

Witness List

Panel I: Daniel Glaser, Deputy Assistant Secretary for Terrorist Financing and Financial Crimes, U.S. Department of the Treasury, Washington, DC.

Alan Misenheimer, Director of Arabian Peninsula and Iran Affairs, U.S. Department of State, Washington, DC.

Panel II: Anthony Cordesman, Co-Director, Middle East Program, Center for Strategic and International Studies, Washington, DC.

Nina Shea, Director, Center for Religious Freedom, Washington, DC.

Steve Emerson, Terrorism Expert and Executive Director, Investigative Project on Terrorism, Washington, DC.

Gulam Bakali, Islamic Association of North Texas, Board of Trustees, Richardson, TX.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Executive Nominations" on Tuesday, November 8, 2005 at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Kay Bailey Hutchison, U.S. Senator, R-TX; The Honorable John Cornyn, U.S. Senator, R-TX.

Panel II: Carol E. Dinkins to be Chairman of the Privacy and Civil Liberties Oversight Board; Alan Charles Raul to be Vice Chairman of the Privacy and Civil Liberties Oversight Board.

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

SUBCOMMITTEE ON RESEARCH, NUTRITION, AND GENERAL LEGISLATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Research, Nutrition and General Legislation be authorized to conduct a hearing during the session of the Senate on Tuesday, November 8, 2005 at 2:30 p.m. in SDG-50, Senate Dirksen Office Building. The purpose of this Subcommittee Hearing will be to discuss the Pet Animal Welfare, PAWS, statute.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "Strengthening Hurricane Recovery Efforts for Small Businesses" on Tuesday, November 8, 2005, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be author-

ized to meet during the session of the Senate on November 8, 2005 at 10 a.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON SUPERFUND AND WASTE MANAGEMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Waste Management be authorized to hold an oversight hearing at 2:30 p.m., on Tuesday, November 8, on the impact of certain government contractor liability proposals on environmental laws.

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

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Richard Ferguson be allowed floor privileges during the consideration of the National Defense Authorization Act. He is a Defense fellow for Senator HARRY REID.

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

Mr. LEAHY. I ask unanimous consent that Erica Santo Pietro of my staff be granted the privileges of the floor for the rest of today.

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

Mr. LEVIN. Mr. President, on behalf of Senator DAYTON, I ask unanimous consent that the privilege of the floor be granted to Mike Powers, a fellow in his office, for the duration of the floor debate on the bill.

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

NATIVE AMERICAN HOUSING ENHANCEMENT ACT OF 2005

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 261, H.R. 797.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 797) to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, today, I rise in support of H.R. 797, the Native American Housing Enhancement Act of 2005. This bill is identical to a bill Senator JOHNSON and I introduced in February, S. 475, that will encourage home ownership and enhance housing opportunities for Native Americans across the country. H.R. 797 is an important piece of legislation and I commend my Senate colleague, Senator TIM JOHNSON from South Dakota, and my colleague on the House side, Congressman RICK RENZI from Arizona, for their continued leadership on Indian housing issues.

Home ownership is a fundamental building block of a successful commu-

nity. Simply put, ownership promotes pride and pride promotes improvement. And, when it comes to Native American housing, we have a lot of improving to do. Currently, Native Americans experience some of the worst housing conditions in the country. About 90,000 Indian families are homeless or underhoused. Nearly 33 percent of Indian homes are overcrowded, while 33 percent lack adequate solid waste management systems and 8 percent lack a safe indoor water supply.

Poor housing conditions on our reservations are a symptom of laws and regulations that fail to promote a sense of ownership and personal responsibility within our tribes. Although the Native American Housing Assistance and Self-Determination Act of 1996 made great strides in developing an ownership society in Indian country, we still have a lot of work to do. This legislation is a step in the right direction. Our bill would give tribes more flexibility when developing housing improvement projects, and will also give tribal housing entities the opportunity to once again take advantage of a program designed to teach kids the value of hardwork and community involvement.

The Youthbuild program is a vocational program designed to give low-income kids and highschool drop-outs between the ages of 16 and 24 the skills they need to survive in today's world. Youthbuild participants gain critical job skills and leadership training by constructing and rehabilitating affordable housing units in their communities. The new housing units are owned and managed by community housing authorities and then permanently designated for low-income families who need the most help finding a place to live. The program is an excellent tool for achieving two goals. The first goal is to provide vocational education and life-long learning skills for kids who live in some of the most economically-depressed areas of the country. These kids need skills in order to build a workforce that can support economic development on our reservations. The second goal is to build affordable housing units so tribal families can find homes with running water, adequate sewage systems, and heat and electricity.

However, as I mentioned before, tribal housing entities and tribal youth programs were barred from the Youthbuild program when the Native American Housing Assistance and Self-Determination Act of 1996, NAHASDA, was enacted. Accessibility was eliminated because NAHASDA gave the tribes the authority to encompass this type of activity under their respective Indian Housing Plans. Unfortunately, when tribes are prioritizing their housing projects, many choose to fix crumbling foundations, dry-rot and sanitation systems before they invest in Youthbuild-type programs. H.R. 797 will provide an alternative resource for this type of activity. Further, it will

help children in tribal communities feel a sense of accomplishment when they see their friends and neighbors move into new homes they help built. And, that builds pride.

The bill will also clarify that tribes and tribal entities can access certain grant income and retain program money for successive grant years if used for affordable housing activities. This provision will ultimately provide tribes and tribal entities with more flexibility in planning and improve their ability to use their funds efficiently.

H.R. 797 also amends the Housing Act of 1949 to provide consistency across tribal housing programs by treating tribes applying for housing programs within the Department of Agriculture, USDA, the same as tribes applying for housing programs within the Department of Housing and Urban Development, HUD. The bill will allow tribes to comply with Title II of the Indian Civil Rights Act of 1968 rather than Title VI of the Civil Rights Act of 1964 when securing federal funds for USDA housing programs.

Under Title VI of the Civil Rights Act of 1964, tribes are unable to access certain federal funds if Indian preference is a factor in using those funds. Tribes must comply with the Civil Rights Act unless Congress explicitly exempts them under an authorizing statute. Unfortunately, most Native American housing programs are tailored to benefit tribal members, which puts these programs at odds with the 1964 Act.

When Congress passed the Native American Housing Assistance and Self Determination Act in 1996, we exempted tribes from the 1964 Civil Rights Act for housing programs administered by the Department of Housing and Urban Development, provided they comply with the Indian Civil Rights Act of 1968. H.R. 797 would provide a similar exemption for tribes with respect to housing projects under the Department of Agriculture. In short, it brings USDA housing programs in line with HUD housing programs.

This is a good bill that will provide real and tangible benefits in Indian country. Building a community is about building pride in our kids, our neighbors and ourselves. H.R. 797 and S. 475 recognize that pride comes from working together, learning new and improved skills, earning livable wages, and owning a home, among other things.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2472) was agreed to, as follows:

AMENDMENT NO. 2472

(Purpose: To modify a provision relating to the application of certain Acts to Indian tribes)

On page 3, line 9, strike “and”.

Beginning on page 3, strike lines 19 through 24 and insert the following: of 1968 (42 U.S.C. 3601 et seq.); and

(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

Beginning on page 4, strike line 15 and all that follows through page 5, line 6, and insert the following:

“SEC. 544. INDIAN TRIBES.

“Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to actions by federally recognized Indian tribes (including instrumentalities of such Indian tribes) under this Act.”

On page 5, after line 23, add the following:
SEC. 6. YOUTHBUILD ELIGIBILITY.

Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h-1) is amended by striking “for fiscal year 1998 and fiscal years thereafter” and inserting “for fiscal years 1998 through 2005”.

The bill (H.R. 797), as amended, was read the third time and passed.

IRAN NONPROLIFERATION AMENDMENTS ACT OF 2005

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany the bill (S. 1713) to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1713

Resolved, That the bill from the Senate (S. 1713) entitled “An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Iran Nonproliferation Amendments Act of 2005”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) *The Director of Central Intelligence’s most recent Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, states “Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, and China. Iran’s earlier success in gaining technology and materials from Russian entities helped accelerate Iranian development of the Shahab-3 MRBM, and continuing Russian entity assistance has supported Iranian efforts to develop new missiles and increase Tehran’s self-sufficiency in missile production.”*

(2) *Vice Admiral Lowell E. Jacoby, the Director of the Defense Intelligence Agency, stated in testimony before the Select Committee on Intelligence of the Senate on February 16, 2005, that “Tehran probably will have the ability to produce nuclear weapons early in the next decade”.*

(3) *Iran has—*

(A) failed to act in accordance with the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the “Safeguards Agreement”);

(B) acted in a manner inconsistent with the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards, signed at Vienna December 18, 2003 (commonly referred to as the “Additional Protocol”);

(C) acted in a manner inconsistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly referred to as the “Nuclear Non-Proliferation Treaty”); and

(D) resumed uranium conversion activities, thus ending the confidence building measures it adopted in its November 2003 agreement with the foreign ministers of the United Kingdom, France, and Germany.

(4) On September 24, 2005, the Board of Governors of the International Atomic Energy Agency (IAEA) formally declared that Iranian actions constituted noncompliance with its nuclear safeguards obligations, and that Iran’s history of concealment of its nuclear activities has given rise to questions that are within the purview of the United Nations Security Council.

(5) The executive branch has on multiple occasions used the authority provided under section 3 of the Iran Nonproliferation Act of 2000 (Public Law 106-178; 50 U.S.C. 1701 note) to impose sanctions on entities that have engaged in activities in violation of restrictions in the Act relating to—

(A) the export of equipment and technology controlled under multilateral export control lists, including under the Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement or otherwise having the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems to Iran; and

(B) the export of other items to Iran with the potential of making a material contribution to Iran’s weapons of mass destruction programs or on United States national control lists for reasons related to the proliferation of weapons of mass destruction or missiles.

(6) The executive branch has never made a determination pursuant to section 6(b) of the Iran Nonproliferation Act of 2000 that—

(A) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(B) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(C) no entity under the jurisdiction or control of the Government of the Russian Federation, has, during the 1-year period prior to the date of the determination pursuant to section 6(b) of such Act, made transfers to Iran reportable under section 2(a) of the Act.

(7) On June 29, 2005, President George W. Bush issued Executive Order 13382 blocking property of weapons of mass destruction proliferators and their supporters, and used the authority of such order against 4 Iranian entities, Aerospace Industries Organization, Shahid Hemmat Industrial Group, Shahid Bakeri Industrial Group, and the Atomic Energy Organization of Iran, that have engaged, or attempted