At the request of Mr. BURR, the names of the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

At the request of Mr. COLEMAN, the names 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. CRAF) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as ‘National Mammography Day’.

At the request of Mr. VOINOVICH, 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 Alabama (Mr. Sessions), the Senator from Arizona (Mr. McCain) and the Senator from Nevada (Mr. BURNS) 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, State, local, and Tribal 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 public safety 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 Senators Rockefeller and Isakson recommended spending at least $8.8 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 the Department of Homeland Security the resources and authority necessary to systematically overcome the barriers to achieving interoperability. ICOM requires OIC to conduct extensive, nation-wide 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 conduct national surveys of the communications infrastructure and identify opportunities and challenges.

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 operation 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 problems. 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 Government 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 or more densely populated receive a higher baseline amount, based on a formula that balances 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 the dollars are directed 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 projects, without a State or region being penalized if it neglects 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. The following, S. 1274: Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,...

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:
(1) A major barrier to sharing information among police, firefighters, and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an efficient and effective manner.

(2) Communications interoperability has been identified by the Department of Homeland Security as one of the most essential capabilities for first responders. For first responders to achieve the national preparedness goal the Department of Homeland Security has established for the Nation.

(3) The lack of interoperability costs lives during terrorist attacks or natural disasters, but also during everyday emergency operations.

(4) Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. This lack of coordination also dramatically increases the cost of public safety communications to Federal, State, local, and tribal governments.

(5) In the United States, a level of communications interoperability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal agencies. Establishing multidisciplinary, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(7) More must be done. For example, in January 2005, the National Governors Association reported that while achieving interoperability ranked as the top priority for States, obtaining the equipment and technology to fulfill this goal remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.

(8) Over 70 percent of public safety communications equipment is still analog, rather than digital. In fact, much of the communications equipment by emergency responders is outdated and incompatible, which inhibits communication between State and local agencies and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(9) Stronger and more effective national, state, and regional 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 and funding 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 it to better lead national interoperability efforts and to provide technically sound advice to State and local officials.

(11) Achieving interoperability requires the sustainability of the Federal investment in these resources. A non-partisan task force of the Council on Foreign Relations recommended 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 achieved at a much lower cost if strong national leadership drives cooperation and adoption of smart, new technology solutions.

SEC. 3. 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 Interoperable 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) establish the Interoperability and Compatibility Program to—

(aa) provide technical assistance to State, local, and tribal governments to improve interoperable communications; 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;

(ii) develop policies, strategies, and action plans to improve interoperable communications, and to provide training and technical assistance to State, local, and tribal governments and public safety agencies, including—

(aa) the preparation of coordinated communications plans and strategies; and

(bb) the evaluation of existing resources, including equipment and spectrum, and the development of strategies for their effective use; and

(iii) increase the level of communications interoperability and compatibility by prominently showing interoperable communications equipment at emergency preparedness exercises and other Federal, State, and local government sponsored events.

(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:

The terms ‘‘interoperable communications and communications interoperability.’’ The terms ‘‘interoperable communications’’ and ‘‘communications interoperability’’ mean the terms that have the same meaning as those terms in the 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.

(c) Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

SEC. 314. INTEROPERABILITY ASSESSMENT AND REPORT.

(a) Baseline Assessment.—The Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall conduct the 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 to the Committee on Homeland Security of the House of Representatives a report on the Department’s progress in implementing and achieving the goals of the Improve Interoperability Program and other efforts to address the need for interoperable communications established under this subsection on 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:
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) pursing 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 mature significantly towards the "information age;"

(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technology (including 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(f)).

SEC. 316. DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY. 

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end of the following: "TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY."

SEC. 1801. INTEROPERABILITY GRANTS. 

(a) IN GENERAL.—The Secretary, through the Office of Grants to States and eligible regions for initiatives necessary to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, interregional interoperability, may make grants to the State or region and to assist with any aspect of the communication life cycle, including—

(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.

(b) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with the National Strategy and Compatibility, the Directorate of Science and Technology, and other Federal entities so that grants awarded under this section, and other Federal funds allocated to homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability consistent with the national strategy.

(c) 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, design, 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 or eligible region strategic 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)).

(d) APPLICATION.

(1) C ONSIDERATIONS.

(A) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for 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.

(A) IN GENERAL.—In approving applications under this title, the Secretary may consider—

(B) other entities.

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

(ii) the population density of the area, that will be served by the interoperable communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from support an area that faces significant threats, vulnerabilities, or consequences;

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

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

(E) the extent to which a grant would expedite the achievement of interoperability in the State or eligible region with Federal, State, and local agencies;

(F) the extent to which a grant would expedite the achievement of interoperability in the State or eligible region with Federal, State, and local agencies;

(G) the extent to which a grant would expedite the achievement of interoperability in the State or eligible region with Federal, State, and local agencies;

(H) whether the State or eligible region is located at or near an international border;

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

(J) 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) A VAILABILITY OF FUNDS.

(A) IN GENERAL.—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)).

(B) ALLOCATION.

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

(i) 0.55 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.

(2) OTHER ENTITIES.—Notwithstanding subparagraph (A), the Secretary shall ensure that—

(i) the District of Columbia receives 0.55 percent of the amounts appropriated for grants under this section;

(ii) the Commonwealth 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; and

“(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 supported by the Homeland Security Presidential 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 of the United 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 each fiscal year thereafter.

“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 Improve 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 first responders nationwide 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 quickly with one another in incidents when 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 by one of ‘1, the strength of the radios, 2, the relatively small numbers 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 problem would against the successful communication among FDNY personnel. First, the radios’ effectiveness was drastically reduced in the high-rise environment. Second, tactical channel 1 was simply overwhelmed by the numbers of units attempting to communicate on it at 10:00 a.m. 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 recently released a series of state 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 accidents are local matters 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 state-wide 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 interoperability nationwide. 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 National Institute 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 Communication Act 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 need 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 waistband 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 Service agencies and was unable to communicate 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, nationwide 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 promote 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 should 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 capitalize on emerging 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.

I recently authored an amendment that passed the Homeland Security and Governmental Affairs Committee that would assist our first responders by creating demonstration projects at our northern and southern borders. The ICOM Act will complement that legislation by providing funding, support, research and development to improve interoperable 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 streamline 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 as 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 an 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 "undeniably 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 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 (OIC) 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 technologies. 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 emergency response capability, the bill gives each state a baseline amount of .55 percent of the funding.

The ICOM Act also requires the Secretary to look at the unique geography in each State which may impede interoperability when awarding grants. This is key to States like Hawaii that may require additional transmission 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 Mrs. 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 for a mechanism for United States citizens and lawful permanent residents to sponsor permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Today I am introducing the United 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 Congresswoman CORazon—is who—introduced this bill in the House today—has sponsored for the last four Congresses. I am pleased to have Senators CHAFEE, KENNEDY, CORZINE, JEFFORDS, MURKOWSKI, and Mrs. LAUTENBERG as cosponsors.

Under current law, committed partners of Americans are unable to use the family immigration system, which accounts for about 75 percent 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 be 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 unable to contract, with the individual described in subparagraph (A); and (2) by adding at the end the following: ‘‘(5) The term ‘permanent partner’ means an individual 18 years of age or older who—(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment;’’.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. DEFINITIONS.

Section 101(a) (8 U.S.C. 1101(a)) is amended—
(1) in paragraph (15)(K)(ii), by inserting ‘‘or permanent partnership’’ after ‘‘marriage’’;
and
(2) by adding at the end the following: ‘‘(51) The term ‘permanent partnership’ means the relationship that exists between 2 permanent partners.’’.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

(1) by inserting ‘‘permanent partnership’’ after ‘‘spouse’’;
and
(2) by adding at the end the following: ‘‘(A) by inserting ‘‘permanent partner’’ after ‘‘spouse’’ each place such term appears; and
(3) by striking ‘‘remarries’’ and inserting ‘‘remarries or enters into a permanent partnership with another person’’.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LIMITATIONS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—
(1) in the paragraph header, by inserting ‘‘PERMANENT PARTNERS’’ after ‘‘SPouses’’;
(2) in the header to subparagraph (A), by inserting ‘‘PERMANENT PARTNERS’’ after ‘‘SPouses’’; and
(3) in the header to subparagraph (C), in the heading by inserting ‘‘WITHOUT PERMANENT PARTNERS’’ after ‘‘DAUGHTERS’’.

(b) RULES FOR CHARGABILITY.—Section 202(b) (8 U.S.C. 1152(b)) is amended—
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", after "spouse" each place such term appears;

(2) in subparagraph (B)(i), by inserting "permanent partner", after "spouse" each place such term appears; and

(3) in subparagraph (B)(ii), by inserting "permanent partner", after "spouse" each place such term appears.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph header, by inserting "permanent partner", after "spouse";

and (2) in subparagraph (A), by inserting "permanent partner", after "spouse".

SEC. 9. READJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1160(b)(3)) is amended by inserting "permanent partner", after "spouse".

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.

Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(v), by inserting "permanent partner", after "spouse" each place such term appears;

(2) in paragraph (4)(C)(i)(1), 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)(v), by inserting "permanent partner", after "spouse" each place such term appears.

(b) WAIVERS OF INADMISSIBILITY ON HUMANITARIAN AND FAMILY UNITY 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.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.

Section 212(i)(1)(A) (8 U.S.C. 1182(i)(1)(A)) is amended by inserting "permanent partner", after "spouse".

SEC. 11. NONIMMIGRANT STATUS FOR CERTAIN ALIEN REFUGEES.

(a) NONIMMIGRANT STATUS.

Section 216(a) (8 U.S.C. 1186a(a)) is amended by striking "person", and inserting "person".

(b) REQUIREMENTS OF TIMELY PETITION AND ADJUDICATION.

Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A), by inserting "permanent partner", after "spouse" each place such term appears;

and (2) in subparagraph (B), by inserting "permanent partner", after "spouse" each place such term appears.

(c) EFFECTIVE DATE.

Section 216(d)(8) (8 U.S.C. 1186a(d)(8)) is amended by inserting "permanent partner", after "spouse" each place such term appears.

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

(a) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(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.

(b) TERMINATION OF STATUS OF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection header, by inserting "or permanent partnership" after "marriage";

and (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)(ii), (3)(A)(ii), (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) by inserting "permanent partner", after "spouse" each place such term appears; and

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting "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)—

(I) by inserting "or has not 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";

(II) by striking "and", and inserting "or permanent partnership, and", after "spouse" and "spouse";

(C) in clause (i), by inserting "permanent partnership", after "spouse"; and

(2) in subparagraph (B)(i)—

(A) by inserting "permanent partnership", after "marriage";

and (B) by inserting "or permanent partner", after "spouse".

(f) DEFINITIONS.—Section 216(e) (8 U.S.C. 1186a(e)) is amended—

(1) in paragraph (1)—

(A) by inserting "or permanent partner", after "spouse" each place such term appears; and

(B) by inserting "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 "permanent partnership" each place such term appears.

(4) in paragraph (4)—

(A) by inserting "permanent partner", after "spouse" each place such term appears; and

(B) by inserting "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) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IS FRAUD.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting “or permanent partner” after “spouse” each place such term appears.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IS FRAUD.—Section 216A(b)(2) (8 U.S.C. 1186b(b)(2)) is amended by inserting “or permanent partner” after “spouse” each place such term appears.

SEC. 14. DEPORTABLE ALIENS.

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

(1) in paragraph (1)—

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

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

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

(2) in paragraph (3)—

(A) in subparagraph (a)(3)(D), by inserting “permanent partner” after “spouse” each place such term appears;

(B) in subparagraph (a)(3)(E), by inserting “permanent partner” after “spouse” each place such term appears;

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

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

SEC. 15. REMOVAL PROCEEDINGS.

Section 235(c) (8 U.S.C. 1225(c)) is amended by inserting “permanency” after “marriage” each place such term appears.

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

Section 240A(b) (8 U.S.C. 1229b(b)) 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”;

and

(b) 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 ADJUSTED TO PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 204(d) (8 U.S.C. 1255(d)) is amended by inserting “or permanent partnership” after “marriage”.

(b) AVOWED FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

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

(2) by adding at the end the following:

“(d) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that the permanent partnership was entered into in good faith and in accordance with section 101(a)(51) and the permanent partnership was not entered into for the purpose of procuring the alien’s admission as an alien.”.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(h)(1)(B) (8 U.S.C. 1255(h)(1)(B)) is amended by inserting “permanent partner,” after “spouse”.

SEC. 18. MISREPRESENTATION AND CONCEALMENT OF FACTS.

Section 272(e) (8 U.S.C. 1327(e)) is amended by inserting “permanency” after “marriage” each place such term appears.

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

Section 245(b)(1) (8 U.S.C. 1255(b)(1)) 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 324(a) (8 U.S.C. 1431(a)) is amended, in the matter following “after September 22,”, by inserting “permanent partnership” after “marriage” each place such term appears.

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

Section 1641(b) of the LIFE Act Amendments of 2000 (114 Stat. 2761A91325) is amended—

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

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

(3) in subsections (b) and (c)—

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

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

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUYE):
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 our coasts 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 from America 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 war fleets 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. 2. TABLE OF CONTENTS.
The table of contents for this Act is as follows:

---

S. 1280

Be it enacted by the Senate and House of Representa- tives of the United States of America in Congress assem- bled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Coast Guard Authorization Act of 2005”.

SEC. 3. TABLE OF CONTENTS.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military personnel.
Sec. 103. Web-based risk management data system.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.
Sec. 203. Icebreakers.
Sec. 204. Cooperative agreements.
Sec. 205. Policy for dockside no fault/no cost safety and survivability examinations for uninspected commercial fishing vessels.
Sec. 206. Reports from mortgagees of ves- sels.
Sec. 207. International training and techni- cal assistance.
Sec. 208. Reference to Trust Territory of the Pacific Islands.
Sec. 210. Certification of vessel nationality in drug smuggling cases.
Sec. 211. Jones Act waivers.
Sec. 212. Deepwater oversight.
Sec. 213. Deepwater report.
Sec. 214. LORAN-C.
Sec. 215. Long-range vessel tracking system.
Sec. 216. Marine vessel and cold water safety education.
Sec. 217. Suction anchors.

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.

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. Expansion of equipment used by auxiliary to support Coast Guard missions.
Sec. 405. Authority for one-step turnkey de- sign-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. Maintenance at Coast Guard air station at Barbers Point.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 501. Government organization.
Sec. 502. War and national defense.
Sec. 503. Government organization.
Sec. 504. Public contracts.
Sec. 505. Public printing and documents.
Sec. 506. Shipping.
Sec. 507. Transportation.
Sec. 508. Mortgage insurance.
Sec. 509. Arctic research.
Sec. 510. Conservation.
Sec. 511. Conforming amendment.
Sec. 512. Anchorage grounds.
Sec. 513. Bridges.
Sec. 514. Lighthouses.
Sec. 515. Oil pollution.
Sec. 516. Medical care.
Sec. 517. Conforming amendment to Social Security Act.
Sec. 518. Shipbuilding.
Sec. 519. Nontank vessels.
Sec. 520. Drug interdiction report.

TITLE VI—EFFECTIVE DATES

Sec. 601. Effective Dates.

S. 1280

Be it enacted by the Senate and House of Representa- tives of the United States of America in Congress assem- bled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Coast Guard Authorization Act of 2005”.

SEC. 2. TABLE OF CONTENTS.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is op- erating the following amounts:
(1) For the operation and maintenance of the Coast Guard $5,594,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 102(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).
(2) For the acquisition, construction, ren- overy, and improvement of aids to naviga- tion, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,424,832,000, to remain available until expended, of which—
(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 102(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and
(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activi- ties that constitute the Integrated Deep- water Systems.
(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to im- proving the performance of the Coast Guard’s mission in search and rescue, aids to navigation, marine safety, marine environ- mental protection, enforcement of laws and treaties, ice operations, oceanographic re- search, and defense readiness, $24,000,000, to remain available until expended, of which $3,300,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the pur- poses of section 102(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5));
(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Pro- tection and Survivor Benefit Plans, and pay- ments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.
(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs asso- ciated with the Bridge Alteration Program, $17,400,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachu- setts.
(6) For environmental compliance and restora- tion $12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.
(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 amounts:

(1) For the operation and maintenance of the Coast Guard $6,042,492,000, of which $25,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, expansion, improvement, and maintenance of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,538,860,160, 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 section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

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

(4) For retied pay (including the payment of obligations otherwisechargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,095,206,400, to remain available until expended.

(5) For construction or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the operation and maintenance of the bridges, $18,792,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,960,000, to remain available until expended for program compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard program, $10,750,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

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

(2) For flight training, 125 student years.

(3) For professional training in military and civil affairs, $360,000, 350 student years.

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

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a web-based risk management system to help reduce violations with a total fine per violation not to exceed:

(1) for violations occurring during fiscal year 2006, $500,000; and

(2) for violations occurring during fiscal year 2007, $75,000; and

(3) for violations occurring after fiscal year 2007, $500,000.

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

(b) by adding at the end the following:—

‘(b) C O N T I N U I N G V I O L A T I O N S.—Each day of the continuing violation shall constitute a separate violation with a total fine per violation not to exceed—

‘(1) for violations occurring during fiscal year 2006, $500,000; and

‘(2) for violations occurring during fiscal year 2007, $75,000; and

‘(3) for violations occurring after fiscal year 2007, $500,000.’.

‘(c) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, duration, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require.

‘(d) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.”; and

SEC. 203. ICEBREAKERS.

(a) In GENERAL.—The Secretary of the department in which the Coast Guard is operating shall take such measures—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and along the eastern coast, including the necessary funding for operation and maintenance of such vessels; and

(2) for the long-term recapitalization of those assets.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section.

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report identifying any areas of opportunity for the development of Coast Guard projects.

(1) for any cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(2) of any costs and benefits associated with each such agreement.

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 United States commercial fishing vessels 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 fishing industry within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

(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 in paragraph (3) above.

(d) The Secretary, without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(e) 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.

(2) Report.—Not later than 180 days after the end of the third year of the pilot program, the Secretary shall submit a report to the Senate Committee 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—

(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 reoperations 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 MORTGAGEES 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 148 of title 14, United States Code, is amended—
(1) by striking the section heading and inserting the following:

‘’148. Assistance to Foreign Governments and Maritime Authorities;’’;
(2) by inserting “(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS—” before “The President”;
(3) by adding at the end the following:

“(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in consultation with regular Coast Guard operational programs, 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 148 and inserting the following:

‘’148. Assistance to Foreign Governments and Maritime Authorities;’’.

SEC. 208. REFERENCE TO GREAT TERRITORY OF THE PACIFIC ISLANDS.

Section 2102(a) of title 46, United States Code, is amended—
(1) by striking “37, 43, 51, and 123” 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 operating shall conduct a study that examines the technical feasibility, costs, and potential 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 of the department in which the Coast Guard is operating 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-HILD IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting the following:

“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 but was operating in the coastal waters of the State of Maine if the vessel—
(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;
(2) is insuring for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;
(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and
(4) has not 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, 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 on—

(1) the status of the Coast Guard’s implementation of Government Accountability Office’s recommendations in its report, GAO-05-380, “Coast Guard’s Deepwater Program Needs Increased Attention to Management and Contractor Oversight”;
(2) the dates by which the Coast Guard plans to implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Secretaries of Defense and Homeland Security 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 (including this timeline shall be the amount of assets procured during each year of the accelerated program);
(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;
(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;
(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;
(6) an evaluation of the final legacy assets that will be removed from the Deepwater inventory; and
(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

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 LORAN-C System, for capital expenses related to 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 for 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 effect on the date of enactment 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 over or on the United States 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, with the assistance of all spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels in the United States are suitable to the specific nature of distress each vessel is experiencing.

(b) REPORT.—The Commandant of the Coast Guard shall transmit 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.

SEC. 302. PLACE OF REFUGE DEFINED.—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 or reduce the danger to life and to protect human life and the environment.
SEC. 302. 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 environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

(1) a code outlining Flag State responsibilities and obligations;

(2) an e-registry 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. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

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 flag enforcement, Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATI.

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 flag enforcement, Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. 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 provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard’s detection and interdiction of incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where 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) BIENNAAL UPDATES.—The Secretary shall provide annual reports updating the Coast Guard’s progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committees on Transportation and Infrastructure.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 401. RESERVE OFFICER DISTRIBUTION.

Section 724 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 it appears and inserting the following:

“(b)(1) The Secretary shall, at least once a year, make a determination of 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 that the computation is made. The number of Reserve officers in an active status shall be reduced by the number of (1) an excess of any individual determined by the Secretary to possess the necessary qualifications; (2) a member so designated in the second sequence of subsection (b) and inserting “an individual so designated”;

(2) by striking “of a member” in subsection (c) and inserting “of an individual”;

(3) by striking “(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”; and

(6) by striking “When a member’s designation is revoked” in subsection (e) and inserting “When an individual’s designation is revoked.”

(b) BAND DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment is entitled to the grade of lieutenant commander, 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. 402. RESERVE RECALL AUTHORITY.

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

(1) by striking “during” in subsection (a) and inserting “to, or in aid of, or in prevention of an imminent”; and

(2) by striking “or catastrophe,” in subsection (a) and inserting “catastrophe, act of terrorism (as defined in section 211 of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 701(1) of title 46, United States Code.”

(3) by striking “days in any four month period” in subsection (a) and inserting “90 days in any 4-month period”; and

(4) by striking “any two-year period” in subsection (a) and inserting “120 days in any 2-year period”; and

(5) by adding at the end the following:

“(e) For purposes of computing 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. 404. EXPANSION OF EQUIPMENT USED BY COAST GUARD MISSIONS.

(a) MOTOR VEHICLE AS FACILITY.—Section 826 of title 14, United States Code, is amended—

(1) by inserting “(a)” before “Members”; and

(2) adding at the end the following:

“(b) The Coast Guard may utilize any motorized vehicle placed at its disposition by any member of the auxiliary, any corporation, partnership, or association, or by any State or political subdivision thereof to tow government property.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking “radio station” each place it appears and inserting “radio station, or motorized vehicle utilized under section 826(b)”.

SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Section 727 of title 14, United States Code, is amended by adding at the end the following:

“677. 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-KEY 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.

“(4) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

“677. Turn-key selection procedures”.

SEC. 406. OFFICER PROMOTION.

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

“(7) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least 2 opportunities for consideration for promotion to the next higher grade as officers below the promotion line.”

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

(a) GENERAL.—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; or” in paragraph (13) and inserting “advocate.”;

(3) by striking subparagraph (C) of paragraph (13).

SEC. 408. REVISED TITLE 322 OF TITLE 14, UNITED STATES CODE, IS AMENDED BY STRIKING “LAW SPECIALIST” AND INSERTING “JUDGE ADVOCATE”:

(1) by striking “The term ‘law specialist’ ” in paragraph (1) and inserting “The term ‘judge advocate’, in the Coast Guard, ”;

(2) by striking “advocate; or” in paragraph (13) and inserting “advocate.”;

(3) by striking subparagraph (C) of paragraph (13).
(c) Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking “law specialist” and inserting “judge advocate.”

SEC. 498. 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 chapter analysis of chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

"§ 337. Director, Office of Boating Safety”.

SEC. 499. 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 projected 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,” after “The Department of Veterans Affairs,” in section 101;

(2) by inserting “the Secretary of Homeland Security,” in section 2002(b) after “Secretary of the Interior,” and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10), by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 502. WAR AND NATIONAL DEFENSE.

The Soldiers’ and Sailors’ Civil Relief Act of 1940 (Pub. L. 76-181, 56 Stat. 1718, 50 U.S.C. App. 1946) is amended—

(1) by striking “Secretary of Transportation” each place it appears in section 515 and inserting “Secretary of Homeland Security”;

(2) by striking “Secretary of Transportation” in section 530(d) and inserting “Secretary of Homeland Security”;

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

(1) by striking “of Transportation” in section 5321(c) and inserting “of Homeland Security”;

(2) by striking “of Transportation” in section 5322(b) and inserting “of Homeland Security”;

(3) by striking “of Transportation” each place it appears in section 5327(b)(1) and inserting “of Homeland Security”;

(4) by striking “of Transportation” in section 5711(f) and inserting “of Homeland Security”.

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 41, United States Code, are amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking “Coast Guard” or in section 2109;

(2) by striking the second sentence of section 6308(a) and inserting “any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301(b), this title, 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 324 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 (41 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.


(b) Section 312(a)(2)(C) of the Antarctic Marine Living Resources Convention Act of 1994 (16 U.S.C. 2411(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” each place it appears and inserting “Secretary of the Department in which the Coast Guard is operating”.

SEC. 512. ARCHANGEL 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. 491) 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. 747(b)) 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” each place it appears 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 section 7001(a)(3) (33 U.S.C. 2731(a)(3)) and inserting the following:

"(3) MEMBERSHIP.

(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), 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 Marine Administration, the National Highway Traffic Safety Administration, the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, as well as such other Federal agencies as the President may designate).

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

and—

(1) by striking “other” in section 7001(c)(6) (33 U.S.C. 2731(c)(6)) before “such agencies”.

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 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 2001(p)(3) of the Social Security Act (42 U.S.C. 406(c)) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 518. SHIPING.

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) other than a tank vessel;

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

"(D) 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 INTERD行动 REPORT.

(a) In General.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

“(d) 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 de-

\[ \text{finally lead to an uncertain future for the Coast Guard's three icebreakers, ultimately undermining the ability of the Coast Guard to maintain these assets, and the feasibility of the United States to maintain a presence in the polar regions over the long term.} \]

Section 203 of this legislation specifically calls on the Coast Guard to take all necessary measures to maintain its current level of support, rather than transferring this responsibility to the NSF. This bill includes important funding for additional Coast Guard capital improvement projects, including $10,000,000 for the completion of the vessel traffic system upgrade for Puget Sound, one of two regions nationwide that has not yet benefited from this important upgrade in maritime traffic management. This upgrade will improve vessel traffic efficiency and safety throughout Washington's coastal waters. This funding also includes $3 million for the completion 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 port security activities and the funds will greatly improve the Coast Guard's capabilities in this area.

I am also pleased that the bill directs the Coast Guard to report to the Commerce 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 carrying out various Coast Guard search and rescue and port security activities and these funds will greatly improve the Coast Guard's capabilities in this area.

The bill includes authorizations for Fiscal Year 2006 and 2007 appropriations that are approximately 8 percent higher than for each preceding year. The bill also authorizes 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 management, and makes necessary technical and policy adjustments resulting from the Coast Guard's move from the Department of Transportation to the Department of Homeland Security.

I am especially pleased that the committee legislation authorizes $47,500,000 for the Coast Guard's continued operation and maintenance of the Nation's only Polar Ice Breaker fleet. The administration's budget for fiscal year 2006 proposed transferring the funding for operation and maintenance of these vessels to the National Science Foundation. The Senate Appropriations Committee report language on this matter instructs the Department to continue to fund the operation and maintenance of those vessels in order to ensure that America retains its capability to operate in these critical regions.
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 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) our desire to maintain our existing commitments to both our international partners and our scientific partners in the International Space Station.

In setting space 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, several 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, a spacecraft, built by the private firm of Scaled Composites, flew into the lower reaches of outer space, making pilot Mike Melvill the first civilian to fly a commercially-built spaceship out of the atmosphere and 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, which 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 means for launching crews and cargo into space. This 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 been 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 states that 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 2005”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—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. 107. International Space Station.
Sec. 108. Research and development.
Sec. 109. Technology and research development.
Sec. 110. Exploration and mission capabilities.
Sec. 111. Special projects.

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 science 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. 162. 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.
TITLE I—AUTHORIZATION OF APPROPRIATIONS

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, $9,663,000,000 for the following programs (including amounts for construction of facilities):
   (a) For exploration capabilities, $6,963,000,000 (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.
   (b) 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) $10,549,800,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,963,000,000 (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. 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.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.
It is the sense of the Congress that each budget submitted by the United States to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

SUBTITLE II—GENERAL PROVISIONS

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM FOR THE ACQUISITION, DEVELOPMENT AND USE OF KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA’s science portfolio are developed and maintained in a balanced and healthy manner;

(2) plan and execute Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct a broad set of scientific investigations and research around and on the Moon’s surface;

(3) upon successful completion of the planned return-to-flight of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise activity on the Moon or the integrity of NASA’s other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and commercial collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight opportunities for scientific Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities;

(6) develop a long term sustainable relationship with the United States commercial remote sensing industry, and, consistent with applicable policies and law, to the maximum practical extent, rely on their services;

(7) in conjunction with United States industry and universities, develop Earth science applications for Federal, State, local, regional, and tribal agencies that use government and commercial remote sensing capabilities and other sources of geospatial information to address their needs; and

(8) plan, develop, and implement a near-Earth object survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth asteroids and comets in order to assess the threat of such near-Earth objects in impacting the Earth.

SEC. 132. BIENNIAL REPORTS TO CONGRESS ON SCIENCE PROGRAMS.
(a) In GENERAL.—Within 10 days after the date of enactment of this Act and every 2 years thereafter, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science setting forth in detail—
   (1) the findings and actions taken on NASA’s assessment of the balance within its science portfolio and any efforts to adjust that balance among the major program areas, including the areas referred to in section 131;
   (2) any activities undertaken by the Administration to conform with the Sun-Earth science and applications direction provided in this Act; and
   (3) efforts to enhance near-Earth object detection and observation.
SEC. 134. EARTH OBSERVING SYSTEM.

(a) IN GENERAL.—The Administrator shall develop an implementation plan for the Earth Observing System that is consistent with the space science requirements established under section 131 of the National Aeronautics and Space Administration Authorization Act of 1998 (42 U.S.C. 2477). The plan shall—

(1) be consistent with the goals and purposes of the program established under section 131 of the National Aeronautics and Space Authorization Act of 1998 (42 U.S.C. 2477);

(2) include guidance on the manner in which the data collected will be transferred to the appropriate Federal agencies;

(3) address areas ofoverlap and duplication that exist between the Earth Observing System and other related activities; and

(4) establish a plan for the orderly transition of data to other Federal agencies.

(b) REQUIRED CONTENT.—The implementation plan shall contain as a minimum the lessons learned and best practices requirements for NASA, the organizations or positions that will be 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 those resources.

SEC. 140. SAFETY MANAGEMENT.

The Department of the National Aeronautics and Space Administration has a safety management strategy that is emerging at NASA. The Administrator shall represent this strategy to the Congress.

The Administrator shall take all appropriate actions, including, but not limited to, informing the Congress that the Administrator's implementation plan shall be submitted to the Senate Committee on Commerce, Science and Transportation for consideration and the House of Representatives Committee on Science.

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

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

(1) include line items for—

(A) science, aeronautics, and exploration; and

(B) 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; and

(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.

(a) In General.—The plan shall—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including a high rate of human biomedical research protocols, countermeasures, as well as technology and characterization, and astronomical observations.

(b) An overview of NASA systems and their role in the earth observing system.

c) Integration into the Global Earth Observing System of Systems; and

(d) Evaluate the potential for future space exploration activities.

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

(e) Meet the objectives listed in section 202 of the NASA Authorization Act of 2000 to address those impacts.

(f) Determine the capability and potential direct national benefits and applications that can advance significantly from the uniqueness of microgravity.

(g) Provide an assessment to Congress of the potential ISS research activities as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, and other studies.

SEC. 201. INTERNATIONAL SPACE STATION COMPLIANCE.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(b) Detailed laboratory management structures.

(c) An overview of NASA systems and their role in the earth observing system.

(d) Assess the capacity to support ground-based research leading to spaceflight of scientific utilization of an ISS national laboratory facility.

(e) Transition to public-private research operations.

(f) Detailed plans for integration and conduct of ground and space-based research operations.

(g) Determination of workforce requirements necessary to establish and operate the laboratory.

(h) Plans for accommodation of existing international partner research obligations and commitments.

(i) Detailed outline of actions and timeline necessary to implement and initiate operations of the laboratory.

(j) United States Segment of the ISS shall mean those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

SEC. 204. COMMERCIAL SUPPORT OF INTERNATIONAL SPACE STATION OPERATIONS AND UTILIZATION.

The Administrator shall purchase commercial services for support of the ISS for cargo transportation needs to the maximum extent possible, in accordance with Federal procurement law.
SEC. 205. USE OF THE INTERNATIONAL SPACE STATION AND ANNUAL REPORT.

(a) POLICY.—It is the policy of the United States—

(1) to ensure diverse and growing utilization of benefits from the ISS; and

(2) to increase commercial operations in low-Earth orbit and beyond that are supported by national and commercial space transportation capabilities.

(b) USE OF INTERNATIONAL SPACE STATION.—The Administrator shall conduct broadly focused scientific and exploration research and development activities using the ISS in a manner consistent with the provisions of this title, and advance the Nation broadly focused scientific and exploration requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) CONTRACT TERMINATIONS; 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. 206. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 207. SECONDARY PAYLOAD CAPABILITY.

In order to develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payload by 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 to transfer science and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities. It shall include opportunities for partnerships 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. 2451 et seq.) is amended by adding at the end the following:

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

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 and development of space to the greatest extent practicable.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.

It is the sense of the Congress that NASA should seek to develop and support technologies and areas identified in section 194 of this Act or that the Administrator determines to be providing impetus to NASA’s overall exploration and science architecture and plans, as such private efforts to detect near-Earth objects, to study and utilize the prize winner’s technologies in fulfilling NASA’s missions. The Administrator shall widely advertise any competitions conducted under this section and may include advertising to research universities.

“(3) COORDINATION.—The competition shall be implemented in compliance with section 138 of the Commercial Space 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 under the program under this section shall register for the competition.

(2) ASSUMPTION OF RISK.—In registering for the competition under paragraph (1), a potential recipient of a prize shall 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, with respect to such injury, death, damage, or loss arising 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 detailie.

“(d) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total amount of cash prizes awarded for competition 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 $1,000,000 in cash prizes without the approval of the Administrator or a designee of the Administrator.

“(e) RELATIONSHIP TO OTHER AUTHORITY.—The Administrator may utilize the authority 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 and development of space to the greatest extent practicable.
Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457 et seq.), by inserting after subsection (i) the following:

"(g) ASSIGNMENT OF PATENT RIGHTS, ETC.—

(1) In general.—Under agreements entered into pursuant to paragraph (5) or (6) of section 2303(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the Administrator may—

(A) grant or agree to grant in advance to a party a nonexclusive, partially exclusive, or exclusive license; or

(B) if the Administrator assigns title or grants an exclusive license to such an invention, the Government shall retain the right of reassignment to a responsible applicant a nonexclusive, partially exclusive, or exclusive license by one party.

(2) EXCLUSIVE.—The Administrator shall ensure, through such agreement, that the participating party has the option to choose an exclusive license for a pre-negotiated invention, or any such invention under the agreement or, if there is more than one participating party, that the participating parties are offered the option to hold licenses that collectively support the rights that would be held under such an exclusive license by one party.

(3) CONDITIONS.—In consideration for the Government’s contribution under the agreement, grants under this subsection shall be subject to the following explicit conditions:

(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the participating party to the Administration to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been held by a non-Federal party.

(B) If the Administration assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

(1) a party (including a non-Federal party) to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the participant’s licensed terms that are reasonable under the circumstances; or

(ii) if the participating party fails to grant such a license, to grant the license itself.

(C) The Government may exercise its right retained under subparagraph (B) only in exceptional circumstances and only if the Government determines that—

(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party; or

(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(c)(4)(B)).

(4) APPRAIL AND REVIEW OF DETERMINATION.—A determination under paragraph (3)(C) shall be subject to the administrative and judicial review under section 203(b) of title 35, United States Code.”.

SEC. 565. REQUIREMENT FOR INDEPENDENCE.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2456c) amended—

(1) by striking “Phase B” in subsection (a) and inserting “implementation”;

(b) by striking “$150,000,000” in subsection (a) and inserting “$250,000,000”;

(c) by striking “15 U.S.C. 3710(c)(4)” in subsection (a) and inserting “15 U.S.C. 3710(c)(1)”;

(d) by striking “$35,000,000” in subsection (c) and inserting “$50,000,000”;


SEC. 503. 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. 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 proposal or contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

(b) IMPLEMENTATION.—If a program implemented under subsection (a) shall apply to non-commercial acquisitions—

(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

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

(3) for which a notice is required by 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)).

SEC. 501. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 609 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 proposal or contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

(b) IMPLEMENTATION.—If a program implemented under subsection (a) shall apply to non-commercial acquisitions—

(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

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

(3) for which a notice is required by 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)).

(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. 426(c)(4)).

(d) DETERMINATION.—Each determination may provide.

(1) Notice of acquisitions 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.—


(2) When a notice and solicitation are made accessible simultaneously and the wait period is waived pursuant to paragraph (1), the wait periods as provided in subsections (d) and 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. I am joined by Senator 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 an additional 3 percent increase, which is the fiscal year 2006, 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 exploration.

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 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 space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new 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 another preventable tragedy like the Challenger and Columbia disasters.

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 produces, and 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 place in the cosmos.

This legislation proposes that the Soyuz spacecraft has been a reliable space transportation system. 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 new generation U.S. human-rated spacecraft.
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; renewing our commitment to U.S. aviation and NASA aeronautics research; retaining or resurrecting very important science 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 explorers.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. 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 facilitate respite care services for family caregivers, to require the Secretary of Health and Human Services to report on the success of the program, and for other purposes; and to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to reintroduce the Lifespan Respite Care Act of 2005 today with my colleague Senator JOhn WARNER. I'd like to express my sincere thanks to Senator WARNER for his leadership on this legislation which would make much needed quality respite care available and accessible to families and family caregivers in need.

Caregiving needs do not discriminate: they demand the time and resources of millions of American families from all socioeconomic, ethnic, and educational backgrounds.

Caregivers today provide an enormous portion of our health and long-term care for older adults and individuals with disabilities. Although much of family caregiving is unpaid, it is not without cost. In fact, it is estimated that if services provided by family caregivers were provided instead by paid professionals, they would cost over $200 billion annually. In addition, food, medicines and other caregiving necessities place added strain on already tight family budgets.

Because of their responsibilities at home, it is much more difficult for caregivers to find or maintain jobs. Many caregivers are struggling to stay afloat. We simply cannot afford to continue to ignore their struggles.

In addition to the financial costs of family caregiving, that labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well being at risk while assisting loved ones. Meeting these difficult demands can lead to depression, physical illness, anxiety, and emotional strain.

One way to reduce the burden of caregiving is through respite care. As you know, respite care is a service that temporarily relieves a family member of his or her caregiving duties. Respite care provides some much needed relief from the daily demands of caregiving for a few hours or a few days. These welcome breaks help protect the physical and mental health of the family caregiver, making it possible for the individual in need of care to remain in the home.

Unfortunately, across our country quality respite care remains hard to find, and too many caregivers do not even know how to find information about available services. Where community respite care services do exist, there are often long waiting lists. There are more caregivers in need of respite care than there are available respite care resources.

And many caregiving families are hesitant to take advantage of these scant resources. Parents and spouses and other family caregivers are understandably hesitant to leave their loved ones with untrained staff.

In an effort to recognize and support the heroic efforts of our family caregivers, my husband signed the National Family Caregiver Support Program into law as an amendments to the re-authorization of the Older Americans Act in 2000. Prior to the establishment of this program, there was no comprehensive Federal program that supported family caregivers.

Although the National Family Caregiver Support Program took a step in the right direction, further efforts are now necessary to meet the increasing needs of family caregivers. That is why I am reintroducing the Lifespan Respite Care Act today with Senator JOHN WARNER. This legislation would improve efficiency and reduce duplication in respite service development and delivery. And it would make quality respite care available and accessible to all family and family caregivers, regardless of their Medicaid status, disability, or age. It would assure that quality respite care is available for all caregivers who provide this labor of love to individuals across the lifespan.

My legislation picks up where the National Family Caregiver Support Program leaves off, by recognizing respite as a priority for caregivers and elevating respite as a policy priority at the Federal and State levels.

This bill would provide grants to develop a coordinated system of respite care services for family caregivers of individuals with special needs regardless of age. Funds could also be used to increase respite care services or to train respite care workers or volunteers.

There is much to do at the local, State, and Federal levels to address the growing needs of family caregivers. It is time that we make caregiving a national priority and provide the support that our family caregivers so desperately need.

I would like to thank my Senate colleagues for their support of this legislation and for their assistance in passing it through 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.

Mrs. BOXER. Mr. President, I am honored to introduce today a bill—co-sponsored by Senator FEINSTEIN—to designate a trail in the Headwaters Forest Reserve in California after John L. Burton, one of California’s great public servants. The entire California Democratic delegation in the House, led by Representative GEORGE MILLER, introduced the same bill last week.

John 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 Tem. 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 this 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 salmonids.

For his service to the people of California and his essential role in protecting the priceless parcel of California land, I am proud to introduce the John
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, to ensure jobs for our future with secure, affordable, and reliable energy; 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. PEYRER, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. Dole, Ms. MUKROWSKI, Mr. Voinovich, and Mr. STEVENS) proposed an amendment to the bill H.R. 6, supra.

SA 818. Mr. JEFFFORDS 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. TALENT (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. ENOCH, 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. VOINOVICH (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. JEFFFORDS 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. JEFFFORDS, 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. LIBERMAN) 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. JEFFFORDS) 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. JEFFFORDS) 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. JEFFFORDS) 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. JEFFFORDS) 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. LIBERMAN, Mr. MURPHY, 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. LIBERMAN, and Mr. JEFFFORDS) 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.

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; as follows:

On page 37, between the matter following line 12 and 13, insert the following:

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-efficiency development and promotion of energy-efficient technologies sponsored by the United States.
(b) PURPOSE.—The purpose of this section is to authorize Energy Efficiency Development Administration to develop technologies to increase energy efficiency and to reduce the demand for energy.
(c) DEFINITIONS.—
(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 section (d)(3)(A).
(3) ADVISORY COMMITTEE.—The term ‘‘Advisory Committee’’ means the Policy Advisory Committee established by subsection (f).
(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 generation, 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.
(d) ENERGY EFFICIENCY DEVELOPMENT ADMINISTRATION.—
(1) ESTABLISHMENT.—There is established as an independent establishment in the executive branch the Energy Efficiency Development Administration.
(2) 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.
(3) ADMINISTRATOR; DEPUTY ADMINISTRATOR.—
(A) ADMINISTRATOR.—(i) APPOINTMENT.—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.
(ii) PAY.—Section 5313 of title 5, United States Code, is amended by adding at the end the following: ‘‘Administrator, Energy Efficiency Development Administration.’’.
(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) PAY.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: ‘‘Deputy Administrator, Energy Efficiency Development Administration.’’.
(c) DUTIES.—The Administrator shall—
(1) exercise all powers and perform all duties of the Administration; and
(II) have authority over all personnel and activities of the Administration.
(2) 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.
(B) DEPUTY ADMINISTRATOR.—
(1) 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.
(2) PAY.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: ‘‘Deputy Administrator, Energy Efficiency Development Administration.’’.
(c) DUTIES.—The Deputy Administrator shall—
(1) supervise the project development and engineering activities of the Administration;
(2) exercise such other powers and perform such duties as the Administrator may prescribe; and
(3) ensure that the powers of the Deputy Administrator are exercised in the absence of the Administrator.