

that are available on the Executive Calendar. I will be talking to the Democratic leader about scheduling these for consideration as well.

### EXECUTIVE SESSION

#### NOMINATION OF HENRY W. SAAD TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

Mr. FRIST. Mr. President, I move to proceed to executive session for the consideration of Executive Calendar No. 705, Henry Saad.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The legislative clerk read the nomination of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

#### CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 705, Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Vice James L. Ryan, Retired.

Bill Frist, Orrin Hatch, Lamar Alexander, Charles Grassley, Mike Crapo, Pete Domenici, Lincoln Chafee, Mitch McConnell, Ted Stevens, George Allen, Lindsey Graham, John Warner, Jeff Sessions, John Ensign, Trent Lott, Jim Talent, Pat Roberts.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business, for debate only, with Senators speaking for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

The Nation's leading gay and lesbian news magazine, the Advocate, reported that in Baton Rouge, LA, Cedric Thomas was shot several times on May 18, 2004, and finally succumbed to death from complications related to those wounds several weeks later.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

### SUBSTITUTE AMENDMENT TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2004

Mr. HOLLINGS. Mr. President, today, I submit an amendment to the National Aeronautics and Space Administration Authorization Act, S.2541, to offer a more pragmatic and sustainable approach to future space exploration, given the uncertainties that now confront the National Aeronautics and Space Administration (NASA).

Put simply, this substitute addresses three fundamental flaws with the approach contained in the underlying bill. Like the underlying bill, the substitute endorses human exploration of the Solar System but places it in context alongside other, equally important, elements of scientific discovery in space. Second, it states that a gap in U.S. human launch capability is unacceptable and requires NASA to accelerate the development of the next crewed launch vehicle. Finally, it authorizes the National Aeronautics and Space Administration, NASA, for one year, fiscal year 2005, and rejects the "go-as-you-pay" approach the Administration wants to employ in planning for human space exploration.

Allow me to discuss this final point first. The underlying bill authorizes NASA at the President's requested level for five years. I took a different approach—if the agency is embarking on a broad new program, it is unlikely that estimates made now will have any fidelity three, four, or five years from now. After all, we were told in this past week—2 months before the new fiscal year will begin—that it will now take at least \$450 million and possibly as much as \$760 million more than was requested to fix the Space Shuttle just in fiscal year 2005. If the administration cannot make accurate budget pre-

dictions from one year to the next in a 20-year old program, I am not confident that we have any idea what a new exploration program will take. The go-as-you-pay approach is reckless and allows us to avoid difficult questions regarding costs, timetables, and reaching a consensus on the future of human space exploration that will generate not only the support of the space and scientific communities, but of the Congress and the American people, too. It's a license to throw fiscal discipline out the window and drag out projects until they never finish.

Under the substitute I am introducing today, fiscal year 2005 will become a year of planning for a new program of human exploration. The substitute authorizes NASA a single year's funding to plan for the decades of exploration ahead and to begin work on new space transportation and robotic solutions. These solutions are the pathfinders that will enable us to use earth's moon as a test-bed for developing and demonstrating the know-how we need to conduct extended operations on another world's surface beginning by the year 2020.

The substitute attempts to put the proposed program of exploration in context. It embraces the principles of exploration and embraces the human exploration of deep space as a core mission of NASA, including the demonstration of the human beings' abilities to explore and inhabit worlds far beyond the earth. It also embraces the ideals of space flight as expressed in 1958, when the original Space Act and NASA were founded, and restates them in a way that makes them relevant for today—with clarity, division of purposes, and the claim that the United States shall have a U.S. space agency whose chief purpose shall be to contribute to life on earth, learn more about the universe and the mysteries of time and space, and provide leadership for our human pursuits in space.

Under the President's plan, NASA will have a 4-year gap in our ability to launch humans into space. The underlying bill calls for a study of the launch gap. My substitute declares it to be a matter of U.S. policy that any prolonged period of a year or more interruption in U.S. crewed space transportation shall cause the administrator of NASA to report and submit to the Congress a request for supplemental appropriations to resolve those circumstances. Since that is exactly the posture we are headed into in the next decade, we require the administrator to make such report and request within 60 days. In addition, my substitute calls on NASA to immediately begin work on the crew exploration vehicle the next human-capable rocket even in the planning year of FY 2005.

In addition to these three main pillars, the substitute calls for several reports to be prepared to lay the foundation for future programs. It calls for a plan of objectives, capabilities, costs, and milestones that will be used to

manage the new program of human exploration.

The substitute requires an independent report on the changes to NASA's safety, operations, engineering, and management cultures to ensure that these changes meet the requirements of the Columbia Accident Investigation Board and the Nation's expectations of the U.S. space program. It requires NASA and the Departments of Defense and Transportation, each of which plays a key role in managing U.S. space transportation, to report on the state of the U.S. launch industry and to propose how the United States can achieve reliable, affordable, and safe space transportation by 2015. I also call for NASA to report on how the NASA and the United States should be organized to best achieve our broad national goals for space, including the role of industry and international collaboration in the future.

In addition, consistent with the Columbia Accident Investigation Board report, we apply its primary recommendation, to establish independent technical and safety controls over human space flight, to all U.S. organizations conducting human flight in space.

Finally, we call for reports on the Hubble Space Telescope, peer-review assessment of NASA's science programs, and grants to institutions of higher education offering advanced programs in aeronautics and aeronautics-related disciplines. While our legislation attends to the primary matter at hand—the future of human space exploration—it does not ignore the importance of having a balanced program and view of the contributions of space and aeronautics to our economy and society.

Mr. President, our mission to demonstrate humanity's future role in space cannot be founded upon goals without solutions, means that are intangible and unknown, and resources tied to timelines that have no definite end-point or objective. Just this morning, the House VA-HUD Appropriations Subcommittee reduced NASA's FY 2005 appropriation by over \$1 billion, which makes it clear there are many doubts about this program and no consensus on how to move ahead.

The Congress must act now to ensure that our bold visions do not take the place of the hard work of planning, budgeting, and executing programs. Let us not pursue the folly of go-as-you-pay, but substitute a reasoned course of "pay and prove"—as-you-go, harnessing the proper capabilities and assigning the necessary resources to the journey of human exploration needed to make it successful, affordable, and safe.

#### IGNORING THE ENVIRONMENT

Mr. LEAHY. Mr. President, while the Senate is using scarce floor time to debate probably the most anti-environmental judicial nominee this body has

seen, it has blocked any attempts to strengthen environmental and public health protections. Sitting on deck are critical bills to help cut harmful air pollutants, combat climate change, clean up toxic waste sites and protect our natural resources and improve our nuclear security.

In fact, the Republican leadership only begrudgingly conceded six hours of floor time for Senators MCCAIN and LIEBERMAN's Climate Stewardship Act after blocking its consideration during the energy debate. Although the scientific and economic evidence of the toll climate change is and will take on this country, the Senate leadership continues to bury its head in the sand.

That is 6 hours total this Congress for the environment.

No time to consider Senator JEFFORDS's Clean Power Act that would finally require power plants to reduce emissions of toxic air pollutants like mercury. No time to consider the Chemical Security Act that would help ensure chemical plants are prepared for terrorist attacks. No time for the Toxic Cleanup Polluter Pays Renewal Act to reinstate fees paid by oil and chemical companies to cleanup waste sites across the country. No time for the Nuclear Infrastructure Security Act to improve security at over 100 nuclear facilities around the country.

Despite bipartisan support, Republican leadership has also blocked consideration of several bills to improve coastal protections. Of course, they also have failed to bring up any of the appropriations bills to fund our national parks, wildlife refuges and national forests or environmental cleanup programs.

Hundreds of thousands of Americans suffer every year from illnesses linked to emissions from power plants. One-fourth of Americans live within four miles of a Superfund waste site. Shouldn't the Senate be spending time finding solutions to these issues instead of debating a judicial nominee who wants to dismantle many of environmental protections?

Senate Republicans dare to come to the Senate floor to complain that Democrats are obstructionists when we have already confirmed nearly 200 of President Bush's judicial nominees. The Republican leadership has scheduled hundreds of hours for debate on judicial nominations but has allowed only six hours for debate on the critical issues affecting the health of our environment.

Packing the bench is obviously a top priority for this administration. Protecting our natural resources, along with our health, is not. By picking the most extreme judicial nominees, on the environment and other issues, the Bush administration demonstrates that one of its real long-term goals is to roll back these important protections.

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION IMPROVEMENT ACT

Mrs. CLINTON. Mr. President, I rise today in support of the Carl D. Perkins Vocational and Technical Education Improvement Act of 2004.

I am extremely pleased that this bill was written in a bipartisan fashion. I thank Senator ENZI, Senator GREGG, Senator KENNEDY and their staff members, Scott Fleming, Ilyse Schulman, Kelly Scott, and Jane Oates, for working so hard and so quickly to make this happen. I sincerely hope that we continue in this spirit of bipartisanship as we work together on future legislation coming out of the HELP Committee.

It is an often-overlooked fact that the Perkins program is the largest Federal investments in our Nation's high schools. Over 66 percent of all public high schools have at least one vocational and technical education program and 96 percent of high school students in this country will take at least one vocational or technical course while they are in high school. In New York, this means that over 275,000 high school students benefited from Perkins Act programs last year.

Perkins also plays a key role in postsecondary education. According to the National Center for Education Statistics, nearly 38 percent of all degree-seeking undergraduates are pursuing vocational careers. When I travel throughout New York, I hear about how important career and technical education is for tens of thousands of New Yorkers. Institutions such as the Adirondack Community College and the Culinary Institute of America in the Hudson River Valley and thousands of our Nation's community colleges, skill centers and other postsecondary sub-baccalaureate institutions rely on the Perkins program to help provide vocational and technical courses to students.

Last year, 65 New York community colleges received funding under the Perkins Act, directly benefiting over 200,000 community college students. These schools use the funds to provide career counselors and academic curricula that guide students toward high-wage and high-skill occupations.

The Perkins program is extremely important—not just for the numbers of students it serves but for the communities that benefit from a better prepared workforce as a result of these programs. This is why for the last 2 years I have spearheaded a letter to the Senate Appropriations Committee requesting additional funding for Perkins. I also offered an amendment to the budget resolution in 2003 to protect the Perkins programs from cuts because I was deeply concerned that President Bush's proposal to slash the Perkins program by 25 percent would be reflected in the Senate's budget.

The Carl D. Perkins Vocational and Technical Education Improvement Act of 2004 will go a long way towards strengthening vocational and technical