Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain United States jobs, and for other purposes.

S. 3027

At the request of Ms. KLOBUCHAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3027, a bill to prevent the inadvertent disclosure of information on a computer through certain ''peer-to-peer'' file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed ''Anti-Homosexuality Bill,'' and for other purposes.

AMENDMENT NO. 3337

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. BROWN), the Senator from Nebraska (Mr. JOHANNS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 3337 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3338

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 3338 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3344

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3344 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3350

At the request of Ms. STABENOW, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3350 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3352

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 3352 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 3352 proposed to H.R. 4213, supra.

AMENDMENT NO. 3353

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 3353 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 3353 proposed to H.R. 4213, supra.

At the request of Mr. SANDERS, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 3353 proposed to H.R. 4213, supra.

AMENDMENT NO. 3356

At the request of Mrs. MURRAY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. DODD), the Senator from New York (Mrs. GILLIBRAND), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3356 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3060. A bill to amend the Atomic Energy Act of 1954 to provide for thorium fuel cycle nuclear power generation; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, today I rise to introduce the Thorium Energy Security Act of 2010 with my good friend and colleague Senator HARRY REID as an original cosponsor. Our legislation would establish a regulatory framework and a development program to facilitate the introduction of thorium-based nuclear fuel in existing and future nuclear power plants in the U.S.

The U.S. is dependent on foreign sources for about 90 percent of its uranium fuel needs. However, the most recent U.S. Geological Survey Thorium Mineral Commodity Survey confirms that the U.S. has the largest thorium deposits in the world.

I have been a longtime supporter of our Nation's nuclear power industry, and I expect to see a long future for nuclear power in this nation. I believe that future is enhanced with the possibility of thorium nuclear power as new source of nuclear power in the future.

Thorium-based nuclear fuel will remain in the reactor about three times as long as conventional nuclear fuel, thereby cutting the volume of spent nuclear fuel coming out of reactors by as much as two-thirds. Thorium nuclear fuel could also significantly reduce the possibility that weapons grade material would result from the process. Finally, a thorium fuel cycle can be used as a very effective and efficient means for disposing of existing plutonium stockpiles.

For these reasons, a number of governments throughout the world are aggressively seeking to establish thorium nuclear power as an element of their power supply. These governments want the benefits of nuclear power, without the difficulties associated with large volumes of waste, much of which can be turned to weapons grade material. Our aim with this legislation is to ensure that the U.S. does not fall behind the movement. I hope my colleagues will take a look at the potential for thorium-based nuclear power.

By Mr. DODD (for himself and Mr. ENSIGN):

S. 3061. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleague Senator ENSIGN, to introduce legislation that will provide children with safe, healthy, and academically focused afterschool programs.

The Improving 21st Century Community Learning Centers Act of 2010 is endorsed by the Afterschool Alliance, an organization representing more than 25,000 public, private, and non-profit afterschool providers dedicated to expanding access to high quality afterschool programs, as well as a broad coalition of other local and national organizations.

They, and I, have committed to providing quality afterschool care because the record is clear: students who regularly attend afterschool programs have better grades and behavior in school, better peer relations and emotional adjustment, and lower incidences of drug use, violence, and pregnancy. When kids have something productive to do in the hours between when they are let out of school and when their parents get home from work, they are more likely to avoid the traps of risky behavior, more likely to be physically healthy and academically successful, and more likely to fulfill their potential.

As co-chairs of the Afterschool Caucus, Senator ENSIGN and I have worked to expand awareness of these benefits by organizing annual briefings, sharing research, and advocating fiercely for a focus on afterschool care when we talk about how to give our kids the best opportunities possible.

While we know that afterschool care works, the truth is that too many

American kids don't have access to good programs. More than 15 million children—from kindergarten through 12th grade—spend time unsupervised in the hours after school. That includes an incredible 40,000 kindergartners and nearly 4 million middle school students in grades six to eight.

When the bell rings and the school day ends, these kids face some 3 hours of unscheduled, often unsupervised time before their parents get home from work. Those are rarely productive hours, and, worse, those are the hours during which these children are most likely to experiment with risky behaviors.

We can do better for our kids.

The Improving 21st Century Community Learning Centers Act of 2010 has three goals. First, to enhance the quality and sustainability of afterschool programs. Second, to emphasize physical fitness and wellness programs as part of our nationwide effort to reduce childhood obesity, and third, to encourage service learning.

Our legislation provides States with tools designed to keep quality programs going. It would allow program grantees the ability to renew their grants if they can show that the programs are working. It gives states the option to expand technical assistance functions to improve the quality of afterschool programs.

Our legislation will increase opportunities for young Americans to be more physically active. The administration has put a focus on reducing obesity—one of the easiest medical conditions to recognize, but one of the most difficult to treat—among our children. Obesity costs our society as much as $147 billion each year—and the best way to stop it is to encourage our kids to be more active. Afterschool programs offer a tremendous opportunity to do just that, and our legislation includes such wellness efforts in the list of programs that can receive support.

Our legislation encourages kids to get involved in service learning and youth development activities. Service learning integrates student-designed service projects with academic studies. This type of program has been shown to strengthen student engagement, enhance student achievement, lower drop-out and suspension rates, develop workforce and leadership skills, and provide opportunities for teamwork.

Of course, as we offer this legislation, I must also remind my colleagues that afterschool programs only work with sufficient funding. In a difficult economy, it is even more important to focus on empowering these programs. Studies have shown that afterschool care can reduce worker absenteeism by as much as 30 percent and reduce worker turnover by up to 60 percent. Decreased worker productivity related to parental concerns about afterschool care costs our economy up to $300 billion each year. Approximately 1 in 10 children is currently enrolled in afterschool care. However, 2/3 of parents with children who do not participate in a program would enroll their children in afterschool if they had that option. We should work to give them that option.

The Improving 21st Century Community Learning Centers Act is a positive step towards offering all of our children the chance to spend their afternoons safely and productively. It is a step towards making good on the most important promise: the one we make to our kids. I hope that my colleagues will join me in support of this important legislation.

By Mr. REID (for himself, Mr. BEGICH, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MERKLEY, Ms. MURKOWSKI, and Mr. WYDEN):

S. 3063. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I am pleased to introduce bipartisan legislation that will protect the unique ecosystems of the American West from the harmful effects of invasive, non-native species. I am joined by my cosponsors Senators BEGICH, BENNET of Colorado, BENNETT of Utah, FEINSTEIN, MERKLEY, MURKOWSKI, and WYDEN.

The Invasive Species Emergency Response Fund provides resources to prevent the introduction and spread of harmful invasive species; protect susceptible habitats; and establish early detection and rapid response capabilities to combat incipient invasive species populations.

As global climate change patterns shift, particular habitats in the West will be especially vulnerable to the impacts of new species introductions. Hence, the new paradigms in invasive species management provided via this legislation are critically needed. When it comes to invasive species management, history is replete with examples illustrating the adage that ''an ounce of prevention is worth a pound of cure.''

The impact of invasive species in the U.S. is now widespread. More than 6,500 non-native, invasive species have become established populations throughout the U.S. Studies show that the damage caused by these pests and their associated control costs total more than $100 billion annually. The unique ecologies of the West are particularly vulnerable to their harmful effects.

My home State of Nevada is at the center of this ecological storm. Non-native species decrease rangeland capacity; lower water tables; reduce water quality; increase fuel loads; and displace native plants and wildlife habitats. Some in the environmental community have identified the Great Basin as the third most endangered ecosystem in the U.S. due, in part, to the dominance of invasive species.

Moreover, once invasive species have gained a foothold in Western States, they exacerbate other critical issues, including water quantity and quality, and wildfire. Zebra mussels in Lake Mead are poised to wreak havoc on the lake's water quality. Tamarisk's long tap roots infiltrate deep water tables, exploiting up to 200 gallons of water per tree per day. Millions of acres of cheatgrass and beetle-killed trees stand ready to burn if sparked. In fact, the fire cycle in the Great Basin has shortened from 25–50 years to only 3–5 years as a direct result of the take-over of invasive weeds.

These few examples underscore the need for this long overdue legislation. State and local agencies and organizations that fight invasive species need access to resources when a new threat is identified, not when funds are available based on bureaucratic budget cycle.

The revolving loan program established with this bill will provide qualified organizations with the resources they need to tackle invasive species threats within 90 days. The Secretary of the Interior will ensure that these funds are being used for appropriate projects based on vetted review criteria.

Bark beetles, quagga mussels, and Medusahead have no respect for budget cycles or State lines. Hence, I urge my colleagues to support this critical legislation. It is paramount if we want to protect our unique Western landscape.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3063

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 ''Invasive Species Emergency Response Fund Act''.

SEC. 2. PURPOSES.

The purpose of this Act is to encourage partnerships among Federal and State agencies, Indian tribes, academic institutions, and public and private stakeholders—

(1) to prevent against the introduction and spread of harmful invasive species;

(2) to protect, enhance, restore, and manage a variety of habitats for native plants, fish, and wildlife; and

(3) to establish early detection and rapid response capabilities to combat incipient harmful invasive species.

SEC. 3. INVASIVE SPECIES EMERGENCY RESPONSE FUND.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM.—The term ''ecosystem'' means an area, considered as a whole, that contains living organisms that interact with each other and with the non-living environment.

(2) ELIGIBLE STATE.—The term ''eligible State'' means any State located in Region 4, as determined by the Census Bureau.

(3) FUND.—The term ''Fund'' means the Invasive Species Emergency Response Fund established by subsection (b).

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination Act and Education Assistance Act (25 U.S.C. 450b).

(5) INTRODUCTION.—The term ''introduction'', with respect to a species, means the intentional or unintentional escape, release, dissemination, or placement of the species into an ecosystem as a result of human activity.

(6) INVASIVE SPECIES.—The term ''invasive species'' means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment; or

(iii) human, animal, or plant health.

(7) QUALIFIED ORGANIZATION.—

(A) IN GENERAL.—The term ''qualified organization'' means an organization that—

(i) submits an application for a project in an eligible State; and

(ii) demonstrates an effort to address—

(I) a certain invasive species; or

(II) a certain habitat or ecosystem impacted by an invasive species.

(B) INCLUSIONS.—The term ''qualified organization'' includes any individual representing, or any combination of—

(i) public or private stakeholders;

(ii) Federal agencies;

(iii) Indian tribes;

(iv) State land, forest, or fish wildlife management agencies;

(v) academic institutions; and

(vi) other organizations, as the Secretary determines to be appropriate.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) STAKEHOLDER.—The term ''stakeholder'' includes—

(A) State, tribal, and local governmental agencies;

(B) the scientific community; and

(C) nongovernmental entities, including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Invasive Species Emergency Response Fund'', consisting of—

(1) such amounts as are appropriated to the Fund pursuant to subsection (h); and

(2) interest earned on investments of amounts in the Fund under subsection (e).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (f)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund—

(A) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of the Interior to carry out this section;

(B) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of offices of the Governors of eligible States to carry out this section; and

(C) not more than 10 percent shall be available for each fiscal year to pay the administrative expenses of a qualified organization to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(f) USE OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to qualified organizations to prevent and remediate the impacts of invasive species on habitats and ecosystems.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible to receive a loan under this paragraph, a qualified organization shall submit to the Governor of the eligible State in which the project of the qualified organization is located an application at such time, in such manner, and containing such information as may be required by application requirements established by the Secretary, after taking into account the recommendations of the Governors of eligible States.

(ii) GUBERNATORIAL RECOMMENDATIONS.—In reviewing the applications under clause (i), the Governor may recommend to the Secretary for approval any application of a qualified organization under clause (i) if the Governor determines that the qualified organization is carrying out or will carry out a project—

(I) designed to fully assess long-term comprehensive severity of the problem or potential problem addressed by the project;

(II) that uses early detection and response mechanisms that seek to prevent—

(aa) the introduction or spread of invasive species from outside the United States into an eligible State; or

(bb) the spread of an established invasive species into an eligible State;

(III) to prevent the regrowth or reintroduction of an invasive species, to the extent to which the qualified organization has achieved progress with respect to reduction or elimination of the invasive species;

(IV) in rare or unique habitats, such as—

(aa) desert terminal lakes;

(bb) rivers that feed desert terminal lakes;

(cc) desert springs;

(dd) alpine lakes;

(ee) old growth forest ecosystems; and

(ff) special land allocations, such as wilderness, wilderness management areas, research natural areas, and experimental forests;

(V) that is likely to prevent or resolve a problem relating to invasive species;

(VI) to remediate the spread of aquatic invasive species within important bodies of water, as determined by the Secretary (including the Colorado River);

(VII) to remediate the spread of terrestrial invasive species within important forest ecosystems, including wilderness, wilderness management areas, research natural areas, and experimental forests;

(VIII) to assess and promote wildfire management strategies, increase the supply of native plant materials, and reintroduce native plant species intended to limit or mitigate the impacts of invasive species;

(IX) to assess and reduce invasive species-related changes in wildlife habitat and aquatic, terrestrial, and arid ecosystems;

(X) to assess and reduce negative economic impacts and other impacts associated with control methods and the restoration of a native ecosystem;

(XI) to improve the overall capacity of the United States to address invasive species;

(XII) to promote cooperation and participation between States that have common interests regarding invasive species;

(XIII) that addresses or enhances the efforts of qualified organizations, States, or landscape-level initiatives that have invasive species responsibility, authority, or prevention, remediation and control strategies, and applicable plans in place; or

(XIV) to educate the public regarding the negative effects of invasive species, to help prevent and mitigate the introduction and spread of invasive species into or near high-risk aquatic, terrestrial, and arid ecosystems.

(iii) TRANSMISSION TO THE SECRETARY.—The Governor shall transmit to the Secretary all applications received by the Governor under clause (i).

(C) SENSE OF CONGRESS REGARDING MULTISTATE COMPACTS.—It is the sense of Congress that—

(i) Governors of States should enter into multistate compacts in coordination with qualified organizations to prevent, address, and remediate against the spread of animals, plants, or pathogens, or aquatic, wetland, or terrestrial invasive species;

(ii) the Secretary should give special consideration to multistate compacts described in clause (i) in reviewing loan solicitations and applications of the States and qualified organizations that are parties to the compacts; and

(iii) if a multistate compact is entered into under clause (i), the Governors of all States that are parties to the compact should combine to repay to the Secretary of the Treasury a total combined amount equal to not less than 25 percent of the amount of the loan provided under this Act (including interest at a rate less than or equal to the market interest rate).

(D) PETITIONS.—

(i) ACTION BY GOVERNOR.—Not later than 30 days after the receipt of an application recommended for approval by the Secretary under subparagraph (B)(ii), the Governor of an eligible State shall submit to the Secretary, on behalf of all qualified organizations, a petition, together with copies of the recommended application, to receive a loan under this paragraph.

(ii) APPROVAL.—Not later than 30 days after the date of receipt of a petition under clause (i), the Secretary, at the sole discretion of the Secretary, may approve the petition.

(iii) ACTION ON APPROVAL.—Not later than 30 days after the date of approval of a petition under clause (ii) or the approval by the Secretary of an application otherwise transmitted by a Governor under subparagraph (B)(iii), the Secretary shall provide to the qualified organization a loan under this paragraph.

(E) PRIORITY.—In providing loans under this paragraph, the Secretary shall give priority to applications of qualified organizations carrying out, or that will carry out, more than 1 project described in subparagraph (B)(ii).

(2) REQUIREMENTS.—

(A) LOAN REPAYMENT.—

(i) IN-KIND CONSIDERATION.—With respect to loan repayment under clause (ii), the Secretary may accept, in lieu of monetary payment, in-kind contributions in such form and such quantity as may be acceptable to the Secretary, including contributions in the form of—

(I) maintenance, remediation, prevention, alteration, repair, improvement, or restoration (including environmental restoration) activities for approved projects; and

(II) such other services as the Secretary considers to be appropriate.

(ii) REPAYMENT.—Subject to clause (iii), not later than 10 years after the date on which a qualified organization receives a loan under paragraph (1), the qualified organization shall repay to the Secretary of the Treasury an amount equal to not less than 25 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iii) WAIVER.—Not more frequently than once every 5 years, the Secretary, in consultation with the Secretary of the Treasury, may waive the requirements under clauses (i) and (ii) with respect to 1 qualified organization.

(B) LONG-TERM MANAGEMENT AND REMEDIATION STRATEGIES.—The Secretary shall ensure that no loan provided under paragraph (1) is used to carry out a long-term management or remediation strategy, unless the Governor or applicable qualified organization demonstrates either or both a reliable funding stream and in-kind contributions to carry out the strategy over the duration of the project.

(3) RENEWAL.—After reviewing the reports under subsection (g), if the Secretary, in consultation with the Governor of each affected State, determines that a project is making satisfactory progress, the Secretary may renew the loan provided under this subsection for a period of not more than 3 additional fiscal years.

(g) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during which a qualified organization receives a loan under subsection (f), the qualified organization, in conjunction with the Governor of the eligible State in which the qualified organization is primarily located, shall submit to the Secretary a report describing each project (including the results of the project) carried out by the qualified organization using the loan during that year.

(2) REPORT TO CONGRESS.—Not later than September 30, 2011, and annually thereafter through September 30, 2015, the Secretary shall submit a report describing the total loan amount requested by each eligible State during the preceding fiscal year and the total amount of the loans provided under subsection (f)(1) to each eligible State during that fiscal year, and an evaluation on effectiveness of the Fund and the potential to expand the Fund to other regions, to—

(A) the Committees on Appropriations, Energy and Natural Resources, and Environment and Public Works of the Senate; and

(B) the Committees on Appropriations and Natural Resources of the House of Representatives.

(3) REPORT BY BORROWER.—

(A) IN GENERAL.—Each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary a report describing the use of the loan and the success achieved by the qualified organization—

(i) not less frequently than once each year until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 1 year after the date on which the loan is provided, at least once during the term of the loan.

(B) INTERIM UPDATE.—In addition to the reports required under subparagraph (A), each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary, electronically or in writing, a report describing the use of the loan and the success achieved by the qualified organization, expressed in chronological order with respect to the date on which each project was initiated—

(i) not less frequently than once every 180 days until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 180 days after the date on which the loan is provided, on the date on which the term of the loan is 50 percent completed.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $80,000,000 for each of fiscal years 2011 through 2015.

By Ms. SNOWE (for herself, Mr. CARPER, and Ms. COLLINS):

S. 3064. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of energy from deep water offshore wind; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to speak about legislation that I am introducing today, the Deepwater Wind Incentive Act, which will provide a critical long-term renewable production tax credit for developing deepwater wind facilities in the U.S.

Deepwater wind refers to a new offshore wind technology that utilizes advanced floating technologies to remove restrictions on the depth of the water and expand our offshore wind resource by nearly a magnitude of six. Last year, Popular Science named deepwater wind one of the eight technologies that can revolutionize our energy paradigm. I am pleased to have worked with Senators CARPER and COLLINS, two longtime leaders on offshore wind development, on this proposal and look forward to discussing this bill with my Finance Committee colleagues.

Currently, there is a race to develop deepwater offshore wind facilities that could eventually be placed throughout our world's oceans and our Great Lakes. A Norwegian company is now moving forward with deployment of the first deep-water offshore floating turbine, which will be located in more than 328 feet of water. The key point is that if you can successfully develop a floating turbine at that depth it can be replicated throughout the world. Our competitors are recognizing this opportunity and are aggressively pursuing this technology. In fact, earlier this year the European Union Industrial Initiative announced a roughly 6 billion euro plan to invest in next generation wind technologies, including deepwater wind, with a goal of supplying 20 percent of its electricity through wind power.

Deepwater wind is a resource that provides a tremendous potential for our country and provides a more consistent resource than onshore and near shore wind. Specifically, the U.S. has over 1500 gigawatts of deepwater offshore wind generation within 50 nautical miles of the coastline, and if our country can develop these deepwater technologies, we will have the equivalent of 1500 medium sized nuclear power plants available within a close proximity to the electricity demand of the U.S.

Accordingly, I have modeled this legislation after the current tax credits available for nuclear power that exists in the tax code. Specifically, the Energy Policy Act of 2005 provided a production tax credit for the first 6,000 megawatts from advanced nuclear power. The Deepwater Wind Incentive Act, follows this template and provides a 50 percent bonus renewable production tax credit for advanced offshore wind facilities that are placed in service in more than 60 meters of water. The credit is capped at the first 6,000 megawatts to provide an incentive for companies to expeditiously research and deploy this technology.

Time after time, the Department of Energy has indicated that wind can provide a substantial amount of electricity in our country. The Department's ''20 percent Wind Energy by 2030,'' outlined the policy steps that would move wind to be a major source of American power. In the report, the DOE states that the wind industry ''has responded positively to policy incentives when they are in effect.'' This tax policy provides a consistent and clear tax credit to achieve the 20 percent by 2030 that is considered in the report. I thank Senator CARPER and Senator COLLINS for their assistance in crafting this legislation and I look forward to working with them to enact this legislation into law.

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. BURRIS, Mr. BINGAMAN, Mrs. BOXER, Mr. WYDEN, Mr. LEAHY, Mr. SPECTER, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. FRANKEN, and Mr. CARDIN):

S. 3065. A bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation; to the Committee on Armed Services.

Mr. BURRIS. Mr. President, we just had a press conference this afternoon with reference to don't ask, don't tell, the action we want to take in the Senate for our military people. I would like to make some brief remarks in that regard.

I come to the floor today because I believe in a basic principle, not just a political cause. I come to the floor because courage and valor are blind to race, religion, philosophy, and sexual orientation. I believe every single man and woman who puts on a military uniform is equally deserving of our thanks and our respect, and that when we dismiss the sacrifices made by those with a different sexual orientation, we undermine the strength of our fighting forces. When we fail to recognize the brave contributions gay and lesbian soldiers continue to make every single day, we diminish ourselves as much as we diminish their service. That is why I am pleased to join the following colleagues: Chairman LIEBERMAN, Chairman LEVIN, Senator GILLIBRAND, Senator UDALL of Colorado, and Senator WYDEN in introducing legislation to repeal the military's don't ask, don't tell

policy, a policy which is discriminatory, outdated, and detrimental to our national security.

Let me start by addressing every service man and woman, to those who have served in our Armed Forces in the past. Let's give them a big shout out and a big thank-you. This Nation honors the service and sacrifice of all our veterans and those who are still serving today. Let me say the days of serving in silence—those days are numbered. This legislation will recognize that every soldier, sailor, airman, and marine is equal to every other warrior, so no one will be forced to lie about who they are if they wish to serve this country.

I know there are some who believe this is too big a change, that it is not right and we need to wait. To them I would say it boils down to basic fairness. I remind them that the U.S. military has made policy changes before and with resounding success. The repeal of don't ask, don't tell is not just another vote for me, it is a very personal issue of basic fairness. When I was about 6 or 7 years old, I have a vivid memory of my family members who went off to war, my uncles and uncles-in-law and great uncles who chose to go to war and defend our country, regardless of the color of their skin or occupation or who they were as an individual. That choice defined them as patriots.

I have never forgotten their patriotism or their commitment to this country. But I have also never forgotten that the U.S. military was very different in those days. My family members volunteered to protect this Nation, but simply because of who they were, they had limited opportunities to serve. For all their skill, their talent, their intelligence, and their valor, they were forced to choose among two or three roles. They were forced to either be a cook or forced to dig ditches or forced to drive trucks. The only thing that separated my uncles from their brothers in arms was the color of their skin. But in those days, some people argued that racial integration would undermine the cohesion of our fighting forces. Yet the U.S. military came to recognize this was not the case and successive generations proved that everyone who volunteered to serve was capable of the same patriotism, bravery, and heroism.

That memory is especially crisp as I stand in this Chamber to bring an end to this discriminatory policy that forces our best and brightest to be willing to die for our Nation, while denying they are who they truly are. This, too, is an issue of basic fairness.

More than 60 years ago, President Truman recognized the wisdom of integrating the Armed Forces. He understood that in so doing, the Armed Forces grew stronger and the Nation safer. Today we recognize it is time to end don't ask, don't tell. This repeal of don't ask, don't tell will allow our servicemembers to live their lives openly, honestly, and still fight for the country we all love. So, regardless of sexual orientation or race or any other factor, today we stand to say we are grateful to the brave patriots who chose to defend our Nation and we salute them.

This is about fairness. This is about more than right versus left or Republican versus Democrat. This is about fighting for those who fight for us every day. Ending this policy is the fair thing to do, it is the right thing to do, and it is long overdue.

Mrs. FEINSTEIN. Mr. President, I rise to state my strong support for the Military Readiness Enhancement Act of 2010, which would repeal the ''Don't Ask, Don't Tell'' policy in our Armed Forces.

I am one who believes that the ''Don't Ask, Don't Tell'' policy has done more harm than good. The policy has forced American citizens to choose between serving their country and being honest about who they are; and, even worse, it has led to the discharge of some 13,000 brave men and women because their sexual orientation was discovered.

The criteria for serving in our Armed Forces should be competence, courage, and a willingness to serve; not race, gender, or sexual orientation.

The Military Readiness Enhancement Act of 2010 would finally repeal ''Don't Ask, Don't Tell'' and create a policy of nondiscrimination in the military. That is the right thing to do, and I will support this legislation every step of the way.

The Military Readiness Enhancement Act of 2010 would repeal the 1993 ''Don't Ask, Don't Tell'' policy; allow people who were removed under ''Don't Ask, Don't Tell'' to re-enter the military; establish a policy of nondiscrimination in the Armed Forces to prevent discrimination on the basis of sexual orientation; and require a Pentagon working group established by the Department of Defense to issue recommendations on how to implement repeal throughout the military.

The bill would also require the Secretary of Defense to report to Congress 180 days after enactment on what actions are being taken to ensure that any school that does not allow a ROTC unit on its campus does not receive Federal funds.

It is important for people to realize that ''Don't Ask, Don't Tell'' is not an abstract policy. This policy has had real and harmful effects on our military readiness by denying able and willing men and women the opportunity to serve, and by requiring the discharge of brave individuals who have served courageously and even risked their lives for their country.

Let me give you just a few of the thousands of examples:

Anthony Woods, of Fairfield, CA, graduated from the U.S. Military Academy at West Point and went on to serve two tours of duty in Iraq, including in Operation Iraqi Freedom. He earned the Bronze Star and Army Commendation Medal, and all 81 soldiers who served under his leadership in Iraq returned home safely to the United States. Mr. Woods was discharged from the U.S. Army in 2008 because of ''Don't Ask, Don't Tell.''

MAJ Margaret Witt joined the U.S. Air Force in 1987 and served as a flight nurse for 18 years. She received numerous awards, including the Meritorious Service Metal, Air Medal, and the Air Force Commendation Medal. In 2003, President Bush noted in citation that her ''airmanship and courage directly contributed to the successful accomplishment of important missions under extremely hazardous conditions.'' Major Witt was discharged 6 years ago after the Air Force received a tip that she was gay. Major Witt has challenged her case in court because, as she says, ''I joined the Air Force because I wanted to serve my country. I have loved being in the military—my fellow airmen have been my family. I am proud of my career and want to continue doing my job. Wounded people never asked me about my sexual orientation. They were just glad to see me there.'' The case is currently pending before the Ninth U.S. Circuit Court of Appeals in San Francisco, CA.

LT Daniel Choi, originally from Orange County, CA, also graduated from the U.S. Military Academy at West Point. He is an Arabic linguist and served as an infantry officer in Iraq in 2006 and 2007, but he was recommended for discharge from the U.S. Army after announcing last year that he was gay. Lieutenant Choi has said that: ''The lessons of courage, integrity, honesty and selfless service are some of the most important. . . . I refuse to lie to my commanders. I refuse to lie to my peers. I refuse to lie to my subordinates. I demand honesty and courage from my soldiers. They should demand the same from me.'' The New York National Guard has recently indicated that they will allow Lieutenant Choi to begin participating in drills with the unit again. LTC Paul Fanning, a spokesperson for the New York Guard, has stated: ''We do not have an issue with it. It's a deeply personal thing. To us a soldier is a soldier is a soldier.''

Veteran U.S. Marine Bob Lehman, of San Diego, CA, served in the gulf war in the 1990s and was never dismissed for being gay. He has explained that, ''Nobody in my unit knew artillery better than I did, including the officers. During combat, the gay thing didn't even exist. My biggest fear was bringing my guys home alive.'' However, Mr. Lehman has said he believes that the ''Don't Ask, Don't Tell'' policy forces U.S. soldiers into a moral dilemma. ''Marines don't lie, cheat or steal. It was hard to lie . . . There was a lot of denial and depression because of the inability to be out openly, (the fear) that I might get fired.''

Courageous men and women like these should be applauded for their service, not discharged for their sexual

orientation. The Military Readiness Enhancement Act of 2010 would ensure that is the case and would require the military to readmit anyone who was discharged solely because of their sexual orientation and is otherwise willing and able to serve.

The ''Don't Ask, Don't Tell'' policy has long been a contentious one, and I do not state my support for repeal lightly.

It is absolutely essential that we undertake this project with great care, so that repeal of the policy will enhance military readiness and the effect will be positive for all of our servicemembers in the field.

I am confident that we are up to the task of doing so.

In the last few months alone, high ranking officials from various components of the military have come forward to say that repeal is not only feasible, it is the right thing to do. For example:

ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, testified before the Senate Armed Services Committee that, ''Speaking for myself and myself only, it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.''

Secretary of Defense Robert Gates testified at the same hearing that, ''I fully support the president's decision. The question before us is not whether the military prepares to make this change, but how we best prepare for it.''

Secretary of the Navy Ray Mabus has said, ''I support the repeal of ''Don't Ask, Don't Tell.'' I do think the President has come up with a very practical and workable way to do that to work through the working group that the Secretary of Defense has set up, to make sure that we implement any change in the law that Congress makes in a very professional and very smooth manner, and without any negative impacts on the force.''

Retired General Colin Powell issued an official statement expressing that ''In the almost 17 years since the ''Don't Ask, Don't Tell'' legislation was passed, attitudes and circumstances have changed. I fully support the new approach presented to the Senate Armed Services Committee this week by Secretary of Defense Gates and Admiral Mullen.''

These military leaders believe repeal is not only feasible, it is right. According to the University of California, military leaders in many other countries agree. Twenty-five countries currently have policies allowing gay servicemembers to serve openly in their militaries, including 15 NATO countries, Australia and Israel.

This year, Secretary Gates has appointed a Pentagon working group to study in great detail how repeal can be implemented in a manner that will enhance the readiness and effectiveness of our troops. This group, led by Army General Carter Ham and Pentagon General Counsel Jeh Johnson, is tasked with engaging troops and their families at all levels of the Armed Forces to determine what changes will be necessary in regulations, in education and training practices, and in military policy to implement a policy of nondiscrimination on the basis of sexual orientation in our Armed Forces. The study will be careful, and the review will be comprehensive.

The time has come to repeal ''Don't Ask, Don't Tell.'' I urge my colleagues to join me in supporting the Military Readiness Enhancement Act of 2010. I am confident that our military will be stronger and better when this bill becomes law.

By Mr. KYL (for Mrs. HUTCHISON):

S. 3068. A bill to reauthorize the National Aeronautics and Space Administration Human Space Flight Activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I am introducing legislation today that is intended to chart what I believe to be the proper course for the future of the nation's human space flight programs. This bill would provide an alternative to the Administration's proposed course of ending the government role in Human Space Flight and avoid the complete reliance on other nations or an as-yet-unproven commercial capability to launch American astronauts and scientists into space. It would also reaffirm the goals of moving beyond low-earth orbit and restore the kind of exciting vision that will help inspire young people to excel in Science, Technology, Engineering and Mathematics. The bill echoes the decision of the Obama administration to support the International Space Station, ISS, through at least the year 2020, as we endorsed in our NASA Authorization Act, passed in 2008. But the administration's proposal does nothing to ensure that we can fully maintain and utilize the space station, especially during the next 5 years. This bill would correct that, and ensure that full use of the space station is not an empty promise.

Since the release of the fiscal year 2010 Budget last year, the future of human space flight programs has been in question. As part of that Budget Request, the administration announced it would establish an independent review panel, chaired by my good friend Mr. Norman Augustine, to review U.S. Human Space Flight Plans and provide options for how those programs should proceed in the future.

The Augustine Panel completed its review in late August of last year, and provided its Summary Report to NASA, the White House, and the Congress on September 8, 2009. Shortly thereafter, the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation held a hearing on the report with Mr. Augustine appearing as our witness. The Augustine Panel released its full report at the end of September, and we have all been awaiting the response of the Obama administration to the report.

When the fiscal year 2010 Budget was submitted in 2009, the budget request for Exploration Systems included a notation that the amount requested was a ''placeholder'' number, and that, once the Human Space Flight Plans Review Committee completed its work, the Administration would submit an amended budget request to support the programmatic decisions made as a result of that report. That never happened. Instead, the response to the Augustine Panel Report was left to the fiscal year 2011 Budget request, which we received on February 1st. Because of the administration's failure to offer a budgetary blueprint until the fiscal year 2011 budget, we will now experience yet another year's delay in undertaking the steps necessary to advance beyond the uncertainty about the future of human space flight programs that prompted the review.

The Augustine Panel provided five basic options for consideration, with an additional two options that were modifications of these five basic options. The Augustine Panel thus provided a total of seven approaches that could be taken to ensure America's continued leadership in space—to establish a space program ''worthy of a great nation,'' as suggested by the title of their final report. None of those options leapt out as the obvious, consensus answer to the mix of vehicle development options and strategies necessary to meet the challenges of the next generation of human space flight. There was, however, a clear consensus on two important points.

First, the Panel found that, without a significant increase in the total amount of funding made available to NASA, none of the options presented could be expected to succeed—including the current plans and programs for developing the Ares 1 and Ares V launch vehicles and the Orion Crew Exploration Vehicle. The Panel's conclusion underscored what we in the authorizing committees have been saying for the past five years, and which formed the basis for the funding levels that we authorized in both our 2005 and 2008 NASA Authorization Acts, which would have led to a more timely and successful level of development for the vehicles to replace the space shuttle systems. The Bush administration, however, simply never requested that level of funding. In fact, the prior Administration even reduced the level of funding for those programs that had been projected in the run-out estimates included in the fiscal year 2005 Budget Request, which initiated the ''Vision for Exploration'' announced by President Bush on January 14, 2004.

Second, the Panel recommended that a decision be made to formally extend U.S. plans to operate and utilize the ISS through at least the year 2020. This was also consistent with guidance the authorizing committees provided in the 2008 NASA Authorization Act, where we directed NASA to take no steps to preclude operations of ISS through at least 2020, and directed the Agency to provide a plan which would outline how they would prepare to support and utilize the space station for that extended period of time. Up to that point, NASA's internal planning—and budget guidance from the Office of Management and Budget—was to cease operations aboard the space station in 2015, just five years after its assembly and outfitting would finally be completed by the remaining space shuttle flights.

Some of the good news in the fiscal year 2011 Budget Request is that the Obama administration agrees with the need to continue supporting the space station to at least 2020, and to expand and increase its utilization for research. That is welcome news. The problem is that the request does not provide the means to ensure that the extension and full utilization of the space station can be realized.

It is worth noting that after the budget reductions were made for Exploration in the 2006 Budget Request, the number of flights planned to complete space station assembly were reduced—at the direction of OMB for purely budgetary reasons—from 28 remaining flights to 17 flights, plus an optional added flight to conduct a final mission to service the Hubble Space Telescope. The effect of those reductions was to force NASA to change the planned payloads for those remaining 17 flights to try to accommodate the most important spare parts and replacement parts from the 10 ''cancelled'' flights, for ensuring the safe and effective operation and utilization of the station. Ten flights' worth of flight-ready payloads—averaging between 40,000 to 50,000 pounds per flight—were essentially relegated to storage warehouses where most of them remain today, ready to fly, ready to use, but with no guaranteed ''ticket to ride'' to be of any use to the station. Over 1,400 parts and pieces of equipment, Mr. President! What is most important to remember, is that the decisions about which instruments and equipment to swap into the remaining flights were based on the internal assumption of the need to support the ISS through 2015—not through 2020.

The result of this is that we do not know how many, or which, of those ''grounded payload'' items might actually be needed in order to ensure the station can be supported and maintained until 2020. Not only that, we do not know which, or how many, of them are simply too large or too heavy to be carried to orbit by any existing vehicle other than the space shuttle. And finally, we do not know what additional items might need to be ordered, manufactured and delivered in the future, or what launch vehicle capacity will be needed to deliver them to the station.

This is not the way a great nation should conduct its civil space program. This is not the way to ensure that a decision and pronouncement to continue operations through 2020 will not become an empty gesture due to the deterioration, damage, or failure of equipment and systems vital to providing the oxygen, water, power to make the ISS habitable and to support scientific research in the period following 2015.

This is just one example of the type of considerations that preparations that the Obama administration appears to have ignored while preparing its response to the Augustine panel Report. It is an issue I propose to address, among many, in the legislation being introduced today.

Since last May, when the President announced the appointment of a Committee to review U.S. Human Space Flight Plans, we have all been waiting for clear policy direction based on the report of that Committee, which was released in late September. Throughout that time, at my direction, my committee staff carefully followed the public meetings and briefings of the Augustine panel, and considered the implications of the various options discussed and eventually included in the panel's final report.

In the course of that ongoing review, as well as our Committee hearing last September, I began forming my own conclusions about the correct path for the future of U.S. human space flight programs, as is my responsibility as the Ranking Republican on the policy and oversight committee for NASA. The key factors driving my position regarding that path forward have been: the need to maintain U.S. leadership in space exploration, which I believe is essential to our economic and national security; the need to ensure we do not lose the skills, expertise and industrial capacity that are necessary to conduct space exploration; the need to ensure, as our Committee has in the previous two NASA Authorization bills we have developed and seen enacted into law, that NASA has both a balanced range of activities across its full mission responsibilities, and was authorized the funds needed to carry out that range of activities; and the need to protect—and capitalize on—our massive investment in the ISS, which, along with our international partners, is close to $100 billion. Now that it is almost completed and has a six-person permanent crew, we can begin to conduct the research that we have anticipated all these years during its construction. Research that has the potential to fundamentally change and enhance our understanding of physical processes, vaccine development, and a whole host of other research.

In order to meet those needs, we must first take steps to ensure we do not have an extended period of time during which there is no capability within the United States to launch humans into space, whether to the space station or any other destination. The easiest, most logical and obvious answer in the short term is to continue to use the one launch vehicle that already exists, has a proven history of 98.7 percent probability of success for each mission, and upon which the space station was designed, assuming the shuttle's availability throughout the station's on-orbit lifetime to provide support and maintenance.

Prematurely and voluntarily ending the space shuttle program without a near-term U.S.-built alternative on the horizon simply seems irresponsible, and that is an issue that I believe the Congress must address. While the Space Shuttle will never be completely safe, just as with any vehicle that must carry humans into the harsh environment of space, it is currently flying as safely, if not more safely, than it ever has.

The legislation I am introducing today would ensure that a final decision on the timing of the space shuttle retirement, or even the number of missions it might still be required to fly, would not be made until the issues involved are fully considered and resolved and we are fully convinced that the shuttle's capability is no longer needed. In particular, we must answer the question of how we support, maintain, and fully utilize the ISS, not just in 5 or more years, when any new commercially-developed vehicle might be available, but right now, as we are about to cut the ribbon on it as a finally completed research facility.

I have already mentioned the lack of complete information regarding the ability to adequately ensure the availability and deliverability of spare and replacements parts needed between now and 2020 to keep the space station fully and safely functional. All this is to underscore that the issue of whether to continue flying the shuttle, and the number of additional shuttle flights that are needed, is not simply a matter of shortening the gap between shuttle retirement and the availability of its replacement, or protecting a vitally important workforce. This issue also requires policy makers to understand what the space shuttle can do—and possibly do exclusively in the case of large, heavy replacement systems and structures—to ensure that the promise to extend the ISS to 2020 can actually be fulfilled. We must be certain the ISS can be kept alive and fully functioning over the next 10 years. Again, the administration's Budget Request offers no answers to how we will be able to deliver all the equipment necessary to extend the life of the ISS if the shuttle is not available.

I am also very concerned about the proposal to simply cancel the Constellation programs of Ares 1, the low-earth orbit crew launch vehicle, the Ares V Heavy Lift vehicle for enabling flights beyond low-Earth orbit, and the

Orion Crew Exploration capsule to carry the crews for both of those missions. It is very clear that many of my colleagues are also deeply concerned about this part of the President's budget. I simply believe any decision to terminate those projects needs much more consideration than I believe it has gotten during the preparation of the Obama administration's proposal for NASA.

The approach of the administration—their so-called ''bold new initiative''—is to turn to an entirely new approach based exclusively on the development of commercially-developed crew launch systems. There appears to have been little thought given to how we might leverage the $9 billion already spent on the Constellation vehicles in the identification of potential providers for those commercial systems. I believe that is wasteful and irresponsible and all but guarantees that commercial developments will start from scratch—and therefore take much longer to develop and be much more costly, in the long run, to the American taxpayers.

Another concern with this new approach is that we do not yet have any details about how the $6 billion proposed in the Budget Request for commercial space flight over the next 5 years will be allocated and what it will be expected to support. We don't know whether this will be a collaborative program, creating incentives for matching funding from the private sector, or whether it will represent more of a government subsidy to develop systems for which there may not be a sustainable market for those services beyond what NASA would purchase. I am philosophically and fundamentally opposed to such government subsidies, particularly when it is not clear that taxpayer funding for an approach like this won't have to be followed by even more taxpayer dollars to keep the systems available to meet the needs of the space station, or other government space projects.

The legislation I am proposing will address that issue by directing NASA to consider ''commercial'' options that include the possibility of agreements not only with the ''entrepreneurial'' start-up companies like SpaceX, which represent an exciting but still unproven set of vehicles designed to service a still non-existent commercial market, but also with other, longer-standing and experienced commercial companies. The key aerospace companies with whom NASA currently has development contracts might well be able to jointly develop a new launch system as a modification of their existing contracts under the Constellation program. They could combine their expertise and capability to transition their efforts toward developing a new launch capability based on existing shuttle main engines, external tank manufacturing capability, solid rocket motors, and the Orion crew vehicle. Something like that has been, I am told, a subject of informal conversations among those companies for some time. I believe we need to ensure through legislation that such an alternative will be fully evaluated and considered as one possible approach to the new ''commercial'' space systems development. We have not been given details of this possible approach, because those discussions are apparently still ongoing. But I believe we need to make sure there is a legislative underpinning that would at least allow the full consideration of that approach.

I would not view such an approach as precluding the continued pursuit of the current COTS, Commercial Orbital Transportation Systems, activities being pursued with SpaceX and Orbital Sciences Corporation for cargo delivery services for the Space Station. I have consistently supported that development and believe we should continue to do so. My concern, one I know that of a number of my colleagues share, is to ensure we have redundant and alternative means of providing U.S. human spaceflight capability. If one of those can be more fully commercial in nature, and something that can stand on its own without the taxpayers being responsible for their success, so much the better.

I will be working with my colleagues in the Senate, and reaching out to our counterparts in the House of Representatives, to ensure all of these issues are put on the table for discussion, using the vehicle of this legislation to provide an alternative view to that proposed by the Obama Administration.

This legislation actually tracks closely with the President's request, in terms of the amounts authorized for NASA. It authorizes programs largely at funding levels already enacted for fiscal year 2010, with some very minor exceptions, and at the same base account levels requested by the administration for fiscal year 2011 and fiscal year 2012.

What my legislation adds is the authorization levels necessary to implement the potential continuation of space shuttle flights, at a greatly reduced annual level of flights and associated costs, as well as modest increases in the short-term for the establishment and support of an enterprise to be developed to manage and operate the U.S. National Laboratory.

The greatest difference, as I have indicated, is that this legislation points the way to what I believe is a more measured and reasoned approach that ensures the best use of investments we have already made, provides the Congress and the administration with necessary information to inform our judgments on alternative launch vehicle developments, and provides a means of avoiding severe economic dislocations in the aerospace industry and the highly skilled and dedicated workforce that has provided the capability for this nation to be the world leader in space exploration.

I strongly encourage my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3068

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Human Space Flight Capability Assurance and Enhancement Act of 2010''.

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

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States Human Space Flight program has, since the first Mercury flight on May 5, 1961, has been a source of pride and inspiration for the Nation.

(2) The extraordinary challenges of achieving access to space both motivated and accelerated the development of technologies and industrial capabilities that have had widespread applications which have contributed to the technological excellence of the United States.

(3) It is essential to the economic well-being of the Nation that the aerospace industrial capacity, highly skilled workforce, and embedded expertise remain engaged in demanding, challenging, and exciting efforts that ensure United States leadership in space exploration and related activities.

(4) The completion of the International Space Station, the ability to sustain a crew of at least 6 members, and the ability to conduct unique microgravity research that can only be accomplished in the space environment, provides an opportunity for scientific and technological advancement that must be immediately and fully exploited.

(5) The designation of the U.S. Segment of the International Space Station as a National Laboratory, as provided in section 507 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16767) and as further provided in subtitle A of title VI of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17751 through 17753), provides an opportunity for multiple United States government agencies, University-based researchers, commercial research organizations, and others to utilize the unique environment of microgravity for fundamental scientific research and potential commercial developments.

(6) In order to assure the full and complete utilization of the International Space Station, including the ability to sustain the systems and physical infrastructure of the vehicle, effective and timely transportation systems are required, which must be able to deliver the full range of logistics, support, and maintenance items which may be necessary through the year 2020.

(7) For some potential replacement elements necessary for Space Station sustainability, the Space Shuttle represents the

only vehicle, existing or planned, capable of carrying those elements to the International Space Station in the near term.

(8) In order to ensure effective utilization of Space Station research facilities, the capability for returning processed experiment samples and research-related equipment to Earth is essential.

(9) The maintenance of human exploration goals, such as a return to the Moon, a voyage to Mars, or other celestial bodies or locations is essential for providing the necessary long-term focus and programmatic robustness of the United States civilian space program.

(10) The United States must develop, as rapidly as possible, replacement vehicles capable of providing both human and cargo launch capability to low-Earth orbit and, by expansion or modification of core design features, capable of delivering large payloads into low-earth orbit or to destinations beyond low-Earth orbit.

(11) While commercial transportation systems may contribute valuable services, it is in the United States' national interest to maintain a government-operated space transportation system for crew and cargo delivery to low-Earth orbit and beyond.

SEC. 3. STATEMENT OF HUMAN SPACE FLIGHT POLICY.

(a) USE OF NON-U.S. HUMAN SPACE FLIGHT TRANSPORTATION CAPACITY.—It is the policy of the United States that reliance upon and use of non-United States human space flight capability shall only be undertaken as a temporary contingency in circumstances where no United States-owned and operated human space flight capability is available, operational, and certified for flight by appropriate Federal agencies.

(b) U.S. HUMAN SPACE FLIGHT CAPACITY.—The Congress reaffirms the policy stated in section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(a)), that the United States shall maintain an uninterrupted capability for human space flight and operations in low-earth orbit, and beyond, as an essential instrument of national security and the ability to ensure continued United States participation and leadership in the exploration and utilization of space.

SEC. 4. SPACE SHUTTLE OPERATIONS.

(a) RETENTION OF SPACE SHUTTLE OPERATIONS CAPABILITY.—

(1) IN GENERAL.—The Administrator shall take all necessary steps to ensure that all Space Shuttle Program activities and operations are able to continue, or to be resumed, including flight operations and support, pending the completion of the reviews, requirements, and reports of this section.

(2) CURRENT SHUTLE MANIFEST FLIGHT ASSURANCE.—The Administrator shall take all steps necessary to ensure shuttle launch capability through fiscal year 2011 to enable launch, at a minimum, of all payloads manifested as of February 28, 2010. In fulfillment of this requirement, the Administrator is prohibited from terminating any contractor support which will endanger or inhibit the launching of shuttle payloads manifested as of February 28, 2010, should launches be required after the first quarter of fiscal year 2011.

(b) CERTIFICATION OF SPACE SHUTTLE SYSTEMS; VALIDATION OF FLIGHT READINESS DETERMINATION PROCEDURES.—No later than 30 days after the date of enactment of this Act the Administrator shall ask the National Academies of Science to appoint a Flight Certification Review Committee, consisting of 5 individuals with appropriate engineering expertise and experience in certification of space flight vehicle hardware, systems, and equipment testing and validation procedures, to review space shuttle certification activities undertaken or initiated after February, 2003. The Committee shall provide an assessment regarding the adequacy of those validation procedures in assuring vehicle durability, flight-worthiness, and sustainability for continued operations through a period of up to 5 years beyond the space shuttle flight manifest planned as of February, 2010. The Committee shall take into account current and historical trends in anomaly detection and resolution within major components of the space shuttle systems.

(c) COMPLETION OF CERTIFICATION REVIEW AND REPORTING REQUIREMENT.—The Committee appointed under subsection (b) shall complete its task within 90 days of its appointment and shall provide its findings and determinations concurrently to the Administrator and to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(d) SPACE SHUTTLE CAPABILITY RETENTION.—Notwithstanding any other provision of law, to the extent practicable NASA shall operate the Space Shuttle program at a flight rate of no more than 2 missions in any consecutive 12-month period beginning during the fiscal years for which appropriations are authorized under section 9 of this Act.

(e) EXISTING HARDWARE COMPONENTS.—The Administrator shall ensure that hardware components in existence as of March, 2010, remain available for use in connection with any additional flights required under subsection (g)(2) beyond those on the current flight manifest schedule.

(f) PROHIBITION OF SCHEDULED TERMINATION.—The Administrator may not terminate the Space Shuttle Program as of a scheduled date certain.

(g) TERMINATION CONDITIONS.—Termination of space shuttle missions operations shall be contingent upon—

(1) completion of the space shuttle flights planned as of February 28, 2010;

(2) delivery of remaining manufactured orbital replacement units, research instrumentation, and other maintenance materials and equipment originally scheduled for delivery to the International Space Station in the flight manifest schedule prepared no later than November, 2005, and which are identified in the review required by section 5(b)(2) and deemed essential for maintenance and support of the International Space Station through the end of fiscal year 2020, and which require the payload capability of the space shuttle Orbiter for delivery to the International Space Station; and

(3) a determination by the President that termination of space shuttle missions in support of International Space Station operations—

(A) is consistent with paragraph (2) of this subsection, and any other provision of this Act regarding the provision of human space flight capabilities; and

(B) will not cause a degradation of the equipment, logistics, cargo up-mass and down-mass delivery capability necessary to provide full utilization of international space station science and research capabilities for both United States National Laboratory and International Partner scientific research and experimentation which the United States is obligated by international agreement to provide.

(h) ADDITIONAL DETERMINATION REQUIREMENTS.—The President shall include in such a determination a detailed description of alternate means for the provision of necessary support for the conduct of full utilization of the International Space Station for research and development in science, engineering, and technological development, the scheduled availability of such alternative means of support, and such materials as may be necessary to justify the determination.

(i) NOTICE TO CONGRESS.—The President shall provide any determination under this section to the committees of jurisdiction, which shall review such determination and consider whether to recommend legislative action to establish further conditions for termination of space shuttle operations.

(j) TERMINATION.—The Administrator may not take steps to terminate the Space Shuttle Program before the later of—

(1) the date that is 60 legislative days after receipt of the determination by the Congress; or

(2) the date on which the Congress has taken final action with respect to any bill reported by a committee of jurisdiction pursuant to subsection (i).

(k) DECOMMISSIONING OF ORBITER VEHICLES.—

(1) IN GENERAL.—Upon the termination of the Space Shuttle program as provided in this section, the Administrator shall assume responsibility for decommissioning the remaining orbiter vehicles according to established safety and historic preservation procedures prior to their designation as surplus government property. The remaining orbiter vehicles shall be made available and located for display and maintenance by a competitive procedure established pursuant to the disposition plan developed under section 613(a) of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17761(a)), with priority consideration given to eligible applicants meeting all conditions of that plan which would provide for the location, display, and maintenance of one orbiter at or near the Johnson Space Center, in Houston, Texas, and one orbiter at or near the Kennedy Space Center near Titusville, Florida.

(2) DISPLAY AND MAINTENANCE.—The orbiter vehicles made available under paragraph (1) shall be displayed and maintained through agreements and procedures established pursuant to section 613(a) of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17761(a)). NASA shall be responsible for the costs of safely decommissioning, transporting, and re-assembling the orbiter vehicle for display.

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

(l) PRESERVATION OF VEHICLE AND SYSTEMS DESIGN AND ENGINEERING DATA.—The Administrator shall immediately take all necessary steps to ensure the collection and preservation of space shuttle structures, systems, and infrastructure design, manufacturing, testing, and maintenance data for historical archival purposes and for possible use as technical resource material and programmatic lessons learned and technical interchange applicability for future space vehicle design and operations.

SEC. 5. INTERNATIONAL SPACE STATION OPERATIONS.

(a) POLICY STATEMENT.—It shall be the policy of the United States, in consultation with its International Partners in the International Space Station program, to support full and complete utilization of the Space Station through at least the year 2020.

(b) MAINTENANCE OF U.S. SEGMENT.—

(1) IN GENERAL.—The Administrator shall take all steps necessary to ensure the safe and effective operations, maintenance, and maximum utilization of the United States Segment of the International Space Station through fiscal year 2020.

(2) VEHICLE AND COMPONENT REVIEW.—In carrying out paragraph (1), the Administrator shall, immediately upon enactment of this Act, conduct an in-depth assessment of

all essential modules, operational systems and components, structural elements, and permanent scientific equipment on board or planned for delivery and installation aboard the International Space Station, including both United States and international partner elements, to determine anticipated spare or replacement requirements to ensure complete, effective, and safe function and full scientific utilization of the ISS. The Administrator shall enable the Comptroller General to monitor and, as appropriate, participate in the review required by this paragraph in such a way as to enable the Comptroller General to provide an independent assessment of the review to the committees of jurisdiction.

(3) REPORTING REQUIREMENTS.—No later than 90 days after the date of enactment of this Act the Administrator shall provide the completed assessment to the committees of jurisdiction. The results of the required assessment shall include, at minimum, the following:

(A) The identification of spare or replacement elements and parts currently produced, in inventory, or on order, and the state of readiness and schedule for delivery to the ISS, including the planned transportation means for such delivery. Each element identified shall include a description of its location, function, criticality for system integrity, and specifications regarding size, weight, and necessary configuration for launch and delivery.

(B) The identification of anticipated requirements for spare or replacement elements not currently in inventory or on order, a description of their location, function, criticality for system integrity, the anticipated cost and schedule for design, procurement, manufacture and delivery, and specifications regarding size, weight, and necessary configuration for launch and delivery, including available launch vehicles capable of transportation of such items to the International Space Station.

(c) RESEARCH FACILITIES AND CAPABILITIES.—Utilization of research facilities and capabilities aboard the International Space Station other than exploration-related research and technology development activities, and associated ground support and logistics, shall be planned, managed, and supported by the organizations described in section 6.

SEC. 6. INTERNATIONAL SPACE STATION MANAGEMENT AND UTILIZATION.

(a) ESTABLISHMENT OF OFFICE OF RESPONSIBILITY FOR UNITED STATES SPACE STATION NATIONAL LABORATORY.—The Administrator shall establish responsibility for the International Space Station United States National Laboratory within the Space Operations Mission Directorate, ISS Program Office at NASA Headquarters, or any successor entity within NASA. The head of the Office shall be an official, designated by the Administrator, who shall serve as a Deputy Associate Administrator for International Space Station, or at an equivalent rank, and to whom responsibility shall be delegated for, at a minimum, the conduct of ISS operations, maintenance and utilization by both NASA and non-NASA organizations. The Officer shall serve as the formal liaison to the organization specified in subsection (b).

(b) ESTABLISHMENT OF NATIONAL LABORATORY MANAGEMENT ENTITY.—The Administrator shall execute an agreement with a cooperative organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code to manage the activities of the ISS United States National Laboratory. The organization shall be designed specifically for the unique purpose of developing and implementing research and development projects utilizing the International Space Station U.S. Segment, and to be engaged exclusively in this enterprise without other organizational objectives or responsibilities on behalf of the organization or any parent entity. The head of the office established by subsection (a) is responsible for liaison and management of the agreement. The Administrator shall delegate, at a minimum, the following responsibilities to the organization, which shall carry out its responsibilities in cooperation and consultation with the head of the office established by subsection (a):

(1) Planning and coordinating the ISS National Laboratory research activities.

(2) Development and implementation of guidelines, selection criteria, and flight support requirements for non-NASA scientific utilization of International Space Station research capabilities and facilities available in United States-owned modules or in partner-owned facilities allocated to United States utilization by international agreement.

(3) Interaction with and support of the International Space Station National Laboratory Advisory Committee, established under section 602 of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17752), and the review and implementation of recommendations provided by that Committee under the terms of the enabling legislation and subsequent organizational documents, negotiation, approval, and implementation of memoranda of understanding, Space Act agreements, or other authorized cooperative mechanisms, with non-NASA United States government entities, academic institutions or consortia, and commercial entities, leading to utilization of the United States International Space Station National Laboratory facilities.

(4) Coordination of transportation requirements in support of the United States International Space Station National Laboratory facilities, including provisions for delivery of instrumentation, logistics support, and related experiment materials, and provisions for return to Earth of collected samples, materials, and scientific instruments in need of replacement or upgrade.

(5) Cooperation with NASA, other Federal Agencies, States, or commercial entities in ensuring the enhancement and sustained operations of non-exploration-related spacestation research payload ground support facilities, including the Space Life Sciences Laboratory, Space Station Processing Facility and Payload Operations Control Center and any other ground facilities critical to the utilization of the International Space Station.

(6) Development and implementation of scientific outreach and education activities designed to ensure effective utilization of International Space Station research capabilities, through such instruments as memoranda of understanding, Space Act agreements executed by NASA, or other cooperative agreements, and through the conduct of scientific assemblies, conferences, etc., for presentation of research findings, methods and mechanisms for dissemination of non-restricted research findings, and development of educational programs, course supplements, interaction with educational programs at all grade levels, including student-focused research opportunities for conduct of research in the United States International Space Station National Laboratory managed facilities.

(c) RESEARCH FACILITIES ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—

(1) ALLOCATION OF ISS RESEARCH FACILITIES.—Beginning as soon as practicable after the date of enactment of this Act, United States International Space Station National Laboratory managed experiments shall be guaranteed access to, and utilization of, 50 percent of the United States research facilities allocation and requisite crew time through fiscal year 2014. Beginning with fiscal year 2015, the percentage allocation shall increase by an additional 10 percent per year through fiscal year 2020.

(2) ADDITIONAL RESEARCH CAPABILITY.—If the head of the ISS Program Office determines that there are NASA research plans that would require research capability beyond the percentage allocation under paragraph (1), those research plans shall be prepared in the form of requested research opportunities submitted to the established process for consideration of proposed research within the allocations and capabilities of the International Space Station National Laboratory, as provided in paragraph (1). These research proposals may include the establishment of partnerships with non-NASA institutions eligible to propose research to be conducted within National laboratory allocated research facilities. Until fiscal year 2020, the head of the Office may grant exceptions to this requirement if the proposed experiment is deemed essential for purposes of preparing for exploration beyond low Earth Orbit, as determined by joint agreement between the organization described in subsection (a) and the head of the office established under subsection (b).

(3) RESEARCH PRIORITIES AND ENHANCED FACILITIES.—The organization described in subsection (b) and the head of the office established under subsection (a) shall take into account recommendations of the National Academies of Science Decadal Survey on Life and Microgravity Sciences in establishing research priorities and in developing proposed enhancements of research facilities and opportunities.

(4) RESEARCH PAYLOAD RESPONSIBILITY.—NASA shall retain its roles and responsibilities in providing research payload transportation integration and operations processes essential to ensure safe and effective flight readiness and vehicle integration of research facilities and activities approved and prioritized by the organization described in subsection (b) and the head of the office established under subsection (a).

SEC. 7. TRANSPORTATION SYSTEMS DEVELOPMENT.

(a) IN GENERAL.—The Administrator shall take steps to ensure that the development of space transportation vehicles, systems, and infrastructure shall occur in such a way as to ensure the availability of complementary and, where necessary, redundant transportation systems capable of delivering crew and cargo to low-Earth orbit, in particular to the International Space Station, and to destinations beyond low-Earth orbit. Systems developed and operated by the United States Government shall be the primary means for delivering crew and cargo to destinations in low-Earth orbit until such time as commercial entities demonstrate, through a successful flight regime, as determined by established milestones within current Space Act Agreements, that they have the capability to deliver cargo to destinations in low-Earth orbit, including the International Space Station. Systems developed and operated by the United States government shall be the primary means for delivering crew and cargo to destinations beyond low earth orbit. Commercially developed launch systems, such as those being developed under NASA's Commercial Orbital Transportation System, for which the United States government will serve primarily as a customer, shall be the primary means for delivering cargo to the International Space Stations once they have successfully demonstrated

that capability, as required by this subsection.

(b) NATIONAL SPACE TRANSPORTATION SYSTEM.—The Administrator is directed to develop a plan, no later than 90 days after the date of enactment of this Act, for the establishment of a National Space Transportation System. The National Space Transportation System shall include—

(1) an architecture of government developed and operated space transportation systems, including one or more launch vehicles and associated crew and cargo carriers;

(2) a streamlined approach to development and acquisition of such systems funded and overseen by the United States Government, including possible adoption or modification of effective acquisition practices utilized by the Department of Defense, where appropriate, to more effectively meet civil space transportation requirements;

(3) an operational concept that utilizes existing government and industry personnel and infrastructure in an efficient and cost effective manner;

(4) continuation or modification of ongoing programs, associated contracts, and testing and evaluation plans initiated under the Constellation Program, including the Orion Crew Exploration Vehicle and the Ares-1 Crew Launch Vehicle, to the extent that such elements are determined to be cost effective and operationally effective;

(5) a plan for incrementally upgrading initially developed and deployed systems so that such systems can be made operational with existing technology at the earliest possible opportunity and then upgraded over time to fulfill more demanding missions and incorporate new technology as it becomes available; and

(6) a United States Government managed approach for overseeing and ensuring crew safety, including oversight of human ratings requirements established under subsection (f)1)(C) of this section.

(c) TECHNOLOGY DEVELOPMENT TO SUPPORT NATIONAL SPACE TRANSPORTATION SYSTEMS EVOLUTION.—The Administrator shall develop and keep up to date a technology development plan to support the evolving requirements of the National Space Transportation System, both for low-Earth orbit requirements and for missions beyond low-Earth orbit. Technology funding provided pursuant to this subsection shall be determined based on the specific mission benefits and the performance requirements needed to achieve clearly identified mission objectives, such as planning to reach destinations beyond low-Earth orbit. There are authorized to be appropriated to the Administrator such amounts for technology funding for propulsion elements as may be necessary to advance the state of the art in propulsion elements as a priority over developments of current state of the art in propulsion systems.

(d) HEAVY-LIFT VEHICLE DEVELOPMENT.—

(1) REVIEW.—As part of the National Space Transportation system required in subsection (b) of this section, the Administrator is directed to conduct a review of alternative heavy lift launch vehicle configurations that may be developed by the United States government to transport crew and cargo to low-Earth orbit and beyond.

(2) CONTENT.—The review shall—

(A) include shuttle-derived vehicles which use existing United States propulsion systems, including liquid fuel engines, external tank, and solid rocket motor technology and related ground-based manufacturing capability, launch and operations infrastructure, and workforce expertise;

(B) take into consideration technologies developed under the Constellation Program, including those developed for the Ares I system;

(C) include consideration of the degree to which alternative vehicles may be developed in an evolutionary fashion with the objective of supporting initial crew and cargo transportation to the International Space Station by the end of 2013 and missions beyond low-Earth orbit by the end of 2018; and

(D) include comparative development and projected operational costs.

(e) NATIONAL SPACE TRANSPORTATION SYSTEM AUTHORITY TO PROCEED.—The Administrator is directed to select a heavy lift launch vehicle and accompanying crew vehicle design concept and to initiate detailed design activities no later than 6 months after the date of enactment of this Act. If ongoing program development elements and activities from the Constellation Program are to be included in such a National Space Transportation System, the Administrator shall take appropriate steps to extend or modify existing contracts to facilitate this objective.

(f) COMMERCIALLY-DEVELOPED SPACE TRANSPORTATION VEHICLES.—

(1) LAUNCH AND DELIVERY SYSTEMS.—The Congress restates its commitment, expressed in the National Aeronautics and Space Administration Acts of 2005 and 2008, to the development of commercially-developed launch and delivery systems to the International Space Station for crew and cargo missions, known as the Commercial Orbital Transportation System.

(2) PRELIMINARY REQUIREMENTS FOR COMMERCIAL CREW CAPABILITY DEVELOPMENT.—Before undertaking any development activity in support of commercially-developed crew transportation systems, the Administrator shall ensure that, at a minimum, the following steps are completed:

(A) HUMAN RATING REQUIREMENTS.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and make publicly available detailed human ratings requirements to guide the design of commercially-developed crew transportation capabilities. The requirements shall be at least equivalent to proven requirements in use as of the date of enactment of this Act.

(B) COMMERCIAL MARKET ASSESSMENT.—The Administrator shall initiate, using an appropriate and qualified independent entity, an assessment of the potential non-government market for commercially-developed crew and cargo space transportation systems and capabilities. The assessment shall—

(i) include activities associated with potential private sector utilization of International Space Station research and technology development capabilities and other potential activities in low-Earth orbit; and

(ii) be completed and provided to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(C) PROCUREMENT SYSTEM REVIEW.—The Administrator shall review established government procurement and acquisition practices and processes, including Space Act Agreement authorities, to determine the most cost-effective means of procuring commercial crew capabilities and related services which will ensure appropriate accountability, transparency, and maximum efficiency in the procurement of such services. The review shall include a description of proposed measures to address risk management processes and the means of indemnification for third party commercial entities, and processes for quality control, safety oversight, and application of Federal oversight processes within the jurisdiction of other Federal agencies. A description of the proposed procurement process and justification for its selection shall be included in any proposed initiation of procurement activity for commercially-developed crew transportation services and shall be subject to review by the committees of jurisdiction before the initiation of any competitive process to procure such services. In support of the committee review, the Comptroller General shall undertake an assessment of the review required by this subparagraph and provide a report to the committees of jurisdiction within 90 days after the date on which the Administrator provides the description and justification to the committees of jurisdiction.

(D) USE OF GOVERNMENT-SUPPLIED CAPABILITIES AND INFRASTRUCTURE.—In evaluating any proposed development activity for commercially-developed crew or cargo launch capabilities, the Administrator shall identify the anticipated contribution of government personnel, expertise, technologies, and infrastructure to be utilized in support of design, development, or operations of such capabilities. The Administrator shall include details and associated costs of such support as part of any proposed development initiative for the procurement of commercially-developed crew or cargo capabilities or services.

(E) ESTABLISHMENT OF FLIGHT DEMONSTRATION AND READINESS REQUIREMENTS.—The Administrator shall establish appropriate milestones and minimum performance accomplishments which must be completed before any authority is granted to proceed to procurement of commercially-developed crew transportation systems or capabilities.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that the development of commercial capabilities for the use of space may be of value in maximizing the utility and productivity of the International Space Station by providing a commercial means of enabling crew transfer and crew rescue services for the International Space Station. The Congress further believes that once such commercial services have demonstrated the capability to meet established ascent, entry, and International Space Station proximity operations safety requirements the United States should make use of domestic commercially-provided crew transfer and crew rescue services to the maximum extent practicable. The Congress further believes that the National Aeronautics and Space Administration should expedite, where possible, the use of domestic commercially provided International Space Station cargo missions, and that upon the certification by appropriate Federal agencies of operational flight readiness for the provision of commercial crew transportation capabilities, the Administrator should limit, to the maximum extent practicable, the use of a United States government crew transportation vehicle to missions carrying crew beyond low Earth orbit.

(4) LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS.—No funds authorized to be appropriated by this Act may be obligated or expended for the purpose of procuring a commercially-developed crew transportation vehicle prior to completion of the requirements of paragraph (2) of this subsection.

(g) CARGO RETURN CAPABILITY.—The Administrator is directed to conduct a study of alternative means for development of the capability for a soft-landing return for return research samples or other derivative materials, and small to mid-sized (up to 1,000 kilograms) equipment for return and analysis, or refurbishment and redelivery to the ISS. If the Administrator decides that an independent study is appropriate, the results of the study shall be transmitted to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(h) REPORT TO COMMITTEES OF JURISDICTION.—The Administrator shall submit a report to the committees of jurisdiction on

plans for implementing the requirements of this section no later than 90 days after the date of enactment of this act.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) COMMERCIAL ENTITY.—The term ''commercial entity'' means a for-profit entity operating in such a way that—

(A) private capital is at risk in the provision of a product, activity, or service;

(B) there are existing or potential nongovernmental customers for the product, activity, or service conducted or provided by the entity;

(C) the commercial market ultimately determines the viability of such product, activity, or service; and

(D) primary responsibility and management initiative for the entity resides with the private sector.

(3) COMMITTEES OF JURISDICTION.—The term ''committees of jurisdiction'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science and Technology of the House of Representatives.

(4) DOWN-MASS.—The term ''down-mass'' means physical elements, such as equipment removed for repair, replacement or analysis, experiment products, samples and devices, tools, personal crew items, manufactured goods, or other non-disposable items, including historically significant materials or items, whether the property of the United States or an international partner, or a nongovernment or commercial entity.

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

(6) ISS NATIONAL LABORATORY.—The term ''ISS National Laboratory'' means the International Space Station United States National Laboratory Enterprise.

(7) LEGISLATIVE DAY.—The term ''legislative day'' means any calendar day on which the Senate and the House of Representatives are in session.

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

(9) SPACE ACT.—The term ''Space Act'' means the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(10) UNITED STATES SEGMENT OF THE INTERNATIONAL SPACE STATION.—The term ''United States Segment of the International Space Station'' includes all structural elements, supporting equipment, external attachment locations, pressurized modules, and associated contents, purchased or manufactured by or for the United States, and partner-supplied facilities allocated for utilization as determined through bilateral and multilateral agreements.

(11) UP-MASS.—The term ''up-mass'' means physical elements, such as equipment, spare parts, replacement parts, experimental facilities, and associated materials, and various supplies necessary for the operation and maintenance of the space station vehicle, modules, hardware, and crew support.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) FY 2010.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 2010:

(1) Space Science Mission Directorate, $4,493,300,000.

(2) Exploration Systems Mission Directorate, $3,779,800,000.

(3) Space Operations Mission Directorate, $6,180,600,000.

(4) Aeronautics and Space Research and Technology Mission Directorate, $682,200,000.

(5) Education Programs, $183,800,000.

(6) Cross-Agency Support, $2,919,900,000.

(7) Construction and Environmental Compliance and Restoration, $448,300,000.

(8) Office of Inspector General, $35,000,000.

(b) FY 2011.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year fiscal year 2011:

(1) Space Science Mission Directorate, $5,005,600,000.

(2) Exploration Systems Mission Directorate, $4,263,400,000.

(3) Space Operations Mission Directorate, $4,887,800,000.

(4) Aeronautics and Space Research and Technology Mission Directorate, $1,151,800,000.

(5) Education Programs, $145,800,000.

(6) Cross-Agency Support, $3,111,400,000.

(7) Construction and Environmental Compliance and Restoration, $397,300,000.

(8) Office of Inspector General, $36,000,000.

(c) FY 2012.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 2012:

(1) Space Science Mission Directorate, $5,248,600,000.

(2) Exploration Systems Mission Directorate, $4,577,400,000.

(3) Space Operations Mission Directorate, $4,290,200,000.

(4) Aeronautics and Space Research and Technology Mission Directorate, $1,596,900,000.

(5) Education Programs, $145,800,000.

(6) Cross-Agency Support, $3,189,600,000.

(7) Construction and Environmental Compliance and Restoration, $363,800,000.

(8) Office of Inspector General, $36,000,000.

(d) SPACE SHUTTLE SUSTAINING OPERATIONS.—For purposes of implementing section 4, there are authorized to be appropriated an additional $200,000,000 for Space Shuttle operations in fiscal year 2010, $1,200,000,000 for Space Shuttle Operations in fiscal year 2011, and $2,000,000,000 for Space Shuttle Operations in fiscal year 2012.

(e) ISS OPERATIONS.—For purposes of implementing section 5, there are authorized to be appropriated an additional $36,000,000 for fiscal year 2010 for procurement of necessary spares, replacement units, and associated transportation costs of elements necessary to ensure viable sustained vehicle maintenance and operations, $100,000,000 for fiscal year 2011, and $100,000,000 for fiscal year 2012.

(f) ISS UTILIZATION.—For purposes of implementing section 6, there are authorized to be appropriated an additional $20,000,000 in fiscal year 2010, $15,000,000 for fiscal year 2011, and $15,000,000 for fiscal year 2012.

(g) NO FISCAL YEAR LIMITATION ON FUNDING.—All funds appropriated pursuant to this section shall remain available until expended.

(h) TRANSFER OF FUNDS.—The Administrator may transfer funds among any of the accounts identified in this section if, not less than 30 days before the date of any such transfer, the Administrator provides a detailed explanation of the needs for the transfer, the amount proposed to be transferred, and an analysis of the impact on activities from which funding is proposed to be transferred, to the committees of jurisdiction of the House of Representatives and the Senate. No such transfer shall occur until the Administrator has received an affirmative response indicating agreement to the proposed transfer from the chairs of the committees of jurisdiction.

SEC. 10. APPLICATION WITH OTHER LAWS.

The proviso under the heading ''EXPLORATION'', under the heading ''SCIENCE'' in the matter dealing with the National Aeronautics and Space Administration in the Science Appropriations Act, 2010 (title II of division B of the Consolidated Appropriations Act, 2010; Public Law 111–117) shall not apply to any activity authorized under this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 430—COMMENDING THE MEMBERS OF THE 45TH AGRI-BUSINESS DEVELOPMENT TEAM OF THE OKLAHOMA NATIONAL GUARD, FOR THEIR EFFORTS TO MODERNIZE AGRICULTURE AND SUSTAINABLE FARMING PRACTICES IN AFGHANISTAN AND THEIR DEDICATION AND SERVICE TO THE UNITED STATES

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 430

Whereas members of the 1–45th Agri-Business Development Team (ADT) took control of the ADT mission in the Paktya and Paktika provinces of eastern Afghanistan from the 1–16th ADT from the Tennessee National Guard on December 21, 2009, and members of the 2–45th ADT are planned to take over their mission in the summer of 2010;

Whereas the members of the ADT of the Oklahoma National Guard are experts in civilian agriculture practices and will provide important resources to the Afghan population in fostering sustainable agriculture practices, improving food production and processing, providing secure storage facilities and controlled temperature facilities, and ensuring secure and legal economic growth;

Whereas the International Agricultural Program at Oklahoma State University in Stillwater, Oklahoma, has provided valuable training for the 45th ADT pre-deployment and has provided a valuable educational research tool for Guardsmen and women deployed to Afghanistan;

Whereas agriculture accounts for 45 percent of the gross domestic product of Afghanistan and over 80 percent of the population of Afghanistan is engaged in farming and agriculture;

Whereas the 45th ADT works closely with the Provincial Director of Agriculture in Afghanistan to ensure farmers and ranchers in Afghanistan are receiving valuable assistance in rebuilding and restoring the agricultural economy of Afghanistan; and

Whereas the ADTs partner with the United States Department of Agriculture and the United States Agency for International Development (USAID) to provide interagency support to farmers in Afghanistan and are critical to the overall success to the mission in Afghanistan: Now, therefore, be it

Resolved, That the Senate commends the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for—

(1) their efforts to modernize agriculture and sustainable farming practices in Afghanistan; and

(2) their dedication and service to the United States.