher Cox, of California, Roel C. Campos, of Texas, and Annette L. Nazarath, of the District of Columbia, each to be a Member of the Securities and Exchange Commission, 10 a.m., SD–538.

July 26, Full Committee, to hold hearings to examine the nominations of John C. Dugan, of Maryland, to be Comptroller of the Currency, John M. Reich, of Virginia, to be Director of the Office of Thrift Supervision, and Martin J. Gruenberg, of Maryland, to be a Member and Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, 2:30 p.m., SD–538.

July 28, Full Committee, business meeting to mark up S. 190, to address the regulation of secondary mortgage market enterprises, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: July 27, Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine all-hazards alert systems, focusing on the need for a national all-hazards alert and public warning system, 10 a.m., SR–253.

July 27, Full Committee, to hold hearings to examine S. 1372, to provide for the accuracy of television ratings services, 2:30 p.m., SR–253.

July 28, Full Committee, business meeting to consider S. 1408, to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft, 10 a.m., SR–253.

July 28, Full Committee, to hold hearings to examine issues related to MGM v. Grokster and the appropriate balance between copyright protection and communications technology innovation, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: July 27, Subcommittee on Energy, to hold hearings to examine recent progress in hydrogen and fuel cell research sponsored by the Department of Energy and by private industry, including challenges to the development of these technologies, 3 p.m., SD–366.

July 28, Subcommittee on National Parks, to hold hearings to examine S. 584 and H.R. 432, bills to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park, S. 652, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin, S. 958, to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, S. 1154, to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, S. 1166, to extend the authorization of the Kalaupapa National Historical Park Advisory Commission, and S. 1346, to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan, 10 a.m., SD–366.

Committee on Environment and Public Works: July 26, Subcommittee on Superfund and Waste Management, to hold an oversight hearing to examine electronics waste, 2:30 p.m., SD–406.

July 27, Full Committee, to hold hearings to assess the status of efforts to reduce greenhouse gases relating to the Kyoto Protocol, 9:30 a.m., SD–406.

Committee on Finance: July 26, business meeting to consider The National Employee Savings and Trust Equity Guarantee Act of 2005, 10 a.m., SD–215.

July 27, Full Committee, to hold hearings to examine the role of value-based purchasing relating to improving quality in Medicare, 10 a.m., SD–215.

Committee on Foreign Relations: July 26, to hold hearings to examine implications for the United States regarding energy trends in China and India, 10 a.m., SD–419.

July 26, Full Committee, business meeting to consider S. 1129, to provide authorizations of appropriations for certain development banks, and the nominations of Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Henrietta Holsman Fore, of Nevada, to be an Under Secretary of State (Management), Gillian Arlette Milovanovic, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Macedonia, James Cain, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark, Alan W. Eastham, Jr., of Arkansas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and

Plenipotentiary of the United States of America to the Republic of Malawi, Katherine Hubay Peterson, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana, Michael Retzer, of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania, Karen P. Hughes, of Texas, to be Under Secretary of State for Public Diplomacy, with the rank of Ambassador, Josette Sheeran Shiner, of Virginia, to be an Under Secretary of State (Economic, Business, and Agricultural Affairs), Kristen Silverberg, of Texas, to be an Assistant Secretary of State (International Organization Affairs), and Jendayi Elizabeth Frazer, of Virginia, to be an Assistant Secretary of State (African Affairs), and certain pending treaties, 2:15 p.m., S–116, Capitol.

Committee on Homeland Security and Governmental Affairs: July 26, Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine the General Services Administration, 2:30 p.m., SD–562.

July 27, Full Committee, to resume hearings to examine the appropriate Federal role regarding chemical facility security, 10 a.m., SD–562.

July 27, Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine financial management at the Securities and Exchange Commission, 2:30 p.m., SD–562.

July 28, Full Committee, to hold hearings to examine NASA passenger aircraft, 10 a.m., SD–562.

Committee on Indian Affairs: July 26, to hold oversight hearings to examine legislation to resolve the lawsuit of Cobell v. Norton, 10 a.m., SH–216.

July 27, Full Committee, to hold hearings to examine S. 1439, to provide for Indian trust asset management reform and resolution of historical accounting claims, 9:30 a.m., SH–216.

July 28, Full Committee, to hold oversight hearings to examine the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601), 9:30 a.m., SR–485.

Committee on the Judiciary: July 26, to hold hearings to examine comprehensive immigration reform, 9:30 a.m., SD–226.

July 26, Subcommittee on Intellectual Property, to hold hearings to examine harmonization and other matters concerning patents, 2:30 p.m., SD–226.

July 26, Full Committee, to hold hearings to examine the nomination of Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General, Department of Justice, 4 p.m., SD–226.

July 27, Full Committee, to hold an oversight hearing to examine the Federal Bureau of Investigation, 9:30 a.m., SD–226.

July 28, Full Committee, business meeting to consider S.1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, S. 103, to respond to the illegal production, distribution, and use of methamphetamine in the United States, proposed Personal Data Privacy and Security Act of 2005, S. 751, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information, S. 1326, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, S. 956, to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and S. 1197, to reauthorize the Violence Against Women Act of 1994, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: July 28, business meeting to consider pending VA legislation, 9:30 a.m., SR–418.

Select Committee on Intelligence: July 26, closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

July 27, Full Committee, to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: July 27, to hold hearings to examine the victimization of elderly through scams, 2:30 p.m., SD–106.

House Committees

Committee on Agriculture, to consider the following: a measure to reauthorize the United States Grain Standards Act; and a measure to reauthorize the Livestock Mandatory Reporting Act of 1999, 10 a.m., 1300 Longworth.

Committee on Appropriations, July 26, Subcommittee on Foreign Operations, Export Financing, and Related Agencies, hearing on West Bank/Gaza, 9 a.m., 2359 Rayburn.

July 26, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on FDA Fiscal Year 2006 Appropriations, 1:30 p.m., 2362A Rayburn.

July 27, Subcommittee on Foreign Operations, Export Financing, and Related Agencies, hearing on Iraq Reconstruction, 9 a.m., 2359 Rayburn.

Committee on Armed Services, July 26, Subcommittee on Military Personnel, hearing on mental health, 11 a.m., 2118 Rayburn.

July 27, full Committee, hearing on Chinese military power, 10 a.m., 2118 Rayburn.

July 28, Subcommittee on Terrorism, Unconventional Threats and Capabilities and the Subcommittee on Oversight and Investigations of the Committee on Financial Services, joint hearing on the financing of the Iraqi insurgency, 2 p.m., 2118 Rayburn.

Committee on Energy and Commerce, July 28, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''Data Security: The Discussion Draft of Data Protection Legislation,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, July 27, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing on the Future of Terrorism Insurance, 10 a.m., 2128 Rayburn.

Committee on Government Reform, July 26, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled ''Fighting Meth in America's Heartland: Assessing the Impact on Local Law Enforcement and Child Welfare Agencies,'' 2 p.m., 2154 Rayburn.

July 26, Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled ''DOE/ESE Security: How Ready is the Protective Force?'' 10 a.m., 2154 Rayburn.

July 27, full Committee, hearing entitled ''BRAC and Beyond: An Examination of the Rationale Behind Federal Security Standards for Leased Space,'' 10 a.m., 2154 Rayburn.

July 27, Subcommittee on Energy and Resources, hearing entitled ''Progress Toward Realizing a Hydrogen Economy,'' 1 p.m., 2203 Rayburn.

July 27, Subcommittee on Federal Workforce and Agency Organization, hearing entitled ''Is There a Doctor in the Mouse?'': Using Information Technology to Improve Healthcare,'' 2 p.m., 2154 Rayburn.

July 27, Subcommittee on Government Management, Finance, and Accountability, hearing entitled ''DHS in Transition—Are Financial Management Problems Hindering Mission Effectiveness?'' 2 p.m., 2247 Rayburn.

July 27, Subcommittee on Regulatory Affairs, hearing entitled ''Regulatory Reform: Are Regulations Hindering Our Competitiveness?'' 10 a.m., 2247 Rayburn.

July 28, full Committee, hearing entitled ''Keeping Metro on Track: The Federal Government's Role in Balancing Investment with Accountability at Washington's Transit Agency,'' 10 a.m., 2154 Rayburn.

Committee on Homeland Security, July 25, to continue hearings entitled ''The Secretary's Second-State Review: Re-thinking the Department of Homeland Security's Organization and Policy Direction,'' 4 p.m., 2154 Rayburn.

July 26, Subcommittee on Emergency Preparedness, Science, and Technology, hearing entitled ''The London Attacks: Training to Respond in a Mass Transit Environment,'' 9 a.m., 210 Cannon.

July 27, Subcommittee on Management, Integration, and Oversight, hearing entitled ''The 287(g) Program: Ensuring the Integrity of America's Border Security System through Federal-State Partnerships,'' 10 a.m., 210 Cannon.

July 28, Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, hearing entitled ''Improving Management of the Aviation Screening Workforce,'' 10 a.m., 2128 Rayburn.

July 28, Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled ''Implementing the National Biodefense Strategy, 2 p.m., 1309 Longworth.

Committee on House Administration, July 28, hearing on Accessibility of the House Complex for Persons with Special Needs, 10 a.m., 1310 Longworth.

Committee on International Relations, July 27, Subcommittee on Europe and Emerging Threats, hearing on Ukraine: Developments in the Aftermath of the Orange Revolution, 1 p.m., 2255 Rayburn.

July 27, Subcommittee on International Terrorism and Nonproliferation, hearing on Terrorist Threats to Energy Security, 2 p.m., 2200 Rayburn.

July 27, Subcommittee on Oversight and Investigation and the Subcommittee on the Middle East and Central Asia, joint hearing on Syria and the United Nations Oil-for-Food Program, 10:30 a.m., 2172 Rayburn.

July 27, Subcommittee on Western Hemisphere, hearing on U.S. Diplomacy in Latin America, 1:30 p.m., 2172 Rayburn.

July 28, full Committee, hearing on Lebanon Reborn? Defining National Priorities and Prospects for Democratic Renewal in the Wake of March 14, 2005, 10:30 a.m., 2172 Rayburn.

July 28, Subcommittee on Africa, Global Human Rights and International Operations, hearing on China's Influence in Africa, 2:30 p.m., 2172 Rayburn.

July 28, Subcommittee on Oversight and Investigations, hearing on Chinese AK–47s and Iraqi Security Forces: A Procurement Case Study, 1:30 p.m., 2255 Rayburn.

Committee on Resources, July 26, Subcommittee on National Parks, oversight hearing on the Implementation of the National Trails System Act, 10 a.m., 1324 Longworth.

July 28, Subcommittee on Energy and Minerals, oversight hearing on Sustainable Development Opportunities in Mining Communities, Part II, 10 a.m., 1334 Longworth.

July 28, Subcommittee on Water and Power, oversight hearing on Implementation of the Westside Regional Drainage Plan as a Way to Improve San Joaquin River Water Quality, 2 p.m., 1324 Longworth.

Committee on Rules, July 25, to consider the following: H.R. 22, Postal Accountability and Enhancement Act; and H.R. 525, Small Business Health Fairness Act of 2005, 5 p.m., H–313 Capitol.

July 26, to consider H.R. 5, Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005, 1:30 p.m., H–313 Capitol.

July 27, Subcommittee on Legislative and Budget Process, hearing on A Comparative Study of International Multi-Year Budgeting, 11 a.m., H–313 Capitol.

Committee on Small Business, July 25, hearing entitled ''Freedom of Conscience for Small Pharmacies,'' 10 a.m., 2360 Rayburn.

July 27, hearing on the importance of amending the Small Business Investment Act of 1958 to establish a participating debenture program to assist small businesses in gaining access to much needed capital, 10 a.m., 2360 Rayburn.

July 27, Subcommittee on Rural Enterprises, Agriculture and Technology, hearing entitled ''The Importance of the Biotechnology Industry and Venture Capital Support in Innovation,'' 2 p.m., 311 Cannon.

Committee on Transportation and Infrastructure, July 26, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on Honoring the Protectors of the Capitol: The Passengers and Crew of Flight 93, 10 a.m., 2167 Rayburn.

July 28, Subcommittee on Coast Guard and Maritime Transportation and the Subcommittee on Water Resources and Environment, joint oversight hearing on the Oil Spill Liability Trust Fund and Federal Oil Spill Prevention and Response Under the Oil Pollution Act of 1990, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, July 27, oversight hearing to examine the Department of Veterans and the Department of Defense actions to: (1) identify and furnish outreach to currently deployed service members, including Reserve and National Guard members, at risk for PTSD; (2) provide early intervention to prevent chronic and severe cases of PTSD from developing; (3) enhance available clinical mental health services; and (4) commit appropriate resources to meet the demand for PTSD and other mental health services, 10 a.m., 334 Cannon.

July 27, Subcommittee on Economic Opportunity, to mark up the following bills: H.R. 419, Hire Veterans Act of 2005; and H.R. 3279, Homeless Veterans Reintegration Program Reauthorization Act of 2005, 2 p.m., 334 Cannon.

July 27, Subcommittee on Economic Opportunity, hearing on pending business, 2:30 p.m., 334 Cannon.

Committee on Ways and Means, July 27, Subcommittee on Health, hearing on Health Care Information Technology (IT), 10 a.m., 1100 Longworth.

July 28, Subcommittee on Select Revenue Measures, hearing on Member Proposals for Tax Reform, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, July 26, Subcommittee on Technical and Tactical Intelligence, executive, hearing on the results of the Future Imagery Architecture Red Team Review, 10 a.m., H–405 Capitol.

July 27, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Global Missile Threats, 1 p.m., H–405 Capital.

July 28, full Committee, executive, Briefing on Global Updates, 9 a.m., H–405 Capitol.

July 28, Subcommittee on Oversight, hearing on DNI Status, 10 a.m., H–140 Capitol.

Joint Meetings

Conference: July 25, meeting of conferees on H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, 2 p.m., Room to be announced.

Next Meeting of the SENATE

1 p.m., Monday, July 25

Senate Chamber

Program for Monday: Senate will begin consideration of a resolution commemorating the 15th Anniversary of the Americans With Disabilities Act; with 30 minutes for debate; following which Senate will resume consideration of S. 1042, Department of Defense Authorization. At 5 p.m., Senate will continue consideration of the resolution (listed above), with an additional 30 minutes for debate, followed by a vote on the resolution to occur at approximately 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, July 25

House Chamber

Program for Monday: To be announced.

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