(Mr. LEAHY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

At the request of Mr. SPECTER, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Georgia (Mr. ISAKSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Mr. STEVENS) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

At the request of Mr. CONRAD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

At the request of Mr. SUNUNU, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 947, a bill to require the Secretary of the Treasury to mint commemorative coins of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1192, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and the group and individual health care coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1208, a bill to provide for local control for the siting of windmills.

At the request of Mr. VINOVICH, the names of the Senator from Alaska (Mr. ALEXANDER) and the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1209, a bill to provide for resolution honoring the life of Sister Dorothy Stang.

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as “National Health Center Week” in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAGG) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as “National Mammography Day”.

AMENDMENT NO. 799

At the request of Mr. VINOVICH, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LATENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 799 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 799 proposed to H.R. 6, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to Federal officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development of improved communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.
Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation designed to finally address one of the most long-standing and difficult problems facing our Nation’s first responders—the lack of communications interoperability.

I want to thank Chairman COLLINS of the Homeland Security and Governmental Affairs Committee, Senator LEVIN and Senator AKAKA for joining me in this effort.

I do not want to be confused with the evil road captain in “Cool Hand Luke,” but there is only one way to say this: “What we have here is a failure to communicate!”

By now, we all know that the inability of first responders to talk to one another when responding to emergencies costs lives during terrorist attacks or natural disasters. According to the 9/11 Commission, the lack of interoperability contributed to the deaths of more than 100 fire fighters in New York on September 11.

However, this failure to communicate also creates problems during every day emergency operations, endangering both first responders and the public while also wasting precious resources. For example, when law enforcement officers cannot communicate effectively about a suspect fleeing across jurisdictions, criminals can escape.

It is past time we fixed this problem.

Achieving interoperability is the top priority for State homeland security advisors. It is essential for first responders to achieve the national preparedness goals that the Department of Homeland Security has established for the Nation.

However, for most States obtaining the equipment and technology to fulfill this goal remains a challenge. And a major hurdle continues to be lack of sufficient funding. A non-partisan task force led by former Homeland Security Secretary Tom Ridge found that States and communities need more than $6.8 billion over five years. DHS has also estimated the cost of modernizing equipment for 2.5 million public safety first responders across the country at $40 billion.

I am convinced that we can achieve interoperability for much less—but only if strong national leadership drives cooperation and adoption of smart new technology solutions.

Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. The result is that first responders typically operate on different radio systems, at different frequencies, unable to communicate with one another.

Strong national leadership is necessary to ensure that different jurisdictions come together to work out the often complex issues that prevent interoperability in the first place.

The legislation we are introducing today will provide this much needed Federal leadership and provide dedicated grants, enhance technical assistance to State and local first responders, promote greater regional cooperation, and foster the research and development necessary to make achieving interoperability a realistic national goal.

The “Improve Interoperable Communications for First Responders Act of 2005” or the ICOM Act for short, gets us there in three distinct ways.

First, the ICOM Act will provide the Office of Interoperability and Compatibility (OIC) within DHS the resources and authorities necessary to systematically overcome the barriers to achieving interoperability.

ICOM requires OIC to conduct extensive, nationwide outreach and facilitate the creation of task forces in each State to develop interoperable solutions. It requires coordinated and extensive technical assistance through the Office of Domestic Preparedness’ Interoperable Communications Technical Assistance Program. OIC will also provide guidance and develop a national strategy and architecture so that we systematically move towards a truly national system of public safety communications.

This Act authorizes OIC to fund and conduct research programs to evaluate and validate new technology concepts needed to encourage more efficient use of spectrum and other resources and deploy less costly public safety communications systems throughout the Nation. Second, the ICOM Act will identify and answer the policy and technology questions necessary to achieve interoperability by requiring the Secretary to establish a comprehensive, competitive research and development program.

This research agenda will focus on: understanding the strengths and weaknesses of today’s diverse public safety communications systems; examining how current and emerging technology can make public safety communications more effective; and, how local, State, and Federal agencies can utilize this technology in a coherent and cost-effective manner; evaluating and validating new technology concepts; and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

The legislation authorizes some $126 million for each of fiscal years 2006 through 2009 for the operations of the Office of Interoperability and Compatibility so DHS can finally provide the national leadership necessary to achieve interoperability in the most cost effective manner; for research and development; and to provide enhanced technical assistance to State and local officials around the country.

Third, the ICOM Act will provide consistent, dedicated funding by authorizing $3.3 billion over five years for initiatives to achieve short-term or long-term solutions to interoperability. It authorizes grants directly to States or regional consortium within each State to be used specifically for key aspects of the communications life-cycle, including: State-wide or regional communications planning; system design and engineering; procurement and installation of equipment; training and exercises; or other activities determined by the Secretary to be integral to the achievement of this essential capability.

The bill adopts the same formula for distributing funds in S. 21, the Homeland Security Grants Enhancement Act as reported by the Homeland Security and Governmental Affairs Committee. Each State will receive a minimum baseline amount of 0.55 percent of the total funds appropriated under the bill. States that are larger and more densely populated receive a higher baseline amount, based on a formula that combines population and population density.

The remaining funds—over 60 percent of the total—will be distributed based on additional threat and risk-based factors. This will ensure that the majority of funds are distributed to those areas at highest risk, while we systematically ensure that this very basic communications capability is built in every state across our country.

The Secretary will be required to establish a panel of technical experts, first responders, and other State and local officials, to review and make recommendations on grant applications.

This legislation also promotes regional cooperation, consistent with the National Preparedness Goal, which identifies the essential capabilities States and localities need to fight the war on terrorism, rewarding those jurisdictions that join together in robust regional bodies to apply for funds.

Most importantly, this dedicated funding program for interoperability will ensure that jurisdictions can receive and rely on a consistent stream of funding for vital interoperability programs. Without a dedicated federal funding stream, we cannot neglect all of the other essential capabilities DHS has said they need to develop.

This legislation is crucial for the safety of our citizens and the men and women who go to work everyday pledged to protect them. It will ensure that, for the first time, achieving communications interoperability is an achievable national goal, a genuine national priority.

To win the war on terrorism and protect the American people, we cannot have a failure to communicate.

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

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

SEC. 1. SHORT TITLE.
This Act may be cited as the “Improve Interoperable Communications for First Responders Act of 2005”.

SEC. 2. FINDINGS.
Congress finds the following:
spending at least $6,800,000,000 over 5 years towards achieving interoperability. The Department of Homeland Security has estimated the cost of modernizing first-responder equipment for the 2,500,000 public safety first responders across the country at $40,000,000,000.

(12) Communications interoperability can be accomplished at a much lower cost if strong national leadership drives cooperation and adoption of smart, new technology solutions.

SEC. 2. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.

(a) IN GENERAL.—Section 739(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(2)) is amended to read as follows:

"(2) OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.—

(A) ESTABLISHMENT OF OFFICE.—There is established an Office for Interoperability and Compatibility within the Directorate of Science and Technology of the Department of Homeland Security to carry out this subsection.

(B) DIRECTOR.—There shall be a Director of the Office for Interoperability and Compatibility, who shall be appointed by the Secretary of Homeland Security.

(C) RESPONSIBILITIES.—The Director of the Office for Interoperability and Compatibility shall—

(i) assist the Secretary of Homeland Security in developing and implementing the program described in paragraph (1);

(ii) carry out the Department of Homeland Security’s responsibilities and authorities relating to the SAFECOM Program;

(iii) carry out section 510 of the Homeland Security Act of 2002; and

(iv) conduct extensive, nationwide outreach and foster the development of interoperable communications systems by State, local, and tribal governments and public safety agencies, and, by regional consortia thereof, by—

(I) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

(II) developing a national architecture, which defines the components of an interoperable system and how they fit together;

(III) establishing and maintaining a task force that represents the broad customer base of public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, public health, and disaster reduction, to receive input and coordinate efforts to achieve communications interoperability;

(IV) working with the Office of Domestic Preparedness, the Office of Interoperable Communications Technical Assistance Program to—

(aa) provide technical assistance to State, local, and tribal agencies; and

(bb) facilitate the creation of regional task forces in each State, with appropriate governance structures and representation from State, local, and tribal governments and public safety agencies and from the Federal Government, to effectively address interoperability and other information-sharing needs;

(V) promoting a greater understanding of the importance of interoperability and the benefits of sharing resources among all levels of State, local, tribal, and Federal government;

(VI) promoting development of standard operating procedures for incident response and sharing of operational information based on best practices (including from governments abroad) for achieving interoperability; and

(VII) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving communications interoperability; funding and conducting pilot programs, as necessary, in order to—

(aa) evaluate and validate new technology concepts in real-world environments to improve public safety communications interoperability;

(bb) encourage more efficient use of existing resources, including equipment and spectrum; and

(cc) test and deploy public safety communications systems that are less prone to failure, support new non-voice services, consume less spectrum, and cost less; and

(VIII) performing other functions necessary to achieve communications interoperability.

(D) SUFFICIENCY OF RESOURCES.—The Secretary of Homeland Security shall provide the Office for Interoperability and Compatibility with the resources and staff necessary to carry out the purposes of this section. The Secretary shall further ensure that there is sufficient staff within the Office of Interoperability and Compatibility, the Office for Domestic Preparedness, and other offices of the Department of Homeland Security as necessary, to provide dedicated support to public safety organizations consistent with the responsibilities set forth in subparagraph (C)."

(b) DEFINITION.—Section 739(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)) is amended to read as follows:

"INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms ‘interoperable communications’ and ‘communications interoperability’ mean the ability of emergency responders to communicate with one another on demand, in real time, using common technology systems and radio communications, as necessary, in order to—

(a) Baseline Assessment.—The Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall conduct a baseline assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

(b) Annual Reports.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and Governmental Affairs of the House of Representatives a report on the Department’s progress in implementing and achieving the goals of the Improve Interoperability of Communications Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessment conducted under subsection (a).

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3, is amended by adding at the end the following:

(9) Stronger and more effective national, state, and local leadership are required to improve interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and systems.

(10) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adoption of next-generation solutions for public safety communications. The Department of Homeland Security must also further develop its own internal expertise to enable the development and testing of new interoperability efforts and to provide technically sound advice to State and local officials.

(11) Achieving interoperability requires the sustained commitment and investment of substantial resources. A non-partisan task force of the Council on Foreign Relations recommended
SEC. 315. INTEROPERABILITY RESEARCH AND DEVELOPMENT. 

'(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote communications interoperability among first responders, including—

'(1) promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency; and 

'(2) establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, using a competitive process, focused on information and communications systems for first responders.

'(b) PURPOSES.—The purposes of the program established under subsection (a) include—

'(1) understanding the strengths and weaknesses of the diverse public safety communications systems currently in use; 

'(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local agencies can utilize this technology in a coherent and cost-effective manner; 

'(3) exploring Federal, State, and local policies that will more systematically toward interagency cooperation; 

'(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technology interoperability; and 

'(5) advancing the creation of a national strategy to promote interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of first responders in valuable new ways.

'(c) APPROPRIATIONS.—In addition to the funds authorized to be appropriated by section 7303(a)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(d)), there are authorized to be appropriated for the operation of the Office for Interoperability and Compatibility, to provide technical assistance through the office for Domestic Preparedness, to fund and conduct research under section 313 of the Homeland Security Act of 2002, and for other appropriate entities within the Department of Homeland Security to support the activities described in section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194) and sections 313 and 315 of the Homeland Security Act of 2002, as added by this Act—

'(1) $27,232,000 for fiscal year 2006; 

'(2) $123,456,000 for fiscal year 2007; 

'(3) $123,456,000 for fiscal year 2008; 

'(4) $123,456,000 for fiscal year 2009; and 

'(5) such sums as are necessary for each fiscal year thereafter.

SEC. 3. DELEGATED FUNDING TO ACHIEVE INTEROPERABILITY. 

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following: 

"TITLE XVIII—DELEGATED FUNDING TO ACHIEVE INTEROPERABILITY. 

SEC. 1801. INTEROPERABILITY GRANTS. 

'(a) IN GENERAL.—The Secretary, through the Office for Interoperability and the State and eligible regions for initiatives necessary to achieve short-term or long-term solutions to statewide, regional, national, and where appropriate, multinational interoperability, will—

'(1) statewide or regional communications planning; 

'(2) system design and engineering; 

'(3) procurement and installation of equipment; 

'(4) training and exercises; and 

'(5) other activities determined by the Secretary to be integral to the achievement of communications interoperability.

'(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with the Intelligence and Public Safety, the Directorate of Science and Technology, and other Federal entities so that grants awarded under this section, and other grants awarded by the Secretary to enhance homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability consistent with the national strategy.

'(d) APPLICATION.—

'(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

'(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

'(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested; and 

'(B) describe how—

'(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, are consistent with the national strategy and architecture; and 

'(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among any participating local governments; and

'(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

'(e) STATE REVIEW AND SUBMISSION.—

'(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located in time for review of the application by the appropriate regional organization desiring a grant under this section.

'(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Secretary.

'(3) STATE DISAGREEMENT.—If the Governor of any such State determines that the application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

'(A) notify the Secretary in writing of that fact; and 

'(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

'(f) AWARD OF GRANTS.—

'(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Secretary shall consider—

'(A) the nature of the threat to the State or eligible region; 

'(B) the frequency, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from an attack on critical infrastructure in nearby jurisdictions; 

'(C) the size of the population, as well as the population density of the area, that will be served by the interoperable communication systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration any area the disqualification of which poses significant threats, vulnerabilities, or consequences; 

'(D) the extent to which grants will be utilized to implement interoperability solutions—

'(i) consistent with the national strategy and compatible with the national architecture; and 

'(ii) more efficient and cost effective than current approaches.

'(2) RATIONALE.—Establishments of jurisdictions within regions participating in the development of interoperable communications systems, including the extent to which the application involves all incorporated, unincorporated, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies.

'(f) GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

'(h) RECOMMENDATIONS.—The review panel established under subparagraph (a) shall make recommendations to the Secretary regarding applications for grants under this section, including—

'(1) the extent to which geographic barriers pose unusual obstacles to achieving communications interoperability; and 

'(2) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions.

'(2) REVIEW PANEL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

'(h) RECOMMENDATIONS.—The review panel established under subparagraph (a) shall make recommendations to the Secretary regarding applications for grants under this section, including—

'(1) the extent to which geographic barriers pose unusual obstacles to achieving communications interoperability; and 

'(2) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions.

'(3) VAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support interoperability shall, as the Secretary may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

'(4) ALLOCATION.—

'(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall ensure that each State receives, for each fiscal year, the greater of—

'(i) 0.35 percent of the amounts appropriated for grants under this section; or 

'(ii) the eligible State’s sliding scale baseline allocation of 28.62 percent of the amounts appropriated for grants under this section.

'(B) OTHER ENTITIES.—Notwithstanding subparagraph (A), the Secretary shall ensure that each fiscal year, the greater of—

'(i) 0.55 percent of the amounts appropriated for grants under this section; or 

'(ii) the District of Columbia receives 0.55 percent of the amounts appropriated for grants under this section.

'(C) Puerto Rico.—Each of Puerto Rico receives 0.35 percent of the amounts appropriated for grants under this section;
“(iii) American Samoa, the Commonwealth of the Northern Mariana islands, Guam, and the Virgin Islands each receive 0.055 percent of the amounts appropriated for grants under this section.”

“(C) POSSESSIONS.—Except as provided in subparagraph (B), no possession of the United States shall receive a baseline distribution under subparagraph (A).”

“(g) DEFINITIONS.—As used in this section, the following definitions apply:

“(1) ELIGIBLE REGION.—The term ‘eligible region’ means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes or other general purpose jurisdictions that—

(i) have joined together to enhance communications interoperability between first responders in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued by the Office of Homeland Security President Directive 8.

“(2) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms ‘interoperable communications’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

“(3) OFFICE.—The term ‘office’ refers to the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination within the Department of Homeland Security.

“(4) SLIDING SCALE BASELINE ALLOCATION.—The term ‘sliding scale baseline allocation’ means 0.0001 multiplied by the sum of—

(A) the value of a State’s population relative to that of the most populous of the 50 States, where the population of such States has been normalized to a maximum value of 100; and

(B) ¼ of the value of a State’s population density relative to that of the most densely populated of the 50 States, where the population density of such States has been normalized to a maximum value of 100.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section—

“(1) $400,000,000 for fiscal year 2006;

“(2) $500,000,000 for fiscal year 2007;

“(3) $600,000,000 for fiscal year 2008;

“(4) $800,000,000 for fiscal year 2009;

“(5) $1,000,000,000 for fiscal year 2010; and

“(6) such sums as are necessary for each fiscal year thereafter.”

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by—

(1) inserting after the item relating to section 313 the following:

“Sec. 314. Interoperability assessment and report.”

“(Sec. 315. Interoperability research and development.”

(2) adding at the end the following:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

“Sec. 1801. Interoperability grants.”

Ms. COLLINS. Mr. President, I am very pleased to join my good friend, the Senator from Connecticut, Senator LIEBERMAN, in introducing the Improving Interoperability for First Responders Act of 2005. This legislation will strengthen our capabilities to prevent and respond to acts of terrorism. The bill we are introducing will improve communications among the most interdependent and critical agencies and will assist our State and local first responders in upgrading their communications equipment. I thank Senator LIEBERMAN for his efforts in putting together this very important legislation and for working with me to make this bill a bipartisan effort.

According to the 9/11 Commission Report, interoperability—the ability for emergency responders to communicate with one another in an incident—was a serious problem on 9/11. On that fateful day, the NYPD Emergency Service Unit did manage to successfully convey evacuation instructions to personnel in the North Tower after the South Tower’s collapse. This was accomplished in spite of the fact that—one, the strength of the radios, 2, the relatively small number of individuals using them, and 3, use of the correct channel by all. On the other hand, the 9/11 Commission Report pointed out that the same interoperability problems would be present in the next successful communication among FDNY personnel. First, the radios’ effectiveness was drastically reduced in the high-rise environment. Second, tactical channel 1 was simply overused. Third, some firefighters were on the wrong channel or simply lacked radios altogether.

In addition, a Government Accountability Office report on interoperable communications released in June 2004 notes that the lives of first responders and those they are trying to assist can be lost when first responders cannot communicate effectively. That is the crux of the matter that the Lieberman-Collins bill seeks to address. A substantial barrier to effective communications, according to the GAO, is the use of incompatible wireless equipment by many agencies and levels of government working against a major emergency. From computer systems to emergency radios, the technology that should allow these different levels of government to communicate with each other too often is silenced by incompatibility. Clearly, the barrier to a truly unified effort against terrorism is a matter of both culture and equipment. This legislation will help break down that barrier.

The GAO recommends that Federal grants be used to encourage States to develop and implement plans to improve interoperable communications and that the Department of Homeland Security should establish a long-term program to coordinate these same communications upgrades throughout the Federal Government. Our legislation would do much to implement these sensible recommendations.

The National Governors Association released a report and territorial homeland security advisors to determine their top 10 priorities and challenges facing states in the future. The number one priority was achieving interoperability in communications. One of the most persistent messages that I hear from Maine’s first responders is strong concern about the lack of compatibility in communications equipment. It remains a substantial impediment to their ability to respond effectively in the event of a terrorist attack. For a State like mine that has the largest port by tonnage in New England, two international airports, key defense installations, hundreds of miles of coastline, and a long international border, compatible communications equipment is essential. Yet it remains an illusive goal.

Maine’s firefighters, police officers, and emergency medical personnel do an amazing job in providing aid when a neighboring town is in need. Fires, floods, and other natural disasters are a continual threat in which they have great expertise and experience. Their work on the front lines in the war against terrorism is, however, a joint responsibility. Maine’s first responders, along with first responders across the country, are doing their part, but they need and deserve Federal help.

It is vitally important that we assist the States in getting the right communications technology into the hands of their first responders. That would be accomplished by the interoperability grant program in this legislation. The grant program guarantees every state a share of interoperability funding and makes additional funding available for states with special needs and vulnerabilities. It is designed to get this vital funding to first responders quickly, in coordination with a statewide plan.

A recent study by the Council on Foreign Relations estimates the total cost of nationwide communications compatibility at $6.8 billion.

Our legislation authorizes a total of $3.3 billion over a 5 year period for grants dedicated to achieving communications interoperability. That is a reasonable and necessary contribution by the Federal Government to this important partnership.

The legislation will also help to identify and answer the policy and technology questions necessary to achieve interoperability. It directs the Secretary of Homeland Security to establish a comprehensive, competitive research and development program. This includes conducting research through the Directorate of Science and Technology, Homeland Security Advanced Research Projects Agency, (HSARPA) and establishing a Center of Excellence focused on enhancing information and
communications systems for first responders.

The Intelligence Reform and Terrorism Prevention Act of 2002, P.L. 108–458, which Senator LIEBERMAN and I authored, directs the Office for Interoperability and Compatibility (OIC) in DHS to provide overall federal leadership to achieve interoperability. Our legislative initiative builds on this current policy by providing the OIC the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy and national architecture, and conduct pilot programs to evaluate and validate new technology concepts.

We must all work together to achieve interoperability for all our first responders. Coordination and cooperation among all stakeholders will be imperative if the brave men and women who risk their lives on a daily basis are to be fully prepared.

I urge my colleagues to join us in supporting this legislation to build a better and stronger homeland security partnership with our first responders.

MR. LEVIN. Mr. President, I join my colleagues in introducing the Improve Interoperable Communications for First Responders, or “ICOM,” Act of 2005. We have all heard the stories of how the first responders could not communicate on 9/11 and this lack of communication cost lives. The same situation is happening all over this country and we must have interoperable communications before more lives are lost. Attaining this objective will require substantial resources and a strong commitment by Congress and the Administration. This legislation takes an important first step in this effort.

We have seen how bad the problem is in Michigan. For example, on the morning of Sunday, October 26, 2003, Michigan first responders held an exercise to test the emergency communications response capabilities at Michigan’s international border with Canada. As we all know, during any emergency, effective communications is an absolute requirement. However, during the exercise, in order to communicate between fire agencies, the fire commanding officer needed 3 portable radios literally hanging around his neck and hooked to his waist band to attempt scene coordination. The Incident Commanding官员认为必须改进 radios up and down to his ear and mouth in an attempt to figure out “who” was requesting or providing information.

Further, the fire commanding officer had no communication with any law enforcement or Emergency Medical Services agency he was interacting with. Those agencies, 5 additional radios would be required. This is totally unacceptable.

First and foremost, the ICOM Act will provide dedicated funding for initiatives to achieve short- and long-term solutions to interoperability to States or regional consortia within each State for State-wide or regional communications planning, system design and engineering, procurement and installation of equipment, training and exercises, or other activities determined by the Secretary of Homeland Security to be integral to the achievement of communications interoperability.

This legislation will also provide the recently authorized Office for Interoperability and Compatibility the resources and authorities necessary to conduct extensive outreach, develop a national strategy, facilitate the creation of regional task forces in each State, fund and conduct pilot programs to evaluate and validate new technology concepts, encourage more efficient use of resources, and test and deploy more reliable and less costly public safety communications systems. Finally, the ICOM Act also requires the Secretary of Homeland Security to establish a comprehensive, competitive research and development program to conduct research through the Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency, and considering establishing a Center of Excellence. The research agenda will focus on understanding the strengths and weaknesses of today’s diverse public safety communications systems, examining how current and emerging technology can make public safety organizations more effective, and how local, State, and Federal agencies can take advantage of the benefits. The OIC will provide dedicated funding for interoperability research and development to improve interoperable communications on a national level. This legislation will increase federal funding for interoperability and enhanced communications on a national level.

MR. AKAKA. Mr. President, I rise today to join my colleagues, Senators LIEBERMAN, COLLINS, and LEVIN, in introducing the Improve Interoperable Communications for First Responders Act of 2005 (the ICOM Act), which will strengthen the interoperability of first responder communications across the country.

Since September 11, Federal, State, and local authorities have grappled with the challenge of achieving interoperable communications for emergency response personnel. This should not be a difficult task since the necessary technology exists. But with many public policy challenges, achieving interoperability comes down to organizational and funding.

The 9–11 Commission found that the inability of first responders to communicate at the three September 11 crash sites demonstrated “that compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains a important problem.” In my home State of Hawaii, for example, first responders are unable to communicate by radio over 25 percent of the Island of Hawaii because of inadequate infrastructure and diverse geography. The Commission recommended that federal funding of local interoperability programs be given a high priority.

The Department of Homeland Security (DHS) estimated it would cost $40 billion to modernize communications equipment for the Nation’s 2.5 million public safety first responders. In 2003, an independent task force sponsored by the Council on Foreign Relations recommended investing $6.8 billion over five years to ensure dependable, interoperable first responder communications, a need which they describe as “critical to any kind of terrorist attack response.”

However, funding alone will not solve this urgent problem. The Government Accountability Office (GAO) has found that DHS leadership is critical to utilizing effectively the interoperability technologies. In an April 2005 report, “Technology Assessment: Protecting Structures and Improving Communications during Wildland Fires,” GAO stated that even if two neighboring jurisdictions have the funding to purchase an interconnection device, such as an audio switch, organizational challenges remain. GAO stated, “To effectively employ the device, they must also jointly decide how to share its cost, ownership, and management; agree on the operating procedures for when and how to deploy it; and train individuals to configure, maintain, and use it.” Achieving such planning and coordination will require federal leadership.

According to GAO, the federal government has increased interoperability planning and coordination efforts in recent years. However the Wireless Public Safety Interoperable Communications Program (SAFECOM), which is run out of the Office for Interoperability and Compatibility in DHS, has made limited progress in achieving communications interoperability among entities at all levels of government.

The ICOM Act will increase federal coordination and provide dedicated funding for interoperability. Our bill will increase the resources and authority of the OIC, which was established by the Intelligence Reform and Terrorism Prevention Act of 2004. Specifically, the OIC will be tasked with creating a national strategy and national architecture, facilitating the creation of regional task forces, and conducting pilot programs to evaluate new technology concepts. The OIC will be responsible not only for short-term solutions, but also for simultaneously pursuing a long-term interoperability
strategy, something that has been lacking from Federal efforts to date.

The ICOM Act will also create an interoperability grant program and authorize $3.3 billion over five years for the program. Recognizing that achieving interoperability is crucial to every State’s emergency response capabilities, the bill gives each State a baseline amount of .55 percent of the funding.

The ICOM Act also requires the Secretary to look to at the unique geographic barriers in each State which may impede interoperability when awarding grants. This is key to States like Hawaii that may require additional transmitter towers and other types of equipment to overcome the obstacles that come with being a mountainous or island State.

Last year, I joined Senators Lieberman and Collins in introducing S. 2701, the Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004. Many of the provisions in S. 2701 were incorporated into the Intelligence Reform and Terrorism Prevention Act. However, there still continue to be problems in terms of leadership and funding in federal interoperability policy. I ask my colleagues to not wait another year to begin to fill this hole. I urge support of this important piece of legislation.

By Mr. STEVENS (for himself and Mr. MURkowski):

S. 1275. A bill to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the ‘Alice R. Brusich Post Office Building’; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, I send to the desk legislation to designate the U.S. Post Office located at 7172 North Tongass Highway in Ward Cove, AK after Alice R. Brusich.

Alice Brusich started her career with the Postal Service in 1954 as an Assistant Postmaster. Through her hard work and efforts, she became Postmaster in 1956.

During her service with the Postal Service, Alice was also one of the founders of the Tongass Community Club. She was also one of the founding members and top officer of the Alaska Chapter 51 National Association of Postmasters in the United States.

Alice was also in charge of the Ketchikan Post Office in the 70’s. In 1985, Alice retired after 31 years of service. She remains an active supporter of the Postal service and is dedicated to improving the services at the Ward Cove Post Office. Alice has always been a strong advocate of improving and maintaining the Postal Service in Alaska, and it is only appropriate that we honor her service by dedicating the Ward Cove Post Office after her.

By Mr. LEAHY (for himself, Mr. Chafee, Mr. Kennedy, Mr. Corzine, Mr. Jeffords, Mrs. Boxer, Mr. Feingold, Mrs. Murray, Mr. Dayton, and Mr. Lautenberg):

S. 1278. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor foreign same-sex partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Today I am introducing the Uniting American Families Act. This legislation would allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners to come to the United States under our family immigration system. It is nearly identical to the Permanent Partners Immigration Act that I introduced in the last Congress, and which Congressman Nadler—who is introducing this bill in the House today—has sponsored for the last four Congresses. I am pleased to have Senators Byrd, Cantor, Collins, Dodd, Feingold, Murray, Dayton, and Lautenberg as cosponsors.

Under current law, committed partners of Americans are unable to use the family immigration system, which accounts for almost half of the green cards and immigrant visas granted annually by the United States. As a result, gay Americans who are in this situation must either live apart from their partners, or leave the country if they want to marry legally and permanently with them.

This bill rectifies that problem while retaining strong prohibitions against fraud. To qualify as a permanent partner, petitioners must prove that they are at least 18 and are in a committed, intimate relationship with another adult in which both parties intend a lifelong commitment, and are financially interdependent with one’s partner. They must also prove that they are not related by blood or marriage and that they are not a part of a same-sex partnership with, anyone other than that person, and are unable to contract with that person a marriage cognizable under the Immigration and Nationality Act. Proof could include sworn affidavits from friends and family and documentation of financial interdependence. Penalties for fraud would be the same as penalties for marriage fraud—up to five years in prison and $250,000 in fines for the U.S. citizen partner, and deportation for the alien partner.

There are Vermonters who are involved in permanent partnerships with foreign nationals and who have felt abandoned by our laws in this area. This bill would allow them—and other gay and lesbian Americans throughout our Nation who have come to feel that our immigration laws are discriminatory—to be a fuller part of our society.

The idea that immigration benefits should be extended to same-sex couples has become increasingly prevalent around the world. Indeed, partners of United States citizens and lawful permanent residents are eligible for immigration benefits around the world, including a number of countries in the Western Hemisphere, in the Caribbean, and in Europe. This is not true for same-sex partners of Americans.

This bill would allow them—and other gay and lesbian Americans throughout the United States and its territories—to enter a lasting committed relationship, have their foreign same-sex partners live with them here in the United States, and become permanent residents. This is a modest, reasonable step that needs to be taken to give families a fair and consistent policy, and I hope that the Senate will act.

Last year, I joined Senators Boxer, Feingold, Murray, Dayton, and Lautenberg as cosponsors of the ICOM Act. This act was re-introduced last year and is an important step to ensure that emergency responders can communicate.”
(1) by striking “except that (1)” and inserting the following: “: except that—
(‘‘1’’);
(2) by striking “(2) if an alien’’ and inserting the following:
“(2) if an alien’’;
(3) by striking “his spouse” and inserting “the spouse or permanent partner of the alien’’;
(4) by inserting “or permanent partners” after “husband and wife’’;
(5) by striking “the spouse he’’ and inserting “the spouse or permanent partner who the alien’’;
(6) by striking “such spouse” and inserting “such spouse or permanent partner’’;
(7) by striking “(3) an alien” and inserting the following:
“(3) an alien’’; and
(8) by striking “(4) an alien” and inserting the following:
“(4) an alien’’.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.
(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS AND CITIZENS.—Section 202(a) (8 U.S.C. 1153(a)) is amended—
(1) in paragraph (2), by striking “(2)” and all the following through “permanent residence,’’ and inserting the following:
“(2) SPOUSES, PERMANENT PARTNERS, AND UNMARRIED SONS AND DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are—
(A) the spouses, permanent partners, or children of an alien lawfully admitted for permanent residence; or
(B) the unmarried sons without permanent partners or unmarried daughters without permanent partners of an alien lawfully admitted for permanent residence,’’; and
(2) in paragraph (3), by striking “(3)’’ and all that follows through “citizens’’ and inserting the following:
“(3) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS OF CITIZENS WITH PERMANENT PARTNERS.—Qualified immigrants who are the married sons, married daughters, or sons or daughters with permanent partners, of citizens’’.
(b) EMPLOYMENT CREATION.—Section 202(b)(5)(A)(i) (8 U.S.C. 1153(b)(5)(A)(i)) is amended by inserting “permanent partner,’’ after “spouse’’.
(c) TREATMENT OF FAMILY MEMBERS.—Section 212(h) (8 U.S.C. 1182(h)) is amended by inserting “permanent partner,’’ after “spouse’’ each place such term appears.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT VISAS TO QUALIFIED IMMIGRANTS.
(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1153(a)(1)) is amended—
(1) in subparagraph (A)(i), by inserting “or permanent partner” after “spouse’’;
(2) in subparagraph (A)(ii)—
(A) by inserting “or permanent partner” after “spouse’’ each place such term appears; and
(B) in subclause (I), by inserting “or permanent partnership” after “marriage’’ each place such term appears;
(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1153(c)) is amended—
(1) by inserting “or permanent partner” after “spouse’’ each place such term appears; and
(2) by inserting “or permanent partnership” after “marriage’’ each place such term appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.
Section 207(c) (8 U.S.C. 1157(c)) is amended—
(1) in paragraph (2)—
(A) by inserting “, permanent partner,’’ after “spouse’’ each place such term appears; and
(B) by inserting “, permanent partner’s,’’ after “spouse’’; and
(2) in paragraph (4), by inserting “, permanent partner,’’ after “spouse’’.

SEC. 8. ASYLUM.
Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—
(1) in the paragraph header, by inserting “or permanent partnership’’ after “spouse,’’ and
(2) in subparagraph (A), by inserting “, permanent partner,’’ after “spouse’’.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.
Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended by inserting “, permanent partner,’’ after “spouse’’.

SEC. 10. INADMISSIBLE ALIENS.
(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS ON ACCOUNT OF AGENT.—Section 212(a) (8 U.S.C. 1182(a)) is amended—
(1) in paragraph (3)(D)(iv), by inserting “permanent partner,’’ after “spouse’’ each place such term appears;
(2) in paragraph (4)(C)(i)(I), by inserting “permanent partner,’’ after “spouse’’;
(3) in paragraph (6)(D)(i), by inserting “permanent partner,’’ after “spouse’’ each place such term appears; and
(4) in paragraph (9)(B)(ii), by inserting “permanent partner,’’ after “spouse’’ each place such term appears.
(b) WAIVERS OF INADMISSIBILITY ON HUMANITARIAN AND FAMILY UNITY GROUNDS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—
(1) in paragraph (A), by inserting “permanent partner,’’ after “spouse’’; and
(2) in paragraph (12), by inserting “, permanent partner,’’ after “spouse’’.
(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting “permanent partner,’’ after “spouse’’.
(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting “permanent partner,’’ after “spouse’’ each place such term appears.
(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i) (8 U.S.C. 1182(i)) is amended—
(1) by inserting “permanent partner,’’ after “spouse’’; and
(2) by inserting “, permanent partner,’’ after “resident spouse’’.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.
Section 214(r) (8 U.S.C. 1184(r)) is amended—
(1) in paragraph (1), by inserting “or permanent partner’’ after “spouse’’; and
(2) in paragraph (2), by inserting “or permanent partnership’’ after “marriage’’ each place such term appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.
(a) SECTION HEADINGS.—Section 216 (8 U.S.C. 1186a) is amended by striking “and sons’’ and inserting “, permanent partners, sons, and daughters’’.
(b) CLERICAL REVISION.—The table of contents is amended by inserting the item relating to section 216 to read as follows:

“Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.”

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186(a)) is amended—
(1) in paragraph (1), by inserting “or permanent partner’’ after “spouse’’; and
(2) in paragraph (2)—
(A) in subparagraph (A), by inserting “or permanent partner’’ after “spouse’’; and
(B) by inserting “permanent partner’’ after “spouse’’ each place it appears.

SEC. 13. TERMINATION OF STATUS OF FINDING THAT QUALIFYING MARRIAGE IMPERFECT.—Section 216(b) (8 U.S.C. 1186(a)(b)) is amended—
(1) in the subsection header, by inserting “or permanent partnership’’ after “marriage’’;
(2) in paragraph (1)(A)—
(A) in the matter preceding clause (1), by inserting “or permanent partnership’’ after “marriage’’; and
(B) by amending clause (ii) to read as follows—
“(ii) has been judicially annulled or terminated, or has ceased to satisfy the criteria for being considered a permanent partnership under this Act, other than through the death of a spouse or permanent partner or’’;
(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—
(1) in paragraphs (1), (2)(A)(i), (3)(A)(i), (3)(C), (4)(B), and (4)(C), by inserting “or permanent partner’’ after “spouse’’ each place such term appears; and
(2) in paragraphs (3)(A), (3)(D), (4)(B), and (4)(C), by inserting “or permanent partnership’’ after “marriage’’ each place such term appears.
(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—
(1) in subparagraph (A)—
(A) in the header, by inserting “or permanent partnership’’ after “marriage’’;
(B) in clause (i)—
(i) in the matter preceding subclause (I), by inserting “or permanent partnership’’ after “marriage’’;
(ii) in subclause (I), by adding at the end the following: “or is a permanent partnership recognized under this Act’’; and
(iii) in subclause (II), by inserting “or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act’’ after “terminated,’’ and
(II) by striking “, and” and inserting “or permanent partner’’ and after “spouse’’; and
(C) in clause (i), by inserting “or permanent partner’’ after “spouse’’; and
(2) in subparagraph (B)(i)—
(A) by inserting “or permanent partnership’’ after “marriage’’;
(B) by inserting “or permanent partner’’ after “spouse’’.
(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—
(1) in paragraph (1)—
(A) by inserting “or permanent partner’’ after “spouse’’ each place such term appears; and
(B) by inserting “or permanent partnership’’ after “marriage’’ each place such term appears.
(2) in paragraph (2), by inserting “or permanent partnership’’ after “marriage’’ each place such term appears.
(3) in paragraph (3), by inserting “or permanent partnership’’ after “marriage’’ each place such term appears.
(4) in paragraph (4)—
(A) by inserting “or permanent partner’’ after “spouse’’ each place such term appears; and
(B) by inserting “or permanent partnership’’ after “marriage’’.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) SECTION HEADING.—(1) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended in the heading by inserting “PERMANENT PARTNERS” after “SPOUSES.”

(b) GENERAL AMENDMENT.—(1) In general.—Section 216A (8 U.S.C. 1186b) is amended by inserting “or permanent partner” after “spouse,” each place such term appears.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IS TERMINATED.—Section 216A (8 U.S.C. 1186b) is amended by inserting “or permanent partner” after “spouse, each place such term appears.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A (8 U.S.C. 1186b) is amended by inserting “or permanent partner” after “spouse,” each place such term appears.

(e) DEFINITIONS.—Section 216A (8 U.S.C. 1186b) is amended by inserting “or permanent partner” after “spouse,” each place such term appears.

SEC. 14. DEPORTABLE ALIENS.

(a) IN GENERAL.—Section 237 (8 U.S.C. 1227) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by inserting “or permanent partner” after “spouses” each place such term appears;

(B) in subparagraph (E), by inserting “permanent partner” after “spouse,” each place such term appears;

(C) in subparagraph (H) (1)(i), by inserting “or permanent partner” after “spouse”; and

(D) by adding at the end the following:

“(I) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B) if—

(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, not later than 2 years after such admission, because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provisions of the immigration laws; or

(ii) the alien obtains any admissions in violation of the statute of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien’s permanent partnership which in the opinion of the Secretary of Homeland Security was made for the purpose of procuring the alien’s admission as an immigrant.”;

(2) in paragraph (2)(E)(1), by inserting “or permanent partner” after “spouse” each place such term appears; and

(3) in paragraph (3)(C)(i), by inserting “or permanent partner” after “spouse” each place such term appears.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 237 (8 U.S.C. 1227) is amended—

(1) in section 212 (8 U.S.C. 1182), Attorney General, each place that term appears and inserting “Secretary of Homeland Security”.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240 (8 U.S.C. 1229a) is amended by inserting “permanent partner” after “spouse,”.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A (8 U.S.C. 1229b) is amended—

(1) in paragraph (1)(D), by inserting “permanent partner,” after “spouse,”; and

(2) in paragraph (2)(A) (in the heading), by inserting “PERMANENT PARTNER” after “spouse,”.

(b) IN SUBPARAGRAPHS.—(1) in subparagraph (A), by inserting “permanent partner,” after “spouse” each place such term appears.

SEC. 17. ADJUSTMENT OF STATUS OF NON-IMMIGRANT TO THAT OF PERSON ADMITTED TO PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 216A (8 U.S.C. 1225(g)) is amended by inserting “or permanent partnership” after “marriage.”

(b) AVOIDING FRAUD.—Section 254(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting “or permanent partnership” after “marriage,” and

(2) in subparagraph (D), by inserting “permanent partnership” after “spouse,” each place such term appears.

SEC. 18. MISREPRESENTATION AND CONCEALMENT OF FACTS.

Section 275 (8 U.S.C. 1325) is amended by inserting “or permanent partnership” after “marriage.”

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION, AND PATRIOTISM.

Section 240A (8 U.S.C. 1229b) is amended, in the matter following paragraph (2), by inserting “permanent partner” after “spouse.”

SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

Section 240A (8 U.S.C. 1229b) is amended, in the matter following “after September 22, 1922,” by inserting “permanent partnership” after “marriage” each place such term appears.

SEC. 21. APPLICATION OF FAMILY UNIFICATION PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1532 (Stat. 2673A09325) is amended—

(1) in the section heading, by inserting “PERMANENT PARTNERS,” after “SPOUSES”;

(2) in subsection (a), by inserting “permanent partner,” after “spouse,”;

(3) in subsections (b) and (c)—

(A) in the section heading, by inserting “PERMANENT PARTNERS,” after “spouses,”;

(B) by inserting “permanent partner,” after “spouse” each place such term appears.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Ms. NOYEE): A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2005.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our Nation. Last year alone, the Coast Guard responded to over 32,000 calls for assistance, and saved 5,500 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, acts of terror, and other national security threats. In 2004, the Coast Guard seized 376,000 pounds of illegal narcotics, preventing them from reaching our streets and playgrounds. They also stopped over 11,000 illegal immigrants from reaching our shores. In addition they conducted 4,500 boardings to provide security over 158 million shares and they responded to 23,904 pollution incidents.

In today’s post-9/11 world, the men and women of the Coast Guard have been working harder than ever securing the nation’s coastline, waterways, and ports. This rapid escalation of the Coast Guard’s homeland security mission catalogue continues today. Last year alone, the Coast Guard aggressively defended our homeland by conducting more than 36,000 port security patrols, boarded over 19,000 vessels, escorted over 7,200 vessels to maintain more than 115 security zones. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard’s focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

By introducing the Coast Guard Authorization bill today, I intend to continue giving the Coast Guard my full support, and I hope my colleagues will work with me to provide the Coast Guard with the resources it needs to carry out its many critically important missions that it provides to this Nation. Unfortunately, the Coast Guard’s rapid operational escalation has come on the backs of its 42,000 men and women who faithfully serve our country. Additionally, it has taken a significant toll on the ships, boats, and aircraft that the Coast Guard uses on a daily basis. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs, primarily through the full support of its recapitalization project known as Deepwater.
to allow the Coast Guard to perform non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection, as well as fund the necessary missions related to ports, waterways, and coastal security.

This bill also includes numerous measures that would allow the Coast Guard to enforce provisions of the Maritime Transportation Security Act, an essential element in securing the Nation’s ports and waterways. Additionally, it would address maritime safety issues by allowing the Coast Guard to continue training both the commercial fishing industry and the recreational boating public in issues regarding safety at sea. Joint training for foreign Nations is also addressed, which allows for nation-building and the development of bilateral agreements that allow the Coast Guard to effectively combat the trafficking of illegal narcotics into our Nation, keeping them off the streets and out of our schools.

In response to the final report of the United States Commission on Ocean Policy, this bill includes provisions that would allow the Coast Guard to work with other Federal, State, and local agencies in developing plans to assist vessels in distress, thus eliminating the potential for loss of life and environmental damage. It also directs the Coast Guard to develop steps that will allow it to better detect and interdict vessels bound for American and foreign flagged, that are violating fishing regulations.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. To accomplish its many vital missions, the Coast Guard desperately needs to recapitalize its offshore fleet of cutters and aircraft. The Coast Guard operates the third oldest of the world’s 42 similar warships in the world and with several cutters dating back to World War II. These platforms are technologically obsolete, require excessive maintenance, lack essential speed, and have poor interoperability which in turn limit their overall mission effectiveness and efficiency. Unfortunately, they are reaching the end of their serviceable life just when the Coast Guard needs them the most.

The Coast Guard continues to progress with its major recapitalization program for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the procurement strategy the Coast Guard is utilizing. This bill would authorize full funding for this critical long-term recapitalization program.

I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Authorization Act of 2005”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Title I—Authorization

Subtitle A—Coast Guard Personnel, Financial, and Property Management

Sec. 401. Reserve officer distribution.

Sec. 402. Coast Guard band director.

Sec. 403. Reserve recall authority.

Sec. 404. Implementation of international agreements.

Sec. 405. Authority for one-step turnkey design-build contracting.

Sec. 406. Office of promotions.

Sec. 407. Redesignation of Coast Guard law specialists as judge advocates.

Sec. 408. Boating safety director.

Sec. 409. Hangar at Coast Guard air station at Barbers Point.

Title II—Homeland Security, Marine Safety, Fisheries, and Environmental Protection

Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.


Title III—United States Ocean Commission Implementation

Sec. 301. Place of refuge.

Sec. 302. Implementation of international agreements.

Sec. 303. Voluntary measures for reducing pollution from recreational boats.

Sec. 304. Integration of vessel monitoring system data.

Sec. 305. Foreign fishing incursions.

Title IV—Coast Guard Personnel, Financial, and Property Management

Sec. 401. Reserve officer distribution.

Sec. 402. Coast Guard band director.

Sec. 403. Reserve recall authority.

Sec. 404. Implementation of international agreements.

Sec. 405. Authority for one-step turnkey design-build contracting.

Sec. 406. Office of promotions.

Sec. 407. Redesignation of Coast Guard law specialists as judge advocates.

Sec. 408. Boating safety director.

Sec. 409. Hangar at Coast Guard air station at Barbers Point.

Title V—Technical and Conforming Amendments

Sec. 501. Government organization.

Sec. 502. Financial management.

Sec. 503. Financial management.

Sec. 504. Public contracts.
(7) For operation and maintenance of the Coast Guard reserve program, $119,000,000.

(b) There are authorized to be appropriated for fiscal year 2007 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $6,042,492,000, of which $21,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of title 102(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(2) $1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,538,860,000, to remain available until expended.

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of title 102(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the employer of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, defense readiness, $25,920,000, to remain available until expended.

(4) For flight training, 125 student years.

(5) For recruit and special training, 2,500 student years.

(6) For officer acquisition, 1,200 student years.

(7) For operation and maintenance of the Coast Guard $128,520,000.

(8) For retired pay (including the payment of obligations otherwise chargeable to appropriated amounts), $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of title 102(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(9) By adding at the end the following:

"(d) As used in this section, the term ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following:

“(d) As used in this section, the term ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

The second section enumerated 70119 of title 46, United States Code, is amended—

(1) by inserting “(a) In General.—” before “Any” and (2) by adding at the end the following:

“(b) Continuing Violations.—Each day of a continuing violation shall constitute a separate violation with a total fine per violation not to exceed—

(1) $75,000 for violations occurring during fiscal year 2006, $50,000 for violations occurring during fiscal year 2007, or $75,000 for violations occurring during fiscal year 2008; and

(2) $187,920,000, of which $2,500,000, to remain available until expended.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

(a) Pilot Program.—The Secretary shall conduct a pilot program to determine the effectiveness of mandatory dockside crew survivability examinations of uninspected vessels engaged in commercial fishing in reducing the number of fatalities and amount of property losses in the United States commercial fishing industry.

(b) Definitions.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term ‘dockside crew survivability examination’ means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;

(B) identification and examination of the vessel stability standards applicable by law to that vessel; and

(C) identification and observation of—

(i) proper crew training on the vessel’s safety and survival equipment;

(ii) the crew’s familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel;

(2) COAST GUARD REPRESENTATIVE.—The term ‘Coast Guard representative’ means a Coast Guard member, civilian employee, Coast Guard Auxiliarist, or person employed by an organization accepted or approved by the Coast Guard to examine commercial fishing vessels.

(3) UNINSPECTED FISHING VESSEL.—The term ‘uninspected fishing vessel’ means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(c) SCOPE OF PILOT PROGRAM.—The pilot program shall be conducted—

(1) in at least 5, but no more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities and property losses in the commercial fishing industry;

(2) for a period of 5 calendar years following the date of the enactment of this Act; and

(3) in consultation with those organizations and persons identified by the Secretary as directly affected by the pilot program:

(4) as a non-fee service to those persons identified in paragraph (3) above; and

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) Reports.—Not later than 180 days after the end of the third year of the pilot program, the Secretary shall submit a report to the Committees on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program.

The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the
industry and lives and property saved as a result of the pilot program; (2) an assessment of the costs and benefits to the United States government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and (3) any other findings and conclusions of the Secretary with respect to the pilot program.

SEC. 206. REPORTS FROM MORTGAGERS OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking “owners, masters, and charterers” and inserting “owners, masters, charterers, and mortgagees.”

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended by striking the last sentence and inserting the following:

“(b) Technical Assistance to Foreign Maritime Authorities.—The Commandant, in coordination with the Secretary of State or the Secretary’s designee, may, in consultation with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.”.

(b) CEREMONIAL.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by striking the item relating to section 149 and inserting the following:

“149. Assistance to Foreign Governments and Maritime Authorities.”.

SEC. 208. REFERENCE TO Outer CONTINENTAL TERRITORY OF THE PACIFIC ISLANDS.

Section 2102(a) of title 46, United States Code, is amended—

(1) by striking “37, 43, 51, and 121” and inserting “43, 51, 61, and 123”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operated shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vessels and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATION-ALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1103(c)(2)) is amended by striking the last sentence and inserting “The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively evidenced by certification of the Secretary of State or the Secretary’s designee.”.

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States and is ineligible for documentation under subparagraph (7) of section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;

(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade; and

(2) is inadequately documented under subsection (2) of title 46, United States Code, because it measures less than 5 net tons; has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and has undergone a transfer of ownership after December 31, 2004.

SEC. 212. DEEPWATER OVERSIGHT.

No later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with Government Accountability Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of—

(1) the status of the Coast Guard’s implementation of Government Accountability Office’s recommendations in its report, GAO-04-380, “Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight”; and

(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Commandant of the Coast Guard shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—

(1) a justification for the projected number and capabilities of each asset (including the ability of each asset to meet service performance goals);

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (indefinite lead time for obligation and other project completion in 10 years and 15 years; and

(3) the required funding for each accelerated acquisition timeline (including net present value and other financial costs included in such timeline) and the required funding for project completion in 10 years and 15 years; and

(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline.

SEC. 214. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for the acquisition, development, and testing of LORAN-C facilities, such sums as may be necessary to reimburse the Coast Guard for the cost of contracting for the acquisition and installation of LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing nonprofit maritime organization that demonstrated carrying a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in the field of law enforcement to carry out the provisions of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point in connection with exploring for, developing, or producing resources from the outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf.”.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working in conjunction with the appropriate Council members, shall conduct a study to evaluate the capacity of United States outer Continental Shelf to accommodate vessels in emergency situations.

(b) REPORT.—The Commandant of the United States Coast Guard shall submit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

(c) DEFINITION OF REFUGE.—In this section, the term “place of refuge” means a place where a ship in need of assistance can take action to enable it to stabilize its condition, reduce the threat of contamination, and to protect human life and the environment.
SEC. 301. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

(1) a code outlining flag State responsibilities and obligations;
(2) a unified regime for evaluating flag State performance;
(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and
(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 302. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of recreational boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the replacement or modification of the engines.

SEC. 303. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving joint security, environmental, and other enforcement on a bilateral, regional or international basis.

SEC. 304. FOREIGN FISHING INCURSIONS.

(a) In General.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue regulations to permit the Coast Guard to detain and release specified foreign fishing vessels.

(b) Specific Issues To Be Addressed.—The report shall—

(1) focus on areas in the exclusive economic zone of foreign vessels that the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific and
(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) Biennial Updates.—The Secretary shall provide biennial reports updating the Coast Guard’s progress in detecting or interdicting such incursions to the Senate Committee on Commerce, Science, and Transportation and the House Subcommittees on Transportation and Infrastructure.

SEC. 305. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) by inserting “Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve, after 5,000,” in subsection (a); and
(2) by striking subsection (b) as preceding paragraph (2) and inserting the following:

“(b)(1) The Secretary shall, at least once a year, in consultation with the appropriate agencies, determine the number of Reserve officers in an active status authorized to be serving in each grade.

“The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status in a quarter of an admiral (or lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 262(b) of this title. When the total number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower pay grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this section, and an excess results directly from the operation of law.”.

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 712 of title 14, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”;
(2) by striking “a member so designated” in the second sentence of subsection (b) and inserting “an individual so designated”;
(3) by striking “of a member” in subsection (c) and inserting “of an individual”;
(4) by striking “junior grade” and inserting “junior grade or lieutenant.” in subsection (c) and inserting “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual”;
(5) by striking “A member” in subsection (d) and inserting “An individual”;
(6) by striking “When a member’s designation is revoked” in subsection (e) and inserting “When an individual’s designation is revoked.”;

(b) CURRENT DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) by striking “during” in subsection (a) and inserting “in” to avoid in prevention of an imminent;”;
(2) by striking “or catastrophe,” in subsection (a) and inserting “catastrophe, act of terrorism (as defined in section 216 of the Homeland Security Act of 2002 (6 U.S.C. 101(15)), or transportation security incident as defined in section 7011 of title 46, United States Code.”;
(3) by striking “thirty days in any four month period” in subsection (a) and inserting “90 days in any 4-month period”;
(4) by striking “any two-year period” in subsection (a) and inserting “120 days in any 2-year period”;
(5) by adding at the end the following:

“o (e) For purposes of determining the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.”;

SEC. 405. EXPANSION OF EQUIPMENT USED BY COAST GUARD PERSONNEL.

(a) In General.—Section 712 of title 14, United States Code, is amended by striking “or radio station” each place it appears and inserting “radio station, or motorized vehicle utilized under section 829(b)”.

SEC. 406. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following:

“(7) Turn-key selection procedures

“(a) AUTHORITY TO USE.—The Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.

“(b) DEFINITIONS.—In this section—

“(1) ONE-STEP TURN-KKEY SELECTION PROCEDURES.—The term ‘one-step turn-key selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

“(2) CONSTRUCTION.—The term ‘construction’ includes the construction, procurement, development, conversion, or extension, of any facility.

“(3) FACILITY.—The term ‘facility’ means a building, structure, or other improvement to real property.

“(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 678 the following:

“677. Turn-key selection procedures”.

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Section 801 of title 10, United States Code, is amended—

(1) by striking “the term ‘law specialist’ “ in paragraph (11) and inserting “the term ‘judge advocate’, in the Coast Guard,”;
(2) by striking “‘advocate’” and inserting “‘advocate’;” and
(3) by striking subparagraph (C) of paragraph (13).
SEC. 408. BOATING SAFETY DIRECTOR.

(a) In General.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"§337. Director, Office of Boating Safety.

"The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.
"

(b) Clerical Amendment.—The section by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security".

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projects to be located at the station over the next 20 years.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting "The Department of Homeland Security shall, after the Department of Veterans Affairs," in section 101;

(2) by inserting "the Secretary of Homeland Security," in section 200(b) after "Secretary of the Interior,"; and

(3) in sections 550(a)(3), 5595(h)(5), 6038(b), and 7001(d), by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security".

SEC. 502. WAR AND NATIONAL DEFENSE.


(1) by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security"; and

(2) by inserting "the Secretary of Homeland Security shall submit to the Congress an annual report with respect to each case in which a military member or civilian employee of the Department of Defense is required to appear as a witness at any proceeding under this Act," in section 101.

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended —

(a) by striking "of Transportation," and inserting "of Homeland Security";

(b) in section 3122 of the Internal Revenue Code of 1986 (26 U.S.C. 3122), by striking "of Transportation" and inserting "of Homeland Security";

(c) in section 3121 of the Internal Revenue Code of 1986 (26 U.S.C. 3121), by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security";

(d) in section 3121 of the Internal Revenue Code of 1986 (26 U.S.C. 3121), by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security"; and

(e) by adding at the end the following:

"§316(c).—Not later than 30 days after the enactment of this Act, the Secretary of the Interior shall, with the advice and consent of the Senate, appoint a representative to serve as Chairman of the Department of the Interior.
"

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking "the Department of Transportation" and inserting "the Department of Homeland Security".

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 41, United States Code, are amended by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security".

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking "Coast Guard" and inserting "Homeland Security"; and

(2) by striking the second sentence of section 5302(a) and inserting "Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 3601 of title 33, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard."

(3) by striking "of Transportation" in section 13106(c) and inserting "of Homeland Security.
"

SEC. 507. TRANSPORTATION, ORGANIZATION.

Section 321 of title 49, United States Code, is amended by striking subsection (b); and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 508. MORTGAGE INSURANCE.

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

SEC. 509. ARCTIC RESEARCH.

Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by striking "and" after the semicolon in subparagraph (J);

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Department of Homeland Security;
"

and

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act (16 U.S.C. 499k(k)(2)) is amended by striking "of Transportation" and inserting "of Homeland Security".

(b) Section 312(a)(2)(C) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2161(c)) is amended by striking "of Transportation" and inserting "of Homeland Security".

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986 is amended by striking "Secretary of Transportation" and inserting "Secretary of the Department in which the Coast Guard is operating." in section 101.

SEC. 512. ANCHORAGE GROUNDS.

Section 7 of the Rivers and Harbors Act of 1915 (33 U.S.C. 471) is amended by striking "of Transportation" and inserting "of Homeland Security.

SEC. 513. BRIDGES.

Section 4 of the General Bridge Act of 1906 (33 U.S.C. 471) is amended by striking "of Transportation" and inserting "of Homeland Security.

SEC. 514. LIGHTHOUSES.

(a) Section 1 of Public Law 70-803 (33 U.S.C. 747b) is amended by striking "of Transportation" and inserting "of Homeland Security.

(b) Section 2 of Public Law 65-174 (33 U.S.C. 748) is amended by striking "of Transportation" and inserting "of Homeland Security.

(c) Sections 1 and 2 of Public Law 75-515 (33 U.S.C. 745a, 748a) are amended by striking "of Transportation" and inserting "of Homeland Security.

SEC. 515. OIL POLLUTION.

The Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended—

(1) by inserting "Homeland Security," in section 5002(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after "the Interior,";

(2) by striking "of Transportation." in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting "of Homeland Security.
"

(3) by striking sections 7001(c)(3) (33 U.S.C. 2731(c)(3)) and 7002 (33 U.S.C. 2731) and inserting the following:

"(3) Memorial.

(A) The Interagency Committee shall include representatives from the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

(B) A representative of the President shall place the Department of Transportation shall serve as Chairman.
"

(4) by striking "other" in section 7001(c)(6) (33 U.S.C. 2731(c)(6)) before "such agencies.

SEC. 516. MEDICAL CARE.

Section 190(2)(B) of the Medical Care Recovery Act of 1996 (22 U.S.C. 2651(g)(4)(B)) is amended by striking "of Transportation" and inserting "of Homeland Security.

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 400(p)(3)) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security.

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking "Satisfactory inspection shall be certified in writing by the Secretary of Transportation and inserting "Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.

SEC. 519. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(26)) is amended to read as follows:

"(26) 'nontank vessel' means a self-propelled vessel—

"(A) that carries oil of any kind as fuel for main propulsion; and

"(B) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1968.
"

SEC. 520. DRUG INTERDiction REPORT.

(a) In General.—Section 89 of title 46, United States Code, is amended by adding at the end the following:

"(4) Quarterly Reports on Drug Interdiction.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.
"
program to the budgeting decisions of another federal agency would defi-
nitely lead to an uncertain future for the Coast Guard’s three icebreakers,
ultimately undermining the ability of the Coast Guard to maintain these as-
sets, and the viability of the United States to maintain a presence in the
polar regions over the long term. Section 203 of this legislation specifi-
cally calls on the Coast Guard to take all necessary measures to maintain its
independent icebreaker capability, rath-
er than transferring this responsibility to the NSF.
This bill includes important funding for additional Coast Guard capital im-
provements. $10,000,000 for the completion of the vessel traffic system up-
grade for Puget Sound, one of two regions nationwide that has not yet benefited from this
important upgrade in maritime traffic management. Such an upgrade will
improve vessel traffic efficiency and safety throughout Washington’s coastal
waters. This funding also includes $3 million for construction of the Coast
Guard administrative building on Pier 36 in Seattle that was badly damaged in the
Olympia earthquake in 2001. This building is the Command Center for the
Coast Guard’s Puget Sound search and rescue and homeland security activi-
ties and these funds will greatly im-
prove the Coast Guard’s capabilities in this area.

I am also pleased that the bill directs the Coast Guard to report to the Com-
merce Committee on the feasibility of, co-locating Coast Guard assets and personnel at facilities of
other armed services branches, and entering into cooperative agreements for
managing the facilities. The association of the Coast Guard’s move from
Pier 36 to this facility will improve the ability of the Coast Guard to
answer the needs of the Department of Homeland Security.

The bill includes provisions for Fiscal Year 2006 and 2007 appropri-
ations that are approximately 8 percent higher than for each preceding year.

I am especially pleased that the legis-
lation would authorize a number of
important new programs including
recommendations of the United States
Commission on Ocean Policy, makes a
number of changes sought by the Coast
Guard for personnel and property man-
agement, and makes necessary tech-
nical adjustments, resulting from the
Coast Guard’s move from the Depart-
ment of Transportation to the Depart-
ment of Homeland Security.

I am pleased that the CPP
program is included in the bill. This
bill authorizes the use of alternative fuels by requiring the
Coast Guard to evaluate the feasibility, costs, and potential cost savings of
using bio-diesel fuel in new and exist-
ing Coast Guard vessels and vehicles,
with a focus on ports such as the Port
of Seattle with very high vessel traffic
density. Bio-diesel and other alter-
native vehicle fuels are already used by
the Army at Fort Lewis, King County
Metro Transit, and several school dis-
tricts and cities in Washington State.

We have included in the bill a provision
that would extend a requirement for non-tank vessels of over 400 gross
tons, operating in waters out to 12 miles from the U.S., to prepare emer-
gency response plans for oil spills. As we have learned with unfortunate oil spills in the past, such as the recent
Dalex Passage Spill, every second mat-
ter. Requiring large vessels operating in coastal waters to have an emergency response plan will help prevent oil spills, and disasters, and, in the event of a spill, mitigate their effects through pre-
paredness.

Finally, the bill makes several im-
portant changes to the Coast Guard’s management of personnel. One of these
changes modifies current Coast Guard rules regarding recalling reservists for
acts of terrorism and for longer periods of time. This provision ensures that the
recall begins to run on the first day that a re-
serve report to active duty, includ-
ing for training. Another provision en-
sures that the director of the Boating
Safety Office remains a permanent offi-
cer, which will provide the needed response to concerns from the boating safety
community that the Coast Guard was
eliminating this billet.

By Mrs. HUTCHISON (for herself and Mr. NELSON of Florida):
S. 129 A bill to authorize appropria-
tions for the National Aeronautics and
Space Administration for science, aero-
nautics, exploration, exploration capa-
bilities, and the Inspector General, and
for other purposes, for fiscal years 2006,
2007, 2008, 2009, and 2010; to the
Committee on Commerce, Science, and
Transportation.

Mrs. HUTCHISON. Mr. President, my
friend and colleague, the senior Sen-
ator from Florida, and I are today intro-
ducing a far-reaching bill to reau-
thorize the National Aeronautics and
Space Administration for 5 years, from
fiscal year 2006 through fiscal year 2010.

This legislation is already the prod-
cut of close bipartisan cooperation among Republicans and Democrats,
which should be a surprise to no one,
for space exploration is something that
is important to all Americans, and
promises and provides benefits to all of
us, to all of humanity.

This bill represents an important op-
portunity for the Congress to play its
fundamental role, in conjunction with
the executive branch, in establishing
the policies and principles that will
guide our Nation’s exploration and uti-
ization of space.

The President has outlined an ambi-
tuous new Vision for Exploration that
enables us to see where we can be 30
and 40 years ahead, with a renewed US
presence on the Moon and crews and
habitats on Mars, and perhaps even be-
yond. I support and endorse that vision
and believe it describes a course Amer-
ica must take into the future.

This legislation expresses the sense
of the Congress of the important role, in
connection with the executive branch, in establishing the policies and principles that will
guide our Nation’s exploration and uti-
ization of space.

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of the Congress of the important role, in
connection with the executive branch, in establishing the policies and principles that will
guide our Nation’s exploration and uti-
ization of space.
The bill authorizes funding for NASA for the next 5 fiscal years, from fiscal year 2006 to fiscal year 2010. The authorized levels are close to those requested in the President’s budget request for 2006 and increase at a level to keep pace with estimates of inflation over the subsequent years.

Where the legislation differs from the President’s request or from the plans that have been developed at NASA to begin crew exploration, we believe the adjustments made in this legislation will improve NASA’s capability to carry out those plans and to sustain the high level of public and congressional support necessary for the long-term success of the vision for exploration.

Those differences revolve around two major areas of concern: (1) the need to ensure a sustained, continuous ability for the United States to launch crews and cargo into space; and (2) the need to maintain our existing commitments to both our international partners and our scientific partners in the International Space Station.

In keeping with the policy and programs, we have included language which expands on the administration proposals. We provide for the establishment, by the President, of a proposed National Policy for Aeronautics and Aeronautical Research, to provide a framework for making intelligent and far-reaching decisions about this crucial aspect of our Nation’s ability to remain competitive in the global market of aeronautics. We must know what capabilities must be retained in our present aeronautics research infrastructure and what may be better served by changes that would remove the competition within NASA for limited resources in a constrained budgetary environment. Difficult choices must be made, but the first step in making informed decisions is to have a comprehensive policy framework to guide those decisions.

We endorse and expand, by repeated references to portions of the bill, the desire to open the door for greater commercial participation in the exploration and utilization of space and space-based assets, from the development of basic launch capabilities, to crew-capable launch vehicles, to resupply and even research management of the International Space Station, and missions to the Moon and Mars, to Earth observation and remote sensing capabilities.

Commercial capabilities have experienced a dramatic upsurge in the recent past which makes this an especially important and promising aspect of this legislation. Just one year ago, on June 21, 2004, SpaceShipOne, built by the private firm of Scaled Composites, flew the first private pilot to earn astronaut wings.

As I said earlier, we believe the provisions of this legislation will make it easier for NASA to pursue the vision for exploration. Let me, in conclusion, expand briefly on that statement by referring to two specific areas of interest: the development of a crew exploration vehicle, and the assembly and operation of the International Space Station.

NASA has begun several efforts in the past decade, to develop a replacement vehicle for human space flight, with a view to eventually retiring the space shuttle. Space Station has failed, after considerable expense, to find the technological breakthrough that was necessary for their success. They were focused on new technologies, new systems that were largely untested, and unproven. We are now out of time, and can no longer afford the luxury of attempting to develop a dramatically new and different human space flight capability.

This legislation directs NASA, wherever practical, to use existing technology and industrial capacity, derived from our 24 years of experience with the space shuttle, in developing alternative systems for launching crews and cargo into space. That approach promises not only to result in less cost to NASA and less risk of failure in development, but it will enable this nation to avoid an unacceptable—and potentially dangerous—situation where we do not have a capability to launch humans in space, especially at a time when the number of nations who have that capability is increasing, as the entry of China into that long-exclusive “club” has demonstrated.

NASA has said it cannot afford to continue to provide for all the research that has been planned for years to be accomplished aboard the International Space Station. It has begun the process of narrowing the scope of the use of the space station to those experiments that can contribute directly to the needs of the vision for exploration, and the support of human missions to the Moon, Mars, and beyond. This legislation would prevent such a restriction on the range of research disciplines aboard the ISS is not in the best interests of the Nation, or of our partners.

The bill directs NASA to retain and support those “non-vision” science disciplines, and authorizes an additional $100 million, initially, for NASA to do that. But more importantly, the bill designates the U.S. portion of the ISS as a national laboratory facility, and directs NASA to provide a plan, by March of next year, which will enable a national laboratory, within NASA, to assume research management responsibility for that on-orbit national laboratory facility.

The potential gain for NASA is that the national laboratory will be empowered to bring other, non-NASA, resources to bear in operating the ISS, thus freeing NASA of much of that operational responsibility, while at the same time allowing it to support the specific research it needs for the vision for exploration.

The legislation provides other authorities, as requested by the administration, to facilitate NASA operations and management, and addresses other issues, such as continued monitoring of safety-related issues. While it adds some reporting requirements for NASA, it also eliminates a number of statutory reporting requirements that are no longer necessary.

This legislation to reauthorize NASA is necessary and vital to the future success of our Nation’s effort in the exploration of space, and I take great satisfaction in offering it today for the Senate’s consideration. 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. 1281

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 "National Aeronautics and Space Administration Authorization Act of 2006".

(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—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—Authorizations

Sec. 102. Fiscal year 2007.
Sec. 103. Fiscal year 2008.
Sec. 104. Fiscal year 2009.
Sec. 105. Fiscal year 2010.
Sec. 106. Evaluation criteria for budget request.

SUBTITLE B—General Provisions

Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
Sec. 132. Biennial reports to Congress on space programs.
Sec. 133. Status report on Hubble Space Telescope servicing mission.
Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
Sec. 135. Ground-based analog capabilities.
Sec. 136. Space launch and transportation transition, capabilities, and development.
Sec. 137. National policy for aeronautics research and development.
Sec. 138. Identification of unique NASA core aeronautics research.
Sec. 139. Lessons learned and best practices.
Sec. 140. Safety management.
Sec. 141. Creation of a budget structure that aids effective oversight and management.
Sec. 142. Earth observing system.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 161. Official representational fund.
Sec. 161. Facilities management.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station completion.
Sec. 202. Research and support capabilities on International Space Station.
Sec. 203. National laboratory status for International Space Station.
Sec. 506. Electronic access to business opportunities.

Sec. 504. Recovery and disposition authorities.

Sec. 502. Intellectual property provisions.

Sec. 401. Commercialization plan.

Sec. 303. Commercial launch vehicles.

Sec. 301. United States human-rated launch capacity assessment.

Sec. 202. Space station transition.

Sec. 203. Commercial launch vehicles.

Sec. 204. Secondary payload capability.

Title IV—Enabling Commercial Space Transportation Policy

Sec. 401. Commercialization plan.

Sec. 402. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.

Sec. 403. Commercial goods and services.

Title V—Miscellaneous Administrative Improvements

Sec. 501. Extension of indemnification authority.

Sec. 502. Intellectual property provisions.

Sec. 503. Retrocession of jurisdiction.

Sec. 504. Recovery and disposition authority.

Sec. 505. Requirement for independent cost analysis.

Sec. 506. Electronic access to business opportunities.

Sec. 507. Reports elimination.

Sec. 2. Findings.

The Congress finds the following:

(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.

(2) Basic and applied research in space science, Earth science, and aeronautics remain a significant part of the Nation’s goals for the use and development of space. Basic research and development is an important component of NASA’s program of exploration and discovery.

(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers. The United States human space flight capability is harmful to the national interest.

(4) The exploration, development, and permanent establishment of the Moon will—

(A) inspire the Nation;

(B) spur commerce, imagination, and excitement around the world; and

(C) open the possibility of further exploration of Mars.

(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.

(6) Commercial development of space, including exploration and other lawful uses, is in the interest of the United States and the international community at large.

(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.

(8) NASA should develop vehicles to replace the Shuttle orbiter’s capabilities for transporting crew and heavy cargo while utilizing the current program’s resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.

(9) The United States should remain the world leader in aeronautics and aviation. NASA should align its aerospace research to ensure United States leadership. A national effort is needed to assess NASA’s aeronautics programs and infrastructure to allow a consolidated national approach that ensures efficiency and national preeminence in aeronautics and aviation.

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.

(4) SHUTTLE-DERIVED VEHICLE.—The term “shuttle-derived vehicle” means any new space transportation vehicle, piloted or unpiloted, that—

(A) is capable of supporting crew or cargo missions; and

(B) uses a major component of NASA’s Space Transportation System, such as the solid rocket booster, external tank, engine, and orbiter.

(5) IN-SITU RESOURCE UTILIZATION.—The term “in-situ resource utilization” means the technology or systems that can convert indigenous or locally-situated substances into useful materials and products.

Title I—Authorization of Appropriations

Subtitle A—Authorizations

Sec. 101. Fiscal Year 2006.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2006 $15,556,400,000, as follows:

(1) For science, aeronautics and exploration, $9,661,000,000 for the following programs (including amounts for construction of facilities).

(2) For exploration capabilities, $6,863,000,000 (including amounts for construction of facilities), which shall be used for space operations, and out of which $100,000,000 shall be used for the purposes of section 202 of this Act.

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

Sec. 102. Fiscal Year 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:

(1) $10,599,000,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,000,000, for the following programs (including amounts for construction of facilities), of which $6,469,000,000 shall be for space operations.

(3) For the Office of Inspector General, $31,500,000.

Sec. 103. Fiscal Year 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

Sec. 104. Fiscal Year 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,995,000,000.

Sec. 105. Fiscal Year 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.
b) EXTERNAL REVIEW FINDINGS.—The Administrator shall include in each report submitted under this section a summary of findings and recommendations from any external reviews conducted by the National Aeronautics and Space Administration’s science mission or programs.

SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

Within 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a one-time status report on a Hubble Space Telescope servicing mission.

SEC. 134. DEVELOP EXPANDED PERMANENT HUMAN PRESENCE BEYOND LOW-EARTH ORBIT.

(a) IN GENERAL.—As part of the programs authorized under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), the Administrator shall establish a program to develop a permanently sustained human presence on the Moon, in tandem with an extensive precursor program, to support security, commerce, and scientific pursuits, and as a stepping-stone to future exploration of Mars. The program is further structured to develop and conduct international collaborations in pursuit of these goals, as appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Administrator shall—

(1) implement an effective exploration technology program that is focused around the key needs to support lunar human and robotic operations;

(2) as part of NASA’s annual budget submission, include the proposed budget for key lunar mission-enabling technology areas, including areas for possible innovative governmental and commercial activities and partnerships;

(3) as part of NASA’s annual budget submission, submit to the Congress a plan for NASA’s lunar robotic precursor and technology programs, including current and planned technology investments, and scientific research that support the lunar program; and

(4) conduct an intensive, in-depth resource utilization study of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) LOCATIONS.—The Administrator shall select locations for subsection (a) in places that—

(1) are regularly accessible;

(2) have significant temperature extremes and resources appropriate for lunar operations, life support, and in-situ resource utilization experience and capabilities.

SEC. 135. NATION-BASED ANALOG CAPABILITIES.

(a) IN GENERAL.—The Administrator shall establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) LOCATIONS.—The Administrator shall select locations for subsection (a) in places that—

(1) are regularly accessible;

(2) have significant temperature extremes and resources appropriate for lunar operations, life support, and in-situ resource utilization experience and capabilities.

(c) INVOLVEMENT OF LOCAL POPULATIONS: PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION TECHNOLOGY CAPABILITIES AND DEVELOPMENT.

(a) POST-ORBITER TRANSITION.—The Administrator shall develop an implementation plan for the transition to a new crew exploration vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets, and infrastructure of the Space Shuttle to the fullest extent possible and addresses how NASA will accommodate the docking of the crew exploration vehicle to the ISS.

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

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 these resources.

SEC. 140. SAFETY MANAGEMENT.

The NASA Authorization Act of 1958 (42 U.S.C. 2477) is amended—

(1) by inserting “(a) IN GENERAL.—” before “There”; and

(2) by striking “to it” and inserting “to it, including evaluating NASA’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 “with respect to the adequacy of proposed or existing safety standards” and inserting “with respect to the adequacy of proposed or existing safety standards, safety management, and culture. The Panel shall also”;

(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 2008, the Panel shall include an evaluation of NASA’s safety management culture.

“(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Administrator should—

“(1) ensure that NASA employees can raise safety concerns without fear of reprisal; and

“(2) continue to inform the Congress from time to time of NASA’s progress in meeting those recommendations.”

SEC. 141. CREATION OF A BUDGET STRUCTURE THAT CAPTURES AND MANAGES OVERSIGHT AND MANAGEMENT.

In developing NASA’s budget request for inclusion in the Budget of the United States for fiscal year 2007 and thereafter, the Administrator shall—

(1) include line items for—

(A) science, aeronautics, and exploration;

(B) exploration capabilities; and

(C) the Office of the Inspector General;

(2) enumerate separately, within the science, aeronautics, and exploration account, the requests for—

(A) space science; and

(B) Earth science; and

(C) aeronautics;

(3) include, within the exploration capabilities account, the requests for—

(A) the Space Shuttle; and

(B) the ISS; and

(4) enumerate separately the specific request for the independent technical authority within the appropriate account.

SEC. 142. EARTH OBSERVING SYSTEM.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Director of the United States Geological Survey, shall submit a plan to the Senate Committee on...
Commerce, Science, and Transportation and the House of Representatives Committee on Science to ensure the long-term vitality of the earth observing system at NASA.

(c) Earth Observing System Defined.—In this section, the term “earth observing system” means the series of satellites, a science computer network, and other programs for long-term global observations of the land surface, biosphere, solid Earth, atmosphere, and oceans.

Subtitle C—Limitations and Special Provisions

SEC. 161. Official Representative Fund.

Amounts appropriated pursuant to paragraphs (1) and (2) of section 101 may be used, but not to exceed $70,000, for official receptions and for the expenses of the official representative.

SEC. 162. Facilities Management.

(a) General.—Notwithstanding any other provision of law, the Administrator may convey, by sale, lease, exchange, or other action, whether leaseback arrangements, real and related personal property under the custody and control of the Administrator, or interests therein, and retain the net proceeds of such dispositions in an account within NASA’s working capital fund to be used for NASA’s real property capital needs. All net proceeds realized under this section shall be obligated or expended only as authorized by appropriations Acts. To aid in the use of this authority, NASA shall develop a facilities investment plan that takes into account unmanned, mission dependency, and other studies required by this Act.

(b) Application of Other Law.—Sales transactions under this section are subject to section 223 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(c) 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 concurrence of the House of Representatives Committee on Science and the Senate Committee on Commerce, Science, and Transportation.

(d) Definitions.—In this section:

(1) Net Proceeds.—The term “net proceeds” means the rental and other sums received less the costs of the disposition.

(2) Real Property Capital Needs.—The term “real property capital needs” means any expenses necessary and incident to the agency’s real property capital acquisitions, improvements, and dispositions.

Title II—International Space Station

SEC. 201. International Space Station Completion.

(a) Elements, Capabilities, and Configuration Criteria.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including a high rate of human biomedical research protocols, countermeasure devices, biological technologies, and Earth-based research, and other priority areas.

(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 commercial launches; and

(4) be operated at an appropriate risk level.

(b) Contingency Plan.—The contingency plan to support ISS shall include complex, specialized, and automated logistics and on-orbit capabilities to support any potential hiatus between Space Shuttle availability and crew or cargo systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(Certification.—Within 180 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 to the Congress information pertaining to the impact of the Columbia accident and the implementation of all cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address those impacts.


(a) General.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which could be performed on Earth-based facilities and then, if appropriate, validated in space to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

(2) ensure the capacity to support ground-based research leading to spaceflight of scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of micro-gravity.

(3) restore and protect such potential ISS research activities as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature cellular research at a level which will sustain the existing scientific expertise and research capabilities until such time as additional funding or resources from other sources other than NASA can be identified to support these activities within the framework of the National Laboratory provided for in section 303 of this Act; and

(4) within 1 year after the date of enactment of this Act, develop a research plan which will demonstrate the process by which NASA will evaluate and maintain, as an active and current research portfolio in a manner consistent with the planned growth and evolution of ISS on-orbit and transportation capabilities.

(b) Maintain Analytical Capabilities.—The Administrator shall ensure that on-orbit analytical capabilities to support diagnostic human research, as well as on-orbit characterization of molecular crystal growth, cellular research, and other research products and results are developed and maintained, as an active and current research portfolio providing the capability of returning research products to Earth.

(c) Assessment of Potential Scientific Utilization.—The Administrator shall assess further potential possible scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

(d) Transition to Public-Private Research Operations.—In the date on which the assembly of the ISS is complete (as determined by the Administrator), the Administrator shall initiate steps to transition research operations on the ISS to a greater private-public operating relationship pursuant to section 203 of this Act.

SEC. 203. National Laboratory Status for International Space Station.

(a) In General.—In order to accomplish the objectives listed in section 202, the Administrator shall segment the national laboratory facility to thereby designate a national laboratory facility.

(b) National Laboratory Functions.—The Administrator shall seek to use the national laboratory to increase the utilization of the ISS by other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(c) Implementation Plan.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science for establishment of the ISS national laboratory facility which, at a minimum, shall include—

(1) proposed on-orbit laboratory functions;

(2) proposed ground-based laboratory facility;

(3) detailed laboratory management structure, concept of operations, and operational feasibility;

(4) detailed plans for integration and conduct of ground and space-based research operations;

(5) description of funding and workforce requirements necessary to establish and operate the laboratory;

(6) plans for accommodation of existing international partner research obligations and other needs to the maximum extent possible, in accordance with Federal procurement law.

Sec. 204. Commercial Support of International Space Station Operations and Utilization.

The Administrator shall purchase commercial services for support of the ISS for cargo and other needs to the maximum extent possible.
SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPABILITY ASSESSMENT.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of the transportation requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as for the ISS, including—

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles support the requirements of the implementation plan required by section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will sustain the level of safety for that program through the final flight and transition plan that will ensure that any NASA programs can utilize the human capital resources of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation’s aerospace industrial base;

(4) the manner in which the proposed vehicles contribute to a national mixed fleet launch and flight capacity;

(5) the nature and timing of the transition from the current vehicle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and lunar exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against the consequences of a crew ororal disaster that offers a high level of safety;

(8) development risk areas;

(9) the schedule and costs;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE TRANSITION.
(a) GENERAL.—In order to ensure continuous human access to space, the Administrator may not retire the Space Shuttle orbiter or retire segments of the Space Shuttle space transportation system until the Administrator has demonstrated that it can take humans into Earth orbit and return them safely, except as may be provided by law enacted before the date of enactment of this Act. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capability in a manner that uses the personnel, capabilities, assets, and infrastructure of the current Space Shuttle program to the maximum extent feasible.

(b) REPORT.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) CONTRACT TERMINATION; VENDOR REPLACEMENTS.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.
It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate missions, and to enhance support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY POLITICAL CAPABILITY.
In order to develop a cadre of experienced engineers and to provide routine and affordable access to space, the Administrator shall provide the capabilities to support rapid payload cargos on United States launch vehicles, including free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.
(a) IN GENERAL.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any 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 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 the development of technologies and services.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 402. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2461 et seq.) is amended by adding at the end the following:

"SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF SPACE AND AERONAUTICAL TECHNOLOGIES.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Administrator may carry out the program of awards to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for advancing the capabilities of the space and aeronautical activities of the Administration.

(2) USE OF PRIZE AUTHORITY.—In carrying out the program, the Administrator shall seek to develop and support technologies and areas identified in section 134 of this Act or areas that the Administrator determines to be providing impetus to NASA’s overall exploration and science architecture and plans, such as private efforts to detect, characterize, and remove near-Earth asteroids. The Administrator may utilize the prize winner’s technologies in fulfilling NASA’s missions. The Administrator shall widely advertise any competitions conducted under the program and may include advertising to research universities.

(3) COORDINATION.—The program shall be implemented in compliance with section 138 of the Commercial Space Authorization Act of 2005.

(b) PROGRAM REQUIREMENTS.—

(1) COMPETITIVE PROCESS.—Recipients of prizes under the program under this section shall be selected through one or more competitions conducted by the Administrator.

(2) ADVERTISING.—The Administrator shall widely advertise any competitions conducted under the program.

(c) REGISTRATION; ASSUMPTION OF RISK.—

(1) REGISTRATION.—Each potential recipient of a prize shall enter the competition under the program under this section in compliance with the rules of the Administrator.

(2) ASSUMPTION OF RISK.—In registering for the competition under the program under this section the Administrator may require the potential recipient of a prize to assume any and all risks, and waive claims against the United States Government and its related entities, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

(3) RELATED ENTITY DEFINED.—In this subsection, the term ‘‘related entity’’ includes a contractor or subcontractor at any tier, a supplier, user, customer, cooperating party, grantee, investigator, or detailer.

(d) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total amount of cash prizes awarded for award in competition under the program under this section in any fiscal year may not exceed $50,000,000.

(2) APPROVAL REQUIRED FOR LARGE PRIZES.—No competition under the program may result in the award of more than $10,000,000 without the prior approval of the Administrator or a designee of the Administrator.

(e) RELATIONSHIP TO OTHER AUTHORITY.—The Administrator may give authority to the Administrator in this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects.

(f) AVAILABILITY OF FUNDS.—Funds appropriated for the program under this section shall remain available until expended.

SEC. 403. COMMERCIAL GOODS AND SERVICES.
It is the sense of the Congress that NASA should purchase commercially available space goods and services to the fullest extent feasible in support of the human missions beyond Earth and should encourage commercial goods and development of space to the greatest extent practicable.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.

Section 306 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2466c) is amended by striking ‘‘December 31, 2002’’ and...
SEC. 303. RETROCESSION OF JURISDICTION.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 502 of this Act, is further amended by adding at the end the following:

"SEC. 317. RETROCESSION OF JURISDICTION.

"Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to the State concerned the jurisdiction of the United States over lands or interests under the Administrator's control in that State. Relinquishment of legislative jurisdiction may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide."

"SEC. 504. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 603 of this Act, is further amended by adding at the end the following:

"SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.

"(a) In General.—

"(1) CONTROLS OF REMAINS.—Subject to paragraph (2), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may control the remains of the crewmember and order autopsies and other scientific or medical tests.

"(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

"(b) DEFINITIONS.—In this section:

"(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

"(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(b)(1), that—

"(A) is intended to transport 1 or more persons;

"(B) designed to operate in outer space; and

"(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.

"SEC. 505. REQUIREMENT FOR INDEPENDENT IMPLEMENTATION.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2580c) 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 "a Financial Officer" each place it appears in subsection (a) and inserting "Administrative Officer";

(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 program or project after preliminary design, independent assessment of the preliminary design, and independent implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, analysis and communication of the results to the customers."

"SEC. 506. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

"SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

"(a) In General.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposed contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

"(b) Program Implementation.—

"(1) Subject to subsection (a) shall apply to—

"(i) contracts for non-commercial acquisitions—

"(I) with a total value in excess of $10,000,000 but not more than $5,000,000, including options;

"(ii) that do not involve bundling of contract requirements as defined in section 3(6) of the Small Business Act (15 U.S.C. 632(o)); and

"(iii) for which a notice is required by section 8(a) of the Small Business Act (15 U.S.C. 637(e) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

"(c) Notice.—

"(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(4)).

"(2) Providing access to notices in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

"(d) Solicitation.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

"(e) Wait Period.—

"(1) Whenever a notice required by section 8(e)(1)(A) of the Small Business Act (15 U.S.C. 637(e)(1)(A)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is published in the Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(4)), the Administrator may, whenever the Administrator considers it desirable, reduce the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)), shall be reduced by 5 days. If the solicitation applying to that notice is accessible electronically in accordance with subsection (d) simultaneously with issuance of the notice, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)), shall not apply and the period specified in section 8(e)(3)(B) of the Small Business Act and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act for submission of bids or proposals shall begin to run from the date the solicitation is electronically designated in the Federal Acquisition Regulation.

"(2) When a notice and solicitation are made accessible simultaneously and the wait period is waived pursuant to paragraph (1), the time for submission of bids or proposals shall be not less than 5 days greater than the minimum deadline set forth in section 8(e)(3)(B) of the Small Business Act (15 U.S.C. 637(e)(3)(B)), and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(B)).
HUTCHISON today in sponsoring a NASA Authorization Act that provides policy guidance for keeping NASA on track to achieve their objectives; and to ensure that there is a good balance between the different activities that NASA performs.

As chair and ranking member of the Commerce Committee’s Subcommittee on Science and Space, Senator HUTCHISON and I believe that through this bill, Congress can provide constructive support to the good work being done by Michael Griffin, as they begin to implement the President’s vision and prepare NASA for the challenges of the future.

This is a 5-year bill, authorizing NASA from 2006 through 2010. It authorizes NASA appropriations in excess of the President’s Budget Request.

For fiscal year 2006, the President requested $16.456 billion, which is a 2.4 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes the fiscal year 2006 budget, which is a 3.0 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes increases at a level of about 3 percent each year, consistently providing more funding than the President’s budget projection.

Like many of our colleagues, we believe that recent NASA budget requests have been below the levels required for NASA to perform its various missions effectively. Once this bill is enacted, we intend to work with the Appropriations Committee to ensure that adequate funds are provided for NASA to succeed.

This legislation authorizes NASA to return humans to the Moon, to explore it, and to maintain a human presence on the Moon. Consistent with the President’s vision, it also requires using what we learn and develop on the Moon as a stepping-stone to future explorations.

To carry out these missions, our bill requires NASA to develop an implementation plan for the transition from shuttle to crew exploration vehicle, CEV. The plan will help NASA to make a smooth transition from retirement of the space shuttle orbiters to the replacement spacecraft systems. The implementation plan will help make sure that we can keep the skills and the focus that are needed to assure that each space flight is safe through retirement of the orbiters, and to retain those personnel needed for the CEV and heavy lift cargo spacecraft.

It is essential to our national security that we prevent any hiatus or gap in which the United States cannot send astronauts to space without relying on a foreign country. The Russians have been good partners in construction of the international space station, and the Soyuz spacecraft has been a reliable and safe vehicle for astronauts. But, with all of the uncertainties in our relationship with Russia, we simply cannot allow ourselves the vulnerability of being totally dependent on the Soyuz. We need to maintain assured access to space by U.S. astronauts on a continuous basis. We therefore require in this legislation, that there not be a hiatus between the retirement of the space shuttle orbiters and the availability of the next generation U.S. human-rated spacecraft.

We recognize that NASA has some concerns regarding our position on a hiatus, and we are aware of Dr. Griffin’s efforts to reduce the potential for a gap. We believe that this legislation moves forward to ensure that a compromise is reached that is mutually satisfying. This provision does not unduly tie the Administrator’s hands, while still guaranteeing us assured access to space.

Our bill directs NASA to plan for and consider a Hubble servicing mission after the 2 space shuttle return to flight missions have been completed.

Americans are inspired by the images that Hubble has provided. Instruments to be added during the SM-4 Hubble servicing mission will produce higher quality images; enable us to see further into space; and give scientists a better understanding of our Universe’s purpose. Our bill authorizes $1 billion for the replacement gyroscopes and batteries that are planned for the mission will extend Hubble’s life by 5 or more years.

This NASA authorization bill calls for utilization of the international space station for basic science as well as exploration science. It is important that we reap the benefits of our multi-billion dollar investment in the space station. The promise of some basic science research requires a micro-gravity or a space environment for us to better understand the problem that we are trying to solve. This bill ensures that NASA will maintain a focus on the importance of basic science.

This bill directs NASA to improve its safety culture. This legislation authorizes the Columbia Accident Investigation Board, CAIB, report, the safety culture at NASA was as much a cause of the Columbia tragedy as the physical cause. Low and mid-level personnel felt that you could not elevate safety concerns without reprisals, or being ignored. NASA has already taken significant steps to address these problems, but we need to assure that the safety culture improves as quickly as possible and that it continues to improve.

This legislation authorizes that the Aerospace Safety Advisory Panel monitor and measure NASA’s improvements to their safety culture, including employees’ fear of reprisals for voicing concerns about safety.

It also contains policy regarding NASA’s need to consider and implement lessons learned, in order to avoid another preventable tragedy like the Challenger and Columbia disasters.

This authorization bill addresses NASA aeronautics and America’s pre-eminence in aviation. The Europeans have stated their intent to dominate the airplane market by 2020. This bill
Many not realize that NASA does research for improving airplanes. NASA conducts research that makes airplanes safer, quieter, more fuel efficient, and less polluting. This important function of NASA needs to be continued and further developed.

Senator Hutchison and I expect to mark this bill up in the Commerce Committee later this week, and hope to have time to consider it on the floor before the August recess. I will urge all of my colleagues to support this important legislation. NASA has a new direction, and they have outstanding new leadership in Dr. Griffin.

We have an opportunity to authorize NASA for: implementing the Vision for Space Exploration and renewing our commitment to U.S. aviation and NASA aeronautics research; retaining or resurrecting very important space activities at NASA; and assuring that America has continuous human access to space.

By doing so, we will continue to advance our national security, strengthen our economy, inspire the next generation of explorers, and fulfill our destiny as a world leader. NASA’s activities at NASA; and assuring that America has continuous human access to space.

By doing so, we will continue to advance our national security, strengthen our economy, inspire the next generation of explorers, and fulfill our destiny as a world leader. NASA’s activities.

By Mrs. Clinton (for herself, Mr. Warner, Mrs. Mikulski, Mr. Smith, Mr. Kennedy, Ms. Collins, Mr. Jeffords, Mr. Bond, Mrs. Murray, Mr. Cochran, Mrs. Boxer, Ms. Snowe, Mr. Kerry, Mr. Talent, Mr. Nelson of Nebraska, Mr. Coleman, Mr. Durbin, and Mr. Hagel):
S. 1284. A bill to amend the Public Health Service Act to establish a program to provide respite care services to family caregivers of persons with disabilities. (Senator Boxer)

This bill would provide grants to develop and implement a coordinated system of respite care services for families of people with disabilities. It also directs the Secretary of Health and Human Services to develop a national policy for respite care services.

I would like to express my sincere thanks to my colleagues for their support of this legislation, which passed the Senate last Congress. I look forward to working with you all to improve the lives of our family caregivers, and those for whom they care.

By Mrs. Boxer (for herself and Mrs. Feinstein):
S. 1284. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Energy and Natural Resources.

I would like to thank my Senate colleagues for their support of this legislation, which was introduced by Senator Feinstein—Dr. Griffin.

I would like to express my sincere thanks to my colleagues for their support of this legislation, which was introduced by Senator Feinstein—Dr. Griffin.

Senator Burton served honorably in the United States House of Representatives in the early 1980s and in the California State Assembly, before being elected to the California State Senate. There, in 1998, his colleagues elected him as the California Senate’s President Pro Tempore. John devoted his career to the service of all Californians, and for that, we honor him with this legislation.

Designating this particular trail is a fitting tribute because a few years ago, John was instrumental in protecting the pristine and invaluable land that is now known as the Headwaters Forest Reserve. Comprised of more than 7,000 acres of ancient redwoods, many of which are over 2,000 years old and 300 feet high, the Reserve was saved from potentially devastating logging in 1999. Numerous plant species and wildlife, including the Marbled Murrelet, dwell in this Reserve. The Reserve also protects rivers and streams that provide habitat essential for threatened salmon.

For his service to the people of California and his essential role in protecting the pristine and invaluable land that is now known as the Headwaters Forest Reserve. Comprised of more than 7,000 acres of ancient redwoods, many of which are over 2,000 years old and 300 feet high, the Reserve was saved from potentially devastating logging in 1999.

For his service to the people of California and his essential role in protecting the pristine and invaluable land that is now known as the Headwaters Forest Reserve. Comprised of more than 7,000 acres of ancient redwoods, many of which are over 2,000 years old and 300 feet high, the Reserve was saved from potentially devastating logging in 1999.
L. Burton Trail Act. Through this small action, we recognize and honor a great man and his great work.

AMENDMENTS SUBMITTED AND PROPOSED

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 810. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 811. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 812. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 813. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 814. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 815. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 816. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 817. Mr. HAGEL (for himself, Mr. PEYROR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIO, Mrs. Dole, Ms. MUKRISKI, Mr. VINOIVICH, and Mr. STEVENS) proposed an amendment to the bill H.R. 6, supra.

SA 818. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 819. Mr. TALERT (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 820. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ENOFRE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 821. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 822. Mr. VINOIVICH (for himself and Mr. DeWINE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 823. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 824. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, and Mr. DeWINE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 825. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 826. Mr. MCCAIN (for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 6, supra.

SA 827. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 829. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 830. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 831. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 833. Mr. KOHL (for himself, Mr. DeWINE, Mr. LIEBERMAN, Mr. SNOWE, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 834. MS. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 835. Mrs. CLINTON (for herself and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 836. Mr. Baucus submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 837. Mr. Baucus submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 838. Mr. McConnell submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 839. Mr. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 840. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table.

SA 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 838. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 839. Mr. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 840. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SEC. 109. MANHATTAN PROJECT FOR ENERGY INDEPENDENCE.

(a) Findings.—The Congress finds that—

(1) the welfare and security of the United States require that adequate provision be made for activities relating to the development of energy-efficient technologies; and

(2) those activities should be the responsibility of, and should be directed by, an independent establishment exercising control over energy technologies, and promotion of energy-efficient technologies sponsored by the United States.

(b) Purpose.—The purpose of this section is to establish an Energy Efficiency Development Administration to develop technologies to increase energy efficiency and to reduce the demand for energy.

(c) Definition of terms:

(1) Administration.—The term ‘‘Administration’’ means the Energy Efficiency Development Administration established by subsection (d)(1).

(2) Administrator.—The term ‘‘Administrator’’ means the head of the Administration appointed under subsection (d)(3)(A).

(3) Advisory Committee.—The term ‘‘Advisory Committee’’ means the Policy Advisory Committee established by subsection (d)(3)(B).

(4) Energy-Efficient Technology Activity.—

(A) In General.—The term ‘‘energy-efficient technology activity’’ means an activity that improves the energy efficiency of any sector of the economy, including the transportation, building design, electrical generating, appliance, and power transmission sectors.

(B) Inclusion.—The term ‘‘energy-efficient technology activity’’ includes an activity that produces energy from a sustainable biomass, wind, small-scale hydroelectric, solar, geothermal, or other renewable source.

(5) Energy Efficiency Development Administration.—

(I) Establishment.—There is established as an independent establishment in the executive branch the Energy Efficiency Development Administration.

(II) Mission.—The mission of the Administration shall be to reduce United States imports of oil by—

(A) 5 percent by 2008;

(B) 20 percent by 2011; and

(C) 50 percent by 2015.

(III) Administrator.—The Administrator shall—

(I) exercise all powers and perform all duties of the Administration; and

(II) have authority over all personnel and activities of the Administration.

(IV) Limitation on Rulemaking Authority.—The Administrator shall not modify any energy-efficiency standards or related standards in effect on the date of enactment of this Act that would result in the reduction of energy efficiency in any product.

(6) Delegation of Functions.

(A) In General.—The Administrator shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) Deputy Administrator.—

(I) Appointment.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(II) Duties.—The Deputy Administrator shall—

(I) supervise the project development and engineering activities of the Administration;

(II) exercise such other powers and perform such duties as the Administrator may prescribe; and

(III) for, and exercise the powers of the Administrator during the absence or disability of the Administrator.

(7) Transfer of Functions.

(A) Definition of Functions.—In this paragraph, the term ‘‘function’’ means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(B) Transfer of Function.

(I) In General.—There are transferred to the Administrator—