under the securities laws, and for other purposes.

S. 2065

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2065, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2065, supra.

S. 2076

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2076, a bill to amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

S. 2089

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2089, a bill to allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied.

S. 2099

At the request of Mr. MILLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2183

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2183, a bill to amend the Child Nutrition Act of 1966 to create team nutrition networks to promote the nutritional health of school children.

S. 2186

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 2186, a bill to temporarily extend the programs under the Small Business Act and the Small Business Investment Act of 1958, through May 15, 2004, and for other purposes.

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 2186, supra.

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2186, supra.

S. 2193

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 2193, a bill to improve small business loan programs, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2193, supra.

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2193, supra.

S.J. RES. 28

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 313

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

AMENDMENT NO. 2690

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 2690 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 2698

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 2698 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 2858

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 2858 proposed to H.R. 1997, a bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

AMENDMENT NO. 2859

At the request of Mrs. MURRAY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2859 proposed to H.R. 1997, a bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (by request):

S. 2232. A bill to amend the Indian Gaming Regulatory Act of 1988 to revise the fee cap on National Indian Gaming Commission funding and make certain technical amendments; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, at the request of the administration, today I am introducing the Indian Gaming Regulatory Act Amendments of 2004 to amend and update the act.

These amendments are proposed by the administration to update the Indian Gaming Regulatory Act by: clarifying how vacancies in the National Indian Gaming Commission (NIGC) are filled; expanding the NIGC's regulatory responsibilities; revising the NIGC statutory rates of pay to correspond with other current Federal rates of pay; and expanding the NIGC's reporting requirements to Congress.

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. 2232

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Gaming Regulatory Act Amendments of 2004''.

SEC. 2. DEFINITIONS.

Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), (8), and (10), as paragraphs (6), (7), (8), (3), (4), (5), and (11), respectively; and

(2) by inserting after paragraph (9) the following:

''(10) REGULATED PERSON OR ENTITY.—The term 'regulated person or entity' means—

''(A) an Indian tribe;

''(B) a tribal operator of an Indian gaming operation;

''(C) a management contractor engaged in Indian gaming;

''(D) any person that is associated with—

''(i) a gaming operation, or any part of a gaming operation, of an Indian tribe; or

''(ii) a gaming-related contractor of an Indian tribe; and

''(E) any person that—

''(i) agrees, by contract or otherwise, to provide a tribal gaming operation with supplies, a service, or a concession with an estimated value in excess of $25,000 annually (not including a contract for a legal or accounting service, commercial banking service, or public utility service); or

''(ii) requests a suitability determination by the Commission, or by an Indian tribe or State, as part of an effort—

''(I) to acquire a direct financial interest in, or management responsibility for, a management contract for operation of a tribal gaming facility; or

''(II) to participate in a gaming-related activity that requires a licensing decision by an Indian tribe or State.''.

SEC. 3. NATIONAL INDIAN GAMING COMMISSION.

Section 5 of the Indian Gaming Regulatory Act (25 U.S.C. 2704) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraph (B);

(2) by striking subsection (c) and inserting the following:

''(c) VACANCIES.—

''(1) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment.

''(2) SERVICE AFTER EXPIRATION OF TERM.—A member may serve after the expiration of the member's term at the pleasure of the officer of the United States who appointed the member.''; and

(3) in the second sentence of subsection (e), by striking ''during meetings of the Commission in the absence of the Chairman'' and inserting ''in the absence of, or during any period of disability of, the Chairman''.

SEC. 4. POWERS OF CHAIRMAN.

Section 6 of the Indian Gaming Regulatory Act (25 U.S.C. 2705) is amended—

(1) in subsection (a)—

(A) by striking '', on behalf of the Commission,'';

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(5) to issue to a regulated person or entity an order that—

''(A) requires an accounting and disgorgement, with interest;

''(B) reprimands or censures; or

''(C) places a limitation on a gaming activity or gaming function.''; and

(2) by adding at the end the following:

''(c) DELEGATION.—The Chairman may delegate to any member of the Commission, on such terms and conditions as the Chairman may determine, any power of the Chairman under subsection (a).

''(d) MANNER OF EXERCISE.—Authority under subsection (a) shall be exercised in a manner that is consistent with—

''(1) due process of law;

''(2) this Act; and

''(3) the rules, findings, and determinations made by the Commission in accordance with applicable law.''.

SEC. 5. POWERS OF THE COMMISSION.

Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended—

(1) in subsection (a)(5), by striking ''permanent'' and inserting ''final'';

(2) in subsection (b)—

(A) in paragraphs (1), (2), and (4), by inserting ''and class III gaming'' after ''class II gaming'';

(B) in paragraph (9), by striking ''and'' at the end;

(C) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(11) may, in case of contumacy by, or refusal to obey any subpoena issued to, any person, request the Attorney General to invoke the jurisdiction of any court of the United States, within the geographical jurisdiction of which a person to whom the subpoena was directed is an inhabitant, is domiciled, is organized, has appointed an agent for service of process, transacts business, or is found, to compel compliance with the subpoena to require the attendance and testimony of witnesses and the production of records; and

''(12) subject to subsection (c), may accept gifts on behalf of the Commission.''; and

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

''(c) GIFTS.—

''(1) IN GENERAL.—The Commission shall not accept a gift—

''(A) that attaches a condition that is inconsistent with any applicable law (including a regulation); or

''(B) that is conditioned on, or will require, the expenditure of appropriated funds that are not available to the Commission.

''(2) REGULATIONS.—The Commission shall promulgate regulations specifying the criteria to be used to determine whether the acceptance of a gift would—

''(A) adversely affect the ability of the Commission or any employee of the Commission to carry out the duties of the Commission in a fair and objective manner; or

''(B) compromise the integrity or the appearance of the integrity of any official involved in a program of the Commission.

''(d) REGULATORY PLAN.—

''(1) IN GENERAL.—The Commission shall develop a nonbinding regulatory plan for use in carrying out activities of the Commission.

''(2) TREATMENT.—In developing the regulatory plan, the Commission shall not be bound by chapter 6 of title 5, United States Code.

''(3) CONTENTS.—The regulatory plan shall include—

''(A) a comprehensive mission statement describing the major functions and operations of the Commission;

''(B) a description of the goals and objectives of the Commission;

''(C) a description of the general means by which those goals and objectives are to be achieved, including a description of the operational processes, skills, and technology and the human resources, capital, information, and other resources required to achieve those goals and objectives;

''(D) a performance plan for achievement of those goals and objectives, including provision for a report on the actual performance of the Commission as measured against the goals and objectives;

''(E) an identification of the key factors that are external to, or beyond the control of, the Commission that could significantly affect the achievement of those goals and objectives; and

''(F) a description of the program evaluations used in establishing or revising those goals and objectives, including a schedule for future program evaluations.

''(4) DURATION.—The regulatory plan shall cover a period of not less than 5 fiscal years, beginning with the fiscal year in which the plan is developed.

''(5) REVISION.—The regulatory plan shall be revised biennially.''.

SEC. 6. COMMISSION STAFFING.

Section 8 of the Indian Gaming Regulatory Act (25 U.S.C. 2707) is amended—

(1) in subsection (a), by striking ''basic pay payable for GS–18 of the General Schedule under section 5332 of title 5'' and inserting ''pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as adjusted under section 5318 of that title'';

(2) in the second sentence of subsection (b), by striking ''basic pay payable for GS–17 of the General Schedule under section 5332 of that title'' and inserting ''pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as adjusted under section 5318 of that title''; and

(3) in subsection (c), by striking ''basic pay payable for GS–18 of the General Schedule'' and inserting ''pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as adjusted under section 5318 of that title''.

SEC. 7. TRIBAL GAMING ORDINANCES.

Section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) is amended—

(1) in subsection (b)(2)(F)(i)—

(A) by inserting ''tribal gaming commissioners, key tribal gaming commission employees, and'' after ''conducted on'';

(B) by inserting ''primary management officials and key employees'' after ''oversight of''; and

(C) by striking ''such officials and their management''; and

(2) in subsection (d)(9), by striking ''the provisions of subsections (b), (c), (d), (f), (g), and (h) of''.

SEC. 8. MANAGEMENT CONTRACTS.

Section 12(a)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2711(a)(1)) is amended by inserting ''or a class III gaming activity that the Indian tribe may engage in under section 11(d)'' after ''section 11(b)(1)''.

SEC. 9. CIVIL PENALTIES.

Section 14 of the Indian Gaming Regulatory Act (25 U.S.C. 2713) is amended—

(1) by striking the section heading and all that follows through ''provide such tribal operator or management contractor'' in subsection (a)(3) and inserting the following:

''SEC. 14. CIVIL PENALTIES.

''(a) IN GENERAL.—

''(1) LEVY AND COLLECTION.—Subject to such regulations as the Commission may promulgate, the Chairman shall have authority to—

''(A) levy and collect appropriate civil fines, not to exceed $25,000 per violation, per day;

''(B) issue orders requiring accounting and disgorgement, including interest; and

''(C) issue orders of reprimand, censure, or the placement of limitations on gaming activities and functions of any regulated person or entity for any violation of any provision of this Act, Commission regulations, or tribal regulations, ordinances, or resolutions approved under section 11 or 13.

''(2) APPEAL.—The Commission shall by regulation provide an opportunity for an appeal and hearing before the Commission of an action taken under paragraph (1).

''(3) COMPLAINT.—If the Commission has reason to believe that a regulated person or entity is engaged in activities regulated by this Act (including regulations promulgated

under this Act), or by tribal regulations, ordinances, or resolutions approved under section 11 or 13, that may result in the imposition of a fine under subsection (a)(1), the permanent closure of a game, or the modification or termination of a management contract, the Commission shall provide the regulated person or entity.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''game'' and inserting ''gaming operation, or any part of a gaming operation,''; and

(B) in paragraph (2)—

(i) in the first sentence, by striking ''permanent'' and inserting ''final''; and

(ii) in the second sentence, by striking ''order a permanent closure of the gaming operation'' and inserting ''make final the order of closure''; and

(3) in subsection (c), by striking ''permanent closure'' and inserting ''closure, accounting, disgorgement, reprimand, or censure or placement of a limitation on a gaming activity or function''.

SEC. 10. SUBPOENA AND DEPOSITION AUTHORITY.

Section 16 of the Indian Gaming Regulatory Act (25 U.S.C. 2715) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) JUDICIAL ENFORCEMENT.—On application of the Attorney General, a district court of the United States shall have jurisdiction to issue a writ of mandamus, injunction, or order commanding any person to comply with this Act.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively, and inserting after subsection (c) the following:

''(d) FAILURE TO OBEY SUBPOENA.—

''(1) IN GENERAL.—In case of a failure to obey a subpoena issued by the Commission or the Chairman and on request of the Commission or Chairman, the Attorney General may apply to the United States District Court for the District of Columbia or any United States district court within the geographical jurisdiction of which a person to whom the subpoena was directed is an inhabitant, is domiciled, is organized, has appointed an agent for service of process, transacts business or is found, to compel compliance with the subpoena.

''(2) REMEDIES.—On application under paragraph (1), the court shall have jurisdiction to—

''(A) issue a writ commanding the person to comply with the subpoena; or

''(B) punish a failure to obey the writ as a contempt of court.

''(3) PROCESS.—Process to a person in any proceeding under this subsection may be served wherever the person may be found in the United States or as otherwise authorized by law or by rule or order of the court.''.

SEC. 11. COMMISSION FUNDING.

Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) LIMITATION.—The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gaming revenues of all gaming operations subject to regulation by the Commission.''.

SEC. 12. PRESERVATION OF EXISTING STATUS.

Nothing in this Act or any amendment made by this Act expands, limits, or otherwise affects any immunity that an Indian tribe may have under applicable law.

By Mr. VOINOVICH (for himself and Mr. CARPER):

S. 2233. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1979 to establish in the Environmental Protection Agency the position of Deputy Administrator for Science and Technology; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with my friend and colleague, Senator CARPER, which will strengthen the use of science at the Environmental Protection Agency. By improving science at the Agency, we will be improving the framework of our regulatory decisions. It is important that these regulations be effective, not onerous and inefficient. To make government regulations efficient, they must be based on a solid foundation of scientific understanding and data.

In 2000, the Nation Research Council released a report, ''Strengthening Science at the U.S. Environmental Protection Agency: Research Management and Peer Review Practices'' which outlined current practices at the EPA and made recommendations for improving science within the agency. The bill we are introducing today, the ''Environmental Research Enhancement Act,'' builds on the NRC report.

When the Environmental Protection Agency was created in 1970 by President Nixon, its mission was set to protect human health and safeguard the environment. In the 1960s, it had become increasingly clear that ''we needed to know more about the total environment—land, water, and air.'' The EPA was part of President Nixon's reorganizational efforts to effectively ensure the protection, development and enhancement of the total environment.

For the EPA to reach this mission, establishing rules and priorities for clean land, air and water require a fundamental understanding of the science behind the real and potential threats to public health and the environment. Unfortunately, many institutions, citizens and groups believe that science has not always played a significant role in the decision-making process at the EPA.

In NRC's 2002 report, it was concluded that, while the use of sound science is one of the Environmental Protection Agency's goals, the EPA needs to change its current structure to allow science to play a more significant role in decisions made by the Administrator.

The legislation we are introducing today looks to address those shortcomings at the EPA by implementing portions of the report that require congressional authorization.

Under our bill, a new position, Deputy Administrator for Science and Technology will be established at the EPA. This individual will oversee the Office of Research and Development; the Environmental Information Agency; the Science Advisory board; the Science Policy Council; and the scientific and technical activities in the regulatory program at the EPA. This new position is equal in rank to the current Deputy Administrator and would report directly to the Administrator. The new Deputy would be responsible for coordinating scientific research and application between the scientific and regulatory arms of the Agency. This will ensure that sound science is the basis for regulatory decisions. The new Deputy's focus on science could also change how environmental decisions are made.

Assistant Administrator for Research and Development, currently the top science job at the EPA, will be appointed for 6 years versus the current 4 years political appointment. Historically, this position is recognized to be one of the EPA's weakest and most transient administrator positions according to NRC's report, even though in my view, the position addresses some of the Agency's more important topics. By lengthening the term of this Assistant Administrator position and removing it from the realm of politics, I believe there will be more continuity in the scientific work of the Agency across administrations and allow the Assistant Administrator to focus on science conducted at the Agency.

In 1997, we learned the problems that can arise when sound science is not used in making regulatory decisions. Following EPA's ozone and particulate matter regulations there was great uncertainty on the scientific side.

When intitally releasing the Ozone/PM regulations, the EPA greatly over estimated the impacts for both ozone and PM, and they had to publicly change their figures later on. Additionally, they selectively applied some study results while ignoring others in their calculations. For example, the majority of the health benefits for ozone are based on one PM study by a Dr. Moogarkar, even though the Agency ignored the PM results of that study because it contradicted their position on PM.

The legislation that Senator CARPER and I are introducing will ensure that science no longer takes a ''back seat'' at the Environmental Protection Agency in terms of policy making. I call on my colleagues to join us in cosponsoring this bill.

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. 2233

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Environmental Research Enhancement Act''.

SEC. 2. ENVIRONMENTAL PROTECTION AGENCY RESEARCH ACTIVITIES.

(a) IN GENERAL.—Section 6 of the Environmental Research, Development, and Demonstration Authorization Act of 1979 (42 U.S.C. 4361c) is amended by adding at the end the following:

''(e) DEPUTY ADMINISTRATOR FOR SCIENCE AND TECHNOLOGY.—

''(1) ESTABLISHMENT.—There is established in the Environmental Protection Agency (referred to in this section as the 'Agency') the position of Deputy Administrator for Science and Technology.

''(2) APPOINTMENT.—

''(A) IN GENERAL.—The Deputy Administrator for Science and Technology shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) CONSIDERATION OF RECOMMENDATIONS.—In making an appointment under subparagraph (A), the President shall consider recommendations submitted by—

''(i) the National Academy of Sciences;

''(ii) the National Academy of Engineering; and

''(iii) the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365).

''(3) RESPONSIBILITIES.—

''(A) OVERSIGHT.—The Deputy Administrator for Science and Technology shall coordinate and oversee—

''(i) the Office of Research and Development of the Agency (referred to in this section as the 'Office');

''(ii) the Office of Environmental Information of the Agency;

''(iii) the Science Advisory Board;

''(iv) the Science Policy Council of the Agency; and

''(v) scientific and technical activities in the regulatory program and regional offices of the Agency.

''(B) OTHER RESPONSIBILITIES.—The Deputy Administrator for Science and Technology shall—

''(i) ensure that the most important scientific issues facing the Agency are identified and defined, including those issues embedded in major policy or regulatory proposals;

''(ii) develop and oversee an Agency-wide strategy to acquire and disseminate necessary scientific information through intramural efforts or through extramural programs involving academia, other government agencies, and the private sector in the United States and in foreign countries;

''(iii) ensure that the complex scientific outreach and communication needs of the Agency are met, including the needs—

''(I) to reach throughout the Agency for credible science in support of regulatory office, regional office, and Agency-wide policy deliberations; and

''(II) to reach out to the broader United States and international scientific community for scientific knowledge that is relevant to Agency policy or regulatory issues;

''(iv) coordinate and oversee scientific quality-assurance and peer-review activities throughout the Agency, including activities in support of the regulatory and regional offices;

''(v) develop processes to ensure that appropriate scientific information is used in decisionmaking at all levels in the Agency; and

''(vi) ensure, and certify to the Administrator of the Agency, that the scientific and technical information used in each Agency regulatory decision and policy is—

''(I) valid;

''(II) appropriately characterized in terms of scientific uncertainty and cross-media issues; and

''(III) appropriately applied.

''(f) ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.—

''(1) TERM OF APPOINTMENT.—Notwithstanding any other provision of law, the Assistant Administrator for Research and Development of the Agency shall be appointed for a term of 6 years.

''(2) APPLICABILITY.—Paragraph (1) applies to each appointment that is made on or after the date of enactment of this subsection.

''(g) SENIOR RESEARCH APPOINTMENTS IN OFFICE OF RESEARCH AND DEVELOPMENT LABORATORIES.—

''(1) ESTABLISHMENT.—The head of the Office, in consultation with the Science Advisory Board and the Board of Scientific Counselors of the Office, shall establish a program to recruit and appoint to the laboratories of the Office senior researchers who have made distinguished achievements in environmental research.

''(2) AWARDS.—

''(A) IN GENERAL.—The head of the Office shall make awards to the senior researchers appointed under paragraph (1)—

''(i) to support research in areas that are rapidly advancing and are related to the mission of the Agency; and

''(ii) to train junior researchers who demonstrate exceptional promise to conduct research in such areas.

''(B) SELECTION PROCEDURES.—The head of the Office shall establish procedures for the selection of the recipients of awards under this paragraph, including procedures for consultation with the Science Advisory Board and the Board of Scientific Counselors of the Office.

''(C) DURATION OF AWARDS.—Awards under this paragraph shall be made for a 5-year period and may be renewed.

''(3) PLACEMENT OF RESEARCHERS.—Each laboratory of the Office shall have not fewer than 1 senior researcher appointed under the program established under paragraph (1).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(h) OTHER ACTIVITIES OF OFFICE OF RESEARCH AND DEVELOPMENT.—

''(1) ACTIVITIES OF THE OFFICE.—The Office shall—

''(A) make a concerted effort to give research managers of the Office a high degree of flexibility and accountability, including empowering the research managers to make decisions at the lowest appropriate management level consistent with the policy of the Agency and the strategic goals and budget priorities of the Office;

''(B) maintain, to the maximum extent practicable, an even balance between core research and problem-driven research;

''(C) develop and implement a structured strategy for encouraging, and acquiring and applying the results of, research conducted or sponsored by other Federal and State agencies, universities, and industry, both in the United States and in foreign countries; and

''(D) substantially improve the documentation and transparency of the decisionmaking processes of the Office for—

''(i) establishing research and technical-assistance priorities;

''(ii) making intramural and extramural assignments; and

''(iii) allocating funds.

''(2) ACTIVITIES OF THE ADMINISTRATOR.—The Administrator of the Agency shall—

''(A) substantially increase the efforts of the Agency—

''(i) to disseminate actively the research products and ongoing projects of the Office;

''(ii) to explain the significance of the research products and projects; and

''(iii) to assist other persons and entities inside and outside the Agency in applying the results of the research products and projects;

''(B)(i) direct the Deputy Administrator for Science and Technology to expand the science inventory of the Agency by conducting, documenting, and publishing a more comprehensive and detailed inventory of all scientific activities conducted by Agency units outside the Office, which inventory should include information such as—

''(I) project goals, milestones, and schedules;

''(II) principal investigators and project managers; and

''(III) allocations of staff and financial resources; and

''(ii) use the results of the inventory to ensure that activities described in clause (i) are properly coordinated through the Agency-wide science planning and budgeting process and are appropriately peer reviewed; and

''(C) change the peer-review policy of the Agency to more strictly separate the management of the development of a work product from the management of the peer review of that work product, thereby ensuring greater independence of peer reviews from the control of program managers, or the potential appearance of control by program managers, throughout the Agency.''.

(b) DEPUTY ADMINISTRATOR FOR POLICY AND MANAGEMENT.—

(1) IN GENERAL.—The position of Deputy Administrator of the Environmental Protection Agency is redesignated as the position of ''Deputy Administrator for Policy and Management of the Environmental Protection Agency''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Deputy Administrator of the Environmental Protection Agency shall be deemed to be a reference to the Deputy Administrator for Policy and Management of the Environmental Protection Agency.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Administrator of the Environmental Protection Agency and inserting the following:

''Deputy Administrator for Policy and Management of the Environmental Protection Agency.

''Deputy Administrator for Science and Technology of the Environmental Protection Agency.''.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. REED, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, Mr. BINGAMAN, Mr. GRAHAM of Florida, Mr. REID, and Mr. DODD):

S. 2234. A bill to amend title XVIII of the Social Security Act to ensure that prescription drug card sponsors pass along discounts to beneficiaries under the medicare prescription drug discount card and transitional assistance program; to the Committee on Finance.

Mr. DASCHLE. Mr. President, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 created a temporary drug discount card program. We expect that program to go into effect this summer. Under the new law, it is the only prescription drug assistance seniors will see until 2006. And it isn't much. This program has a lot of problems and I am very skeptical that it will provide meaningful assistance to most beneficiaries.

Today, the administration announced which private companies have been selected to receive beneficiary enrollment fees and provide the cards to beneficiaries. The applicants included

big pharmaceutical companies, pharmaceutical benefit managers, and HMOs. And the list of approved companies is a who's who of the insurance industry.

One of the most glaring problems with the program is that the Medicare legislation fails to ensure that these private companies pass along the discounts they negotiate to beneficiaries. Today, I am introducing legislation to remedy that failure. My bill would require card sponsors to pass at least 90 percent of the discounts along to beneficiaries. It seems like common sense, but, true to form, the Republican Medicare bill allows the private companies to keep the discounts as profits. And the administration's regulations only require that they pass along a ''share'' of the discounts they negotiate. Well, I think that's giving them too much leeway.

The administration is promising seniors discounts in order to convince them to pay private companies a $30 fee. My bill would ensure that these private companies pass the discounts along to those seniors. It's only fair. The sponsors will still have plenty of room for benefitting from participating in the program—they get the $30 enrollment fee and they will be able to retain up to 10 percent of the negotiated price concessions.

Despite all the hoopla, the cards themselves are nothing new. Some low-income beneficiaries will see $600 in assistance on their cards, and that is real help. Unfortunately, the process for gaining access to that money is so cumbersome, I worry that many will not get it. And I have serious doubts about whether the cards will add any other meaningful assistance. The General Accounting Office has found that similar cards now available on the market offer discounts on average of less than 10 percent—that's about what seniors could save by comparison shopping at local pharmacies.

Worse, under the Medicare drug program, seniors will only be able to use one Medicare-endorsed card. Before the program, people could use as many cards as they wanted and compare discounts. And the real kicker is that once seniors pay a fee to participate, they're locked into that card for a year. But the card sponsor isn't locked into anything. It can change everything whenever it wants—even the amount of the discount or whether a discount is offered on a particular drug.

And here's the worst part, this drug card program may already be harming all American drug consumers. As the Wall Street Journal noted just yesterday, recent drug price increases are eroding even the meager savings the administration predicts. What's more, all Americans are already paying higher drug prices. According to the Wall Street Journal, since the Bush administration proposed a Medicare drug card in 2001, the prices of many drugs the elderly use have ''surged.'' For example, the article notes that since that time, the price of Lescol, a cholesterol drug, has increased by more than a third. Similarly, the price for Celebrex, a popular drug for arthritis pain, has risen 23 percent since the administration proposed the cards.

The administration is claiming the discount cards will result in beneficiary savings of between 10 and 25 percent. But the pharmaceutical industry's price hikes negate what little savings the administration optimistically predicts. Unfortunately, the discount cards are just one example of the new law's failure to address drug prices. The Boston University School of Public Health recently found that the new Medicare law could lead to an additional $139 billion in profits for the drug companies. The new law actually prohibits Medicare from using its negotiating power to obtain lower drug prices for seniors. And the reimportation provisions are meaningless. We know from experience that seniors can save much more than 10 to 25 percent by getting their drugs from Canada.

As Families USA points out on its website, the drug cards actually create an incentive for the drug companies to raise their prices: ''Neither the new law nor the regulations specify the 'base prices' to which discounts will be applied. Any discount will be meaningless if the base price is undefined—especially if the base price continues to rise very substantially. It would be like a department store marking up prices on products so that it can later offer them 'on sale' at tremendous 'savings.'''

The bill I am introducing addresses only one flaw in a program riddled with problems. I feel that it is a critical step. At the very least, we should ensure that if this program does offer some sort of price concession, that Medicare beneficiaries—not private companies like HMOs—are the ones to profit from the results.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

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

S. 2234

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug Discount Card Improvement Act of 2004''.

SEC. 2. ENSURING THAT PRESCRIPTION DRUG CARD SPONSORS PASS ALONG DISCOUNTS TO BENEFICIARIES.

(a) IN GENERAL.—Section 1860D–31(e)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395w–141(e)(1)(A)(ii)), as added by section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071), is amended by striking ''take into account'' and inserting ''reflect at least 90 percent of all''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066).

By Mr. HOLLINGS:

S. 2235. A bill to rename the Department of Commerce as the Department of Trade and Commerce and transfer the Office of the United States Trade Representative into the Department, to consolidate and enhance statutory authority to protect American jobs from unfair international competition, and for other purposes; to the Committee on Finance.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that a copy of an article I wrote for the Washington Post Outlook section be printed and that the text of the bill be printed in the RECORD.

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

S. 2235

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Workforce Protection Act''.

SEC. 2. COMMERCE DEPARTMENT RENAMED AS DEPARTMENT OF TRADE AND COMMERCE.

(a) IN GENERAL.—The Department of Commerce is hereby redesignated the Department of Trade and Commerce, and the Secretary of Commerce or any other official of the Department of Commerce is hereby redesignated the Secretary or official, as appropriate, of Trade and Commerce.

(b) REFERENCE TO DEPARTMENT, SECRETARY, ETC. OF COMMERCE DEEMED REFERENCE TO DEPARTMENT, SECRETARY, ETC. OF TRADE AND COMMERCE.—Any reference to the Department of Commerce, the Secretary of Commerce, or any other official of the Department of Commerce in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Trade and Commerce or the Secretary of Trade and Commerce, respectively.

SEC. 3. TRANSFER OF THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE TO WITHIN THE DEPARTMENT OF COMMERCE AND TRADE.

Section 141(a) of the Trade Act of 1974 (19 U.S.C. 2171(a)) is amended by striking ''Executive Office of the President'' and inserting ''Department of Trade and Commerce''.

SEC. 4. TERMINATION OF DEFERRAL TO ELIMINATE TAX BENEFITS FOR OFFSHORE PRODUCTION.

(a) GENERAL RULE.—Paragraph (1) of section 951(a) of the Internal Revenue Code of 1986 (relating to amounts included in gross income of United States shareholders) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (A)(iii);

(2) by striking ''959(a)(2).'' in subparagraph (B) and inserting ''959(a)(2); and''; and

(3) by adding at the end thereof the following:

''(C) the amount determined under section 956A with respect to such shareholder for such year (but only to the extent not excluded from gross income under section 959(a)(3)).''.

(b) AMOUNT OF INCLUSION.—Subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 956 the following new section:

''SEC. 956A. EARNINGS OF CONTROLLED FOREIGN CORPORATIONS.

''(a) GENERAL RULE.—In the case of any controlled foreign corporation, the amount

determined under this section with respect to any United States shareholder for any taxable year is the lesser of—

''(1) the excess (if any) of—

''(A) such shareholder's pro rata share of the amount of the controlled foreign corporation's assets for such taxable year, over

''(B) the amount of earnings and profits described in section 959(c)(1)(B) with respect to such shareholder, or

''(2) such shareholder's pro rata share of the applicable earnings of such controlled foreign corporation determined after the application of section 951(a)(1)(B).

''(b) APPLICABLE EARNINGS.—For purposes of this section, the term 'applicable earnings' means, with respect to any controlled foreign corporation, the sum of—

''(1) the amount referred to in section 316(a)(1) to the extent such amount was accumulated in taxable years beginning after February 29, 2004, and

''(2) the amount referred to in section 316(a)(2),

reduced by distributions made during the taxable year and reduced by the earnings and profits described in section 959(c)(1) to the extent that the earnings and profits so described were accumulated in taxable years beginning after February 29, 2004.

''(c) SPECIAL RULE WHERE CORPORATION CEASES TO BE CONTROLLED FOREIGN CORPORATION DURING TAXABLE YEAR.—If any foreign corporation ceases to be a controlled foreign corporation during any taxable year—

''(1) the determination of any United States shareholder's pro rata share shall be made on the basis of stock owned (within the meaning of section 958(a)) by such shareholder on the last day during the taxable year on which the foreign corporation is a controlled foreign corporation,

''(2) the amount of such corporation's assets for such taxable year shall be determined by only taking into account quarters ending on or before such last day, and

''(3) in determining applicable earnings, the amount taken into account by reason of being described in paragraph (2) of section 316(a) shall be the portion of the amount so described which is allocable (on a pro rata basis) to the part of such year during which the corporation is a controlled foreign corporation.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the avoidance of the provisions of this section through reorganizations or otherwise.''.

(c) PREVIOUSLY TAXED INCOME RULES.—

(1) IN GENERAL.—Subsection (a) of section 959 of the Internal Revenue Code of 1986 (relating to exclusion from gross income of previously taxed earnings and profits) is amended by striking ''or'' at the end of paragraph (1), by adding ''or'' at the end of paragraph (2), and by inserting after paragraph (2) the following:

''(3) such amounts would, but for this subsection, be included under section 951(a)(1)(C) in the gross income of,''.

(2) ALLOCATION RULES.—

(A) Subsection (a) of section 959 of the Internal Revenue Code of 1986 is amended by striking ''paragraph (2)'' in the last sentence and inserting ''paragraphs (2) and (3)''.

(B) Section 959(f) of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—For purposes of this section—

''(A) amounts that would be included under subparagraph (B) of section 951(a)(1) (determined without regard to this section) shall be treated as attributable first to earnings described in subsection (c)(2), and then to earnings described in subsection (c)(3), and

''(B) amounts that would be included under subparagraph (C) of section 951(a)(1) (determined without regard to this section) shall be treated as attributable first to earnings described in subsection (c)(2) to the extent the earnings so described were accumulated in taxable years beginning after February 29, 2004, and then to earnings described in subsection (c)(3).''; and

(ii) by striking ''section 951(a)(1)(B)'' in paragraph (2) and inserting ''subparagraphs (B) and (C) of section 951(a)(1)''.

(3) CONFORMING AMENDMENT.—Subsection (b) of section 989 of the Internal Revenue Code of 1986 is amended by striking ''section 951(a)(1)(B)'' and inserting ''subparagraph (B) or (C) of section 951(a)(1)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after February 29, 2004, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

(e) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury shall, within 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate, a draft of any technical and conforming changes in the Internal Revenue Code of 1986 that are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this section.

SEC. 5. DISALLOWANCE OF DEDUCTIONS FOR CERTAIN OFFSHORE ROYALTY PAYMENTS.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''SEC. 280I. CERTAIN OFFSHORE ROYALTY PAYMENTS.

''(a) IN GENERAL.—In the case of a corporation, no deduction shall be allowed for the payment of a royalty to an affiliated entity organized and operated outside the United States in exchange for the use of rights to a copyrighted or trademarked product if those rights were transferred by the corporation or a related party to that entity.

''(b) EXCEPTION.—Subsection (a) does not apply to the payment of a royalty if the taxpayer establishes, to the satisfaction of the Secretary, that—

''(1) the transfer of the rights to the entity was for a sound business reason (other than the reduction of liability for tax under this chapter); and

''(2) the amounts paid or incurred for such royalty payments are reasonable under the circumstances.''.

(b) CLERICAL AMENDMENT.—The part analysis for such part is amended by adding at the end the following:

''280I. Certain offshore royalty payments.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2003.

SEC. 6. INCREASE IN AUTHORITY OF THE INTERNAL REVENUE SERVICE TO THWART USE OF TAX HAVENS BY CORPORATIONS.

(a) IN GENERAL.—Subchapter B of chapter 78 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''SEC. 7625. AUTHORITY TO FRUSTRATE USE OF CORPORATE TAX HAVENS.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to deny any otherwise allowable deduction or credit under chapter 1,

''(2) to recharacterize, reallocate, and resource income,

''(3) to recharacterize transactions, and

''(4) to disregard any transaction, trust, or other legal entity,

determined by the Secretary to be necessary to prevent the use by a corporation of a tax haven to avoid liability for tax under this chapter.

''(b) TAX HAVEN DEFINED.—In this section, the term 'tax haven' means any country that meets the tax haven criteria established by the Organization for Economic Co-operation and Development.''.

(b) CONFORMING AMENDMENT.—The subchapter analysis for subchapter B of chapter 78 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''6725. Authority to frustrate use of corporate tax havens''.

SEC. 7. ASSISTANT ATTORNEY GENERAL FOR TRADE.

(a) POSITION ESTABLISHED.—The Attorney General shall appoint an Assistant Attorney General for Trade.

(b) DUTIES.—The Assistant Attorney General for Trade shall—

(1) investigate anticompetitive conduct by foreign companies that has an adverse impact on the economy of the United States (including manufacturing, agriculture, and employment) or the global competitiveness of United States companies;

(2) investigate violations of international trade agreements to which the United States is a party that have an adverse impact on the economy of the United States (including manufacturing, agriculture, and employment) or the global competitiveness of United States companies and take appropriate action to seek redress or punishment for those violations; and

(3) investigate and initiate appropriate action against other activities throughout the world that have an adverse impact on the economy of the United States (including manufacturing, agriculture, and employment) or the global competitiveness of United States companies.

(c) AUTHORITY IS IN ADDITION TO OTHER AUTHORITIES.—The authority granted to the Assistant Attorney General for Trade by this section is in addition to, and not in derogation or in lieu of, any authority provided by law to any other officer or agency of the United States charged with enforcement of the trade laws of the United States or of international agreements to which the United States is a party.

(d) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by striking ''(10)'' in the item relating to Assistant Attorney General and inserting ''(11)''.

SEC. 8. EMPLOYMENT OF ADDITIONAL CUSTOMS INSPECTORS FOR ILLEGAL TRANSSHIPMENTS OF TEXTILES.

The Secretary of Homeland Security shall hire, train, and deploy 1,000 customs agents in addition to the number of customs agents otherwise authorized by law or otherwise employed by the Department of Homeland Security for the purpose of detecting and preventing illegal transshipments of textiles to avoid textile import quotas and in violation of trade agreements to which the United States is a party.

SEC. 9. INCREASED DOMESTIC PRODUCTION OF NATIONAL DEFENSE CRITICAL GOODS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of Homeland Security, and the Administrator of the Small Business Administration shall develop a program to encourage and support increased domestic production of goods and products that are essential or critical to national security in order to decrease the United States' dependence upon imports of such goods and products.

(b) SUPPORT PROGRAM.—The Secretary of Commerce shall implement the program developed under subsection (a) to the maximum extent feasible through existing programs, including programs administered by the Small Business Administration. The Secretary shall transmit to the Congress a report, within 18 months after the date of enactment of this Act, describing the program and making such recommendations, including legislative recommendations, as the Secretary deems necessary for expanding the scope or improving the efficacy of the program. The Secretary may submit the report in both classified and redacted form.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out the program.

SEC. 10. SENSE OF THE SENATE CONCERNING APPROPRIATIONS FOR CERTAIN PROGRAMS.

It is the sense of the Senate that the Congress should appropriate the full amount authorized by law to carry out the Regional Centers for the Transfer of Manufacturing Technology program under section 25 of the National Institute of Standards and Technology Act (15 U.S. C. 278k) and the Advanced Technology Program authorized by section 28 of that Act (15 U.S. C. 278n).

SEC. 11. TRANSFER OF INTERNATIONAL TRADE COMMISSION FUNCTIONS.

(a) ABOLISHMENT OF ITC.—Effective on the first day of the seventh month beginning after the date of enactment of this Act, the United States International Trade Commission established by section 330 of the Tariff Act of 1930 (19 U.S.C. 1330) as in effect on the last day of the sixth month beginning after the date of enactment of this Act is abolished.

(b) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this Act, all functions that on the last day of the sixth month beginning after the date of enactment of this Act are authorized to be performed by the United States International Trade Commission are transferred to the Department of Commerce effective on the first day of the seventh month beginning after the date of enactment of this Act and shall be performed by the Assistant Secretary of Commerce for Import Administration.

(c) DETERMINATION OF CERTAIN FUNCTIONS.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under this section.

SEC. 12. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary of Commerce, shall make such determinations as may be necessary with regard to the functions, offices, or portions thereof transferred by this Act, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, or portions thereof, as may be necessary to carry out this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and, in consultation with the Administrator, for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

[From the Washington Post, March 21, 2004]

PROTECTIONISM HAPPENS TO BE CONGRESS'S JOB

(By Ernest F. Hollings)

Free trade is like world peace—you can't get there by whining about it. You must be willing to fight for it. And the entity to fight for free trade is the U.S. Congress.

Instead, Congress—whose members are shouting ''fair trade'' and ''level the playing field''—is the very group tilting the playing field when it comes to trade.

By piling items onto the cost of doing business here, Congress has helped end the positive trade balance that the United States ran right up until the early 1980s. Over the past 40 years, the minimum wage went up, the Environmental Protection Agency was established, and the Occupational Safety and Health Administration was set up. Lawmakers added the Equal Pay Act, the Age Discrimination in Employment Act and the Employment Retirement Income Security Act. Then came the sharp increase in payroll taxes for Social Security in 1983, measures requiring plant closing notice and parental leave, and the Americans With Disabilities Act. Health costs increased, too, making it $500 a car cheaper in health costs alone for General Motors to make Pontiacs in Canada. All this helped give us a trade deficit that hit a record $43.1 billion in January alone.

Even if wages were equalized, it would still pay for U.S. companies to move operations to places such as China, which requires none of these aspects of America's high standard of living. Recently, columnist George Will wrote: ''The export of jobs frees U.S. workers for tasks where America has a comparative advantage.'' But in global competition, what matters is not the comparative advantage of our ability so much as the comparative disadvantage of our living standard.

To really level the playing field in trade would require lowering our living standard, which is not going to happen. We value our clean air and water, our safe factories and machinery, and our rights and benefits. Both Republicans and Democrats overwhelmingly support this living standard and many are prepared to raise its. The only course possible, then, is to protect the standard.

To talk in these terms raises cries of ''protectionism.'' But the business of government is protection. The oath of the public servant is ''to preserve, protect and defend.'' We have the Army to protect us from enemies without and the FBI to protect us from enemies within. We have Medicare and Medicaid to protect us from ill health, and Social Security to protect us from poverty in old age. We have the Securities and Exchange Commission to protect us from stock fraud; banking laws to protect us from usurpers; truth in lending laws to protect us from charlatans.

When it comes to trade, however, multinational corporations contend that we do not need to protect, but to educate and to improve skills; productivity is the problem, they say. But the United States is the most productive industrial nation in the world, with skills galore. BMW is producing better-quality cars in South Carolina than in Munich. There are other obstacles that need addressing. For 50 years we have tried to penetrate the Japanese market, but have barely done so. To sell textiles in Korea, U.S. firms must first obtain permission from the private Korean textile industry. If you want to sell in China, it's a lot easier if you produce in China.

''But we will start a trade war,'' is the cry. Wake up! We have been in a trade for more than 200 years. And it's the United States that started it! Just after the colonies won their freedom, the mother country suggested that the United States trade what we produced best and, in exchange, Britain would trade back with what it produced best—as economist David Ricardo later described in this theory of ''comparative advantage.'' Alexander Hamilton, in his famous ''Report on Manufactures,'' told the Brits, in so many words, to bug off. He said, we are not going to remain your colony shipping you our natural resources—rice, cotton, indigo, timber, iron or—and importing your manufactured products. We are going to build our own manufacturing capacity.

The second bill ever adopted by Congress, on July 4, 1789, was a 50 percent tariff on numerous articles. This policy of protectionism, endorsed by James Madison and Thomas Jefferson, continued under President Lincoln when he launched America's steel industry by refusing to import from England the steel for the Transcontinental Railroad. President Franklin Roosevelt protected agriculture, President Eisenhower protected oil and President Kennedy protected textiles. This economic and industrial giant, the United States, was built on protectionism and, for more than a century, financed it with tariffs. And it worked.

The Washington mantra of ''retrain, retrain'' comes up short. For example, Oneita Industries closed its T-shirt plant in Andrews, SC, back in 1999. The plant had 487 employees averaging 47 years of age. Let's assume they were ''retrained'' and became 487 skilled computer operators. Who is going to hire a 47-year-old operator over a 21-year-old operator? No one is going to take on the retirement and health costs of the 47-year-old. Moreover, that computer job probably just left for Bangalore, India.

In global competition there is a clash between standards of living. I supported free trade with Canada because we have relatively the same standard of living. But I opposed free trade with Mexico, and therefore voted against the North American Free Trade Agreement (NAFTA), preferring to raise the standards in Mexico, as Europe did with Portugal, Spain and Greece before admitting them to Europe's common market. To be eligible for a tree trade agreement you should first have a free market, labor rights, ownership of property, contract rights of appeal and a respected judiciary. Mexico lacked these, and after NAFTA there was an immediate flow of jobs out of the United States because of Mexico's lesser standards. Australia, on the other hand, has labor rights, environmental rights and an open market, so the trade agreement reached with Australia this month should be approved.

We must engage in competitive trade. To eliminate a barrier, raise a barrier. Then eliminate them both.

Our trouble is that we have treated trade as aid. After World War II, we were the only country with industry, and in order to prosper we needed to spread prosperity. Through the Marshall Plan, we sent money, equipment and expertise to Europe and the Pacific Rim. And it worked. Capitalism defeated communism in the Cold War. Our hope in crying ''free trade'' was that markets would remain open for our exports. But our cries went unheeded, and now our Nation's security is in jeopardy.

National security is like a three-legged stool. The first leg—values—is solid. Our stand for freedom and democracy is respected around the world. The second leg of military strength is unquestioned. But the third leg, economic leg, is fractured and needs repair. We are losing jobs faster than we can create them. Some time ago the late Akio Morita, founder of Sony Corp., was lecturing leaders of third-world countries, admonishing them to develop their manufacturing capacity to become nation states. Then, pointing at me in the audience, he stated, ''That world power that loses its manufacturing capacity will cease to be a world power.''

What should we do? First, we need to stop financing the elimination of jobs. Tax benefits for offshore production must end. Royalty deductions allowed for offshore activities must be eliminated, and tax havens for corporations must be closed down.

Next, we need an assistant attorney general to enforce our trade laws and agreements. At present, enforcement is largely left to an injured party. It can take years to jump over legal hurdles. Then at the end, based on national security, the president can refuse to implement a court order. Rather than waste time and money, corporate America has moved offshore.

We need to organize government to produce and protect jobs, rather than export them. The Commerce Department recently co-sponsored a New York seminar, part of which advised companies on how to move jobs offshore. This aid for exporting jobs must stop. The Department of Commerce should be reconstituted as a Department of Trade and Commerce, with the secretary as czar over the U.S. trade representative. The department's International Trade Administration should determine not only whether goods have been dumped on the U.S. market, but how big the ''injury'' is to U.S. industry. The International Trade Commission should be eliminated.

While it is illegal to sell foreign-made goods below cost in the U.S. market (a practice called dumping), we refuse to enforce such violations. The Treasury Department reports $2 billion worth of illegal transshipments of textiles into the United States each year. Customs agents charged with drug enforcement and homeland security are hard-pressed to stop these transshipments. We need at lead at 1,000 additional Customs agents.

It won't be easy. A culture of free trade has developed. The big banks that make most of their money outside the country, as well as the Business Roundtable, the Conference Board, the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Retail Federation (whose members make bigger profits on imported articles) and the editorial writers of newspapers that make most of their profits from retail ads—all these descend on Washington promoting ''free trade'' to members of Congress. Members looking for contributions shout the loudest.

Not just jobs, but also the middle class and the strength of our very democracy are in jeopardy. As Lincoln said, ''The dogmas of the quiet past, are inadequate to the stormy present. . . . As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.''

Today's dogma is the belief that protectionism will mean trade war and economic stagnation. But we are already in a trade war, one from which the president and the Congress are AWOL.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2237. A bill to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, the advent of the digital age promises the efficient distribution of music, films, books, and software on the Internet, and an easily-accessed, unprecedented variety of content online. Unfortunately, to see this promise realized, we must overcome some of the challenges presented by digital content distribution. Today I am pleased that Senator HATCH is joining me in sponsoring the ''Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004,'' which will respond to one such challenge. It will bring the resources and expertise of the United States Attorneys' Offices to bear on wholesale copyright infringers.

The very ease of duplication and distribution that is the hallmark of digital content has meant that piracy of that content is just as easy. The very real—and often realized—threat that creative works will simply be duplicated and distributed freely online has restricted, rather than enhanced, the amount and variety of creative works one can receive over the Internet. Part of combating piracy includes offering a legal alternative to it. Another important part is enforcing the rights of copyright owners. Senator HATCH and I have been working with artists, authors, and software developers to create an environment in which copyright is protected, so that we can all enjoy American creativity, and so that copyright owners can be paid for their work.

For too long, Federal prosecutors have been hindered in their pursuit of pirates, by the fact that they were limited to bringing criminal charges with high burdens of proof. In the world of copyright, a criminal charge is unusually difficult to prove because the defendant must have known that his conduct was illegal and he must have willfully engaged in the conduct anyway. For this reason prosecutors can rarely justify bringing criminal charges, and copyright owners have been left alone to fend for themselves, defending their rights only where they can afford to do so. In a world in which a computer and an Internet connection are all the tools you need to engage in massive piracy, this is an intolerable predicament.

Some steps have already been taken. The Allen-Leahy Amendment to the Foreign Operations Appropriations Bill, on Combating Piracy of U.S. Intellectual Property in Foreign Countries, provided $2.5 million for the Department of State to assist foreign countries in combating piracy of U.S. copyright works. By providing equipment and training to law enforcement officers, it will help those countries that are not members of OECD (Organization for Economic Cooperation & Development) to enforce intellectual property protections.

The PIRATE Act will give the Attorney General civil enforcement authority for copyright infringement. It also calls on the Justice Department to initiate training and pilot programs to ensure that Federal prosecutors across the country are aware of the many difficult technical and strategic problems posed by enforcing copyright law in the digital age.

This new authority does not supplant either the criminal provisions of the Copyright Act, or the remedies available to the copyright owner in a private suit. Rather, it allows the government to bring its resources to bear on this immense problem, and to ensure that more creative works are made available online, that those works are more affordable, and that the people who work to bring them to us are paid for their efforts.

The challenges presented by digital content are multifaceted, and no single response will resolve all of them. We must, and we will, offer a broad array of solutions that taken together will help ensure the protection of intellectual property, encourage the deployment of digital content, and allow technology to develop unimpeded. This bill is just one step in this process. I am working with colleagues, members of the private sector, and officials from the Executive Branch, to craft careful and effective responses to other such challenges in the intellectual property arenas.

I hope that my colleagues support the ''Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004,'' and I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2237

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Intellectual Rights Against Theft and Expropriation Act of 2004''.

SEC. 2. AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

''§ 506a. Civil penalties for violations of section 506

''(a) IN GENERAL.—The Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3663(a)(1)(B) of title 18 and restitution to the copyright owner aggrieved by the conduct.

''(b) OTHER REMEDIES.—

''(1) IN GENERAL.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law or administrative remedy, which is available by law to the United States or any other person;

''(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section.''.

(b) DAMAGES AND PROFITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) by inserting '', or the Attorney General in a civil action,'' after ''The copyright owner''; and

(ii) by striking ''him or her'' and inserting ''the copyright owner''; and

(B) in the second sentence by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''; and

(B) in paragraph (2), by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

''506a. Civil penalties for violation of section 506.''.

SEC. 3. AUTHORIZATION OF FUNDING FOR TRAINING AND PILOT PROGRAM.

(a) TRAINING AND PILOT PROGRAM.—Not later than 180 days after enactment of this Act, the Attorney General shall develop a program to ensure effective implementation and use of the authority for civil enforcement of the copyright laws by—

(1) establishing training programs, including practical training and written materials, for qualified personnel from the Department of Justice and United States Attorneys Offices to educate and inform such personnel about—

(A) resource information on intellectual property and the legal framework established both to protect and encourage creative works as well as legitimate uses of information and rights under the first amendment of the United States Constitution;

(B) the technological challenges to protecting digital copyrighted works from online piracy;

(C) guidance on and support for bringing copyright enforcement actions against persons engaging in infringing conduct, including model charging documents and related litigation materials;

(D) strategic issues in copyright enforcement actions, including whether to proceed in a criminal or a civil action;

(E) how to employ and leverage the expertise of technical experts in computer forensics;

(F) the collection and preservation of electronic data in a forensically sound manner for use in court proceedings;

(G) the role of the victim copyright owner in providing relevant information for enforcement actions and in the computation of damages; and

(H) the appropriate use of injunctions, impoundment, forfeiture, and related authorities in copyright law;

(2) designating personnel from at least 4 United States Attorneys Offices to participate in a pilot program designed to implement the civil enforcement authority of the Attorney General under section 506a of title 17, United States Code, as added by this Act; and

(3) reporting to Congress annually on—

(A) the use of the civil enforcement authority of the Attorney General under section 506a of title 17, United States Code, as added by this Act; and

(B) the progress made in implementing the training and pilot programs described under paragraphs (1) and (2) of this subsection.

(b) ANNUAL REPORT.—The report under subsection (a)(3) may be included in the annual performance report of the Department of Justice and shall include—

(1) with respect to civil actions filed under section 506a of title 17, United States Code, as added by this Act—

(A) the number of investigative matters received by the Department of Justice and United States Attorneys Offices;

(B) the number of defendants involved in those matters;

(C) the number of civil actions filed and the number of defendants involved;

(D) the number of civil actions resolved or terminated;

(E) the number of defendants involved in those civil actions;

(F) the disposition of those civil actions, including whether the civil actions were settled, dismissed, or resolved after a trial;

(G) the dollar value of any civil penalty imposed and the amount remitted to any copyright owner; and

(H) other information that the Attorney General may consider relevant to inform Congress on the effective use of the civil enforcement authority;

(2) a description of the training program and the number of personnel who participated in the program; and

(3) the locations of the United States Attorneys Offices designated to participate in the pilot program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2005 to carry out this section.

Mr. HATCH. Mr. President, I rise to join Senator LEAHY in sponsoring the Protecting Intellectual Rights Against Theft and Expropriation Act—the ''PIRATE Act''—a measure that will provide the Department of Justice with tools to combat the rampant copyright piracy facilitated by peer-to-peer filesharing software.

Let me underscore at the outset that our bill does not expand the scope of the existing powers of the Department of Justice to prosecute persons who infringe copyrights. Instead, our proposal will assist the Department in exercising existing enforcement powers through a civil enforcement mechanism. After considerable study, we have concluded that this is the most appropriate mechanism.

Peer-to-peer file sharing software has created a dilemma for law-enforcement agencies. Millions of otherwise law-abiding American citizens are using this software to create and redistribute infringing copies of popular music, movies, computer games and software.

Some who copy these works do not fully understand the illegality, or perhaps the serious consequences, of their infringing activities. This group of filesharers should not be the focus of federal law-enforcement efforts. Quite frankly, the distributors of most filesharing software have failed to adequately educate the children and young people who use their software about its legal and illegal uses.

A second group of filesharers consists of those who copy and redistribute copyrighted works even though they do know that doing so violates federal law. In many cases, these are college students or young people who think that they will not get caught. Many of these filesharers are engaging in acts that could now subject them to federal criminal prosecution for copyright piracy.

It is critical that we bring the moral force of the government to bear against those who knowingly violate the federal copyrights enshrined in our Constitution. But many of us remain concerned that using criminal law enforcement remedies to act against these infringers could have an overly-harsh effect, perhaps, for example, putting thousands of otherwise law-abiding teenagers and college students in jail and branding them with the lifelong stigma of a felony criminal conviction.

The bill I join Senator LEAHY in sponsoring today will allow the Department of Justice to supplement its existing criminal-enforcement powers through the new civil-enforcement mechanism. As a result, the Department will be able to impose stiff penalties for violating copyrights, but can avoid criminal action when warranted.

In advancing this measure, I must note that I view this civil-enforcement authority as another tool, hopefully a transitional tool at that. In the long run, I believe that we must find better mechanisms to ensure that our most vulnerable citizens—our children—are not being constantly tempted to infringe the copyrights that have made America a world leader in the production of creative works.

Only recently has America faced the specter of widespread copyright-enforcement actions against individual users of copyrighted works. For nearly 200 years, copyright enforcement was rarely directed against the millions of ordinary American citizens who use and enjoy copyrighted works. Instead, creators and distributors of copyrighted content worked together to negotiate the complex licensing agreements and technological protections needed to distribute copyrighted works in ways that accommodated both the expectations of users and the copyrights of artists.

But recently, some unscrupulous corporations may have exploited new technologies and discovered that the narrow scope of civil contributory liability for copyright infringement can be utilized so that ordinary consumers and children become, in effect, ''human shields'' against copyright owners and law enforcement agencies. Unscrupulous corporations could distribute to children and students a ''piracy machine'' designed to tempt them to engage in copyright piracy or pornography distribution.

Unfortuantely, piracy and pornography could then become the cornerstones of a ''business model.'' At first, children and students would be tempted to infringe copyrights or redistribute pornography. Their illicit activities then generate huge advertising revenues for the architects of piracy. Those children and students then become ''human shields'' against enforcement efforts that would disrupt the flow of those revenues. Later, large user-bases and the threat of more piracy would become levers to force American artists to enter licensing agreements in which they pay the architects of piracy to distribute and protect their works on the Internet.

Federal enforcement action is surely warranted if such ''business models''

are driving the increasing ease of piracy on peer-to-peer filesharing networks. Such business models exploit children, cheat artists, and threaten the future development of commerce on the Internet.

Indeed, our government recognizes that its enforcement powers are appropriate when protecting intellectual property and public safety. Recently, in a speech to the United States Chamber of Commerce, Deputy Attorney General James B. Comey, Jr. asserted that the Department of Justice should assist private enforcement of intellectual property rights if any of three criteria are met: (1) the level of piracy becomes particularly egregious; (2) public health and safety are put at risk; or (3) private civil remedies fail to adequately deter illegal conduct.

In the case of peer-to-peer filesharing, all three criteria may be met. The level of piracy on these networks is not merely egregious, it is unprecedented. Public health and safety are also directly threatened by business models that tempt children toward piracy and pornography and then use them as ''human shields'' against law enforcement.

Finally, the recording industry and other affected rights holders have tried—so far largely unsuccessfully—to use civil remedies to halt the operations of those who would profit by turning teenagers and college students into copyright pirates or pornography distributors.

As a result, our creative industries' only remaining option to deter piracy is to bring enough civil enforcement actions against users of filesharing software. Tens of thousands of continuing civil enforcement actions might be needed to generate the necessary deterrence. I doubt that any nongovernmental organization has the resources or moral authority to pursue such a campaign.

If enforcement actions against endusers were really the best or only way to enforce copyrights on the Internet, then civil enforcement authority would be necessary. But there may be other ways to combat this piracy at the root, not at the branch. I thus invite the Department of Justice and other federal law enforcement agencies to work with me, Senator LEAHY and other members of the Judiciary Committee to determine how the enforcement powers of the federal government can best be deployed to solve the problems arising from piracy and pornography on peer-to-peer filesharing networks.

I also understand that others may be developing proposals to increase criminal enforcement authority against piracy, and I hope to work with them on such proposals. Today, I stand with Senator LEAHY to buttress the enforcement of copyrights by enabling the Department of Justice to proceed with a robust program of civil enforcement.

For the reasons I have just delineated, I urge my colleagues to join us in supporting the Protecting Intellectual Rights Against Theft and Expropriation Act.

By Mrs. BOXER:

S. 2240. A bill to improve seaport security; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, at the end of 2002, the Maritime Transportation Security Act became law.

I was a member of the conference committee on that bill, and I think it was a good first step in improving security at our nation's ports.

It had many good provisions, such as the creation of national and regional maritime transportation/port security plans to be approved by the Coast Guard; better coordination of federal, state, local, and private enforcement agencies; and the establishment of a grant program for port authorities, waterfront facilities operators, and state and local agencies to provide security infrastructure improvements.

The problem was that the bill had no guaranteed funding mechanism. As a result, we are underfunding port security. Since the passage of the Maritime Transportation Security Act, the Department of Homeland Security has released $517 million in port security grants. This is not enough. According to the Coast Guard, it is estimated that the ports directly need $1.4 billion this year and $6 billion over the next ten years. Yet, the Administration only requested $46 million in its fiscal year 2005 budget.

Last year, I visited many of California's ports including Crescent City in the north down through Stockton to Los Angeles/Long Beach in the south. I have seen what the ports are confronting. They need more funding for homeland security.

And, with over 40 percent of the nation's goods imported through California's ports, freight rail is extremely important to the nation's commerce. A terrorist attack at a California port would not only be tragic but would be devastating for our nation's economy.

So, today, I am introducing the Senate version of a bill introduced by Representative MILLENDER-MCDONALD. This legislation will provide more funding to the ports. Specifically, it will: create a Port Security Grant Program in the Department of Homeland Security; provide $800 million per year for five years in grant funding; and—this is very important to California's ports—allow the federal government to make multiyear grants to help finance larger projects similar to what is done with many of our airports for aviation security.

I hope that the Senate will act on this bill. Now is not the time to slow down or delay our efforts to increase and improve transportation security. The job is not done, and it must be done.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—EXPRESSING THE SENSE OF THE SENATE RELATING TO THE EXTRAORDINARY CONTRIBUTIONS RESULTING FROM THE HUBBLE SPACE TELESCOPE TO SCIENTIFIC RESEARCH AND EDUCATION, AND TO THE NEED TO RECONSIDER FUTURE SERVICE MISSIONS TO THE HUBBLE SPACE TELESCOPE

Ms. MIKULSKI (for herself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 324

Whereas discoveries from the Hubble Space Telescope have dominated space science news over the last 10 years;

Whereas the Hubble Space Telescope has provided proof of black holes, insights into the birth and death of stars, spectacular views of Comet Shoemaker-Levy 9's collision with Jupiter, the age of the Universe, and evidence that the expansion of the Universe is accelerating;

Whereas the inspiring scientific discoveries from the Hubble Space Telescope reach millions of students each year and have been important in encouraging students to study the sciences;

Whereas the inspiring scientific discoveries from the Hubble Space Telescope reach millions of students each year and have been important in encouraging students to study the sciences;

Whereas the 2000 National Academy of Sciences Decadal Survey endorsed a plan to maintain the Hubble Space Telescope until 2010;

Whereas the Hubble Space Telescope has been the National Aeronautics and Space Administration's most scientifically productive mission, accounting for 35 percent of all National Aeronautics and Space Administration discoveries in the last 20 years;

Whereas the demand for research time on the Hubble Space Telescope in 2003 was approximately 8 times that available;

Whereas approximately $200,000,000 worth of instruments have largely been built, including scientific instruments that would provide significant improvements in Hubble's scientific power and including replacement gyroscopes and batteries, which could keep the telescope in operation until 2011 or 2012 and make the Hubble Space Telescope's final years its most scientifically capable and productive;

Whereas the distinguished panel that studied scientific priorities for ultraviolet and optical astronomy in 2003 considered the continued operation of the Hubble Space Telescope by means of the SM–4 servicing mission to be its highest priority; and

Whereas the American Astronomical Society, the largest professional scientific association for astronomers and astrophysicists, believes a panel of experts should review the decision to limit prematurely the lifespan of the Hubble Space Telescope: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education;

(2) strongly recommends that the Administrator of the National Aeronautics and Space Administration appoint an independent panel of expert scientists and engineers inside and outside of the National Aeronautics