

Also switching the overall thrust frame from steel to titanium has saved another 100 lb. These improvements will be especially helpful when the vehicle eventually begins to launch heavier payloads, Musk said.

EXHIBIT 2

SEPTEMBER 21, 2004.

Senator JOHN MCCAIN,
Chair, Committee on Commerce, Science, & Transportation, 241 Russell Building, Washington, DC.

Senator SAM BROWNBACK,
Chair, Subcommittee on Science Technology, & Space, 303 Hart Building, Washington, DC.

Senator ERNEST HOLLINGS,
Ranking Member, Committee on Commerce, Science, & Transportation, 125 Russell Building, Washington, DC.

Senator JOHN BREAUX,
Chair, Subcommittee on Science Technology, & Space, 503 Hart Building, Washington, DC.

DEAR SIRs, we are writing to respectfully urge that the Senate Committee on Commerce, Science and Transportation quickly report out and secure Senate passage of a perfected H.R. 3752, the Commercial Space Launch Amendments Act of 2004.

As you know, the U.S. commercial expendable launch vehicle industry is challenged by a highly competitive international market, and NASA's recent orbital reusable launch vehicle development programs have not been successful. Fortunately, the recent emergence of a suborbital reusable launch vehicle industry demonstrates that American entrepreneurs are bringing new private resources and ideas to bear on the vital goal of advancing U.S. space transportation capabilities and competitiveness, largely to pursue new commercial human spaceflight markets.

The Commercial Space Launch Act of 1984 (CSLA) as amended (49 U.S.C. 70101 et seq.) gives the Secretary of Transportation sole regulatory authority over commercial space transportation, which has been delegated to the FAA's Office of the Associate Administrator for Commercial Space Transportation (ASST). That jurisdiction includes launches of a 'suborbital rocket' on a 'suborbital trajectory,' but unfortunately those terms were never defined in law. Furthermore, the CSLA is silent on the issue of whether such vehicles might carry persons. Therefore, confusion has developed as to whether some of these suborbital RLVs might be regulated as a rocket or an airplane, or worse still, as both. Last summer a joint hearing of the Senate Science, Technology, and Space Subcommittee and the House Space & Aeronautics Subcommittee heard strong and unanimous testimony that this regulatory uncertainty was a real and unnecessary barrier to private investment in, and therefore the success of, this new suborbital RLV industry, and that Congress needed to fill in the "legislative gap" in the CSLA.

To address this issue, the House Science Committee crafted H.R. 3752 after holding an additional public hearing, a private forum, and extensive individual consultations with a broad range of interested and disinterested parties. The legislation not only creates the regulatory clarity needed by industry, but strikes an important balance among competing public policy objectives.

For example, the legislation continues the CSLA's priority of protecting the safety of the uninvolved public, and also affirms FAA/AST's authority to set safety-related requirements for crew in these new vehicles. H.R. 3752 and its committee report also directs FAA to promulgate regulations requiring the full disclosure of the safety records of human spaceflight vehicles and their operating companies to all prospective customers, giving them informed consent. (This

is very different from the laissez faire approach which existed during the barnstorming days of aviation.)

The bill also creates a new, streamlined experimental permit regime that allows for expedited review of non-revenue flight test of vehicles so that companies can demonstrate safe operating records before proceeding to revenue flight. It should be noted that flights under experimental permits would not be eligible to receive federal indemnification against third party claims, and even during revenue flight the spaceflight participants would not be eligible to receive indemnification.

For all of these reasons, H.R. 3752 was sponsored by the committee's bipartisan leadership, and passed the House of Representatives by the overwhelming vote of 402 to 1 in March of this year.

In recent months, Congressional staff, the FAA, and various industry participants have developed compromise language that would provide greater clarity over regulatory jurisdiction of so-called hybrid suborbital rockets. With these changes, which are attached to this letter, H.R. 3752 is ready for final consideration in and passage by the Committee on Commerce, Science, and Transportation Committee and the full Senate.

We, the undersigned leaders of this industry and supporting public policy organizations, therefore respectfully urge you to support this consensus amendment and send a perfected H.R. 3752 to the Senate floor this month for passage by unanimous consent so it can be reconsidered by the House and enacted into law before the November election.

Truly yours,

Jeff Greason, XCOR Aerospace; Elon Musk, Space X; Eric Anderson, Space Adventures; Bill Khourie, Oklahoma Space Industry Development Authority; Greg Allison, Chairman, Executive Committee National Space Society; John Carmack, Armadillo Aerospace; George French, Rocketplane, Ltd; Hon. Andrea Seastrand, California Space Authority; Brian Chase, Space Foundation.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMOTION OF COLONEL ROBERT T. HERBERT

Mr. REID. Mr. President, in our closing tonight, we are going to advance a number of military officers who have been reported out of the Armed Services Committee today.

It was with a special pleasure today that I spoke to Senator LEVIN and he told me that COL Robert T. Herbert had been reported out of the Armed Services Committee. Robert T. Herbert runs my Las Vegas office. Seventy-two percent of the people in the State of Nevada live in the Metropolitan Las Vegas area. He has an extremely important, responsible job for the people of the State of Nevada to make sure that what goes on in Nevada—especially on a Federal level—is something

that he is aware of and I am aware of. He does a wonderful job. He is such a good person. Tonight, he will be no longer a Lieutenant Colonel but will become a full Colonel in the Nevada Army National Guard.

My friend, Bob Herbert, grew up as the son of a military man, retired Master Sergeant Robert W. Herbert. Bob, my employee, decided at an early age that he wanted to become a military pilot. So even before he graduated from high school, he joined the Army. Of course, he is well educated. He did graduate from high school. He now has a master's degree from George Washington University. He worked very hard to get that. He graduated from high school in Slinger, WI, and went to basic training, and then on to flight school. He was immediately thereafter assigned to Germany where he flew patrols along the borders between East and West Germany. This, as we all know, were the front lines of the Cold War.

After he was reassigned from Germany, Colonel Herbert completed his undergraduate work at Embry-Riddle Aeronautical University. He then went to test pilot school and became an Army test pilot.

As a test pilot, he flew helicopters which, as we all know, are so important not only in modern military missions but also for important jobs at home, such as fighting fires and the emergency transport of accident victims.

I just finished a telephone conversation with my friend Don Phillips—my friend of longstanding who lives in Lincoln County, NV, in Caliente actually, 145 miles from Las Vegas—and a helicopter took his wife Dorothy to a hospital in Las Vegas where she is very ill. Helicopters are important for all kinds of uses.

All these years, Bob has been moving around from place to place, and he wanted someplace to settle down. One of his fellow test pilots was a man named Randy Sayre who was from Fallon, NV. He told Colonel Herbert what hundreds of thousands of other people have discovered—that Nevada is a great place to live.

So when Bob got out of the Army, he moved to Reno and joined the Nevada Army National Guard. About that time, as a member of the Appropriations Defense Subcommittee, I learned that Bob Herbert was really good. He is someone whom I met. He had connections in the military circles in Nevada. I had heard about Bob, that he was not only good with military matters but also good with numbers.

At my request, he arranged to come to Washington and work in Washington as a fellow with the Brookings Institution. He was assigned to me. During that time, I had the privilege of pinning Bob with his Lieutenant Colonel insignia when he made that rank.

I also grew to depend on his judgment and advice, not just about military matters but about many other

issues. He was able to make decisions and had a lot of common sense.

When his fellowship was finished, he joined my staff here in Washington. He worked on military and veterans affairs, and transportation and technology issues. He came to work here in my Washington office while continuing to serve his Guard unit in Nevada.

As I mentioned earlier, he also earned a master's degree in public administration from George Washington University, my alma mater, working full time when he was doing this.

He worked for me 4 years back here, and I asked him if he would return to Nevada. He is not from Las Vegas. He is from northern Nevada, Reno, but being the good soldier he is, he agreed to do this.

He has done a tremendous job in this very demanding position, and during all this, he continues to fulfill all his duties in the Army National Guard.

Colonel Herbert now has 29 years of service, which you would never believe if you met him because he looks so young. He is the State Army Aviation Officer, meaning he is in charge of all the Army aviation guard in Nevada.

He has more than 7,000 hours as a pilot, and that time is split about half with helicopters and half with airplanes.

In the Nevada Army National Guard, they mostly fly helicopters. They have the OH-58, which is used in counterdrug trafficking and the Blackhawk, which is an air ambulance unit, and the Chinook, which is used for heavy lifting and is especially useful for fighting fires. They also have a KingAir airplane.

We all trust people who work for us. We trust their judgment, and we rely on their experience and skill, but I literally trust Bob Herbert with my life, as he has flown me to various places around the State of Nevada.

I am very proud of this man, the way he represents me, the State of Nevada, and the Senate. I know all Nevadans are proud not only of Colonel Herbert but all the brave men and women who are serving our State and our Nation today.

REMOVAL OF COSPONSORSHIP

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be removed as a cosponsor from amendment No. 3801 to the National Intelligence Reform Act of 2004, S. 2845. There has been a misunderstanding. That is the reason I ask that this request be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. BIDEN. Mr. President, tomorrow marks the beginning of October, celebrated nationally as National Domestic Violence Awareness Month. Earlier this week, this body unanimously

passed a resolution that commemorates National Domestic Violence Awareness Month and renews the Senate's commitment to raise awareness about domestic violence and its devastating impact on families. While the Violence Against Women Act has been law for 10 years, none of us can afford to stop talking about domestic violence and encouraging victims to come forward and seek help.

Throughout the month, cities, organizations, businesses, religious institutions, and many others are organizing events to commemorate National Domestic Violence Awareness Month. For instance, Marie Claire magazine and Liz Claiborne Inc. have joined forces to create "Its Time to Talk" Day on October 14 to encourage greater public dialogue about domestic violence. Around the country, media personalities, governmental officials, domestic violence advocates, businesses and the public-at-large will be taking a moment—or more—to talk openly about this "dirty little secret" that affects nearly one in three women in this country.

The health care community has designated October 13 as Health Care Cares About Domestic Violence Day to raise awareness, and encourage doctors and nurses to screen for domestic violence while delivering routine and emergency care. On October 7, Marshall's will donate a percentage of that day's sales from all of its stores to organizations fighting domestic violence. Many communities, from Morrisville, VT to Lake Charles, LA, are holding candlelight vigils to remember and honor victims of domestic violence.

I cannot overestimate the importance of these local and national events that spotlight domestic violence and enlist the whole community to get involved. While much progress has been made at the local, State and Federal level to hold batterers accountable with serious consequences and treat victims with dignity, the scourge of domestic violence is far from over. Progress is not mission accomplished.

Tragic statistics reveal the stark truth that we cannot turn our attention away from fighting domestic violence. On average, each day more than three women are murdered by this husbands or boyfriends. Nearly one in three women experience at least one physical assault by a partner during her lifetime. In a recent poll, nine in ten women said that ending domestic violence was their number one priority. One in five adolescent girls becomes a victim of physical or sexual abuse, or both, in a dating relationship. In addition to the incalculable human costs of domestic violence, the Centers for Disease Control and Prevention recently found that violence against women costs our country in excess of \$5.8 billion each year.

As resolute police chiefs retire, State task forces reorganize or committed district attorneys are replaced by newly elected leaders, we must ensure

that the messages, protocols, policies, and dialogues fostered by the Violence Against Women Act become institutionalized across the country. We need to usher the Act into the 21st century and implement it with the next generation—recent police academy graduates who want to be trained on handling family violence, newly elected state legislators who want to update State laws on stalking, and the next generation of children who must be taught that abuse will not be tolerated.

Next year the Senate will have the opportunity to reauthorize the Violence Against Women Act which may make improvements to core programs, tighten criminal penalties and create new solutions to challenges facing battered women. Some of the initiatives suggested include school-based programs to treat the millions of children who witness domestic violence, home visitation programs to prevent family violence, targeted training and education about domestic violence for health professionals, and greater transitional housing resources. I look forward to working with my colleagues to craft a comprehensive and balanced Violence Against Women Act of 2005.

In the meantime, I thank the countless men and women working tirelessly in their hometowns to end domestic violence. As I have said before, these advocates, lawyers, service providers, judges, police, nurses, shelter directors and many more, are saving lives, one woman at a time. During National Domestic Violence Awareness Month, we have a chance to acknowledge their hard work, talk loud and clear about domestic violence and support the courageous women escaping violent homes.

LOCAL LAW ENFORCEMENT ACT OF 2003

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

On November 29, 2001 in Santa Rosa, CA, three teenagers were charged with battery, conspiracy and a hate crime for allegedly assaulting a student they believed was gay.

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

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I was necessarily absent from rollcall vote No. 193. On the motion to table amendment No. 3795, to S. 2845, I