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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

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# House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, December 5, 2006, at 10 a.m.

# Senate

THURSDAY, NOVEMBER 16, 2006

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, give us Your wisdom when our vision fails, our understanding is darkened, and the ways of life seem difficult. Deepen our faith when our sight is dim. Guide our thoughts when we lack understanding.

Bless our Senators. Infuse them with quiet confidence and patient trust in You. Reinforce their courage with the knowledge of Your loving providence. When they are frustrated, remind them that You are still holding things together.

We pray in Your holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, November 16, 2006.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
*President pro tempore.*

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, I again want to congratulate the new leadership in the Senate for the 110th Congress. Democrats 2 days ago elected their leadership and the Republicans yesterday elected our leadership. A lot of planning is underway for the 110th Congress. As everyone knows, we have before us the objective of finishing the business of the 109th Congress, both over the course of today and possibly tomorrow, and then in a period that will begin the week of December 4, and possibly continue into the week following that. Both the Democratic leader and I have outlined what we have to accomplish. It is still a very long list in terms of appropriations bills, in terms of the United States-India nuclear agreement, in terms of potentially other trade agreements. We have tax extenders and a whole range of issues.

The Democratic leader and I will go into a quorum call very shortly and we will finalize the plan for today. But as we stated yesterday, before we leave this week—either tomorrow or we could finish later tonight—we do need to finish the United States-India nuclear agreement. We talked yesterday in our own conference about the importance of that particular piece of legislation, legislation that all our colleagues are familiar with, and we have a unanimous consent agreement to proceed to that with a fixed number of amendments. If you look at the amendments, it is clear that we won't have to do all of those amendments on that legislation. So I am confident that we can and we will finish that bill before we leave.

We do have an understanding that we will go to the agriculture appropriations bill as well. At some point I want to be able to do that and hopefully we can work out the details on how we can accomplish at least starting that particular bill, with the objective of finishing the United States-India nuclear agreement before we leave. So in the next few minutes we will be coming back with an announcement of that schedule as agreed to, but we will finish that bill before we leave.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RECOGNITION OF THE DEMOCRATIC LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

UNITED STATES-INDIA NUCLEAR AGREEMENT

Mr. REID. Mr. President, I think it is so important that we do whatever we can to pass this nuclear agreement that has been negotiated with India. India is the largest democracy in the world and we have had such tremendous relations with them over the last number of years. I think it would send a great sign to the rest of the world that we are able to work on issues of this importance and actually get it done. I surely hope we can do this. I feel confident we can. There are amendments and people can debate them. When the managers of the bill have heard enough, if necessary they can move to table, or whatever it takes to move these along. Senator BIDEN on Tuesday said there are a lot of these amendments he is aware of that they could work out or accept.

So I am hopeful we can finish today, tonight, or tomorrow, and there is no reason we shouldn't be able to. We have a number of amendments that have been locked in and there is no way this matter should not be completed. I think it is very important that we go into the Thanksgiving period with knowing that we have been able to work out something between two great democracies.

Mr. FRIST. Mr. President, I will be back with the plans here shortly after I talk to the Democratic leader, and in the meantime we will be in a period of morning business. Again, the United States-India nuclear agreement is something we will complete before we leave and is the order of the day. We should be able to go to that very early this morning, maybe as soon as 20 minutes from now. That will be the plan, to proceed through those amendments. There is one amendment we may have to go into a closed session to debate, and the details will be announced for that as well.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Delaware is recognized.

ORDER OF PROCEDURE

Mr. CARPER. Mr. President, the Senator from Minnesota, Mr. COLEMAN, and I would ask unanimous consent for each of us to sort of pool our 10 minutes apiece and take maybe the next 20 minutes to share—and some of our colleagues who are going to come by and talk as well—about the role our faith plays in the work we do here. If that might be acceptable, I would ask unanimous consent.

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

NATIONAL BIBLE WEEK

Mr. CARPER. Mr. President, the elections are behind us now and we are looking forward to the next Congress which will be seated on January 4—the 110th Congress. We have in town a number of newly elected Senators and their spouses. A number of us—Senator ALEXANDER, Senator VOINOVICH, Senator PRYOR, and myself—have been involved, along with the Secretary of the Senate, in holding orientation for new Senators and their spouses. On Tuesday night we were over at the National Archives and we had the opportunity to have a reception there and a dinner. The reception turned out to be a tour of the National Archives and the opportunity to see firsthand original copies of the Constitution, the Bill of Rights, handwritten letters from George Washington to all kinds of people, and from Abraham Lincoln to all kinds of people. We actually looked at the original Bill of Rights where we found that there were actually 12 amendments proposed to the Constitution, not 10. Two were not actually adopted. It was interesting to see and to go back over 200 years to the history and formation of our country, to focus on it and to think about it and reflect on it.

When the Constitutional Convention was held, just up the Delaware River from where I live in Wilmington, DE, and up in Philadelphia, whenever the Founding Fathers were getting into a tough time trying to come to consensus or agreement on one issue or the other that they were grappling with, a lot of times they would take a break and pray about it. When the inauguration of President Washington occurred in New York City, when they finished the inauguration, they didn't go off and hold big parties and balls, but they actually went to a church and prayed together and had a worship service. In fact, I am told over in the House of Representatives, when our country was young, President Jefferson was participating in worship services held there. Even now, 207 years later, we still begin each day's session here in the Senate, as they do in the House, with a prayer. We have Bible study groups that meet on Thursday with the Senate Chaplain, Barry Black. We have done that for a number of years. Senator COLEMAN, who has been one of our leaders in a Wednesday morning prayer breakfast, and MARK PRYOR from Arkansas have led that for a number of years.

So faith, from the beginning of our foundation as a country, has been important to us, to guide us as a nation, and to guide us today in our own personal lives.

When the Constitution was written and the Bill of Rights was written, the idea was not to establish an organized religion; the idea was to make sure people were free to practice whatever faith they wanted, and to be respectful of people of different faiths and the fact that people can worship as they see fit or choose not to worship at all. One of the strengths of our Nation is our faith, but another of the strengths of our Nation is the respect we have for people of different faiths. We have people in this body who are Protestant, Catholic, and Jewish. We worship the same God, just a bit differently.

One of the things we try to do during the course of the week is to use our faith. Whether we happen to be Presbyterian, Mormon, or Jewish, how do we use that faith to help guide us in the policies we adopt for our country and for the people we represent? I feel fortunate to live in a country where we are free to worship God as we see fit. I think there is a real opportunity here for us in the Senate as we try to put our country back together and begin to work together after a rough-and-tumble election to find ways that we can use our faith to figure out our path, and to better ensure the people in this country have health care, that folks have decent jobs, that folks get a good education, and that we can bind the wounds we have opened over the last several months and to move forward as a nation.

I say how pleased I am to have a chance to work with Senator COLEMAN from Minnesota and how much I appreciate the great leadership he has shown in bringing a bunch of us together on Wednesday mornings. I usually can't get here on Wednesday morning. I go back and forth on the train to Delaware almost every night, so I can't be there for many Wednesday mornings for that type of fellowship. But I oftentimes join my colleagues, including Senator LINCOLN of Arkansas and others, on Thursday right down the hall here for a Bible study group that is a little bit like an adult Sunday school class with the Senate Chaplain, affording us the opportunity to read scripture together, reflect together, to pray for one another, and to be nourished spiritually.

I am delighted to be here with Senator COLEMAN today, and I thank him for his leadership.

Mr. COLEMAN. Mr. President, I thank Senator CARPER for his leadership. Next week is actually National Bible Week. I think it has been celebrated since 1941. The Senator from Delaware is one of the cochairs of that. Part of what I think is the purpose of it and the importance of it is to reflect a little bit on the value, the importance of the Bible and of faith in our lives. And we do bring different faith perspectives and different historical perspectives. I have a great sense of almost envy a little bit about being from a State that goes back to the very beginning, to the time of the Founders. The Minnesota journey has been a little briefer journey, a challenging journey when the early settlers were coming out and landing. It was pretty cold in the winter and it could be blistering hot in the summer. You kind of reflect on your own mortality. To this day, we stand now in the 21st century, and one of the things faith does—and we heard it from the Chaplain, if you listened to the Chaplain's intonation when the prayer began, calling upon God for wisdom, in a sense humility, that even in this august Chamber it is important for us and our colleagues to have. I think faith gives you that, requires that of you. Alvin Toffler, in ''Future Shock,'' talked about the geometric rate of change—everything is moving so quickly, and reflected in that is the importance of some island of stability. One of the things that faith does for those of us in this body is, in a sea of change, it provides us with stability. It is an island. Everything else is moving very quickly around us, but if you look into the Bible, look into the Hebrew Torah, you find those kinds of rooted values—the social compact, the necessity to help the poor, the necessity to raise your voices on behalf of those who are oppressed, in bondage. All those values are rooted in these books that we still, then, reflect on and study today. I think it is important for us to do that.

One of the things, by the way, we have been doing is we have a National Prayer Breakfast. Senator PRYOR and I got to chair that this year. I recntly put into the CONGRESSIONAL RECORD the entire program, the transcript. I urge my colleagues to read it, take a look at it. There are fascinating reflections from King Abdallah from Jordan. The rock star Bono was the chief speaker. He said he is not a man of the cloth, unless your cloth is leather, but then he went on to talk about his own faith journey. He went on to say he used to wake up all the time and pray that God blessed a certain thing that he did. Now what he talks about is looking at and kind of putting his efforts into the things that God wants done, that He has already blessed, trying to figure out what is the right thing to do.

At a time when the partisan divide is so great—we see it on C–SPAN—what I think our faith has done, what it does for my colleagues and for me in fellowship with my colleagues is, for those brief—those moments, I would not say brief moments; actually, they are extended moments—it allows us to get past that and recognize what is in the heart of a colleague.

In the end, I hope it is a mitigating factor, something that then lessens the divide that we see so often played out on the screen and played out on TV. The things that bind us are so much more powerful than the things that separate us. We do it, I believe, with a sense of humility.

I was the mayor of Saint Paul, MN, the capital city. We say Saint Paul is the city of two cathedral domes. There is the dome of the State capitol and then the dome of the magnificent Cathedral of Saint Paul. The dome of the cathedral is on the highest plane of the city, and I say it is a reflection of who is in charge, and it is not the Governor or State legislature, if we reflect on that in a positive way.

There are mad men who use religion and holy books to do terrible things, but those are mad men. That is not what faith is all about. At a time of great change and the world moving so quickly, I know for me, personally, and my colleagues, we find refuge, we find solace, we find a sense of peace in reflecting upon the traditions that brought us to this floor, to this moment, and hopefully that allows us to operate in a way in which we do those good things—those good things that we see ourselves.

One of my favorite quotes is from Maimonides, who says each of us must act as if the world were held in balance and any single act of goodness on our part could tip the scale. I believe that every day of my life. That is what faith brings to me and brings to us.

I see my colleague from Arkansas is here. Yesterday, we were visiting the new Senators, our new colleagues, and kind of moving them to this family. I will, again, say to my new colleagues that I urge them, on the floor of the Senate, to participate in the National Prayer Breakfast. The President is there, the Joint Chiefs of Staff and members of the Supreme Court and leaders from 170-something countries. This is not just a Senate thing or a U.S. thing, this is a global thing of great importance, as we saw in our last prayer breakfast, where you have King Abdallah, a direct descendant of Mohammed, NORM COLEMAN, a Jewish boy from Minnesota, and MARK PRYOR, a Christian from Arkansas, coming together on the platform. I hope that has meaning beyond that single day.

With that, I see my colleague from Arkansas and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I am so proud to join my colleagues this morning, and I especially thank my colleague from Delaware for his service as the Senate chairperson of the National Bible Week this year and for preserving time this morning for our observance of this annual celebration. I also want to say a very special thanks to my colleague, NORM COLEMAN, the Senator from Minnesota, who does a tremendous job. We work together on so many different things, but yesterday it was great to be able to sit down and visit with the new Members, the new Senators coming into this body and talk to them about how to keep their life rich; not just to do their jobs as Senators but to take care of themselves and to make sure that their journey in life stays strong. We all know, in this journey that we all share on this Earth, this incredible blessing we have been given to live this journey here on Earth, if we keep that journey strong, then we will always be better Senators.

I could not have found a better partner in communicating that than my good colleague from Minnesota, and I appreciate him so much for that.

I am very grateful to be here to speak about the Bible, in recognition of this annual National Bible Week and certainly its importance in my life, what it has meant to me. In my family, growing up in east Arkansas, my dad was a farmer. We are a seventh-generation Arkansas farm family. We go back to our roots there along the Mississippi River. Actually, the first Lambert, which is my maiden name, who came to Arkansas was a Presbyterian minister who was sent as a missionary to the Native Americans who lived in that area. It was long before Arkansas was a State, and again it is a huge part of my heritage where, as a Presbyterian minister and a Christian, Rev. Jordan B. Lambert came across the border as a missionary to carry his faith into the West.

In my family, we were all introduced to the Bible at a very early age, and we were taught how to turn to its teachings early and often for guidance in our daily lives and what we needed to make this journey, our journey, each of us, our individual journey on this Earth, a full one, one that not only was fulfilling for us but, more importantly, fulfilling to our fellow man.

I can remember, as a young teenager, coming to Sunday school on Sunday mornings. I remember one of my Sunday school teachers who would take us every Sunday into our Sunday school room, and we made this huge Bible village out of clay and papier-mache. It was wonderful because it taught us so much of the times, of the Old Testament and the New Testament. It was incredible how we built this.

I realize now, later in life, that that was a time to reflect, reflect on the writings and the times that the Bible brings to us because, as we sat there, very curiously and very diligently creating out of clay and papier-mache this Bible village, we talked. We talked to each other. We talked to the Sunday school teacher, the adult who was there to help guide us. As she read Scripture to us and we made these

things, we talked about our experiences as young teenagers. We talked about what we were going through in school, the cruel words that others may have presented to us or the new student who had come to class and who was not being well received or someone whose family was ill or had a tremendous tragedy. We talked about these things as we created this village, and then we realized, through those Bible teachings and through those stories that we, too, were living that word—hopefully—and learning how better to live that word in our teenage years and in our adult years.

Without question, for me, the Bible is the most profound book in life, and there is no doubt that its lessons shape the type of person I am; the type of person I strive to become each and every day, working hard to do my best; the type of parent I want as an example for my children as they grow up and they learn these stories; and the type of Senator I want to be to help lead this country.

It is no secret to any of us that the Members of this incredible body are very blessed and fortunate in so many different ways. But what does that mean, exactly, and particularly to those who are scholars of Bible? I am not a Bible scholar, I wish I were, but I do look to the Bible for that guidance and as a part of my faith, as the Senator from Delaware said, it is a light. It is a lamp unto my feet. But the Bible teaches me: To whom much is given, much is required. If you look around throughout this body and realize how blessed we truly are, our devotion to public service, hopefully, comes from a desire to live by the types of teachings that the Bible gives us and that is to help the least among us. It doesn't just teach us to clothe those who are naked. It doesn't just teach us to feed those who are hungry. Those are the important parts. But I never shall forget a lesson I learned in person working in a soup kitchen in downtown Washington, cleaning up tables after we, our Bible study group, had served a breakfast, which we did on a monthly basis. I was cleaning up those tables and moving to what was the next thing in life, which was heading off to work, there was a man sitting at the last table and, as I began to break it down, I asked him:

> Are you still hungry? Is there something more that you would like?
>
> No, just 10 minutes of your time. Could you just please sit and visit with me for 10 minutes?

I realized it was not just the nourishment that he needed. He needed his soul to be fed as well.

If I think about all of the most important teachings in the Bible, I think about how important it is for us to nourish one another, Democrats to nourish Republicans and Republicans to nourish Democrats; how important it is in this body that we feed one another's souls with the kind of loving care that we are taught about in the Bible.

As a Senator, I thoroughly believe that government can be a weapon of good, if we adhere to and follow the basic message of the Bible's teaching of love. I think that is, without a doubt, the most clear message that comes there—love, care, and respect for our fellow man.

Perhaps my favorite Bible lesson proclaims: Let us not love in word but in deed and in truth. In an environment that gets way too political, and so often it does, it is so incredibly important for all of us to look to that lesson.

I thank you, Mr. President, and especially thank my colleagues, for coming here to recognize what an important role the Bible does play in so many of our lives and what a wonderful opportunity it gives us to nourish each other's soul on a daily basis.

I yield to the Senator from Delaware.

Mr. CARPER. Mr. President, how much time do we have on our 20 minutes?

The ACTING PRESIDENT pro tempore. The Senator has 55 seconds.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. CARPER. Of course.

## UNANIMOUS-CONSENT AGREEMENT—H.R. 5384

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the unanimous consent for consideration of the United States-India legislation, that during the session of the Senate on Thursday, September 16, the Senate proceed to consideration of the Agriculture appropriations bill, at a time to be determined by the majority leader after consultation with the Democratic leader; provided further that following the statements of the Chairman and ranking member, Senator CONRAD be recognized in order to offer a first-degree amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, reserving the right to object, I shall not object, Senator CONRAD is not on the floor. I am certain this will be acceptable to him. His amendment will modify the disaster aid amendment that was put in the Senate appropriations bill in the Senate committee. I wish to be recognized following Senator CONRAD's statement on this introduction, to be part of that discussion.

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

Mr. FRIST. What this means is, to clarify, in a few minutes we will be going to the United States-India legislation. At some point over the course of the day, following getting on that bill, the amendments in that bill, we will have the opportunity to proceed to the Ag bill.

Let me restate our intentions to complete the United States-India legislation either today or tomorrow. We will complete that legislation. We have a whole list of amendments that were by unanimous consent listed. I think we can condense those amendments down on that legislation. We will be able to do that, I believe. If we do that, we should be able to address all those amendments and have that legislation completed.

I urge all of our colleagues to keep their statements fairly brief on that legislation. Let's get to the amendment process in order to complete that bill tonight so that we will not have to be back tomorrow.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. How much time do we have?

The ACTING PRESIDENT pro tempore. The Senator from Delaware has a minute remaining in morning business.

## SHOWING FAITH BY DEEDS

Mr. CARPER. Let me close by saying a special thanks to my friend from Arkansas, BLANCHE LINCOLN, and to our colleague, NORM COLEMAN from Minnesota, for talking with us for a few minutes today about their faith. One of my favorite verses of Scripture comes out of the little Book of James, near the end of the New Testament, where we read: Show me your faith by your words and I will show you my faith by my deeds.

The most important thing is not how high we jump up in church but what we do when our feet hit the ground, and our feet hit the ground here every day of the week at about 9:30.

As we go forward, none of us is perfect. All of us make mistakes—God knows I do. But I would just remind us all it is important not just to talk about our faith but that we try to show our faith by our deeds.

Having said that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

## AGRICULTURE APPROPRIATIONS

Mr. DORGAN. Madam President, at some point today following the debate with respect to the India security agreement, we will by unanimous consent have an opportunity to have the agriculture appropriations bill on the floor. My colleague Senator CONRAD will offer an amendment to that bill which will amend a provision that I added to the bill in the Senate Appropriations Committee.

My colleague Senator BURNS and I added a farm disaster amendment. My colleague Senator CONRAD has been working on an amendment that will expand that to include the 2007 disaster

legislation. Because we are going to have an agriculture appropriations bill on the floor today at some point, I thought it was interesting to call attention to a story that was in today's newspaper.

Our family farmers—many of whom got hurt badly with the devastating droughts and some of whom have been hurt by floods and so on—as I said yesterday are the economic all-stars of this country. They get up in the morning and do chores. They take showers afterwards—not before. They risk everything they have, hoping their crops will grow. They produce foodstuff for a hungry world. They are the economic all-stars in this country.

But let me point out that in this morning's newspaper the U.S. Department of Agriculture has said they are going to eliminate ''hunger''—actually eliminate the word ''hungry.'' The U.S. Government has vowed that Americans will never be hungry again, but they may experience ''very low food security.'' The U.S. Department of Agriculture has decided they are not going to use the term ''hungry'' as they define that number of people in this country who do not have enough to eat and are hungry.

There is something called ''an ache in your belly.'' There are hunger pangs for people who do not have enough to eat. Apparently that is not going to be called ''hunger'' anymore. Those folks who can't find anything to eat and are suffering the pangs of hunger and the ravage to their body because of not having food are going to be called people with ''very low food security.''

If you don't have anything to eat, that is a ''very low food security,'' but it doesn't describe in English what is happening. In English, these are people who are hungry.

I don't understand sometimes the bureaucracy. I was here years ago when ketchup was described as a vegetable, a part of a daily meal. Of course, that was never very right. It is not a vegetable. Now they are going to eliminate ''hunger.''

Throughout the years I have been here, I have served on the hunger committee when I was in the U.S. House, and I toured much of the world—going to refugee camps, been around parts of this country. I have seen hunger. I have seen devastating hunger.

I would desire to eliminate hunger, if we can. Our farmers are part of being able to do that at some point with the prodigious quantities of good food which they produce. We are not going to eliminate hunger by taking ''hunger'' out of the lexicon of the Department and replacing it with ''very low food security.'' I think it is not about the terminology; it is about the will. Do we have the will to decide in a country such as ours to address the issue of hunger and make sure they have enough to eat.

We have programs in this country such as food stamps and the WIC Program and other programs to try to address some of these issues. Now apparently we have some folks in the bureaucracy who will address it by changing the words to ''very low food security.''

Remember that when we later today talk about family farmers and the plight many of them have. They are the ones planting the seed and growing the crops—or at least trying to do that, except during the years where there is a disaster when they have serious problems.

We have a hungry world. The fact is in this world we circle the Sun. Our little planet has 6.3 billion neighbors. Half of them have never made a telephone call and live on less than $2 a day. There is plenty of hunger in this country and the world. Eliminating the word ''hunger'' from the lexicon of the U.S. Department of Agriculture is not addressing the issue of hunger.

I yield the floor. 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. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

## ORDER OF BUSINESS

Mr. CONRAD. Madam President, we have had a flurry of phone calls and consultations this morning about the dispute that has gone on over the last several days about getting to the agriculture appropriations bill so we might consider disaster relief for farmers and ranchers hard hit by drought across the country, the third worst drought in our Nation's history.

My understanding of the agreement is that we will go to the India nuclear matter but that at some time today we will turn our attention to the agriculture appropriations bill and I will have the chance to offer the first amendment to that bill. Is that a correct understanding of the agreement that has been entered?

The PRESIDING OFFICER. The Senator is correct in that under the unanimous consent entered into earlier we will move to the United States-India legislation, after which the agriculture appropriations bill will be taken up. It provides under that agreement for Senator CONRAD to be recognized in order to offer a first-degree amendment following the statement of the chairman.

Mr. CONRAD. Very good. That is my understanding. I appreciate the Chair confirming that.

There are 26 cosponsors of the legislation. It is wholly bipartisan—many Republicans and many Democrats. I want to alert my colleagues that at some point we will go to this issue today. It is not specified when, as I understand it. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. It is specified that sometime today we will go to it, and after statements of the Chair and ranking member I will be given an opportunity to offer an amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

The PRESIDING OFFICER. The Senator from Indiana.

## FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2006

Mr. LUGAR. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 3699, that it then be referred to the Energy and Natural Resources Committee and immediately discharged, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3699) to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

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

Ms. LANDRIEU. Madam President, I take the opportunity to thank the Governmental Affairs Committee for bringing H.R. 3699 to the floor for passage today. The Federal and District of Columbia Government Real Property Act of 2005 is a unique proposal to reevaluate the significant Federal property in DC and make some land available to redevelopment by the city. This redevelopment will broaden the District's tax base and will eventually add strength to the city economy. As the ranking Democratic member of the Senate Appropriations Subcommittee on the District of Columbia I am tasked with my friends on the Government Affairs Committee to provide appropriate oversight of the District and ensure a strong financial condition.

The Federal property that will be transferred to the District through this bill will provide for a variety of new projects and there is a great deal of potential. Reservation 13 is envisioned as a mixed-use new community that will include new housing and businesses, and improve access to existing healthcare facilities. That property also includes the Court Services and

Offender Services Agency, CSOSA, a Federal entity providing offender and defendant oversight in the District. I commend my colleagues for including a provision in this bill to ensure the CSOSA will remain on reservation 13 in a facility which the Federal government has provided significant resources to renovate. They are doing a tremendous job to ensure that offenders returning to the city are prepared for the challenges that face them and should continue that good work.

In addition, I emphasize my strong support for youth recreation and education opportunities in this bill. Properties all along the Anacostia River and elsewhere will now be under the District's control to develop and I strongly encourage them to commit to reserving a portion of each property for youth recreation. We all know the health benefits to children being outdoors, whether in organized sports or the chance to learn about the environment. There are many tremendous youth sports organizations in DC that boost kids' self-esteem and oftentimes provide educational support or mentoring at no cost to low income children. Particularly in an urban area where space is limited it is critical that the District commit to providing opportunities for youth to be outdoors.

I recognize the important need for outreach to the poorest and most vulnerable children in DC. I strongly urge the Anacostia Waterfront Corporation to form a partnership with a DC-based organization whose mission is to provide environmental education to children in natural and historic settings, and particularly to underserved populations. In my work with the District I have always encouraged partnerships with community organizations who know the need and how best to meet it and this is a perfect opportunity to create new vibrant partnerships to benefit the community.

I thank Senators COLLINS, VOINOVICH, LIEBERMAN, and AKAKA for their hard work on this legislation over the past year. The base of the bill was proposed by the administration in 2005 and we have worked collaboratively with the District government and the Federal agencies holding property in the city to develop a sensible approach. I support the goals of this bill to rationalize property in the District and I encourage city leaders to ensure youth have a place to play in their plans for the property. I urge passage of H.R. 3699 and thank the authorizing committee for their work.

Mr. LUGAR. Madam President, I further ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 3699) was ordered to a third reading, was read the third time, and passed.

## UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT

Mr. LUGAR. Madam President, I ask that the bill S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act, be called up and be the pending business.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 3709, which the clerk will report.

The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (S. 3709) to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, today the Senate begins consideration of legislation on the U.S.-India Civilian Nuclear Agreement. This agreement is the most important strategic diplomatic initiative undertaken by President Bush. By concluding this pact and the far-reaching set of cooperative agreements that accompany it, the President has embraced a long-term outlook that seeks to enhance the core strength of our foreign policy in a way that will give us new diplomatic options and improve global stability.

The Committee on Foreign Relations undertook an extensive review of this agreement. We held four public hearings with testimony from 17 witnesses, including Secretary of State Condoleezza Rice. We received a classified briefing from Undersecretaries of State Nick Burns and Bob Joseph. Numerous briefings were held for staff with experts from the Congressional Research Service, the State Department, and the National Security Council. I submitted 174 written questions for the record to the Department of State on details of the agreement and posted the answers on the committee web site.

The agreement allows India to receive nuclear fuel, technology, and reactors from the United States—benefits that were previously denied to India because of its status outside the Nuclear Non-proliferation Treaty—NPT. This pact is a lasting incentive for India to abstain from further nuclear weapons tests and to cooperate closely with the United States in stopping proliferation.

The bill before us is an important step toward implementing the nuclear agreement with India, but we should understand that it is not the final step in the process. This legislation sets the rules for subsequent congressional consideration of a so-called 123 Agreement between the U.S. and India. A 123 Agreement is the term for a peaceful nuclear cooperation pact with a foreign country under the conditions outlined in section 123 of the Atomic Energy Act.

Our legislation does not restrict nor does it predetermine congressional action on the forthcoming 123 Agreement. Unlike the adminisiration's original legislative proposal, this bill preserves congressional prerogatives with regard to consideration of a future 123 Agreement. Under the administration's original proposal, the 123 Agreement would have entered into force 90 days after submission unless both houses of congress voted against it, and with majorities that could overcome a likely Presidential veto. I am pleased the administration changed course on this matter and agreed to submit the 123 Agreement with India to Congress under normal procedures. This means that both the House and the Senate must cast a positive vote of support before the 123 Agreement can enter into force.

In our view, this better protects Congress's role in the process and ensures congressional views will be taken into consideration.

I thank Senator BIDEN for his close cooperation on developing this important bill. It reflects our shared views and concerns. He and his staff were valuable partners in the drafting of this legislation, and the final product is much improved because of their efforts. Together, we have constructed a bill that allows the U.S. to seize an important strategic opportunity, while ensuring a strong congressional oversight role, reinforcing U.S. nonproliferation efforts, and maintaining our responsibilities under the NPT. I also want to thank all members of the Foreign Relations Committee for their support, and the work of their staffs, in crafting a bill that received the overwhelming support of the committee last June.

For the benefit of Senators, I offer the following section by section analysis.

Section 101 identifies the bill as the U.S.-India Peaceful Atomic Energy and U.S. Additional Protocol Implementation Act. Sections 102 and 103 of the Lugar-Biden bill include sense of the Congress provisions on U.S.-India relations and policy declarations. These provisions give voice to a set of important policy issues involving bilateral relations, democratic values, nuclear non-proliferation regimes, fissile material production in South Asia, and support for IAEA safeguards and the Nuclear Suppliers Group. All of these concerns are reinforced by the bill's comprehensive reporting requirements.

Section 104 provides waiver authority from provisions in the Atomic Energy Act and removes the prohibition on cooperating with India due to its 1998 weapons tests and its existing weapons program. At the same time, section 129 of the Atomic Energy Act, which is preserved under the Lugar-Biden bill, terminates nuclear cooperation if India conducts a nuclear test, proliferates nuclear weapons or materials, or breaks its agreements with the IAEA or the United States.

Section 105 of our proposal adopts all of the administration's requirements

to ensure that India is meeting its nonproliferation commitments. In addition, we require that decisions in the Nuclear Suppliers Group enabling nuclear trade with India are made by consensus and consistent with its rules. Our aim is to ensure that this multilateral organization will continue to play a vital role in global nonproliferation efforts.

Section 106 prohibits exports of equipment, materials or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water. The provision allows narrow exceptions for the export of these items from the United States to India if they are for proliferation-resistant activities that involve the United States or have the sponsorship of a recognized international body such as the IAEA. This provision is consistent with the administration's policy regarding such transfers. It would allow cooperation in sensitive nuclear areas only if such cooperation could be implemented with no risk of proliferation.

Section 107 requires the creation of a system to ensure that no items exported to India are diverted to any uses that are not peaceful. This section seeks to ensure U.S. compliance with our NPT obligations.

Section 108 requires annual Presidential certifications that India is meeting its commitments under the July 2005 Joint Statement, its Separation Plan, New Delhi's Safeguards Agreement and additional protocol with the IAEA, the 123 Agreement, and applicable U.S. laws regarding U.S. exports to India. The President must also certify on an annual basis that U.S. trade with India in these areas remains in the national security interests of the United States.

Section 109 requires that no action be undertaken under this act that could violate any U.S. obligation under the NPT. Section 110 explicitly stipulates that if India conducts a nuclear test, U.S.-India civilian nuclear cooperation is terminated. Finally, sections 111 and 112 clarify India's Missile Technology Control Regime status under U.S. law and various terms used in the bill.

The U.S.-Indian agreement resulted from a delicately balanced negotiation. Neither side got everything it wanted. Nevertheless, the Bush administration and the Indian government came to the conclusion that the agreement was in the national security interest of both countries. I urge Senators to vote in favor of this legislation without conditions that would kill the agreement.

I would also note that Senator BIDEN and I included an important piece of nonproliferation legislation in the bill as title II. In 2004, the Senate ratified the IAEA Additional Protocol, but Congress did not pass implementing legislation that is required for the treaty to go into effect. President Bush has called on the Senate to act on this important matter, and the committee voted unanimously in favor of this bill in March.

The Committee approved this legislation with a bipartisan vote of 16 to 2. Furthermore 15 members of the committee asked to be named as original cosponsors. Since that time, additional Senators have requested to be added as cosponsors.

Due to the fact that the legislation was an original bill, the Parliamentarian ruled that cosponsors were not permitted. This is unfortunate because the amount of support our legislation has received is impressive. I appreciate the strong support of Senators BIDEN, HAGEL, CHAFEE, ALLEN, COLEMAN, VOINOVICH, ALEXANDER, SUNUNU, MURKOWSKI, MARTINEZ, DODD, KERRY, NELSON, OBAMA, CORNYN, BAYH, HUTCHISON, DEWINE, and LOTT.

During our markup, the committee rejected an amendment offered by Senator FEINGOLD. Under the amendment, the President would have had to determine with absolute certainty that no U.S. nuclear fuel exports to India could increase its production of fissile materials for weapons. New Delhi would rightly see this as moving the goalposts—an unacceptable unilateral alteration of the pact. If the Feingold amendment or others like it are included in the final legislation, they would effectively kill the U.S.-India Agreement.

I would have preferred that the U.S.-India Agreement had included a commitment by New Delhi to stop making nuclear bomb materials, but negotiations did not yield that result. Instead, the Bush administration won an important commitment to negotiate a Fissile Material Cutoff Treaty. Such a multilateral approach is the best way to reduce nuclear tensions and threats associated with an arms race in South Asia.

The Lugar-Biden bill declares it the policy of the United States to achieve as quickly as possible a cessation of the production of fissile materials for nuclear weapons by India and Pakistan. Our bill also includes an annual reporting requirement detailing:

> United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty.

I will oppose amendments that delay or impose additional conditions on the agreement before it can enter into force. The Senate will not advance U.S. national security in this case by making the perfect the enemy of the good. We should not hold up the significant nonproliferation gains afforded by this initiative in order to seek a fissile material cap that India has indicated it will not consider absent similar commitments by Pakistan and China.

The United States and India have engaged in initial discussions on a multilateral Fissile Material Cutoff Treaty, FMCT, to be negotiated in the conference on disarmament. We should press for rapid progress in that context.

The Indian government has expressed concern about section 106 of our bill. This section prohibits the export of any equipment, materials or technology related to the enrichment of uranium, the reprocessing of spent fuel, or the production of heavy water. These technologies are not purely civilian in nature. They are considered critical elements to a modern nuclear weapons program.

This provision in our bill is entirely consistent with President Bush's policy announcement on this matter at the National Defense University on February 11, 2004. In his speech, the President said:

> The 40 nations of the Nuclear Suppliers Group should refuse to sell enrichment and reprocessing equipment and technologies to any state that does not already possess full-scale, functioning enrichment and reprocessing plants. This step will prevent new states from developing the means to produce fissile material for nuclear bombs. Proliferators must not be allowed to cynically manipulate the NPT to acquire the material and infrastructure necessary for manufacturing illegal weapons.

President Bush also said that ''enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.''

In response to questions for the record that I submitted, Under Secretaries of State Bob Joseph and Nick Burns amplified this administration policy as it applies to the nuclear agreement with India. They said:

> For the United States, ''full civil nuclear cooperation'' with India means trade in most civil nuclear technologies, including fuel and reactors. But we do not intend to provide enrichment or reprocessing technology to India. As the President said in February 2004, ''enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.'' We do not currently provide enrichment or reprocessing equipment to any country. We will also need to ensure that any cooperation is fully consistent with U.S. obligations under the NPT not to in any way assist India's nuclear weapons program, and with provisions of U.S. law.

Under Secretaries Burns and Joseph also answered that:

> We do not export enrichment or reprocessing technology to any state. Therefore, full civil nuclear cooperation with India will not include enrichment or reprocessing technology.

This answer is especially significant, since the phrase ''full civil nuclear energy cooperation'' is the phrase taken directly from the July 2005 joint statement.

In response to a question for the record that I submitted to Secretary Rice, she responded:

> The U.S. does not foresee transferring heavy water production equipment or technology to India, and the draft bilateral peaceful nuclear cooperation agreement accordingly makes no provisions for such transfers.

Our committee bill, S. 3709, does not break any new ground in this area. This is not a new subject. The answers to these questions have been on the committee's Web site for months.

Nothing in this bill deviates from the President's policy, and we even go one step further by allowing the flexibility to export those items from the United States for proliferation-resistant activities with the U.S. or under international cooperation. I support section 106, and I think it is important that we take the strong and definitive statements made by President Bush, Secretary Rice, Under Secretary of State Nick Burns, and Under Secretary of State Robert Joseph and put them into law.

The Indian government has also expressed concern about section 107, which requires an end-use monitoring program to be carried out with respect to U.S. exports and re-exports of nuclear materials, equipment, and technology sold or leased to India. Some have argued that this provision is not needed because IAEA safeguards would verify the use of any U.S. exports to India. IAEA safeguards only apply, however, to nuclear materials, not to nuclear technology. Sensitive technology of the kind the United States might export to India that can be used in India's civilian nuclear program could also advance India's nuclear weapons program.

This type of end-use system is not without precedent, as Congress required similar recordkeeping for nuclear cooperation with China.

An end-use monitoring program can provide increased confidence in India's separation of its civilian and military nuclear programs. It also would further ensure United States compliance with article I of the Nuclear Non-Proliferation Treaty.

The provision is not intended to cast doubt on the sincerity of India's July 18 Joint Statement commitments or its March and May 2006 separation documents. Rather, the committee believes that by building and establishing a special program with India, the resulting coordination between India and U.S. regulatory agencies can provide a basis for even greater cooperation and commerce between the two nations.

Section 107 would confirm that only authorized recipients are receiving nuclear technology; that the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities; that the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States; and that facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

This section also requires that, in the absence of IAEA safeguards, the U.S. and India must arrange a bilateral system to ensure that safeguards in India remain on U.S. exports and re-exports in perpetuity.

Section 107 requirements could be met by applying to India those measures already governing atomic energy cooperation under the 123 Agreement with China. Under Secretary Joseph testified before the committee that, while the 123 Agreement with India will not provide for full-scope safeguards, it ''will allow for appropriate controls to help ensure that material or goods provided for civilian purposes remain within the civilian sector.'' So nothing in section 107 would be inconsistent with what may be concluded in the 123 Agreement with India itself.

Title II of the bill includes the committee's IAEA Additional Protocol Implementing Legislation. This title permits the Additional Protocol the U.S. has concluded with the IAEA to go into effect.

In President Bush's 2004 speech at the National Defense University, he called on the Senate to ratify the U.S. Additional Protocol with the IAEA. He said:

> We must ensure that the IAEA has all the tools it needs to fulfill its essential mandate. America and other nations support what is called the Additional Protocol, which requires states to declare a broad range of nuclear activities and facilities, and allow the IAEA to inspect those facilities . . . Nations that are serious about fighting proliferation will approve and implement the Additional Protocol. I've submitted the Additional Protocol to the Senate. I urge the Senate to consent immediately to its ratification.

The Committee on Foreign Relations voted unanimously to approve a resolution of ratification on the U.S. Additional Protocol on March 4, 2004, and the full Senate approved it on March 31 by unanimous consent in 2004.

Unfortunately the Additional Protocol is not self-executing. Congress must adopt implementing legislation for the United States to submit its instruments of ratification. In other words, implementing legislation must be passed before the Additional Protocol can go into effect. The Committee on Foreign Relations unanimously approved the implementing legislation on March 4, 2006, but efforts to pass the legislation in the full Senate have been unsuccessful due to holds placed by several Senators.

At a time when the administration and the Congress are demanding that India conclude such an Additional Protocol as part of its overall nuclear arrangements, Congress must muster the political will to act on the implementing legislation. Our credibility as the leader of global nonproliferation efforts is at stake. Along with many other nations, we are asking the IAEA to perform critical functions aimed at preventing nuclear proliferation. An effective IAEA is very much in the national security interest of the United States.

Some Senators expressed concern that the Additional Protocol and the implementing legislation will make it possible, even likely, that international inspectors will learn secrets about our nuclear weapons program. Let me state clearly, nothing could be further from the truth. The Additional Protocol does not contain any new arms control or disarmament obligations for the United States. Although there are increased rights granted to the IAEA for the conduct of inspections in the United States, although there are increased rights granted to the IAEA for the conduct of inspections in the United States, the administration has assured the Foreign Relations Committee that the likelihood of an inspection occurring in our country is very low. Moreover, even if an inspection under the Additional Protocol is requested, the United States has the full right, through the National Security Exclusion, to prevent the inspection if we determine that it could be potentially harmful to U.S. national security interests.

On July 26, 2006, the National Security Adviser, Steve Hadley, expressed the administration's support for the language in title II. He wrote:

> The Administration urges both Houses of Congress to act to complete expeditious action on implementing legislation to enable the United States to meet its obligations under the Additional Protocol.

More recently, President Bush's Assistant Secretary of State for International Security and Nonproliferation, John Rood, testified at his confirmation hearing that the administration strongly supports the Additional Protocol and that it is important that the United States pass implementing legislation.

I am pleased to report that a compromise was reached between the administration, the Committee on Foreign Relations, and those Senators who expressed concerns about the IAEA Additional Protocol implementing legislation. This is an important step for U.S. nonproliferation policy, and I thank all of the parties involved in the discussions for their support of those efforts.

In conclusion, Madam President, I urge my colleagues to approve the U.S.-India agreement. This legislation will allow the United States to engage in peaceful nuclear cooperation while safeguarding U.S. national security and nonproliferation efforts, as well as congressional prerogatives. It is an opportunity to build a vital strategic partnership with a nation that shares our democratic values and will exert increasing influence on the world stage. We should move forward now.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 5168

(Purpose: In the nature of a substitute)

Mr. LUGAR. Madam President, I send a managers' amendment to the desk that has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 5168.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LUGAR. Madam President, I urge the amendment's adoption.

The PRESIDING OFFICER. The amendment is agreed to as original text.

The amendment (No. 5168) was agreed to.

AMENDMENT NO. 5169

Mr. LUGAR. Madam President, I send an amendment to the desk that has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. OBAMA, proposes an amendment numbered 5169.

The amendment is as follows:

(Purpose: To clarify United States policy in order to deter nuclear testing by foreign governments)

At the appropriate place in title I, insert the following new section:

**SEC. ___. UNITED STATES POLICY REGARDING THE PROVISION OF NUCLEAR POWER REACTOR FUEL RESERVE TO INDIA.**

It is the policy of the United States that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

Mr. LUGAR. I urge the amendment's adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5169) was agreed to.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Madam President, today the Senate is engaged in a truly historic process. When we pass this bill—and I expect we will do that—America will take a giant step closer to approving a major shift in United States-India relations. If we are right, this shift will increase the prospects for stability and progress in South Asia and, I would argue, the world at large. The Committee on Foreign Relations has worked to move this project forward, while safeguarding the role of Congress and minimizing any harm to nuclear nonproliferation policies and institutions. There is no one who has been stronger in dealing with the issue of nonproliferation than my colleague, the chairman of the Foreign Relations Committee. I have supported him in those efforts for years.

I urge my colleagues to take a real close look at the argument that is being made by some that this is going to promote the proliferation of nuclear weapons. The fact is, I believe it will not.

I am going to urge my colleagues at the appropriate time to support this bill. It has been a cliche to speak of the United States-India relationship as a bond between the world's two oldest democracies and the world's two largest democracies, but this cliche is also a fact. Shared political values are the foundation of our relationship and, I would argue, the raison d'etre for taking a chance for those who are doubtful on this treaty. Both the United States and India believe in the dignity of man and the consent of the governed. Both countries are multiethnic and multireligious. Both countries seek economic and social betterment for their people and believe that it is best achieved through peaceful change, both domestically and externally. If that were the whole story, however, it would not have taken us six decades to get to the moment we are now.

For much of the last 60 years, the political structures were trumped by geopolitical ones. Democracy in democratic India was often closer to the Soviet Union, while the United States often favored India's rival Pakistan, particularly during the most undemocratic phase of Pakistan's national history. That alignment was an anomaly of the cold war. Today the United States and Pakistan are important allies in the war on terror and, at the same time, today the national interests of the United States and India are in concert, perhaps more than any time in the past. India and the United States are both status quo powers, at least regarding territory. Neither of us has any claim on any neighboring piece of real estate. We face similar challenges from extremists and terrorists; in some cases, from the same terrorist groups and same individuals. We share a common desire for stability and the spread of liberal democracy throughout Asia and, indeed, throughout the world. And we share a concern about the world's need for energy, especially energy that does not increase the speed and risk of global warming.

The need for new energy supplies is an important underpinning of the issues before us today, legislation opening the way for civil nuclear cooperation between the United States and India. In time, I hope India's burgeoning energy needs will prove a spur to a wide variety of alternatives to fossil fuels, including solar, wind, and biofuel. On many of these, India has already begun to move, but at present, nuclear power is a vital part of India's energy equation. It is likely to grow in significance in the years to come. Experts note correctly that nuclear power will still provide only a small portion of India's energy consumption even when this passes. But at the margin, the contribution of nuclear power will be greater, and India's leaders across the political spectrum see nuclear power as an important and necessary contributor to their country's economic progress.

The Agreement on Nuclear Cooperation negotiated by President Bush and Prime Minister Singh in July of 2005 cannot be implemented unless Congress approves changes in U.S. law. So we in the Senate must now address both the opportunities and the nonproliferation issues raised by that agreement. The administration proposed that we treat the United States-India Nuclear Cooperation Agreement as if it met all the requirements of section 123 of the Atomic Energy Act. In fact, it does not. There is no way, of course, that India, with a nuclear weapons program that is outside the Nuclear Non-Proliferation Treaty, could meet these requirements. I compliment my chairman for making it clear to the administration that was a nonstarter.

Were Congress to accept the administration's proposal, it would lose any real ability to influence a nuclear agreement with India. The agreement would be sent to Congress, but we would have to enact a motion to disapprove over a likely Presidential veto within 90 days in order to stop any agreement from entering into effect. That would be a gigantic usurpation of our responsibility. The Foreign Relations Committee, under the leadership of the chairman, rejected this approach, as did the House of Representatives.

The bill before us today would require, instead, an affirmative vote of Congress before a United States-India Nuclear Cooperation Agreement can enter into effect. Section 3709 provides expedited procedures for the resolution to approve such a United States-India agreement. That resolution would not contain any conditions, and it could not be amended. But if Congress found the Nuclear Cooperation Agreement wanting in some respect, it could either reject the expedited resolution or approval or pass a different resolution that did contain conditions. That is what Congress did with the United States-China Nuclear Cooperation Agreement in 1985. So this bill protects congressional powers not for the sake of protecting congressional powers, as if we were interested in turf; it protects the balance of power, the separation of power, which is essential in the formulation of a policy, including foreign policy. At the same time, it offers procedures that will expedite approval of a good agreement.

Section 3907 also allows the President to waive section 128 of the Atomic Energy Act, which provides for annual submission of one export license to Congress. That provision has never been used and would be of little benefit to Congress, as a sale could be blocked only if a resolution of disapproval were enacted, again, over the likelihood of a Presidential veto.

The administration argued that section 128, while giving Congress little real power, would harm U.S. industry

by creating an annual event that would frighten both the customer and the investor from proceeding. We agreed, and this bill includes a section 128 waiver provision that the administration requested. Chairman LUGAR and I yield to nobody in our commitment to nonproliferation, and no one has a stronger record on this than Senator LUGAR. We believe we have presented to this body a bill that allows civil nuclear cooperation with India to proceed and ends India's nuclear isolation, but it does so without seriously jeopardizing the hard-won nonproliferation gains of nearly the last four decades.

Specifically, our aims have been as follows:

To preserve the right of Congress to conduct a meaningful review of the peaceful nuclear cooperation agreement that India and the United States are negotiating; secondly, to ensure that such nuclear cooperation is used exclusively in India's civil nuclear program and that India continues to be a ''good citizen'' when it comes to nonproliferation, as it has been; to preserve the role and procedures of the Nuclear Suppliers Group and of the International Atomic Energy Agency; and to do all this without requiring any renegotiation of the United States-India treaty deal.

Look, every time we have a treaty presented to us in the Senate, there are those of us, including my friend from North Dakota who is on the Senate floor, who believe we can probably do it better. We believe we could have gotten a better deal. We believe we could have gotten a treaty that was even better than the one that exists. But the old expression is that we cannot let the perfect be the enemy of the good.

It wasn't really very easy to do what we set out to do, but I truly believe we have succeeded in the points I have just made. There is a reason this bill was reported out of committee with a 16-to-2 margin; we did really try to address the major nonproliferation concerns legitimately raised by colleagues in the committee.

The Foreign Relations Committee did not endorse, for example, the administration's request for broad waiver authority regarding section 129 of the Atomic Energy Act. That section terminates nuclear exports to a country under certain circumstances. The administration did not want that in place.

The committee agreed that the President needs the right to waive those portions of section 129 which would end exports because India has a nuclear weapons program or because it has tested nuclear devices in the past. But section 3709 doesn't grant a waiver authority regarding those portions of section 129 which would end nuclear exports if India were to, 1, test a nuclear device in the future; 2, terminate or materially violate the IAEA safeguard; 3, materially violate its agreement with the United States, or engage in nuclear proliferation.

Look, if India does any of those things, then the premise upon which we have dealt with a good friend and neighbor was falsely relied upon. I believe India understands the consequence of this bilateral relationship as profoundly as we do. If I am wrong about that and India were to do any or all of the four things I just named, it would clearly violate the spirit of this agreement, part of which, as all agreements ultimately are, is based on some sense of comity and trust.

This bill requires that India sign a safeguards agreement with the IAEA and negotiate an additional protocol as well. It requires the President to certify, moreover, that the safeguards agreement is ''in accordance with IAEA standards, principles, and practices.'' The President must certify to that effect.

We understand that India, having nuclear weapons, will not accept full-scope safeguards. But the language in this bill makes clear our expectation that the safeguards agreement India works out with the IAEA will guard effectively against diversion of foreign nuclear material and technology to India's military program.

Section 3709 also requires the President to certify that the Nuclear Suppliers Group has decided to permit civil nuclear commerce with India and that the NSG, Nuclear Suppliers Group, decision was made by consensus. We do not want to damage the Nuclear Suppliers Group, which has been a vital institution in our fight against nuclear proliferation. So this bill protects the Nuclear Suppliers Group's role in governing peaceful nuclear commerce.

The administration has said repeatedly that this is an India nuclear deal, not intended to permit nuclear commerce with Pakistan or Israel—the only other states that never signed the NPT. The committee's bill incorporates that distinction by requiring the President to certify that the NSG—Nuclear Suppliers Group—decision does not permit nuclear commerce with any other state that does not accept full-scope safeguards.

The NSG is not likely to single out India as an exception to its guidelines. Rather, it will create tests that a non-NPT state must meet before nuclear commerce with the country may take place. The committee believes that such a test should be substantial, so that the countries outside the NPT are not all given the same benefits as the nonnuclear weapon states inside the treaty. Thus, the bill before us today is designed to maintain important nonproliferation policies that have served our country well.

With regard to sections 106 and 107, two sections of this bill, they have been cited by some Indian officials as causing concern. I will address these sections, as I do not believe such concern is merited.

Section 106 in the agreement bars the executive branch from exporting to India ''any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.'' That is because these technologies are all used to produce fissile material for nuclear weapons. In fact, the administration already has a worldwide policy of not exporting these technologies. Section 106 merely makes that a legal requirement in this case.

Because section 106 makes this a legal requirement, we also added two exemptions. One would be for a program such as the Global Nuclear Energy Partnership, which is to develop a new generation of proliferation-resistant nuclear facilities. In other words, the second exemption would be for a facility in an IAEA-approved program to provide alternatives to national fuel cycle capability. For example, there might some day be a South Asian regional uranium enrichment facility under IAEA auspices.

Some Indian officials are reportedly upset because section 106 singles out India. But they have long known that it is U.S. policy not to sell them these technologies, so this is a matter more of pride than of substance, which I hope they deal with. I would not object to making section 106 apply worldwide, but we believed this was too large a step to take in this bill. I would think it should apply worldwide.

Section 107 requires a program to maintain accountability with respect to nuclear materials, equipment, and technology that we sell, lease, export, or reexport to India. This program would include end-use monitoring conditions, as appropriate. A similar program exists for U.S. nuclear exports to China. Such a monitoring program would enhance confidence in India's separation of its civilian and military nuclear programs. It would also further ensure U.S. compliance with article I of the nonproliferation treaty.

Indian officials are reportedly upset that American personnel might need to visit India's nuclear sites. It should come as no surprise, however, that we need to ensure that U.S. nuclear materials, equipment, and technology are not diverted to military uses.

The purpose of section 107 is not to impose new conditions upon India but, rather, to make sure the executive branch doesn't forget its obligation to guard against diversion. That obligation is already U.S. policy. It also flows from article I of the nonproliferation treaty, which requires nuclear weapon states not to assist nonnuclear weapon states ''in any way'' to manufacture nuclear weapons. And India remains a nonnuclear weapons state under both the NPT and U.S. law, despite the fact that now it does have nuclear weapons.

I hope that in conference we can adjust the wording of section 107 to correct any potential misunderstanding of its effect, which is not intended to be onerous. I also hope that Indian officials will understand the U.S. need to embark upon nuclear commerce with India in a manner that maintains our

nonproliferation policies and fulfills our international obligation. I believe the bill reported out by the Foreign Relations Committee does that in a most reasonable manner and that it will provide a strong foundation for a new beginning in United States-Indian relations.

The United States-Indian agreement is much more than just a nuclear deal, though, Mr. President. I believe historians will see this as a historic step, part of the dramatic and positive departure in United States-Indian relationship that was begun by President Clinton.

President Bush is to be commended for continuing and accelerating the journey President Clinton started in our relations with India.

If I were asked to name the pillars for security in the 21st century, India and the United States would be two of them. India and the United States, working in cooperation toward the same goal, can provide the beginning of a strong foundation for a stable world. And for the United States, no relationship, in my view, is more important than the United States-India relationship maturing along the lines that have begun.

The ultimate success of this agreement will rest on India's willingness and ability to reduce tensions with its nuclear neighbors and achieve nuclear stability. We all hope to see the day when India and Pakistan voluntarily reduce or end their fissile material production, as the recognized NPT nuclear weapons states already have done.

I hope especially that India will not use its peaceful nuclear commerce to free up domestic uranium for increased production of nuclear weapons. The United States-India deal doesn't bar India from doing that. But such a nuclear buildup—unless carried out in response to a direct threat from its nuclear-armed neighbors—would be a gross abuse of the world's trust, in my view. It would sour relations between India and the United States, just at a time when both countries hope to build upon a new foundation that has been laid in the past decade and which I respectfully suggest is in the overwhelming self-interest of both countries.

India and the world will also benefit if India embraces these critical nonproliferation standards. These include the Proliferation Security Initiative; the guidelines and policies of the Australia Group, which, I add, controls exports that could help countries build chemical or biological weapons; and the guidelines and policies of the Wassenaar Arrangement, which combats the spread of advanced conventional weapons.

India is a major world power. India needs to—and will, I believe—step up to this awesome responsibility. As an important world power, it is important that support for the complete nonproliferation regime would make a gigantic difference in the world. Currently, however, India doesn't stop its companies from exporting dual-use chemicals and equipment to countries such as Iran because those exports are not banned by the Chemical Weapons Convention.

Other leading countries have concluded that unrestrained exports of items that could be used to produce chemical or biological weapons and advanced conventional weapons are a real danger to world stability. It is my fervent hope and prayer that India reaches that conclusion as well. It is time for them to adopt, in my opinion, the same approach to the dangers posed by such proliferation.

India will not attain the respect and status it seeks and deserves in the world unless it takes a willing and active role in preventing proliferation of all kinds. The nuclear deal we are considering today is a sign, however, of the world's desire to bring India into the fold. I hope India will use this deal as a departure point from which it will branch out to embrace all international nonproliferation activities. It will surely be welcomed if it does.

In my view, the bill before us is a victory for United States-India relationships. It is a victory for the quest to move beyond fossil fuels. And it is a victory we have achieved while doing our best to maintain the global effort to end proliferation.

I believe, not guaranteed by this agreement, it will be also a point of departure for India to rethink its role in the world with regard to proliferation of all kinds. I sincerely hope it does.

I end where I began. I think United States-India relations is two of the pillars upon which we have a chance—we have a chance, a real chance—to build a 21st century that is much more stable than the 20th century and to avoid the carnage of the 20th century. It cannot be done without India's cooperation, and it can be done with India's leadership.

I thank my colleagues for listening. I understand my friend from North Dakota may have an amendment or may wish to seek the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wish I were on the Senate floor today able to be supportive of the chairman and ranking member of the committee. They have both given persuasive and eloquent statements about the matter.

I come to the floor of the Senate with a different view. I come here very disappointed because I think we are beginning down a very troublesome road for this country. I want to talk a little about what all this means.

I know the issue is not an issue that rates at the top of the attention of the American people at the moment, this Government, or the press corps. This is an issue about whether there will be more nuclear weapons built in a world in which there are already too many nuclear weapons. This is an issue in which we are going to discuss the issue of nonproliferation, stopping the spread of nuclear weapons at a time when we have terrorism in this world that we worry could result in a terrorist organization acquiring a nuclear weapon and detonating a nuclear weapon in a major American city.

Mr. President, I ask unanimous consent to show a couple of items on the floor of the Senate.

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

Mr. DORGAN. Mr. President, my colleague, Senator LUGAR, is someone who has been a real leader with Senator Nunn on the Nunn-Lugar program, which I have been proud to support. It has been a program that has actually reduced the number of nuclear weapons and reduced the delivery systems for nuclear weapons. It is what we aspire to do. It is what our country should lead the world in doing, and that is to step away from the proliferation of nuclear weapons and the building of new nuclear weapons.

This is a piece of a wing strut from a Backfire bomber. This used to be flying in the air, part of a wing strut from a Soviet Backfire bomber that likely carryied nuclear weapons that threatened our country. We didn't shoot this plane down. This wing strut was sawed off. The wing was destroyed. The plane was destroyed. It was dismantled.

How did that happen? We actually paid for it. My colleagues, Senator Nunn and Senator LUGAR, proposed legislation that allowed us to, with the Russians, actually begin to destroy and reduce delivery systems and nuclear weapons. So this bomber that carried a nuclear weapon, presumably to threaten this country, doesn't exist anymore. A piece of its wing is in my desk drawer in the United States Senate.

This is a vile of ground-up copper. This used to be part of a Soviet submarine, that prowled under the water with missiles and warheads presumably aimed at U.S. cities. Yes, this used to be a Soviet submarine carrying weapons of mass destruction threatening our country.

This was a hinge on a missile silo in the Ukraine, and that missile silo contained a missile. That missile contained nuclear warheads, presumably aimed at a U.S. military target or a U.S. city. This hinge, of course, is in my desk today, not in a field in the Ukraine. Where that missile used to sit, there is no missile. There is no missile silo. There are now sunflowers planted in that field in the Ukraine.

The Ukraine, Kazakhstan and Belarus—all three countries—had several thousand nuclear weapons and are now free of all nuclear weapons.

How did all that happen? Was it by accident? No, no, it wasn't. This country embarked on a set of policies and proposals that resulted in the reduction of delivery systems and nuclear weapons.

Have we been enormously successful? I have described some successes, but we

have, oh, probably 25,000 to 30,000 nuclear weapons remaining on this Earth. Far too many—25,000 to 30,000 nuclear weapons. We have much to do to step away from the abyss of having a terrorist organization or rogue nation acquire nuclear weapons and threaten our country or threaten the world.

We have all experienced 9/11/2001 where several thousand innocent Americans were murdered. That was an unbelievable terrorist attack on our country. It could happen again with a nuclear weapon. We are going to spend $9 billion or $10 billion this year building an antiballistic missile defense system to create some sort of an electronic catcher's mitt to catch an intercontinental ballistic missile someone might aim at our country armed with a nuclear warhead.

That is one of the least likely threats our country faces. We are going to spend close to $10 billion for a threat that is one of the least likely threats we face.

The most likely threat, perhaps, instead of an intercontinental ballistic missile coming in at 18,000 miles an hour aimed at an American city, is a container ship pulling up to a dock in a major American city at 3 miles an hour with a container that contains a weapon of mass destruction onboard, to be detonated in the middle of an American city.

Let me read for the RECORD, as I start—and I want to then talk about this specific agreement—I want to read an excerpt from Graham Allison's book. He is at Harvard. He wrote a book called ''Nuclear Terrorism: The Ultimate Preventable Catastrophe.''

I talk about 9/11/2001, several thousand Americans murdered by terrorists. The detonation of a nuclear weapon in an American city by a terrorist group will not mean several thousand Americans being murdered; it could likely mean several hundred thousand Americans being murdered, or more.

Let me read to you from Graham Allison's book. I am quoting:

On October 11, 2001, a month to the day after the terrorist assault on the World Trade Center and the Pentagon, President George W. Bush faced an even more terrifying prospect. At that morning's Presidential Daily Intelligence Briefing, George Tenet, the director of central intelligence, informed the president that a CIA agent code-named Dragonfire had reported that Al Qaeda terrorists possessed a ten-kiloton nuclear bomb, evidently stolen from the Russian arsenal. According to Dragonfire, this nuclear weapon was now on American soil, in New York City.

The CIA had no independent confirmation of this report, but neither did it have any basis on which to dismiss it. Did Russia's arsenal include a large number of ten-kiloton weapons? Yes. Could the Russian government account for all the nuclear weapons the Soviet Union had built during the Cold War? No. Could Al Qaeda have acquired one or more of these weapons? Yes. Could it have smuggled a nuclear weapon through American border controls in New York City without anyone's knowledge? Yes. . . .

In the hours that followed, national security adviser Condoleezza Rice analyzed what strategists call the ''problem from hell.'' Unlike the Cold War, when the United States and the Soviet Union knew that an attack against the other would illicit a retaliatory strike of greater measure, Al Qaeda—with no return address—had no such fear of reprisal. Even if the president were prepared to negotiate, Al Qaeda had no phone number to call.

Clearly, no decision could be taken without much more information about the threat and those behind it. But how could Rice engage a wider circle of experts and analysts without the White House's suspicions leaking to the press? A CNN flash that the White House had information about an Al Qaeda nuclear weapon in Manhattan would create chaos. New Yorkers would flee the city in terror, and residents of other metropolitan areas would panic.

I continue to quote:

Concerned that Al Qaeda could have smuggled a nuclear weapon into Washington as well, the president ordered Vice President Dick Cheney to leave the capital for an ''undisclosed location,'' where he would remain for many weeks to follow. That was standard procedure to ensure ''continuity of government''. . . . Several hundred federal employees from more than a dozen government agencies joined the vice president at this secret site. . . . The president also immediately dispatched NEST specialists (Nuclear Emergency Support Teams of scientists and engineers) to New York City to search for the weapon. But no one in the city was informed of the threat, not even Mayor Rudolph Giuliani.

As the CIA's analysts examined Dragonfire's report and compared it with other bits of information, they noted that the attack on the World Trade Center in September had set the bar higher for future terrorist spectaculars.

I won't read to the end. I ask unanimous consent that this document be printed in the RECORD at the end of my statement.

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

(See exhibit 1.)

Mr. DORGAN. At the end of this process, they finally determined after about a month that this was not a credible threat. Dragonfire's report turned out not to be credible.

But at the time they took the report very seriously. They analyzed it this way: Was it possible that a Russian 10-kiloton nuclear weapon could have been stolen? Yes, it was possible. Is it possible a terrorist group could have acquired it? Yes. Is it possible it could have been smuggled into New York City? The answer was yes. And, if so, was it possible a terrorist group could detonate a nuclear weapon in a major American city? The answer was yes.

This is not fiction. I am reading an excerpt of a book of something that happened in October of 2001.

My greatest fear is that we do not yet understand the difference between what was and what is. What was, was a standoff called the cold war in which two major nuclear superpowers aimed massive numbers of nuclear warheads at each other, but understanding, under the concept of mutually assured destruction, called MAD, that if either attacked the other, the other would be literally vaporized by an avalanche of nuclear weapons. The result was that there was a standoff, a mutually assured destruction standoff, and although both sides in that Cold War—the United States and the Soviet Union—possessed the most unbelievably powerful killing machines known to humankind, they were not used. Neither side ever used them.

Fast-forward to today. The Cold War is over. President Bush, in fact, visited with the President Putin yesterday, in Russia. Times have changed, but this world still has somewhere between 25,000 and 30,000 nuclear weapons, the loss of one of which could be cataclysmic for this world. The detonation of one nuclear weapon in a major city will change everything—everything—and be a catastrophe unlike any we have previously known.

If we have 25,000 or 30,000 nuclear weapons on this Earth, what is the responsibility of this great country? What is our responsibility? What burden falls on our shoulders? I submit it is the burden to provide world leadership to stop the spread of nuclear weapons and to reduce the threat of nuclear weapons and to reduce the stockpile of nuclear weapons. That is our responsibility. That responsibility falls on us.

How do we do that? Listen, our country has provided leadership in a nonproliferation treaty, the Nuclear Non-Proliferation Treaty, the test ban treaty. Our country has been moving always, telling the rest of the world we aspire to stop the spread of nuclear weapons. Now we live in this age of terrorism where we see people who are perfectly content to kill themselves. They don't care. As long as they can take a weapon with them and kill themselves and many others with them, it doesn't matter to them. They are reaching for some higher glory, apparently.

In this age of terrorism, everything about nuclear weapons has changed. The loss of one nuclear weapon, the loss of one anywhere on this globe to a terrorist organization is going to be devastating.

So if that is the case, what does it have to do with what we are talking about today? We are now talking today about a country called India. India is quite a remarkable place—a wonderful country with wonderful people. It is a big country. It is trying to build an economy. You can read some books about what is going on in India and the discussions about progress—it is quite a remarkable place. Our country aspires to have a better relationship with India. I support that. I believe we ought to reach out to India and improve our relationship, cement our relationship.

I know there are some who see all of the geopolitical relationships on this Earth as aligning one way or the other. We align with this country to be a counterweight against this set of interests, and it is kind of akin to teams. So I confess to you, I come here today not perhaps understanding all of the sophisticated elements of counterweights

and the nuances of why someone believes it is essential, at this point, to allow India to produce additional nuclear weapons in order to create some sort of counterweight to China, but I want to talk about this issue. I was unbelievably surprised to read in the newspaper of the travels of Ambassador Burns, someone for whom I have high regard, and of the interest of Secretary of State Condoleezza Rice in going to India and reaching a deal without consulting Congress that I think begins to unravel, and undermine several decades of efforts in our country to tell the world: It is our responsibility and our major goal to stop the spread of nuclear weapons and try to reduce the number of nuclear weapons and reduce the nuclear threat.

We would not be in this position today with this bill with India if India had followed the example, for example, of South Africa. They secretly had nuclear weapons by the 1980s. But South Africa dismantled them prior to the transfer of power to the postapartheid government. Ukraine, Kazakhstan, and Belarus had more than 4,000 nuclear weapons in those three countries when the Soviet Union was dissolved which they gave up in the years following. And I must say that my colleague Senator LUGAR and others had significant successes in working with those three countries to accomplish that. So Ukraine, Kazakhstan, and Belarus are all now free of nuclear weapons.

Any nuclear deal—any relationship we have with another country that deals with nuclear power and nuclear issues should be judged, in my opinion, on whether it reduces the number of nuclear weapons. Does it reduce the nuclear weapons that exist or increase them? It is quite clear that what we are debating will result in an increase in nuclear weapons in India. I don't think there is much doubt about that. This bill fails that test, in my judgment.

Experts have warned that there is enough weapons-usable fissile material in the world to make about 130,000 nuclear weapons. A working nuclear bomb, we are told, can be made with as little as 35 pounds of uranium-235 or 9 pounds of plutonium-239. And the acquisition of a nuclear weapon by a terrorist is, in my judgment, the greatest threat that exists in our country.

Retired GEN Eugene Habiger, who commanded America's nuclear forces, said that nuclear terrorism ''is not a matter of if, it is a matter of when.''

Henry Kissinger wrote in the Washington Post recently:

> The world is faced with the nightmarish prospect that nuclear weapons will become a standard part of national armament and wind up in terrorists' hands.

Former Senator Sam Nunn wrote in the Wall Street Journal:

> We know that terrorists are seeking nuclear materials—enriched uranium or plutonium—to build nuclear weapons. We know that if they get that nuclear material, they can build a nuclear weapon. We believe that if they build such a weapon, they will use it. We know terrorists are not likely to be deterred, and that the more this nuclear material is available, the higher the risks.

Osama bin Laden has been seeking nuclear components since the 1990s. In 1998, Osama bin Laden issued a statement entitled ''The Nuclear Bomb of Islam,'' declaring:

> It is the duty of Muslims to prepare as much force as possible to terrorize the enemies of God.

And Osama bin Laden's spokesman announced that the group aspires ''to kill 4 million Americans, including 1 million children,'' in response to casualties supposedly inflicted on Muslims by the United States and Israel.

The more countries there are with nuclear weapons and weapons-grade nuclear material and the more weapons each of them has, the greater the threat that one will be used by a rogue nation or will fall into the hands of terrorist groups.

Now, frankly, we have not been very aggressive as a country in recent years in stopping proliferation. Instead of talking about how we would reduce the number of nuclear weapons, we were on the floor of the Senate, during previous debates, talking about the fact that we need new nuclear weapons. Our country has said we need designer nuclear weapons; we need bunker-buster nuclear weapons. We have people openly speaking about the desire in this country to build additional nuclear weapons.

We attacked Iraq because we believed it possessed and was seeking nuclear weapons and weapons of mass destruction. We are spending $10 billion a year, as I said, on missile defense for fear that North Korea already has nuclear weapons. And we are talking about serious issues with Iran in order to try to stop its nuclear program. And the No. 1 nightmare is that a terrorist group may acquire a nuclear weapon. No one in my judgment can credibly say that a world that has more nuclear weapons is a safer world. It is just not.

Nowhere in the world is the threat of nuclear terrorism more imminent than in South Asia. It is the home to al-Qaida which seeks nuclear weapons. It is an area where relations among regional nuclear powers are always tense: China, India, and Pakistan. India and China fought a border war in 1962. India and Pakistan fought three major wars, had numerous smaller scale conflicts since the partition of British India in 1947. Both India and Pakistan detonated nuclear weapons in 1998 and declared themselves as nuclear powers. And after that, all of us in the world held our breath as they began fighting a limited war in Kashmir.

Now, it has traditionally been the case that the United States has led the international community in efforts to deny India, Pakistan, and other nonnuclear States access to nuclear technology. That has been our traditional role. We have always been the one who said: No, no, no. We can't do that. We need to limit the capability of nations that will not sign up to nonproliferation.

We pushed for the nonproliferation treaty, which prohibits nuclear assistance to these so-called nonnuclear States, unless they agree to put all of their nuclear facilities under international safeguards and to give up the option of developing a nuclear weapon. That has been our position. It has always been our position.

Article I of the nonproliferation treaty obligates the recognized nuclear weapons States, including the United States, to:

> Not in any way assist, encourage, or induce any non-nuclear weapons State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.

That is Article I of the nonproliferation treaty. We signed it. We helped write it. We supported it. It is what we believe in.

The United States helped form the Nuclear Suppliers Group in 1975 to help prevent the misuse of peaceful nuclear technology. In 1978, we passed the Nuclear Non-Proliferation Act, which restricts nuclear commerce with States that don't agree to the full scope of the safeguards. We pushed for U.N. Security Council Resolution 1172 which condemned India's and Pakistan's 1998 nuclear tests and called upon them to cease their nuclear weapons programs and join the nonproliferation treaty as nonnuclear weapons states. We did that.

In 1998, President Clinton imposed sanctions on both India and Pakistan, under section 102 of the Arms Control Act, which requires sanctions on any non-nuclear weapons state that has detonated nuclear devices.

Now, these policies did not stop India's and Pakistan's nuclear weapons programs, but they did restrain them and they hindered them. In fact, that is precisely why we are here with respect to India.

The Bush administration has taken a different tact now. Their proposal is to provide ''full'' assistance to India's civilian nuclear program, while India keeps its nuclear weapons, which represents a complete abandonment of our traditional approach to nonproliferation.

I don't think you can come to the floor and argue that this is part of an approach we have always taken. This is a U-turn. This is a 180-degree change from the approach we have always had. The Bush administration formed an agreement that allows New Delhi to dramatically expand its stockpile of nuclear weapons and could ignite a regional arms race. That is what we have here. They can have reactors behind the curtain that will not be subject to inspection by anybody. That is part of the deal. It will undermine 30 years of nonproliferation efforts at the very time when we are engaged in these issues with North Korea and Iran.

It is a major, it seems to me, exception to the prohibition of nuclear assistance to any country that doesn't

accept international monitoring of all of its nuclear facilities. This is a major exception to that. And it also is one that gives legitimacy to a nuclear arsenal that India secretly developed, and it is not going to help us in any way. It will hinder us in convincing others to give up their nuclear weapons.

Now, India never signed the nonproliferation treaty. Because of that, Pakistan never signed the treaty. In the 1960s, India used both American technology and also Canadian technology and the nuclear fuel provided under what was called the Atoms For Peace Program to secretly build nuclear weapons. By doing so, New Delhi broke an explicit pledge to both the United States and to Canada about the use of technology and nuclear fuel only for peaceful purposes. In 1974, India conducted its first nuclear weapons test. It denied that it had done so. It said it was a peaceful nuclear test.

In May, 1998, they conducted a series of nuclear tests and declared themselves as a nuclear weapons state. In response, Pakistan did exactly the same thing and declared themselves as a nuclear state.

Because India has a shortage of domestic uranium, the application of the U.S. and international laws that prevent the sale of nuclear fuel and other nuclear assistance to them has seriously constrained its nuclear power industry and nuclear weapons program. All of us understand that India has energy issues. It has an expanding population and it wishes to build additional powerplants, nuclear powerplants, but it also wishes to build additional nuclear weapons. India's power reactors, we are now told, are operating at less than capacity due to fuel shortages and their utilization rates are expected to decrease even further. Very little uranium is leftover from its domestic supplies for India to turn to nuclear weapons. So in the past year—couple of years—New Delhi has stepped up efforts to get our assistance in obtaining nuclear fuel and reactor components so it can increase its nuclear power. But the fact is, it will also increase its nuclear weapons programs.

Here is what the deal that is now brought to the floor of the Senate does: My understanding is that it obligates the United States to persuade the members of the Nuclear Suppliers Group to change their rules which bar sales to India. It allows India to buy sensitive nuclear technologies, now forbidden under the nonproliferation treaty. It includes nuclear fuel, nuclear reactors, and advanced technology. This agreement would open the door to India's cooperation with France, Japan, and others who want to do business with India and who now have not been doing business with India because of the NPT. In return, in this agreement, India has agreed to allow the IAEA inspections and safeguards at 14 of their 22 planned nuclear power reactors. But eight of their nuclear power reactors will be placed behind a curtain. No one will be able to inspect them. That is where they will be able to continue increasing the production of nuclear weapons, and it is not—you wonder, do they want to produce additional nuclear weapons? Let me quote directly from a senior adviser to India's nuclear program, December 2005, an article in The Times of India. Dr. Subrahmanyam says:

> Given India's uranium ore crunch and the need to build up our minimum credible nuclear arsenal as fast as possible, it is to India's advantage to categorize as many power reactors as possible as civilian ones to be refueled by imported uranium and conserve our native uranium fuel for weapons-grade plutonium production.

This is clear:

> Given India's . . . crunch and the need to build up our minimum credible nuclear deterrent arsenal. . . .

That is what this is about in India.

We have those who support this, who say it is not perfect, but it is not bad. I don't know whether the contention on the Senate floor is going to be that this will not result in additional warheads. But I am clear, and I think everybody should be clear, it will. India will produce additional nuclear weapons. We believe, if that makes the world safer, I guess that is what one can argue. I do not believe that at all. I think the addition of nuclear weapons to the stockpile that exists in this world is a serious danger to the world.

Pakistan has already said: If you are going to give this deal to India, how about giving this deal to us? We might want to look at what we are doing. The administration just proposed, by the way, a big arms package for Pakistan: 36 Lockheed F–16C/D fighter planes, 500 JDAM satellite-guided bomb kits, 700 bunker buster bombs, 1,600 laser-guided bombs, 800 conventional bombs, 500 AMRAAM air-to-air missiles, 200 Sidewinder air-to-air missiles, 130 Harpoon antiship missiles, 115 self-propelled howitzers.

That is an arms package to Pakistan. But Pakistan would say: We have nuclear weapons. We exploded them. We showed you we have nuclear weapons. You are going to give this deal to build more nuclear weapons to India. We want that deal for Pakistan. We want to build more nuclear weapons.

What will China say? What will China say when they see this agreement and decide that India is increasing its stockpile? China will say: We want to increase the stockpile of nuclear weapons.

India is in the process of becoming a full-fledged nuclear power with a triad, an emerging triad. Aircraft? They have a number of types of aircraft used to deliver a nuclear weapon, or that could be so used, and land-based missiles and naval weapons.

I do not allege that India is a country that is an aggressor. That is not my point. I think our relationship with India is important. I believe we ought to connect with India. We ought to reach out to India. We ought to have an improved relationship with India. I don't know, maybe it is advantageous to have India as a counterweight in the region to China.

But, look, do any of us really believe that an agreement that pulls the rug out from under decades of positions we have held in this country on nonproliferation that results in the building of additional nuclear weapons advances our interests? Advances the world's interests? Of course not.

It falls on our shoulders as the nuclear power in the world. It is our responsibility to stop the spread of nuclear weapons. Will our children or our grandchildren someday see a nuclear weapon detonated in a major American city? Will we see that? We didn't see it during the Cold War because we had mutually agreed destruction; that is, both countries, us and the Soviet Union, understood if one launched a missile or airplane containing a nuclear weapon to be detonated in our country, we would launch sufficient nuclear weapons to completely destroy their country and their society. Both sides understood that. Both sides understood we have arsenals that would destroy each other and neither side did. Neither side was an aggressor.

In an age of terrorism, all of that has changed. In an age of terrorism, if we do not embrace policies that stop the production of additional nuclear weapons, we have missed an enormous opportunity to prevent the detonation of a nuclear weapon in one of our cities. This agreement simply does not stop the spread of nuclear weapons. It doesn't prevent the production of additional nuclear weapons. This undermines that which we have described as our goal in the United Nations. It undermines that which we have for decades described as being our goal as a leader in nonproliferation. It provides the green light for India to produce additional nuclear weapons.

With all the sophisticated arguments in favor of this agreement, I fail to see how undermining decades of effort at nonproliferation and now providing a green light to India to produce new nuclear weapons, additional nuclear weapons, makes this a safer world. Quite the contrary. I think it is dangerous. I think this agreement is a horrible mistake. I think all of the sophisticated calculations mean very little when we have decided to send signals to the world that we do not oppose producing additional nuclear weapons; that we support that.

We are willing to decide to undermine the nonproliferation treaty. We are willing to ignore United Nations resolutions all because Ambassador Burns and Secretary Rice and the Bush administration said: You know what, we have all these calculations about weights and counterweights and geopolitical strategies and here is our new one. It is a new strategy that undermines decades of what ought to be the best virtue of this country, and that is providing world leadership, real world

leadership, aggressive world leadership to stop the spread of nuclear weapons and prevent the building of more nuclear weapons and begin reducing the number of nuclear weapons that exist in this world.

As I said when I started, I regret very much I am on the other side of this issue from Senator LUGAR. Senator LUGAR has great credibility on these issues because he has done a very substantial amount of good work. I am not quite sure how I should describe this. I was extraordinarily surprised when I read the first account in the newspaper that it was likely that this agreement was going to be supported by my colleague and friend. I would say the same with respect to Senator BIDEN. I have great respect for them. So I am someone who comes to the floor of the Senate in disagreement. That doesn't mean I in any way disparage their abilities or their intellectual honesty in pursuing strategies they believe are best for this country.

I have very strong opposition to those who believe, however, that this in any way represents our best interests. I wish I could come to the Senate floor with a better message, but I do not. I believe one day we will look back on this with great regret. We have seen that in this decade already with some other decisions, information provided us with respect to Iraq and other decisions we have made. We have already, in my judgment, had opportunities to understand regret about policies undertaken that turned out to be not in this country's best interests.

I believe if we open the floodgates with this agreement, we will seriously undermine this country's best interests.

EXHIBIT 1

[From Blueprint Magazine, October 7, 2004]

NUCLEAR TERRORISM—BOOK EXCERPT

(By Graham Allison)

On October 11, 2001, a month to the day after the terrorist assault on the World Trade Center and the Pentagon, President George W. Bush faced an even more terrifying prospect. At that morning's Presidential Daily Intelligence Briefing, George Tenet, the director of central intelligence, informed the president that a CIA agent code-named Dragonfire had reported that Al Qaeda terrorists possessed a ten-kiloton nuclear bomb, evidently stolen from the Russian arsenal. According to Dragonfire, this nuclear weapon was now on American soil, in New York City.

The CIA had no independent confirmation of this report, but neither did it have any basis on which to dismiss it. Did Russia's arsenal include a large number of ten-kiloton weapons? Yes. Could the Russian government account for all the nuclear weapon the Soviet Union had built during the Cold War? No. Could Al Qaeda have acquired one or more of these weapons? Yes. Could it have smuggled a nuclear weapon through American border controls into New York City without anyone's knowledge? Yes. In a moment of gallows humor, someone quipped that the terrorists could have wrapped the bomb in one of the bales of marijuana that are routinely smuggled into cities like New York.

In the hours that followed, national security adviser Condoleezza Rice analyzed what strategists call the ''problem from hell'' Unlike the Cold War, when the United States and the Soviet Union knew that an attack against the other would elicit a retaliatory strike for greater measure, Al Qaeda—with no return address—had no such fear of reprisal. Ever if the president were prepared to negotiate, Al Qaeda had no phone number to call.

Clearly no decision could be taken without much more information about the threat and those behind it. But how could Rice engage a wider circle of experts and analysts without the White House's suspicions leaking to the press? A CNN flash that the White House had information about an Al Qaeda nuclear weapon in Manhattan would create chaos. New Yorkers would flee the city in terror, and residents of other metropolitan areas would panic. The stock market, which was just then stabilizing from the shock of 9/11, could collapse.

American Hiroshima. Concerned that Al Qaeda could have smuggled a nuclear weapon into Washington as well, the president ordered Vice President Dick Cheney to leave the capital for an ''undisclosed location,'' where he would remain for many weeks to follow. This was standard procedure to ensure ''continuity of government'' in case of a decapitation strike against the U.S. political leadership. Several hundred federal employees from more tan a dozen government agencies joined the vice president at this secret site, the core of an alternative government that would seek to cope in the aftermath of a nuclear explosion that destroyed Washington. The president also immediately dispatched NEST specialists (Nuclear Emergency Support Teams of scientists and engineers) to New York to search for the weapon. But no one in the city was informed of the threat, not even Mayor Rudolph Giuliani.

Six months earlier the CIA's Counterterrorism Center had picked up chatter in Al Qaeda channels about an ''American Hiroshima,'' The CIA knew that Osama bin Laden's fascination with nuclear weapons went back at least to 1992, when he attempted to buy highly enriched uranium from South Africa. Al Qaeda operatives were alleged to have negotiated with Chechen separatists in Russia to buy a nuclear warhead, which the Chechen warlord Shamil Basayev claimed to have acquired from Russian arsenals. The CIA's special task force on Al Qaeda had noted the terrorist group's emphasis on thorough planning, intensive training, and repetition of successful tactics. The task force also highlighted Al Qaeda's strong preference for symbolic targets and spectacular attacks.

Staggering the imagination. As the CIA's analysts examined Dragonfire's report and compared it with other bits of information, they noted that the attack on the World Trade Center in September had set the bar higher for future terrorist spectaculars. Psychologically, a nuclear attack would stagger the world's imagination as dramatically as 9/11 did. Considering where Al Qaeda might detonate such a bomb, they noted that New York was, in the jargon of national security experts, ''target rich.'' Among hundreds of potential targets, what could be more compelling than Times Square, the most famous address in the self-proclaimed capital of the world?

Amid this sea of unknowns, analysts could definitively answer at least one question. They knew what kind of devastation a nuclear explosion would cause. If Al Qaeda was to rent a van to carry the ten-kiloton Russian weapon into the heart of Times Square and detonate it adjacent to the Morgan Stanley headquarters at 1585 Broadway, Times Square would vanish in the twinkling of an eye. The blast would generate temperatures reaching into the tens of millions of degrees Fahrenheit. The resulting fireball and blast wave would destroy instantaneously the theater district, the New York Times building, Grand Central Terminal, and every other structure within a third of a mile of the point of detonation. The ensuing firestorm would engulf Rockefeller Center, Carnegie Hall, the Empire State Building, and Madison Square Garden, leaving a landscape resembling the World Trade Center site. From the United Nations headquarters on the East River and the Lincoln Tunnel under the Hudson River, to the Metropolitan Museum in the eighties and the Flatiron Building in the twenties, structures would remind one of the Alfred P. Murrah Federal Office Building following the Oklahoma City bombing.

On a normal workday, more than half a million people crowd the area within a half-mile radius of Times Square. A noon detonation in midtown Manhattan could kill them all. Hundreds of thousands of others would die from collapsing buildings, fire, and fallout in the ensuing hours. The electromagnetic pulse generated by the blast would fry cell phones, radios, and other electronic communications. Hospitals, doctors, and emergency services would be overwhelmed by the wounded. Firefighters would be battling an uncontrolled ring of fires for many days thereafter.

The threat of nuclear terrorism, moreover, is not limited to New York City. While New York is widely seen as the most likely target, it is clear that Al Qaeda is not only capable of, but also interested in, mounting attacks on other American cities, where people may be less prepared. Imagine the consequences of a ten-kiloton weapon exploding in San Francisco, Houston, Washington, Chicago, Los Angeles, or any other city Americans call home. From the epicenter of the blast to a distance of approximately a third of a mile, every structure and individual would vanish in a vaporous haze. A second circle of destruction, extending three-quarters of a mile from ground zero, would leave buildings looking like the Murrah building in Oklahoma City. A third circle, reaching out one and one-half miles, would be ravaged by fires and radiation.

Uncontrollable blaze. In Washington, a bomb going off at the Smithsonian Institution would destroy everything from the White House to the lawn of the Capitol building; everything from the Supreme Court to the FDR Memorial would be left in rubble; uncontrollable fires would reach all the way out to the Pentagon.

In a cover story in the New York Times Magazine in May 2002, Bill Keller interviewed Eugene Habiger, the retired four-star general who had overseen strategic nuclear weapons until 1998 and had run nuclear antiterror programs for the Department of Energy until 2001. Summarizing his decade of daily experience dealing with threats, Habiger offered a categorical conclusion about nuclear terrorism: ''it is not a matter of if; it's a matter of when.'' ''That,'' Keller noted drily, may explain why he now lives in San Antonio.''

In the end, the Dragonfire report turned out to be a false alarm.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I want to say just one additional thing. I have two amendments that I intend to offer today. I do not intend to take a great amount of time with either of them. Both of them are very important. I wish to say to the chairman, I know he is working through this bill today. I want to be

cooperative but not so cooperative that I do not have an opportunity to fully explain amendments that I think are very important relative to what I just described.

The amendments I will offer, one has to do with requiring India to comply with what the U.S. is already required to comply with, the second relates to a United Nations resolution, that our country pushed, that represents American policy that appears to be completely contradictory to the underlying bill on the floor of the Senate.

I say to the chairman, I will have two amendments. I am prepared in a reasonable period to offer the amendments. I do have, with Senator MCCAIN, an obligation at 12 o'clock for a few minutes off the Senate floor. We are going to be speaking to a group. But following that, I would be happy to come over and offer my two amendments if the Senator is willing to have me do that.

Mr. LUGAR. I would like to respond to my distinguished colleague. I appreciate the appointment that he has with our colleague from Arizona. My hope would be that the Senator would proceed with his amendments. It would be timely to do so at his earliest convenience. I encourage him to do so.

Mr. DORGAN. Mr. President, I missed the last point.

Mr. LUGAR. I just indicated as soon as you could proceed with your amendments, this would be timely, in terms of moving the progress of our bill today.

Mr. DORGAN. I will be off of the Senate floor for the other requirement that I have, but I will come back. My understanding is there is a proposal to perhaps try to modify one of my amendments?

Mr. LUGAR. That is correct. Staffs have been working on one of the amendments of the Senator with the hope it might be possible to accept that amendment. The other amendment would have to be offered and debated.

Mr. DORGAN. Yes. I intend to offer the other amendment, debate it, and ask for a recorded vote on it. I will take a look at the proposed modification to see what that modification is, but I will try to be back on the Senate floor as quickly as possible to accommodate the Senator's interests in getting it done.

Mr. LUGAR. I appreciate that and thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise today in strong support of S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act. This legislation has been thoughtfully crafted and will help cement an important partnership with a vitally important Nation in a part of the world that will become increasingly important for the future.

I first want to thank the chairman of the Foreign Relations Committee, Senator LUGAR, for his commitment to this agreement from the very beginning. Thoughtful, as he always is, I thank him for his knowledge, his expertise, his wisdom, trying to make sure this is appropriate for our country, as well as India, and making sure there are provisions in there that are beneficial to our country while also not harming the ability of our friends in India to pass it in their country as well.

There is no person in the Senate more knowledgeable on anti-proliferation issues than Senator LUGAR. His leadership was instrumental in developing a bill with protocols that met the commitments made by our President while also respecting the safeguard agreements that have protected this country for decades. I thank our chairman.

The hearings by Chairman LUGAR back in the spring, along with informative testimony of Secretary Nicholas Burns, were a necessary lesson for our colleagues on the committee, and I think the entire United States, that explained the benefits and also helped remove outstanding concerns about this historic pact. Chairman LUGAR, earlier speaking on this measure, along with the ranking member on the Foreign Relations Committee, Senator BIDEN, addressed the specific sections of the bill, so I will not recite all of those provisions again for my colleagues. I wish to provide the principles behind it, the strategic goals that are achieved in this United States-India civil nuclear pact. I want to focus on the big picture and the long-term impact of this cooperation agreement.

First and foremost, the United States-India civil nuclear cooperation agreement is a significant foreign policy achievement for the advancement of our security. It is a significant achievement for the advancement of jobs, and also a significant achievement in improving the environment—the air quality particularly, in India. This strategic partnership between the world's oldest democracy, the United States, and the world's largest democracy, India, is desirable, and it is possible because we share the same values. We both believe in representative democracy. We believe in and are girded by the rule of law. We respect human rights and religious tolerance. We share the same goals for Asia and for the world, which are freedom and peace.

This pact, this partnership, this agreement, in my view, can be the beginning of a blossoming marriage between the people of the United States and the people of India. India is a vital ally and a key global partner in the war on terrorism. They understand it. They have been threatened in India. In fact, India has been hit by terrorism in the name of religious fanaticism and religious extremism. This agreement is a step forward also regarding concerns with nuclear proliferation. Some critics will argue this agreement undermines the Nuclear Non-Proliferation Treaty, but when you look at the facts, India has no record of proliferating nuclear material, nuclear equipment, or technology to any other countries. In addition, India's nuclear weapons are there for self-defense and India has been a consistent practitioner of the ''no first use'' doctrine when it comes to nuclear weapons.

India has been an exception in this regard and, in my view, should be viewed differently than other countries that do not have such a record.

The fact is as a result of this agreement India will place a majority of its thermal power reactors under the International Atomic Energy safeguards for the very first time, and there also will be permanent inspections.

By contrast, Iran doesn't have the same sort of policy as India. Iran has kicked out the IAEA inspectors. This agreement helps bring India into the global nuclear mainstream where it is not right now.

It is very clear, whether it was Chairman LUGAR or Senator BIDEN and others, if you examine this agreement it is going to significantly increase transparency and oversight of its civilian nuclear program.

We also ought to look at the economic and energy benefits of this cooperation. India has tremendous energy needs that will only increase as their economy and country grows and increasingly prospers.

The United States-India nuclear agreement strengthens energy security for the United States and India by promoting the development and stable use of clean nuclear power, rather than relying on the Middle East for oil and gas, particularly from Iran. Obviously, India benefits through a reliable, affordable energy supply. United States companies will benefit from increased jobs and economic opportunity in the India energy market. Cooperation from this will also ensue, I believe, in clean coal technology and also biofuels.

Having been in India last November-December, the air quality there is awful. The coal they have in India is dirty coal. They have to import coal.

There are millions of people in India prospering as a country, and increasing. There are millions of people who do not have electricity. For India to have its energy needs met, they are going to have to be able to import more or they are going to have to come up with creative approaches.

The U.S.A. is far more dependent on foreign sources of energy. We need to have more exploration of oil and natural gas in our country. We ought to be using more clean coal technology since we are the Saudi Arabia of the world in coal for electricity and gasification and liquification of coal. We also need advanced nuclear, biofuels, solar—a diversity of fuels for our energy independence rather than being so dependent on foreign sources of energy from the Middle East and hostile dictators around the world.

India is in a similar situation. In fact, they are even more dependent than the United States. There are concerns they will have to have a pipeline from Iran for natural gas or for oil. We are trying to get Iran not to develop nuclear weapons. One of the reasons geopolitically why it is difficult to impose sanctions or any sort of efforts to get them to comply is there are other parts of the world that are so dependent on Iran for natural gas or for oil.

In a sense, the energy independence and energy security concerns that we have in our country are also brought about for the people in India which are even more dependent on foreign sources of energy than we are. If India can have clean nuclear for electricity generation, that is going to obviously help the people of India. It will improve their air quality, clearly. As you all know, a barrel of oil, wherever it is produced, has the same price.

With the increasing economies of China and India and elsewhere around the world, for every bit of oil that is produced, the whole global market is competing for that barrel of oil. To the extent that India's demands can be somewhat ameliorated as well as ours in coal liquification or biofuels or other renewable approaches, it is going to help our energy independence in this insofar as India is concerned.

Beyond energy and jobs, we have grave threats facing the United States and also our friends and allies insofar as security. We need to build new alliances, and we need to strengthen existing alliances as well.

With that in mind, I think we ought to be looking further into the 21st century to determine what U.S. policy will be in Asia. What should it be? Where can we reasonably expect support to come from, whether in Asia or the Western Pacific?

Presently, some of the key allies that share our values are South Korea, Japan, Singapore, the Philippines, and Australia. They are key leaders with us. Further positive concerted efforts need to be made with Pakistan and Indonesia. India has a key role in all of this. I think India is absolutely essential for our freedom and shared values but also our freedom advancement in innovation and our security.

As I mentioned, I was in India last fall. This was a key issue on the minds of Prime Minister Singh and other government leaders. India is a country with tremendous potential, amazing values, but also a lot of hardship, hard breaks, and poverty in that country. They need reliable energy. They are working in education. In fact, we can learn a lot from India insofar as education is concerned as young people in middle school are focused on high school exams to get into the India institutes of technology. We need to get more Americans from all backgrounds interested in engineering and science as India has done.

India is also so important to security—a country which will soon have well over 1.2 billion people, not only the world's largest democracy but the world's largest country in the next few years.

The challenges that face India's future development are making progress, but they are tremendous challenges. So while India is now a global economic power, it is going to be increasingly an economic power in the future. It is going to be a much more important voice in Asia as well.

So it is in the interest of the United States to engage India, to help it develop safe, clean, and reliable energy, and also further our existing ties with its leaders in government, especially the people of India who appreciate the United States. Of course, there is a great deal of trade between the United States and India. Many of the H–1B visa applicants are from India which are very important for Virginia's economy and for the economy of the United States.

I also believe that we need to—I urge my colleagues to—examine this in its totality. It is imperative that we pass this legislation and begin finalizing this agreement that was reached by the elected leaders of the United States and India. It is in our security interests. It is in our economic interests. It strengthens the alliance which will be vital for years ahead.

I believe very strongly that this United States-India pact will be a marriage which will benefit all of us, not just now but for generations to come.

I thank my colleagues. I urge most respectfully the passage of the United States-India Peaceful Atomic Energy Cooperation Act with no killer amendments and let's allow this marriage between the United States and India blossom for our security, for our jobs, and our best interests through the years to come.

I thank Chairman LUGAR again for his outstanding and remarkable wisdom and insight shepherding this measure through. I hope by the end of the day this will pass, and that this marriage will continue to bear fruit for generations to come.

I yield the floor.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Virginia for his very generous comments about my leadership and the work of the committee. But I want to say that I appreciated very much the Senator's diligent and thoughtful work on the committee. He will be missed. He has been a great leader in our efforts and has participated materially in the formation of the legislation he talked about today. I deeply appreciate the strength of his statement and his very thoughtful comments.

I understand the distinguished Senator from Kansas wishes to make a statement.

I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Indiana, Chairman of the Foreign Relations Committee. He has done an outstanding job. He has been a leader and a foreign policy voice on Capitol Hill. His leadership is measured, and he is very knowledgeable and quite good. I appreciate his wisdom, counsel, and leadership—and his leadership on this bill as well.

I recognize my colleague from Virginia who has done an outstanding job for many years in many capacities on foreign relations. I know that he knows the issues on the United States-India relationship. Many people I have worked with on India have worked with the Senator from Virginia. I deeply appreciated his work, knowledge, interest, and passion on pushing these issues. It takes people such as that to build relationships. You have to always be pushing people together. I appreciate his willingness to do that.

I rise in support of this bill. I rise, as my colleague from Virginia has done, in support of the bill but without debilitating killer amendments associated with it.

I rise as someone who has chaired the South Asia subcommittee for a period of time and worked in building relationships with India.

I rise as the Senator who carried the initial bill to allow the administration to lift sanctions against India when it tested nuclear weapons during the Clinton administration. It was a big brawl of discussion we had at that point in time.

Let me take my colleagues back a little bit. That was the point in time when India was starting to shift away from its former focus on the Soviet Union, then Russia, and whether it was going to join the West and work with us. There was a big debate going on within Indian society as to whether they were going to pull along alongside the United States. It was a very heated debate, a very important discussion. It became the signature moment as to whether the United States would be a partner with India.

You will recall that for many years the United States and India had what was best described as a prickly relationship. There was not an easy, favorable one even though the fundamentals underneath seemed like they were something that would be very good. India is equal. It has the largest democracy and we the oldest. We are the two largest democracies in the world. It would seem to be that this would be a very easy and logical relationship. Yet they had gone into the Soviet sphere. We had built more of a relationship with China than with India even though the fundamentals under India were much better for us than they were with China. There has been this separation and division for some period of time.

India decided they needed to have a nuclear basis. They tested. Pakistan tested in response to that. We had a series of sanctions that immediately kicked in with that testing. Then our

entire relationship with India was viewed through the nuclear nonproliferation issue. We had all these other issues that we needed to discuss—economics, spread of terrorism, a series of issues, human rights items. Everything went through the nonproliferation portal. If you couldn't clear it through, we wouldn't be able to develop the rest.

Finally, we were able to provide the relationship, the administration, and the capacity to waive this series of sanctions. It was a difficult discussion and decision within the Congress. We were able to pass it through. Then let us get into a broader range—and the relationship flourished. It expanded enormously.

Now I think we are at another step. This is another one of those key junctures in the relationship as to whether this was going be a true and budding and future-oriented relationship. That is whether we can enter into this agreement that we are discussing here today. This is being watched very carefully in India as being a key view as to what the United States is going to do in its ongoing relationship with India.

I urge passage and strong support in building the fundamentals and strengthening a United States-India relationship. This agreement is not about sacrificing the nonproliferation regime on the altar of strategic cooperation. I want to emphasize that point. I think as people look at it, the initial question they would come up with is, I am fine with the strategic relationship; I will not sacrifice the nonproliferation issue. It is not about sacrificing that. It is about recognizing the reality of India's 30-year nuclear program. Engaged in peaceful civilian—as the chairman has said many times—nuclear cooperation with the world's largest democracy, securing commitments from India to implement the IAEA standard and safeguard and affirming India's longstanding commitment to democracy and its constructive role in shaping the world in decades ahead.

There is an environmental angle on this as we look at India as being a key economy in growth. That growth is consuming much more energy. That energy is generally in the form of fossil fuels which release a lot more $CO_2$. If we are concerned about the release and the impact and the accumulation of $CO_2$ in the atmosphere, one of the key things we should do from an environmental perspective is to engage in this agreement on civilian nuclear power. That is where we will reduce the $CO_2$ loading into the atmosphere.

From another nonstrategic, nonproliferation angle, from an environmental angle, this is a very positive agreement, a key agreement we can have with one of the fastest growing economies in the world that will be releasing a lot more $CO_2$ in the atmosphere unless they use a great deal of nuclear capacity in building that energy system.

Bringing India to the nonproliferation regime and forging a strategic partnership with the world's largest democracy makes America safer, as well. We have a common enemy in the war on terrorism around the world. India has been a key and strategic partner in their assistance in curbing the nuclear pursuits of Iran, a weaponized nuclear pursuit by Iran. We are getting help from India on that. We continue to work with Pakistan.

As a number have pointed out, either implicitly or explicitly, it is a balancing issue, a balance-of-power issue with China. I know everyone in this Senate thinks about that, even if it is not expressed often, but it is key that we build this balance of power in our balance with India in this region of the world as a democracy, as a country that is with us in the fight on terrorism.

India shares strategic interests; it also shares values. They have a commitment to democracy, with rules of law, transparency, a multireligious country. America and India, as I mentioned, are the world's two largest democracies, and India has had a functioning democracy for some period of time. Civilian nuclear cooperation is an important step in developing new and alternative energy sources.

Comparison with Iran and North Korea's nuclear programs are misleading. There are strict measures taken to ensure our cooperation will only be with India's civilian nuclear program. They have proven to be trustworthy. There is still reason to believe North Korea and Iran are clearly pursuing these for nuclear weapons and for purposes against us, very threatening to us and our interests. We need to look at the nature of the regimes. India is a peaceful, stable democracy versus authoritarian in Iran and North Korea.

Finally, this is just one of the key relationships at one of the key times. It is important we take the right steps during those points in time. I hope we have a very positive, robust debate and pass this bill by a very large margin, saying to the people of India and around the world: We are interested in partnering with you, we want to partner with you, we want to expand that partnership, and we see this as a key partnership for our future, for your future, and for global stability.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Indiana.

Mr. LUGAR. I thank the Senator from Kansas for a very strong endorsement of this legislation.

I note in the Senate the distinguished Senator from Georgia who would like to participate. I look forward to hearing from him.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise in full support of the United States-Indian nuclear agreement. I wish to share the two distinct reasons for my support.

First and foremost is the distinguished chairman from Indiana, Senator LUGAR. There is not an individual in this Senate and I say probably not an individual in this country who has committed more of their life to preventing nuclear disaster and its proliferation. There is perhaps no one who has worked harder to see to it that the U.S. agreements, as they relate to the security of nuclear power and the interest of our country, have always been nothing but in the best interest of the United States of America.

As a Senator from Georgia, I am well aware that Senator LUGAR partnered for many years and still partners today with our Senator, Sam Nunn, in seeking to ensure nuclear proliferation does not take place anywhere in the world and that nuclear materials from existing nuclear nations never fall in the hands of those who would use them in an act of terrorism. I place my confidence first and foremost in the distinguished chairman from Indiana.

There is a second, equally compelling reason; that is, my visit to India in April of this year, just shortly after the President announced the civilian nuclear deal with India. Quite frankly, my initial reaction before I went to India was one of significant concern. I think any time any of us look into nuclear agreements and the sharing of nuclear technology, we should have significant concern. However, I went to India and learned a number of things firsthand that I did not know. I share them with this Senate today because I believe they are important in whether we grant this agreement.

First, I learned quickly that in the 30-year history of involvement in the development of nuclear energy, India has never had a single deviation from its stated original purpose, which was civilian use, and in terms of military, only for minimal deterrence. They have clearly said from the beginning they would never be a first-strike nation, and they have always said that our motivation from a defensive mechanism is minimal deterrence. A 30-year consistent policy like that in any nation is good enough evidence for me in terms of the heart and the intent of that country.

Second, India is a democracy of 1.3 billion people in round numbers in a part of the world of significant importance to the United States of America. They have demonstrated in their cooperation with us in the global war on terror their interest only in peaceful operations of all nations and never in nuclear energy or technology falling into the hands of those who would use it in a devious way.

As the distinguished Senator from Virginia has said, India is a blossoming nation economically, but it suffers dramatically from the coal it has to burn and from the lack of efficient energy sources it now has. This civilian nuclear agreement allows them the opportunity to expand nuclear energy for the generation of electricity and to reduce the pollution in the atmosphere, which is not just India's atmosphere but is the world's atmosphere.

The distinguished chairman from Indiana has worked long and hard on this agreement. I am in full support of this agreement in its draft form and its presented form today. I hope the Members of the Senate will endorse and ratify without debilitating amendments. I have confidence in the chairman and his work. I have confidence in my visit to the people of India and Prime Minister Singh that they will continue to be what they have been: a burgeoning democracy and a great partner with the United States of America.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Georgia for visiting India, for his personal testimony on this issue, for strong support of the treaty, and for his very thoughtful personal comments.

I note the presence of the very distinguished leader in the Senate in fostering and strengthening India-United States relationships, the distinguished Senator from Texas.

Mr. CORNYN. Mr. President, I rise in strong support of the United States-India Peaceful Atomic Energy Cooperation Act. I particularly express my gratitude to the chairman of the Foreign Relations Committee, Chairman LUGAR, for his outstanding work on this bipartisan piece of legislation that advances our strategic relationship with India while also bringing India into the mainstream of international nonproliferation efforts.

I am delighted to be the cochair, along with Senator HILLARY CLINTON, of the United States-India caucus in the Senate, actually something we resurrected just a couple short years ago that had fallen by the wayside.

After my own visit to India and in consultation with a number of Indian-American constituents who live in Texas—about 200,000 live in my State alone—I became absolutely convinced that a closer relationship with the great nation of India and its people was essential to our security interests and essential to our economic interests.

As our colleagues know and as has been mentioned by a number of our Members, Prime Minister Singh visited Washington last summer and President Bush paid a visit to India this spring. These events mark a critical milestone in our improving relationship. Passage of this legislation will mark another significant step and I daresay cement what is a very important relationship to both nations.

President Bush made a fundamental foreign policy objective to move the United States-India relationship to a new level. As Secretary Rice has said, our relationship with India is one of the most important partnerships the United States can have in the 21st century.

As has been often noted, India is the world's largest democracy, while we are the world's oldest democracy, and our two great nations share so many common values and common beliefs. It is only appropriate that the United States and India become true strategic partners as we move into the 21st century. Fortunately, the days of the Cold War, when India was more aligned with the Soviet Union than with the United States, are in the long past. The United States and India share a common vision for our future. It is a peaceful vision where we battle terrorism together, the proliferation of weapons of mass destruction, HIV/AIDS, and a host of other challenges that face our world today.

While it is true that the agreement on Civil Nuclear Cooperation is a significant departure from previous U.S. policy, I strongly believe this legislation represents a positive step as we grow our strategic relationship.

For more than 30 years, the United States and India have disagreed over India's decision not to sign the Nuclear Non-Proliferation Treaty. As such, the United States has not cooperated with the Nation of India on any civilian nuclear technology to speak of. In short, we have been at a stalemate which has neither served our nonproliferation goals, nor helped India's vast needs for energy resources. Fortunately, this carefully crafted legislation will allow us to move forward in a responsible manner. The agreement, in fact, enhances our nonproliferation efforts.

It is correct to say that India is not a signatory to the nonproliferation treaty. They have decided for their own national security reasons that they will not become a party to the treaty, and no amount of international pressure is likely to change that conclusion. This is the reality we face, and the status quo for another 30 years is simply not acceptable. Recognizing this reality, we must ask ourselves, What can we do to promote nonproliferation efforts with India and bring them into the international nonproliferation regime? This legislation provides that answer.

Despite not signing the nonproliferation treaty, India, for the record, has an excellent nonproliferation record. They understand, perhaps as well as anyone, the danger of the proliferation of weapons of mass destruction. This is why India has agreed to adhere to key international nonproliferation efforts on top of their own stringent export control regime. This is a significant step forward which has been welcomed by the International Atomic Energy Agency Director General Mohamed ElBaradei, who understands India will not come into the nonproliferation treaty by traditional means but can be accommodated through this route.

I conclude by noting that the United States is fortunate, indeed, to have many Indian Americans who have helped bring our two nations closer together. As I have noted, many of them live in my State, as they do around this great country, contributing to our brainpower, to our economy. Frankly, this community is one of the hardest working, most accomplished communities in our Nation today. There are about 200,000 of them living in Texas, and nearly 80,000 Indian students are studying at our Nation's colleges and universities. Their contributions to our Nation and the United States-India relationship have been remarkably positive.

I encourage my colleagues to support this legislation, to advance our strategic relationship with India while also bringing India into the mainstream of international nonproliferation efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank the distinguished Senator for his leadership. His action with the distinguished Senator from New York, Mrs. CLINTON, is certainly timely for these important visits to occur and these negotiations. I think they have restored significance in our relationship. I thank the Senator for coming to the Senate and offering strong support for the treaty.

Mr. President, I note the presence of another distinguished member of the Senate Foreign Relations Committee, the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today to offer my support for S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act, of which I am a cosponsor. First, I congratulate Senators LUGAR and BIDEN for their excellent bipartisan effort to produce a quality piece of legislation. We can all be very proud of this product.

I have long believed the United States and India should expand its excellent friendship and embark upon a deeper, more strategic relationship. We now have that opportunity, and I urge my fellow Members of the Senate to pass S. 3709, a bill that will enable us to transform our relationship with India and initiate a solid partnership with great security, economic, and environmental returns for U.S. national interests.

As President Bush said when he met with Indian Prime Minister Manmohan Singh in New Delhi last spring:

> India in the 21st century is a natural partner of the United States because we are brothers in the cause of human liberty.

By expanding civil nuclear cooperation with India, the United States has an opportunity to bring India into an arms control regime that will guarantee greater oversight and inspection rights and which will allow us to make India's preexisting nuclear program safer and more transparent. At a time when we are facing many other nuclear power challenges, we should welcome this as a positive step in the world of nonproliferation.

It is not just the United States that supports civil nuclear cooperation with India. I was in Vienna in May, where I met with the International Atomic Energy Agency. During our meetings—we

were talking primarily about Iran and what they were doing in terms of Iran's violation of the nuclear nonproliferation agreement. We also talked about India and how they felt about the proposal that was being entered into between the United States and India. And I was told, at that time, that India has been a more active and responsible partner, in terms of their cooperation with the IAEA, than many of the signatories to the nuclear nonproliferation agreement.

As was just pointed out by the Senator from Texas, later on Director General Mohamed ElBaradei called the idea that is contained in this agreement ''a milestone'' and ''timely for ongoing efforts to consolidate the nonproliferation regime, combat nuclear terrorism and strengthen nuclear safety.''

Furthermore, this agreement will allow us to form a critical strategic relationship with India. And from a point of view, it is long overdue. The geostrategic facts are that China and India are two rising powers in the industrialized world. As China expands its economic power and military strength, U.S. nuclear cooperation with India can help to even the international keel.

I am also referring to the fact that China, could pose a threat to U.S. national security in the future. We are working very carefully to make sure that does not happen, but it is something we should think about. But I am also thinking about the fact that India and China also have a good relationship. So the fact that we are entering into a new relationship with India, I think, also would be well received by the Chinese and other Asian countries and helpful to alleviating any tensions that exist.

For the past 30 years, we let differences in our domestic policies and our international intentions keep us from working together. But India is a unique democracy, a new shining city upon a hill, and we need this more than ever before. We need models such as this, where people of different faiths and ethnicities live together and where the Government is open and accountable for its actions. It is the largest democracy that we have in the world today.

Following the end of the Cold War, new economic opportunities have created room for cooperation between the United States and India in agriculture, health care, commerce, defense, technology, and education. It is amazing to me the number of businesses I have in Ohio that have joint ventures in India and Indian investment in the State of Ohio.

In the aftermath of the September 11 attacks, India has been a leader in fighting terrorism and rooting out extremists from its society. It has a long record of responsible behavior on nonproliferation matters, and it is time we embrace India as part of that nonproliferation community.

I strongly encourage the Senate to pass S. 3907 and take the next step in bolstering our relationship with India. A democratic, economically sound, internationally integrated India will serve as a ballast in a region experiencing rapid, sweeping change.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. May I have recognition?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see the floor manager and the matter we have before us is of great importance and consequence. I know we have a variety of different amendments that are being considered and are being talked about, even as we are here now. I do not mean to interfere with the flow of this debate and reaching a timely conclusion of it, but I want to address the Senate for a few moments on what I consider to be sort of the important agenda for our committee, our HELP Committee, in this next session. I will cooperate, obviously, with the floor manager and ask that my remarks be printed in an appropriate place in the RECORD. And I will speak for just a few moments.

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

Mr. KENNEDY. So others who want to continue the debate will have the opportunity to do so. And as one who has been a floor manager, I understand his desire to have focus and attention on the underlying matters. But I appreciate the courtesy and the understanding of the manager letting me talk briefly this afternoon.

(The remarks of Mr. KENNEDY are printed in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 5173

Mr. LUGAR. Mr. President, I send an amendment to the desk that has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. HARKIN, proposes an amendment numbered 5173.

The amendment is as follows:

(Purpose: To make the waiver authority of the President contingent upon a determination that India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions)

On page 8, beginning on line 8, strike ''Group; and'' and all that follows through ''Nuclear'' on line 9 and insert the following:

Group;

(8) India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions; and

(9) the Nuclear

Mr. HARKIN. Mr. President, I thank the managers of this bill, Chairman LUGAR and Senator BIDEN, for accepting my amendment. I thank my colleagues.

My amendment is very simple and straightforward. It requires the President to determine that India was fully and actively participating in U.S. and international efforts to dissuade, sanction, and contain Iran's nuclear program consistent with United Nations Security Council Resolutions.

As my colleagues know, Iran is one of, if not the most, urgent nuclear nonproliferation challenges the world faces today.

For two decades Iran secretly built up its nuclear capabilities in violation of the safeguards commitments it made with the International Atomic Energy Agency, IAEA. To date, Iran has completed most of the construction of a massive uranium-enrichment facility at Natanz, opened a heavy-water production plant at Arak and began construction of a 40-megawatt reactor there. It also began construction on a fuel manufacturing plant at Isfahan; tested centrifuges with uranium, hexafluoride, produced their first samples of low-enriched uranium; and nearly completed construction of their first nuclear power reactor at Bushehr, set to open in 2007.

Iran says these programs are for peaceful purposes, but experts agree and the Bush administration believes, that Iran is on its way to acquiring the capability to produce large quantities of bomb grade nuclear material. Additionally, Iran has not fully answered numerous questions from the IAEA about activities that may be related to a weapons program. These activities are very concerning.

Earlier this year, the IAEA Board of Governors found Iran to be in violation of its safeguards commitments and reported Iran's file to the U.N. Security Council. The Security Council has demanded that Iran suspend its uranium enrichment program and construction of a heavy-water production reactor. These technologies can be used to make bomb-grade nuclear material.

However, Iran continues to stiff-arm the IAEA's investigation of its program. This week Iran again thumbed its nose at the international community boasting that the world would have to ''live with a nuclear Iran.'' A new report this week from the IAEA says the agency found new traces of plutonium and enriched uranium at a nuclear research facility in Tehran.

As we are here debating this bill, U.S. diplomats are engaged with our partners in the U.N. Security Council on this very important issue. They are working to build support for a new resolution that would mandate targeted sanctions on Iran to help persuade its leadership to change course and halt its uranium enrichment work.

This diplomatic course of action is appropriate at this stage, and I fully support it. To succeed, any targeted sanctions policy must not only have the active support of Security Council member states, but also the cooperation of other member states of the

international community. Targeted sanctions against Iran will not work unless they are fully and actively supported by states close to Iran and with ties to Iran, such as India. They will not work, I would add, without effective diplomatic engagement with Iran.

This is a time when we need to have the support of every country as the United States works with our allies to contain and constrain Iran's troubling nuclear program.

Now my colleagues may be wondering what this has to do with India.

India has a robust relationship with Iran. India actively engages in military-to-military cooperation with Iran and the two countries have a significant trade relationship. India plans to build a gas pipeline from Iran through Pakistan. India's leaders see Iran as a diplomatic partner on many issues. In fact, Iran's Foreign Minister will be visiting New Delhi today.

Given India's proximity to Iran, none of this is surprising, but it means that India has a particular responsibility to help contain Iran's nuclear and missile capabilities and support possible U.N. Security Council sanctions against Iran.

Obviously, India, like most other states, does not support a nuclear weapons option for Iran.

However, Indian views of the threat posed by the Iran nuclear program and its perspective on Iran's so-called ''right'' to peaceful nuclear technology differ significantly from U.S. views. Unfortunately, some of India's policies appear to embolden Iran's leaders to press forward with their ambitious nuclear plans.

As we move forward in our effort with the international community to deal, contain, and if necessary sanction Iran for its defiance of international demands to halt its sensitive nuclear activities, we will need greater support from all states, including India, in this effort.

Over a year ago, on September 24, 2005, India voted with the United States and 20 other states on the IAEA resolution which found Iran in compliance with its safeguards agreement. But the resolution did not refer the matter immediately to the Security Council and according to a recent report produced by the Congressional Research Service, India was one of a handful of countries seeking to avoid such a referral.

Disturbingly, India's official explanation of its vote highlights India's differences with the United States on how to deal with Iran's nuclear transgressions. It stated that:

In our Explanation of Vote (this is the Indian government), we have clearly expressed our opposition to Iran being declared as noncompliant with its safeguards agreements. Nor do we agree that the current situation could constitute a threat to international peace and security. Nevertheless, the resolution does not refer the matter to the Security Council and has agreed that outstanding issues be dealt with under the aegis of the IAEA itself. This is in line with our position and therefore, we have extended our support.

India again voted with the United States on February 4, 2006, when the IAEA Board of Governors voted to refer Iran's noncompliance to the U.N. Security Council. This was welcomed at the time. Yet the Indian Ministry of External Affairs responded to questions about its vote by noting that:

''While there will be a report to the Security Council, the Iran nuclear issue remains within the purview of the IAEA. It has been our consistent position that confrontation should be avoided and any outstanding issue ought to be resolved through dialogue. . . . Our vote in favour of the Resolution should not be interpreted as in any way detracting from the traditionally close and friendly relations we enjoy with Iran.''

By keeping the issue under the purview of the IAEA Iran would not be subject to sanctions. The IAEA does not have that capability, the Security Council does.

In April 2006, the U.N. Security Council issued a statement calling for an immediate suspension of all Iranian enrichment activities. Iran responded by announcing that it had produced a small quantity of low-enriched uranium using a test assembly of centrifuges and noted it planned to expand the facility's production capacity.

What was India's response? On May 30, India signed onto a statement by the Non-Aligned Movement, which said that concerns surrounding Iran's nuclear program should be resolved at the International Atomic Energy Agency Board of Governors and not the U.N. Security Council, again seeking to avoid sanctions, contrary to what U.S. diplomats and others were urging at that time.

In July, the U.N. Security Council passed Resolution 1696, which gave Tehran until August 31 to suspend its uranium enrichment program and required Tehran to fully cooperate with the International Atomic Energy Agency's, IAEA, investigation of its nuclear programs.

Again what was India's response? Apparently, in an attempt to patch up relations with Tehran over its earlier votes at the IAEA Board of Governors, India added its name to the September 2006 joint statement on Iran's nuclear program released by the Non-Aligned Movement at its meeting in Havana. In this statement, India called nuclear research and development a ''basic inalienable right'' of Iran's, and said that nuclear ''choices and decisions'' of different countries ''must be respected.''

Newspaper headlines in Iran trumpeted the news. The Iran Times headline on September 18 read: ''118 Countries Back Iran's Nuclear Program.'' Iran's President met with India's Prime Minister in Havana to discuss how to deepen Indo-Iranian ties.

Since then, talks between Iran and the EU to halt the Iranian nuclear program have broken down, and in October, Iran took additional steps to improve its enrichment capability and is now seeking IAEA nuclear safety assistance on its Arak heavy-water reactor. U.S. diplomats are working hard now to lobby fellow members of the IAEA Board of Governors to reject this request. We need India's active support when that happens.

In a recent report, the Congressional Research Service detailed some concerns about India's proliferation record with respect to Iran.

The U.S. Government, as a result of the Iran-Syria Nonproliferation Act, has sanctioned Indian companies for transferring WMD technologies and materials to Iran and other countries.

On August 4, the Bush administration publicly announced in the Federal Register sanctions on two Indian entities for transferring chemicals that can be used to produce missile propellant to Iran. The sanctions determination had been made July 25, a day before the House passed its version of the India bill.

For its part, India contended the sanctions were unwarranted. A Ministry of External Affairs spokesperson asserted on August 7th the transfers were ''not in violation of our regulations or our international obligations.''

This is deeply disturbing. What this means is that India's current export control laws are inadequate and do not meet the same high standards of U.S. export laws.

As we move forward in our effort with the international community to deal, contain, and if necessary, sanction Iran for its defiance of international demands to halt its sensitive nuclear activities, we will need greater support from a regional partner. We will need India to be more effective and diligent in preventing the proliferation of technologies, goods, and material that might be used by Iran to produce weapons of mass destruction or the means to deliver them.

I think that my colleagues would agree that the ties between India and Iran are troubling. That is why I believe we must—through my amendment—require the President to provide a determination that India is actively supporting efforts to contain Iran's nuclear program before he can waive existing restrictions on civil nuclear commerce with India.

I want to be clear—my amendment is not ''anti-India.'' My amendment is a positive and vital step in safeguarding our own national security interests.

There are some in this body who have argued that this legislation, and the possible agreement for nuclear cooperation, will enhance our strategic relationship and improve India's nonproliferation record. Others have warned that this will damage the vital effort to reduce nuclear weapons dangers in South Asia and elsewhere if we don't make adjustments to strengthen the nonproliferation requirements in the package.

Whatever our differences may be regarding other aspects of this proposal, one issue that I hope we can agree on is the need to ensure we have India's full and active cooperation and support in the effort to prevent Iran or other states from acquiring the capability to produce bomb material.

As the Senate considers reversing 36 years of nuclear proliferation restrictions, it is important that we ensure that India is a true strategic partner in the effort to prevent Iran from acquiring nuclear weapons.

Again, I appreciate the support of my colleagues in accepting my amendment.

Mr. LUGAR. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 5173.

The amendment (No. 5173) was agreed to.

Mr. LUGAR. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I note the distinguished Senator from New Mexico is present.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 5174

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 5174.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the waiver authority of the President)

On page 6, after line 21, add the following:

(c) OPERATION OF WAIVERS.—Notwithstanding any waiver under subsection (a)—

(1) no nuclear equipment or sensitive nuclear technology may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that both India and the United States are taking specific steps to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices; and

(2) no nuclear materials may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that India has stopped producing fissile materials for weapons pursuant to a unilateral moratorium or multilateral agreement.

Mr. BINGAMAN. Mr. President, this amendment would establish a link between the export of nuclear fuel and equipment to India under the United States-India nuclear agreement and India's halting of the production of nuclear weapons material. More specifically, my amendment provides two separate tests, one for nuclear equipment and technology, and another for nuclear material.

As to the nuclear equipment and technology, my amendment would require the President to certify that both India and the United States are taking specific steps to conclude a verifiable fissile material cutoff treaty before the United States exports any nuclear equipment or technology to India. As to nuclear fuel, my amendment would require the President to certify that India has stopped producing fissile material for weapons, either unilaterally or as part of a multilateral agreement, again, before the United States exports nuclear material to India.

The purpose of the amendment is not to kill the bill or the agreement with India but, as I see it, to strengthen that agreement. It would allow nuclear trade with India to proceed but in a way that will be consistent with our nuclear nonproliferation goals and our security interests.

It imposes no unreasonable or unrealistic conditions on nuclear trade with India. It simply requires the President to determine that India has followed through on its stated agreement to work toward a fissile material cutoff treaty. Let me explain why I believe this amendment is necessary.

In 1974, India tested a nuclear weapon it built using technology that we had provided to it for peaceful purposes. The title of the pending bill is United States-India Peaceful Atomic Energy Cooperation Act. So in 1974, India tested a nuclear weapon built using technology that we had given it for peaceful purposes. We responded then by strengthening our nuclear export laws in 1978 to ensure that that could not happen again. In 1980, we cut off nuclear cooperation with India, after India failed to meet the terms of the new law.

The bill before us would make it possible to resume nuclear cooperation with India by exempting India from certain requirements that we added to our nuclear export laws in 1978.

Proponents of the bill offer some strong arguments for going ahead. They say that we need to resume nuclear cooperation in order to cultivate closer ties with India. They say it is in our best interest to help India expand its civilian nuclear power program so that India might meet its growing energy needs with clean, environmentally friendly sources of power. They say it will help to bring India within the ''nonproliferation mainstream.'' I don't quarrel with any of those arguments or with the goal of the legislation. I agree that our past policies to pressure India on nuclear nonproliferation have not worked. Compared to several of its neighbors, India has a relatively good nonproliferation record, and by improving cooperation with India, we may be able to make India a useful ally in our efforts to halt the spread of nuclear weapons in the Middle East and in Asia.

My quarrel is not with the goal of reopening nuclear cooperation with India but in the details of the bill and in the terms on which we propose to resume that cooperation.

Under current law, in order for the United States to resume nuclear trade with India, our two nations must enter into an agreement for cooperation under section 123 of the Atomic Energy Act. Section 123 of the Atomic Energy Act requires the agreement to meet eight specific conditions. One of those conditions is that India must sign an agreement with the International Atomic Energy Agency to safeguard all nuclear material under its jurisdiction. India has consistently and steadfastly refused to agree to these so-called full-scope safeguards.

Even if we were able to enter into an agreement for cooperation with India, the Nuclear Regulatory Commission would then have to license the export of specific nuclear material and facilities to India under the provisions of section 126 of that same Atomic Energy Act. And in order to license an export under those provisions, the Nuclear Regulatory Commission would first have to find that the statutory export licensing criteria of section 127 and 128 of the Atomic Energy Act are met. Among other things, section 128 requires the Commission to find that the full-scope IAEA safeguards will be maintained on all of India's nuclear activities.

Once again, though, of course, India has refused to agree to those full-scope safeguards. Even if India were to accept full-scope safeguards, there is the third problem.

Section 129 of the Atomic Energy Act prohibits the export of nuclear materials or equipment or sensitive nuclear technology to any nonnuclear weapons state that has detonated a nuclear explosive device, violated or abrogated IAEA safeguards, or engaged in activities directed toward making a nuclear explosive device. Even section 129—and since India tested a nuclear explosive device in 1974 and five times since then in 1998, it has clearly run afoul of this provision.

The Atomic Energy Act provides a way around all of these obstacles. It says that the President can waive the full-scope safeguard requirement and can enter into an agreement for cooperation, as he is here proposing to do, without full-scope safeguards if he determines that insistence on full-scope safeguards:

Would be seriously prejudicial to the achievement of the United States nonproliferation objectives or otherwise jeopardize the common defense and security.

Similarly, the act allows the President to authorize exports without full-scope safeguards, and in spite of India's detonation of a nuclear explosive device, if the President:

Determines that cessation of such exports would be seriously prejudicial to the achievement of the United States nonproliferation objectives or otherwise jeopardize the common defense and security.

President Carter used this authority in 1980 to export nuclear fuel to India. But the current administration has apparently concluded that President Bush cannot say that withholding nuclear exports from India would seriously prejudice our nonproliferation objectives or jeopardize our security.

So instead of relying on the existing waiver authority that is in the law, the administration has requested and the bill provides—the bill before us would provide a specific statutory waiver for India. This is a waiver from the full-scope safeguard requirements of sections 126, 128, and the nuclear weapons prohibition contained in section 129. So instead of applying full-scope safeguards to all peaceful nuclear activities in India, the bill only asks that India give the International Atomic Energy Agency and the United States a:

> Credible plan to separate its civil nuclear facilities, materials, and programs from its military facilities, materials, and programs, and that it only apply the IAEA safeguards to those civilian activities.

Let me just put up a chart up here to make the point as to what I think the bill contains. This is an important distinction for all of us to understand.

India has been called upon in this agreement to separate what they are going to open to safeguards from the portion of their nuclear program they are going to keep separate from any kind of a full-scope safeguard. So there are 14 power reactors and one fuel reprocessing plant they have identified as being subject to safeguards under this agreement. That is the so-called civilian side of what they are doing.

Then there is the nonsafeguarded area, and that, according to the Indians—and, of course, they are the ones who make this judgment and have under this agreement we are now considering, they have determined that there are eight power reactors for which they are not going to provide safeguards: their Fast Breeder program, which they are not going to provide safeguards for, and of course their entire military program, which is made up of two plutonium reprocessing plants, two uranium enrichment plants, and two heavy water plutonium production reactors. So it is clear that there is a substantial amount of their nuclear program that they have determined they will not open to inspection by the IAEA and will not open to these requirements which are contained in our own law.

There are major problems with this approach. First is that the partial safeguards are not full-scope safeguards. India produced its separation plan in March. It offers to place some of its civilian power reactors, some of its fuel cycle facilities, some of its research facilities under safeguards, but it leaves still others of its civilian power reactors, its fuel cycle facilities, its research reactors, and its military plants unsafeguarded. Many of the facilities that raise the greatest proliferation concerns, including the Fast Breeder Reactor program and its uranium enrichment plants and its spent fuel processing facilities, are placed beyond the reach of any international safeguards. India will be free to use these facilities to produce fissile material for nuclear weapons without any international inspection or control.

To make matters worse, by allowing India to buy civilian nuclear fuel on the international market, India will no longer have to choose between using its own limited uranium resources to supply its civilian power program or its weapons program. It will be able to buy nuclear fuel for its civilian power program and devote all its own uranium resources to its weapons program.

The other major problem with this approach is that it abandons the fundamental tenet of our nuclear nonproliferation policy; namely, that nations are required to renounce nuclear weapons in order to get our assistance. This simple bargain has been the cornerstone of our nonproliferation policy since President Eisenhower announced the Atoms For Peace program over a half a century ago. The bill before us abandons that policy. It offers U.S. assistance to India without any restraint or limitation on its existing weapons program. Making such an exception for India will, in my view, permanently weaken our nonproliferation policy and our credibility on this issue. Already there are other nations, including Pakistan, that have asked for similar treatment. We are signaling that there are no general rules that apply when it comes to nonproliferation; whether we will ship nuclear technology or nuclear fuel or materials to a country depends upon the circumstances of each case. That is what this agreement signals to the rest of the world. It is difficult to see how we can insist that China and Russia strictly enforce full-scope safeguards in their dealings with Iran and North Korea if we are not going to enforce full-scope safeguards in our dealings with other countries—India, in this case. That is not to say we should bar the door to further nuclear cooperation with India or vote down the bill. I think we should open up nuclear trade with India, but we should do it in a way that is in keeping with our broad nuclear nonproliferation policy.

I believe the bill before us, while seriously flawed as it now stands, can be fixed, can be salvaged, and that is the purpose of my amendment. The central issue, as I see it, is how to allow nuclear trade with India to proceed without aiding and abetting India's nuclear weapons program. India has dozens of nuclear weapons today. China has hundreds of nuclear weapons today. We do not want to see a race begin in Asia to see who can achieve the greatest capability in nuclear weapons. I believe the answer is to establish a link between our cooperation with India's civilian nuclear program and India stopping its production of nuclear materials for its weapons program.

What I am recommending is nothing more than what our former colleague, Senator Sam Nunn, suggested in the article which is on each Member's desk entitled ''A Nuclear Pig In A Poke.'' It was an article in the Wall Street Journal on May 24, and I commend it to all of my colleagues for their consideration. Specifically, Senator Nunn in that article recommended that:

> Congress require a two-stage process. First, before any export of nuclear reactors, components, or related technology are provided to India, the President should have to certify that both India and the United States are taking specific steps to lead a serious and expedited international effort to conclude a verifiable fissile material cutoff treatment.

Continuing with his statement:

> Second, before any exports of nuclear reactor fuel or its components are provided to India, thereby freeing India to use its limited stocks to expand its nuclear weapons program, the President would be required to certify that India has stopped producing fissile materials for weapons, either as part of a voluntary moratorium or multilateral agreement.

That is precisely what the amendment does.

I have attached a letter to the opinion piece Senator Nunn wrote, a letter from Senator Nunn to me where he states that clearly the amendment I am offering today is trying to implement the recommendations he made in his earlier opinion piece. So this amendment is based squarely on Senator Nunn's proposal. It simply requires first that before nuclear equipment and technology can be exported, the President first should determine that both India and the United States are taking specific steps to conclude a fissile material cutoff treaty; second, that before any nuclear materials may be exported to India, the President must determine that India has stopped producing fissile materials for weapons.

Both the United States and India have already agreed to work toward a fissile materials cutoff treaty. The bill before us, in section 1055, already requires the President to determine that India is working with us toward such a treaty before he can use the waivers. All my amendment does is to require the President to determine and to report to Congress that specific steps are being taken before we export nuclear equipment and technology, and that India has, in fact, stopped producing weapons material before we export nuclear material to India. The amendment would simply implement Senator Nunn's recommendations.

As I indicated, there is a letter pointing out that this amendment would, in fact, accomplish that objective that is attached to the opinion piece.

Mr. President, I ask unanimous consent that Senator Nunn's May 24 op-ed in the Wall Street Journal and his letter to me dated September 28 of this year be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

(See exhibit 1).

Mr. BINGAMAN. Mr. President, the amendment I am proposing here is not a killer amendment. I know the traditional approach in the Senate is that any time an amendment is offered, it is characterized by its opponents as a killer amendment, so you could make the argument that anything we might change in the pending legislation would absolutely kill our prospects of getting anything done. But this amendment is not a killer amendment. As Senator Nunn has stated in his op-ed piece, it is not a killer amendment:

> Unless you believe that India will continue its weapons-usable nuclear material production, and that U.S. and Indian pledges to work for a fissile material cutoff treaty are insincere, meaningless gestures.

If those pledges are sincere and meaningful, as I trust they are, then this amendment simply says they should be fulfilled before exports begin.

Adoption of my amendment will significantly strengthen the agreement with India. As Senator Nunn has said:

> This two-stage approach would significantly strengthen the deal in a way that improves the protection of our core security interests, while ultimately allowing trade to proceed. By establishing a linkage between exports of nuclear material and the cessation of Indian production of nuclear weapons material, this amendment will maintain the integrity of an important U.S. security objective; that is, preventing the growth and spread of nuclear weapons-usable material around the globe.

Without this amendment I am offering, I fear the enactment of the bill pending before us would result in making the world a more dangerous place rather than a less dangerous place. This amendment will give us the advantages of the agreement but without the increased danger which all of us would like to see avoided.

Mr. LUGAR. Mr. President, I rise in opposition to the amendment offered by the Senator from New Mexico. This is a killer condition because it requires the President to make two determinations prior to the U.S.-India agreement being implemented that are at odds with the purpose of the pact.

First, under the Bingaman amendment a determination must be made that both India and the United States have taken specific steps to conclude a Fissile Material Cut-off Treaty, or FMCT, before the U.S. can export nuclear equipment and technology.

The amendment requires that a second determination be made that India has stopped the production of fissile material for weapons before the U.S. can export nuclear materials.

While I agree that an Indian commitment to abandon its nuclear weapons program would have been optimal, even in its absence this agreement serves U.S. national security interests. Members must consider whether this amendment and others like it advance U.S. national security. I believe that U.S. interests are served by greater IAEA oversight of India's nuclear program and I reject amendments that make the perfect the enemy of the good. I support this agreement and oppose amendments, like this one, that would derail its implementation.

By linking American exports of nuclear equipment and technology to U.S. and Indian progress on a multilateral FMCT holds New Delhi to a different and higher standard than any other country we have nuclear trade with, higher standards for example than we require of Beijing. A successful FMCT will only be concluded and implemented when every nation with fissile material production capabilities agrees and abides by its commitment. I worry that this amendment may provide countries who oppose this bilateral agreement with a backdoor veto. In other words, if another nation stymies progress on a FMCT, will India and the U.S. be penalized?

I share the strong support of the Senator from New Mexico for an FMCT. But a successful FMCT negotiation will require the assent of all nations, in particular China. Unlike the U.S., the United Kingdom, France, and Russia, China is assumed to have ceased fissile material production but has not made a public statement confirming this as the others have.

The report that accompanies the Lugar-Biden legislation, S. 3709, highlights the potential trouble with these kind of linkages. The Conference on Disarmament, the host of talks on a FMCT, has been unable to agree on a work program, in part because some countries—notably China—have refused to approve the beginning of FMCT negotiations unless the Conference on Disarmament also approves discussions of other issues, such as nuclear disarmament and banning weapons in outer space. For its part India has long supported conclusion of an effectively verifiable FMCT. This position reflects India's concern regarding fissile material production by its nuclear-armed neighbors, and it would be unrealistic to expect a precipitous change in India's position. It would be difficult to determine that the U.S. and India have taken specific steps to conclude an FMCT if Chinese interference didn't permit the negotiations at the Conference on Disarmament to start.

In testimony before the Committee on Foreign Relations, former Secretary of Defense William Perry addressed the danger of conditioning passage of the U.S.-India agreement on FMCT-related issues. In fact, Bill Perry stated that there were many things by which we could condition nuclear trade with India on, including ''India tak[ing] a leadership position in promoting an international cutoff in the production of fissile material.'' But Dr. Perry concluded:

> I do not recommend that the Senate try to modify the agreement to include them. Instead, I recommend that the Senate task the Administration to vigorously pursue continuing diplomacy to facilitate these actions, and that should be as a follow-on to the agreement.

Secretary Perry's advice was good counsel and we adopted it in the Lugar-Biden bill. In our opinion, S. 3709 strikes the right balance in conditioning nuclear trade with India in areas consistent with the July 18, 2005, Joint Statement. India reiterated its support for an FMCT in that statement and our bill applies pressure and requires continue monitoring of future Indian and U.S. administrations to ensure full implementation of the decision by India to support such a treaty.

Section 105(5) of the Lugar-Biden bill requires an annual determination that India continues its support for an FMCT and is not preventing adoption of a negotiating mandate that leaves the issue of verification to be decided in the negotiations. If India is working with the United States to conclude an FMCT or a similar treaty, that would justify a presidential determination under this provision.

We reinforce these requirements with report language that reads that:

> the United States must now use the influence it has gained through efforts in both India and Pakistan, and with India in particular through its nuclear trade with that nation, to help them transition from nuclear build-ups to stability and arms reductions. This is nowhere more relevant than in the area of fissile material production.

In addition, this amendment requires the President to determine that India has ceased the production of fissile materials for nuclear weapons before the agreement can be implemented. India has long rejected calls for the cessation of fissile material production, pointing to rival nuclear weapons programs as justification.

India maintains that it cannot agree to a unilateral cap on fissile material production at this time. Pakistan continues to produce fissile material for weapons-related purposes, and China has not yet committed to a moratorium on such production. It is not in U.S. national security interests to threaten the significant nonproliferation gains afforded by this Initiative with India in order to seek a fissile material cap that India indicates it cannot agree to, absent a similar commitment by Pakistan and China.

As Secretary Rice testified on April 6, 2006, before the Committee on Foreign Relations:

> India would never accept a unilateral freeze or cap on its nuclear arsenal. We raised this with the Indians, but the Indians said that its plans and policies must take into account regional realities. No one can credibly assert that India would accept what would amount to an arms control agreement that did not include other key countries, like China and Pakistan.

In addition, Under Secretary of State for Arms Control and International Security Policy, Bob Joseph, and Under Secretary of State for Political Affairs, Nicholas Burns, stated on March 29, 2006:

> The curtailment of the production of fissile material for weapons was discussed as part of the Civil Nuclear Cooperation Initiative, but India maintained that it could not agree to a unilateral cap at this time. The U.S. has achieved an important objective by obtaining India's commitment to work toward the

conclusion of a multilateral Fissile Material Cutoff Treaty (FMCT). Moreover, we remain willing to explore other intermediate options that might also serve such an objective. We also continue to call on all states that produce fissile material for weapons purposes to observe a voluntary production moratorium, as the United States has done for many years.

Senator BIDEN and I took a number of steps to address concerns about continued Indian fissile material production but we sought to do so in a manner that did not threaten the efficacy of the U.S.-India Agreement. In section 103(1) of our bill we make it the policy of the United States ''to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and other nuclear explosive devices.''

Section 108(a)(1)(A) requires an annual reporting requirement on Indian implementation and compliance with ''the nonproliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India.''

Other subsections within section 108 of our legislation require: (1) annual reports on ''significant changes in the production by India of nuclear weapons or in the types of amounts of fissile materials produced''; (2) whether India ''is in full compliance with the commitments and obligations contained in the [U.S.-India] agreements and other documents''; and (3) a requirement to identify and assess all compliance issues arising on India's commitments and obligations. These reporting requirements will ensure that Congress remains fully informed on developments related to the implementation of this agreement. As we all know, it is the prerogative of Congress to review these treaties and take action should we ever determine that Indian activities put the benefits of the agreement on U.S. national security interests in doubt.

In addition, the committee adopted an amendment offered by Senator CHAFEE during markup of S. 3709 making it the policy of the United States that peaceful atomic cooperation and ''exports of nuclear fuel to India should not contribute to, or in any way encourage, increases in the production by India of fissile material for non-civilian purposes.''

The administration is in the midst of negotiations with India on a 123 Agreement, and New Delhi is also negotiating a new safeguards agreement with the IAEA. The Nuclear Suppliers Group has yet to make a decision to embrace the U.S.-India Agreement and approve its 45 member states to engage in nuclear trade with India. If we accede to conditions such as the one contained in the Bingaman amendment, conditions that India has already rejected, we will severely limit our ability to influence India's nuclear program.

Moreover, the IAEA's ability to monitor India's activities will be further circumscribed and we will return to a time when India was a hindrance rather than a partner in international, multilateral nonproliferation and arms control efforts.

Senator BIDEN and I believe we have addressed this matter in a manner that does not threaten the viability of the agreement. The determinations I described above were carefully drafted to balance, and not upset, the ongoing negotiations in Vienna or those in the U.S. and India. We must not forget that Congress will have a chance to vote on the 123 Agreement. S. 3709 provides Congress with an up or down vote on this important agreement and fully protects Congress' role in the process and ensures congressional views will be taken into consideration.

In conclusion, the Bingaman amendment imposes an unacceptable precondition on civil nuclear cooperation with India. India will regard this as ''moving the goalposts,'' an unacceptable renegotiation of the deal, and a bad-faith effort on our part.

As a consequence, this is a deal-killer that wrecks the balance that we sought between executive and legislative power, nonproliferation responsibilities, and the U.S.-India relationship. Killer conditions such as these forfeit the U.S. ability to influence Indian behavior. While I understand that this was not the intent of the Senator from New Mexico, in my view it is the practical effect.

In sum, the Lugar-Biden bill addresses the issues raised by this amendment without undercutting the agreement. Unfortunately, the Bingaman amendment is a killer amendment and I urge Senators to oppose it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. I have two amendments to offer. I will be happy to offer and debate them in order and to work with the chairman on whatever arrangements he might wish for a vote on these amendments.

Mr. LUGAR. Let me respond to the Senator. I appreciate his willingness to offer the amendments in a timely fashion. We are in the process of debating one amendment, but I will ask unanimous consent it be temporarily laid aside so the Senator can offer his amendments to expedite this consideration.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The Senator is recognized to present his first amendment.

AMENDMENT NO. 5178

Mr. DORGAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 5178.

Mr. DORGAN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To declare that it is the policy of the United States to continue to support implementation of United Nations Security Council Resolution 1172 (1998))

On page 5, beginning on line 15, strike ''Treaty; and'' and all that follows through ''that exports'' on line 16 and insert the following: ''Treaty;

(9) to continue to support implementation of United Nations Security Council Resolution 1172 (1998); and

(10) that exports

Mr. DORGAN. Mr. President, this amendment is very simple and very short. Its brevity is contained in line 4 to line 6.

It is an amendment that says we will:

On page 5, beginning on line 15, strike ''Treaty; and'' and all that follows through ''that exports'' . . . and insert the following:

(9) to continue to support implementation of United Nations Security Council Resolution 1172.

Let me describe what this means and why I am offering it. In May of 1998, the United Nations Security Council unanimously passed Security Council Resolution No. 1172 after India and then Pakistan, detonated nuclear weapons. The Security Council unanimously passed a resolution.

The resolution I have in my hand, in part, says that the Security Council is gravely concerned at the challenge that the nuclear tests conducted by India and then Pakistan constitute to international efforts aimed at strengthening the global regime of nonproliferation of nuclear weapons and also gravely concerned at the danger to peace and stability in the region.

Continuing, it says that the resolution condemns the nuclear tests conducted by India on 11 and 13 May, 1998, and by Pakistan on 28 and 30 May, 1998, demands that India and Pakistan refrain from further nuclear tests, calls upon India and Pakistan immediately to stop their nuclear weapon development programs, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons; it says the Security Council recognizes that the tests conducted by India and Pakistan constitute a serious threat to global efforts toward nuclear nonproliferation and disarmament, urges India and Pakistan and all other states that have not yet done so to become parties to the Nuclear Non-Proliferation Treaty and to the Comprehensive Nuclear Test Ban Treaty without delay and without conditions.

That was the reaction of our country and of the United Nations in May of

1998, following the detonation of nuclear weapons by both India and Pakistan, a point in time in which the world was very concerned about those actions.

Our country then led a multinational effort to pass a resolution in the United Nations, Resolution 1172. That resolution, which passed unanimously and which has become a resolution that represents our policy and our support for these basic tenets, is at odds with the underlying legislation being considered by the Senate.

I offer a piece of legislation, an amendment, that says it is still U.S. policy to support the implementations of United Nations Security Council Resolution 1172.

How does this square with what is before the Senate?

Resolution 1172 demonstrated that our country, the United States, and the rest of the international community, agree there should be no further nuclear weapons testing in South Asia and there should be an end to dangerous nuclear arms competition and no additional nuclear weapons produced. That resolution is as relevant today as it was in 1998.

Both India and Pakistan have violated Resolution 1172. They continue to build nuclear weapons, they produce fissile material for weapons in both of those countries, they continue to develop new nuclear-capable missiles.

No one in this Chamber would like to see, in my judgment, India or Pakistan resume nuclear testing.

Now, the Bush administration wants to lift international restrictions on nuclear trade with India. It is as if the United Nations Security Council resolution doesn't exist, never happened, doesn't apply to our country, doesn't apply to India. What does that say to North Korea? What does that tell the country of Iran?

This past July, the United States convinced the Security Council of the United Nations to call upon Iran to fully cooperate with the IAEA and suspend its uranium enrichment program, stop work on a heavy water production. Iran has not complied and the U.S. working with other nation states on the Security Council to pass another resolution.

In October, the Security Council passed Resolution 1718, which condemns North Korea's nuclear test and demands that North Korea not conduct any further nuclear test or launch of a ballistic missile. It also calls on North Korea to abandon all nuclear weapons in existing nuclear programs in a complete, verifiable, and irreversible manner; also, to give up its ballistic missile program.

But these resolutions on Iran and North Korea will, in my judgment, mean far less if the United States does not reaffirm its commitment to Resolution 1172 with respect to India and Pakistan.

As the world watches our actions—and we have Ambassador Burns and Secretary of State Condoleezza Rice rushing to India to negotiate these kinds of agreements that begin to untie and unravel decades of leadership by our country against the proliferation of nuclear weapons. As the world watches our actions, what will they learn from this discussion, from these actions by the Senate? Will they learn today that we remain committed to Resolution 1172 of the United Nations?

It would be, it seems to me, a huge step backward for the Senate to say that Resolution 1172, which was our policy, which passed unanimously in the United Nations, which called for the cessation of the production of additional nuclear weapons by both India and Pakistan, if we were to tell the world that somehow that is no longer our policy, that is no longer operative—at least it is not operative with respect to India and Pakistan.

As I said earlier, the burden falls to us to stop the spread of nuclear weapons. It is our responsibility. We are the major nuclear superpower in the world. We inherit the requirement to stop the spread of nuclear weapons, keep nuclear weapons out of the hands of terrorists, try to prevent a cataclysmic terror attack anywhere in the world and especially against the cities of our country by a terrorist group who has a nuclear weapon. It is our responsibility to do that.

What then embraces that responsibility? What kind of things should we be doing in the Senate? Should we be deciding in the Senate that one way to do that is to allow the production of additional nuclear weapons on this Earth? Of course not, that is absurd. Will the underlying bill that is before the Senate allow the production of additional nuclear weapons? Of course, it will. Everyone agrees with that. We all understand that. If that weren't the case, there would not be a requirement to keep eight of the nuclear reactors behind a curtain that will never be inspected. We understand what is going on.

I read this morning the statement from one of the top advisers in India that said they have a responsibility to move quickly and aggressively to continue to build their nuclear deterrent. That is exactly what is at work here. Has our country now decided it is not our responsibility to stop this? Have we decided to be the green light to allow others to build additional nuclear weapons? Is that the junction we have reached? Not with my vote.

I understand all the arguments about the geopolitics and about India and China and counterweights and all of these issues. None of it, in my judgment, justifies a decision by the United States of America to send a signal to the world that we believe it is all right for anybody to begin producing additional nuclear weapons.

Our role, our responsibility, is to find ways today, on Thursday, November 16, 2006 to shut down the production of additional nuclear weapons, put pressure on those who want to build more nuclear weapons, to say to them it is not acceptable to us to have you building additional nuclear weapons.

Yes, that goes for India. It goes for Pakistan. It goes for China. It goes for all of those countries.

That ought to be our message. It ought to be unified. It ought not to be convoluted. It ought to be clear. Yet the underlying message with what is on the floor of the Senate—again, negotiated by Ambassador Burns and Secretary of State Condoleezza Rice, largely in secret; I read about it, by the way, in the Washington Post—the underlying message is we have decided to develop a relationship with India that is a counterweight to China in that region. One way to do that is to allow India to be able to purchase the things they need with which to produce additional nuclear power.

They have been prevented from doing that because they refused to sign the nonproliferation treaty. They refused to sign that treaty; therefore, they have had sanctions against them and resolutions at the United Nations enacted that have condemned the actions. And now, in one fell swoop, they are told: Never mind. It does not matter. We are friends, and that friendship transcends the sanctions that exist for those of you who have not signed the nonproliferation treaty.

I think this is a horrible mistake. Again, I do not question the motives of those who disagree with me. But we have made some very serious mistakes recently because some big thinkers made some big mistakes. This is a very big mistake. It is likely that the Senate will pass the underlying legislation today. I will regret that. But if it passes that legislation without reaffirming the basic support for Resolution 1172, this message today will have been a very destructive message to the rest of the world with respect to our country's leadership away from nuclear proliferation.

So, Mr. President, I would hope that we could have a vote on this resolution. I have a second resolution that I shall offer. But with that discussion of my resolution, I will yield the floor so my colleagues can respond to it.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENTS NOS. 5179 AND 5180

Mr. LUGAR. Mr. President, I send two amendments to the desk that have been cleared on both sides.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. BINGAMAN, proposes amendments numbered 5179 and 5180, en bloc.

The amendments are as follows:

AMENDMENT NO. 5179

(Purpose: To require as part of the implementation and compliance report an estimate of uranium use and an analysis of the production rate of nuclear explosive devices)

On page 18, beginning on line 7, strike ''existing'' and all that follows through ''description'' on line 9 and insert the following:

existing agreements;

(6) an estimate of—

(A) the amount of uranium mined in India during the previous year;

(B) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(C) the rate of production in India of—

(i) fissile material for nuclear explosive devices; and

(ii) nuclear explosive devices;

(7) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices; and

(8) a detailed description

AMENDMENT NO. 5180

(Purpose: To establish a United States-India scientific cooperative threat reduction program)

At the end of title I, add the following:

**SEC. 114. UNITED STATES-INDIA SCIENTIFIC COOPERATIVE THREAT REDUCTION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, shall establish a cooperative threat reduction program to pursue jointly with scientists from the United States and India a program to further common nonproliferation goals, including scientific research and development efforts related to nuclear nonproliferation, with an emphasis on nuclear safeguards (in this section referred to as the ''program'').

(b) CONSULTATION.—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) NATIONAL ACADEMIES RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) RECOMMENDATIONS.—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) PUBLIC AVAILABILITY.—The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

Mr. LUGAR. I urge adoption of the amendments.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

The amendments (Nos. 5179 and 5180) were agreed to.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I would mention, Mr. President, the author of the amendments is Senator BINGAMAN, and one of the amendments is also in conjunction with Senator DOMENICI.

AMENDMENT NO. 5178

Mr. President, I want to respond to the distinguished Senator from North Dakota briefly. I oppose his amendment. While the amendment would merely state that it is U.S. policy to continue to support implementation of the Security Council resolution that was passed in June 1998 in response to the nuclear weapons tests in South Asia—a resolution we voted for—I believe the amendment casts us back to a very different time, well before the miraculous changes in India's relations with the United States and with the world that occurred as a result of the July 2005 Joint Statement and India's decision to turn the corner on nonproliferation policy generally.

I do not believe this bill is the right place to address ourselves to the past. This bill is about the future. We have taken adequate account in the bill of the concerns the Senator's amendment would address. Section 1033 of the Lugar-Biden bill makes it the policy of the United States that:

India remains in full compliance with its non-proliferation, arms control, and disarmament agreements, obligations, and commitments.

Section 108(b) of our legislation requires annual reporting, including a detailed description of ''United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-Off treaty; the reactions of India and Pakistan to such efforts; and assistance that the United States is providing, or would be able to provide, to India and Pakistan'' to promote such objectives.

In the context of this bill, I do not believe it is appropriate to return to the past in a way the Senator's amendment would, and I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise to speak to the Dorgan amendment. I appreciate, respect, and share the sentiment and concern of the Senator from North Dakota who has been doggedly supportive of pushing nonproliferation and a nonproliferation regime. And if this were 1998 or 1999, I would support the Senator's amendment. But this is 2006, and a great deal has changed since India and Pakistan both exploded nuclear devices in 1998.

The Security Council resolution passed after those tests called for several things: one including for India and Pakistan to immediately stop their nuclear weapons programs and their ballistic missile programs. We wish they would have ceased their nuclear programs. They did not. We wish they had ceased their programs with regard to missiles. Well, they did not.

So the fact is, it is not realistic. We wish they would join the nuclear test ban treaty. But do we really think that is possible under this administration that is not supportive of a comprehensive nuclear test ban treaty?

In this legislation, and in the United States-India nuclear agreement, we are making clear that continued cooperation under this nuclear agreement and nuclear exports to India will cease if India, one, tests a nuclear device, terminates or materially violates its IAEA safeguards, materially violates its agreement with the United States, or engages in nuclear proliferation.

Further, the bill requires that India sign a safeguards agreement with the IAEA and negotiate an additional protocol. It also requires the President to certify that the safeguards agreement is in accordance with the IAEA standards, principles, and practices.

In sum, that is U.S. policy toward India and its nuclear program, and I do not see the purpose of revisiting the old history of 1998. We need to look forward, and that is what we are doing in this legislation. We are using this legislation and the agreement to build a new relationship with India on this issue, and also using it as a means to strengthen the bilateral relationship across the board. And in doing so, we have enshrined important nonproliferation principles into this legislation because we cannot turn back the history of 1998.

So at the appropriate time—and I think we are working now on a consent agreement—I would urge the defeat of the Dorgan amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, just a couple of——

Mr. DOMENICI. Mr. President, will the Senator yield just for a moment?

Mr. DORGAN. Yes.

Mr. DOMENICI. Mr. President, I ask the Senator, how long do you think it will take for you to discuss and dispose of your amendment?

Mr. DORGAN. Mr. President, it is my intention to respond briefly to a couple of comments that have been made in objection to my amendment, and then to offer my second amendment, per agreement with the chairman. That would probably take me about 10 minutes, and to speak in support of my second amendment.

Mr. DOMENICI. Mr. President, I thank the Senator, and I yield the floor.

Mr. DORGAN. Mr. President, I listened intently to my two colleagues

who apparently cannot find the ability to support this amendment. I do want to make a couple of observations. One of my colleagues said that India is in full compliance with its commitments. Well, yes, that is true. And the reason they are in full compliance with their commitments is they do not have the commitments we have. They have not signed the nonproliferation treaty. They do not have the commitments that we would expect of them. So are they in full compliance with the commitments that do not exist? I do not know. I mean, I guess. It is not much of an excuse for India, in my judgment. I don't understand that objection.

The discussion of ''this agreement would cease if the following'' omitted one key issue: ''This agreement will cease if India continues to produce additional nuclear weapons.'' No, that was not included in this bill. Why? Because this agreement allows India to continue to produce additional nuclear weapons. That is at the root of this agreement; otherwise why would you have nuclear facilities put off limits behind a curtain, behind which India can produce additional nuclear bombs?

So this issue of that we have safeguards, and this agreement will cease if the following exists, does not include that this agreement will cease if India continues to produce additional nuclear weapons. Why doesn't it include that provision? Because all of us here know what is going to happen. What is going to happen is this agreement is going to pass, and our ally, a wonderful country, India, is going to be told by this country: It is all right if behind a curtain uninspected facilities continue to produce additional nuclear bombs. That is all right with us. It works fine with us. It is not all right with me. It does not work fine with me.

The past versus the future? I am glad we are not debating the Constitution. That is the past. Man, that is a couple hundred years past. What are the virtues of the Constitution? How about the virtues of the past, the efforts in the past at nonproliferation, the efforts in the past when we were serious about these issues? Really serious. And this country took it upon themselves to say: We are going to lead the way. We, by God, are going to lead the way because it is our burden. It is our responsibility.

We inherit that requirement. Yes, that is the past, and I am proud of that past. In fact, this morning I described part of that past, credited, I might say, to my colleague from Indiana and my former colleague from Georgia, and my colleague from Delaware. I hold in my hand a wing strut from a Soviet bomber that likely carried a nuclear weapon, which could have been dropped on an American city.

That wing strut came from an airplane that was not shot down. That airplane was sawed up by an agreement. That sawing of that Backfire bomber, whose wing strut I now hold, was paid for by American taxpayers. We destroyed nuclear weapons, no, not by battle, not through firing our nuclear weapons. We destroyed them by saws and other methods of destruction, paid for by the American taxpayer.

We destroyed nuclear weapons. Four countries that possessed them are now free of nuclear weapons. We destroyed delivery systems, Backfire bombers, missiles. Yes, that is the past, a past I am enormously proud of, a past we need more of, a past we need to learn from.

The future? The future is a process here by which we say: Do you know what. India, you are a good country—and let me join in that description of the county of India. But we also say: We don't care so much anymore you didn't sign the nonproliferation treaty. We don't care that you violated Resolution 1172 of the United Nations. That is all OK. And, in fact, we are going to tell the suppliers of the world that can supply you with things you need to produce nuclear power go ahead and do that. The sanctions are off. We have decided that our position has changed. It used to be that we and the rest of the world would not allow you to purchase that because you would not sign the nonproliferation treaty. We have changed our minds. In fact, we are going to tell the suppliers to furnish that to you, and you can use it behind the curtain with some of your facilities to produce additional nuclear weapons. You can do it because there will be no inspections.

That, frankly, is the circumstance of this legislation. So we have disagreement. I regret that. But I feel very strongly. I know my colleagues feel strongly about their position on this issue. I would just say, I hope we will not decide today as a Senate to say that Security Council Resolution 1172 does not matter because it is old. It is timeless. It is not old. It is timeless in its position of what we should stand for as a country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief.

As I said, I really admire, respect, and observe the passion of my friend from North Dakota on this issue. But I think the comparisons are not particularly apt. The wing strut the Senator has was able to be held in his hand because two countries—the United States and the Soviet Union—concluded that it was in their mutual interest to cease and desist and/or significantly reduce the threat each posed to the other. And they were the only threats that existed. The only threat to the United States from a nuclear capability of an ICBM or a Backfire bomber resided in the Soviet Union.

Now, we tried. I was the author of—and, as a matter of fact, there was a South Dakota Senator named Pressler, along with JOHN GLENN, who early on put in legislation relating to sanctions for India.

India obviously violated those sanctions and did not comply with the U.N. resolution. But there is a reason for that—not a justification, a reason. They looked across their borders north and west and saw two nuclear powers—one emerging nuclear power, one existing nuclear power—and they concluded, rightly or wrongly, from their perspective that they had to be a nuclear power.

It is clear nonproliferation does not work in a vacuum. Nonproliferation entreatments, requests, proddings to a nation that finds itself in a situation where it believes it is threatened by a nuclear neighbor have not worked particularly well, offering those two examples, for example.

It seems to me what we are attempting to do is the only route to get to the point where both India and Pakistan are part of a nonproliferation treaty; that is, we are trying to change the regional situation on the ground. It is not going to happen through a nonproliferation treaty. It is going to happen through a rapprochement between India and Pakistan. The idea that we would be able to, through any legislation, prevent India from moving forward to add additional nuclear weapons, if they so choose to do that—there is no legislation we can pass to do that.

What this legislation does is recognize the reality of the geopolitical situation in the region, set up safeguards to deal with the ability for India to use anything we are doing with them to be able to further advance their nuclear capability, give them a new buy-in to an international regime that will have the effect of putting pressure on them to move in the direction we and the Soviets moved on back when that Backfire bomber strut was sawed off a wing, and that is the route we choose. It is not pretty. It is not clear. It is no guarantee. It is not certain to succeed. But I do know one thing: Absent this agreement, there is a likelihood things get worse instead of better, beyond what may already occur.

I appreciate the Senator's comparisons, but I think they are not as apt as they might appear to be because, again, India's motivation, in terms of its viewing its need for a nuclear arsenal, is not unlike the motivation that existed with regard to the United States and the Soviet Union. It is going to take a geopolitical settlement of that, not a nuclear arms control agreement imposing a settlement on India and Pakistan at this moment, now that the genie is out of the bottle.

I appreciate my friend's point and respect his point of view, but I disagree that it is the best way to move forward.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me respond briefly. There is a very big difference between this and the agreement we had with the Soviet Union. In the Soviet Union agreement, both sides, the United States and the Soviet Union,

decided they wished to reduce the number of nuclear weapons and the delivery systems of those weapons. As a result of that decision, both sides wishing to reduce both weapons and delivery systems, we embarked on a process that was very helpful to both countries and to the world and to world peace. This is very different. This is mutual interest.

But now, we are told it is in our mutual interest, us and India, to have India be allowed to produce additional nuclear weapons, not reduce nuclear weapons. Under this agreement, everyone will agree, India will be allowed to increase nuclear weapons. If India is allowed to increase nuclear weapons under this agreement, that is very different from the agreement we had with the Soviets by which we decided to reduce.

The point is, this agreement says it is in our mutual interest to allow India to increase its production of nuclear weapons. That is clearly not in our mutual interest, but that is what the resolution says.

Second, my colleague is right, none of this operates in a vacuum. This will not be in a vacuum, either. Pakistan will insist on producing more nuclear weapons. So will China. Pakistan has already told our country: If you are going to do this with India, we want you to do it with us. So this decision will not be made in a vacuum vis-a-vis India; this decision will have an impact regionally and around the world.

My colleague is very skillful in presenting his position. I admire both of my colleagues and their skill and determination as well. We just have a difference of opinion. I think this is a very significant mistake.

I have a second amendment which I will send to the desk and offer for its consideration and try to truncate the description of that very briefly, if that is appropriate to the chairman.

Mr. LUGAR. Mr. President, may I respond briefly to my colleague?

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. It would be my hope—and let me discuss this quickly—that the debate on the first amendment of Senator DORGAN is completed. Secondly, I want a short time for Senator DOMENICI of New Mexico to make a statement. And then thirdly, we will proceed to the introduction of Senator DORGAN's second amendment. My hope would be that a unanimous consent will be formulated—I know staff from both sides are working on that—that will provide for rollcall votes on both Dorgan amendments and then, at the conclusion of the debate of the distinguished Senator from New Mexico, on the Bingaman amendment, perhaps a stack of three votes for the convenience of Senators. I am broaching that, not asking for everybody to agree, but I am hopeful that would be a general agreement of those who are around at this point.

It is my hope that the distinguished Senator from New Mexico might be recognized.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman, Senator LUGAR, for arranging for my few remarks before he proceeds.

After committing to a framework 16 months ago, President Bush and India's Prime Minister announced an agreement earlier this year on civil nuclear cooperation between our two countries. I believe they recognize this historic moment in our history, one that requires vision and foresight to anticipate the world as it will be rather than stuck in the past wishing things somehow would be different. Some will argue that we must pursue a better deal approaching perfection, but the deal that has been negotiated is a good one that we must pursue now and begin taking steps to strengthen the nonproliferation regime with India by our side.

Senators LUGAR and BIDEN and the Foreign Relations Committee have done an admirable job of striking a balance that anticipates this future. This strong, bipartisan bill represents a critical step toward strengthening an eroding nonproliferation framework. We only need look at North Korea and Iran for evidence that this erosion is taking place and as a wake-up call that fundamental change is needed. The global community must work together to assure the peaceful pursuit of civilian nuclear waste.

This historic agreement is a critical step that moves the United States and India toward a strategic relationship between our great democracies. Through this relationship, built on strength, we can jointly work toward a vision of a proliferation-free world. I understand that is a vision. It is not real even now. And while things might even look a little worse, the truth is, the relationship we are building with what we are agreeing to here on the floor, when that completes its course and becomes a reality, then that means we are building toward a proliferation-free world.

India is a worthy partner. That was one of the basic questions: Should you enter into this agreement with a partner that has not been part of the ordinary, agreed-upon, acceptable accords and agreements between countries heretofore? I would remind everyone that India is the largest democracy—a population currently over 1 billion and expected to surpass China in the next 50 years. It has a rapidly expanding economy with a growth rate of over 7 percent a year in 2005, a rapidly expanding economy that is the envy of almost all countries that have free and open democracies. This agreement with India brings global transparency to India's entire civilian nuclear program. We forget that India's civilian and military program still remains closed to global scrutiny. Under this agreement, the entire civilian program, 65 percent of all nuclear activity and eventually 90 percent of all nuclear activity, will open to monitoring by the IAEA. Obviously, we ought to start, if that is where we are going to end up, because that is as good as we are going to do. And certainly we ought to be grateful that through the leadership of the President and now the leadership of the Congress, we can get there.

The people are similar to the American people. They desire a better life for themselves and their children. Rapid economic growth that has led to improving their standard of living is projected to result in a doubling of the energy needs of their country in the next 25 years. India must make choices today that drive their energy mix in the future.

Like many countries, they have chosen nuclear power to improve their energy security while reducing reliance on imports. India currently has nine reactors under construction and plans to grow the nuclear share to 25 percent by 2050. That is 100 times the 2002 capacity. Cooperation with India will lead to significant opportunities for U.S. industry to help assure India's energy mix, including nuclear power, is clean, diversified, and proliferation-resistant.

I strongly support an evolving strategic U.S. relationship with India that this agreement promotes. We ought to be proud of it and move with dispatch. It is the world's largest democracy and a worthy partner that we can work with in our pursuit of global security. I have worked with Senator LUGAR in the past on nonproliferation measures that required vision and foresight. With India also, we must look to our future. I urge my colleagues to support this bill and urge dispatch in consideration of the balance of the subject matter.

I thank Senator LUGAR for obtaining time for me on the floor, and I yield the floor.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from New Mexico, Mr. DOMENICI, for his very strong statement, and I simply want to mention again how much I appreciate working with him over the years. The Nunn-Lugar-Domenici legislation was extremely important throughout a good part of the last decade, and on the nonproliferation efforts he has been a champion in the Senate. We appreciate his contribution to this debate today.

Mr. DOMENICI. Thank you, Senator LUGAR.

Mr. LUGAR. I thank the Senator.

Mr. President, I note the presence of the distinguished Senator from North Dakota. We indicated that he would continue by offering his second amendment, and I would advise him to do so, if he is prepared.

AMENDMENT NO. 5182

Mr. DORGAN. Mr. President, I call up amendment No. 5182 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 5182.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 5182

(Purpose: To require as a precondition to United States-India peaceful atomic energy cooperation a determination by the President that India has committed to certain basic provisions consistent with United States nonproliferation goals and the obligations and political commitments undertaken by State Parties to the Nuclear Non-Proliferation Treaty)

On page 8, beginning on line 8, strike ''Group; and'' and all that follows through ''the Nuclear'' on line 9 and insert the following:

Group;

(8) India has committed to—

(A) the development of a credible separation plan between civilian and military facilities by ensuring all reactors that supply electricity to the civilian sector are declared and are subject to permanent IAEA standards and practices;

(B) a binding obligation to the same extent as nuclear-weapon State Parties under the Nuclear Non-Proliferation Treaty—

(i) not to transfer to any recipient whatsoever nuclear weapons or nuclear explosive devices or control over such devices directly or indirectly; and

(ii) not in any way to assist, encourage, or induce any non-nuclear-weapon State Party to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or acquire control over such weapons or explosive devices; and

(C) consistent with the Nuclear Non-Proliferation Treaty—

(i) pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, including ending fissile material production for nuclear weapons;

(ii) joining a legally-binding nuclear test moratorium;

(iii) verifiably reducing its nuclear weapons stockpile; and

(iv) eventually eliminating all nuclear weapons; and

(9) the Nuclear

AMENDMENT NO. 5178, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent to offer a modification to the first amendment I offered today. The amendment had two line numbers in it that were made to the original copy of the legislation. That legislation was subsequently changed. So let me ask unanimous consent that on the initial amendment I offered today, on line 1, the reference to line 15 be struck, and it is line 8; on line 2, the reference to line 15 be struck, and it is line 9.

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

The amendment (No. 5178), as modified, is as follows:

On page 5, beginning on line 8, strike ''Treaty; and'' and all that follows through ''that exports'' on line 9 and insert the following:

Treaty;

(9) to continue to support implementation of United Nations Security Council Resolution 1172 (1998); and

(10) that exports

Mr. DORGAN. Mr. President, the second amendment I have sent to the desk says that before this United States-India agreement can go into effect, the President must submit to the Congress a written determination that India has committed to certain basic provisions consistent with U.S. nonproliferation goals and with the NPT, the nonproliferation treaty. It requires the President to determine that India has committed to, for example, putting all of its reactors that supply electricity to the civilian sector under the IAEA inspection regime. This would close a loophole that exists in the proposed agreement, and that loophole allows India to keep electricity-producing reactors out of the IAEA inspection regime. Eight of them will be out of the regime, and those eight are going to be behind a curtain, unable to be inspected, and able to produce the materials to produce additional nuclear weapons. Fourteen of the existing and planned nuclear reactors would be inspected, and eight of them would not.

If those other eight reactors produce civilian electricity, my amendment would require that India allow inspection of them.

The bill as now written would allow India to produce energy with nuclear reactors that are closed to IAEA safeguards. My amendment says that is a loophole which should not be allowed. If India can keep energy-producing reactors outside of these safeguards, why shouldn't other countries be allowed to do so? How will our country say to others: Well, we have special deals. We have loopholes here for one, but we are not consistent. There is no consistency with respect to our position on these issues.

The amendment also requires India to undertake a binding obligation not to assist, encourage, or induce nonnuclear weapons states to manufacture or otherwise acquire nuclear weapons. That is what our country has obligated itself to do under the nonproliferation treaty. It is what other nuclear weapons states have done as well, including Russia, China, Britain, and France. They have all agreed to and signed the nonproliferation treaty and agreed to that basic provision, a binding obligation not to assist, encourage, or induce nonnuclear weapons states to manufacture or acquire nuclear weapons.

Lastly, my amendment requires the President to determine that India has committed itself to pursuing negotiations on measures directed at reducing nuclear stockpiles and eventually eliminating nuclear weapons. These are the same commitments, the very same commitments our country has made, the same commitments other nation states which have signed the nonproliferation treaty have made. So I believe it is appropriate that if we have this agreement with India dealing with the issue of nuclear weapons, they should be under the same obligations we are under. Even though they have not signed the nonproliferation treaty, we have. We have obligations under that treaty. They should accept the obligations under that treaty, in my judgment, even though they have not yet signed it.

This debate today has been interesting and, in many ways, very frustrating as well. I intend to support very aggressively the amendment offered by my colleague from New Mexico, Senator BINGAMAN. I believe that amendment is very important and at the root of much of what I have talked about today as well.

It seems to me this is a case for our children and our grandchildren about what kind of a world they are going to live in. It is interesting. If you just fast forward from 1960 to 1980 to 2000 and fast forward from 2001 to today, we went through a Cold War with the Soviet Union where we had heavy nuclear weapons, huge nuclear weapons with big bombers and powerful missiles aimed at each other, so we had a Cold War. Massive numbers of nuclear weapons were built. We had a standoff between our country and the Soviet Union. There was great concern and worry that somehow, something would happen in which someone would launch a missile or a submarine or an airplane would launch a missile with a nuclear weapon and we would start a nuclear war and our two countries would be obliterated. It didn't happen. Instead, we chose a much more constructive direction.

We and the Soviet Union began what is called arms control talks, and we reached arms control agreements. Those agreements began the destruction of weapons systems, delivery systems, nuclear weapons. I admit that a very small amount of those delivery systems and nuclear weapons were actually destroyed, but some of them were. It was actually moving in the right direction rather than the wrong direction. We developed a test ban treaty. We led the way. We said: We are going to no longer test nuclear weapons. We said that to the world. A nonproliferation treaty. We said this is important to do, and we were the leaders in saying this is the right course for the world. Now we are told: You know what, that is old-fashioned; that is the past; this is the future. I say that what we did then is timeless. These values don't change, the value of deciding that our future ought to be a future with fewer nuclear weapons rather than more nuclear weapons.

If anyone has listened closely, they will know there has been no refutation of the assertion that some of my colleagues and I have made that this agreement will mean we have more nuclear weapons produced. No one has disputed that. This agreement means we are signing up to have more nuclear weapons produced on this Earth. One—just one—nuclear weapon in the hands of a terrorist group pulling up to a dock in a major American city on a container ship at 2½ or 3 miles an hour

can potentially kill hundreds of thousands of American citizens—just one—and there are 30,000 out there. Can anyone here tell me that every one of those 30,000 is safeguarded and that no terrorist organization will acquire one? Can anybody tell me that is going to be the case?

I started this morning talking about a CIA agent called Dragon Fire who reported 1 month after 9/11 that a Russian 10-kiloton nuclear weapon had been stolen by a terrorist group and taken into New York City and was about to be detonated. That episode has been written about in a book. Most of us have heard of it. It was a time when for a month we didn't know if it was true or not. It wasn't disclosed publicly because there would have been mass hysteria if it was thought that a 10-kiloton nuclear weapon had been stolen from Russia and was now in New York City about to be detonated. It eventually was discovered that had not happened. But when they did the postmortem on that situation, it was understood that it was clearly possible. Russia had those weapons. They were not safeguarded well. They are not, and they were not. They could have been stolen. It could have been smuggled into a major American city by a terrorist group and it could have been detonated, killing hundreds of thousands of people. That is the consequence of one nuclear weapon. Just one. We have 30,000 or so on this Earth. What are we doing today? We are saying it is all right if they build more—in this case, India. It is OK if they build more.

This is not going to be done in a vacuum. What we do here today will have consequences for Pakistan, it will have consequences for China. You think they won't decide if India is going to be allowed to build more nuclear weapons that they won't build more nuclear weapons? Of course they will. That is what this is about.

I understand it is argued that this is geopolitics; you don't understand it; you can't see over the horizon. Maybe not. What I do understand is that this world will be a safer place with fewer nuclear weapons, this world will be a safer place if we care about nonproliferation, if we reduce the number of nuclear weapons, and this world will not be safer if at the end of today we have decided that we have given a green light to a world with more nuclear weapons.

I hope my colleagues will agree with me and support my amendment.

I yield the floor.

Mr. LUGAR. Mr. President, I intend to offer a short statement opposing the amendment. I would ask Members to be alert to the possibility that following my statement, Senator BIDEN has indicated he would put his statement in the RECORD if this plan can then be accepted, and we would then proceed to three rollcall votes: an amendment offered by the distinguished Senator from New Mexico, Mr. BINGAMAN, and two amendments offered by the distinguished Senator from North Dakota, Mr. DORGAN. For the convenience of our colleagues, those three votes would come without pause, thus minimizing the dislocation of Members' schedules and accelerating our consideration of this debate.

I am certain the Chair has heard that Senator BIDEN and I, for many of our colleagues who were hopeful that we could proceed in a responsible way but conclude the debate today, on Thursday, are attempting to do that, and we appreciate the cooperation of our colleagues.

Having said that, Mr. President, let me state my opposition to the second amendment offered by the distinguished Senator from North Dakota. His amendment would, in fact, undo the entire effort we have achieved with India over the past year. Not only would he revise India's civilian military separation plan with his amendment, but he would require India to assume the obligations of a nuclear weapons state under the Nuclear Non-Proliferation Treaty, the NPT. This is, in effect, a perfect killer amendment. It should be strongly opposed by every Member of this body who supports an improved relationship with India.

The Senator's amendment adds two new determination requirements to our bill: first, that India's separation plan result in a situation wherein all reactors that supply civilian power are declared to the IAEA and under safeguards; and second, that India assume certain NPT obligations. This is unnecessary and would do us great harm. It adds a new element in the separation plan that the President did not negotiate and would undo the deal we have reached.

India's separation plan is credible and sound, according to criteria developed by the administration in its negotiations with India. As Secretary Rice stated last April:

> For the plan to be transparent, it had to be articulated publicly.

It has been.

> For it to be credible and defensible from a nonproliferation standpoint, it had to capture more than just a token number of Indian nuclear facilities—

Which it did——

> by encompassing nearly two-thirds of India's current and planned thermal power reactors, as well as all future civil, thermal, and breeder reactors. Importantly, for the safeguards to be meaningful, India had to commit to apply IAEA safeguards in perpetuity.

It did so.

> Once a reactor is under IAEA safeguards, those safeguards will remain there permanently and on an unconditional basis. Further, in our view, the plan also needed to include upstream and downstream facilities associated with the safeguarded reactors to provide a true separation of civil and military programs. India committed to these steps, and we have concluded that its separation plan meets the criteria established: it is credible, transparent, and defensible from a nonproliferation standpoint.

The amendment changes the metrics for a credible and defensible separation plan by including that such a plan must mean that any reactor supplying power must be declared. As Secretary Rice stated before the committee:

> Regardless of whether they might be used to generate electric power or not, reactors that are not declared civil, and thus are not under IAEA safeguards, cannot legitimately receive nuclear fuel or other nuclear cooperation from any State party to the NPT.

The second element in the Senator's amendment would require India to assume the obligations of a nuclear weapon state party to the NPT.

The administration was careful not to term India a ''nuclear weapon state'' with similar rights and obligations as those five nations in the NPT with status as lawful weapon states—France, Russia, China, the U.K., and the U.S.—and instead termed India in the July 2005 joint statement a ''responsible state with advanced nuclear technology.'' This was necessary to do no harm to U.S. and other weapons states' status under the treaty.

The Senator's amendment would create obligations similar to those of weapon states for India through creating a determination requirement that the President must make wherein India has assumed the obligations of a nuclear weapon state under the NPT. I would argue that this is not necessary, since it could well provoke India to walk away from the obligations they would assume under our 123 Agreement with them and leave the restraint we might get through that deal on their weapons program on the negotiating table.

India has stated they have no intention to sign or become a party to the NPT, as a weapon state or otherwise. India's July 2005 joint statement commitments are significant, but they do not include NPT membership.

I urge defeat of the amendment; it is a killer.

Mr. BIDEN. Mr. President, I want to associate myself with the remarks made by the Senator from Indiana.

The amendment requires India to declare as civil reactors all reactors that supply electricity to the civil sector.

There is no way that India will accept this.

I might wish they would, but they will not.

That's because for decades, they have built reactors that can be either civil or military.

So India has reserved as military enough reactors to produce more plutonium for nuclear weapons—in case they decide they need to do that.

But India will also use those reactors for electric power.

If this amendment is enacted, India will have to choose to either make all its power reactors civil, and build new ones to produce plutonium; or waste the electric power capability of its current military reactors.

India will not do that.

So this is a killer amendment.

It's also a killer amendment because it requires India to commit to

verifiably reduce its nuclear weapons stockpile.

I wish India would do that—but it will not.

India fears both Pakistan and China, which also have nuclear weapons.

The Dorgan amendment does not require Pakistan and China to reduce their stockpiles, only India.

This is a non-starter for India.

Finally, the amendment requires India to commit to ''joining a legally-binding, nuclear test moratorium.'' I wish India would do that. I hope the administration will push for that.

But for now, there is only one ''legally-binding, nuclear test moratorium.'' It is called the Comprehensive Test-Ban Treaty.

And I do not think this administration will press India to join that treaty.

So, I sympathize with all of the concerns raised by this amendment. But I know that it would kill the nuclear deal.

That is the bottom line: if we support the deal, we have to reject this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate proceed to a series of stacked votes in relation to the following amendments: the Bingaman amendment No. 5174, the Dorgan amendment No. 5178, as modified and the Dorgan amendment No. 5182; further, that there be no second degrees in order to any of the amendments prior to the votes, that there be 2 minutes of debate equally divided before the second and third votes.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, reserving the right to object, I think there is a need for a mild correction.

Mr. DORGAN. Mr. President, I ask unanimous consent that my second amendment be considered, notwithstanding the Harkin amendment that was previously offered.

The PRESIDING OFFICER. Is there objection to the primary request?

Mr. BINGAMAN. Mr. President, could I ask the floor manager? I would prefer if we had 2 minutes equally divided prior to the first vote as well since there has been some time since we debated it. I want the chance to explain it for 1 minute before we have a vote.

Mr. LUGAR. Mr. President, I amend the request to include 2 minutes of debate on the Bingaman amendment No. 5174 prior to the vote.

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as amended?

Mr. DORGAN. Mr. President, let me ask the chairman. I wish to respond for 2 minutes to the comments which the chairman just made in opposition to my amendment prior to proceeding to the vote.

Mr. LUGAR. I have no objection to that. I amend the request to include 2 minutes of debate by Senator DORGAN.

The PRESIDING OFFICER. Is there objection, as amended? Without objection, it is so ordered.

AMENDMENT NO. 5182

Mr. DORGAN. Mr. President, I will try not to take the 2 minutes, but it is important to point out the chairman, in responding—and I suspect the ranking member in his response—is saying this is a killer amendment. It is not offered as a killer amendment, but it is the case that my amendment would impose upon India exactly the same burdens that exist upon our country. My colleague, the chairman, said the President ''did not negotiate''—he started the sentence. That is what brings me to the floor—that the President ''did not negotiate.'' What he did not negotiate was a requirement and a burden on India which clearly is a nuclear weapons state. He did not negotiate a requirement and a burden on them that we ourselves assume under the nonproliferation treaty. My amendment would simply provide that requirement and that burden to the country of India.

I come from a town of 300 people. I have to relearn always the lessons of the Senate—and not just the Senate but the way the Government works. In my hometown you always call things just the way they are. You saw it, you spoke it, and described it. In this body, however, now we know that India has a nuclear weapon—has many of them. We know they have detonated them, and we know they are a nuclear weapons state. So we have decided as a country officially to describe India as a responsible state with nuclear technology as opposed to a nuclear weapons state. I don't know; maybe it works here. It doesn't work in my hometown. We have to call things as we see them.

We have responsibilities—all of us do. Our responsibility is, I think, toward nonproliferation, to stop the spread of nuclear weapons, to reduce the number of nuclear weapons. I regret that the underlying piece of legislation is going to result in more nuclear weapons being built.

The second amendment I have offered is an amendment that simply says let us impose on those with whom we negotiate the same burdens we inherit ourselves. In fact, the United States negotiated with India in the way that exempts them from those burdens. I think that is fundamentally wrong.

I yield the floor.

The PRESIDING OFFICER. There is 2 minutes equally divided on the Bingaman amendment.

AMENDMENT NO. 5174

Mr. BINGAMAN. Mr. President, I will briefly describe the Bingaman amendment. It is an amendment that puts into effect the recommendations Senator Nunn made in his op-ed piece in the Wall Street Journal in May of this year. It says that as to nuclear equipment and technology, before we can export or reexport to India nuclear equipment or technology, the President must first determine that both India and the United States are taking specific steps to conclude a fissile material cutoff treaty.

Second, the amendment says that before any nuclear materials fuel can be exported to India, the President must determine that India has stopped producing fissile materials for weapons.

This is a reasonable amendment. This does not kill the deal, as I would see it. This is something which India has stated a willingness to generally abide by. I think this is the least we can insist upon. I hope very much my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will oppose this amendment as it goes significantly beyond the commitments India made in the joint statement. India will regard this particular requirement that India stop producing fissile materials for weapons as moving the goalposts and an unacceptable renegotiation of the deal—a bad-faith effort on our part.

India maintains that they cannot agree to a unilateral cap at this time. We should not hold up the significant nonproliferation gains afforded by the initiative in order to seek a fissile material cap that India indicates it cannot agree to absent a similar commitment by Pakistan and China. Pakistan continues to produce fissile material for weapons-related purposes and China has not committed to a moratorium on such production. Unfortunately, in my judgment, this is truly a killer amendment. I strongly encourage that amendment be defeated.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the next two amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time on the next amendment?

Mr. LUGAR. Mr. President, my impression was that the call was for the vote and then a 2-minute debate.

The PRESIDING OFFICER. The Senator from Indiana is correct.

The question is on agreeing to the Bingaman amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—26

| | | |
|---|---|---|
| Akaka | Dorgan | Leahy |
| Baucus | Durbin | Lincoln |
| Bingaman | Feingold | Menendez |
| Boxer | Feinstein | Mikulski |
| Byrd | Harkin | Obama |
| Cantwell | Jeffords | Pryor |
| Conrad | Johnson | Reed |
| Dayton | Kennedy | Salazar |
| Dodd | Lautenberg | |

NAYS—73

| | | |
|---|---|---|
| Alexander | Domenici | Murray |
| Allard | Ensign | Nelson (FL) |
| Allen | Enzi | Nelson (NE) |
| Bayh | Frist | Reid |
| Bennett | Graham | Roberts |
| Biden | Grassley | Rockefeller |
| Bond | Gregg | Santorum |
| Brownback | Hagel | Sarbanes |
| Bunning | Hatch | Schumer |
| Burns | Hutchison | Sessions |
| Burr | Inhofe | Shelby |
| Carper | Inouye | Smith |
| Chafee | Isakson | Snowe |
| Chambliss | Kerry | Specter |
| Clinton | Kohl | Stabenow |
| Coburn | Kyl | Stevens |
| Cochran | Landrieu | Sununu |
| Coleman | Levin | Talent |
| Collins | Lieberman | Thune |
| Cornyn | Lott | Vitter |
| Craig | Lugar | Voinovich |
| Crapo | Martinez | Warner |
| DeMint | McCain | Wyden |
| DeWine | McConnell | |
| Dole | Murkowski | |

NOT VOTING—1

Thomas

The amendment (No. 5174) was rejected.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the next rollcall votes be 10 minutes each.

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

AMENDMENT NO. 5178, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote on the Dorgan amendment No. 5178, as modified.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, my amendment, in light of the underlying bill brought to the floor of the Senate, would express that we would continue to support the implementation of the United Nations Security Council Resolution 1172.

The reason that is important is it had been the policy of this country to not only author but to support that resolution after India and Pakistan exploded their nuclear weapons.

It calls on them to immediately stop their nuclear weapons development programs, refrain from weaponization or deployment of nuclear weapons, cease the development of ballistic missiles, and so on.

That has been a very important tenet of this country in supporting that United Nations Resolution 1172. Despite what we are doing in the underlying bill, I would hope this country and this Senate would express our support for that which we drafted and that which we encouraged the rest of the world to support some while ago.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask that Members oppose the Dorgan amendment on the basis that the resolution he talks about is an important one, but it talks about a time in which our relationship with India was very different. It talks about the past. We have been very fortunate in this country to move into a better relationship with India, to a point where we are now going to be in India. The IAEA is going to be in India. We are going to be able to observe a bulk of the nuclear reactors and programs there and to work with India in peaceful development.

There was a time when we did not have that relationship. By ''we,'' I mean the United States and the international community. The situation in India is constructive. This is a time to celebrate and to move on that momentum.

I ask that the Dorgan amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays were previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. McCAIN) and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—27

| | | |
|---|---|---|
| Akaka | Durbin | Leahy |
| Bingaman | Feingold | Menendez |
| Boxer | Harkin | Mikulski |
| Byrd | Jeffords | Nelson (FL) |
| Clinton | Johnson | Obama |
| Conrad | Kennedy | Reid |
| Dayton | Kerry | Salazar |
| Dodd | Landrieu | Schumer |
| Dorgan | Lautenberg | Stabenow |

NAYS—71

| | | |
|---|---|---|
| Alexander | DeWine | McConnell |
| Allard | Dole | Murkowski |
| Allen | Domenici | Murray |
| Baucus | Ensign | Nelson (NE) |
| Bayh | Enzi | Pryor |
| Bennett | Feinstein | Reed |
| Biden | Frist | Roberts |
| Bond | Graham | Rockefeller |
| Brownback | Grassley | Santorum |
| Bunning | Gregg | Sarbanes |
| Burns | Hagel | Sessions |
| Burr | Hatch | Shelby |
| Cantwell | Hutchison | Smith |
| Carper | Inhofe | Snowe |
| Chafee | Inouye | Specter |
| Chambliss | Isakson | Stevens |
| Coburn | Kohl | Sununu |
| Cochran | Kyl | Talent |
| Coleman | Levin | Thune |
| Collins | Lieberman | Vitter |
| Cornyn | Lincoln | Voinovich |
| Craig | Lott | Warner |
| Crapo | Lugar | Wyden |
| DeMint | Martinez | |

NOT VOTING—2

McCain Thomas

The amendment (No. 5178), as modified, was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 5182

Mr. DORGAN. Mr. President, the second amendment I had offered says that before the United States-India agreement can go into effect, the President must submit to the Congress a written determination that India has committed to certain basic provisions that are consistent with the U.S. nonproliferation goals and with the nonproliferation treaty. In other words, I would suggest that we should impose the same burdens on India as we have on ourselves. There is great reluctance to do that by this Chamber, but that was my amendment. I must say there is very little education in a third vote if I believe it weakens our efforts in nonproliferation nuclear weapons. So rather than have a third recorded vote, I will ask that we vitiate the recorded vote and vote on this amendment by voice.

The PRESIDING OFFICER. Is there objection?

Without objection, the yeas and nays are vitiated.

Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment, as modified, was not agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I would like to indicate that the distinguished Senator from Nevada will offer an amendment. We will then proceed to the Old Senate Chamber for a debate on that amendment. I think we have an agreement that the extent of the debate will be no more than 60 minutes. We would return to this Chamber for the actual vote on the Ensign amendment, following the debate in the Old Senate Chamber. Therefore, the Senator from Nevada should be recognized so that he can start that process.

AMENDMENT NO. 5181

Mr. ENSIGN. Mr. President, I call up amendment No. 5181 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 5181.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 5181

(Purpose: To ensure that IAEA inspection equipment is not used for espionage purposes)

Strike section 262 and insert the following:

**SEC. 262. IAEA INSPECTIONS AND VISITS.**

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) USE OF UNITED STATES EQUIPMENT, MATERIALS, AND RESOURCES.—Any inspections conducted by personnel of the IAEA in the United States pursuant to the Additional Protocol shall by carried out using equipment, materials, and resources that are purchased, owned, inspected, and controlled by the United States.

(d) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

Mr. LUGAR. Mr. President, I understand that the Senator from Delaware, as the ranking member, will offer the official motion sending us over to the Chamber.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, if I understand the parliamentary situation properly, and I am not sure I do, I ask unanimous consent that following the offering of the Ensign amendment, the Senate stand in recess subject to the call of the Chair so that it may reconvene pursuant to the previous order.

I further ask that the following Senate staff be permitted to attend the closed session, and I send the list to the desk.

The list is as follows:

Mike Disilvestro; Joel Breitner; Mary Jane McCarthy; Paul Nelson; Richard Verma; Stephen Rademaker; Marcel Lettre; Nancy Erickson; Lynne Halbrooks; Scott O'Malia; Pam Thiessen; Thomas Moore; Lynn Rusten; Ed Corrigan; Rexon Ryu; Ken Myers III; Ken Myers, Jr; Brian McKeon; Ed Levine; Madelyn Creedon; Nancy Stetson; Diane Ohlbaum; Anthony Blinken; Janice O'Connell.

Mr. BIDEN. Mr. President, before the Chair rules, I will remind Senators that those who attend the closed session are not permitted to bring any electronic devices into the Old Senate Chamber. Mr. President, I send to the desk the list of the names of the staff members that could be present.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Ensign amendment now being the pending question, the Senate stands in recess subject to the call of the Chair.

Whereupon, the Senate, at 3:43 p.m, recessed subject to the call of the Chair and reassembled at 4:59 p.m. when called to order by the Presiding Officer (Ms. MURKOWSKI.)

Mr. LUGAR. Madam President, we are now prepared to vote in relation to the Ensign amendment. I ask unanimous consent that following that vote, Senator FEINGOLD be recognized to offer his amendment and that there be 90 minutes equally divided on that amendment. I further ask unanimous consent that following the use or yielding back of time on that amendment, it be set aside, and Senator BOXER be recognized in order to offer her amendment; provided further that there be 45 minutes equally divided in relation to that amendment. Further, that following that time the Senate proceed to a vote in relation to the Feingold amendment, to be followed by a vote in relation to the Boxer amendment, with no second-degrees in order, and following these votes, the bill be read for a third time and the Senate proceed to a vote on passage of the House bill as provided in the previous order. I would also ask that there be 2 minutes equally divided for debate prior to each vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair. We are now prepared to vote in relation to the Ensign amendment.

The PRESIDING OFFICER. Do Senators yield time on the amendment?

Mr. LUGAR. Yes.

VOTE ON AMENDMENT NO. 5181

The PRESIDING OFFICER. All time is yielded. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—27

| | | |
|---|---|---|
| Allard | Dorgan | Kyl |
| Bunning | Ensign | Lott |
| Coburn | Enzi | McConnell |
| Coleman | Frist | Menendez |
| Collins | Grassley | Santorum |
| Conrad | Gregg | Sessions |
| Cornyn | Hutchison | Smith |
| DeMint | Inhofe | Snowe |
| Dole | Johnson | Sununu |

NAYS—71

| | | |
|---|---|---|
| Akaka | Biden | Burr |
| Alexander | Bingaman | Byrd |
| Allen | Bond | Cantwell |
| Baucus | Boxer | Carper |
| Bayh | Brownback | Chafee |
| Bennett | Burns | Chambliss |
| Clinton | Kerry | Reed |
| Cochran | Kohl | Reid |
| Craig | Landrieu | Roberts |
| Crapo | Lautenberg | Rockefeller |
| Dayton | Leahy | Salazar |
| DeWine | Levin | Sarbanes |
| Dodd | Lieberman | Schumer |
| Domenici | Lincoln | Shelby |
| Durbin | Lugar | Specter |
| Feingold | Martinez | Stabenow |
| Feinstein | McCain | Stevens |
| Graham | Mikulski | Talent |
| Hagel | Murkowski | Thune |
| Harkin | Murray | Vitter |
| Hatch | Nelson (FL) | Voinovich |
| Inouye | Nelson (NE) | Warner |
| Isakson | Obama | Wyden |
| Kennedy | Pryor | |

NOT VOTING—2

Jeffords Thomas

The amendment (No. 5181) was rejected.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ISAKSON). Under the previous order, the Senator from Wisconsin is recognized. Will the Senator suspend?

Did the distinguished chairman wish to be recognized?

Mr. LUGAR. Mr. President, just for clarification, I ask unanimous consent that the Feingold and Boxer amendments be in order, notwithstanding adoption of the Harkin amendment.

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

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. LEAHY. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. FEINGOLD. I yield.

Mr. LEAHY. Mr. President, how long did we spend in that last 15-minute rollcall?

The PRESIDING OFFICER. We spent approximately 39 minutes.

Mr. LEAHY. Thirty-nine?

The PRESIDING OFFICER. Thirty-six. I apologize.

Mr. LEAHY. Thirty-six for a 15-minute rollcall. I am just curious, for those of us who might actually have a life after dark around this place, how much longer the rest will be.

I thank the Chair.

The PRESIDING OFFICER. The Chair would recognize that the distinguished majority leader's retirement recognition with the Vice President was being held, and that was probably the delay, for the meeting.

The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 5183

Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 5183.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require as a precondition to United States-India peaceful atomic energy cooperation determinations by the President that United States nuclear cooperation with India does nothing to assist, encourage, or induce India to manufacture or acquire nuclear weapons or other nuclear explosive devices)

On page 8, beginning on line 17, strike ''Group; and'' and all that follows through ''(8) the Nuclear'' on line 18 and insert the following:

Group;

(8) the scope and content of United States nuclear cooperation with India in the proposed nuclear cooperation agreement pursuant to section 123 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(a)) does nothing to directly or indirectly assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, specifically that—

(A) India cannot use United States-origin equipment, technology, or nuclear material in an unsafeguarded facility or nuclear weapons-related complex; and

(B) India cannot replicate and subsequently use United States-origin technology in an unsafeguarded nuclear facility or unsafeguarded nuclear-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices;

(9) India has provided sufficient assurances that the provision by the United States of nuclear fuel will not facilitate the increased production by India of fissile material in unsafeguarded nuclear facilities; and

(10) the Nuclear

Mr. FEINGOLD. Mr. President, the relationship between the United States and India is very important. As we look ahead to the coming decades, it is clear that United States-India relations will be integral to establishing a secure, sustainable, and prosperous international system—not only in the Asian region but around the world as India increasingly grows into its role as a global power.

And, of course, India, in many ways, is a natural ally of the United States. We share a great deal in common as ethnically diverse, religiously tolerant democratic societies. Our peoples are innovative, driven, and eager to participate in the global economy. We both face the threat of terrorism. India occupies an important position in an important part of the world, and by itself represents over 17 percent of the world's total population. We absolutely should be working to strengthen our relationship with this important partner, and seeking ways to deepen our strategic ties.

While I want to strengthen the relationship between the United States and India, this bill would do more than simply bring our two nations closer together. It would pave the way for civilian nuclear cooperation between the United States and India for the first time since India exploded a nuclear device in the 1970s. If this bill is passed, it will dramatically shift 30 years of nonproliferation policy. Specifically, this bill would have serious consequences for the Nuclear Non-Proliferation Treaty, the international nonproliferation regime, and U.S. national security. Such a fundamental change in policy should not be undertaken lightly, which is why it is crucial that this body fully discuss and understand the implications of this bill.

In my work on the Foreign Relations Committee, I have had a chance to study this issue and this legislation closely. I have talked to a number of people, on all sides of this issue: senior officials from the administration, business groups, nonproliferation and arms control experts, Indian officials, and concerned citizens in my home State of Wisconsin. The committee held a number of hearings to examine the issue, and the panelists we heard from represented a wide range of opinions on the prospect of nuclear cooperation with India. And after all of this careful consideration, I have to report that I am left with some deep concerns regarding what this legislation means for United States national security.

The primary consideration for us in the U.S. Senate as we debate this bill should be this: will this legislation make the citizens of the United States more secure or less? As we consider this fundamental shift in the international nonproliferation regime, we must make sure that we have adequate protections in place to guard against the further spread of nuclear weapons and weapons technology.

The threat of nuclear weapons to the United States and the spread of nuclear weapons and nuclear material are among the gravest dangers that our country faces. It is crucial to our national security that the nuclear nonproliferation framework remains strong. I want to make sure that the United States, as a signatory to the Nuclear Non-Proliferation Treaty, is working to strengthen the international treaties and regimes that have been designed to prevent the spread of nuclear weapons. A world with more nuclear weapons is, simply put, a more dangerous world.

So that is why I am offering an amendment to this bill that spells out in greater detail that nuclear cooperation between the United States and India will be only civilian in nature, and that none of the assistance the United States provides will be used for strengthening or further developing India's nuclear weapons arsenal. This is completely in line with President Bush's and Secretary Rice's statements about the deal, and is something the United States is already committed to under article I of the NPT. My amendment simply makes it a binding requirement: Before the nuclear cooperation agreement can go into effect, the President of the United States must certify that the scope and content of the agreement does nothing to contribute directly or indirectly to the development of India's nuclear weapons arsenal. This amendment will strengthen this bill. It will enhance transparency. And it will send a clear message to the world that the United States will, in fact, abide by its commitments and is working within the letter and spirit of the agreements and treaties to which it is party.

Allow me to quote from article I of the Nuclear Non-Proliferation Treaty, because I think it will help to set forth the obligations of the agreement the United States is a party to. Article I states that:

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Let me repeat that second clause, because it is what my amendment intends to address: ''not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.''

India is considered to be a non-nuclear weapon state for the purposes of the NPT, and we are therefore prohibited from assisting their nuclear weapons program. My amendment will require the President to make determinations to ensure that we are in line with that treaty obligation. First, the President would have to certify to Congress that the scope and content of the nuclear cooperation agreement that he negotiates will not contribute to India's nuclear weapons program—specifically that it does not: Allow for the use of U.S.-origin equipment, technology, or material in an unsafeguarded Indian nuclear facility; or allow for the replication and subsequent use of U.S.-origin technology for any activity related to nuclear explosive devices.

Second, the President would have to certify that he had received sufficient assurances from the Government of India that nuclear fuel provided by the United States will not facilitate the increased production by India of fissile material for weapons use.

Both India and the United States should feel comfortable with this amendment; it only requires that the United States certify that this deal is in line with our current commitments. It will go a long way to enhance transparency and reassure all sides that this civil nuclear cooperation agreement does not have any military aspects.

This is particularly important now, as we face nuclear crises in North Korea and Iran. While we are pressuring those countries to submit to international inspections and abide by the Nuclear Non-Proliferation Treaty,

it is crucial that we not simultaneously be seen to undermine the NPT's foundations by our actions. My amendment sends a clear message that the United States stands by the spirit and the letter of the NPT. Rejecting my amendment would send a dangerous signal to Iran, North Korea and other states that we are not taking seriously our international commitments, and that the NPT is no longer relevant.

As you can see, my amendment is quite detailed in spelling out exactly how assistance to India's weapons program is defined, and what activities should be prohibited under the terms of the agreement. The second determination, which relates to the provision of nuclear fuel by the United States, is particularly important, because it gets to the heart of concerns about a possible buildup of nuclear weapons. Currently, India's production of weapons grade plutonium is constrained by its limited domestic supply of natural uranium. Experts, from former Senator Sam Nunn former Assistant Secretary of State for Nonproliferation Bob Einhorn, have expressed concern that by providing nuclear fuel to India through this agreement, India's domestic supply of uranium might be freed up in order to accelerate the production of nuclear weapons materials.

And in fact, the Indians themselves have expressed this possibility. Listen to the words of a former head of the Indian National Security Advisory Board, less than a year ago:

> Given India's uranium ore crunch and the need to build up our minimum credible nuclear deterrent arsenal as fast as possible, it is to India's advantage to categorize as many power reactors as possible as civilian ones to be refueled bv imported uranium and conserve our native uranium fuel for weapons grade plutonium production.

This is from an article entitled ''India and the Nuclear Deal,'' in the Times of India on December 12, 2005.

This is a former high-level Indian Government official, arguing less than a year ago that India should increase its production of weapons material through the provision of imported uranium. I am, frankly, concerned by that prospect. India has said that its strategic nuclear weapons program, and the production of fissile material, is unrelated to this deal. Secretary Rice and other members of the administration have assured us of the same thing. In fact, in its official response to one of Senator LUGAR's questions last year, the State Department noted that ''nothing to be provided to India under the Initiative will be used to enhance India's military capability or add to its military stockpile.''

If that is truly the case—and I believe both sides when they say that expanding India's nuclear weapons arsenal is not a goal of this agreement—then my amendment should be absolutely uncontroversial. It simply makes those claims binding, by requiring the President to make such a determination.

Some of my colleagues might ask, if we are already committed to non-assistance under the NPT, and if members of the administration have assured us that this is the case, why is this amendment necessary? After all, requiring a presidential determination is a big deal. My response is that this issue is a big deal. Nonassistance to India's nuclear weapons program is such a critical aspect of this agreement that it must be spelled out within the legislation in clear, concrete terms, leaving no question or ambiguity. It is an issue that demands the high bar of a presidential determination to Congress.

And there is a significant precedent for such determination The 1985 Agreement for Nuclear Cooperation Between the United States and China required a presidential determination on non-assistance to China's nuclear weapons program—one of only two binding presidential determinations included in that legislation. Specifically, the law stated that the U.S.-China nuclear cooperation agreement could not go into force until the President provided a certification to Congress that the agreement was designed ''to be effective in ensuring that any nuclear material, facilities, or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement.''

In 1985, the Members of this body deemed that one of the two things the President of the United States should have to make a certification about prior to nuclear cooperation with another country was that our civilian cooperation would in no way assist that country's weapons program. My amendment is identical in scope and purpose, and should be passed. If anything, there are even more reasons to push for such a determination with regard to India, given that India is a nonsignatory to the Nuclear Non-Proliferation Treaty.

Some may argue that the President cannot make such a determination—that the President cannot know in advance what India will do with material we provide to them. But this amendment is about the scope and content of the agreement, and about assurances received from the Indian government. It is about our current actions, and the strength of the agreement that the President negotiates. And in fact, the President made exactly such a determination, in 1998, when he submitted Presidential Determination 98–10 to the U.S. Congress to enable nuclear cooperation with China to move forward under that agreement.

If this body is afraid that the President would be unable to make such a determination with respect to India, I ask one question: why then are we pursuing this deal? If we cannot be reasonably certain that this agreement will not help India to expand its nuclear arsenal, how good a deal is this? This should be a simple calculation based on the best interests of the United States.

My colleagues are aware that I voted against this legislation in committee. I stated at the time of my vote that I was not opposed to the deal in principle, but was committed to working constructively to strengthen this bill when it came to the floor, because I still had concerns that had not been addressed. I stand by that statement. I would like to see an agreement that brings our countries closer together strategically, while preserving our national security interests.

However, since the time of the committee hearing, more information has come to light that further justifies the concerns I expressed earlier, and which I would like to share with my colleagues.

First of all, since that time, the State Department released a report sanctioning two Indian firms for illicit missile-related transactions with Iran. This report was 10 months overdue and was not released until 1 day after the House voted on its version of this legislation. There are a number of things that I find troubling about this report and the way it was released, but the biggest is that it seems to contravene the Bush administration's assertions that India has a stellar nonproliferation record. At a minimum, this report demonstrates that there continue to be legitimate concerns about the spread of dangerous weapons technology, know-how, and equipment—in India and elsewhere.

Secondly, there have been troubling signals coming from the Indian Government itself about its commitment to nonproliferation controls. In an August 17 speech to the Indian Parliament, Prime Minister Singh declared that India would not agree to any changes to the nuclear deal imposed by the U.S. Congress: ''We will stick to the parameters of the agreement signed in Washington last year and this alone will be the basis of nuclear cooperation,'' he said. He specifically noted that India would not allow ''external supervision'' of its strategic nuclear programs, and argued that President Bush had committed to providing an ''uninterrupted supply of fuel''—presumably, even if India were to detonate another nuclear device. Prime Minister Singh also stated that ''there is no question of India being bound by a law passed by a foreign legislature.'' This raises significant concerns in my mind as to whether India would accept the important elements of this legislation that the U.S. Congress will put in place if it passes.

Finally, there have been signs of an increasingly warm official relationship between India and Iran. I note the irony of the timing: at the same time we are debating passage of a bill that will lend considerable assistance to India's nuclear program, we are doing everything in our power to prevent Iran from furthering its own nuclear program. I would like to read a couple of quotes from Indian Prime Minister Singh, who had a meeting with Iranian President Ahmadinejad on the sidelines of the Non-Aligned Movement Summit

in Cuba in September. Following the meeting, Prime Minister Singh stated that ''India is determined to consolidate cultural, economic, and political ties with Iran,'' and he expressed regret over the ''misunderstanding caused about India's stance on Iran's peaceful nuclear program,'' stressing that India would ''never join any efforts against Iran.'' I don't think it takes very much reading between the lines to doubt that India will support us in our efforts to curtail Iran's nuclear program—one of the most important national security challenges facing our country at this time.

As further evidence of the support for my amendment, I would like to submit for the RECORD a letter that was recently signed by a wide range of nonproliferation experts, former senior government officials, and respected scientists. I ask unanimous consent that this letter be printed in the RECORD.

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

FIX THE NUCLEAR TRADE DEAL WITH INDIA

NOVEMBER 13, 2006.

U.S. SENATE,
*Washington, DC,*
*Attn: Foreign Affairs Staff.*

DEAR SENATOR: We are writing again to urge you and your colleagues to support amendments that would address serious flaws that still plague the proposed U.S.-Indian nuclear trade legislation (S. 3709), which may be considered this month. Despite some important adjustments made to the administration's original proposal by the Foreign Relations Committee, the arrangement would have far-reaching and adverse effects on U.S. nonproliferation and security objectives. We believe the legislation must include further improvements in several key areas, among them:

A determination, prior to resumption of full nuclear cooperation, that India has stopped the production of fissile material (plutonium and highly enriched uranium) for weapons or else joined a multilateral fissile production cutoff agreement;

A determination and annual certification that U.S. civil nuclear trade does not in any way assist or encourage India's nuclear weapons program;

Measures to ensure that the United States does not continue to provide nuclear assistance directly or through other suppliers in the event that India breaks the nonproliferation commitments outlined on July 18, 2005; and

A determination that the Government of India (GOI) or GOI-affiliated entities are not engaged in illicit procurement of WMD-related items.

We believe these measures are necessary because India has neither joined the nuclear Nonproliferation Treaty (NPT), nor accepted safeguards on all of its nuclear facilities, and India's nonproliferation policy is not fully consistent with the nonproliferation practices and responsibilities expected of the original nuclear-weapon states.

Under the proposed nuclear cooperation deal, India has pledged to accept safeguards at only eight additional ''civilian'' nuclear facilities by 2014. India has not yet agreed that safeguards on these facilities would be permanent. Current and future military-related nuclear reactors, enrichment and reprocessing facilities, and weapons fabrication facilities would remain unsafeguarded. Partial International Atomic Energy Agency (IAEA) safeguards would do nothing to prevent the continued production of fissile material for weapons in unsafeguarded facilities. Consequently, foreign supplies of nuclear fuel to India could assist India's bomb program by freeing-up its existing limited capacity to support the production of highly enriched uranium and plutonium for weapons.

FISSILE MATERIAL PRODUCTION

To help ensure that U.S. civilian nuclear cooperation is not in any way advancing India's weapons program and is not contributing to nuclear arms competition with Pakistan and China, Congress should require that the President determines that India has stopped fissile material production for weapons or has joined a multilateral production ban before the United States resumes full civil nuclear assistance to India. Four of the five original nuclear-weapon states—France, Russia, the United Kingdom and the United States—have publicly declared that they have stopped fissile material production for weapons. China is also believed to have stopped such production.

India's commitment to support U.S. efforts to negotiate a global fissile material cutoff treaty (FMCT) is a laudable but somewhat hollow promise. Differences between the United States and most other states (including India) on whether such a treaty should be verified and competing priorities at the 65-nation Conference on Disarmament make the prospects for the conclusion of an FMCT difficult.

If India is truly committed to a ''minimal credible deterrent,'' India should be able to declare as a matter of national policy that it has stopped fissile material production for weapons, or else join the United States, China, France, Pakistan, Russia, and the United Kingdom in a multilateral fissile cutoff agreement, pending the completion of a global, verifiable FMCT. The Congress should direct the President to actively pursue the early conclusion of such an interim cutoff agreement with India and other relevant parties, pending the entry into force of a global FMCT.

NONASSISTANCE TO INDIA'S NUCLEAR WEAPONS PROGRAM

The Senate bill should also require that prior to implementation of a U.S.-Indian nuclear cooperation agreement, the President make a determination that the proposed U.S. civil nuclear assistance will not, in any way, assist India's nuclear weapons program. Such a determination should take into account the possible replication and subsequent use of any U.S.-origin technology in an unsafeguarded nuclear facility and the provision of nuclear fuel in such a manner as to facilitate the increased production of highly enriched uranium or plutonium in unsafeguarded nuclear facilities for weapons purposes. Such a determination would help maintain confidence that the United States is complying with its NPT Article I commitment not to assist other states' nuclear weapons programs. The Senate should also agree to provisions in the House bill (H.R. 5682) requiring annual executive branch reports on whether any such assistance has occurred, and on India's uranium mining and fissile material production rates, and other related matters.

TERMINATION OF TRADE AND FUEL SUPPLY ASSURANCES

S. 3709 now makes clear that if India conducts another nuclear test explosion or otherwise violates the terms of an agreement for nuclear cooperation, U.S. nuclear assistance would be jeopardized. The bill also states that it is the policy of the United States not to facilitate nuclear trade by other nations with India if U.S. exports are interrupted.

However, India is insisting that the United States help provide an assured nuclear fuel supply, even in the event that the New Delhi government conducts a nuclear test explosion or otherwise violates the terms of a future agreement for nuclear cooperation with the United States. Such a guarantee would be unprecedented and unwise. Congress should further clarify that the United States shall not provide or facilitate the supply of nuclear fuel to India if the Government of India resumes nuclear testing or fails to meet other provisions in U.S. law.

GUARDING AGAINST ILLICIT PROCUREMENT

The Senate should also address the fact that some Indian government-affiliated enterprises have a history of attempting to bypass export laws designed to keep U.S. and other foreign technology from contributing to its weapons effort. Congress should require that before the implementation of any U.S.-Indian agreement for civil nuclear cooperation, the President must make a determination that the Indian government or entities under its jurisdiction are not engaged in the illicit procurement of commodities controlled under the guidelines of the Nuclear Suppliers Group (NSG) or the Missile Technology Control Regime (MTCR).

RETAIN USEFUL NONPROLIFERATION PROVISIONS

We also urge Congress to retain several important elements already included in S. 3709 that would help reduce the adverse impacts of the initiative. Among these are the provisions requiring that a new safeguards agreement between the IAEA and India has entered into force and that such safeguards are consistent with IAEA standards, principles, and practices, and that such safeguards are permanent before any expanded nuclear cooperation can take place. To date, India has not begun formal talks with the IAEA on such safeguards and is reportedly seeking ''India-specific'' safeguards that would be contingent on continued fuel supplies. This is not consistent with the IAEA safeguards applicable in the Indian case, which are known as INFCIRC/66.Rev.2 safeguards.

With respect to the Section 106 provision restricting the transfer of enrichment and reprocessing technologies, for 30 years U.S. nonproliferation policy has sought to discourage the spread of sensitive nuclear technology. As President Bush said in February 2004, ''enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.'' Current U.S. nuclear cooperation agreements, including those with EURATOM, Japan, and China, expressly prohibit transfers of such technologies, which can be used to make nuclear bomb material. India should not in any way be an exception to that important policy.

To ensure that India is meeting other key obligations outlined in the July 18, 2005 Joint Statement, the Senate should retain language in the House bill requiring that a U.S. Indian agreement for nuclear cooperation shall be terminated if India makes a materially significant transfer that does not conform with the guidelines of the NSG or MTCR. Congress should recall that in the past 20 months, seven Indian entities have been sanctioned by the U.S. Government for transfers of weapons-related items to Iran, including sanctions announced in July for transfers of chemicals useful for missile propellant manufacture.

Finally, the legislation wisely codifies commitments made by senior Bush administration officials that before the United States may engage in wider nuclear trade with India, it must also secure the consensus approval of the 45–nation NSG. The group operates under guidelines established in 1992

that restrict trade with states (such as India) that do not accept full-scope safeguards on all of their nuclear facilities. If the United States or other states seek to sidestep the NSG's consensus decision-making process, the NSG may cease to function as an important barrier against the transfer of nuclear material, equipment, and technologies for weapons purposes.

Without the inclusion of the provisions we have described, the legislation for renewed nuclear cooperation with India will have far-reaching and adverse implications for U.S. nuclear nonproliferation and international objectives.

While we agree that building upon the already strong U.S.-Indian partnership is an important goal, we remain convinced that it can and should be pursued without undermining the U.S. leadership efforts to prevent the proliferation of the world's most dangerous weapons.

Sincerely,

Harold Bengelsdorf, Consultant, and former Director of the Office for Nonproliferation Policy at the Energy Department and former Office Director for Nuclear Affairs at the State Department; Joseph Cirincione, Senior Vice President for National Security and International Policy, Center for American Progress; Ralph Earle II, Former Director, U.S. Arms Control and Disarmament Agency; Robert J. Einhorn, Former Assistant Secretary of State for Nonproliferation; Lt. General Robert G. Gard, Jr. (USA, ret.); Ambassador Robert Grey, Director, Bipartisan Security Working Group, and Former U.S. Representative to the Conference on Disarmament; Frank von Hippel, Professor of Public and International Affairs, Program on Science and Global Security Princeton University; John D. Holum, Former Undersecretary of State for Arms Control and International Security Affairs and Former director of the U.S. Arms Control and Disarmament Agency; John D. Isaacs, President, Council for a Livable World; Spurgeon M. Keeny, Former Deputy Director U.S. Arms Control and Disarmament Agency; Daryl G. Kimball, Executive Director, Arms Control Association; Lawrence Korb, Former Assistant Secretary of Defense for Manpower, Reserve Affairs, Installations and Logistics; Fred McGoldrick, Consultant, and Former Director of Nonproliferation and Export Policy at the State Department; Kelly Motz, Associate Director, Wisconsin Project on Nuclear Arms Control; Christopher Paine, Senior Nuclear Program Analyst, Natural Resources Defense Council; William Potter, Institute Professor, Monterey Institute of International Studies; Lawrence Scheinman, Distinguished Professor at the Center for Nonproliferation Studies, and former Assistant Director of the U.S. Arms Control and Disarmament Agency; Leonard Weiss, Former Staff Director of the Senate Subcommittee on Energy and Nuclear Proliferation and the Committee on Governmental Affairs.

Mr. FEINGOLD. Briefly, the letter notes that there are still flaws that remain in S. 3709, and urges the Senate to adopt at least four measures to address them. The second of their four recommendations for improvements is that there be ''a determination and annual certification that U.S. civil nuclear policy does not in any way assist or encourage India's nuclear weapons program.'' My amendment is directly in line with the advice of these leading experts, and addresses an important shortfall in the legislation as it stands now.

I acknowledge that the U.S. business community has come out strongly in support of this legislation. I would only like to add a note of caution to their optimism. There is nothing in this deal that would secure U.S. contracts or guarantee an increase in U.S. business. The U.S. is not the only one in the nuclear market. Australia and Russia have already indicated they are working with India to sell fuel, and companies from Great Britain, France, and Russia have viable civil reactor technology that they will certainly pitch to India. It is far from a foregone conclusion that U.S. companies will directly benefit from the deal. In the 8 years that nuclear trade has been permitted with China, the United States has sold exactly zero nuclear reactors to China—zero. I bring this up to point out that some of the benefits of this deal may be exaggerated, and we should remember the overriding priority as we consider this legislation: whether it will make the citizens of the United States more safe, or less.

Mr. President, in closing, I would like to put in a brief word of appreciation for the substantial amount of work done on this bill by Senator LUGAR, Senator BIDEN, and their staffs. This bill is a real improvement over the original proposal put forward by the administration, but there are still a few shortcomings that remain. My amendment would address what I, and many others, see as one of the main outstanding concerns with the bill. It will ensure that this agreement is in line with our non-proliferation obligations and protects U.S. national security, without putting any undue burdens on the U.S. or our Indian partners. It is a nonpartisan, commonsense amendment, in line with previous legislation, and I hope that all of my colleagues will consider voting in favor of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Wisconsin for his very important contributions to the Senate Foreign Relations Committee and the specific contributions he has made to the discussion of this legislation. Reluctantly, I rise in opposition to his amendment.

In my judgment—and I don't use the term unadvisedly—this is truly a killer amendment. If accepted, it would require the United States and India to renegotiate the civilian nuclear agreement on which we are having our debate this evening. I state categorically: India has nuclear weapons. Let me repeat that: India has nuclear weapons and has stated its intent to keep them. The critical issue we must consider in examining each of the amendments that have come before us is whether the U.S. national security is advanced by engaging India and by increasing the IAEA oversight of the India nuclear program. I believe the answer is yes, and as a result I support this agreement and I oppose amendments such as the one now before us that would require renegotiation or make implementation of the agreement impossible.

While the Feingold amendment appears harmless, it requires the President to certify that no form of the U.S. civilian nuclear cooperation with India will in any way assist, encourage, or induce India to manufacture or otherwise acquire more nuclear weapons in the future. This certification demanded by the amendment is impossible to make, and even if it could be made, it would be ineffective. How do we expect the President of the United States to predict the future? Clearly we do not expect, plan, or intend for this agreement to aid India's nuclear program. We have taken numerous steps to prevent this from happening. We are confident that we have already put the necessary provisions in place in this agreement.

A Presidential certification as required by the amendment is a legal pledge to Congress. Senate bill 3709 requires a number of certifications, but it does so based upon information in the President's possession. We do not ask the President to predict the future or make a judgment when the necessary information is unavailable.

This is not the first time the Senator from Wisconsin has offered this amendment. The Senate Foreign Relations Committee voted 13 to 5 to defeat the same amendment during our markup of S. 3709. During the markup, the administration strongly opposed the amendment and expressed its view that it was a killer amendment.

Senator BIDEN and I do not believe this amendment is necessary. We share the concerns Senator FEINGOLD has expressed, but we believe we have addressed them in the committee-passed bill in a manner consistent with our agreement with India and in a way that avoids renegotiation.

First, the United States is obligated by article I of the nonproliferation treaty not to engage in any nuclear cooperation that would assist India's nuclear weapons program. Nothing in the United States-India agreement violates this obligation. In reality, this agreement encourages India to produce fewer nuclear weapons by requiring more Indian facilities to be placed under IAEA safeguards. We must remember that the United States will not cooperate with any Indian facility, site, or location that is not under IAEA safeguards. In other words, the IAEA will have inspection rights at those places where U.S. exports are utilized.

Second, S. 3709 requires that the IAEA safeguards be supplemented by bilateral end-use monitoring requirements under section 107. In other

words, if the IAEA were forced to suspend their oversight of India's commitments, the administration is required to have a backup plan in place to ensure that American technologies and materials are not misused or misdirected to India's nuclear program.

Third, the bill requires the President of the United States to inform Congress of any Indian violation of their commitments under the agreement. This preserves Congress's oversight role and permits us to act should Indian behavior require a reexamination of the cooperative agreement.

Fourth, section 109 states that no authority under S. 3709 can be used to violate U.S. commitments under the Nuclear Non-Proliferation Treaty. U.S. contributions to the Indian nuclear program would be a blatant violation of this treaty commitment. Senator BIDEN and I thought it was critically important to reinforce the Senate's strong support for the NPT by insisting that our country continue to comply with its requirements.

Lastly, sensitive transfers most likely to aid India's nuclear programs are prohibited by this bill. Section 106 forbids trade in enrichment, reprocessing, and heavy water technologies unless those transfers are under international supervision and then only to create proliferation-resistant versions. By prohibiting the transfer of these technologies, we ensure that U.S. assistance does not inadvertently assist India's weapons program.

India is not required to declare to the IAEA any information on the production of highly enriched uranium or plutonium. Its nuclear enrichment and processing plants will also be outside IAEA safeguards. Without access to this information, it will be impossible for the United States to evaluate Indian production of fissile material. Consequently, it is impossible to determine whether an increase in Indian military fissile material production occurred because of foreign nuclear reactor fuel supply. In fact, India's own uranium mining and milling will probably play a much larger role in any analysis on this subject.

In sum, it is simply not possible to verify the relationship between the delivery of foreign fuel exports to India and the possibility of increases in Indian production of highly enriched uranium or separated plutonium, nor is it possible to analyze the relationship between future exports and domestic production. India is not required to share this information. The IAEA does not have access to these facilities. Requiring the President of the United States to certify something he has insufficient information to determine is unwise and potentially harmful, and the amendment clearly demands that the President make that certification. Congress will be kept completely informed on developments in this area through the existing reporting requirements of S. 3709.

Mr. President, for all of these reasons, I oppose this amendment. I ask Senators to vote no when the roll is called.

I thank the Chair, and I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Indiana. It is late, and I think that people already have a sense of where they will go with this amendment, but I do want to make a couple of points for the record, given how important this amendment is and how important this agreement is.

The chairman suggests that what we would do here with this amendment would somehow force the renegotiation of the agreement. I don't accept that notion. But I would say, given the importance of making sure this isn't used for nuclear weapons, it is well worth renegotiating if it actually required that. But I don't think it does.

More importantly, it just doesn't make any sense to me that such an amendment would require the full renegotiation of the agreement when you look at the fact that the bill before us today already, in section 105, requires eight different Presidential determinations. I am just adding two additional ones. There are already Presidential determinations that have to be made, so how can it be that the additional requirement that there be determinations by the President of the United States, not by Indian officials—how can that force the renegotiation of this agreement? It doesn't direct the Indians to do anything. So I reject the notion that somehow this would require the renegotiation of the agreement, and if it did, I think it would be better than not changing it.

Now, the biggest problem with the chairman's argument is that he is relying on an earlier version of our amendment which we offered in committee, which I thought was worth passing. But the chairman correctly notes that we were defeated in the committee 13 to 5. One of the criticisms was that somehow this amendment would force the President to certify some facts, that he couldn't necessarily know for sure what the Indians were exactly doing or what they might do in the future. I recognize that point. That is why I drafted this amendment to only relate to the scope and content of the agreement. There is nothing in my amendment that requires the President to certify what might happen in the future. And this is the critical distinction. This amendment does not have the flaw that was argued in committee. It only talks about the President certifying with regard to the scope and content of this agreement and also getting assurances from the Indian Government that the purpose of this agreement is not about nuclear weapons but is about civil purposes. So it is, in fact, different from the amendment in committee, and that is an important distinction as Members think about whether they want to vote for this version on the floor of the Senate. It is more modest, but it still accomplishes an important goal.

This is not unheard of. This is exactly what was done in the China agreement in the 1980s. I described it in my original statement. The agreement called for a Presidential certification of this kind. It worked, and the President, in fact, made such a certification. So this is both necessary and practical from that point of view.

I believe I have responded to each of the arguments made by the Senator from Indiana. Obviously, I have enormous respect for him and his leadership of the committee, but I would urge my colleagues to join me in supporting this amendment which would allow me to feel comfortable supporting this agreement, because I do want us to have a good agreement with India. I just think we need to have this sort of an assurance that my amendment provides.

I yield the floor.

Mr. SCHUMER. Mr. President, would the Senator yield 4 minutes from his time?

Mr. FEINGOLD. I yield the Senator from New York such time as he needs.

Mr. SCHUMER. Mr. President, I rise to support the India nuclear trade agreement because it strengthens America's relationship with a critical ally, but it also creates strong incentives for other countries to support our nonproliferation efforts by rewarding them with our valuable nuclear technology.

Proliferation of nuclear technology is a very serious issue. Make no mistake about that. India has a good nonproliferation record and will be a true partner in our efforts to prevent nuclear weapons technology from falling into the wrong hands. India's history of nonproliferation of dual-use nuclear technology and its willingness to implement IAEA guidelines and standards at nuclear facilities make India a welcome member of the global nuclear community.

Of course, the devil is in the details. That is why it is so important that this bill preserves congressional oversight of any agreement the administration reaches with the Indian Government. It is carefully crafted so that the U.S. agreement will not undermine the Nuclear Non-Proliferation Treaty or our obligations to the Nuclear Suppliers Group.

Under this bill, cooperation would end if India tests a nuclear weapon, proliferates nuclear weapons or materials, or breaks an agreement with the United States or the IAEA. India's access to nuclear cooperation will depend on its continued participation as a good citizen of the global nuclear community.

A close relationship with India in general will help us to align our mutual goal of combating terrorism. Both our nations have been victims of serious attacks of terrorism, and we know that the greatest danger we face is a nuclear weapon falling into the wrong hands. Neither of us wants al-Qaida to gain a nuclear weapon. Neither of us

wants Iran to go nuclear. The best way to ensure India's proper handling of its nuclear technology is not by distancing it but by working with it to address issues of mutual concern.

Economic ties continue to bind our two countries through an increasing flow of goods, services, and cultural exchange. It is vital that we recognize this improving relationship and work toward common goals for international policy standards. The buildup of nuclear weapons throughout the world is one of the most serious dangers humanity faces. Especially in today's world, we must ensure that nuclear technology is developed and used according to global standards as set forth by the International Atomic Energy Association for peaceful purposes. An agreement with the United States will also provide an incentive for India to refrain from conducting future nuclear weapon testing and to work with our Government to curtail proliferation of nuclear weapons. Most important, this legislation creates incentives for other countries that cooperate with our nonproliferation efforts. It will encourage other countries around the world to cooperate with the efforts of the United States to reduce the threat of nuclear weapons by rewarding those countries that behave responsibly with advanced American technology.

I yield the remainder of the time I have to my friend from Wisconsin.

Mr. LUGAR. Mr. President, we have had a good debate. I note the presence of the distinguished Senator from California on the floor, which prompts me to inquire of the distinguished Senator from Wisconsin whether he requires additional time? If the Senator is prepared to yield back his time, I will yield back time on our side, and then we could proceed to debate on the amendment of the Senator from California and maybe to a closer time for final passage, for Members who are requesting this of all of us.

Mr. FEINGOLD. I thank the Senator from Indiana. I yield back my time.

Mr. LUGAR. I will yield the time on our side.

The PRESIDING OFFICER (Mr. CHAFEE). All time is yielded back. The Senator from California is recognized.

AMENDMENT NO. 5187

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER) proposes an amendment numbered 5187.

Mrs. BOXER. I ask unanimous consent the further reading of the amendment be dispensed with. I wanted the beginning read because this is a very simple amendment.

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

The amendment is as follows:

(Purpose: To make the waiver authority of the President contingent upon a certification that India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as Iran is no longer designated as a state sponsor of terrorism)

On page 8, beginning on line 8, strike ''Group; and'' and all that follows through ''Nuclear'' on line 9 and insert the following: ''Group;

(8) India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as the Government of Iran no longer supports acts of international terrorism, as determined by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)); and

(9) the Nuclear

Mrs. BOXER. Mr. President, this is a very simple amendment. What we are saying is this deal should not go forward until India has agreed to cut off military-to-military ties with Iran and that the President so certifies.

The Nuclear Non-Proliferation Treaty is the keystone of our efforts to stop the spread of nuclear weapons throughout the world. Back in the 1960s, there was widespread concern that dozens of nations would have nuclear weapons within a decade. Just months before his death, President Kennedy warned of this dire threat, saying:

I ask you to stop and think for a moment, what it would mean to have nuclear weapons in so many hands . . . that there would be no rest for anyone then, no stability, no real security, no chance of effective disarmament. There would only be the increased chance of accidental war, and an increased necessity for the great powers to involve themselves in what otherwise would be local conflicts.

But thanks to the Nuclear Non-Proliferation Treaty, there are less than 10 nuclear weapons states in the world today. In fact, since the Nuclear Non-Proliferation Treaty was first signed in 1968, more nations have ended nuclear weapons programs than have begun them. Countries such as Brazil, South Africa, and Japan decided to abandon their nuclear weapons program and join the Nuclear Non-Proliferation Treaty.

India did not sign the Nuclear Non-Proliferation Treaty, instead choosing to develop nuclear weapons outside of the NPT regime. India developed a nuclear weapon in 1974 using a research reactor and materials provided by Canada and the United States of America in the 1950s. India had pledged to use the reactor only for peaceful purposes, but it failed to keep that promise. So by giving India a special deal to both possess nuclear weapons and receive civil nuclear assistance, it will be harder to convince nonnuclear weapons states to keep their commitment to forgo nuclear weapons.

The timing could not be worse. Right now, the international community is trying to convince one nonnuclear member of the NPT, Iran, to cease uranium enrichment because the IAEA cannot verify that its program is for peaceful purposes. We are also trying to roll back North Korea's nuclear program and convince them to rejoin the NPT.

India is becoming a recognized de facto nuclear power, but it is not required to take on any of the commitments made by the five recognized nuclear powers.

As The Economist reported earlier this year:

. . . the recognized nuclear powers—America, Russia, Britain, France and China—are committed under the NPT to curb their arsenals . . . on the way to eventual disarmament; the deal with America lets India build as many bombs as it chooses.

I think it is important to note what we are doing here. There is no limit on the number of bombs that India could build in this deal.

The Economist goes on to say that the five nuclear powers have:

at least all signed the treaty banning further nuclear tests and have stopped producing more highly enriched uranium and plutonium; India flatly refuses to do either.

Experts believe that this deal could allow India to vastly increase its production of nuclear weapons from about 6 a year to about 50 a year. What a contribution this Senate is making to world peace. I am absolutely stunned. We are going to have 50 nuclear weapons, perhaps, made in India, touching off an arms race in the region. That would not be in any country's interests, including our own.

Secretary Rice has argued that we are not helping India's nuclear weapons program because only a small amount of India's indigenous uranium would be needed for India's military weapons program. But listen to what the Congressional Research Service says:

The question for the United States is not whether India intends to ramp up its weapons program with freed-up uranium, but whether the U.S. and other states' actions create a new capability for India to do so.

We call this fungible—fungible uranium. This should concern every single Senator, but unfortunately it doesn't appear to. It should concern every Senator who believes that the proliferation of nuclear materials is the most dangerous issue facing the country today and that is why I have supported all the amendments. Unfortunately, these amendments were defeated. They would have required the President to certify that this deal does not assist or encourage India to produce additional fissile material for weapons.

The amendment I am offering addresses a second area where the administration has failed to receive commitments from India and that has to do with India's military-to-military relationships with Iran.

Last spring, at the very same time that the President, our President, was in India to sign the United States-India Civil Nuclear Cooperation Agreement, two Iranian warships were visiting the headquarters of the Indian Navy's Southern Command. At the very same time that President Bush was in India to sign the United States-India Civil

Nuclear Cooperation Agreement, two Iranian warships were soliciting the headquarters of the Indian Navy's Southern Command. These warships were participating in a training program under the military cooperation agreement with Tehran that was signed in 2003.

The fact that India would conduct training exercises with the world's leading state sponsor of terrorism while the President of the United States is visiting New Delhi is simply unbelievable. My amendment says that the President may not provide civil nuclear assistance to India until he certifies that India has agreed to suspend military-to-military cooperation with Iran so long as the Government of Iran continues to support international terrorism.

My amendment does not say they can never have this deal. But it says they must not cooperate, military to military, with Iran until the day Iran is taken off the list of terrorists.

According to a March 2006 Defense News article:

> In 2003 India and Iran signed a strategic agreement to cooperate in defense and other matters. The deal was cemented by the visit of then Iran President Mohammed Khatami to the Republic Day parade in New Delhi, an honor usually reserved for key allies. India still considers Iran to be a key ally and this agreement on military cooperation is still in place, even though Iranian actions are leading to the deaths of American soldiers in Iraq as we speak.

General Casey has said that Iran is using surrogates to conduct terrorist operations, both against us and against the Iraqi people. He went on to say:

> We are quite confident that the Iranians, through the special operations forces, are providing weapons, IED technology and training to Shia extremist groups in Iraq.

Of particular concern is the fact that Iran is providing a type of IED, or roadside bomb, that has a shaped charge and is particularly deadly.

So don't you think that if we are giving India this deal of a lifetime to receive nuclear technology from us, the least they could do is sign an agreement not to have military-to-military exercises and relationships with a country that is, in essence, bringing death and destruction to our sons and daughters in the United States military?

For more than 20 years, Iran has been the world's leading state sponsor of terrorism. It supports Hezbollah, several Palestinian terror groups such as Hamas and, according to the State Department, Iran is also:

> . . . unwilling to bring to justice senior al-Qaida members it detained in 2003 and has resisted numerous calls to transfer custody of its al-Qaida detainees to their countries of origin or to third countries for interrogation and/or trial.

It seems to me we should convince our friend—India—to suspend its military-to-military cooperation with Iran. The Boxer amendment will have that result, because they want this deal and I believe they would act to cut off these military-to-military relationships.

It is also very important to point out that the United States has already sanctioned Indian entities and individuals for missiles and WMD-related transfers to Iran. In 2004, the United States imposed sanctions on two Indian scientists for nuclear-related transfers to Iran. Both scientists were high-ranking officials in the Nuclear Power Corporation of India, Limited. In December 2005, sanctions were imposed on two Indian chemical companies for transfer of chemical-related items to Iran, and as recently as last July, sanctions were imposed on two more chemical manufacturers in India for transfers to Iran. In May 2005, India passed a law on weapons of mass destruction and their delivery systems. But according to CRS, the administration has not yet assessed India's export control law and regulation, and

> . . . some observers have stated that India does not have the necessary regulations in place to implement the law, and that India's resources for implementation are remarkably limited.

In other words, they have a Weapons Control Act, but experts believe they are not enforcing it. History tells us that they, in fact, have acted wrongly, to pass on technologies that are harmful, to Iran. So it seems to me, with this history, my colleagues should be supporting this amendment. I believe they should be and I regret that I need to offer it. I thought it would be accepted. I thought it would not be a problem. That it would be treated in many ways is obvious. The President, it seems to me, should have made severing military ties with Iran a precondition to civil nuclear cooperation. But, unfortunately, the United States is giving away more than it received in this deal.

My friends who want to desperately see this passed tonight are voting down amendment after amendment. And we are taking a deal in which, as former Senator Nunn said, ''India was a lot better negotiator than we were.''

That is Sam Nunn. We know how hard he worked with the current chairman of this committee to stop nuclear proliferation. What did he say of this agreement? ''India was a lot better negotiator than we were.''

So those of us on the Senate floor who are trying to get a better deal, who are trying to change this deal, are being voted down—boom, boom, boom. We are taking a deal that Sam Nunn said essentially they ''bested'' us on.

I come from a State with a huge Indian population. Our Indo-Americans are prominent in our State. I support strong relations with India. India is the world's largest democracy. It is so important for us to work together to promote our mutual interests.

I am proud to be a member of the Senate India Caucus and have nothing but the utmost respect for the Indian people. But this deal is not a good deal for America. This deal is not a good deal for the world.

Proponents of this legislation say our bilateral relationship with India is important. I agree with them. I have great hopes for the future of our two nations. It is so important that we work together. But somebody tell me how we are better off when we have an India that can build up to maybe 50 bombs.

Somebody explain to me how we are better off when we don't even have a clause in here that says that India has to receive military-to-military relationships with Iran before this goes ahead. Somebody explain it to me. I don't think it has been explained.

I am happy the Harkin amendment was adopted. It says that India has to work with us to make sure Iran doesn't get a nuclear capability, as they are trying to do now. If we adopted that amendment, why can't you adopt this amendment which simply says shut off those military-to-military agreements between India and Iran before this goes forward?

I wish the administration would have worked harder to craft a better deal, a more balanced deal that would have been a net win for nonproliferation, while securing India's commitment to suspend its military relationship with Iran.

As Robert Einhorn, a nonproliferation expert at the Center for Strategic and International Studies, told the Senate Foreign Relations Committee on which I am so proud to serve, ''the deal was concluded in great haste, driven by the calendar of the Bush-Singh meetings rather than by the seriousness and complexity of the task at hand.'' Everybody knows it. We knew it at the time. And I had hoped we could then make this a better deal.

I have worked hard. I have tried. We have lost amendment after amendment after amendment. It is so regrettable. It is regrettable that we rushed into this agreement. But we have a chance to improve this agreement in behalf of the Boxer amendment. I urge its adoption.

I retain the remainder of my time.

Mr. LUGAR. Mr. President, I have listened carefully, as all Members do, to the distinguished Senator from California, who is such a valuable member of the Senate Foreign Relations Committee. And she has expressed some of the views which are contained in her statement this evening during the very important hearings the committee conducted.

I will just say very clearly that Members on both sides of the aisle in committee felt that there were improvements that could occur with regard to the agreement, even if the agreement was negotiated in a fairly short period of time. The Senate Foreign Relations Committee has taken ample time to work through this with the administration as well as with each other. I regret that we did not have unanimity in the committee on final passage. A vote of 16 to 2, however, indicated a very strong coming together, which clearly

has been expressed on the floor of the Senate today in the votes on various amendments.

But I must say that the amendment offered by the Senator from California is, in my judgment, a killer amendment. It goes far beyond the scope of the July 18 Joint Statement issued by President Bush and Prime Minister Singh.

The amendment as written would not permit the U.S.-India agreement to go into effect until India abandoned its military-to-military contacts with Iran. This is a killer condition that, if adopted by Congress, would require renegotiation of the agreement.

Few, if any, Members of Congress disagree with the sentiment expressed in this amendment; namely, that Iran is a destabilizing force in the Middle East. As former Secretary of State Henry Kissinger recently wrote in the Washington Post:

> Everything returns to the challenge of Iran. It trains, finances and equips Hezbollah, the state within a state in Lebanon. It finances and supports Moqtada al-Sadr's militia, the state within a state in Iraq. It works on a nuclear weapons program which would drive nuclear proliferation out of control and provides a safety net for the systemic destruction of at least the regional order.

Iran is a critical challenge to U.S. diplomacy and global security. In this difficult environment the U.S. must cultivate a strong multilateral response to Iran's pursuit of nuclear weapons and support for terrorism. An effective solution to the Iranian threat must include India. Holding New Delhi to a different standard than our closest allies or other nations we engage in nuclear commerce does not appear to be the best way to secure their support.

On April 5, 2006, Secretary Rice testified before the Committee on Foreign Relations that India has ''low level military-to-military contacts.'' She noted ''that there are a number of countries that have relations with Iran, and it's, of course, the sovereign right of a country to have relations with whomever they would like to have relations.'' She argues that the U.S. ''is not going to do better in pulling India toward us by insisting that they cut off relations with other states.'' She concluded that she didn't ''think that's going to work very effectively.''

The Secretary of State argues that the international community is changing its approach to Iran. She cites the exodus of banking and financial institutions. Perhaps most importantly she points out that India was the only member of the non-aligned movement to vote for referral of the Iran to the U.N. Security Council for its illegal nuclear program. This was an important development because India was a founder and a longtime leader of the movement.

Let me be clear, this amendment will reverse the important trend of countries distancing themselves from Tehran and future Indian multilateral nonproliferation cooperation. Some experts have indicated that this amendment could very well have the opposite effect, forcing New Delhi away from the U.S.-Indian Agreement.

The administration has frequently made U.S. policy on Iran clear to the Indian Government. The U.S. has consistently expressed our desire for India's support of our efforts and policies. One of the unheralded diplomatic accomplishments of the 2005 Joint Statement is India's commitment to support international efforts to limit the spread of enrichment and reprocessing technologies, including to states such as Iran.

I emphasize that point. If, in fact, we are deeply concerned—and I am, and the Senator from California certainly is—about the developments in Iran of a nuclear program and the commitment of India to work with us, to limit that spread of enrichment and reprocessing is very important. To deliberately take action which scuttles this agreement and indicates to the Indians that they can look elsewhere for partnership is to court disaster.

l am pleased that India is committed to being a responsible member of the international community and it has made the decision that it is in its own national security interest to oppose Iran's weapons of mass destruction program.

On a number of occasions the Indian-Iranian military relationship has been greatly exaggerated. This year an article alleged that India was providing military training for Iranian sailors. Secretary Rice responded that while Iranian ships have made port calls at India ports, she reported that New Dehli had denied that Iranian sailors had been trained in India.

It is unfortunate that the Senator from California constructed the amendment in this manner. It would be more appropriate to address this issue in the sense of Congress section or as a statement of U.S. policy. If the amendment was modified in this manner, I am prepared to recommend that it be adopted by unanimous consent. Unfortunately, in its current form it makes it impossible for the President to meet the requirement and thus implementation is impossible.

If this amendment is adopted, in my judgment, the United States-India agreement will be scuttled. That, I believe, would be a tragedy.

I urge Senators to vote against the Boxer amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, how much time remains?

The PRESIDING OFFICER. Fourteen minutes.

Mr. BIDEN. I wonder if the Chair would give me 3 minutes.

Mr. LUGAR. I will yield whatever time the Senator will consume.

Mr. BIDEN. Mr. President, I will be very brief.

The Senator stated it well. And I don't like to argue with my friend from California; I seldom ever win, and I am very uncomfortable because I consider her one of my best friends in this body. So it is an uncomfortable position to be in.

I want to make three points. The first is that right now, if India were to engage in transferring any lethal weaponry to Iran, it would be in violation of our law. It would damage the relationship and fundamentally alter our relationship. It is existing U.S. law.

No country can transfer lethal weaponry to Iran and maintain our support. That is No. 1.

The second point I would like to make is with the underlying concern—I know it is much broader than this—of my friend from California. I think if I read her correctly—and I may not be—somehow this agreement is going to yield the prospect that India will be in a better position to transfer some kind of technology in this military-to-military relationship to Iran that will help Iran get the nuclear capability.

The truth is, as the chairman has pointed out, they have entered into an agreement with us not to do that. But, secondly, they have voted in the IAEA with the Board of Governors to sanction Iran, to take issue with Iran, to report it to the U.N., and they voted with us in the U.N. So they are openly taking on Iran in terms of the thing of greatest concern to us all.

I know my friend spoke eloquently about the support of terrorism by Iran. The implication is that any military-to-military assistance goes directly to helping the capability of the Iranians to help support Hezbollah and other organizations that are terrorist organizations around the world.

I will make the following observation: She also stated accurately that Indian entities have been sanctioned for transferring materials to Iran. I must point out, so has Germany, so has the Spanish, so have European allies of ours. They also had entities sanctioned. It is not unique to India that an organization would, in fact, provide assistance to Iran in a way that would generate United States sanctions. Spain is the most recent offender.

I conclude by saying this is the hardest piece to swallow—not what the Senator said, but what I am about to say is the hardest piece to swallow. Palmerston had the famous expression that countries don't have permanent friends, they have permanent interests.

Look where India resides and look where Iran resides. One of the countries they are most concerned about is Pakistan. Now, it is not reasonable to assume that India and Iran would not want to have a military relationship where they shared information and/or concerns relative to Pakistan. So for them to forswear any kind of relationship at all with India that has a military or quasi-military relationship is to essentially suggest to them that they should not deal with a common enemy.

Look what we are doing. We are dealing with a country that we sanctioned

before, that we have clearly decided is not a democratic country, that clearly has probably the largest percentage of jihadists residing in it, with, arguably, the least significant effort to deal with these jihadists—the country of Pakistan. What are we doing? Because we have permanent interests, and our interests are that we have support in the war against jihadists and al-Qaida and terrorist organizations, we are cooperating with a country we otherwise probably would not cooperate with.

How would we feel if a European country or any other country around the world said—or India said—we will not trade with you, the United States of America, as long as you continue to have a military-to-military relationship with Pakistan, a country that is, in fact, exporting—or if they are not exporting, at least cooperating with or turning a blind eye to the terrorist organizations that reside within their country? We would say, Wait a minute. You want to trade with us, trade with us. You want to tell us whether out of our self-interest we can cooperate with Pakistan—which is not what you call a model democracy—then we would say no.

The only generic point I want to make, I know of no evidence—it may exist, but I am unaware of it—where India is materially cooperating with Iran in order for Iran to be able to better supply, support, and/or encourage terrorism. I know of no such interest and no such circumstance. Maybe my friend may know what I do not. She may have gotten a recent briefing with the Intelligence Committee where somebody said that, but I am unaware of any such cooperation that has the net effect of promoting terror.

What I do know is we have built into the law now the ability to sanction India if, in fact, India does supply lethal weapons or was in any way cooperating with promoting Iran's nuclear program. Beyond that, it would break the spirit of the entire agreement we have with India. If it came to light that somehow there was evidence that India was in any way cooperating with Iran's nuclear program, this deal is done. This is over. It is finished. It is gone.

At the root of this overall agreement, which my colleague, understandably, does not like, the underlying issue here is this agreement between India and the United States. The underlying premise is based upon a notion of a maturing relationship based on trust that they will not only not violate the letter but will not violate the spirit of this agreement.

Let me conclude by saying what the spirit of the agreement is. The spirit of the agreement is we are not going to do anything, United States of America, that we would not otherwise be able to do; we will not do anything with what you provide for us that will increase our capacity, our ability, our desire, or our intent to deal with our nuclear program.

They have said straightforwardly at the same time, We are keeping our nuclear program. We ain't giving it up.

It is a little bit like us saying now—and this will be my last statement—you know, Pakistan violated the law, Pakistan violated our law. It went out and it broke the deal and it did what India did. On top of that, Pakistan was the largest proliferator in the history of the world of nuclear capability through A.Q. Khan. And guess what. We are going to bite our nose off to spite our face. Now that we need Pakistan in dealing with this war on terror, we are going to sanction Pakistan, we are not going to cooperate with Pakistan, we are going to do nothing with Pakistan even though we acknowledge that might give greater sustenance to al-Qaida, bin Laden, the Taliban, et cetera.

Countries make hard choices. They are not neat and clean. I suggest if we are going to impose upon India a requirement to cease and desist with any military-to-military relationships notwithstanding they have common enemies and common concerns with Iran, as bad as Iran is, notwithstanding the fact that there is no evidence that they are promoting and/or giving the ability to support terrorism's greater thrust, notwithstanding the fact they have agreed to do everything they can to prevent Iran from becoming a nuclear power, if we are going to sanction them this way, I ask the rhetorical question: Why wouldn't the rest of the world sanction us for our relationship with Pakistan. And why are we cooperating with Pakistan? If anybody in the deal is not the ideal partner right now, it is Pakistan.

But what do we do? To steal a phrase from a former President that I often hear, comments we hear on CNN all the time, his comment always is ''you got to accept life in the world as you find it.'' I am paraphrasing a former President. I think it is close to a quote. We have to accept the world as we find it, make the best out of it, and promote our interest to the greatest extent. Sometimes it means we make less than perfect deals.

Had Chairman LUGAR been President Lugar, had Senator BOXER been Senator BOXER, had I been their Secretary of State, I believe I could have gotten a better deal than we got. But the fact is, we are where we are, as the old trade expression goes, and I believe the downside of rejecting this treaty is so much further down than any downside that flows from supporting this changed law allowing this to go forward. In that sense, it is not a close call.

I suggest to my friend, I think everything she says has merit in the abstract. But we are living in the world we live in now based on the parameters we are looking at. I think this amendment, which would kill the agreement, is not worth the candle because it would do that—not because it doesn't have underlying merit.

I yield the floor.

Mr. LUGAR. Do we have any time remaining on the opposition side?

The PRESIDING OFFICER. Two minutes.

Mr. LUGAR. I yield 2 minutes to the distinguished Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished chairman. Let me summarize by saying I visited Delhi in March right after the President had signed the historic agreements. I walked into a meeting of distinguished Indian officials asking if we could possibly confirm this treaty, this agreement.

I knew nothing about it, so I did a tremendous amount of quick work with our agency to check out what the dangers might be. They came back and they told me India was the one most least likely to engage in nuclear proliferation. They saw this as a tremendous opportunity for us to improve on our relations with a country that had for too long been in the Soviet/Russian sphere.

We have an opportunity to help them. They are a growing country. They have many needs. Civil nuclear power is the one most important thing they need because of their tremendous pollution problems. This enables us to help them reduce pollution. Not only are we interested in nuclear nonproliferation, we are interested in pollution nonproliferation. This moves us forward.

Beyond that, securing a close relationship with India is one of our most important steps toward developing a peaceful environment and prosperity in south Asia. This opportunity cannot be wasted.

This particular amendment, as has been stated, which is well-intentioned and reflects understandable concerns, is, nevertheless, a poison pill. Many countries have relations with Iran. We do not like them. But many of those countries with which we have good working relationships don't like our relations with Israel. We are not going to change our relations with Israel. We are not going to stop helping them. But we are going to continue to work with those countries.

As the Senator from Delaware has pointed out, we have relations with Pakistan and there are lots of questions about that. If we want to work with the Indians and develop a good relationship so they will not deal with Iran, the best thing we can do is to defeat these poison pill amendments and confirm the treaty so we will bring India and the United States together.

I urge my colleagues to oppose the amendments and to support the treaty.

I yield the floor.

Mrs. BOXER. How much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mrs. BOXER. I will try not to take the full time, but I want to respond to my colleagues.

The debate has been much ado about a very straightforward and simple

amendment. My amendment has nothing to do with the transfer of lethal weapons. My colleague Senator BIDEN talked about that. Nothing to do with that. My amendment, in the real world, I don't believe could be seen as a killer amendment. It is a simple amendment.

My colleague Senator BOND is right. He says a lot of other countries have relationships with Iran. No other country gets a deal like this where we give nuclear technology and there is absolutely no control on the number of bombs India could build. Experts tell us it could be as many as 50 a year. I don't think that makes the world safer.

But to help me with this treaty, to give my constituents a feeling that we are protecting them, at the least, say you are getting this deal, you are going to be able to build a lot of weapons with it, then cut off your military-to-military ties with the leading terrorist nation in the world—Iran—a nation that is at this very moment hurting our troops in the field in Iraq.

Now, my colleague Senator BIDEN, I agree with completely when he says—and I do believe this—Senator LUGAR, if President, would have cut a better deal. I could say Senator BIDEN, if President, could have cut a better deal, but we don't have a better deal. And I don't live in a world where you sit back and say, oh, too bad. This isn't about buying a piece of cake. We are not going to the store and buying a toy. It is about giving nuclear technology to a country that has, in fact, been called out by our own country because it has in the past transferred information about WMDs, nuclear weapons, missiles, to Iran. We have called them out on that. So why can't we ask them simply to stop these military-to-military programs they have with Iran?

Again, when we stand up and say, gosh, this is a killer amendment, they will walk away, it sounds weak to me. It does not sound as though we are the strongest nation in the world. Who would walk away from this deal? India is not a member of the NPT, not a signatory, and they are getting all this information from the United States of America on nuclear civilian technology, with no cap on the number of bombs they can build, and they are going to walk away from this because we simply ask them not to have military-to-military cooperation with the world's leading sponsor of terrorism?

I don't get it. So I think my colleagues have made this complicated when it is really very simple. We do this deal with India, the least they can do is cut off their military-to-military cooperation with Iran.

With that, Mr. President, I conclude my remarks. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I would inquire of the Chair if the existing order now calls for a 2-minute debate on the Feingold amendment prior to a rollcall vote on that amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Further, I would ask the Chair for clarification: Does the 2-minute debate then occur on the Boxer amendment, after the rollcall vote on Feingold?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Then, finally, an additional 2-minute debate before final passage of the bill, after the Boxer amendment is voted on?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I thank the Chair for that clarification.

Mr. President, I ask unanimous consent that—the first rollcall vote, we understand, is 15 minutes—the subsequent rollcall votes be 10 minutes each.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

Senator FEINGOLD is now recognized.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 5183

Mr. FEINGOLD. Mr. President, I would like to briefly recap what my amendment does and why I believe it is important for the Senate to adopt it.

The amendment is very simple. It will require the President to make determinations that nothing in the nuclear cooperation agreement he negotiates with India will contribute to India's nuclear weapons program. Both the United States and India have stated that expanding India's nuclear arsenal is not an objective of this agreement, and my amendment simply makes those claims binding.

The United States is prohibited under our current obligations in the Nuclear Non-Proliferation Treaty to directly or indirectly assist the nuclear weapons programs of other states. My amendment simply makes clear that the United States is actually abiding by its international commitments. It does not require the President to guarantee what India will do; he simply must certify that he is satisfied the agreement will not contribute to India's nuclear weapons program.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me, in brief response, say I understand the intent of the amendment. But the amendment uses the words, for example, ''India cannot use United States-origin equipment . . . ,'' ''India cannot replicate and subsequently use. . . .'' No one can certify they cannot. It is possible they could. The question is whether we are insisting that they not use it. We are insisting they are not using it, and we have built into this agreement a requirement on the part of the administration to look at whether they are, in fact, doing it.

So the question is not whether they can or cannot. Anything can happen. A President cannot certify it is not possible. That is what ''cannot'' says. But he can certify to the best of his knowledge it is not occurring. That is what we require. ''Cannot'' makes this a deal-breaker. No President could certify it. ''Cannot'' translates into ''it is not possible to replicate, it is not possible to . . . ,'' and no one can certify to that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will please call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 71, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—25

| | | |
|---|---|---|
| Akaka | Dorgan | Lincoln |
| Bingaman | Durbin | Menendez |
| Boxer | Feingold | Mikulski |
| Byrd | Feinstein | Obama |
| Cantwell | Harkin | Pryor |
| Clinton | Johnson | Reed |
| Conrad | Kennedy | Salazar |
| Dayton | Lautenberg | |
| Dodd | Leahy | |

NAYS—71

| | | |
|---|---|---|
| Alexander | Dole | Murray |
| Allard | Domenici | Nelson (FL) |
| Allen | Ensign | Nelson (NE) |
| Baucus | Enzi | Reid |
| Bayh | Frist | Roberts |
| Bennett | Graham | Rockefeller |
| Biden | Grassley | Santorum |
| Bond | Gregg | Sarbanes |
| Brownback | Hagel | Schumer |
| Bunning | Hatch | Sessions |
| Burns | Hutchison | Shelby |
| Burr | Inouye | Smith |
| Carper | Isakson | Snowe |
| Chafee | Kerry | Specter |
| Chambliss | Kohl | Stabenow |
| Coburn | Kyl | Stevens |
| Cochran | Landrieu | Sununu |
| Coleman | Levin | Talent |
| Collins | Lieberman | Thune |
| Cornyn | Lott | Vitter |
| Craig | Lugar | Voinovich |
| Crapo | Martinez | Warner |
| DeMint | McConnell | Wyden |
| DeWine | Murkowski | |

NOT VOTING—4

| | |
|---|---|
| Inhofe | McCain |
| Jeffords | Thomas |

The amendment (No. 5183) was rejected.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5187

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, I will be very brief. We are giving India a one-of-a-kind deal that no one else gets: civilian nuclear technology and no cap on the number of bombs they can build.

The least we can do is ask them to cut off their military ties with the biggest state sponsor of terrorism—Iran. Iran is building the IEDs that are killing our soldiers in Iraq. The least we can do is ask the President to certify that they have cut off military-to-military relationships with Iran.

Why is it important? Look at this Defense News: ''Indian Navy Trains Iranian Sailors.''

We know they have these ties. If we really believe we are doing something good, we should at least expect India to cut off military ties with the leading state sponsor of terrorism—Iran. I urge an ''aye'' vote.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, Iran is a critical challenge to the United States, our diplomacy, our global security, but in this very difficult environment the United States must cultivate a strong multilateral response to Iran's pursuit of nuclear weapons in support of terrorism.

I simply point out that India was the only member of the nonaligned movement to vote for referral of Iran to the U.N. Security Council for its illegal nuclear program. Holding India to a different standard than all of our other closest allies or nations with whom we engage in nuclear commerce does not appear to be a good way to secure their support.

Let me be very clear: If this amendment is adopted, the India nuclear agreement is kaput. This is it. This is a killer amendment, and I ask for Senators to vote no.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 5187. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—38

| | | |
|---|---|---|
| Akaka | Byrd | Coleman |
| Bingaman | Cantwell | Collins |
| Boxer | Clinton | Conrad |
| Dayton | Kyl | Reid |
| DeWine | Lautenberg | Salazar |
| Dorgan | Leahy | Santorum |
| Durbin | Lincoln | Schumer |
| Ensign | Menendez | Smith |
| Feingold | Mikulski | Snowe |
| Feinstein | Murray | Specter |
| Harkin | Nelson (FL) | Stabenow |
| Johnson | Obama | Wyden |
| Kennedy | Pryor | |

NAYS—59

| | | |
|---|---|---|
| Alexander | DeMint | Lugar |
| Allard | Dodd | Martinez |
| Allen | Dole | McCain |
| Baucus | Domenici | McConnell |
| Bayh | Enzi | Murkowski |
| Bennett | Frist | Nelson (NE) |
| Biden | Graham | Reed |
| Bond | Grassley | Roberts |
| Brownback | Gregg | Rockefeller |
| Bunning | Hagel | Sarbanes |
| Burns | Hatch | Sessions |
| Burr | Hutchison | Shelby |
| Carper | Inouye | Stevens |
| Chafee | Isakson | Sununu |
| Chambliss | Kerry | Talent |
| Coburn | Kohl | Thune |
| Cochran | Landrieu | Vitter |
| Cornyn | Levin | Voinovich |
| Craig | Lieberman | Warner |
| Crapo | Lott | |

NOT VOTING—3

| | | |
|---|---|---|
| Inhofe | Jeffords | Thomas |

The amendment (No. 5187) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NONPROLIFERATION CONSEQUENCES

Mr. OBAMA. Mr. President, I rise today to express my support for the United States-India Peaceful Atomic Energy Cooperation Act, S. 3709. As I have said before, I believe strengthening the relationship between our two nations is an important strategic goal and this legislation helps us take a dramatic step in this direction.

However, like many of my colleagues, I have concerns with potential nonproliferation consequences of this agreement. Much to my disappointment, the administration has done very little to address these concerns, instead, sending draft legislation to the Congress that was essentially a blank check.

The managers of the bill, Senators LUGAR and BIDEN, have done a tremendous job taking the administration's proposal and shaping it into meaningful, bipartisan legislation. The bill now before the Senate helps move us closer to India while addressing some key nonproliferation issues.

However, I remain concerned about the issue of nuclear testing. A decision by the Indian Government to conduct such a test could trigger an arms race in South Asia that would be extremely dangerous and destabilizing.

The good news is that the joint statement between President Bush and Prime Minister Singh of July 18, 2005 declared that India's unilateral moratorium on nuclear testing will continue. I take Prime Minister Singh at his word, but also believe in following President Reagan's mantra of ''trust but verify.''

To this end, I am wondering if the chairman will take a few moments to clarify a couple matters concerning this legislation. Is it the managers' belief that section 129 of the Atomic Energy Act, AEA, will apply prospectively to India—aside from the sections of the AEA that are explicitly amended by S. 3709?

Mr. LUGAR. Mr. President, the Senator is correct. Under our bill, the full force of section 129 would apply to any Indian detonation of a nuclear explosive device, any termination or abrogation of IAEA safeguards by India, and material violation of IAEA safeguards by India, all would result under section 129 in the termination of nuclear exports to India.

Mr. OBAMA. On a related note, is it the chairman's interpretation of the legislation that, in the event of a future nuclear test by the Government of India, nuclear power reactor fuel and equipment sales, and nuclear technology cooperation would terminate; other elements of the United States-India nuclear agreement would likely terminate; and the United States would have the right to demand the return of nuclear supplies?

Mr. LUGAR. Yes, under our bill, the only requirement which is waived is that in section 123.a(2) of the Atomic Energy Act of 1954, for full-scope safeguards. India's 123 agreement would still have to meet the requirement of section 123.a(4), which requires that in the event of a test by India of a nuclear explosive device the United States shall have the right to request the return of supplies as you have stipulated.

Mr. OBAMA. I offered an amendment that the managers have already accepted pertaining to the supply of nuclear power reactor fuel in safeguarded, civilian nuclear facilities. To further clarify this issue, is it the managers' understanding that provision of a fuel to the Government of India should be sized in a way to maintain a deterrent to Indian nuclear testing, while also providing protections against short-term fluctuations in the supply of nuclear fuel? In other words, is it your understanding that providing a fuel reserve to India is not intended to facilitate a resumption in nuclear testing?

Mr. LUGAR. Yes, that is our understanding.

Mr. OBAMA. Does the chairman believe that, as this agreement moves forward to the Nuclear Suppliers Group, NSG, the United States should work to ensure that other nations provide nuclear power reactor fuel in a similar fashion?

Mr. LUGAR. Yes, I hope that would be the case.

Mr. OBAMA. Finally, would the managers agree that section 105 of S. 3709 requires that the President determine, prior to exercising the waivers in section 104, that ''an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials . . . has entered into force,'' and that the

most logical approach, as U.S. officials have stated for the record, would be to use the IAEA INFCIRC/66, Rev. 2 agreement as the model for India's safeguards agreement?

Mr. LUGAR. My understanding is that the administration, the IAEA, and participating governments in the NSG have all stated that they would prefer that any new Indian safeguards agreement be modeled on INFCIRC/66 Rev. 2.

Mr. OBAMA. I thank the managers.

Mr. KENNEDY. Mr. President, I intend to oppose this legislation.

One of the many lessons of the tragedy of September 11 is that America's overarching national security interest is keeping nuclear material and weapons out of the hands of terrorists. Nothing is more important for our national security than achieving this goal.

The international nuclear nonproliferation regime flawed though it may be is our best hope of achieving this goal. While I believe America has a clear interest in strengthening our relationship with India, I do not believe it can, or should, be achieved by sidestepping nearly half a century of international nonproliferation agreements. In the long run, doing so will make America and the world more vulnerable to the perils of nuclear weapons.

One of the defining goals of my years in the Senate has been to support the important advances made by our country and the international community in limiting the perils of nuclear weapons across the globe.

President Kennedy considered the Limited Test Ban Treaty, which represented an early and historic advance in nuclear nonproliferation, as one of his greatest accomplishments. On signing the documents of ratification on October 7, 1963, President Kennedy said, ''This small step toward safety can be followed by others longer and less limited, if also harder in the taking. With our courage and understanding enlarged by this achievement, let us press onward in quest of man's essential desire for peace.''

Since that agreement, further progress was made with the Nuclear Non-Proliferation Treaty, NPT, the SALT and START agreements, as well as the Comprehensive Test Ban Treaty. These agreements although far from perfect are essential to limiting the spread and use of nuclear weapons. They are the bedrock of our effort to ensure that the world will never, ever again know the horrors of the use of nuclear weapons. They took years to negotiate and implement, and we must be exceedingly careful about dismantling or carving out exceptions to them for any country.

Supporters of this agreement argue that the international nonproliferation regime has not proved successful in every case—just look at Iran and North Korea. And I accept the premise of the administration's argument that the international arms control regime may need to be modified or adapted to fit current times, and that we need to find a way to address India.

However, we need to recognize that commitments under the NPT made by virtually every nonnuclear state play an essential role in assisting the international community in keeping a check on their nuclear programs. And, before we make significant changes to the nonproliferation regime, we must be absolutely confident that we are doing more good than harm and that we will be more likely not less likely to limit the spread of nuclear weapons across the globe. I do not believe that running roughshod over these agreements by carving out an exception for India is the way to achieve these goals.

General Brent Scowcroft cautioned that, ''I am concerned about a trend that we see reflected in the United States-India nuclear deal where we try to address proliferation risks by assessing the character of regimes and governments. Such an approach also opens up divisions among the world's nuclear powers, with each making a list of ''friends'' who can be trusted with nuclear technology and 'foes' who are dangerous risks.''

Further, Robert Gallucci, the Dean of Georgetown University's School of Foreign Service, pointed out that, if we do approve this arrangement with India, ''we will put at risk a world of very few nuclear weapon states, and open the door to the true proliferation of nuclear weapons in the years ahead.''

Certainly, there are some advantages to the nonproliferation regime under the proposed agreement. India would place a majority of its current and future civilian reactors under international safeguards. India has agreed to abide by the guidelines of the Nuclear Suppliers Group, and to abide by the Missile Technology Control Regime. India has agreed not to test another nuclear device and has indicated that it will work with the United States on concluding an international regime to stop the production of fissile material for nuclear weapons. These are definitely positive steps.

However, India will not sign the Nuclear NonProliferation Treaty and subject its military facilities to international inspection, and this remains a major concern. Until now, as part of an effort to limit the spread of nuclear weapons across the globe, international arms control agreements and U.S. law have required full international safeguards on civilian and military reactors before civilian nuclear energy could be provided. These requirements exist to ensure that by assisting a country's civilian program, we are not freeing up supplies for an unsafeguarded nuclear weapons program. Under this agreement, however, none of India's military reactors would be put under international safeguards, but it would receive civilian nuclear energy anyway. In other words, India will obtain the benefits of the NPT, without the obligations required by it.

Additionally, despite India's stated commitment to conclude an international agreement to cut off the production of fissile material—the essential component for making nuclear weapons—there is no timeframe for concluding such an agreement, nor is there any binding commitment for India to do so. United States, Russia, Great Britain, and France have agreed to a fissile material production cut-off for nuclear weapons, and India should as well. So we will knowingly permit a country to benefit from civilian nuclear energy cooperation and maintain an active, unsafeguarded program to construct, develop, and build nuclear weapons.

If we provide India with the benefits of nuclear nonproliferation agreements without requiring them to sign the NPT nuclear agreement or, at least, cease the production of fissile material for nuclear weapons, there would be significant and harmful consequences for our global nonproliferation efforts.

It will embolden Iran to flout the will of the international community. There could not be a worse moment to give India the green light to build weapons with the blessing of the United States and the international community. The Iranians see a clear double standard. As Iran's national security adviser said in March, ''The United States is imposing a contradictory theory of dual standards: though our NPT membership entitles us to access to nuclear science and technology, it claims that we will never have that right, whereas it cooperates with India, which does have the bomb but is not an NPT member.'' The Iranians will undoubtedly use the double standard of India in Iran's efforts to break the will of the international community to achieve its nuclear aims.

Former Senator Sam Nunn stated that ''the U.S. India deal will likely make it more difficult to get other nations to join us in stopping threatening nuclear programs in Iran and North Korea.'' Similarly, Zbigniew Brzezinski, points out that this deal ''will complicate the quest for a constructive resolution of the Iranian nuclear problem.''

Furthermore, this agreement will put the United States in the position of indirectly supporting an arms race in South Asia. If the Indians or the administration could assure us that India had agreed, like the United States, Russia, Great Britain, and France, to a fissile material production cut-off for nuclear weapons, the concern would diminish. We know that India currently has very limited uranium resources, which it now must dedicate to generating electric power. It is so short of uranium that it can only run its reactors at about two-thirds capacity. But that will change once India gains access to foreign uranium supplies for its civilian uses. The agreement would provide India with sufficient uranium to supply its civilian reactors, freeing up domestic supplies for military purposes. Former Senator Sam Nunn

warns that ''India will no longer be forced to choose whether its own limited uranium stocks should be used to support its civilian nuclear program or its nuclear weapons program.''

Some experts estimate that India could increase production from a handful of weapons a year to 50 or more, if it could use its domestic production for its weapons program. How will China and Pakistan react to India's increasing nuclear stockpile, as well as to the enhanced potential to produce fissile material as a result of this new cooperation? India states it only wants to build up its nuclear arsenal to the ''minimum credible deterrence'' level before it stops building nuclear weapons, but we don't really know what India is likely to do. How many more weapons will it need to reach that minimum credible deterrence? 50? 100? 500? Will Pakistan and China respond by building more weapons, too? Will the mad race for nuclear arms take on a life of its own, continuing to escalate with reckless abandon?

And what will happen with our other allies who are members of the nonproliferation regime? There is no doubt that the Nuclear Nonproliferation Treaty has played an essential role in the decisions of countries such as South Africa, Brazil, Argentina, and South Korea all allies of the United States—to stop pursuing their own nuclear weapons programs. But if we allow India to build nuclear weapons and enjoy civilian nuclear cooperation, will other U.S. friends and other countries in the future follow India's lead and demand the same? If we argue that the decision about India was based on trust, how on Earth will we be able to argue otherwise with these allies? They will accuse us rightly of having a double standard. I think we can all agree that the fewer the countries with nuclear weapons the better for U.S. national security, even if those aspiring countries are friendly toward the United States.

President Jimmy Carter said in March that ''there is no doubt that condoning avoidance of the NPT encourages the spread of nuclear weaponry. Japan, Brazil, Indonesia, South Africa, Argentina and many other technologically advanced nations have chosen to abide by the NPT to gain access to foreign nuclear technology. Why should they adhere to self-restraint if India rejects the same terms.''

And what will happen to the international supply of material to India if it does test another weapon? While I am reasonably confident that the United States would terminate supplying nuclear materials and technology to India, there is a question whether the international regime particularly the Nuclear Suppliers Group would cease cooperation. Once the door to cooperation is opened to India, it may be difficult to get other countries to agree to shut it again. The Indian press has suggested that if India tests again it would likely lose the United States as a supplier but would retain access to uranium from other sources. In fact, Indian Prime Minister Singh told his Parliament in August that if there were a disruption of uranium supplies to India, such as in result of India testing another device, that ''the United States and India would jointly convene a group of friendly supplier countries, Russia, France and the United Kingdom, aimed at restoring fuel supplies to India.'' This certainly should raise alarm bells. I know Senator OBAMA has tried to address that problem with his amendment to the Senate bill, but all should be asking whether we should open the international spigot if we are uncertain about whether we can shut it off.

Much has been made of the foreign policy benefit to America of this agreement, but I reject fully—the notion that America's relationship with India or the Indian American community—can or should be defined by this vote.

The United States and India have a multitude of ties, which are growing ever closer, ever stronger. In the last decade we have seen a dramatic improvement in bilateral relations.

India and America are the two largest democracies in the world. We share deeply held, common values, including respect for human rights, the rule of law, promoting peace, and prosperity in the world.

My family and I have long had an interest in India. My brothers—John and Bobby visited in 1951, and I am a friend of India. I work closely with the Indian-American community to address hate crimes, immigration, and other issues that affect their daily lives.

President Kennedy was right when he characterized India as a ''great and vital hope of democracy in Asia.'' He rightfully exclaimed that ''no thoughtful citizen'' could fail to recognize that India was a great and vital hope of democracy in Asia.

Today, India is the world's largest democracy and soon will be the world's largest country. It has one of the fastest growing economies and plays a leading role in global affairs.

The United States and India are seeking to improve trade and investment ties. We are cooperating in key areas such as agriculture, technology, energy, and the environment. India's green revolution came from America and proved essential to ending massive starvation in India. Today, our countries are cooperating on the next green revolution, to increase agricultural productivity and to help the environment.

Defense cooperation is increasing. Our militaries are conducting more joint exercises, India is purchasing more U.S. counterterrorism and defense equipment, and in June 2005, the United States and India signed a 10-year defense pact.

India, in recent years, has been the leader in sending students to study in the United States. Cultural links—whether food, movies, music or literature—are growing, too.

After September 11, the United States cooperated with India in dealing with international terrorism threats.

We are also working closely with India on public health threats, including HIV/AIDS and avian influenza.

Our relationship is strong today and will continue to grow. These ties can and should continue to grow regardless of this agreement because it is in the interests of both of our countries.

But we need to be realistic about the foreign policy benefits of this agreement.

Naturally, we want the Indian Government to work with the United States to advance our foreign policy objectives. But we need to be realistic enough to know that India will follow a foreign policy that suits its interest. We should not and cannot expect India to pursue a policy that diverges from its national interests or not to pursue a policy that is in its national interests.

Fortunately, India's national interests converge with ours on the vital national security issues. Neither country wants to see Iran acquire nuclear weapons and both are profoundly concerned by the terrorist threats. The tragic bombing in Mumbai in July where more than 200 people were killed by terrorists underscored to Indians that terrorism is a real and present danger.

But we would be fooling ourselves if we thought that concluding a nuclear cooperative agreement with India will make it adopt policies regarding China, Iran, or others in the region or the world that are contrary to its national interest.

Conversely, not concluding an agreement will not mean that India will forsake its national interests to spite the United States. India will not confront China or Iran or any other country merely because the United States asks it to do so. India will do so only if it is in India's national interests. This is independent of whether or not there is nuclear cooperation in place.

Further, many have suggested that the U.S. nuclear industry will benefit from this agreement with increased reactor sales to India. However, this is not the case. Neither the United States nor India has ratified an international agreement to limit the civil liability for nuclear reactors.

Until both nations agree to limit the liability, the U.S. nuclear industry will be hesitant to sell reactors to India. However, France and Russia have no such hesitations. Both have state-owned nuclear industries, so it is much less likely that victims of a nuclear reactor failure would be able to successfully sue for damages.

As we have seen at Three Mile Island, Chernobyl, and Bhopal, the liability exposure for such accidents can be overwhelming, resulting in thousands of deaths and radiation exposure for millions of people. Understandably, the U.S. nuclear industry is reluctant to

sell reactors to another country until their liability for such an accident is limited.

If we support this agreement without accompanying limitations on liability, we open the door for the French and the Russians to sell nuclear reactors to India but not for our own industry.

I also do not believe this is an issue the Congress should be voting on now.

President Bush is asking us to trust him that the risks of this agreement will not materialize and that additional benefits will follow—especially that India will cease fissile material production as a result of a new treaty.

But with so many details unresolved and much up in the air, I see a vote for this legislation, which will permanently change U.S. law, as giving the administration a blank check in concluding the negotiations with India on a nuclear cooperation agreement and with the terms of safeguard agreements with the International Atomic Energy Agency and revisions to the Nuclear Suppliers Group's guidelines.

Nuclear nonproliferation is too important to our national security to take unnecessary risks. We should wait until the whole package has been negotiated and until we have better answers to the questions I have raised about the implications of this agreement before we take this step; for once we take the step of carving up the international nonproliferation regime, it is no easy matter to return if we find out we have erred. This genie cannot be put back in the bottle.

I am particularly concerned that unpleasant answers will come out after we have voted on the legislation. In an action that was eerily reminiscent of the White House's decision to withhold until after the vote on the Iraq war North Korea's admission about its nuclear weapons program, the State Department delayed a report on proliferation with Iran until after the House had already approved this agreement. It turned out that there were two Indian companies on that report. Further, the administration kept quiet on Pakistan's constructing a nuclear reactor that could be used in a regional arms race, making India more likely to ramp up its production of fissile material, using the domestic production freed up by this agreement. And, as we learned this week, Ambassador Negroponte has not yet provided answers to the Foreign Relations Committee's questions on India's nonproliferation activities.

We have the time and we have the responsibility to get this right. Let's be sure of what we are getting ourselves into.

If it can be shown with enough confidence that India will take steps to become a full-fledged member of the nonproliferation community and has agreed to cut off production of fissile material, then I would certainly vote in favor of the cooperation agreement. Until then, I will be reserving my vote, looking for answers, and waiting to see the final agreement.

Mr. REED. Mr. President, today the Senate is undertaking an important debate on the India Agreement for Civil Nuclear Cooperation.

On July 18, 2005, President Bush and Indian Prime Minister Manmohan Singh signed an agreement to resume full civilian nuclear cooperation for the first time since India conducted its initial nuclear test in 1974. Such an agreement will require changes to U.S. law and accommodations with the international community.

The Atomic Energy Act of 1954 assures the proper management of source, special nuclear, and byproduct material. Several sections of the AEA are at issue in this agreement, so I would like to take a moment to explain the pertinent provisions.

Section 123 of the AEA limits the ability of the United States to enter into agreements with nonweapons states unless the agreement meets a minimum of nine criteria, including a requirement that the recipient country has in place an agreement with the International Atomic Energy Agency, IAEA, to safeguard in perpetuity nuclear material, equipment, and technology so that it will not be diverted for weapons use. This type of agreement is known as a ''full-scope safeguards'' agreement. A 123 Agreement is the precursor to any export license for the nuclear materials, equipment and technology.

Section 128 requires that any export license for nuclear materials, technology or equipment contain a requirement that the recipient nonnuclear weapons state maintain IAEA safeguards.

Section 129 of the AEA requires that any 123 Agreement or export license be terminated if the nonnuclear weapons state recipient detonates a nuclear explosive device, terminates, abrogates, or violates IAEA safeguards, or engages in activities that support development of a nuclear explosive device. Section 129 would also prohibit entrance into a section 123 Agreement with any nonnuclear weapons state that detonated a nuclear explosive device after 1978.

S. 3709, the bill we are considering today, establishes a mechanism whereby the President may submit a 123 Agreement for civil nuclear cooperation with India, a nonweapons state under the Nuclear Non-Proliferation Treaty, to Congress for approval. However, this bill would allow the President to waive certain requirements of section 123, section 128, and portions of section 129, as long as the President makes certain determinations that are set out in the bill.

India is the largest democracy in the world. Its economy is growing by 8 percent annually. Since the beginning of this century, United States-India relations on issues from trade to defense have been growing stronger each year. The United States also benefits from a large Indian-American population. Rhode Island is home to a vibrant Indian community who contribute greatly to the State. I believe that the United States should do all that it can to assist India and further strengthen the partnership between the two countries.

However, this agreement does raise significant concerns. I believe that proliferation of nuclear material is the greatest threat facing our country today. North Korea recently conducted its first nuclear test. Iran seems intent on pursuing a nuclear program. Even efforts to reduce the overall size of the U.S. and Russian nuclear weapons stockpiles have stalled. While there has been some small progress in reducing the number of deployed nuclear warheads there has been no progress in reducing the overall size of the U.S. nuclear weapons stockpile. There is great concern, therefore, that this agreement strikes a blow to what remains of the international nuclear nonproliferation regime.

I, too, would share that concern, if the Senate had adopted the bill the administration proposed. However, I believe that the Foreign Relations Committee, under the leadership of Senators LUGAR and BIDEN, who are certainly experts on these matters, have crafted a bill which, I believe, has sufficient safeguards. I think that they are trying to adapt the nonproliferation regime, not destroy it.

First, section 105 of this bill sets out a series of determinations the President must make in writing when he submits the 123 Agreement. I believe these determinations will both provide a reasonable equivalent of full-scope safeguards and address several other concerns with respect to the Indian nuclear program, including concerns that the agreement not facilitate or assist the Indian nuclear weapons program. For the most part, the determinations reflect what India has committed to do in the July 2005 joint statement.

Probably the most important of the determinations in section 105 is the fifth, which states, ''India is working with the United States to conclude a multilateral treaty on the cessation of the production of fissile materials.'' This determination breathes new life into efforts to achieve a Fissile Materials Cutoff Treaty, even driving the United States back to the negotiating table. Determination number 5 is the one single element in this bill that could prevent further growth in India's nuclear weapons stockpile and could lead to real reductions. In addition, this certification may also work to eliminate the impasse between India and Pakistan whereby neither wants to be the first to adopt a Fissile Material Cutoff Treaty.

Section 106 of S. 3709 would prohibit the export of equipment, materials and technologies related to uranium enrichment, spent nuclear fuel reprocessing, and the production of heavy water, unless the user is a multinational facility participating in IAEA approved reactor fuel program or the President

''determines that the export or reexport will not improve India's ability to produce nuclear weapons or fissile material for military uses.'' On several occasions administration witnesses clearly stated to the Foreign Relations Committee that the U.S. would not provide such technologies to India. As a result, it is not anticipated that the presidential exemption will be used.

Section 107 of the bill requires a program, which would include end-use monitoring conditions as appropriate, to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased and exported, or re-exported to India. This provision would enhance confidence in India's efforts to ensure separation of its civilian and military nuclear programs, facilities, materials and personnel and also further ensure U.S. compliance with Article I of the Nuclear Non-Proliferation Treaty.

S. 3709 also requires the President to provide the Senate Foreign Relations Committee and the House International Relations Committee with updated information regarding India's compliance with nonproliferation commitments. Specifically, it would require the President to keep these committees informed of any material violation of India's nuclear nonproliferation commitments, the construction of any nuclear facilities in India, any significant changes in India's production of nuclear weapons or fissile materials, or changes in the purpose or status of India's non-declared facilities. The bill also requires the President to submit an annual report on the implementation of civil nuclear commerce, India's compliance with its nonproliferation commitments, and U.S. efforts and progress toward achieving India's full participation in the Proliferation Security Initiative and adherence to the guidelines and policies of the Australia Group and the Wassenaar Arrangement.

It is important that this bill would waive section 129 applicability for any actions taken before July 18, 2005. If India detonated a nuclear device after the date of enactment the waiver authority would cease to be effective and the exports would be prohibited.

Another vitally important provision of S. 3709 is that it follows current law and requires Congress to have a vote to approve any final 123 Agreement. The House bill also has an approval process, but it is not clear if that process requires a vote. The administration had proposed that a 123 Agreement with India would only require congressional notification and a waiting period.

Because of the provisions I have just discussed, I believe I can support this bill. I would also note that passage of this bill is simply the first step on a long road. If this bill passes the Senate, it must be conferenced with the House bill, which has different provisions. If the conference report comes back with the Senate provisions weakened, or absent, I may be obligated to vote against that report.

Much more important is the substance of the 123 statement the President ultimately submits. I understand that this is an attempt to adapt the nonproliferation regime to a changing world. I will carefully examine any 123 Agreement to ensure that it adequately addresses vital proliferation concerns.

But at this first step, I have hope that this agreement will lead to greater cooperation on nonproliferation rather than less. With that hope, I will support S. 3709.

Mr. ALEXANDER. Mr. President, I am here to support the Lugar-Biden legislation that would implement changes in law necessary to secure our Nation's civil-nuclear agreement with India.

This is very important to our future for two reasons: No. 1, India is one of the great powers of the 21st century, and this agreement represents an important step toward a new strategic partnership between our two countries; and No. 2, nuclear power is a source of clean energy that is good for us, and it is good for India.

As we look at the beginning of this new century, we have witnessed the emergence of three great powers or influences in the world—three major shifts that will help define the many years to come.

One is the rise of China. One is the emergence of a new political Islam. And the third is the arrival of India as a great power.

I asked Secretary Rice about these three new forces shaping the coming century at the Foreign Relations Committee hearing on the United States-India Civil Nuclear Agreement, and she agreed with my assessment.

And if you look at those three emerging forces, one presents the greatest opportunity for us to be a partner, and that one is India: India, the largest democracy in the world; India, where English is an official language; India, where the legal system, like ours, is descended from that of the British; and India, where a diverse ethnic and religious population has joined together to form one nation with a democratic government. India.

I was fortunate to travel to India earlier this year with a group of Senators led by Senator ENZI. We went to look at what India is doing to improve its economic standing by improving its brainpower through better education and research and an emphasis on science and technology. And we saw a country that is rapidly advancing.

Both our President and this Congress, in a bipartisan fashion, are showing real vision by recognizing that in this new century there may be no more important two-country relationship than the one between the United States and India.

And we share an important strategic interest: we are facing the same sort of energy and environmental issues. India's needs are even more acute.

When I was there a few months ago, I was told that India hopes to bring online 50,000 MW over the next 10 years in order to meet demand.

That is an incredible figure. If each power plant has a capacity of 500 MW, that is 100 new power plants. And they are going to build them with us or without us.

The question for us is: What kind of power plants will they build? From an environmental perspective, the only technology that is ready to go, today, to provide large amounts of reliable power without emitting noxious gases into the air is nuclear power.

As new studies are emerging that India's air pollution and China's air pollution is also our air pollution because air pollution both deposits locally and moves around the globe and that their greenhouse gases cause just as much global warming as our greenhouse gases, then it is in our interest for India to build nuclear power plants rather than more dirty coal power plants that emit sulfur and nitrogen and mercury and carbon.

Seventy-two percent of India's electricity needs are currently provided by coal-burning plants. Gas provides 12 percent; oil, 2 percent; nuclear, 3 percent; hydro, 10 percent, and renewables, 1 percent.

This agreement won't radically shift those numbers overnight, but each new nuclear powerplant is a powerplant that is not emitting noxious gases into the air. It is one more powerplant that is not putting out sulfur or nitrogen or mercury or even carbon.

So, Mr. President, before us is legislation to implement the United States-India Civil Nuclear Agreement. This is not an agreement about nuclear weapons—it is about cooperation for nuclear power. This is an agreement that puts us on the path to a new strategic partnership with India—one of the three great rising forces in this new century. And this is an agreement that meets energy needs while being good for the environment.

I am glad that we have taken this matter up in a bipartisan manner and look forward to its passage today.

Mrs. CLINTON. Mr. President, today, the Senate has begun debate on S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act, which will help pave the way for our Nation to assist India in fulfilling its energy needs. I intend to vote in support of this legislation.

The United States and India are bound together by deep mutual respect and our common efforts to work towards a democratic, free, and secure world. As cochair of the Senate India Caucus, I have sought to strengthen the ties that bind our two nations.

The legislation that emerged from the Senate Foreign Relations Committee is a significant improvement over the implementing legislation put forward by the administration in March. The administration's initial proposal sought to undercut Congressional authority by asking us to effectively approve an agreement before it

had even been negotiated with India and before India had reached its nuclear safeguards agreement with the International Atomic Energy Agency, IAEA.

I carefully followed the Senate Foreign Relations Committee's consideration of this agreement. Senator RICHARD LUGAR, the Foreign Relations Committee chairman, and Senator JOSEPH BIDEN, the Foreign Relations Committee ranking member, are to be commended for the seriousness with which they exercised their jurisdiction over this legislation. Because of the efforts of Chairman LUGAR and Ranking Member BIDEN, the bill before us today is much improved. This legislation not only retains congressional prerogatives, but it also ensures that Congress will not have to vote to approve a final agreement until every single nation in the Nuclear Suppliers Group. NSG, the global regime given the charge for ensuring the responsible trade of nuclear technology, has agreed to permit the transfer of peaceful nuclear technology to India. By working through the NSG, we will help strengthen both that group, as well as the greater international nonproliferation regime that is center stage as we address the threats posed by the nuclear weapons programs of Iran and North Korea.

As India continues to grow stronger and to shoulder more of the responsibilities that come with being a leading nation in the world, we must continue to work towards greater cooperation with our Indian friends to deal with our common challenges in security, energy, economics, and health. I hope that this agreement is just one step on that journey that our countries, and our people, are taking together.

Mr. DODD. Mr. President, I rise today in full support of S. 3709. The passage of this bill and the ultimate conclusion of the U.S.-India nuclear agreement will be instrumental in bringing our countries closer together after decades of estrangement. This outcome is not just desirable but essential for U.S. national interests.

It is hard to overemphasize the importance of India's role in the world today. Not only is India one of the most populous countries and fastest growing economies in the world, it is also the world's largest democracy that has long demonstrated a commitment to pluralism and rule of law and a rich intellectual and civilization heritage.

I applaud the efforts of both the Clinton and Bush administration in strengthening our ties with India. Their efforts reflect the bipartisan spirit with which America extends its hand of friendship to India and the importance that it places in getting this relationship right.

The U.S.-India nuclear deal significantly benefits both our countries. It will help India meet its growing energy needs, fueling its economic growth and reducing the global demand and cost of fossil fuels. It will enhance U.S.-Indian technological and commercial cooperation with significant dividends for U.S. companies. And it will bolster our strategic partnership with India in Asia and beyond.

It also opens the window for greater oversight over India's civil nuclear program, drawing an important non-signatory to the Nonproliferation Treaty into the broader nonproliferation system. This is a positive step for the U.S. in controlling the spread of nuclear materials and weapons and gaining an important ally in that fight.

But the flip side of this coin is that we are doing business with a non-nuclear weapon state as defined by the NPT that does not have full-scope safeguards.

In doing so, the U.S. has overstepped domestic and international non-proliferation laws and norms. It has sent a signal that countries can pursue and test nuclear weapons, as India did in 1998, and wear out U.S. opposition. And it may trigger a low-level arms race between India and Pakistan as India's uranium reserves are freed up for diversion to its weapons program.

Moreover, at a time when we are trying to roll back North Korea and Iran's nuclear program, cutting a deal with India suggests that if you are on America's side, you can keep your nuclear weapons. Such double standards are detrimental to America's interests and image.

What we ultimately need is not a country-specific approach to civil nuclear cooperation but a criteria-specific one. India has agreed to meet some of these criteria but not all. Its nonproliferation record is infinitely better than that of its neighbors, but far from perfect.

For now, the bill that is before the Senate carves out an exception for India. As I said earlier, I will vote for this bill because I think our relationship with India is critical.

It is also important to highlight what should be one vital outgrowth of this relationship: halting the global production of fissile material that can be used in a nuclear device.

S. 3709 calls for U.S.-Indian cooperation in pursuit of a multilateral fissile material cutoff treaty. However, the reality is that negotiations on such a treaty at the Geneva Conference on Disarmament have long been at a standstill due to many factors. These include linkages that countries have imposed with issues such as the militarization of space.

The proliferation dangers of increased fissile material stockpiles are well understood. Yet the current approach has failed to stop production.

That is why the United States needs to sit down with India and the other key handful of countries that have produced and are producing fissile material, and make a hard push for an interim non-discriminatory moratorium on fissile material production that is applicable to this grouping of states. This moratorium would remain in effect pending the entry into force of a multilateral treaty.

The advantage of this new format is that it allows for a smaller, more relevant grouping with a singular agenda where the U.S. can immediately introduce proposals it has already drafted for discussion.

If we are to seriously address the nuclear challenges we face today, we need to break the deadlock in Geneva, think outside the box and focus on this issue like a laser beam. We simply cannot have countries churning out fissile material because it increases the chances of it falling into the hands of terrorists and the buildup of nuclear arsenals.

In this bill, the Senate calls for the President to make several determinations on whether India has taken certain steps before we can proceed with an agreement. The Senate must also set certain benchmarks for our own government and ensure that it is upholding its responsibilities as a global leader and a nuclear weapon state.

I can think of no better way of doing this than calling for fresh and meaningful negotiations on halting fissile material production. Moving in this direction will strengthen the U.S.-India nuclear deal and make it a catalyst for positive change in the nonproliferation system.

In the end, the goal should be a strong U.S. India relationship and a nuclear deal that provides momentum toward strengthening the nuclear nonproliferation system.

Mr. KERRY. Mr. President, last year President Bush and Indian Prime Minister Manmohan Singh ushered in a new era of cooperation between the United States and India on civilian nuclear energy. President Bush promised to seek the necessary changes in U.S. laws and policies to allow full cooperation and commerce in this area. In return, Prime Minister Singh has committed India to specific steps strengthening its adherence to various elements of the global nonproliferation regime. This agreement marks a historic milestone for U.S. relations with India, one of our most important friends, a natural ally, and a country that can be a close partner on a number of key issues including nuclear nonproliferation.

The legislation pending before us today is critically important because it sets the framework for Congress to consider a formal peaceful nuclear cooperation agreement with India under section 123 of the Atomic Energy Act. The Foreign Relations Committee passed this bill with strong bipartisan support shortly before the July 4th recess, and I hope the full Senate will follow suit. By passing this legislation, we will not only move the United States and India one step closer to energy cooperation but also send a clear message that a strong United States-India relationship is vital to both of our nations.

More and more, this bond is built on the bedrock of natural affinities—on

shared interests and shared values. And it is no wonder—our two countries are natural partners. We should be partners in the war on terror, in the spread of democracy, in religious tolerance, in advancing technology, and in bringing stability and balance to Asia. In the post-9/11 world, we share interests and we share threats. India after all sees more terror attacks every year than any other country.

For a long time, South Asians and Americans have been extremely close—thanks to so many families spilt between the two countries and such a vibrant Indian-American community here at home. But now at last our Governments are finally catching up to our people and bringing our countries together.

I have long believed that it is in the interest of the United States and India to expand our strategic relationship. In 1994 I took a trade delegation from my home State of Massachusetts to India. It was clear to me that Cold War tensions had created a gulf between our nations that didn't serve either country. I believed then that India could and should be a critical American partner in South Asia. My subsequent trips in 1999 and again earlier this year have only reinforced that view.

With its strategic location in South Asia and its experience in maintaining a stable and religiously diverse democracy—India has nearly 150 Muslim citizens—India can be an important partner on a range of issues, from combating the threat of terrorism and proliferation to promoting democracy and regional security. Cooperating on the civilian nuclear front can help move this essential partnership forward.

I know from my discussions in India this past January with Prime Minister Singh and his National Security Adviser that they want our help in meeting India's energy needs. This is crucial if India is to continue to expand its economy and increase its stature as a major regional and global power. And they see this nuclear initiative, as we do, as an important foundation for our bilateral relationship.

And everywhere I went, I kept hearing from political leaders and businessmen just how important they consider American investment in India's economic future—and not just in technology. India wants our help. They see this nuclear initiative as a cornerstone of economic development and sensible energy policy, and I see it as a great chance for our countries to work together.

Civil nuclear cooperation is in India's interest, but it is also in ours. That is why during my trip to India in January I was one of the first Senators to express my support for the civil nuclear initiative in principle. Since then, I have been committed to working with my colleagues to find a way to make this deal work for all our interests. I am pleased that we have accomplished that with the legislation approved by the committee.

Obviously, there are ramifications for our nonproliferation efforts because for the first time we are agreeing to engage in nuclear cooperation with a country that has a nuclear weapons program but is not a party to the Nuclear Non-proliferation Treaty or bound by its obligations. We cannot gloss over the fact that this is an unprecedented step. But it is not one taken lightly. I am convinced that this exception for India makes sense, despite its real costs, given India's record as a trustworthy steward of nuclear materials and technologies.

India can be an important ally in our global nonproliferation efforts, as demonstrated by their voting with us in the International Atomic Energy Agency to try to curb Iran's nuclear ambitions. And, of course, India is critical to any regional effort to cap fissile material production. India has made a number of positive commitments with respect to its nuclear program, such as separating its civil and military facilities, putting more of its civilian facilities under IAEA safeguards, and working with the United States to achieve a multilateral fissile material cutoff treaty.

I believe this bill we are considering today will encourage India to fulfill these commitments while still allowing for timely consideration by Congress of the bilateral nuclear cooperation agreement—the so-called section 123 agreement—when it is concluded by Indian and American negotiators. As I said when Secretary Rice testified before the committee on this deal in early April, it is critical for us to see the safeguards agreement that India reaches with the IAEA before taking action on the section 123 agreement between us and India. This bill ensures that we will. I am pleased that it includes my language clarifying that India's safeguards agreement with the IAEA must provide for safeguards ''in perpetuity,'' as India has said it would.

Arthur Vandenberg, a Republican Senator from Michigan, used to say that partisan politics ought to stop at the water's edge. Crafting this legislation was not easy, but I am pleased to say that we have thus far met Vandenberg's challenge. And we must continue to do so.

To reach agreement, we had to balance a number of critically important interests: building a strong and comprehensive relationship with India, furthering our global nonproliferation efforts, and protecting congressional prerogatives to act on nuclear cooperation agreements between the United States and other countries. I recognize that there are aspects of this legislation that some on both sides of the debate wish had come out differently, but on the whole, I believe the legislation the committee has sent to the Senate is a good-faith—and ultimately successful—effort to meet those needs.

One of the most important aspects of the balance in the bill before us is the requirement that Congress review the formal peaceful nuclear cooperation agreement with India, which must be submitted under section 123 of the Atomic Energy Act. The bill passed by the House includes procedures which would deny Congress a full right of review. Such an approach would undermine the balance we have struck in this bill. I believe it is essential that the Senate conferees insist upon the procedures in the Senate bill for the consideration of the 123 agreement. The Senate bill is a good bill, and our goal should be to enact as much of it as possible.

We have taken an important step forward for one of our most promising and important relationships in the years to come.

Mr. ROCKEFELLER. Mr. President, I rise to express my strong support for this bill.

The proposed agreement will mark a momentous change in U.S. and global nuclear policy, in my view for the better. It will give India due recognition as a global power, and it will deepen the bilateral commercial and strategic relationship that the United States enjoys with the world's largest democracy.

Beyond these commercial and strategic benefits, this deal will bring India into the mainstream of the global nonproliferation system for the first time in its nuclear history. This bill includes a number of nonproliferation-related provisions, including a requirement that the U.S.-India agreement will not enter into force unless and until India and the International Atomic Energy Agency negotiate and conclude an inspection agreement. It also includes a requirement that the U.S.-India agreement will not enter into force unless and until India and the IAEA negotiate and conclude a safeguards agreement. Further, it requires that the U.S.-India agreement will not enter into force unless and until the Nuclear Suppliers Group reaches consensus on nuclear trade with India and bans U.S. export of uranium enrichment and reprocessing technologies under any U.S.-India agreement.

This agreement will benefit the economic, strategic, and security interests of the United States, and I offer my strong support for it and congratulate my colleagues, Senator LUGAR and Senator BIDEN, for completing this important legislation.

Mr. MCCONNELL. Mr. President, I rise in support of S. 3709, the United States-India, Peaceful Atomic Energy Cooperation Act, legislation which will permit the United States to export nuclear material to India for peaceful purposes.

I applaud President George W. Bush and Secretary of State Condoleezza Rice for taking this bold, new and welcome approach to America's bilateral relations with India. For too long our relations with India and Pakistan have resembled a zero-sum game—by helping one nation, we have been perceived as hurting the other.

This agreement helps to liberate U.S. policy from this false choice; the United States can and should enjoy positive relations with both nations. This bill will broaden and deepen America's emerging strategic partnership with India.

This legislation is also part of a broader framework for the United States and India to work together on many issues, including energy, defense cooperation, anti-terrorism efforts and the promotion of democracy. S. 3709 will strengthen the world's security by expanding the reach of international non-proliferation efforts, and will increase transparency about India's civilian nuclear program.

In addition, this bill will boost America's energy security by helping India meet its growing energy needs with nuclear power. With a population over one billion, India has greatly increased the demand for energy, helping to raise energy prices on the world market. The more power India can get from other sources, the less Americans will have to pay for energy here at home.

This bill will also foster economic growth in America by opening up new opportunities for American companies to do business in India's civilian nuclear sector. By passing this legislation, my colleagues will help create new jobs for Americans and new markets for American firms.

I want to commend my good friend from the neighboring State of Indiana, Senator LUGAR, for his sponsorship of this bill and his successful shepherding of it through the Senate.

Mr. President, improving U.S.-Indian ties is long overdue. After all, America and India are the worlds two largest democracies. As President Bush continues to champion the spread of democracy abroad, it is entirely fitting that our two countries should continue to strengthen our strategic partnership, as a model for the world of what democracies can accomplish when they work together in peace.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the unanimous consent order provides for 1 minute on each side. I will forego my minute, but I would like to yield to the distinguished leader, who is here. He wants to make a comment.

Mr. FRIST. Mr. President, just for the information of my colleagues, this will be the last rollcall vote tonight. The plans will be on Monday, December 4, to be back in session, and in all likelihood we will not be voting until the late afternoon of December 5. Everybody stay posted. We will keep you apprised of the future plans.

Mr. LUGAR. Mr. President, we relinquish all time.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 5682, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 3709, as amended, is inserted in lieu thereof.

The question is on third reading of the bill.

The bill (H.R. 5682), as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—85

| | | |
|---|---|---|
| Alexander | Durbin | Murray |
| Allard | Ensign | Nelson (FL) |
| Allen | Enzi | Nelson (NE) |
| Baucus | Feinstein | Obama |
| Bayh | Frist | Pryor |
| Bennett | Graham | Reed |
| Biden | Grassley | Reid |
| Bond | Gregg | Roberts |
| Brownback | Hagel | Rockefeller |
| Bunning | Hatch | Salazar |
| Burns | Hutchison | Santorum |
| Burr | Inouye | Sarbanes |
| Cantwell | Isakson | Schumer |
| Carper | Kerry | Sessions |
| Chafee | Kohl | Shelby |
| Chambliss | Kyl | Smith |
| Clinton | Landrieu | Snowe |
| Coburn | Lautenberg | Specter |
| Cochran | Levin | Stabenow |
| Coleman | Lieberman | Stevens |
| Collins | Lincoln | Sununu |
| Cornyn | Lott | Talent |
| Craig | Lugar | Thune |
| Crapo | Martinez | Vitter |
| DeMint | McCain | Voinovich |
| DeWine | McConnell | Warner |
| Dodd | Menendez | Wyden |
| Dole | Mikulski | |
| Domenici | Murkowski | |

NAYS—12

| | | |
|---|---|---|
| Akaka | Conrad | Harkin |
| Bingaman | Dayton | Johnson |
| Boxer | Dorgan | Kennedy |
| Byrd | Feingold | Leahy |

NOT VOTING—3

| | | |
|---|---|---|
| Inhofe | Jeffords | Thomas |

The bill (H.R. 5682), as amended, was passed, as follows:

H.R. 5682

*Resolved*, That the bill from the House of Representatives (H.R. 5682) entitled ''An Act to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

***TITLE I—UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION***

***SECTION 101. SHORT TITLE.***

*This title may be cited as the ''United States-India Peaceful Atomic Energy Cooperation Act''.*

***SEC. 102. SENSE OF CONGRESS.***

*It is the sense of Congress that—*

*(1) strong bilateral relations with India are in the national interest of the United States;*

*(2) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;*

*(3) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;*

*(4) such commerce also represents a significant change in United States policy regarding commerce with countries not parties to the Nuclear Non-Proliferation Treaty, which remains the foundation of the international non-proliferation regime;*

*(5) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international non-proliferation regimes, including, in particular, the Guidelines of the Nuclear Suppliers Group (NSG); and*

*(6) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.*

***SEC. 103. DECLARATION OF POLICY CONCERNING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.***

*It shall be the policy of the United States with respect to any peaceful atomic energy cooperation between the United States and India—*

*(1) to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and other nuclear explosive devices;*

*(2) to achieve as quickly as possible the Government of India's adherence to, and cooperation in, the full range of international non-proliferation regimes and activities, including India's—*

*(A) full participation in the Proliferation Security Initiative;*

*(B) formal commitment to the Statement of Interdiction Principles;*

*(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and*

*(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C);*

*(3) to ensure that India remains in full compliance with its non-proliferation, arms control, and disarmament agreements, obligations, and commitments;*

*(4) to ensure that any safeguards agreement or Additional Protocol thereto to which India is a party with the International Atomic Energy Agency (IAEA) can reliably safeguard any export or reexport to India of any nuclear materials and equipment;*

*(5) to meet the requirements set forth in subsections a.(1) and a.(3)–a.(9) of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);*

*(6) to act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the multilateral Nuclear Suppliers Group and the rules and practices regarding NSG decision-making;*

*(7) given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, to work with members of the Nuclear Suppliers Group, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India;*

*(8) to maintain the fullest possible international support for, adherence to, and compliance with the Nuclear Non-Proliferation Treaty; and*

*(9) that exports of nuclear fuel to India should not contribute to, or in any way encourage, increases in the production by India of fissile material for non-civilian purposes.*

***SEC. 104. WAIVERS FOR COOPERATION WITH INDIA.***

*(a) WAIVER AUTHORITY.—If the President submits a determination under section 105 to the appropriate congressional committees and makes available to such committees the text of the agreement described in paragraph (3) of such section, the President may—*

*(1) subject to subsection (b), exempt a proposed agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection a.(2) of such section;*

*(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to exports to India; and*

*(3) waive the application of any sanction with respect to India under—*

*(A) section 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and*

*(B) section 129 of such Act (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.*

*(b) JOINT RESOLUTION OF APPROVAL REQUIREMENT.—An agreement for cooperation exempted by the President pursuant to subsection (a)(1) shall be subject to the second proviso in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) applicable to agreements exempted by the President pursuant to subsection (a) of such section.*

***SEC. 105. DETERMINATION REGARDING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.***

*The determination referred to in section 104 is a written determination by the President, which shall be accompanied by a report to the appropriate congressional committees, that—*

*(1) India has provided to the IAEA and the United States a credible plan to separate its civil nuclear facilities, materials, and programs from its military facilities, materials, and programs;*

*(2) India has filed a complete declaration regarding its civil nuclear facilities and materials with the IAEA;*

*(3) an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials described in paragraph (2) has entered into force;*

*(4) India and the IAEA are making substantial progress toward implementing an Additional Protocol;*

*(5) India is working with the United States to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices;*

*(6) India is supporting international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants;*

*(7) India has secured nuclear and other sensitive materials and technology through the application of comprehensive export control legislation and regulations, including through effective enforcement actions, and through harmonization of its control lists with, and adherence to, the guidelines of the Missile Technology Control Regime and the Nuclear Suppliers Group;*

*(8) India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions; and*

*(9) the Nuclear Suppliers Group has decided to permit civil nuclear commerce with India pursuant to a decision taken by the Nuclear Suppliers Group that—*

*(A) was made by consensus; and*

*(B) does not permit nuclear commerce with any non-nuclear weapon state other than India that does not have IAEA safeguards on all nuclear materials and all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere.*

***SEC. 106. PROHIBITION ON CERTAIN EXPORTS AND REEXPORTS.***

*(a) PROHIBITION.—*

*(1) NUCLEAR REGULATORY COMMISSION.—Except as provided in subsection (b), the Nuclear Regulatory Commission may not authorize pursuant to part 110 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.*

*(2) SECRETARY OF ENERGY.—Except as provided in subsection (b), the Secretary of Energy may not authorize pursuant to part 810 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology to be used for the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.*

*(b) EXCEPTIONS.—Exports or reexports otherwise prohibited under subsection (a) may be approved if—*

*(1) the end user—*

*(A) is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities; or*

*(B) is a facility participating in, and the export or reexport is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle; and*

*(2) the President determines that the export or reexport will not improve India's ability to produce nuclear weapons or fissile material for military uses.*

***SEC. 107. END-USE MONITORING PROGRAM.***

*(a) IN GENERAL.—The President shall ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India and to ensure United States compliance with Article I of the Nuclear Non-Proliferation Treaty.*

*(b) MEASURES.—The measures taken pursuant to subsection (a) shall include the following:*

*(1) Obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the Nuclear Regulatory Commission and the Department of Commerce and the authorizing authorities of the Department of Energy, including, as appropriate, conditions regarding end-use monitoring.*

*(2) A detailed system of reporting and accounting for technology transfers, including any retransfers in India, authorized by the Department of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)). Such system shall be capable of providing assurances that—*

*(A) the identified recipients of the nuclear technology are authorized to receive the nuclear technology;*

*(B) the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and*

*(C) the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.*

*(3) In the event the IAEA is unable to implement safeguards as required by an agreement between the United States and India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), arrangements that conform with IAEA safeguards standards, principles, and practices that provide assurances equivalent to that intended to be secured by the system they replace, including—*

*(A) review in a timely fashion of the design of any equipment transferred pursuant to the agreement for cooperation, or of any facility that is to use, fabricate, process, or store any material so transferred or any special nuclear material used in or produced through the use of such material and equipment;*

*(B) maintenance and disclosure of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred pursuant to the agreement and any source or special nuclear material used in or produced through the use of any material and equipment so transferred; and*

*(C) access to places and data necessary to account for the material referred to in subparagraph (B) and to inspect any equipment or facility referred to in subparagraph (A).*

*(c) IMPLEMENTATION.—The measures described in subsection (b) shall be implemented to provide reasonable assurances that the recipient is complying with the relevant requirements, terms, and conditions of any licenses issued by the United States regarding such exports, including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports.*

***SEC. 108. IMPLEMENTATION AND COMPLIANCE.***

*(a) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including—*

*(1) any material non-compliance on the part of the Government of India with—*

*(A) the non-proliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India;*

*(B) the separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006;*

*(C) a safeguards agreement between the Government of India and the IAEA;*

*(D) an Additional Protocol between the Government of India and the IAEA;*

*(E) a peaceful nuclear cooperation agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or any subsequent arrangement under section 131 of such Act (42 U.S.C. 2160);*

*(F) the terms and conditions of any approved licenses; and*

*(G) United States laws and regulations regarding the export or reexport of nuclear material or dual-use material, equipment, or technology;*

*(2) the construction of a nuclear facility in India after the date of the enactment of this Act;*

*(3) significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced; and*

*(4) changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.*

*(b) IMPLEMENTATION AND COMPLIANCE REPORT.—Not later than 180 days after the date on which an agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) enters into force, and annually thereafter, the President shall submit to*

*the appropriate congressional committees a report including—*

*(1) a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards;*

*(2) a comprehensive listing of—*

*(A) all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations;*

*(B) any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear non-proliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations;*

*(C) any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and*

*(D) with respect to each such license or other form of authorization described in subparagraphs (A), (B), and (C)—*

*(i) the number or other identifying information of each license or authorization;*

*(ii) the name or names of the authorized end user or end users;*

*(iii) the name of the site, facility, or location in India to which the export or reexport was made;*

*(iv) the terms and conditions included on such licenses and authorizations;*

*(v) any post-shipment verification procedures that will be applied to such exports or reexports; and*

*(vi) the term of validity of each such license or authorization;*

*(3) any significant nuclear commerce between India and other countries, including any such trade that—*

*(A) does not comply with applicable guidelines or decisions of the Nuclear Suppliers Group; or*

*(B) would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin;*

*(4) either—*

*(A) a certification that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced in subparagraphs (A) through (F) of subsection (a)(1); or*

*(B) if the President cannot make such certification, an identification and assessment of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including—*

*(i) the steps the United States Government has taken to remedy or otherwise respond to such compliance issues;*

*(ii) the responses of the Government of India to such steps; and*

*(iii) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India, if not already terminated under section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158), remains in the national security interest of the United States;*

*(5) a detailed description of—*

*(A) United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty;*

*(B) the reactions of India and Pakistan to such efforts; and*

*(C) assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the objectives in subparagraph (A), consistent with its obligations under international law and existing agreements;*

*(6) an estimate of—*

*(A) the amount of uranium mined in India during the previous year;*

*(B) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and*

*(C) the rate of production in India of—*

*(i) fissile material for nuclear explosive devices; and*

*(ii) nuclear explosive devices;*

*(7) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices; and*

*(8) a detailed description of efforts and progress made toward the achievement of India's—*

*(A) full participation in the Proliferation Security Initiative;*

*(B) formal commitment to the Statement of Interdiction Principles;*

*(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and*

*(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C).*

*(c) SUBMITTAL WITH OTHER ANNUAL REPORTS.—*

*(1) REPORT ON PROLIFERATION PREVENTION.—Each annual report submitted under subsection (b) after the initial report may be submitted together with the annual report on proliferation prevention required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)).*

*(2) REPORT ON PROGRESS TOWARD REGIONAL NON-PROLIFERATION.—The information required to be submitted under subsection (b)(5) after the initial report may be submitted together with the annual report on progress toward regional non-proliferation required under section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)).*

*(d) FORM.—Each report submitted under this section shall be submitted in unclassified form but may contain a classified annex.*

***SEC. 109. UNITED STATES COMPLIANCE WITH ITS NUCLEAR NON-PROLIFERATION TREATY OBLIGATIONS.***

*This title shall not be deemed to constitute authority for any action in violation of any obligation of the United States under the Nuclear Non-Proliferation Treaty.*

***SEC. 110. INOPERABILITY OF DETERMINATION AND WAIVERS.***

*A determination under section 105 and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this Act.*

***SEC. 111. MTCR ADHERENT STATUS.***

*Congress finds that India is not an MTCR adherent for the purposes of Section 73 of the Arms Export Control Act (22 U.S.C. 2797b).*

***SEC. 112. TECHNICAL AMENDMENT.***

*Section 1112(c)(4) of the Arms Control and Nonproliferation Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–486)) is amended—*

*(1) in subparagraph (B), by striking ''and'' after the semicolon at the end;*

*(2) by redesignating subparagraph (C) as subparagraph (D); and*

*(3) by inserting after subparagraph (B) the following new subparagraph:*

*''(C) so much of the reports required under section 108 of the United States-India Peaceful Atomic Energy Cooperation Act as relates to verification or compliance matters; and''.*

***SEC. 113. DEFINITIONS.***

*In this title:*

*(1) The term ''Additional Protocol'' means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540.*

*(2) The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.*

*(3) The term ''atomic energy'' has the meaning given the term in section 11 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(c)).*

*(4) The term ''dual-use material, equipment, or technology'' means those items controlled by the Department of Commerce pursuant to section 309(c) of the Nuclear Nonproliferation Act of 1978.*

*(5) The term ''IAEA safeguards'' has the meaning given the term in section 830(3) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(3)).*

*(6) The term ''nuclear materials and equipment'' has the meaning given the term in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(3)).*

*(7) The term ''Nuclear Non-Proliferation Treaty'' means 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 (21 UST 483).*

*(8) The terms ''nuclear weapon'' and ''nuclear explosive device'' have the meaning given the term ''nuclear explosive device'' in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)).*

*(9) The terms ''reprocessing'' and ''reprocess'' refer to the separation of nuclear materials from fission products in spent nuclear fuel.*

*(10) The term ''source material'' has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).*

*(11) The term ''special nuclear material'' has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).*

*(12) The term ''unsafeguarded nuclear fuel-cycle activity'' means research on, or development, design, manufacture, construction, operation, or maintenance of—*

*(A) any existing or future reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation with respect to which there is no obligation to accept IAEA safeguards at the relevant reactor, facility, plant, or installation that contains source or special fissionable material; or*

*(B) any existing or future heavy water production plant with respect to which there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom.*

***SEC. 114. UNITED STATES POLICY REGARDING THE PROVISION OF NUCLEAR POWER REACTOR FUEL RESERVE TO INDIA.***

*It is the policy of the United States that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.*

***SEC. 115. UNITED STATES-INDIA SCIENTIFIC COOPERATIVE THREAT REDUCTION PROGRAM.***

*(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, shall establish a cooperative threat reduction program to pursue jointly with scientists from the United States and India a program to further common nonproliferation goals, including scientific research and development efforts related to nuclear nonproliferation, with an emphasis on nuclear safeguards (in this section referred to as the ''program'').*

*(b) CONSULTATION.—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.*

*(c) NATIONAL ACADEMIES RECOMMENDATIONS.—*

*(1) IN GENERAL.—The Secretary of Energy shall enter into an agreement with the National*

*Academies to develop recommendations for the implementation of the program.*

*(2) RECOMMENDATIONS.—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—*

*(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and*

*(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.*

*(3) PUBLIC AVAILABILITY.—The recommendations and assessments prepared under this subsection shall be made publicly available.*

*(d) CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.*

## *TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION*

***SEC. 201. SHORT TITLE.***

*This title may be cited as the ''United States Additional Protocol Implementation Act''.*

***SEC. 202. FINDINGS.***

*Congress makes the following findings—*

*(1) The proliferation of nuclear weapons and other nuclear explosive devices poses a grave threat to the national security of the United States and its vital national interests.*

*(2) The Nuclear Non-Proliferation Treaty has proven critical to limiting such proliferation.*

*(3) For the Nuclear Non-Proliferation Treaty to be effective, each of the non-nuclear-weapon State Parties must conclude a comprehensive safeguards agreement with the IAEA, and such agreements must be honored and enforced.*

*(4) Recent events emphasize the urgency of strengthening the effectiveness and improving the efficiency of the safeguards system. This can best be accomplished by providing IAEA inspectors with more information about, and broader access to, nuclear activities within the territory of non-nuclear-weapon State Parties.*

*(5) The proposed scope of such expanded information and access has been negotiated by the member states of the IAEA in the form of a Model Additional Protocol to its existing safeguards agreements, and universal acceptance of Additional Protocols by non-nuclear weapons states is essential to enhancing the effectiveness of the Nuclear Non-Proliferation Treaty.*

*(6) On June 12, 1998, the United States, as a nuclear-weapon State Party, signed an Additional Protocol that is based on the Model Additional Protocol, but which also contains measures, consistent with its existing safeguards agreements with its members, that protect the right of the United States to exclude the application of IAEA safeguards to locations and activities with direct national security significance or to locations or information associated with such activities.*

*(7) Implementation of the Additional Protocol in the United States in a manner consistent with United States obligations under the Nuclear Non-Proliferation Treaty may encourage other parties to the Nuclear Non-Proliferation Treaty, especially non-nuclear-weapon State Parties, to conclude Additional Protocols and thereby strengthen the Nuclear Non-Proliferation Treaty safeguards system and help reduce the threat of nuclear proliferation, which is of direct and substantial benefit to the United States.*

*(8) Implementation of the Additional Protocol by the United States is not required and is completely voluntary given its status as a nuclear-weapon State Party, but the United States has acceded to the Additional Protocol to demonstrate its commitment to the nuclear non-proliferation regime and to make United States civil nuclear activities available to the same IAEA inspections as are applied in the case of non-nuclear-weapon State Parties.*

*(9) In accordance with the national security exclusion contained in Article 1.b of its Additional Protocol, the United States will not allow any inspection activities, nor make any declaration of any information with respect to, locations, information, and activities of direct national security significance to the United States.*

*(10) Implementation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representative to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.*

***SEC. 203. DEFINITIONS.***

*In this title:*

*(1) ADDITIONAL PROTOCOL.—The term ''Additional Protocol'', when used in the singular form, means the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna June 12, 1998 (T. Doc. 107–7).*

*(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.*

*(3) COMPLEMENTARY ACCESS.—The term ''complementary access'' means the exercise of the IAEA's access rights as set forth in Articles 4 to 6 of the Additional Protocol.*

*(4) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code.*

*(5) FACILITY.—The term ''facility'' has the meaning set forth in Article 18i. of the Additional Protocol.*

*(6) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.*

*(7) JUDGE OF THE UNITED STATES.—The term ''judge of the United States'' means a United States district judge, or a United States magistrate judge appointed under the authority of chapter 43 of title 28, United States Code.*

*(8) LOCATION.—The term ''location'' means any geographic point or area declared or identified by the United States or specified by the International Atomic Energy Agency.*

*(9) NUCLEAR NON-PROLIFERATION TREATY.—The term ''Nuclear Non-Proliferation Treaty'' means 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 (21 UST 483).*

*(10) NUCLEAR-WEAPON STATE PARTY AND NON-NUCLEAR-WEAPON STATE PARTY.—The terms ''nuclear-weapon State Party'' and ''non-nuclear-weapon State Party'' have the meanings given such terms in the Nuclear Non-Proliferation Treaty.*

*(11) PERSON.—The term ''person'', except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.*

*(12) SITE.—The term ''site'' has the meaning set forth in Article 18b. of the Additional Protocol.*

*(13) UNITED STATES.—The term ''United States'', when used as a geographic reference, means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—*

*(A) the territorial sea and the overlying airspace;*

*(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (41), respectively, of section 40102(a) of title 49, United States Code; and*

*(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).*

*(14) WIDE-AREA ENVIRONMENTAL SAMPLING.—The term ''wide-area environmental sampling'' has the meaning set forth in Article 18g. of the Additional Protocol.*

***SEC. 204. SEVERABILITY.***

*If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.*

### *Subtitle A—General Provisions*

***SEC. 211. AUTHORITY.***

*(a) IN GENERAL.—The President is authorized to implement and carry out the provisions of this title and the Additional Protocol and shall designate through Executive order which executive agency or agencies of the United States, which may include but are not limited to the Department of State, the Department of Defense, the Department of Justice, the Department of Commerce, the Department of Energy, and the Nuclear Regulatory Commission, shall issue or amend and enforce regulations in order to implement this title and the provisions of the Additional Protocol.*

*(b) INCLUDED AUTHORITY.—For any executive agency designated under subsection (a) that does not currently possess the authority to conduct site vulnerability assessments and related activities, the authority provided in subsection (a) includes such authority.*

*(c) EXCEPTION.—The authority described in subsection (b) does not supersede or otherwise modify any existing authority of any Federal department or agency already having such authority.*

### *Subtitle B—Complementary Access*

***SEC. 221. REQUIREMENT FOR AUTHORITY TO CONDUCT COMPLEMENTARY ACCESS.***

*(a) PROHIBITION.—No complementary access to any location in the United States shall take place pursuant to the Additional Protocol without the authorization of the United States Government in accordance with the requirements of this title.*

*(b) AUTHORITY.—*

*(1) IN GENERAL.—Complementary access to any location in the United States subject to access under the Additional Protocol is authorized in accordance with this title.*

*(2) UNITED STATES REPRESENTATIVES.—*

*(A) RESTRICTIONS.—In the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency or of the Mine Safety and Health Administration or the Occupational Safety and Health Administration of the Department of Labor may participate in the access.*

*(B) NUMBER.—The number of designated United States representatives accompanying IAEA inspectors shall be kept to the minimum necessary.*

***SEC. 222. PROCEDURES FOR COMPLEMENTARY ACCESS.***

*(a) IN GENERAL.—Each instance of complementary access to a location in the United States under the Additional Protocol shall be conducted in accordance with this subtitle.*

*(b) NOTICE.—*

*(1) IN GENERAL.—Complementary access referred to in subsection (a) may occur only upon the issuance of an actual written notice by the United States Government to the owner, operator, occupant, or agent in charge of the location to be subject to complementary access.*

*(2) TIME OF NOTIFICATION.—The notice under paragraph (1) shall be submitted to such owner, operator, occupant, or agent as soon as possible after the United States Government has received notification that the IAEA seeks complementary access. Notices may be posted prominently at the location if the United States Government is unable to provide actual written notice to such owner, operator, occupant, or agent.*

*(3) CONTENT OF NOTICE.—*

*(A) IN GENERAL.—The notice required by paragraph (1) shall specify—*

*(i) the purpose for the complementary access;*

*(ii) the basis for the selection of the facility, site, or other location for the complementary access sought;*

*(iii) the activities that will be carried out during the complementary access;*

*(iv) the time and date that the complementary access is expected to begin, and the anticipated period covered by the complementary access; and*

*(v) the names and titles of the inspectors.*

*(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided each time that complementary access is sought by the IAEA.*

*(c) CREDENTIALS.—The complementary access team of the IAEA and representatives or designees of the United States Government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the location before gaining entry in connection with complementary access.*

*(d) SCOPE.—*

*(1) IN GENERAL.—Except as provided in a warrant issued under section 223, and subject to the United States Government's rights under the Additional Protocol to limit complementary access, complementary access to a location pursuant to this title may extend to all activities specifically permitted for such locations under Article 6 of the Additional Protocol.*

*(2) EXCEPTION.—Unless required by the Additional Protocol, no inspection under this title shall extend to—*

*(A) financial data (other than production data);*

*(B) sales and marketing data (other than shipment data);*

*(C) pricing data;*

*(D) personnel data;*

*(E) patent data;*

*(F) data maintained for compliance with environmental or occupational health and safety regulations; or*

*(G) research data.*

*(e) ENVIRONMENT, HEALTH, SAFETY, AND SECURITY.—In carrying out their activities, members of the IAEA complementary access team and representatives or designees of the United States Government shall observe applicable environmental, health, safety, and security regulations established at the location subject to complementary access, including those for protection of controlled environments within a facility and for personal safety.*

***SEC. 223. CONSENTS, WARRANTS, AND COMPLEMENTARY ACCESS.***

*(a) IN GENERAL.—*

*(1) PROCEDURE.—*

*(A) CONSENT.—Except as provided in paragraph (2), an appropriate official of the United States Government shall seek or have the consent of the owner, operator, occupant, or agent in charge of a location prior to entering that location in connection with complementary access pursuant to sections 221 and 222. The owner, operator, occupant, or agent in charge of the location may withhold consent for any reason or no reason.*

*(B) ADMINISTRATIVE SEARCH WARRANT.—In the absence of consent, the United States Government may seek an administrative search warrant from a judge of the United States under subsection (b). Proceedings regarding the issuance of an administrative search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.*

*(2) EXPEDITED ACCESS.—For purposes of obtaining access to a location pursuant to Article 4b.(ii) of the Additional Protocol in order to satisfy United States obligations under the Additional Protocol when notice of two hours or less is required, the United States Government may gain entry to such location in connection with complementary access, to the extent such access is consistent with the Fourth Amendment to the United States Constitution, without obtaining either a warrant or consent.*

*(b) ADMINISTRATIVE SEARCH WARRANTS FOR COMPLEMENTARY ACCESS.—*

*(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For complementary access conducted in the United States pursuant to the Additional Protocol, and for which the acquisition of a warrant is required, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to such judge all appropriate information regarding the basis for the selection of the facility, site, or other location to which complementary access is sought.*

*(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—A judge of the United States shall promptly issue an administrative search warrant authorizing the requested complementary access upon an affidavit submitted by the United States Government—*

*(A) stating that the Additional Protocol is in force;*

*(B) stating that the designated facility, site, or other location is subject to complementary access under the Additional Protocol;*

*(C) stating that the purpose of the complementary access is consistent with Article 4 of the Additional Protocol;*

*(D) stating that the requested complementary access is in accordance with Article 4 of the Additional Protocol;*

*(E) containing assurances that the scope of the IAEA's complementary access, as well as what it may collect, shall be limited to the access provided for in Article 6 of the Additional Protocol;*

*(F) listing the items, documents, and areas to be searched and seized;*

*(G) stating the earliest commencement and the anticipated duration of the complementary access period, as well as the expected times of day during which such complementary access will take place; and*

*(H) stating that the location to which entry in connection with complementary access is sought was selected either—*

*(i) because there is probable cause, on the basis of specific evidence, to believe that information required to be reported regarding a location pursuant to regulations promulgated under this title is incorrect or incomplete, and that the location to be accessed contains evidence regarding that violation; or*

*(ii) pursuant to a reasonable general administrative plan based upon specific neutral criteria.*

*(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition, each warrant shall contain the identities of the representatives of the IAEA on the complementary access team and the identities of the representatives or designees of the United States Government required to display identifying credentials under section 222(c).*

***SEC. 224. PROHIBITED ACTS RELATING TO COMPLEMENTARY ACCESS.***

*It shall be unlawful for any person willfully to fail or refuse to permit, or to disrupt, delay, or otherwise impede, a complementary access authorized by this subtitle or an entry in connection with such access.*

***Subtitle C—Confidentiality of Information***

***SEC. 231. PROTECTION OF CONFIDENTIALITY OF INFORMATION.***

*Information reported to, or otherwise acquired by, the United States Government under this title or under the Additional Protocol shall be exempt from disclosure under sections 552 of title 5, United States Code.*

***Subtitle D—Enforcement***

***SEC. 241. RECORDKEEPING VIOLATIONS.***

*It shall be unlawful for any person willfully to fail or refuse—*

*(1) to establish or maintain any record required by any regulation prescribed under this title;*

*(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or*

*(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.*

***SEC. 242. PENALTIES.***

*(a) CIVIL.—*

*(1) PENALTY AMOUNTS.—Any person that is determined, in accordance with paragraph (2), to have violated section 224 or section 241 shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each violation. For the purposes of this paragraph, each day during which a violation of section 224 continues shall constitute a separate violation of that section.*

*(2) NOTICE AND HEARING.—*

*(A) IN GENERAL.—Before imposing a penalty against a person under paragraph (1), the head of an executive agency designated under section 211(a) shall provide the person with notice of the order. If, within 15 days after receiving the notice, the person requests a hearing, the head of the designated executive agency shall initiate a hearing on the violation.*

*(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the order imposed by the head of the designated agency shall constitute a final agency action.*

*(C) ISSUANCE OF ORDERS.—If the administrative judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 224 or section 241, the administrative judge shall state his findings of fact and conclusions of law, and issue and serve on such person an order described in paragraph (1).*

*(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative judge or the head of the designated agency shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.*

*(E) CONTENT OF NOTICE.—For the purposes of this paragraph, notice shall be in writing and shall be verifiably served upon the person or persons subject to an order described in paragraph (1). In addition, the notice shall—*

*(i) set forth the time, date, and specific nature of the alleged violation or violations; and*

*(ii) specify the administrative and judicial remedies available to the person or persons subject to the order, including the availability of a hearing and subsequent appeal.*

*(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative judge shall be the recommended decision and order and shall be referred to the head of the designated executive agency for final decision and*

*order. If, within 60 days, the head of the designated executive agency does not modify or vacate the decision and order, it shall become a final agency action under this subsection.*

*(4) JUDICIAL REVIEW.—A person adversely affected by a final order may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or in the Court of Appeals for the district in which the violation occurred.*

*(5) ENFORCEMENT OF FINAL ORDERS.—*

*(A) IN GENERAL.—If a person fails to comply with a final order issued against such person under this subsection and—*

*(i) the person has not filed a petition for judicial review of the order in accordance with paragraph (4), or*

*(ii) a court in an action brought under paragraph (4) has entered a final judgment in favor of the designated executive agency,*

*the head of the designated executive agency shall commence a civil action to seek compliance with the final order in any appropriate district court of the United States.*

*(B) NO REVIEW.—In any such civil action, the validity and appropriateness of the final order shall not be subject to review.*

*(C) INTEREST.—Payment of penalties assessed in a final order under this section shall include interest at currently prevailing rates calculated from the date of expiration of the 60-day period referred to in paragraph (3) or the date of such final order, as the case may be.*

*(b) CRIMINAL.—Any person who violates section 224 or section 241 may, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than five years, or both.*

***SEC. 243. SPECIFIC ENFORCEMENT.***

*(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions brought by the head of an executive agency designated under section 211(a)—*

*(1) to restrain any conduct in violation of section 224 or section 241; or*

*(2) to compel the taking of any action required by or under this title or the Additional Protocol.*

*(b) CIVIL ACTIONS.—*

*(1) IN GENERAL.—A civil action described in subsection (a) may be brought—*

*(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 224 or section 241 occurred or in which the defendant is found or transacts business; or*

*(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.*

*(2) SERVICE OF PROCESS.—In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.*

***Subtitle E—Environmental Sampling***

***SEC. 251. NOTIFICATION TO CONGRESS OF IAEA BOARD APPROVAL OF WIDE-AREA ENVIRONMENTAL SAMPLING.***

*(a) IN GENERAL.—Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.*

*(b) CONTENT.—The notification under subsection (a) shall contain—*

*(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;*

*(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and*

*(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.*

***SEC. 252. APPLICATION OF NATIONAL SECURITY EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.***

*In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—*

*(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;*

*(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and*

*(3) the United States—*

*(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or*

*(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.*

***SEC. 253. APPLICATION OF NATIONAL SECURITY EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.***

*In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—*

*(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapons state;*

*(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and*

*(3) with respect to the proposed use of environmental sampling, the United States—*

*(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving location-specific environmental sampling; or*

*(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.*

***SEC. 254. RULE OF CONSTRUCTION.***

*As used in this subtitle, the term ''necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party'' shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by—*

*(1) setting a good example of cooperation in the conduct of such sampling; or*

*(2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.*

***Subtitle F—Protection of National Security Information and Activities***

***SEC. 261. PROTECTION OF CERTAIN INFORMATION.***

*(a) LOCATIONS AND FACILITIES OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.*

*(b) INFORMATION OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No information of direct national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.*

*(c) RESTRICTED DATA.—Nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular ''Restricted Data'' as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).*

*(d) CLASSIFIED INFORMATION.—Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.*

***SEC. 262. IAEA INSPECTIONS AND VISITS.***

*(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.*

*(b) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.*

*(c) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.*

***Subtitle G—Reports***

***SEC. 271. REPORT ON INITIAL UNITED STATES DECLARATION.***

*Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to declare to the IAEA.*

***SEC. 272. REPORT ON REVISIONS TO INITIAL UNITED STATES DECLARATION.***

*Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration.*

***SEC. 273. CERTIFICATION REGARDING VULNERABILITY AND RELATED ASSESSMENTS.***

*Concurrently with the submission to Congress of the initial declaration list under section 271 and each list update under section 272, the President shall submit to Congress a report certifying that—*

*(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and*

*(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.*

***SEC. 274. REPORT ON EFFORTS TO PROMOTE THE IMPLEMENTATION OF ADDITIONAL PROTOCOLS.***

*Not later than 180 days after the entry into force of the Additional Protocol, the President shall submit to the appropriate congressional committees a report on—*

*(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and*

*(2) assistance provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations.*

***SEC. 275. NOTICE OF IAEA NOTIFICATIONS.***

*The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.*

***Subtitle H—Authorization of Appropriations***

***SEC. 281. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated such sums as may be necessary to carry out this title.*

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint conferees. S. 3709 is returned to the calendar.

Mr. LUGAR. Mr. President, the Senate has taken a historic step in approving the United States-India Peaceful Atomic Energy Cooperation Act. This is critically important. Passage of the bill takes one more important step toward a vibrant and exciting relationship between our two great democracies. I thank all Senators for their cooperation in completing the Senate's consideration in such a short period of time. I thank especially Senator BIDEN for his strong support and cooperation. This has been truly a bipartisan effort from the beginning until final passage. We are committed to continuing this effort through the conference process.

Before yielding the floor, let me publicly thank Tom Moore of the majority staff and Ed Levine of the minority staff. They have become experts on the United States-India Peaceful Atomic Energy and Cooperation Act. They have assisted the committee professionally and skillfully in helping craft the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to make some brief comments congratulating the chairman and ranking member.

I think this is a big deal. I think it will be seen as a big deal. I think it is an enormously positive step forward on our relationships.

I commend the chairman and ranking member and the leader for bringing up this topic. I believe this is going to help us cement the relationship back and forth with us and India. It is important that we do this. It will help environmentally and help energy-wise but, more importantly, I believe it will be a very important strategic relationship. This is a key movement forward. I hope we can move it forward through the conference committee. I hope we can get it to the President in short order and show India and the rest of the world this budding, growing, strengthening relationship back and forth.

I commend Chairman LUGAR for such insightful and supportive leadership on such an important topic.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as if in morning business.

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

## HONORING OUR ARMED FORCES

### SERGEANT FIRST CLASS ROBERT LEE ''BOBBY'' HOLLAR, JR.

Mr. CHAMBLISS. Mr. President, it is my honor and privilege today to pay tribute to Sergeant First Class Robert Lee ''Bobby'' Hollar, Jr. Sergeant Hollar served his country as a civilian and soldier and ultimately gave his life to protect our Nation. Sergeant Hollar served in E Troop, 108th Cavalry, 48th Brigade of the Georgia National Guard, and was deployed to Iraq in May 2005 in support of Operation Iraqi Freedom.

On September 1, 2005, an improvised explosive device struck Sergeant Hollar's vehicle while he was on patrol outside of Baghdad, and he died of severe injuries later that day. Sergeant Hollar is survived by his wife Amanda and two sons.

Throughout Sergeant Hollar's 10 years of courageous service in the U.S. Air Force, and during his service in Operations Desert Storm and Desert Shield, he was awarded numerous service and achievement medals. Also, Sergeant Hollar was posthumously awarded the Purple Heart and the Bronze Star.

Sergeant Hollar's duties in Iraq went beyond the daily routine of a soldier. Sergeant Hollar was a pen pal with the fourth grade class at Crescent Middle School in Griffin, GA. To these students, Sergeant Hollar was a real-life ''G.I. Joe,'' and his letters and visits with them have forever touched their lives.

When Sergeant Hollar wasn't on active duty, he lived with his family in Thomaston, GA, and was employed by the United States Postal Service as a postal carrier.

Sergeant Hollar made his community and Nation better through selfless dedication to his career in public service with the Georgia National Guard and the U.S. Post Office. I have been contacted by many members of his community, and I am proud to join in as part of their campaign to name the Thomaston Post Office in his honor, and to be an original cosponsor of S. 4050, a bill to designate the facility of the Postal Service located at 103 East Thompson Street in Thomaston, GA, as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''.

I believe this is a simple yet lasting, way to recognize Sergeant Hollar's service and sacrifice to our country.

(The remarks of Mr. CHAMBLISS pertaining to the submission of S. Res. 615 are printed in today's RECORD under ''Submitted Resolutions.'')

(The remarks of Mr. CHAMBLISS pertaining to the submission of S. Res. 617 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER (Mr. SESSIONS). The majority leader.

## MODIFICATION OF UNANIMOUS CONSENT ORDER

Mr. FRIST. Mr. President, I ask consent that the order with respect to the agriculture appropriations bill be modified to allow for the Senate to proceed at 2 o'clock on Tuesday, December 5, and for Senator CONRAD to be recognized following the statements of the two managers; further, that following the remarks of Senator CONRAD, Senator DORGAN be recognized to speak, and that following those comments, Senator LANDRIEU be recognized to speak for 10 minutes. It will be our intention to vote around 5 or 5:15 on that Tuesday and that will be the next vote.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the majority leader for putting this together. It has been difficult. We understand that. I very much appreciate his steadfast effort to make this happen.

On a bipartisan basis, many Senators in this Chamber appreciate very much the opportunity to bring disaster assistance to the Senate and to get a vote next Tuesday.

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

The Senator from Ohio.

## HONORING OUR ARMED FORCES

### SERGEANT MARK T. SMYKOWSKI

Mr. DEWINE. Mr. President, I rise today to pay tribute to an extraordinary young man who gave his life in

service to our Nation—Marine Sgt Mark T. Smykowski from Mentor, OH. On June 6, 2006, Sergeant Smykowski died when a roadside bomb exploded near his military vehicle in Fallujah, Iraq. He was 23-years-old.

Mark was an outstanding marine who had a true sense of compassion for others. He cared deeply for his family and friends, and they remember him as someone who struck a chord with everyone he met. Although Mark was only 23-years-old when he died, he unquestionably lived life to the fullest.

Mark grew up in Mentor, OH, graduating from Mentor High School in 2000. He was the oldest member of a group of young Marines known as the ''Mentor Seven.'' The seven of them were a close and tight-knit group, and all but one had skated together on the Mentor High School hockey team. Mark inspired his fellow marines from Mentor, and they in turn inspired him.

Friend, Brian Halan describes Mark as someone who was simply ''cut from a different cloth.'' He said:

> I'll always remember that no matter what we were doing, Mark could make the best of anything.

According to Jack Smeltz, Mark's hockey coach at Mentor High School, Mark was ''an example of what a young person should be, as far as appreciation of freedom and all it stands for.''

Mark's father, Bert, recalls that when it came time to get things done, no one was more diligent and focused than Mark. As a marine, he took the toughest assignments—paratrooper school and sniper school. And, after enlisting for a second time, he began training with a reconnaissance unit. Reconnaissance is one of the most difficult jobs in the military, involving scout swimming, helicopter and submarine insertion and extraction techniques, and assault climbing. But for Mark, it was just another challenge—and another opportunity to serve his Nation.

Those who knew Mark all agree that he was the model of what a marine should be. Fittingly, that is what he actually became—after boot camp he was selected to be a poster model for the Marines Corps. Naturally, his younger brothers teased him ruthlessly about it.

According to his mom, Mark was good looking—and knew it. During a career fair in high school, Diana saw two Marines recruiters. ''Couldn't you just see Mark in that uniform?'' she asked her husband, Ken. Apparently, Mark could because by the time Diana and Ken reached the table, he had already signed up.

Mark was so much more, though, than an outstanding marine and a handsome face. His compassion for others was unparalleled. He was simply one of those people who cares deeply and passionately about the needs of those around him. His comrades in Iraq recall the special bond he formed with Iraqis—particularly the Iraqi children. He became something of an ambassador and would distribute toys and clothes to the Iraqi children. His unit often joked that when it came time for the Iraqi elections, it would be Mark's name at the top of the ballot.

''Mark was one of those marines who cared about the impact he had on the people of Iraq,'' said 1LT Craig Q. Reese, Mark's platoon commander. ''I cannot count the number of times when I was with him when an Iraqi would recognize him from his last deployment and smile. I saw first hand the influence he had on this culture. He was truly attempting to make a difference.''

Mark's mother Diana has pictures of Mark with his arms around Iraqis, and one in which he is surrounded by almost 25 children. But, what she recalls most is a moment that she calls ''life changing.'' Worried about Mark's safety, she had demanded to know ''what the plan is over there?''

Mark's reply had been quiet and confident. ''This mission is going to take us years, Mom,'' he'd said. ''These people have been brutalized for years. We have to work with the children. We have to get the kids to trust us.''

Mark's friends gave him many nicknames—''Tango'' because he was tall and gangly and ''Jacks'' because he always wore a jacket of the Cleveland Lumberjacks, the city's International Hockey League team. But, perhaps the most meaningful name is the one given to him by the Iraqi children. To them, he was simply ''Mr. Ski.''

Throughout his time in Iraq, Mark was undoubtedly supported by his strong sense of faith. The last time Diana spoke with her son, she asked him if he were scared, and he said yes. She then asked, ''Mark, are you OK with God?'' He replied, ''Mom, you don't have to worry. I'm good to go with God.''

Mark will be missed by all who knew him. His friends and family repeatedly describe him as an extraordinary individual, who was so devoted to the Marines Corps. Pastor Tim Davis, speaking at Mark's memorial service, described him as ''a gentleman who loved his country and really believed in what he did.''

Mark's service to our Nation earned him many awards, such as the Navy and Marine Corps Achievement Medal with Combat Distinguishing Device, Combat Action Ribbon, and the Meritorious Unit Commendation. But, the highest honor he earned was the respect and admiration of those who knew him. Mark's life has truly been an inspiration for others. His younger brother, Darren, a Marine scout sniper, said, ''I always did everything he did and went everywhere he went.'' And just this past summer, Mark's younger brother Kenny followed in his footsteps and also enlisted in the Marines.

Indeed the world is a better place because Mark Smykowski was in it, and I am honored that I was able to attend his burial service at Arlington National Cemetery. He will forever be known for his sincere desire to help others, his willingness to act, and his dedication to his friends, family, community, and country.

I conclude with the words of Mark's close friend, Matthew Neath:

> I know if he had to do it all over again, regardless of the outcome, he wouldn't change a thing.

My wife Fran and I will continue to keep Mark's family in our thoughts and in our prayers.

PRIVATE FIRST CLASS TIMOTHY J. HINES, JR.

Mr. President, this evening I rise to remember a brave young man, who gave his life in service to our Nation—Army PFC Timothy J. Hines, Jr., from Fairfield, OH. Private First Class Hines was wounded on June 19, 2005. He was riding in a military vehicle when a roadside bomb exploded near his convoy in Baghdad, Iraq. Severely injured, he was transferred to the Walter Reed Army Medical Center in Washington, DC, for treatment. Tragically, he passed away from his injuries a month later on July 14, 2005. He was 21 years of age at the time.

Growing up in Fairfield, Tim, as he was known by friends and family, came to love two things: basketball and Katy Wessel. He and Katy met while they were both high school freshmen at Cincinnati Christian School. Katy's father Jim remembers that when he first met Tim, he could immediately tell that the boy was ''smitten'' with his daughter. In Jim's words, that made Tim ''public enemy number one.''

But, that didn't stop Tim. Before long, he and Katy were high school sweethearts. And Jim, himself, came to view Tim as a friend and as a son.

Tim graduated from Cincinnati Christian School in 2002. Headmaster Wayne Beaver remembers that he was always positive—someone whose ''classmates all liked him.'' Tim and Katy got married after graduation, and Tim then enlisted in the Army in 2003. He was assigned to the 720th Battalion, 89th Military Police Brigade, 64th Military Police Unit, based in Fort Worth, TX.

Tim's unit shipped out to Iraq in February 2005. Although he found it hard to leave his family and friends, he knew he was doing the right thing. According to Katy, ''he knew the obligation he had to his country.''

Indeed, Tim was a soldier devoted to his mission and to our Nation. But, he also joined the Army out of a desire to protect those whom he loved. In the words of a sergeant in Tim's unit:

> I knew that I'd come upon a special soldier with great potential, whose character and values were rooted in his love of his family, god, and friends. I believe he wanted to go to Iraq not out of duty, but out of love for others.

Tim's twin sister, Jenni, remembers that he was a great brother and friend—someone who was always looking out for her. And that is also what Tim was doing as a soldier—looking out for his friends, his family, and his country. His service to our country

earned him the Bronze Star, the Purple Heart, and the Army Good Conduct Medal.

Those who knew Tim remember him as someone who always wanted to make others laugh. His wife Katy says that he packed a lot of love into his life and simply had a spark that drew people close to him. In photos, you can see he was always smiling or trying to make someone else smile.

Tim enjoyed playing basketball. It was a passion he shared with his best friend, Tim Hester. While in Iraq, Tim would e-mail Hester about the one-on-one games they would play when he returned. Hester describes Tim as someone who was funny, kind, and loving. He said:

> Tim was always making people laugh. He was always joking around. That was one of my favorite parts about Tim. We could always just joke around. But, we also had serious times together. You know, when things were going wrong, we were there for each other.

Tim's father-in-law says it was a treat to watch Tim with the family he loved so much. He said:

> Timothy James Hines, Jr. was a true hero. He's my hero. His faith in God, his dedication to his family, his love of life, his courage and strength, and his service to his country have profoundly and forever impacted me.

Even in Tim's darkest hour, he was thinking of his family first. His mother-in-law Kathi tells the story of when Tim was wounded in Iraq:

> A buddy who stayed with him while they waited for help said all he talked about was [his wife] Katy, [his 2 year-old daughter] Lily, and the coming baby. He's very devoted to his family. He's the kind of young man any mother would want her daughter to marry.

Tragically, Tim died before the birth of his son, Noah.

As Ohioans have done so often in the past, the community has rallied around Tim's family, offering comfort and support. More than 400 mourners attended his funeral to pay their respects to this fallen soldier. And an anonymous donor gave a full scholarship to Cincinnati Christian School, Tim and Katy's alma mater, for the education of their children.

I would like to share with my colleagues the words of Army BG Patrick O'Reilly, who spoke at Tim's funeral. This is what he said:

> It's soldiers like Timothy Hines who serve and guard our way of life. But, it's not just the soldier who pays the price for freedom. The families also give so much, and you too have sacrificed.

I would also like to share what Tim's wife Katy has said about her husband—truly the love of her life:

> Tim was a fighter. He fought hard for his country, family, and ultimately, his life. He was a loyal husband and father and an incredible American. There is a price for freedom, and Tim paid the ultimate price. Now he is in the loving arms of God.

I am honored that I had the opportunity to attend Tim's funeral, where his family and friends talked about his warmth, his humor, and his desire to protect those he loved. He was a man we all aspire to be—someone devoted to his family, his community, and his country. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

LANCE CORPORAL WILLIAM BRETT WIGHTMAN

Mr. President, this evening I rise to honor a fallen hero who gave his life during Operation Iraqi Freedom—LCpl William Brett Wightman, from Sabina, OH. He died on August 3, 2005, when a roadside bomb exploded under his military vehicle in Iraq. He was 22 years of age at the time.

Brett—as he was called by family and friends—was a true example of what it means to be a ''hometown hero.'' Sabina is a small village in Clinton County, OH, not too far from my home. The high school Brett attended—East Clinton High School—is carved out of surrounding fields, fields of farmland. Brett will never be forgotten there. He was prom king, a star on the basketball and track and field teams, and captain of the school's football team, the Astros. He played fullback. He wore No. 44.

Everyone who knew Brett agrees that he died doing what he wanted to do—serving our Nation. Becoming a member of the military had been his dream ever since he was a little boy. Brett's aunt Missy said that Brett ''would play with those G.I. Joes and he'd say 'I'm going to grow up and be one of those guys.' All of his life, that's all he would talk about.''

Brett joined the Marines while he was still a junior in high school—young enough that he needed his parents to come with him to enlist and give their permission. The Reserves unit Brett served with was Lima Company—Marine Force Reserve's 3rd Battalion, 25th Marine Regiment, 4th Marine Division, based in Columbus, OH. Their story, of course, is one that I have talked about on this Senate floor before and one that has touched hearts in Ohio and all across our country. On the day Brett died, 13 other men in his unit died alongside him. It was a tragedy felt by the entire State, and by our Nation.

Family members said Brett was proud of being a marine and was planning to reenlist. His goal was to rise to the very top of the service. As his stepsister Stephanie Finley said:

> When I talked to him a month ago, he said he loved what he was doing. He said he would go back if he had to.

According to his mother, Pam, she received a letter from her son that she will cherish forever. In it, he described finding a child while searching Iraqi houses for material to make improvised explosive devices. The child was chained to the wall, and it was Brett and his fellow marines who rescued him. It was a day of the utmost importance for Brett, and this is how he described it:

> One of the kids was chained up to a wall by his ankle with a dead lock. He looked like he had been there for months. If anyone tells you we shouldn't be over here they should have seen how happy this kid was when I cut him loose.

After signing his letter, Brett wrote ''P.S.—Hang in there.'' This was typical of Brett, according to his family. Even while serving his country overseas, he was more concerned about others than himself. Brett's friends and former teammates describe him as a person who would do anything for you. His stepsister Stephanie said:

> It didn't take Iraq for him to be a hero to me. He'll always be my hero.

Brett was committed to the Corps and the other marines in his unit. While serving in Iraq, he received the news that his grandmother had passed away. Although deeply saddened, Brett wrote that he would have to wait to take the time to grieve. In his words, he had ''to watch out for my Marines.'' According to his mother, this letter encapsulated everything that Brett was about. ''He would do anything for anybody at any time,'' she said.

Brett's father, Keith, agreed:

> Things like that just make you feel that your child has grown up to be responsible,'' he said. ''He did what he had to do. Not many kids his age take on the responsibilities of the world. Every man and woman in the service is taking that on.

Brett's Aunt Missy said that Brett's life ''was just beginning, with a lot of ambition and a lot of hope. Unfortunately, it's been cut short . . . [but] we know that he [was] happy, doing what he wanted to do all his life.''

Mr. President and Members of the Senate, Brett's death was truly a loss for the entire Sabina community, the entire Clinton County community. In a local bar named The Crow Bar, a lone can of beer stands on a shelf. ''This beer is for Brett,'' reads an attached sign.

Before his Reserve unit was activated, Brett was working as a carpenter for a local home construction company. He was close to his coworkers, one of whom was a fan of Michigan-Ohio State's football team. Before a Michigan/Ohio State game, Brett made a bet with him that the Buckeyes would win. They did win, and Brett enjoyed his winnings—the privilege of frying his friend's Michigan shirt on the grill.

Barb Howard is the mother of one of Brett's hometown friends. She remembers Brett and other neighborhood youngsters lounging around her house after their pee-wee sports games, eating food and watching movies. This group of boys remained friends while playing high school sports, and Brett became like a son to her. ''It's like a piece of you is gone,'' Barb reflected.

Justin Stewart plays football for the Astros. He said he had admired Brett ever since the third grade, when the older Brett would help him with his pee-wee football drills. ''I am proud of him,'' Justin said. ''I am just happy he was over there fighting.''

As captain of the East Clinton football team, Brett was more than a supportive teammate—he was a leader

with responsibility. This focus on teamwork and this commitment to helping others explain Brett's desire to become a marine, and also explains what kind of marine he became.

Brett's funeral was on the football field at East Clinton High School, and over 1,000 mourners attended to salute the young marine. Rev. Carey Hilterbran, who had known Brett since he was a boy, assured the crowd that it was not a day for sorrow—Brett had died living his dream. ''[Brett] wasn't afraid,'' he said. ''He had a good mindset, and he knew what he wanted to do.'' While Reverend Hilterbran was speaking, the members of the Astros football team—wearing their red and white jerseys—stood silently at attention.

Schuyler Streber was one of Brett's football teammates. In his words, the world is going to be a lesser place without Brett Wightman in it. Standing on the East Clinton football field, Schuyler said that ''sometimes you want to laugh because of some of the things we did out here together, and [sometimes] you want to cry because of the more emotional times. And to think I'm here right now and he's not—that's something that's hard to face. . . . We'll all miss him very much.''

Duane Richard is a young artist who did not personally know Brett Wightman. But he was so moved by the young Marine's sacrifice that he painted a 30-foot-wide mural of Brett on the side of Duane's parents' barn. He lined the image with 13 American flags—one for each of the Lima Marines killed during the roadside bombing. The barn is along Snow Hill road in Sabina, and people stop everyday to gaze at the mural and take pictures.

The artwork reflects Brett's honor and courage, as well as the great respect that his fellow Americans have for his sacrifice. In Duane's words, Brett was a ''true American hero.''

Brett Wightman put his life on the line to preserve the freedoms that we Americans hold dear. He cherished hometown values and the importance of helping those around him. His family and friends will never forget him. ''Brett will never be in the past,'' as his mother Pam so beautifully said.

Indeed, Brett will never be forgotten. My wife, Fran, and I continue to keep Brett and his family in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, those were three of the most beautiful tributes I have heard any of our colleagues give about the men and women who have died in service to this country. It was truly a testament to the strength of the Senator from Ohio, his caring and compassion for the people of Ohio that he and his team would take the time to compile such beautiful memories of these three young men and to share them with us in the CONGRESSIONAL RECORD as he did. I thank him for those beautiful tributes.

## ROYALTY RELIEF

Ms. LANDRIEU. Mr. President, I rise to speak about amendment No. 5189 that is pending to the Agriculture Appropriations bill.

According to the unanimous consent agreement entered into a few moments ago, when we return in December we will take up an amendment by Senator CONRAD and I will have time after that amendment to speak again about this issue. It is an issue that I believe we have an opportunity to resolve before this Congress comes to an end. According to the schedule we are operating under, we only have a few more weeks to get our work done. There is a great deal of work that has to be done and a few things that can in fact be done on a bipartisan basis. This is one of them.

Both leaders have expressed their commitment to helping the Senate resolve the issue of expanded offshore drilling so we can provide more oil and gas for a country that is running short.

Four States—Louisiana, Texas, Mississippi, and Alabama, America's energy coast—have been proudly hosting this industry for over 60 years. We have contributed literally billions of barrels of oil, trillions of cubic feet of gas, and much money from the royalties paid has gone to the Treasury. But this is a problem we have to solve. It goes back to the 1998–1999 lease arrangements entered into by Minerals Management. This has been widely reported. It has also been the subject of several hearings in the Senate and the House.

Very simply, the Department made a series of mistakes. Those mistakes are being looked at to determine how and when and under what circumstances. But the fact is, although all the facts are not out yet, we do know that a serious mistake was made. When these contracts were entered into, there was no price threshold in them. When my predecessor Bennett Johnston wrote the Royalty Relief Act, which he did with some of his colleagues, it was always intended to be an incentive if the price of oil was low. At the time the bill was written, the price of oil was $17 a barrel. We wish that were true today. But it was true back in the early to mid-1980s, when this bill was written.

As the process went on and these leases were entered into, the price threshold was left out. So now the price of oil is $70 a barrel, or it has been recently, and what happened was, because the thresholds were not in there, the companies didn't have to pay royalties. The bottom line is, we have lost to date $1.3 billion. It is estimated that we could lose as much as $10 to $12 billion; that is, the Federal Treasury.

My amendment has already been filed. If the Senate agrees to the amendment, it will fix that situation without violating contracts. We have established a way for Minerals Management to basically renegotiate the contracts. The taxpayers could then recover that money, and a portion of the money would then be used for the coastal restoration efforts so desperately needed in Texas, Louisiana, Mississippi, and Alabama in the next few years. If this amendment is passed, coupled with the bill we have already passed, we will have some immediate funding to begin the project of saving our wetlands and securing the energy infrastructure that is a tremendous asset to the Nation. This isn't just about helping Louisiana, Texas, Mississippi, and Alabama. This is about protecting a great coastal wetland that came under tremendous challenge with Katrina and Rita and will come under challenges again. We most certainly can recover this money, $11 billion, that does belong to the taxpayer. It was a mistake, a very bad mistake that was made. We can recover some of that money and most of it can go to deficit reduction. If anyone hasn't noticed lately, we have quite a deficit to tackle. Some of this money could go to deficit reduction, and some of it could go to the States under a program already authorized, already supported in a bipartisan way, already in the law, called the OCS Program where this money would be directed.

I thank my colleagues for allowing me to speak tonight. I have filed the amendment so Members could consider it on our break through the holiday and come back and try to restore this money to the Treasury, help take the deficit down, and let's get started saving these wetlands and protecting the coast which is so vital to the economic future of the Nation.

I thank my colleagues for their patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

Mr. DURBIN. I thank the Senator from Louisiana. I hope the people of her home State are watching carefully. Senator LANDRIEU, even before Hurricanes Katrina and Rita, worked very hard for her State. But since then, it has been nonstop. She is not the only one. There are many elected officials who are doing everything they can to help the families and businesses and others who were devastated. But I commend her to be here so late at night speaking up for her State again. I hope she is successful with her amendment which would bring resources to her State that are badly needed as post-Katrina construction continues.

## SENATOR MIKE DeWINE

Mr. DURBIN. Mr. President, a few moments ago, our colleague from the State of Ohio, Senator MIKE DEWINE, gave tribute to three Ohioans who lost their lives in Iraq. I listened to these carefully and I hope others did as well. They were beautiful life stories, beautifully written, beautifully spoken by

the Senator. I went up to him afterwards and asked him how many Ohioans had lost their lives in Iraq. He said the number was 140. He has given 90 tributes on the floor and hopes before he leaves the Senate in a few weeks to finish the last 50. He is determined to get it done as a tribute to these families. He said: It is about all we can do, isn't it? He is right. It says a lot about MIKE DEWINE, a lot that many of us already knew.

I came to Congress with MIKE in 1982. I recall we were both elected to the House of Representatives. I was from the central part of Illinois and he was from Ohio. We had a dinner at the White House. I recall that his wife Fran, who had just had a baby a few days before, came in her beautiful gown with her husband MIKE in a tuxedo, carrying a basket with their baby in it. They sat down next to Loretta and myself for dinner with President Reagan that night. I have joked about that because I met that little girl recently. She has grown up now, and we remembered the first time we ever laid eyes on her.

MIKE and I have worked on so many things—the global AIDS epidemic. He has been my go-to guy on the Republican side of the aisle. When I had absolutely given up any hope of passing legislation for hundreds of millions of dollars to save hundreds of millions of lives, MIKE managed to help out in many different ways.

He invited me once to travel to Haiti with him. Haiti is a DeWine family project. MIKE and Fran have made over 15 trips to that poor island and have met with so many people there in orphanages and on streets trying to help them. There is a little school in Port-au-Prince, the Becky DeWine school, named after MIKE and Fran's late daughter. They have poured more love and resources into that school for some of the poorest kids on this planet than we could ever count. They worked together with Father Tom of Hands Together and so many other great charities that have done such work.

As I listened to MIKE tonight give his tributes to these Ohio soldiers, I was reminded what a quality individual he is. Elections come and go. People win and people lose. But the quality of MIKE DEWINE's service to the Senate on behalf of the people of Ohio is written large in the history of this institution.

I thank him for his friendship and for his leadership. I wish him, Fran, and the entire family the very best in whatever their future endeavors might entail.

## SENATOR PAUL WELLSTONE

Mr. DURBIN. Mr. President, in a few moments there will be a number of resolutions offered on the floor of the Senate on a variety of different issues. Some of them have been spoken to. A resolution which I have offered is related to the fact that we are in the fourth year of an anniversary of the death of our colleague Senator Paul Wellstone of Minnesota.

I look back on a career of service in the House and Senate and remember a handful of very special people who passed on or left this institution. One of those was Paul Wellstone. What an extraordinary fellow. The most unlikely Senator you would ever see. He just didn't look the part at all. Maybe that is why he did so well in Minnesota and was so effective here. He was cut from a different mold. He used to sit back here in the last row, and he would stand and speak. He would stand in the middle of the aisle as he spoke and would kind of saunter around. He had a back injury from wrestling. He loved wrestling; not the kind you see on television but real collegiate wrestling. His involvement in wrestling cost him some back injuries that haunted him his entire life. So he would walk with a kind of a cantered gait as he went back and forth on the aisle and all around the Senate.

But people didn't remember that part. They remembered what he had to say and they remembered what was in his heart. Paul Wellstone used to say that he thought there were two necessary ingredients for success in public service. One was hard work; the other was passion. He had both of them. Nobody worked harder for everything he believed in and for his State of Minnesota, and nobody came to these issues with more passion.

I can recall the last time I saw him. He was a few feet away from me here. It was the night we cast our vote on the Iraqi war. It was a vote that was a hard one. Nobody cared for Saddam Hussein. Nobody wanted to see him continue in power. We certainly wanted to protect our country. But there were genuine concerns felt by many of us as to whether we really understood what lie ahead in that war, the threat to the United States, and whether we were being told everything we needed to know.

Twenty-three of us voted against the war that night. I was one, Paul Wellstone was another. It was even later than now that night, and I came to the well on the floor to say goodbye to Paul because we were both off for the reelection campaigns of 4 years ago. I came over to wish him well, and I said, ''Paul, I hope that vote doesn't cost you the election.'' He said, ''You know, it is OK if it does because that is what I believe and that is who I am. The people of Minnesota would expect nothing less from me.'' It was the last time I ever saw him. He went home, and within 2 weeks he was killed in a plane crash with his wife and staff members.

I went up to the memorial service for Paul. There was an amazing turnout at the University of Minnesota in tribute to this small-in-stature but great-in-service Senator from Minnesota. The one thing that he returned to over and over again was the issue of fairness and equal treatment for those suffering from mental illness. Paul's family had been stricken with mental illness, and hardly any family in America has been spared. He knew firsthand what it meant to suffer from mental illness and not be able to afford a doctor's care or the medicine needed by people who are suffering from it. He worked with Senator DOMENICI from New Mexico, a Republican, on passage of legislation for equal treatment under health insurance for those suffering from mental illness.

The Surgeon General determined in a 1999 report that mental illness is largely biologically based and effective treatments exist. It is a disease that can be treated. In 1996, Senators DOMENICI and Wellstone championed a bill requiring insurers to offer mental health care and to offer comparable benefit caps for mental health and physical health. But there was a big loophole in the bill, and they knew it. The bill didn't require group health plans to include mental health coverage as a benefit. Even with the 1996 law in place and 22 States mandating full parity, mental health services continued to be subject to higher limitations than other health treatments.

The parity law in place that I referred to expires at the end of this year. I hoped 4 years ago, when we were caught up in the emotions of Paul's death, that we would come back and pass legislation that he called for and worked for with Senator DOMENICI. Four years have passed and it hasn't happened. Many people continue to suffer, continue to go without the basic care they need.

Resolutions come and go, and very few people pay much attention to them. I don't think this will be a lead line in any newspaper in America, but the purpose of this resolution is to put the Senate on notice that it has been the fourth anniversary of the death of a man we loved in the Senate, Paul Wellstone, and also to urge us to remember his mission in the Senate when it came to mental health. The purpose clause of this resolution reads:

> Congress should act to end discrimination against citizens of the United States who live with a mental illness by enacting legislation to provide for the coverage of mental health benefits with respect to health insurance coverage.

I would like the language to be stronger, but I understand this was the best we could do this evening. We can prove that Paul Wellstone was right and that we care about his legacy by enacting this legislation when we return. I will be working with Senator KENNEDY, Senator ENZI, and all of my colleagues to do our best to make sure that does occur.

## DARFUR

Mr. DURBIN. Mr. President, I come to the floor tonight because during the break, I sat and watched ''60 Minutes'' with my wife one evening. During the

course of the program, there was a segment on the horrible situation that is now occurring in Darfur in the nation of Sudan on the continent of Africa. I have been blessed and lucky to visit Africa several times. I am drawn back every time I leave. I think I have to get back there; there is so much more I need to see. I don't know whether it is that it is the cradle of civilization and that is where the first remnants of early human life have been found, but Africa draws you back to those roots and origins.

The last time, I took a trip with Senator BROWNBACK of Kansas. We went to Rwanda, which, of course, is a country that conjures immediately an image of horrible death and suffering. Over 10 years ago, genocide occurred in Rwanda. We look back now on the deaths of hundreds of thousands of innocent people and realize that the United States basically stood by idly and watched that occur. President Bill Clinton was in office at the time and was urged by many Members of Congress, including my predecessor, Senator Paul Simon of Illinois, to send some type of military force to try to stop the killing.

When we visited Rwanda, Senator BROWNBACK and I stayed in the now famous Rwanda Hotel, known as Des Mille Collines, which means a thousand hills. It is in the city of Kigali in Rwanda. As we stayed there and I saw this hotel, having seen the movie, I was haunted by the images of that movie, how that hotel had become a refuge during the genocide and people streamed in from all over Rwanda because they knew this hotel manager was doing his best to protect them. They were drinking water, after the regular supplies were cut off, out of the swimming pool because it was the only place to turn. As I looked down at the pool, I could not imagine people scrambling along the edges of the pool to find water for themselves and their children. As you walked through the halls, you thought of the people huddling there and praying they would not be beaten or macheted to death at any given moment.

Down the hill from the hotel is a Catholic church—a red brick church, simple and plain. I went in there early in the morning and looked inside as those who were waiting for mass gathered. I thought: This is an interesting gathering place at 6 a.m. I went back to the hotel and asked about it. It turns out that 1,200 people were killed in that church. They were seeking asylum and refuge in the church, and the people who were determined to kill them came in and hacked them to death on the stones of the very church I visited. That was 10 years ago. We did nothing. We could not even bring ourselves in America to use the word ''genocide'' to describe what was going on.

I think President Clinton would be the first to admit that this is one of the chapters of his Presidency that he is not proud to recount. He has personally gone there to apologize that the United States didn't do more.

Mr. President, let's fast-forward to today. Today is not Rwanda. Today it is Darfur. I come to the floor today to talk about the ongoing tragedy in Darfur, Sudan, and to report that amidst all of the sad comments about what is happening there, a ray of hope broke through today.

Darfur is in a distant corner of the world, but it is familiar to millions of us in America. It has come home to many of us through news stories and photos about women being brutalized, families murdered, and villages being burned. The violence has gone on for over 3 years.

The U.N. news service reports from yesterday describe more attacks by the jingaweit militia in south Darfur. More villages were burned and more crops were destroyed. The U.N. news reports describe how humanitarian personnel in west Darfur had to be evacuated because of growing threats to their safety. And violence in Darfur has spread to neighboring eastern Chad and the Central African Republic. At least 200,000 people have died. More than 2 million people have been displaced from their homes. Today, 4.5 million people are at risk in Darfur and eastern Chad. Hundreds of thousands are in desperate need but beyond the reach of humanitarian organizations. As I said, this has gone on for more than 3 years.

Last May, the Sudanese Government signed a peace agreement with one of the major rebel groups that it had been battling, but violence since then has only increased. In that agreement, the Khartoum Government promised to disarm the jingaweit, which have terrorized Darfur. Instead of disarming them, the Government in Khartoum is remobilizing and rearming the militias. They have even given these militiamen, who were killing and burning and raping and pillaging, uniforms to wear.

On November 5, a reporter for Reuters news organization described the impact of this remobilization of the militia:

> Arab militias on horses and camels wearing pristine uniforms and carrying brand new guns attacked three villages, killing dozens, mostly children. One witness told the reporter, ''They took the babies and children from their mother's arms, beat the women and shot the children. . . .'' And they said to the mothers, ''We are killing your sons and when you have more, we will come and kill them, too.''

The U.N. Security Council has passed resolutions condemning the violence and authorizing a U.N. peacekeeping mission of more than 20,000 troops. But the Government of Sudan has refused to allow the peacekeepers in the country. Presently, there are 7,000 African Union monitors in Darfur, but they are outnumbered by Sudanese forces by 200 to 1. The African Union forces do not have the mandate or the means to protect people, although some commanders have tried to make a difference in their local areas.

Rwandan peacekeepers have been among the most effective in Darfur. Maybe the memory of their own genocide brings them to this mission of mercy. They are also among the most frustrated that they cannot do more and the world refuses to engage.

Twelve years ago, Canadian General Romeo Dallaire was a U.N. commander stationed in Rwanda during the genocide I have described. He begged for more troops from all over the world. He begged for more ammunition. He begged for the authority to stop the killing in Rwanda. He was ignored. He got nothing. Hundreds of thousands of people died needlessly. He managed to save some, but for the most part he could only stand helplessly watching as a witness to the slaughter.

Today, Rwandan peacekeepers lack the means and the authority to stop another genocide. Like Dallaire, they need the world to act. What is needed is a much larger, more robust peacekeeping force, and it is needed urgently right now.

Eric Reeves, a professor of literature who has become the unofficial chronicler and probably the foremost expert on the genocide in Darfur, writes:

> The people of Darfur have been abandoned. Given how clearly and predictably genocidal events have unfolded over most of the past three and a half years, this failure now exceeds in all too many ways the shameful international acquiescence before the 1994 genocide in Rwanda.

Those are the words of Mr. Reeves.

U.N. Secretary General Kofi Annan today convened a high-level meeting in Ethiopia to find a way beyond this impasse and to finally break through with help for these people. U.S. Special Envoy to Sudan, Andrew Natsios, is there. So are representatives from the other permanent members of the Security Council, the Arab League, and the European Union. The Sudanese Government is also officially attending. They are there to find a way to get peacekeepers on the ground in Sudan in a section of that country as large as the State of Texas.

Whether the peacekeepers come under the U.N. title or through some other combination with the African Union, they are desperately needed. The title doesn't mean much; it is the mission that counts. It must be large enough, well equipped enough, and with the mandate and authority to protect the people of Darfur.

The latest news reports indicate that they may have made progress in their meeting, and we pray to God they did. Kofi Annan announced today that Sudan has accepted in principle a United Nations-African Union mission in Darfur, but there has been no agreement as to the number of troops that will be accepted and deployed.

I hope this is truly a breakthrough and not more empty rhetoric from the Government of Sudan.

Today's news reports are full of new killings in Darfur. The Darfur peacekeeping force must have the capability, the numbers, and the authority

to preempt, prevent, deter, and respond to attacks on civilians and to protect the camps of those who have been displaced. There must be a clear timetable to make this happen, and it must start now. The violence in Darfur has spilled beyond its borders. Villages in Chad are burning.

For too long the world has done too little. I hope today's reports represent a breakthrough that Sudan will, indeed, accept the peacekeeping mission that is so badly needed in Darfur.

Mr. President, we never know if any word spoken on the floor of the Senate or even heard or noticed will make a difference. I guess the purpose of my speech this evening is for my own satisfaction. I sat there with my wife, and we watched that ''60 Minutes'' program about these helpless people who are the victims of this genocide in Darfur, and she turned to me and said: Isn't there something you can do?

Well, I gave a speech. I wish I could do more. I wish I had the power of the President. I wish I had the power of the United Nations. I wish I had the power to send the troops to protect these poor people. But when the record is written of this time, I hope it is written that at least we spoke up, at least we spoke the word ''genocide,'' a word we were even afraid to mouth during the Rwandan crisis.

We know what is happening. In just a few short days, many of us will be sitting around with our families giving thanks for all the blessings we have in this great country, and we have so many: our wealth, our prosperity, our happiness, our families. I hope for a moment that the people of this country will reflect on the less fortunate and remember this tiny country, Sudan, and this great continent of Africa that is now sadly the site of the first serious genocide of the 21st century. We need to do so much more.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## TRIBUTE TO EULA HALL

Mr. McCONNELL. Mr. President, I rise before you today to honor a great humanitarian and fellow Kentuckian, Eula Hall.

Over 30 years ago Ms. Hall opened a medical clinic in Pike County, KY, at a time when very few people had medical insurance. Such is her dedication to the people of eastern Kentucky she soon gave up her home to house the expanding clinic, moving herself and her young family into much smaller housing.

At 78 years old Ms. Hall continues to work in the clinic every day, usually starting at 8 in the morning and going late into the evening.

Recently the Kentucky General Assembly passed a resolution to rename Kentucky highway 979 the Eula Hall Highway. On October 24, 2006 The Pike County News Express profiled Eula Hall and her accomplishments and sacrifices for the people of Kentucky.

I ask unanimous consent that the full article be printed in the RECORD and that the entire Senate join me in paying respect to this beloved Kentuckian.

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

[From the Pike County News Express, Oct. 24, 2006]

KY 979 THROUGH MUD CREEK TO BE RENAMED ''EULA HALL HIGHWAY''

Friday, October 27, at 1:30 in the afternoon, friends and colleagues of Eula Hall are invited to gather at the Mud Creek Clinic on KY 979 at Grethel to celebrate the life and accomplishments of a brave mountain woman. As a result of a resolution passed unanimously by the Kentucky General Assembly the entire road KY 979 from Harold to Hi Hat—will be re-named Eula Hall Highway. The resolution was introduced by State Rep. Chuck Meade and State Senator Johnny Ray Turner.

For the past 40 years, Eula Hall had probably traveled Mud Creek—Kentucky Route 979—more than anyone else. She was a woman with a mission to bring quality health care to people who had no medical insurance and not enough money to pay for things like visits to the doctor, shots, prescription medicine, much less surgery, physical therapy, and other more expensive treatments and procedures. She's made it her life's work to make sure that no one within her reach goes without the basic health care they need to live full productive lives.

And now that road where it all started, the two-lane state highway that runs through Mud Creek from Harold to Hi Hat, will be renamed Eula Hall highway in honor of the woman who brought hope and healing to thousands. ''She had little education. She had no financial resources of her own. She had five children to raise by herself. By all accounts her life should have barely been noticed outside of the family and close friends,'' said Sara George, Information Officer for Highway District 12. ''But if you think like that, you don't think like Eula Hall. She never met a problem she couldn't face head on, never met a person she couldn't relate to, and never took 'no' for an answer when it came to the health and well being of the people of her neck of the woods. She is humble, yet tough; gracious yet tenacious; and she is probably the most revered, respected, and loved person in Mud Creek, and rightly so.''

Eula looks at her life from a practical viewpoint. ''Nothing won't happen if you sit back and watch the suffering of other people.'' It's a simple motto and one that she lives by.

More than 30 years ago, Hall opened the Mud Creek Clinic in Floyd County to serve the needs of people without health insurance or money to pay their doctors' bills. ''I seen so much suffering, since I was a little girl. There was no affordable health care at all for people without health insurance, people without money. We just stayed home, sick or whatever. People died for lack of a tetanus shot or something,'' she told the Courier Journal last year.

The Kentucky Transportation Cabinet's Executive Director for Highway District 12, Danl Hall, will emcee a ceremony that will feature speakers such as Senator Turner, Rep. Meade, Social Security Administration Area District Manager Jim Kelly and Big Sandy Health Care CEO Ancil Lewis. U.S. Congressman Hal Rogers will be represented by Tonya Conn.

Born in Greasy Creek in Pike County, Eula didn't start school until she was nine years old. She remembers crying on her last day of the eighth grade because she knew she couldn't continue her education. The closest high school was about 20 miles away, and there was no school bus that came that far out in the county. She had six brothers and sisters; her parents didn't have a car; and as farm workers they certainly didn't have the money for boarding school or college.

Years later, as a young mother raising five children on her own, she realized anew the terrible toll that lack of proper health care took on people without money or insurance. She organized screening using medical students from UK and Vanderbilt as well as volunteer nurses and physicians. They found undiagnosed tuberculosis, pneumoconiosis (black lung), diabetes, heart disease, and high blood pressure. In 1973 she managed to get a clinic licensed to operate on Mud Creek in Floyd County. The Mud Creek Clinic opened in a rented house on Tinker Fork, which it quickly outgrew. Hall moved the facility to her own home on Mink Branch. Her house was bigger and easier to get to. But it meant moving her family into a mobile home.

Eula Hall picked up patients and took them home because many of them had no transportation, or at least none that was reliable. She delivered food and medicine. Now she even works to get people their rightful Social Security and other benefits, winning more cases than some attorneys, according to many observers.

By 1977 the clinic merged with Big Sandy Health Care, which remains its parent organization today.

Five years later, the clinic burned to the ground. ''We didn't miss a day,'' Hall recalled. ''We set up shop on a picnic table under the trees.''

The new Mud Creek Clinic opened in 1984, thanks to $320,000 from the Appalachian Regional Commission and dozens of quilt raffles, chicken and dumpling dinners, a radiothon, and other local fundraising efforts.

Now there are 24 employees, including two full-time physicians, a full-time certified physician assistant, and a part-time doctor. The clinic is housed in a modern brick building with another facility behind it that houses a dental clinic and food pantry. Eula Hall is 78 years old, but still goes to work at 8 o'clock every morning.

Last year Eula was presented an honorary doctorate from Berea College at the same ceremony which honored Archbishop Desmond Tutu, a winner of the Nobel Peace Prize. She also holds an honorary doctorate from Trinity College, Harford, Connecticut, and one from the Pikeville College School of Osteopathic Medicine.

''I appreciate (the awards),'' she said. ''But I never done anything to get awards. I do it because I need to. Somebody needs to.''

Clinic patients, neighbors and friends, and many local elected and appointed government officials will come together on Friday

to honor Eula Hall once again, this time by naming in her honor the road she's traveled so many years. The public is invited to attend and join Eula afterwards for a reception hosted by Big Sandy Health Care.

## TRIBUTE TO SELDON SHORT

Mr. MCCONNELL. Mr. President, I rise today to honor a good friend and fellow Kentuckian, Seldon Short, who with his wife Janet has worked for the Kentucky Mountain Holiness Association for the past 49 years and in radio for the past 55.

Mr. Short began his career in broadcasting in 1951 at WMTC–AM, a small radio station in Vancleve, KY. Throughout his time in radio Mr. Short ran the gauntlet of progress, keeping up with the technological changes of the last half century from 78-rpm vinyl records to cassette tapes to satellite delivery, while also expanding his own radio station. After Mr. Short became general manager in 1978, his small AM station grew from 1000 watts to 5000 watts, and in 1991 switched over to the FM dial.

Upon his retirement from WMTC–FM this October, Mr. Short was awarded the J.T. Whitlock Life Member Award from the Kentucky Broadcasters Association for his commitment and dedication to the field of broadcasting.

On October 12, 2006, The Breathitt County Voice published an article highlighting Mr. Short's contributions to his community. I ask unanimous consent that the full article be printed in the RECORD and that the entire Senate join me in paying respect to this beloved Kentuckian.

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

[From The Breathitt County Voice, Oct. 12, 2006]

"A BLESSING TO BREATHITT COUNTY"—SELDON & JANET SHORT RETIRE

(By Jeff Noble)

All around the room Seldon Short could see friends. Dozens of them came out on a Friday night to say "thank you" to him and his wife Janet. Even after he suffered crippling injuries in a horrible car crash a few years back, he smiles. Even after Janet suffered debilitating illness from an operation some time ago, she remains upbeat.

And they're not bitter. Because of their resiliency, Seldon and Janet Short's faith and love of people keeps them above the rollercoaster that is life. "It does our hearts good to see all these people we've served," Seldon said during a retirement party for him and his wife inside the dining hall of Mt. Carmel High School. "You look around and it's amazing how wonderful life really is. Janet and I will be married 50 years next June. We've been blessed with four children and six grandchildren. And we have a lifetime of memories. God's been good to us, and because of that, we keep going."

Janet gently squeezed her husband's hand as she spoke of the outpouring of love their friends provided at the party. "It's so nice to see all these people. People I've worked with, people who helped babysit for my children when I was on the radio, people who we love and cherish. I'm just thankful the Lord has seen us through during this time, and sometimes, it was rough." Then she looked admiringly at Seldon and spoke softly with a smile. "Seldon, he's a great guy. I don't know what I'd do without him. He's wonderful. I can't brag on him enough."

Neither could some in the room, like his old friend Robert Cundiff. "Seldon loves people. But he is also a shy person," getting a laugh out of the crowd as he spoke. He then told a story about his old buddy, who, like Cundiff, graduated from Mt. Carmel and the former Kentucky Mountain Bible Institute (now Kentucky Mountain Bible College). "For instance, in the cafeteria, Seldon was so shy, he wouldn't even say 'Pass the biscuits.' Can you imagine Seldon doing that?" It was a remark that brought the house down. Cundiff then thanked Seldon for being the "founding father of the Mt. Carmel Former Students Association—our alumni association. Thank you, my old friend."

Not to be outdone, several of Janet's friends and co-workers came to bring yellow roses to her, and to spin some stories about Mrs. Short and her work she and her husband did at WMTC Radio. "While I played piano, I remember Janet reading poems over the radio station," said Donna Woodring. "Sometimes they would be quite inspiring, sometimes they would be whimsical. She was always delightful." Carlene Light recalled another moment. "Janet loved to cook, and she loved to watch you eat. That's why I'm overweight." After getting laughs from the audience, Carlene went on to say, "What's so great about this couple is that Seldon and Janet are focused on people." It was a statement echoed by Faith Amspaugh. "In fact, my children, who are all grown, still call them Uncle Seldon and Aunt Janet."

For many years, Seldon and Janet wore many hats working for the Kentucky Mountain Holiness Association. He was with KMHA for 49 years, while Janet worked for 40 years. Of that time, Seldon served as Vice-President of KMHA, as well as positions on the Jackson Kiwanis Club, the Jackson Independent School board, the pastor of two churches (Wolverine for 23 years and Bach Memorial for 18 years), and as a board member of the Kentucky Broadcasters Association (KBA). From his humble beginnings as a part-time announcer in 1951, Seldon returned to WMTC full-time in 1954–55. After going to Asbury College, he came back for good to the radio station in 1958.

He and Janet had a heart for radio, and remained with the station for many years. Seldon became General Manager of WMTC in 1978, saw the station's signal on 730 AM go from 1,000 watts to 5,000 watts, and was at the creation of WMTC-FM, as it went on the air at 99.9 in 1991. "I did a lot of live programs back then. There was no tape as we know it today. Recorded shows were on big, heavy 78 RPM vinyl discs. Then we got old-fashioned recorders that weren't plastic, but paperback. Then we went to reel-to-reel tape recorders, cassette recorders, CD's and satellite delivery. Today is all computerized." Then Short pointed his finger up at the sky and said, "What hasn't changed is the commitment to serving people. I still think trying to be of service to the area you cover is still the most important thing you can do as a broadcaster. You still need to respond to their wants, their needs, their requests and their hunger for information."

That same hunger for service came to his successor, Jennifer Cox. "The Shorts welcomed me to WMTC. I had never worked at a family environment. And I learned from a reliable source." Cox, who succeeded Seldon as General Manager in June of this year, got misty-eyed when she spoke of him. "He did live radio and has gone through the computer age. Everything I know he taught me. Because of Seldon and his vision, we at WMTC are where we are today. I thank him for his leadership and kindness." At that point, Cox presented Seldon with the J. T. Whitlock Life Member Award from the Kentucky Broadcasters Association. "J. T. was a great friend of mine," Seldon said of the late, long-time Executive Secretary-Treasurer of the KBA. "He was a great friend of the small broadcaster, like us, and he had a great heart for people, and serving those people who listened to him."

As some 50 of their friends munched on cake and refreshments in the dining hall, the Shorts listened as the current President of KMHA reminded the crowd that despite their adversities, Seldon and Janet were not bitter about their experiences. "Both of them are not quitters," said Dr. Philip Speas. "The Shorts are made out of good stuff. They're made of good metal. They've been a real illustration of patience. They are a blessing to Breathitt County."

Toward the end of the reception, Seldon got up out of his wheelchair and looked at the room again. His friends, like Rev. and Mrs. Wilfred Fisher, and his children and grandchildren, were all standing and applauding. The cheering died down. His wife was in tears. He was too, as he softly told them, all his friends for life, "Thank you. God has really blessed us through these long, wonderful years, and all of you have graced us with your friendship. Despite our difficulties, we'd do it all over again. God's grace has been sufficient. It's been a good life."

## THANKSGIVING 2006

Mr. BYRD. Mr. President, next week, Americans across our great land will be celebrating one of our oldest and most beloved holidays, Thanksgiving.

What a great and glorious holiday this is—a truly and uniquely American holiday. It is a day for giving thanks. A day devoted to family, to country, and to God. A day of eating turkey, sweet potatoes, mashed potatoes, cranberry sauce, dressing, and pumpkin pie. It is a day of parades, football games, and the beginning of the Christmas holiday season.

It is a day of family gatherings. Unfortunately, in too many homes this year, and as in the past 5 years, there will be too many empty seats at the dinner table. I hope everyone listening will join me in praying for our sons and daughters who are in harm's way in Iraq and Afghanistan, in praying for the eternal salvation of those who have died in these costly conflicts, and in praying for the speedy recovery of those who have been wounded. While we cannot hope to fill those empty chairs, we can hope that our prayers and our love and support will help to ease the sorrow at those tables.

Even with the turmoil of the past year and with so many of our sons and daughters in faraway lands, we still have so much for which to be thankful.

We are thankful for the Pilgrims—that courageous group of men and women who, in 1621, left their homes, crossed a mighty ocean, and settled in a strange, unknown wilderness so they could go to church so they could worship God as they pleased.

After months of privation, suffering, hunger, sickness and death, these men and women had a great feast to thank

God for being good to them. Think about it. With all the brutal hardships they had endured, with all the death and suffering they endured, they took time to have a great feast to thank Almighty God for being good to them. In the process, they gave us our first Thanksgiving

We are thankful for the heritage of liberty bequeathed to us by our ancestors. We are thankful for the wisdom and the foresight of our Founding Fathers who bestowed to us a form of government unique in history, with its three strong pillars of executive, legislative, and judicial branches, each balanced and checked against one another.

In fact, Mr. President, that is the very point I want to emphasize. The very first national observance of Thanksgiving, which came in 1789, was to thank Almighty God for His role in creating our great country, and His assistance in the forming of our Constitution.

This happened when, in the very first Congress in 1789, Representative Elias Boudinot of New Jersey moved that a day of thanksgiving be held to thank God for giving the American people the opportunity to create a Constitution to preserve their newly won freedoms.

The resolution, as approved by both Houses of the Congress, requested that a ''joint committee of both Houses be directed to wait upon the president of the United States, to request that he recommend to the people of the United States a day of public thanksgiving.''

On September 26, 1789, the first Senate agreed to the House resolution, and a few days later a joint congressional committee delivered to President Washington a resolution ''desiring the president of the United States to recommend a day of general thanksgiving.''

Within a few days, on October 3, President Washington issued the first national thanksgiving proclamation. Our first and perhaps our greatest President proclaimed Thursday, November 26, 1789, to be a day of national thanksgiving.

That proclamation is a fascinating and informative document. It begins by proclaiming that, ''it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly implore His protection and favor.''

The Father of our country left no doubt about his belief that our Nation was not simply the creation of mere mortals but was, in fact, guided by a Divine Hand. As if to emphasize this point, his proclamation went on to praise ''that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be.'' He exhorted the people of his young Republic to express their gratitude to Almighty God for his protection of them through the Revolutionary War. He wrote: ''We may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation.''

That was George Washington. That was the basis of our first national Thanksgiving.

But he was not through. This was a Thanksgiving proclamation, so he proceeded to give thanks. He asked the American people to be thankful to Almighty God for ''the civil and religious liberty with which we are blessed.''

And he asked the American people to be thankful ''for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted.''

I hope everyone caught that. President Washington was thanking the Good Lord for the Constitution that created the American Government.

At the request of our first President, citizens throughout the land assembled in churches on November 26, 1789, and thanked God for their government and asked Him for His Guidance in the years ahead. As for President Washington, he spent the day worshiping at an Episcopal church in Manhattan.

As you celebrate this Thanksgiving, enjoy your families. Enjoy your Thanksgiving feasts. Enjoy your football games and your parades.

But like President Washington, you might want to think about attending church on this great and glorious day and give thanks for our many blessings. Like President Washington, you may want to thank God for watching over the United States and for His assistance in the creation of our Constitution, our Nation's most basic and sacred document, which has guided and protected our country for more than 200 years, through world wars, great depressions, and bitter, divisive elections.

## HONORING OUR ARMED FORCES

### PRIVATE FIRST CLASS JEFFREY SHAFFER

Mr. LINCOLN. Mr. President, it is my honor to rise today to pay tribute to one of Arkansas' fallen heroes, PFC Jeffrey Shaffer, who gave his life serving our country in Operation Iraqi Freedom.

By all accounts from family and friends, Private First Class Shaffer lived his life to the fullest. For this young man, that meant caring for others, having fun, and making people laugh, even when confronted with life's challenges. The image of a tough soldier masked the side most familiar to his loved ones, that of a more playful young man who pulled pranks and brought laughter to lives of others. His stepfather, Mark Adams, recalls a golf outing where neither he nor Jeff was playing particularly well. Rather than suffer through the rest of the game, and to the surprise of Mark, Private First Class Shaffer jumped in the water and began collecting golf balls. Mark had never had more fun playing golf. The day was a testament to the effect Private First Class Shaffer often had on others.

But he also had a humble, more serious side and a deep sense of commitment to his country. While working for his uncle's masonry contracting business in Harrison, AR, he took time to earn his GED. Shortly thereafter, and to the surprise of many in his family, he joined the U.S. Army in February 2005. The tragic events of September 11 changed how he viewed the world and motivated him to serve in the military. For Private First Class Shaffer, serving in the Army was a way he could contribute to the safety of his family and security of all Americans.

The 20-year-old was assigned to the 2nd Battalion, 6th Infantry Regiment, 1st Armored Division. After being stationed in Germany, Private First Class Shaffer was deployed to Kuwait and later Iraq. Witnessing close friends lose their lives in Iraq, he was never naive about the dangerous realities of war. He believed whatever happened to him was God's will and often told this to his mother to calm her fears. Private First Class Shaffer's life ended on September 13, 2006, after a roadside bomb detonated near his Bradley assault vehicle.

On September 16, family, friends, and fellow soldiers gathered at Calvary Baptist Church in Waco, TX, to pay tribute to the life and legacy of Jeffrey Shaffer. I am proud to pay tribute to him today and am thankful for his service to our country. He leaves behind a 2-year-old daughter, Makayla Grace, who I hope will one day know that her father took full advantage of what life had to offer and brought untold happiness to those around him. My thoughts and prayers are with her, Jeffrey's parents, his aunt and uncle, and all those who knew and loved him.

### LANCE CORPORAL KYLE WESLEY POWELL

Mr. SALAZAR. Mr. President, I want to bring to the Senate's attention the loss of a young man of great promise from my home State of Colorado: Marine LCpl Kyle Wesley Powell. A member of Unit C Co, 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force out of Camp Pendleton, Lance Corporal Powell was killed earlier this month in Fallujah, Iraq.

Kyle Powell was a native of Colorado Springs. He was an Eagle Scout who graduated from Cheyenne Mountain High School, and joined the Marine Corps in September 2003. Lance Corporal Powell was on his third tour as a marine in Iraq. During his second tour, he received the Navy Achievement Medal after a bunker which he had designed and constructed absorbed an attack of several enemy rocket-propelled grenades, protecting the marines within it.

In fact, just a few days before his passing, Lance Corporal Powell had saved the life of another fellow marine, applying a tourniquet and firing his weapon at the enemy until they could be rescued.

What jumps out about Lance Corporal Powell is that when people speak

of him, one word keeps coming up: leader.

''He was always, always ready to go and lead from the front,'' said LTC Wayne Sinclair, commander of the 1st CEB.

In fact, at the time of his untimely loss, Lance Corporal Powell was leading a convoy moving to help extract a group of fellow marines from hostile territory. He was conducting a mine sweep when he was killed, likely saving the lives of five other marines who were behind him in a humvee.

I noted before that Lance Corporal Powell was on his third tour in Iraq. But it should be noted that he went on this third tour by choice: in August, he chose to lead by example. He volunteered to go to Iraq because his unit was short of others to send overseas.

At a time when so many of our young men and women are preoccupied with the coming course schedules at colleges and universities, Kyle Powell was focused on helping the people of Iraq.

Kyle's parents, Nancy and David are former Army officers, and they know firsthand the dangers their son faced. They know the same pride he felt in doing the work that by all accounts he truly loved.

Nancy and David, our Nation mourns the loss of your son with you. We celebrate his service to our Nation, his willingness to always selflessly step to the front and lead so that others, be they in his unit or half a world away in his hometown, would be safer. Our Nation is humbled by his heroism, and we hope your grief is soothed by knowing that his sacrifice is forever appreciated by every American.

LIEUTENANT COLONEL ERIC J. KRUGER

Mr. President, I wish to take a moment to recall the life and service of Army LTC Eric J. Kruger, who was killed near Baghdad earlier this month. He was the highest-ranking officer from Fort Carson, CO, to be killed in Iraq and had only been there a few days.

Colonel Kruger was deputy commander of the 2nd Brigade Combat Team out of Fort Carson, which has recently been deployed to Iraq. Previously, Colonel Kruger had served a year in Afghanistan and less than 10 months after returning to the States and connecting with 2BCT was redeployed as part of an advance team to prepare for 2BCT's deployment to the area.

Colonel Kruger was a graduate of North Garland High in Texas and earned a bachelor's degree in political science and master's degree in liberal arts from Southern Methodist University in his home State before joining the U.S. Army in 1989. Colonel Kruger completed airborne and Ranger training.

As a soldier, Eric Kruger was of notable and rare distinction: during his service he had earned the Bronze Star, numerous Meritorious Service Awards and an Army Commendation medal. He was a man of deep patriotism and conviction in his job. He believed in making the world a better place and acted to help make that vision a reality.

But it is the testimony of those with whom he served that helps illuminate the extraordinary character of Colonel Kruger. One fellow soldier from Fort Carson remembered him as ''a wonderful man and a great leader. Everyone who knew him loved him.'' A staff sergeant who served under him said that Colonel Kruger was ''one of the few leaders'' who helped her realize her life's path was with the U.S. Army: ''Sir, your excitement, passion, and outstanding leadership moved me in my military career,'' she wrote. Another staff sergeant spoke of Kruger's respect for his fellow man, remembering that when he first met Colonel Kruger, ''Even though he vastly outranked me, he always treated me and all others with a vast respect and kindness.''

A fellow officer who served with Colonel Kruger in Afghanistan recalled his commitment to his family. ''Eric was a good man, a fine soldier and a loving father. We often spoke of our families, and I remember being struck by his dedication to his family and his concern for their wellbeing.'' There is no doubt: Colonel Kruger cared deeply about his fellow man and dedicated his life to serving others.

To Colonel Kruger's wife Sara and their four children, Caitlin, Joshua, Christian, and Elise: You and Eric are in our prayers, today and always. May you find peace and solace in this time of grief, knowing that Eric's service to this Nation will not be forgotten. The many lives he positively shaped as an officer and American are tributes to his leadership and to your support of his efforts. For this, our entire Nation is grateful.

Colonel Eric Kruger was an unquestionable hero, a leader whom each of us can admire and who can inspire every Member of this body to redouble our efforts on behalf of him and every one of our Nation's veterans and men and women serving in uniform.

CALIFORNIA CASUALTIES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 47 young Americans who have been killed in Iraq since July 18. This brings to 639 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 22 percent of all U.S. deaths in Iraq.

LCpl Geofrey R. Cayer, 20, died July 18 from a nonhostile incident in Al Anbar province, Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Joseph A. Graves, 21, died on July 25 in Baghdad, Iraq, from injuries sustained when his military vehicle encountered a vehicle-borne improvised explosive device and small arms fire. He was assigned to the 110th Military Police Company, 720th Military Police Battalion, III Corps, Fort Hood, TX. He was from Discovery Bay, CA.

LCpl James W. Higgins, 22, died July 27 from wounds received while conducting combat operations in Al Anbar province, Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Phillip E. Baucus, 28, died July 29 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Sgt Christian B. Williams, 27, died July 29 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Anthony E. Butterfield, 19, died July 29 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Clovis, CA.

PFC Jason Hanson, 21, died July 29 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Kurt E. Dechen, 24, died August 3 from wounds received while conducting combat operations in Al Anbar province, Iraq. He was assigned to 1st Battalion, 25th Marine Regiment, 4th Marine Division, while attached to Regimental Combat Team 5, I Marine Expeditionary Force, Camp Pendleton, CA.

Petty Officer 2nd Class Marc A. Lee, 28, was killed on August 2 during combat operations while on patrol in Ramadi, Iraq. Lee was an aviation ordnanceman and a member of a SEAL team based in the San Diego area.

LCpl Jeremy Z. Long, 18, died August 10 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SGT Jeffrey S. Brown, 25, died on August 10 in Rutbah, Iraq, of injuries sustained on August 8, when his helicopter crashed. He was assigned to the 82nd Medical Company, Fort Riley, KS. He was from Trinity Center, CA.

Hospitalman Chadwick T. Kenyon, 20, died on August 20 from wounds sustained when his Light Armored Vehicle struck an improvised explosive device while on combat patrol in Rawah, Iraq. He was assigned to the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, 1st Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Randy L. Newman, 21, died August 20 while conducting combat operations in Al Anbar province, Iraq. He

was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Cpl Adam A. Galvez, 21, died August 20 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Chief Petty Officer Paul J. Darga, 34, died August 22 when his Explosive Ordnance Disposal Team was struck by an improvised explosive device while responding to a previous strike in the Al Anbar province, Iraq. Darga was assigned to Explosive Ordnance Disposal Mobile Unit Two, serving with the 1st Marine Logistics Group, Camp Pendleton, CA.

SGT David J. Almazan, 27, died on August 27 in Hit, Iraq, of injuries suffered when an improvised explosive device detonated near his vehicle during combat operations. Almazan was assigned to the 1st Battalion, 36th Infantry Regiment, 1st Brigade Combat Team, 1st Armored Division, Friedberg, Germany. He was from Van Nuys, CA.

LCpl Shane P. Harris, 23, died on September 3 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Hospital Corpsman 2nd Class Christopher G. Walsh, 30, died on September 4 from wounds sustained when his vehicle struck an improvised explosive device while on combat patrol in Al Anbar, Iraq. His Navy Reserve Unit was attached to the I Marine Division in Camp Pendleton, CA.

PFC Hannah L. Gunterman, 20, died on September 4 in Taji, Iraq, of injuries sustained when she was struck by a vehicle. She was assigned to the 542nd Maintenance Company, 44th Corps Support Battalion, 593rd Corps Support Group, Fort Lewis, WA. She was from Redlands, CA.

SGT Luis A. Montes, 22, died on September 7 in Brooke Army Medical Center, San Antonio, TX, of injuries suffered on September 1 in Abu Ghraib, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 1st Battalion, 22nd Infantry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from El Centro, CA.

Cpl Johnathan L. Benson, 21, died September 9 from wounds suffered on June 17 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Harley D. Andrews, 22, died on September 11 in Ar Ramadi, Iraq, of injuries suffered when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 54th Engineer Battalion, 130th Engineer Brigade, Warner Barracks, Bamberg, Germany. He was from Weimar, CA.

CPL Cesar A. Granados, 21, died on September 15 of injuries sustained in Baghdad, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 2nd Battalion, 8th Infantry Regiment, 3rd Brigade, 4th Infantry Division, Fort Hood, TX. He was from Le Grand, CA.

Petty Officer 2nd Class Michael A. Monsoor, 25, died September 29 while conducting combat operations against enemy forces in Ramadi, Iraq. He was a SEAL assigned to a San Diego-based command. He was from Garden Grove, CA.

SGT Joseph W. Perry, 23, died on October 2, in Muhallah, Iraq, when his mounted patrol came in contact with enemy forces using small arms fire during combat operations. He was assigned to the 21st Military Police Company, 16th Military Police Brigade, XVIIIth Airborne Corps, Fort Bragg, NC. He was from Alpine, CA.

SSG Daniel Isshak, 25, died on October 3 in Tikrit, Iraq, from injuries suffered when his vehicle received enemy small arms fire at Hawija, Iraq, during combat operations. He was assigned to the 2nd Battalion, 27th Infantry, 3rd Brigade, 25th Infantry Division, Schofield Barracks, HI. He was from Alta Loma, CA.

CPL Luis E. Tejeda, 20, died on September 30 in Hit, Iraq, of injuries sustained when his military vehicle encountered an improvised explosive device. He was assigned to A Company, 1st Battalion, 36th Infantry Regiment, 1st Armored Division, Friedberg, Germany. He was from Huntington Park, CA.

PFC Kenny F. Stanton, Jr., 20, died on October 13 in Baghdad, Iraq, when his military vehicle encountered an improvised explosive device. He was assigned to the 57th Military Police Company, 728th Military Police Battalion, Yong San, Korea. He was from Hemet, CA.

Sgt Jonathan J. Simpson, 25, died October 14 while conducting combat operations against enemy forces in Al Anbar province, Iraq. He was assigned to 1st Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

PFC Keith J. Moore, 28, died October 14 in Baghdad, Iraq, of a noncombat-related injury. He was assigned to the 2nd Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY. He was from San Francisco, CA.

CPT Mark C. Paine, 32, died October 15 in Taji, Iraq, from injuries suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade, 4th Infantry Division, Fort Hood, TX. He was from Rancho Cucamonga, CA.

SGT Lester D. Baroncini, Jr., 33, died on October 15 in Samarra, Iraq, when his military vehicle encountered multiple landmines. He was assigned to A Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Bakersfield, CA.

SPC Jose R. Perez, 21, died October 18 in Ar Ramadi, Iraq, from injuries suffered from enemy small arms fire. He was assigned to the 1st Battalion, 6th Infantry Regiment, 2nd Brigade Combat Team, 1st Armored Division, Baumholder, Germany. He was from Ontario, CA.

SGT Norman R. Taylor III, 21, died on October 17 in Baqubah, Iraq, when his military vehicle encountered an improvised explosive device. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 68th Armor Regiment, 4th Infantry Division, Fort Carson, CO. He was from Blythe, CA.

SPC Matthew W. Creed, 23, died on October 22 in Baghdad, Iraq, of injuries sustained from small arms fire. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 22nd Infantry Regiment, 4th Infantry Division, Fort Hood, TX. He was from Covina, CA.

Hospital Corpsman Charles O. Sare, 23, died October 23 from enemy action while conducting combat operations in the Al Anbar Province, Iraq. He was assigned to Naval Ambulatory Care Center, Port Hueneme, CA. He was from Hemet, CA.

PFC Jason Franco, 18, died October 31 from a nonhostile incident in Al Anbar province, Iraq. He was assigned to Marine Aviation Logistics Squadron 11, Marine Aircraft Group 11, 3rd Marine Aircraft Wing, Miramar, CA. He was from Corona, CA.

PVT Michael P. Bridges, 23, died November 2 in Taji, Iraq, from a noncombat-related incident. He was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade, 4th Infantry Division, Fort Hood, TX. He was from Placentia, CA.

SSG Joseph A. Gage, 28, died November 2 in Baghdad, Iraq, of injuries suffered when an IED detonated near his vehicle. He was assigned to the 1st Battalion, 506th Infantry Regiment, 4th Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Modesto, CA.

Cpl Jose A. Galvan, 22, died November 5 while conducting combat operations in Al Anbar province, Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Kyle W. Powell, 21, died November 4, from wounds suffered while conducting combat operations in Al Anbar province, Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Richwell A. Doria, 25, died on November 7 in Kirkuk, Iraq, after being struck by small arms fire during an air assault mission. He was assigned to the 2nd Battalion, 35th Infantry Regiment,

3rd Brigade, 25th Infantry Regiment, Schofield Barracks, HI. He was from San Diego, CA.

SFC Rudy A. Salcido, 31, died on November 9 in Baghdad, Iraq, after an improvised explosive device detonated near his convoy vehicle. Salcido was assigned to the Army National Guard's 1114th Transportation Company, Bakersfield, CA. He was from Ontario, CA.

SGT Angel De Lucio Ramirez, 22, died on November 11 in Ar Ramadi, Iraq, when his military vehicle encountered an improvised explosive device. He was assigned to the 16th Engineer Battalion, 1st Brigade, 1st Armored Division, Giessen, Germany. He was from Pacoima, CA.

LCpl Timothy W. Brown, 21, died November 14 while conducting combat operations in Al Anbar province, Iraq. He was assigned to the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI. He was from Sacramento, CA.

PFC Jang H. Kim, 20, died on November 13 when his military vehicle encountered an improvised explosive device. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Placentia, CA.

LCpl Mario D. Gonzalez, 21, died November 14 while conducting combat operations in Al Anbar province, Iraq. He was assigned to 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI. He was from La Puente, CA.

I would also like to pay tribute to the four soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since July 18.

SPC Andrew Velez, 22, died on July 25 in Sharona, Afghanistan, of a noncombat-related injury. He was assigned to the 699th Maintenance Company, Corps Support Battalion, Theater Support Command, Fort Irwin, CA.

SFC Merideth L. Howard, 52, died in Kabul, Afghanistan, on September 8, when a vehicle-borne improvised explosive device detonated near her vehicle. She was assigned to the Army Reserve's 405th Civil Affairs Battalion, Fort Bragg, NC. She was from Alameda, CA.

SPC Fernando D. Robinson, 21, died on October 2 in Korengal, Afghanistan, from injuries sustained when his patrol came under attack by enemy forces using small arms fire and rocket propelled grenades. He was assigned to the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Light Infantry, Fort Drum, NY. He was from Hawthorne, CA.

PFC Alex Oceguera, 19, died on October 31 in Wygal Valley, Afghanistan, of injuries suffered when an IED detonated near his vehicle. He was assigned to the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY. He was from San Bernardino, CA.

## INTERNET GAMBLING

Mr. KYL. Mr. President, I would like to address the recent enactment of the Unlawful Internet Gambling and Enforcement Act of 2006. Due to procedural considerations at the end of the regular session, this law was enacted as title VIII of H.R. 4954, a bill focused on port security. But I want the record to show that I have been working to pass this law for more than 10 years, with the support of many colleagues. Indeed, the Senators serving as conferees for the port security bill accepted including the Internet gambling title, as did the leadership on both sides of the aisle. And this July, the House of Representatives voted 317–93 in favor of a bill containing not only identical enforcement measures to those that were recently enacted, but also including the more controversial Wire Act amendments.

Over the last five Congresses, a stand-alone Internet gambling bill has been passed by at least one Chamber of Congress, every time by overwhelming bipartisan votes. The last time an Internet gambling bill came before the whole Senate, it was passed by unanimous consent. Unfortunately, the Jack Abramoff scandal corrupted the process for that bill in the House of Representatives. Since then, the full Senate has not had the opportunity to vote on more recent legislation repeatedly passed by more than three-quarters of the House. So I greatly appreciate the assistance of the majority leader and the conferees in finally getting this long-overdue law to the President's desk.

The National Association of Attorneys General—NAAG—first approached me in 1995 about the problem of Internet gambling. The State attorneys general were concerned about the evasion and erosion of State laws by gambling websites operating beyond the reach of State law enforcement. I heeded NAAG's request and introduced the first Internet gambling bill late that year to increase Federal enforcement of gambling laws.

Over the next 10 years, Senate and House Committees repeatedly held hearings and markups. We listened to the experts about what types of enforcement would be effective or impractical, and revised the legislation in response. In 1999, the congressionally commissioned National Gambling Impact Study Commission Report recommended that law enforcement target the payment systems to combat illegal offshore gambling, so that is the approach we adopted.

I have worked closely with Representative JIM LEACH, former chair of the House Financial Services Committee, a very capable and thoughtful colleague who will be greatly missed in future Congresses. Representative MIKE OXLEY, who succeeded Mr. LEACH as Financial Services chairman a few years ago, Representative JIM SENSENBRENNER, chairman of the House Committee on the Judiciary, and Representative BOB GOODLATTE, who sponsored the bill scuttled by Jack Abramoff, have all helped shape Internet gambling legislation over the last several years.

Why has Congress been so supportive of Internet gambling legislation for so long? Because offshore operators have been flouting American laws for personal gain. They have been giving Americans the false impression that these activities are legal. They have been profiteering from this. The Federal Government has long given States the right to prohibit or limit gambling activities for the protection of the public, but offshore Web sites have been ignoring and circumventing the State laws. State law enforcement officials and Congress refused to stand idly by as our laws were evaded and eroded.

How could an illegal activity become so pervasive? Knowing that their businesses are illegal in the United States and many other countries, Internet-gambling businesses have set up shop in countries with very few gambling regulations, such as Antigua and Costa Rica. These small countries benefit from the billions of dollars of profit generated by their local gambling operators. So when the United States tries to prosecute a criminal violation of its gambling laws, these countries are not interested in extraditing their wealthiest residents. The United States is thwarted in its efforts to enforce its criminal laws against offshore gambling businesses.

Some say that, instead of trying to enforce the law, we should legalize and regulate online gambling. Why does this approach have so little support in Congress? Because Internet gambling is a scourge to society, leading to addiction and bankruptcy, and enticing young people into a gambling lifestyle.

Internet gambling is highly addictive. Online gambling is available 24/7 from almost any location. Fast and continuous play, often financed by credit, allows online gamblers to rapidly lose tens of thousands of dollars, leading to bankruptcy, family devastation, and criminal activity. It is easy to conceal the addiction because an online gambler does not need to leave home or the office to gamble, and shows no physical signs of addictive behavior like an alcohol or drug addict does.

Various recent studies show that Internet gamblers are two to three times more likely to become addicted than brick-and-mortar gamblers. One study of students at the University of Connecticut found that 74 percent of Internet gamblers were problem or pathological gamblers. The Annenberg Public Policy Center's 2005 National Annenberg Risk Survey of Youth—NARSY—surveyed 900 young people between 14 and 22 and found that 54 percent of youth who gamble online at

least once a week are problem gamblers, and that card players exhibit the most symptoms of gambling addiction.

Internet gambling entices young people into a gambling lifestyle. Young people who are accustomed to playing video games for hours on end are particularly likely to be enticed by the games and to lack a realistic perception of the consequences of gambling for money. Conversely, traditional casinos appeal to mature adults: according to a recent survey by the American Gaming Association, 75 percent of casino customers are over 40 years old. Internet gambling appeals to the opposite demographic: at least 70 percent of Internet gamblers are under 40 according to the AGA, and they did not even count the millions of online gamblers who are under 21. Also, Internet gambling appears to be a gateway drug. According to that same survey, Internet gamblers are twice as likely to engage in traditional gambling than the general population. So the rise of online gambling is fertilizing the soil for an explosion of gambling addictions in this country.

The United Kingdom is in the midst of an effort to legalize and regulate online gambling, including efforts to prevent youth and problem gambling. This effort is not going well. A report commissioned by the British Government was issued a few weeks ago. The report admits that most gambling operators choose jurisdictions where there is very little regulation on their activities. This creates a race to the bottom, where gambling operators in a few countries can offer services that flout the laws of almost every other jurisdiction.

The new law confronts the problem of online gambling in three ways. First, it transforms violations of State gambling laws into a Federal crime as soon as the gambling operator receives money for the transaction. Second, it authorizes Federal and State attorneys general to enjoin persons who enable violations of the law, such as a person running advertisements for illegal Web sites. Third, it requires payment systems to block payments for illegal online gambling.

The new Federal criminal law is already having a positive effect. The publicly traded online gambling companies, who have to answer to financial institutions and other investors, have quickly withdrawn from the U.S. market.

Some Web sites continue to deceive the American public about the legality of online gambling, State and Federal law enforcement are now empowered to enjoin advertising for these illegal websites, and any other support services within their reach. Payment blocking is necessary to reduce Internet gambling and make it clear to the American public that this activity is illegal.

The payment blocking requirements will not become effective until the Treasury Department and the Federal Reserve issue regulations. The statutory deadline for these regulations is August 10, 2007. I urge the Treasury Department and the Federal Reserve to issue these regulations on time, and to make them strong.

Most online gambling websites use third-party offshore payment systems to receive money from U.S. customers, because many U.S. financial institutions have already been blocking payments to these Web sites for years. When a U.S. credit card or bank sends money to one of these services, the U.S. financial institution does not know how the money will be used. On the other hand, the third-party payers know the money in their accounts is being used for online gambling by U.S. customers. Therefore, these third-party payers are knowingly aiding and abetting a criminal act when they send funds from U.S. customer accounts to online gambling companies.

Firepay has appropriately chosen to stop making these illegal payments for American customers, even though it operates out of Ireland. The regulations need to make sure that law-abiding companies such as Firepay are protected, while third-party payers who knowingly aid and abet criminal activity are effectively sanctioned.

I would also note that this law empowers payment systems to make strong efforts to stop the use of their systems for online gambling. To that end, section 5364(d) of the new law protects entities from civil liability for blocking restricted transactions, or if they mistakenly block, prevent, or prohibit legal transactions when attempting, in good faith, to comply with the law. At the same time, section 5364(b)(4) clarifies that the government will attempt to draft the regulations to catch as few legal transactions as possible.

The key is implementing the most effective and efficient enforcement measures that are reasonably possible. We have not sat idly by while unscrupulous operators profiteer from evading our laws and perpetrating fraud on the public. We have worked long and hard to defend the letter and the purpose of State and Federal gambling laws, and now we ask the executive branch to help us finish the job. Strong regulations for payment systems will cut off most fund transfers to offshore online gambling operators and destroy U.S. markets. By drastically reducing the availability of Internet gambling in the U.S., we will reduce new addictions and violations of the law.

This is why, this year, 49 State attorneys general, as well as the National District Attorneys Association, Federal Criminal Investigators, and Fraternal Order of Police wrote in support of this law. These law enforcement groups were not alone. They were joined by extraordinarily diverse groups that are concerned about the effect that online gambling has on society and the rule of law.

First, sports organizations are concerned about preserving the integrity of athletic competitions, and want to protect them from perceptions of corruption or a culture of gambling. This is why the National Football League, National Collegiate Athletic Association, Major League Baseball, National Basketball Association, and National Hockey League all actively supported the law.

Second, financial institutions are concerned about Internet gambling's association with money laundering, uncollectible consumer debt, and use of their systems for criminal activity. This is why the American Bankers Association, America's Community Bankers, and Securities Industry of America, joined by individual companies such as American Express, Citigroup, and PayPal, wrote in support of the law.

Third, religious groups and family welfare groups are concerned about the devastating effects that gambling addiction can have on families. This is why this law was supported by a broad range of civic organizations, from mainline churches such as the United Methodist Church and the National Council of Churches, to coalitions such as the National Coalition Against Gambling Expansion, to conservative family groups such as the Family Research Council and Concerned Women for America.

This is why I am proud that this legislation was finally enacted. As all these diverse groups recognized, online gambling is a threat to civic society for many reasons. Failing to enforce laws that are meant to diminish this threat undermines the rule of law itself. But today we stand ready to reclaim the power to enforce the law, and I ask for the help of the Treasury Department and other executive agencies to secure this victory.

## WORLD WAR II VETERANS OF FRANKFORT, KANSAS

Mr. ROBERTS. Mr. President, I rise today to recognize the valor and great sacrifice of the citizens in Frankfort, KS. Frankfort is a small town in northeast Kansas. It is a thriving rural community of approximately 855 people. In the early 1940s, just as today, Frankfort was teeming with good Americans, Americans who answered the call of duty and fought so that their fellow Americans could live in freedom.

But that alone is not what makes Frankfort notable. Brave men and women from small towns, big cities, and everywhere in America have served our Nation in the Armed Forces. Many have made the ultimate sacrifice.

What makes this town, then home to approximately 1,800 people, notable is the solemn fact that 32 brave men from Frankfort and the surrounding farmland gave their lives in World War II. Based on records from local county newspapers of that time, it is concluded that the Frankfort community lost more men in World War II than any other town of similar size. This

fact imparts both a deep sense of pride for the bravery and commitment of these young Kansans and also sadness for the great loss of life that is inherent in times of war.

During my years in public service, I have experienced many opportunities to meet some amazing people and hear the incredible stories that truly define America. This is exactly how I have come to learn of this incredible contribution to our Nation's security. Frank Benteman, a World War II Army veteran, shared this story. Mr. Benteman, now 80 years old, is from Frankfort and was part of this ''greatest generation'' who served. It was Mr. Benteman who continues to honor those who went before by remembering their sacrifice and honoring their memory. I am pleased to work along with Frank Benteman to honor the heroes of Frankfort, KS, by entering their names into the CONGRESSIONAL RECORD in recognition of their ultimate sacrifice to a grateful nation.

The brave men from Frankfort, KS, who gave their lives in the great Second World War include Willard A. Backman, Fred Bentsen, Lloyd C. Blackney, Leland Cook, Melvin Cope, Elmer Crumpton, Kenneth DeWalt, Robert Emmingham, Victor Feldhausen, Peter Fiegener, William R. Gibson, Don Hockensmith, Jr., Dale C. Hooper, Milan E. Jester, Koester Johnston, Donald E. King, Vern F. Long, Weldon Maneval, Matt McKeon, Carl O. Nord, Aloysius Noud, Howard Olson, Paul A. Paden, Charles Poff, Charles L. Punteney, Theodore Rhodes, David L. Shyne, James Stoffel, Clifford Watson, Robert B. Welsh, Charles F. Zinn, and Munro Zoellner.

Semper fi.

## THE SATELLITE CONSUMER PROTECTION ACT

Mr. ENSIGN. Mr. President, I would like to note that while I am cosponsoring S. 4067, there are some outstanding issues that I believe need to be addressed before we proceed with this legislation. It is critical to my rural consumers that they continue to have access to distant network signals that they have come to enjoy and depend on, and through no fault of their own now face losing on December 1st, 2006. I want to ensure that all of my constituents are protected. Accordingly, I look forward to working with the bill sponsors to improve the language when the Senate reconvenes in December. In Nevada we have over 5,000 consumers that will be shut off if action is not taken to restore these signals.

## MARINE CORPS BIRTHDAY

Mr. WARNER. Mr. President, I want to take a moment to commemorate an important event that took place on Veterans Day weekend. On November 10, the Marine Corps Birthday, I was privileged to give the annual address at the revered Iwo Jima Memorial, and then to attend the dedication of the National Museum of the Marine Corps in Quantico, VA.

This marvelous dedication featured remarks from President Bush, President of the Marine Corps Heritage Foundation General (Ret.) Ron Christmas and the distinguished news anchor and former marine, Jim Lehrer. They were joined by thousands of fellow marines—past and present—including Chairman of the Joint Chiefs, GEN Pete Pace, Commandant of the Marine Corps Michael Hagee and former Senators John Glenn and Chuck Robb.

Especially moving was President Bush conferring our Nation's highest military decoration, the Medal of Honor, posthumously, on Cpl Jason Dunham, who was tragically killed outside the Iraqi town of Karabilah in 2004.

For all who worked tirelessly to construct this wonderful museum that highlights the Marine Corps experience, that dedication ceremony became a tribute of a lifetime for all marines.

On this week of Veterans' Day, and the Marine Corps Birthday, we remind ourselves that we are here solely because of the sacrifices of men and women who for 231 years now have worn our Nation's uniform to preserve our freedoms against outside enemies.

Like the ''Devil Dogs'' of Belleau Wood, today's generation of Leathernecks—from the Commandant to the newest recruit at Parris Island—have answered one of the highest callings: serving as a marine for the greatest Nation on Earth.

As President Reagan famously observed, ''some people spend an entire lifetime wondering if they have made a difference. Marines don't have that problem.''

My good friend of many years, Jim Lehrer, gave a particularly inspired speech at the museum dedication that captured the fundamental nature of what it means to be a marine, and how that experience shaped him, as it did all of us, in our lives.

I ask unanimous consent that his inspiring speech be printed in the RECORD as a tribute to all marines, former or current, around the world.

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

### TRIBUTE TO MARINES

(By Jim Lehrer)

Mr. President, generals, colonels, majors, captains, lieutenants, warrant officers, sergeants, corporals, privates, ladies and gentlemen.

We are the Marines. And in this museum, our story is told. It is a single, monumental story, made up of 231 years of many separate stories of heroism and courage, of dedication and sacrifice, of service to our country and to our corps, of honor and loyalty to each other in war and in peace; 231 years of professionalism and pride, of squared corners and squared-away lockers, perfect salutes and good haircuts, well-shined shoes, and eyes right, 231 years of Semper Fis and DIs.

First time I came to Quantico was 51 years ago. I came as an officer candidate, a PLC on the train from Washington, having just traveled from Texas on the first airplane ride of my life. On the orders of a drill instructor, a DI, I fell in at attention with 40 other candidates on the platform at the train station over at Quantico.

And the DI told us to answer up, ''Here, sir!'' when our name was called. And he got to mine, and he said, ''Le-here-er-er.'' And, like some kind of idiot, I blurted out, ''It's pronounced Lehrer, sir!''

There was silence, absolute silence. And then I heard the terrifying click, click, click of leather heels on the deck of that train station platform coming in my direction. And suddenly there he was, the DI, right in front of me, his face right up in mine. And I paraphrase and cleanse it up a bit, but he said, ''Candidate, if I say your name is Little Bo Peep, your name is Little Bo Peep!''

''Do you hear me?'' Oh, I heard him all right. And I think it was at that very moment that I really became a United States Marine.

I'm still one today, and I will remain one forever, as did my late father, and as is my older and only brother.

I came from a family of Marines into the family of Marines. My father served in the 1920s under the great Smedley Butler right here at Quantico. He saw combat in Haiti and came out a corporal. My brother and I were both 1950s Cold War Marines in the Third Marine Division in the Far East.

Since our corps was founded on this day in 1775, there have been more than 4 million men and women who have worn the uniform of a United States Marine. This museum is about all of them, including us three ''Le-here-er-ers,'' and even the Little Bo Peeps. That's because this museum is about what it means to be a Marine, no matter the time, the length, place, rank, or nature of the service.

It's about the shared experience and the shared knowledge that comes from being a U.S. Marine, such as knowing that you are only as strong and as safe as the person on your right and on your left; that a well-trained and motivated human being can accomplish almost anything; that being pushed to do your very best is a godsend; that an order is an order, a duty is a duty, that responsibility goes down the chain of command, as well as up, as do loyalty and respect; that leadership can be taught, so can bearing, discipline and honor; that ''follow me'' really does mean ''follow me''; and that that Semper Fidelis really does mean ''always faithful''; and that the Marines hymn is so much more than just a song.

My Marine experience helped shape who I am now personally and professionally, and I am grateful for that on an almost daily basis. And I often find myself wishing everyone had a similar opportunity, to learn about shared dependence, loyalty, responsibility to and for others, about mutual respect and honor, and about the power of appealing to the best that's in us as human beings, not the worst.

As a journalist, there has been one overriding effect of my Marine experience: While debates over sending Americans into harm's way are always about issues of foreign policy, geopolitics and sometimes even politics-politics, for me, they are also always about young lance corporals and second lieutenants and other very real people in all branches of the U.S. military, people with names, ranks, serial numbers, faces, families, and futures that may never be.

When Marines stand for or sing the Marines' hymn, as we will at the conclusion of this ceremony, it's never for ourselves personally. It's always for the Marines who went before us, with us, and after us, first and foremost for those who gave their lives,

their health, their everything at places such as Tripoli, Belleau Wood, Haiti, Wake Island, Guadalcanal, Peleliu, Iwo Jima, Chosin, Inchon, Danang, Khe Sahn, Beirut, and Baghdad, Fallujah and Ramadi.

The death rate among Marines in Iraq has been more than double that of the other services. That's a first-to-fight, first-wave pattern that has pretty much held since the Revolutionary War, when 49 of the very first U.S. Marines of our country died in combat. Their mission was aboard ship; there are still Marines who serve at sea.

There are others who fly and maintain jets and helicopters, man the artillery, operate tanks and trucks, feed and supply the troops, compute and collate, train and inspect, march and make music, recruit, guard and escort, radio and communicate, patrol and snipe, as well as save tsunami, earthquake and other disaster victims around the world, collect toys at Christmastime for American kids in need, stage a marathon run through Washington, D.C., for charity, or do whatever else needs to be done, particularly if the need is for it to be done well and be done immediately.

We are the Marines. And in the language of the rifle range, we are always ready on the right, ready on the left, all ready on the firing line, whatever kind of firing is required, and wherever that line may be.

## CELEBRATING THE 99TH INFANTRY

Mr. WARNER. Mr. President, this past August, the surviving members of the 99th Infantry Division met together in Fort Mitchell, KY. Of this division, only a few remain. But the survivors and their widows gathered in August to complete the final chapter of the story of this exceptional group of Americans.

The Battle of the Bulge is well known to most Americans, but the efforts and triumphs of the 99th Infantry are less well recognized. These men played a crucial role in the eventual Allied victory, though few knew it at the time. This battle is best described by Professor Stephen Ambrose, the preeminent World War II historian who provides a snapshot of their efforts in an article in the Military History Quarterly. Ambrose describes the scene along Elsenborn Ridge:

To the north, between Monschau and Losheim, the U.S. 99th Infantry Division, newly arrived in Europe, and the 2nd Infantry Division . . . did not simply delay the German advance but stopped it along the critical point of the whole battle, Elsenborn Ridge. The low ridge . . . was the main objective of Sepp Dietrich's 6th Panzer Army. Elsenborn Ridge was the Little Round Top of the battle. The German General Dietrich drove his units mercilessly, but he could not take it due to the steadfastness of the American resolve and the sheer courage of these brave men facing the ultimate test in brutal conditions.

Ambrose adds,

''In the vast literature of the Battle of the Bulge, Elsenborn Ridge always yields pride of place to the far more famous action . . . at Bastogne. Everyone knows about the 101st Airborne at Bastogne; almost no one knows even the names of the 99th and 2nd Infantries. Yet it was along Elsenborn Ridge . . . that these two ordinary infantry divisions, largely out of touch with their commands, outnumbered 5 to 1 and worse, outgunned and surprised, managed to stop the Germans in their main line of advance. The Germans never did take the Ridge.

Their heroic stand at Elsenborn Ridge helped turn the tide at the Battle of the Bulge, where we suffered some 80,000 casualties. Although many of the 99th have passed on, their tradition remains strong, especially among their descendents.

Mr. George Pedersen, a distinguished Virginia businessman, is the nephew of 99th Infantry soldier, SGT Arnie Goa. Like most of his fellow soldiers of this little known but critically important action, Sergeant Goa has passed into history, but his legacy lives on, and George Pedersen thought it important to commemorate his uncle and the soldiers of the 99th, so he volunteered to underwrite the reunion, paving the way for the remaining soldiers and their families to meet, exchange stories, and complete that final chapter of distinguished service to their Nation.

Many of these fine men may have passed, but in a very real sense, Sergeant Goa's spirit, and the spirit of his fellow soldiers, lives on in the lives and sacrifices of our young men and women in uniform who serve our country today. I know that these veterans of that long ago battle would all be immensely proud of those who now follow in their footsteps. I commend these veterans and their families for their great contribution to each of us, and I commend Mr. Pedersen for his contribution to their memories.

## SUBMITTAL OF INTELLIGENCE COMMITTEE REPORT

Mr. ROBERTS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated November 16, 2006.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
*Washington, DC, November 16, 2006.*

DEAR MR. PRESIDENT: As chairman and vice chairman of the Select Committee on Intelligence, we submit to the Senate the report of the Senate Select Committee on Intelligence regarding its activities during the 108th Congress from January 7, 2003, to December 8, 2004. The committee is charged by the Senate with the responsibility of carrying out oversight of the intelligence activities of the United States. While much of the work of the committee is of necessity conducted in secrecy, the committee believes that the intelligence community and this committee should be as accountable as possible to the public. This unclassified, public report to the Senate is intended to contribute to that objective.

Sincerely,

PAT ROBERTS,
*Chairman*,
JOHN D. ROCKEFELLER IV,
*Vice Chairman*.

## NATIONAL ADOPTION DAY

Mrs. LINCOLN. Mr. President, today I rise to commemorate National Adoption Day.

As a mother, I understand the joy and the meaning that raising a child can bring to one's life. I also understand the importance that a stable home can play in a child's development. Each year, National Adoption Day offers us all an opportunity to not only reflect on the benefits that adoption can bring but also to raise awareness of the thousands of children across our Nation who are still awaiting stable, nurturing, and loving homes and families.

Last year, 227 events were held on National Adoption Day in 45 States. In the process, over 3,000 adoptions were finalized. At Saturday's celebration in Hot Springs, AR, and at similar events across the country, we all hope to build on that success as hundreds of volunteers take time out of their schedules to help place children in permanent homes.

In my State of Arkansas, our judges, courts, and child advocates have worked tirelessly on behalf of our State's foster children. In consultation with them and in cooperation with my colleagues, I have done all I can to ensure our adoption process is as efficient as possible. With an estimated 118,000 children across our country in foster care and awaiting adoption, I urge my colleagues to continue working together on behalf of these children. The opportunity to grow up in a nurturing, loving, and stable family is something that none of us should take for granted. It is our duty in this Congress to ensure that these children are not denied this opportunity but given timely placement with the home and the family that each and every one of them deserve.

I would also like to once again express my support and offer my heartfelt gratitude not only to the volunteers in Arkansas and across the country who make National Adoption Day the success it is but also to the selfless men and women who work every day on behalf of America's children.

## INFLAMMATORY BREAST CANCER

Mrs. MURRAY. Mr. President, I rise today to make my colleagues aware of inflammatory breast cancer, IBC, the least common but most aggressive type of breast cancer. Although IBC accounts for 1 to 5 percent of all breast cancer cases in the United States, it is an especially aggressive and rare form of breast cancer.

The unique symptoms of IBC can result in misdiagnoses or late diagnoses. IBC often presents with similar symptoms as mastitis, a type of breast infection. The disease also occurs more frequently in younger women. Physicians may believe these young women are at lower risk for breast cancer and might misdiagnose their symptoms. Unfortunately, these delays in correct diagnosis result in the sad fact that IBC is more likely to have metastasized at the time of diagnosis than non-

IBC cases. IBC is also an especially aggressive form of breast cancer. As a result, the survival rate for patients with IBC is significantly lower than those with non-IBC breast cancer.

These sobering facts tell us that education and awareness about this rare cancer are desperately needed so that women are quickly and properly diagnosed. My home State of Washington is making important strides in this direction. In fact, Washington State recently celebrated Inflammatory Breast Cancer Awareness Week, thanks to the foresight of Governor Christine Gregoire and the hard work of Washington's IBC advocates. This special observance goes a long way in raising awareness about IBC in my home State.

Efforts such as Washington State's awareness week are a good start, but more education and awareness are needed for both patients and their physicians. We also must increase access to screening, especially for low-income women. One important step that Congress can take to increase these efforts is to pass S. 1687, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2005. For all types of breast cancer—but especially for IBC—early detection is critical to catching cancer early before it spreads. I am working with Chairman ENZI and Ranking Member KENNEDY to bring this bill up for a vote in the Health, Education, Labor, and Pensions Committee, and it is my hope that we can pass this bill before the end of the 109th Congress.

In closing, I commend the efforts of Governor Gregoire and the IBC advocates in Washington State. I am committed to making the Federal Government a strong partner in these efforts by increasing awareness and access to screening. Together, we can help ensure that every woman gets screened for breast cancer and that she and her doctor have access to the latest medical research.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the proclamation from Washington State to which I referred.

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

PROCLAMATION

Whereas, except for nonmelanoma skin cancers, breast cancer is the most common cancer among woman, and is the second leading cause of cancer death in women, exceeded only by lung cancer; and

Whereas, Inflammatory Breast Cancer (IBC) is the most aggressive form of breast cancer and has a faster doubling time than other breast cancers; and

Whereas, the total number of breast cancer cases diagnosed for 2005 was 210,000, and of that number, six percent were IBC; and

Whereas, symptoms of IBC are similar to those of mastitis, a benign breast infection, and because IEC usually grows in nests or sheets rather than a solid tumor, it can spread throughout the breast without a detectable lump. It is usually not detected by mammograms or ultrasounds unless there is a defined tumor; and

Whereas, laboratory based research on IBC has been limited because little, if any, pretreatment tumor tissue is available for research; and

Whereas, we recognize the courage and strength of women battling IBC, and the families and friend's who love and support them, and our state is grateful for the hard work and commitment of our dedicated researchers and medical professionals; and

Whereas, with continued effort, we can raise any awareness of IBC and find new ways to prevent and treat this deadly disease;

Now, therefore, I, Christine O. Gregoire, Governor of the state of Washington, do hereby proclaim October 1–7, 2006, as Inflammatory Breast Cancer Awareness Week in Washington State, and I urge all citizens to join me in this special observance.

## PRESERVING CRIME VICTIMS' RESTITUTION ACT

Mr. SESSIONS. Mr. President, I am pleased to join with Senator FEINSTEIN and cosponsor the Preserving Crime Victims' Restitution Act of 2006.

When a criminal defendant pleads guilty or is found guilty by a jury of his peers but dies before sentencing or while his case is on appeal, the defendant's victims should not sustain a financial loss and the defendant's estate should not profit from his crimes. The judicially created doctrine of abatement provides, however, ''that the death of a criminal defendant pending an appeal of his or her case abates, ab initio, the entire criminal proceeding.''

In its most extreme form, the scope of the doctrine can be breathtaking. As the U.S. Court of Appeals for the Fifth Circuit held in United States v. Parsons:

[T]he appeal does not just disappear, and the case is not merely dismissed. Instead, everything associated with the case is extinguished, leaving the defendant ''as if he had never been indicted or convicted.''

Common sense requires that punishments like imprisonment or probationary supervision terminate once a defendant dies. But when a criminal conviction involves remedial measures such as restitution to the victims of the crime or implicates civil forfeiture of property connected with the crime, we shouldn't pretend that nothing ever happened. A convicted defendant's death while his case is pending may cheat the hangman, and it may cheat the jailer—but it shouldn't cheat the victims.

Taking a criminal case to trial and obtaining a conviction can involve thousands of hours of work and a huge commitment of resources. In the recent conviction of Ken Lay, for example, the trial took nearly 4 months and cost the taxpayers millions of dollars. When a criminal conviction involves financial restitution to the victims of the crime or when the conviction could be used in a later civil law suit, those effects of the conviction should not be erased by the death of the defendant. It is wrong to force the victims or the government to start over from scratch.

The Preserving Crime Victims' Restitution Act addresses the unnecessary and unfair effects of the abatement doctrine. It preserves restitution and the potential use of a criminal conviction. in later civil proceedings such as civil forfeiture, while protecting a defendant's rights.

If a defendant dies after pleading guilty or being found guilty by a jury, restitution and the use of the conviction in civil proceedings will be permitted. In such cases, the bill allows the defendant's estate to step into his shoes and continue to defend the conviction. The estate can appear on behalf of the defendant at sentencing, and it can file post-trial motions. The estate can also appeal the conviction.

This assures that the integrity of the criminal and appellate process is preserved and that there is an adequate opportunity to challenge the validity of a conviction and ensure that justice has been done. Basically, under this bill, the criminal and appellate process move forward with respect to restitution and use of a conviction in later civil proceedings just as though the defendant were still alive.

Ultimately, the Preserving Crime Victims' Restitution Act is about fairness. It is fair to victims—who too often get overlooked in the criminal process. It is fair to the Government—which may have committed enormous time and resources to obtaining a conviction. And it is fair to the defendant's estate—which should be allowed to represent the defendant's interests and contest the Government's case but should not be allowed to profit from crime simply because a defendant dies.

I hope we can move quickly to pass the Preserving Crime Victims' Restitution Act of 2006, and I urge my colleagues to support it.

## HELP COMMITTEE AGENDA

Mr. KENNEDY. Mr. President, the message from this election is clear. There is little doubt that the American people want a change of course in Iraq. But they also want a government that stands with them and their families as they look to the future—jobs that reward their hard work, health care that is good and affordable, and education that continues to open the door to the American dream for all of our citizens.

That was the agenda of the voters in this election and it will be the agenda of our Health, Education, Labor, and Pensions Committee when we convene in the new year. And with Senator REID as our majority leader, America's families will see great progress on the issues that they care most about.

Yesterday, Democrats selected the membership of our committee. Every member is an experienced legislator with a deep commitment to working families and a solid record for getting things done.

So I welcome back Senator DODD, Senator HARKIN, Senator MIKULSKI, Senator BINGAMAN, Senator MURRAY, Senator JACK REED, and Senator CLINTON. And I welcome our new members:

Senator OBAMA, Senator-elect SANDERS, and Senator-elect BROWN.

I am also grateful to continue working together with Chairman ENZI. The gavel may change hands, but our partnership will not. He is a true leader and has set the standard for fairness and statesmanship, and I look forward to working with him on the many issues before the committee in the next Congress.

My first priority will be to increase the minimum wage. Americans are working harder than ever, but millions of hard-working men and women across the country aren't getting their fair share. We are not rewarding work fairly anymore, and working families are falling behind.

The minimum wage has been stuck at $5.15 an hour for almost 10 years. A minimum wage worker who works 40 hours a week, 52 weeks a year still makes just $10,700 a year—$6,000 below the poverty line for a family of three. In this era of skyrocketing costs, these hard-working Americans are forced to make impossible choices—between paying the rent or buying food, between paying for gas or paying the doctor.

Americans understand fairness, and they know this is unfair. That is why the American people took the battle into their own hands this year. They pounded the pavements for months to put minimum wage increases on the ballot in six States this year. And all six of these ballot initiatives passed by decisive margins. If there is one message from this election that emerged loud and clear, it is that no one who works for a living should have to live in poverty.

Raising the minimum wage to $7.25 an hour will benefit almost 15 million Americans. It will help more than 7.3 million children whose parents will receive a raise.

Minimum wage workers serve in many of the most difficult and most important jobs in our society. They care for children in day care centers, and for the elderly in nursing homes. They clean office buildings, hotel rooms, and restaurants across the country. They are men and women of dignity, and they deserve a fair wage that respects the dignity of their work. It is long past time to give minimum wage workers a raise.

Another high priority is to remove the barriers to lifesaving stem cell research.

We are in the era of the life sciences, and no area of medical research has more promise than stem cell research to speed the search for new cures for diabetes, Parkinson's Disease, cancer, and many other serious illnesses.

Thanks to the courage of leaders such as Michael J. Fox, the people of Missouri last week chose hope over fear by approving a constitutional amendment to allow stem cell research.

Congress should learn from that example. Last year, a broad bipartisan majority approved legislation to tear down the barriers that have kept NIH scientists from realizing the full potential of this research. That bill was rejected by the President, but hope can never be vetoed.

We will be back again and again next year until we succeed in overturning the restrictions on stem cell research that hinder the search for new cures, and delay the day when the hope of a better future becomes a reality for patients across America.

We must also address the crisis in college affordability that affects every low and middle income family and that threatens our economic progress. It is more important than ever for our citizens to have a college education so they can compete in the global economy and have a fair chance at the American Dream. But because of soaring college costs, stagnant student aid and heavy student loan debt, it is becoming increasingly difficult for our citizens to get such an education.

Today, students and families are pinching every penny to save for college—but it is not enough. Each year, 400,000 low-income students do not attend a 4-year college because of cost factors. Student debt is also a barrier to the pursuit of vital but lower-paying professions like teaching, public health, and social work.

Last year, we passed an increase in student aid through the Senate only to see our proposals die in the House. With the House and Senate under new management, next year we will provide needed help to families struggling to put their children through college.

We will increase Pell Grants from $4,050 to $5,100. We will cap college loan payments to no more than 15 percent of your income. We will cut student loan interest rates. We will reform the student loan program so it works for students and not just the banks. And we will use the savings to increase student aid.

And at long last, we can no longer ignore the need for health care reform. We must reduce the cost of health and we must make it available to each and every American.

Every Member of the Senate, and their staffs, and every Federal employee has a sense of security about health care that is denied to millions of Americans. Members of Congress know that if we get sick, or if our children need medical care, our health insurance plan will cover virtually all of the costs.

Tens of millions of our fellow citizens have no such guarantee. Nearly 50 million Americans lack health care coverage entirely, and tens of millions more have inadequate coverage. In a nation with the best doctors and finest hospitals in the world, it is profoundly wrong that so many Americans suffer from illnesses that could have been prevented or treated more effectively—if only health care had been available and affordable.

The time is long overdue to address the crisis in health care. Bipartisan health care reform is possible, and our first step toward it should be effective legislation to strengthen and reauthorize CHIP, the program that provides quality health care for 4 million children.

But our experience with health reform in Massachusetts showed that we can do more. We proved that people from all parts of the political spectrum can come together to provide health care for all. So this, too, is one of our top goals for the coming Congress.

Together, we can—we must—make the promise of this century of the life sciences a reality for all Americans by seeing that every American has quality, affordable health care.

These are our top priorities for the new year, but they are not our only priorities.

We must pass the CLASS Act and create a long-term care infrastructure in this country that will support every American's choice to live at home and be part of their community. Every older or disabled American has this right, and it is our job in Congress to provide them with the support they need to make this a reality.

We will strengthen early learning opportunities, starting at birth, for each of our children. Prevention works in health care and it can work in education as well.

We must also ensure that our schools are equipped to meet the challenges of the global economy. Our Nation's future depends on many things, but certainly one of the most important measures of the strength of our democracy is the excellence of our public schools. This year, we will revisit the reforms contained in the No Child Left Behind Act.

The law charted a sound course for American education four years ago, but it is time for us to reshape our commitment and provide better solutions for schools to respond to the challenges identified by the law. These reforms are right and we're ready to work with President Bush, as we did 5 years ago. But given the many failures of implementation by his administration and the meager commitments to education reform in his budgets, the President has a high hurdle to cross to demonstrate that he is seriously committed to these reforms.

In addition, we must give workers a stronger voice in their own futures and in meeting the needs of their families. We must protect workers' right to join together and fight for better wages and working conditions, free from employer intimidation. Workers need opportunities to improve their skills through job training programs. And families deserve paid sick days to care for loved ones without fear of losing their jobs.

Americans who have worked a lifetime to provide for their families deserve to retire in dignity, not in poverty. We must ensure our retirement system works for all Americans, not just corporate executives.

We can make bipartisan progress, too, on measures that will improve

health care and reduce costs—not by denying services to patients, but by improving efficiency and effectiveness. Congress should aid doctors, hospitals, and patients to improve their use of electronic medical records, and we should explore responsible ways to reward the quality of health care, not just the quantity of care.

And we must fulfill our duty through our hearings and our legislative program to ensure that Government is working for the people, that we have strong laws to keep workers safe on the job and that workers are fairly paid, that student loans work for students and not just the banks, that students are protected from exploitation in the private student loan market, that prescription drugs we rely on and the food we eat are safe, that the workers that risked their lives for others on 9/11 are cared for as they deal now with the illness and injury.

These will be my priorities as chairman of the Health, Education, Labor, and Pensions Committee next year. They come directly out of this election where the American people spoke loud and clear. And I look forward to working with my colleagues to make important progress for America's families.

## SOMALIA

Mr. FEINGOLD. Mr. President, I remain deeply concerned about rising instability and growing tension in Somalia. It is becoming clear that efforts to date have failed to sufficiently address the stand off between the Islamic courts and the transitional federal government, TFG, and now new tension between Ethiopia and Eritrea is threatening to engulf the entire region in a costly and devastating conflict. Unfortunately, rising instability in Somalia is having a direct effect on stability throughout the region and, if left unchecked, will have a significant impact on our national security and the security of our friends and allies.

As I have said many times before, it is imperative that the U.S. Government begin playing a leadership role in helping to stabilize Somalia and the region and that it do so immediately. We need a comprehensive approach to engaging with regional actors, the international community, and the U.N. to find a permanent solution to this crisis. Such an approach will contribute to stability throughout the Horn of Africa and to our national security.

We can't do this successfully, of course, unless we create a comprehensive approach and apply sufficient resources and attention to this growing problem. I was pleased when the Senate passed an amendment I offered to the Defense authorization bill a few months ago that calls for a comprehensive strategy for establishing long-term stability in Somalia. I believe, as do a number of colleagues on both sides of the aisle, that the United States must develop a comprehensive strategy for Somalia that utilizes all facets of its power and capability and must ramp up its diplomatic efforts throughout the region and the international community to bring this crisis to an end.

Unfortunately, the administration has yet to appoint a senior coordinator for Somalia to pull together a strategy and to engage fulltime with international and regional partners in addressing this crisis. There also appears to be a reluctance to put in place additional personnel and resources needed to help execute this strategy and to contribute to international efforts to bring about a lasting peace throughout the region. Frustratingly, there has been reluctance among administration officials to work closely with Congress to identify what additional resources are needed to address changing conditions in Somalia. I have asked repeatedly for a description of needed resources and support that we in the U.S. Congress can provide to help address instability in Somalia and have yet to receive a sufficient response.

Meanwhile, conditions in Somalia are becoming more complex and more troubling. According to a new United Nations report released this week, both the ICU and the TFG are obtaining support from a range of outside actors. If this is true, it signals a dangerous mix of regional and international meddling that could ignite the entire region into a devastating conflict. Recent statements by leaders throughout the region, too, suggest that specific countries may be prepared to intervene outside of the context of a political solution or coordinated international intervention.

Our objectives must not be too lofty: we cannot hope to turn Somalia into a peaceful and established democracy overnight. But we do need to establish realistic goals and objectives and address this problem with aggressive diplomacy and engagement—in Somalia, Nairobi, Addis Ababa, New York, Brussels, Asmara, and throughout the Middle East. We must work diligently to establish a robust political framework within which both Somalia-specific and regional concerns can be addressed, and that will help facilitate a broader arrangement that takes into account the range of actors involved in this crisis. This framework must be supported by the international community and key regional actors. It must also take into consideration the very real security concerns of Somalia's neighbors.

Unfortunately, we have very little time. Conditions continue to deteriorate, and we can't count on weak diplomatic efforts to get us what we need. Instability in Somalia has very real national security implications for our country. Somalia remains what it has been for years: a haven for known al-Qaida operatives and terrorist networks and criminal networks that threaten U.S. interests. As we learned in Afghanistan, we cannot ignore the conditions that breed and empower extremist and terrorist organizations. Accordingly, it is essential that we treat instability in Somalia like the true threat that it is. We need to act quickly and decisively and as if American lives depend on it. They do.

## CELEBRATION OF THE 80TH BIRTHDAY OF EARL HOLDING

Mr. HATCH. Mr. President, I rise today to pay tribute to a dynamic man, my constituent, a loyal friend, loving husband and father, and a highly successful businessman—Mr. Earl Holding. Earl is reaching a wonderful milestone, his 80th birthday, and I couldn't let this occasion pass without honoring him for the good he has accomplished throughout his life.

Earl has accomplished feats in business in Utah and throughout our Nation that few have ever achieved. He has made a lasting imprint on many industries including petroleum, ranching, and the travel and hotel industry. His work ethic, and inspirational leadership has literally transformed the business landscape of our State. His acumen and tenacity are legendary and are admired by many.

Earl has not been alone in his success. In 1949, Earl married his business partner, Carol Orme, and together they embarked on a remarkable life journey. These two humble individuals worked together to forge something real and lasting in all aspects of their lives. A story is told of their early years that I believe poignantly displays the dedication they both have always demonstrated. Their wedding night at the Temple Square Hotel in Salt Lake City reached an early end when they left at 5:00 a.m. to take their irrigation turn at their orchard.

In 1952, Earl and Carol accepted the responsibility of managing and investing in Little America, a service station and motel located in a remote area of western Wyoming. At the time Little America was unprofitable. In just 2 short years, through hard work, perseverance, and tenacity, the Holdings were able to turn Little America into the largest and highest volume service station in the United States.

From this beginning, the Little America Hotels and hotel properties led by Earl have became a favorite place for thousands of travelers throughout the Western United States. In fact, in preparation for the 2002 Winter Olympic Games, Earl personally undertook a mission to build the first five-star hotel in Utah. His dream became a reality with the development and building of the Grand America Hotel in Salt Lake City. This property is truly ''grand.'' It is beautiful from the top to the bottom and is a wonderful testament to Earl's dedication to quality and service.

Earl's contribution to the travel and recreation arena doesn't end with his hotel properties. He also owns and manages the Snowbasin ski area in Utah, the home of several Olympic races during the 2002 Olympic Winter

Games; and the Sun Valley resort in Idaho, repeatedly named the No. 1 ski resort in America.

Earl's business holdings also include a large petroleum portfolio anchored by his purchase of Sinclair Oil in 1976. His innovative leadership in the petroleum industry has enabled Sinclair Oil to grow and is now one of the largest privately held, full integrated oil companies in America.

His leadership and dedication have been recognized many times through numerous awards and honors, including an honorary doctorate degree from the University of Utah, the Woodrow Wilson International Center for Scholars of the Smithsonian Institution's Award for Corporate Citizenship, appointments to the U.S. Postal Commission and the Salt Lake Olympic Organizing Committee, and as president of the American Independent Refiners Association.

Another hallmark of Earl's life has been his commitment to the thousands of employees he has hired throughout the years. Each Christmas season, Earl and Carol take the time to express personally their gratitude to each one of their 7,000 employees.

A famous orator, John Wesley, once stated: ''Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you can.''

This describes Earl Holding. His good works accomplished through 80 years will be acknowledged and felt for generations to come. He is a living example of courage, commitment, and dedication. Hard work has never deterred him, and integrity has always been his guiding beacon.

Mr. President, I consider it a great honor to call Earl Holding a friend. He is an exceptional human being whose footprints will last for years. His success has not been achieved with one single magnificent accomplishment but through a journey of good work and exceptional leadership. I pay tribute to him today and hope my colleagues will join with me in wishing him a very happy 80th birthday!

## ADDITIONAL STATEMENTS

### RECOGNITION OF PROFESSORS OF THE YEAR

• Mr. ALLARD. Mr. President, I rise today to congratulate the winners of the United States Professor of the Year Award. Since 1981, this program has saluted outstanding undergraduate instructors throughout the country. This year, a State Professor of the Year was also recognized in 43 States, the District of Columbia and Guam.

This award is recognized as one of the most prestigious honors bestowed upon a professor. To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Professors personally vested in each student shape the leaders of tomorrow. These individuals should be proud of their accomplishment.

I commend and thank all the winners for your leadership and passion for educating. No doubt you have inspired an untold number of students. I wish you the very best in all your endeavors. Congratulations and best regards.

The four national award winners are:

Outstanding Baccalaureate Colleges Professor: K.E. Brashier, associate professor of religion and humanities, Reed College, Portland, Ore.

Outstanding Community Colleges Professor: Mark Lewine, professor of anthropology, Coyahoga Community College, Cleveland, Ohio

Outstanding Doctoral and Research Universities Professor: Alex Filippenko, professor of astronomy, University of California, Berkeley

Outstanding Master's Universities and Colleges Professor: Donna C. Boyd, professor of anthropology, Radford University.

State Winners:

Alabama: Scott Stephens, Professor of Art, University of Montevallo.

Arizona: Rene Diaz-Lefebvre, Professor of Psychology, Glendale Community College.

Arkansas: Catherine Bordeau, Associate Professor of French, Lyon College.

California: David Paddy, Associate Professor of English Language and Literature, Whittier College.

Colorado: Daniel Miller, Associate Professor of Astronautics, United States Air Force Academy.

Connecticut: Scott Plous, Professor of Psychology, Wesleyan University.

Delaware: Alan Fox, Associate Professor of Philosophy, University of Delaware.

District of Columbia: Elizabeth Chacko, Associate Professor of Geography and International Affairs, The George Washington University.

Florida: William F. Felice, Professor of Political Science, Eckerd College.

Georgia: Carmen Acevedo Butcher, Associate Professor of English, Shorter College.

Guam: Vivian Dames, Associate Professor, University of Guam.

Idaho: James Angresano, Professor of Political Economy, Albertson College of Idaho.

Illinois: Miriam Ben-Yoseph, Associate Professor, DePaul University.

Indiana: Randy Roberts, Professor of History and American Studies, Purdue University.

Iowa: Jeff Barker, Professor of Theatre and Speech, Northwestern College.

Kansas: Harald E.L. Prins, University Distinguished Professor of Anthropology, Kansas State University.

Kentucky: Frank Wiseman, Professor of Chemistry, Georgetown College.

Louisiana: Jo Dale Ales, Assistant Professor for Biology, Baton Rouge Community College.

Maine: Eric Landis, Professor of Civil Engineering, University of Maine.

Maryland: Joan Murray Naake, Professor of English, Montgomery College, Rockville.

Massachusetts: Cathleen K. Stutz, Assistant Professor of Education, Assumption College.

Michigan: Elfie Schults-Berndt, Director of Music, Lake Michigan College.

Minnesota: Randy Moore, Professor of Biology, University of Minnesota-Twin Cities.

Mississippi: Sarah Lea McGuire, Professor of Biology, Millsaps College.

Missouri: Lynn Rose, Associate Professor of History, Truman State University.

Montana: Robin Gerber, History and Social Sciences Instructor, Miles Community College.

Nebraska: Maxine Fawcett-Yeske, Associate Professor of Music, Nebraska Wesleyan University.

Nevada: Cheryll Glotfelty, Associate Professor of Literature and the Environment, University of Nevada, Reno.

New Hampshire: Paul Christesen, Assistant Professor of Classics, Dartmouth College.

New Jersey: Barry V. Qualls, Professor of English, Rutgers, The State University of New Jersey.

New York: Charles Williamson, Professor in Mechanical and Aerospace Engineering, Cornell University.

North Carolina: Thomas Arcaro, Professor of Sociology, Elon University.

Ohio: Ormond Brathwaite, Professor of Biology and Chemistry, Cuyahoga Community College.

Oklahoma: Vivian Thomlinson, Associate Professor of English, Cameron University.

Oregon: Karen Elizabeth Eifler, Associate Professor of Education, University of Portland.

Pennsylvania: Patricia Nestler, Associate Professor of English, Montgomery County Community College.

South Carolina: Maria K. Bachman, Associate Professor of English, Coastal Carolina University.

Tennessee: George Poe, Professor of French and French Studies, Sewanee: The University of the South.

Texas: Jennifer L. O'Loughlin-Brooks, Professor of Psychology, Collin County Community College.

Utah: Eric Amsel, Professor of Psychology, Weber State University.

Vermont: David T.Z. Mindich, Professor of Journalism and Mass Communication, St. Michael's College.

Virginia: Joann Grayson, Professor of Psychology, James Madison University.

Washington: David Domke, Associate Professor of Communication, University of Washington.

West Virginia: Norman Duffy, Professor of Chemistry, Wheeling Jesuit University.

Wisconsin: Donald A. Neumann, Professor in Physical Therapy, Marquette University.•

### HONORING THE LIFE OF DR. MILTON FRIEDMAN

• Mr. BUNNING. Mr. President, I would like to take the opportunity to honor the life of a great American economist, Dr. Milton Friedman, who passed away today.

In his 94 years, he lead an intellectual movement at the University of Chicago focused on the failure of government intervention in the market process, wrote extensively on both economics and public policy, served on the President's Commission on an All-Volunteer Armed Force and the President's Commission on White House Fellows, served on President Ronald Reagan's Economic Policy Advisory Board, and served as president of American Economic Association, the Western Economic Association, and the Mont Pelerin Society. Dr. Friedman was awarded the Presidential Medal of Freedom, the National Medal of Science, and the Nobel Prize in economic sciences.

Dr. Friedman was a prominent defender of the free market and small government. A critic of the Federal Reserve, he argued that the misguided

policies of the directors of the Federal Reserve, through contraction of the money supply, prolonged and worsened the effects of the Great Depression.

I believe Dr. Friedman's greatness was not in being an academic but in taking economic principles, and his immovable convictions, to everyday people through his books, columns, public television series, speeches, and television appearances.

To truly honor the life and achievements of Dr. Milton Friedman, we should heed the lesson he dedicated much of his life to: the free society and the free economy are both essential and inseparable. In his book ''Capitalism and Freedom,'' Friedman reminds us that, ''Economic arrangements play a dual role in the promotion of a free society. On the one hand, freedom in economic arrangements is itself a component of freedom broadly understood, so economic freedom is an end in itself. In the second place, economic freedom is also an indispensable means toward the achievement of political freedom.''.●

● Mr. ALLARD. Mr. President, today I wish to note the passing and celebrate the life of Milton Friedman.

Nobel laureate Friedman was an economist whose work expanded academia to influence Ronald Reagan, Margaret Thatcher, Alan Greenspan, Ben S. Bernanke, and many others. If I may dare to join such company, he also influenced me.

Friedman argued that the goal of monetary policy should be long-term, stable growth in the supply of money. He championed individual initiative and deregulation and influenced decisions from severing the dollar from gold to ending the military draft.

The Wall Street Journal today quoted Carnegie Mellon University Professor Allan H. Meltzer as saying ''It's hard to think of anyone who's had more of a direct influence on social and economic policy in this generation.''

The PBS airing of his 10-part series ''Free to Choose,'' a defense of free market economics, made a huge impression on me. I watched them all and learned much.

Friedman was born in 1912. After graduating from high school before his 16th birthday, Friedman won a scholarship to Rutgers University. He later studied at the University of Chicago, where he met his future wife, Rose Director. Friedman graduated with a master's degree from the University of Chicago in 1933 and earned a doctorate from Columbia University in 1946. He served as an economic adviser during Barry Goldwater's Presidential campaign, won the Presidential Medal of Freedom in 1988, and was most recently a senior research fellow at the Hoover Institution.

His contribution to our country was vast, and I mourn his passing.●

## TRIBUTE TO MURRAY STATE UNIVERSITY

● Mr. BUNNING. Mr. President, today I pay tribute to Murray State University in honor of their recognition by the annual U.S. News and World Report America's Best Colleges issue. By constantly striving for academic excellence and inspiring their students to succeed, the faculty of this institute of higher education continues to provide the tools needed to ensure a bright future for all graduates.

Every year, thousands of schools are surveyed by U.S. News, and the rankings are based on expert opinion about academic program quality and statistics that measure the quality of a school's faculty, research, and students. The information gathered is consolidated and measured to determine individual college ranking in the final report.

Murray State University has a long history of academic excellence and continues to excel in enriching the academic careers of the students who attend. The school was ranked sixth in the South as a ''Top Public'' university. In addition, Murray was ranked 15th in the South among public and private universities in the individual category of ''Best Masters Universities.'' The 10,000 students who attend this school are ensured a successful academic career with diverse degree programs and exceptional faculty support.

I now ask my fellow colleagues to join me in congratulating Murray State University on their exceptional academic accomplishments. Achievements such as this bring great pride to the entire Bluegrass State. It is a true example of Kentucky at its finest.●

## TRIBUTE TO DR. FRANK WISEMAN

● Mr. BUNNING. Mr. President, today I pay tribute to Dr. Frank Wiseman, who is the recipient of the 2006 U.S. Professor of the Year Award for the State of Kentucky. This is a prestigious program that honors and awards the most influential undergraduate instructors in the country.

Since 1981, the U.S. Professors of the Year program has saluted exceptional professors who have demonstrated a heightened dedication to teaching, commitment to students, and creative instructional techniques and methods. The program is sponsored by the Council for the Advancement and Support of Education which collaborates with multiple higher-education associations to direct and promote the program.

As a professor of chemistry at Georgetown College in Georgetown, KY, Dr. Wiseman uses innovative teaching methods to help his students understand the complexities of chemistry, a subject many find challenging. He has developed games and animation exercises as well as a unique grading system to address the diverse needs of his students. By introducing and applying creative educating tactics along with standard science research methods to assist his students, Dr. Wiseman personifies everything an educator should strive for in their career.

I now ask my fellow colleagues to join me in thanking Dr. Wiseman for his dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have professors like Dr. Wiseman in our institutions of higher learning, in our communities, and in our lives. He is Kentucky at its finest.●

## COMMENDING NATALIE WILSON CRAWFORD

● Mrs. FEINSTEIN. Mr. President, today it is my pleasure to commend Mrs. Natalie Wilson Crawford for her service to the Nation and to the U.S. Air Force.

Mrs. Crawford is an internationally recognized expert on air and space power who has been at the California-based RAND Corporation since 1964. For the past 9 years she has held the position of vice president, RAND Corporation, and director of Project AIR FORCE, one of the principal research divisions of this famous think tank.

For 60 years, Project AIR FORCE, originally called Project RAND, has provided independent and objective analysis on issues of major concern to the U.S. Air Force. During her tenure as its director, Mrs. Crawford built and sustained an outstanding research team, expanded the research agenda, and further cemented RAND's strategic relationship with the Air Force's senior leaders.

Among her many honors, Mrs. Crawford has twice been awarded the Air Force's Decoration for Exceptional Civilian Service. In 2003, she received both the Lifetime Achievement Award from the Air Force Analytic Community and the Lieutenant General Glenn Kent Leadership Award.

In October 2006, Mrs. Crawford stepped down from her administrative roles in Project AIR FORCE, but she will continue to act as a senior advisor to RAND's chief executive officer and as a senior mentor on the USAF Scientific Advisory Board, where she has served since 1988.

It is my pleasure and privilege to thank Natalie Crawford for her extraordinary contributions to preserving America's national security. The dedication and energy she has shown in her four-decade career demonstrate the highest ideals of service and commitment.●

## HONORING DR. DAVID E. JANSSEN

● Mrs. FEINSTEIN. Mr. President, today I honor Dr. David E. Janssen, who is retiring after an impressive career spanning 40 years as a public servant in the State of California.

Dr. Janssen is retiring as chief administrative officer of the county of Los Angeles where he has served with distinction since August 1996. I extend to him my sincere congratulations for the decades of dedicated service that he has given to his Nation, his State, and his county.

For the past decade, Dr. Janssen has played an invaluable role in helping the Los Angeles County Board of Supervisors accomplish its Federal and State legislative priorities.

While his many accomplishments are too numerous to list here, his most recent efforts clearly demonstrate just how much he has meant to Los Angeles county and my State over his entire career.

Dr. Janssen has advocated closely on important Medicaid reform proposals and helped to improve the flexibility of Federal foster care funds.

He coordinated and developed advocacy strategies with local government and housing and community development groups in the Los Angeles region to protect vital community development block grant funds.

Working to improve the county's health system, Dr. Janssen helped assure critical Federal funding guarantees and assisted in creating an action plan in the event of an avian flu epidemic. He also collaborated with the State's congressional delegation, Governor Arnold Schwarzenegger, and the administration to secure funding for Martin Luther King/Charles R. Drew Medical Center—King/Drew—in south Los Angeles, preserving critical, lifesaving services, and ensuring that the patients served by King/Drew continue to have access to care.

In an issue that is of utmost importance to my State, he worked closely with key administration officials and members of Congress to ensure that Los Angeles Air Force Base would not be closed or realigned.

In terms of homeland security, Dr. Janssen led the county in working to boost funding and increase the allocation of first responder grants to local governments. Likewise, he supported legislation to adopt a threat-based formula that directs homeland security funds where they are needed most.

These are just some of Dr. Janssen's significant accomplishments on behalf of Los Angeles county and the State of California. As he retires, I extend my gratitude to him for his many contributions throughout a distinguished career. With sincere best wishes, I congratulate him upon his retirement from public service. I am pleased to join his many coworkers, family, friends, and associates in wishing him health, happiness, and good fortune in all his future endeavors.●

## TRIBUTE TO CHUCK LARSON, SR.

● Mr. HARKIN. Mr. President, one of the joys of my job as a Senator is working closely with talented, dedicated Iowans from all walks of life. One of those exceptional people is Chuck Larson, Sr., U.S. attorney for the Northern District of Iowa. With his retirement next month, he will conclude an extraordinary career in public service spanning nearly four decades.

Chuck has dedicated his life to the law and public safety, as director of Iowa public safety in the 1970s, as a consultant in Saudi Arabia to the Kingdom's Highway Patrol Project in the early 1980s, as director of the Governor's Office of Drug Control Policy, and as a member of the President's Drug Free Communities Committee. In December, he will complete two terms as U.S. attorney for the Northern District of Iowa.

My staff and I have worked closely with Chuck for many years. I could cite many examples of his leadership and professional excellence, but one instance stands out in particular. Some time ago, my office was contacted by members of an Iowa jurisdiction where various law enforcement agencies and key players in the community were not communicating effectively, leading to an increase in drug and gang activity. My staff contacted Chuck, and he intervened in that community personally and directly. He set up meetings with community members and law enforcement agencies and brought them together in a positive spirit. Today, that community is considered a national model for cooperation in the fight against drugs and gangs. And one thing that all groups in the community agree on is that it was Chuck's leadership and personal skills—going above and beyond his job description—that led to this success. Thanks to Chuck's work in that community and cross my State, Iowa is a better, safer place to live, work, and raise a family. Indeed, there is no doubt in my mind that Chuck's dedicated work is one big reason why Iowa has one of the lowest crime rates in the United States.

One key to Chuck's success is that he speaks with the authority of a seasoned veteran of decades on the front line fighting crime and improving public safety. Throughout his distinguished career, he has put public service above personal gain. We have all heard the saying that ''you get what you pay for.'' But in Iowa, when it comes to U.S. attorneys, that is not the case. We get far better than we pay for. Despite modest salaries, Iowa has been blessed with U.S. attorneys of the highest caliber. And most folks in Iowa know this and appreciate it. We hold our law enforcement professionals—from police officers right up to the highest ranking prosecutors—in special esteem. And we are grateful for the excellence, professionalism, and long hours that they bring to their jobs.

I will miss Chuck's counsel and his can-do, cooperative attitude. My staff and I have turned to him again and again over the years, and he has never let us down. It has meant so much to be able to rely on someone of his caliber for authoritative answers and prompt action.

Though I am sorry to see Chuck go, I know how much he is looking forward to spending more time with his family—his wife Ellen and his children and grandchildren. I am grateful for his decades of truly distinguished and brilliant public service, and I wish him the very best.●

## 20TH ANNIVERSARY OF THE REDFIELD FIRE

● Mr. JOHNSON. Mr. President, today I wish to remember the fire that devastated the community of Redfield, SD, on November 16, 1986. Though there was a tragic loss of life and many families saw their property and possessions destroyed, the community was able to come together to help each other through those difficult times and to ultimately rebuild and thrive.

The fire began sometime prior to 4:30 that morning and was reported by Dawn Waldner. Soon local police and firefighters were on the scene, but the blaze proved uncontrollable. It was in the process of consuming an apartment building with 31 apartments and many of the downtown businesses in Redfield. The fire was so hot that it cracked the windows of any building in the vicinity of the flames. The Senior Citizens Center, Crawford Furniture, Coast to Coast hardware, Blaine St. Clair's business office, American Family Insurance, KQKD Radio, and a TV repair shop were among the businesses that were destroyed or damaged.

The day's greatest loss, however, was the life of young Rebecca Nelson, who was just over a year old. She was trapped in the burning apartment building, and though people on the scene made heroic efforts to save her, they could not discover her in time. Civilian Gene Freshour and police sergeant Dave Dosch both risked their lives by going into the building without masks to search for the child. Firefighters Bob Tiff, Jim Haider, Ron Eimers, and Rich Gruenwald formed a search team, also risking their lives, in the attempt to find Rebecca. Despite the brave actions of all those involved in the effort, she could not be rescued.

The fire burned so hot that firefighters said they could see the water evaporating before it even hit the fire. The tar on the streets melted, and ammunition in the hardware store was set off. By the time the embers were cold, over a million gallons of water had been used putting it out. It wasn't long, though, before the community came together to start the hard work of healing and rebuilding.

With the help of two community development block grants, the city was able to purchase much of the damaged property. Over 580 truckloads of debris were taken from the area, but new businesses have moved in and prospered. The site also is home to a memorial to Rebecca Nelson. There will be a memorial service in memory of the events of the day on November 16, 2006, at Siegling's Parking Lot, near the Rebecca Nelson Memorial. I extend my deepest condolences to those who suffered losses in the fire and commend the community for their unity and perseverance in rebounding from this disaster.●

## BIGHORN CENTER TRIBUTE

● Mr. SALAZAR. Mr. President, I rise today to pay tribute to the Bighorn

Center for Public Policy and to recognize the work of a great Coloradan, the Bighorn Center's CEO and founder, Rutt Bridges.

The Bighorn Center for Public Policy was created in 1999 in an effort to provide Colorado with a truly nonpartisan organization that identifies, develops, and advocates public policies to enrich the quality of life in the State of Colorado. Over the past 7 years, the Bighorn Center has brought together leaders from both sides of the aisle to find real solutions to Colorado's ever-changing public policy needs.

Rutt Bridges is a close friend and colleague. He is a man who understands the value of hard work and authentic leadership, and it has been my pleasure to work with him over the years to improve Colorado.

More than 25 years ago, Mr. Bridges and his wife moved to Colorado and founded a small software company that used emerging computer technology to search for oil. With his ambition and intelligence, Mr. Bridges revolutionized the oil exploration business. His small software company quickly grew from 3 employees to over 70. When he sold his company in 1994, he committed himself to doing good for Colorado, and he has maintained that commitment to this day.

The Bighorn Center's list of accomplishments is impressive. As Colorado attorney general, I worked with the Bighorn Center to develop the Colorado Anti-Bully Project. The Bighorn Center and Mr. Bridges are most well-known, however, for Colorado's telemarketing no-call list, passed in 2001 by Colorado's General Assembly. I am most proud of working with Rutt and the Center to help develop this landmark consumer protection law. Taking on special interests and supplying grassroots political pressure, the Bighorn Center was the driving force in making it easy for Coloradans to choose to block intrusive and unwanted telemarketing calls.

Mr. Bridges and the Bighorn Center did not stop there and have often worked behind the scenes to encourage more campaign finance disclosure, convene meetings to discuss Colorado's budget issues, and create a DNA fingerprinting database for all criminals.

The Bighorn Center also created the Bighorn Leadership Development Program, directed by another distinguished Coloradan, Brenda Morrison. This bipartisan program has effectively recruited and trained over 200 young leaders to work for a better Colorado.

I am proud of the accomplishments of the Bighorn Center for Public Policy, and I applaud Mr. Bridges, Ms. Morrison, and other staff at the Bighorn Center for their dedication to making Colorado a better place to live. While the Bighorn Center is closing its doors, its legacy and the work of these civic-minded Coloradans will continue.●

## MESSAGE FROM THE HOUSE DURING ADJOURNMENT

### ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on November 16, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 6326. An act to clarify the provision of nutrition services to older Americans.

H.J. Res. 100. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. STEVENS).

## MESSAGE FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 6325. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

H.J. Res. 101. Joint resolution appointing the day for the convening of the first session of the One Hundred Tenth Congress.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 423. Concurrent resolution authorizing the printing as a House document of ''A History, Committee on the Judiciary, United States House of Representatives, 1813–2006''.

## MEASURES REFERRED

The following bill was discharged from the Committee on Homeland Security and Governmental Affairs by unanimous consent, and referred to the Committee on Energy and Natural Resources:

H.R. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

The following bill was read, and referred as indicated:

H.R. 6325. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331; to the Committee on Banking, Housing, and Urban Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9038. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, five quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2006; to the Committee on Armed Services.

EC–9039. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States in the past sixty days; to the Committee on Foreign Relations.

EC–9040. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–9041. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Discretionary Grant Programs—Notice of Final Priorities'' (71 FR 44671) received on November 14, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9042. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress the Commission has made in achieving its mission to regulate and oversee energy industries; to the Committee on Homeland Security and Governmental Affairs.

EC–9043. A communication from the Attorney General, transmitting, pursuant to law, a report relative to audits conducted on the Department of Justice's financial statements of fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9044. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Trade Agreements Thresholds and Morocco Free Trade Agreement'' (DFARS Case 2005–D017) received on November 15, 2006; to the Committee on Armed Services.

EC–9045. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association management report for the fiscal year ended September 30, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9046. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Korea, Luxembourg and to other countries yet to be determined; to the Committee on Banking, Housing, and Urban Affairs.

EC–9047. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Disposition of HUD-Acquired Single Family Property; Disciplinary Actions Against HUD-Qualified Real Estate Brokers'' (RIN2502–AI08) received on November 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9048. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of Missouri Municipal Solid Waste Landfill Program'' (FRL No. 8242–9) received on November 15, 2006; to the Committee on Environment and Public Works.

EC–9049. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of Nebraska Municipal Solid Waste Landfill Program'' (FRL No. 8242–6) received on November 15, 2006; to the Committee on Environment and Public Works.

EC–9050. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Industrial-Commercial-Industrial Steam Generating Units'' (RIN2060–AN96) received on November 15, 2006; to the Committee on Environment and Public Works.

EC–9051. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Reduction of Penalty for Understating Tax by Adequate Disclosure of an Item on Return'' (Rev. Proc. 2006–48) received on November 15, 2006; to the Committee on Finance.

EC–9052. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2006 Base Period T-Bill Rate'' (Rev. Rul. 2006–54) received on November 15, 2006; to the Committee on Finance.

EC–9053. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Substantiation of Expenses of Native Alaskan Whaling Captains'' (Rev. Proc. 2006–50) received on November 15, 2006; to the Committee on Finance.

EC–9054. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2007 Standard Mileage Rates'' (Rev. Proc. 2006–49) received on November 15, 2006; to the Committee on Finance.

EC–9055. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amplification of Revenue Procedure 2005–70'' (Rev. Proc. 2006–51) received on November 15, 2006; to the Committee on Finance.

EC–9056. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed license for the export of defense articles and defense services sold commercially under contract in the amount of $100,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–9057. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9058. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for Fiscal Year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9059. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's Fiscal Year 2006 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–9060. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the United States space launch industry (motorized mixer with a stainless steel vacuum mixing tank and fine grain bulk graphite); to the Committee on Foreign Relations.

EC–9061. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the United States space launch industry (twelve Honeywell inertial measurement units); to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Select Committee on Intelligence:

Special Report entitled ''Committee Activities of 108th Congress'' (Rept. No. 109–360).

By Ms. SNOWE, from the Committee on Small Business and Entrepreneurship:

Report to accompany S. 3778, An original bill to reauthorize and improve the Small Business Act and the Small Business Act of 1958, and for other purposes (Rept. No. 109–361).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 4046. A bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

*James H. Bilbray, of Nevada, to be a Governor of the United States Postal Service for a term expiring December 8, 2015.

*Thurgood Marshall, Jr., of Virginia, to be a Governor of the United States Postal Service for a term expiring December 8, 2011.

*Dan Gregory Blair, of the District of Columbia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008, to which position he was appointed during the recess of the Senate from January 6, 2005, to January 20, 2005.

Roger W. Wallace, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2008, to which position he was appointed during the last recess of the Senate.

Kay Kelley Arnold, of Arkansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2010. (Reappointment).

Gary C. Bryner, of Utah, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

Thomas Joseph Dodd, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

John P. Salazar, of New Mexico, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012. (Reappointment).

Craig Roberts Stapleton, of Connecticut, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Monaco.

Nominee: Craig R. Stapleton

Post: Ambassador to Monaco

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: 2,000.00, 7/17/03, Bush-Cheney '04; 25,000.00, 12/28/03, Bush/Cheney Victory 2004; 1,000.00, 2/13/04, John Graves for Congress; 1,000.00, 5/28/04, Friends of Jack Orchulli; 2,000.00, 5/28/04, Shays for Congress; 25,000.00, 6/21/04, RNC Presidential Trust; 500.00, 8/21/04, Republican Majority for Choice; 1,000.00, 9/15/04, Peter Coors for Senate; 2,000.00, 3/26/04, Simmons for Congress.

2. Spouse: Dorothy W. Stapleton, 2,000.00, 8/19/03, Bush-Cheney '04; 1,000.00, 3/26/04, Simmons for Congress; 1,000.00, 8/13/04, Fed PAC; 1,000.00, 10/8/04, Coors for Senate.

3. Children and Spouses: Walker Stapleton, 500.00, 9/24/02, Beauprez for Congress; 2,000.00, 8/20/03, Bush-Cheney '04; 1,000.00, 5/24/04, 500.00, 10/08/04, Coors for Senate.

4. Parents: Katharine H. Stapleton, 2,000.00, 8/20/03, Bush-Cheney '04.

5. Grandparents: No contributions.

6. Brothers and Spouses: Benjamin F. Stapleton III (Jane), 208.00, 10/13/04, Coburn for Senate; 208.00, 10/29/04, Coors for Senate; 500.00, 8/06/04, Udall for Congress; 1,000.00, 8/26/03, Bush-Cheney '04; 1,000.00, 6/15/04, Bush-Cheney '04; 1,000.00, 5/28/04, Shelby for Senate; 1,000.00, 8/04/04, Coors for Senate; 2,496.00, 10/13/04, Majority Fund for America's Future Committee.

7. Sisters and Spouses: No contributions.

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Ronald Spogli, of California, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.

Nominee: Ronald P. Spogli
Post: Ambassador, San Marino

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: 24,500, 7/29/04, 2004 Joint Candidate Committee; 7,500, 7/29/04, 2004 Joint State Victory Committee; 2,000, 6/30/04, Pete Coors for U.S. Senate-Primary; 2,000, 6/30/04, Pete Coors. for U.S. Senate-General; 2,000, 3/26/04, John Thune for U.S. Senate-Primary; 25,000, 2/24/04, Republican National Committee; 25,000, 9/11/03, Republican National Committee; 2,000, 6/20/03, Bush-Cheney'04 Inc.; 1,000, 2/5/03, Kit Bond for U.S. Senate-Primary; 1,000, 7/11/02, John Cornyn for U.S. Senate; 1,000, 4/18/02 James Talent for U.S. Senate-Primary; 1,000, 4/18/02, James Talent for U.S. Senate-General; 1,000, 4/18/02, Norm Coleman for U.S. Senate-Primary; 1,000, 4/18/02, Norm Coleman for U.S. Senate-General; 1,000, 4/18/02, John Thune for U.S. Senate-Primary; 1,000, 4/18/02, John Thune for U.S. Senate-General; 1,000, 4/15/02, McConnell U.S. Senate Committee-General; 198,000, 4/11/02, Republican National Committee State Elections Account; 10,000, 11/12/01, National Republican Senatorial Committee; 20,000, 5/8/01, Republican National Committee State Elections Account; 1,000, 4/16/01, McConnell U.S. Senate Committee-Primary; 8,702, 1/19/01, Republican National Committee State Elections Account; 100,000, 1/2/01, Presidential Inaugural Committee; 5,000, 12/6/00, Bush/Cheney Presidential Transition Fund; 5,000, 11/16/00, Bush-Cheney Recount Fund; 300, 7/25/00, National Federation of Republican Women; 200, 7/6/00, Republican National Committee State Election Account; 1,000, 6/26/00, Abraham for U.S. Senate 2000; 125,000, 6/15/00, Republican National Committee State Election Account; 50,000, 5/15/00, Republican National Committee State Election Account; 15,000, 5/15/00, Republican National Committee; 10,000, 12/17/99, 1999 State Victory Fund Committee; 5,000, 11/16/99, Victory 2000 California Republican Party—Federal Account; 15,000, 11/6/99, Victory 2000 California Republican Party; 1,000, 3/7/99, Bush Presidential Exploratory Committee; 10,000, 3/23/98, George Bush Committee.

2. Spouse: Georgia B. Spogli, 7,500, 8/2/04, 2004 Joint State Victory Committee; 30,500, 8/2/4, 2004 Joint Candidate Committee; 25,000, 2/25/04, Republican National Committee; 25,000, 9/12/03, Republican National Committee; 2,000, 6/20/03, Bush-Cheney '04; 1,000, 2/5/03, Kit Bond for U.S. Senate-Primary; 1,000, 4/18/02, James Talent for U.S. Senate-Primary; 1,000, 4/18/02, James Talent for U.S. Senate-General; 1,000, 4/18/02, Norm Coleman for U.S. Senate-Primary; 1,000, 4/18/02, Norm Coleman for U.S. Senate-General; 1,000, 4/18/02, John Thune for U.S. Senate-Primary; 1,000, 4/18/02, John Thune for U.S. Senate-General; 20,000, 4/30/01, Republican National Committee; 5,000, 5/14/00, Victory 2004 California Republican Party; 15,000, 5/14/00, Republican National Committee; 10,000, 12/20/99, 1999 State Victory Fund; 5,000, 11/5/99, Victory 2000 California Republican Party-Federal Account; 1,000, 3/7/99, George Bush Presidential Exploratory Committee.

3. Children and Spouses: Caroline Hunter Spogli (daughter), none; William Alexander Ridley Considine, none.

4. Parents: Helen Spogli, deceased; Valerio Spogli, none.

5. Grandparents: Gesue Spogli, deceased; Marisilia Bartecchi Spogli Sacco, deceased; Salvatore Boccadori, deceased; Amelia Boccardori, deceased.

6. Brothers and Spouses: Robert Spogli, 100, 3/4/04, Bush-Cheney; 100, 8/20/04, Republican National committee; 150, 8/8/98, Republican Congressional Committee;

7. Sisters and Spouses: none.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN:

S. 4057. A bill to protect the second amendment rights of individuals to carry firearms in units of the National Park System; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 4058. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 4059. A bill to prohibit departments, agencies, and other instrumentalities of the Federal Government from providing assistance to an entity for the development of course material or the provision of instruction on human development and sexuality, if such material or instruction will include medically inaccurate information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DODD:

S. 4060. A bill to amend the Military Commissions Act of 2006 to improve and enhance due process and appellate procedures, and for other purposes; to the Committee on Armed Services.

By Mr. DODD:

S. 4061. A bill to create, adopt, and implement rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 4062. A bill to freeze non-defense discretionary spending at fiscal year 2007 levels effective in fiscal year 2008; to the Committee on the Budget.

By Mr. FEINGOLD:

S. 4063. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO:

S. 4064. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 4065. A bill to direct the Attorney General to conduct a study on the feasibility of collecting crime data relating to the occurrence of school-related crime in elementary schools and secondary schools; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 4066. A bill to prohibit the designation of Brazil under title V of the Trade Act of 1974; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. ALLARD, Mr. ROCKEFELLER, Mr. BYRD, Mr. INOUYE, Mr. SALAZAR, Mr. ROBERTS, Ms. SNOWE, Mr. PRYOR, Mr. ENZI, Mrs. CLINTON, and Mr. ENSIGN):

S. 4067. A bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers; to the Committee on the Judiciary.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 4068. A bill to clarify provisions relating to statutory copyright licenses for satellite carriers; to the Committee on the Judiciary.

By Mr. OBAMA:

S. 4069. A bill to prohibit deceptive practices in Federal elections; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 4070. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 4071. A bill to amend the Internal Revenue Code of 1986 to extend the placed-in-service date requirement for low-income housing credit buildings and bonus depreciation property and the period for rehabilitation expenditures in the Gulf Opportunity Zone; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. KERRY):

S. 4072. A bill to address ongoing small business and homeowner needs in the Gulf Coast States impacted by Hurricane Katrina and Hurricane Rita; to the Committee on Small Business and Entrepreneurship.

By Mr. TALENT (for himself and Mr. BOND):

S. 4073. A bill to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''; considered and passed.

By Mr. ALLARD:

S. 4074. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 615. A resolution designating November 26, 2006, as ''Drive Safer Sunday''; to the Committee on the Judiciary.

By Mr. FRIST:

S. Res. 616. A resolution authorizing the Majority Leader and one staff member to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006; considered and agreed to.

By Mr. CHAMBLISS:

S. Res. 617. A resolution designating November 2006 as ''National Lung Cancer Awareness Month''; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 618. A resolution designating November 26, 2006, as ''Drive Safer Sunday''; considered and agreed to.

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. KENNEDY, Mr. HARKIN, Mr. DAYTON, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. LEAHY):

S. Res. 619. A resolution expressing the sense of the Senate that Senator Paul Wellstone should be remembered for his compassion and leadership on social issues and that Congress should act to end discrimination against citizens of the United States who live with mental illness by making legislation relating to mental health parity a

priority for the 110th Congress; considered and agreed to.

By Mr. CHAMBLISS:

S. Res. 620. A resolution designating November 2006 as ''National Lung Cancer Awareness Month''; considered and agreed to.

By Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. MENENDEZ):

S. Res. 621. A resolution designating the week of February 5 through February 9, 2007, as ''National Teen Dating Violence Awareness and Prevention Week''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 408

At the request of Mr. DEWINE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 1081

At the request of Mr. KYL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1508

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1508, supra.

S. 2375

At the request of Mr. COLEMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2375, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2506

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2506, a bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3491

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3491, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes.

S. 3677

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 3678

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3678, a bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

S. 3685

At the request of Mr. BOND, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3685, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3768

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3775

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3775, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 3787

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3787, a bill to establish a congressional Commission on the Abolition of Modern-Day Slavery.

S. 3910

At the request of Mrs. CLINTON, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3910, a bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

S. 4014

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 4014, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes.

S. 4046

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 4046, a bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 4046, supra.

S. RES. 549

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 549, a resolution expressing the sense of the Senate regarding modern-day slavery.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. LAUTENBERG:

S. 4059. A bill to prohibit departments, agencies, and other instrumentalities of the Federal Government from providing assistance to an entity for the development of course material or the provision of instruction on human development and sexuality, if such material or instruction will include medically inaccurate information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LAUTENBERG. Mr. President, I rise to introduce and discuss my bill, the ''Guarantee of Medical Accuracy in Sex Education Act.''

My bill would require that federally-funded sex education/abstinence only programs contain medically accurate and factual information as part of any course instruction.

During the past few years, there has been an increase in the number of federally funded programs using curricula that provide medically inaccurate or misleading information.

Some of these medical inaccuracies include teaching young people that HIV can be transmitted by sweat and tears, citing failure rates of condoms as high as 69 percent, as well as giving inaccurate symptoms and outcomes of sexually transmitted diseases. In addition, some federally funded programs

provided erroneous information about basic scientific facts, for example, stating that human cells have 24 chromosomes from each parent when in fact the number is 23.

Inaccurate information regarding contraception and STD/HIV prevention can make sex education both dangerous and counterproductive. Responsible sex education, by contrast, is an important component of a strategy to reduce unintended pregnancies, decrease the number of abortions, and mitigate the incidence of STD's.

Instruction regarding sexual health and reproduction that includes inaccurate or biased information is not only irresponsible, but it is also dangerous, and it puts our young people at risk for unintended pregnancy and disease.

I urge my colleagues to support medically accurate sex-education—programs that helps young people to develop the proper understanding of their sexuality, so they can make responsible decisions throughout their lives.

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

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

S. 4059

*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 ''Guarantee of Medical Accuracy in Sex Education Act''.

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) A 2006 Government Accountability Office report entitled ''Abstinence Education: Efforts to Assess the Accuracy and Effectiveness of Federally Funded Programs'' finds that the Department of Health and Human Services does not review the content of the major federally funded abstinence-only education programs for accuracy.

(2) All federally funded programs aimed at helping young people make healthy decisions regarding their relationships and sexual health should include medically accurate information.

(3) A 2004 report from the Minority Office of the Committee on Government Reform of the House of Representatives found serious medical inaccuracies associated with a large majority of federally funded abstinence-only-until-marriage programs.

(4) The Society for Adolescent Medicine (SAM) found in a 2006 position paper that abstinence-only-until-marriage programs ''provide incomplete and/or misleading information'' and states that ''efforts to promote abstinence should be based on sound science''.

(5) The American College of Obstetricians and Gynecologists have also expressed ''the importance of ensuring that all federally funded sexuality education programs include information that is medically accurate and complete''.

(6) The American Academy of Pediatrics (AAP) believes that ''children and adolescents need accurate and comprehensive education about sexuality to practice healthy sexual behavior as adults''.

(7) The American Public Health Association (APHA) ''recognize[s] that sexuality is a normal, healthy aspect of human development ... and that individuals of all ages require complete and accurate information about all aspects of sexuality''. APHA ''endorses the right of children and youth to receive comprehensive sexuality education that includes facts, information, and data and that demonstrates an appreciation of racial, ethnic, and cultural diversity''.

(8) The American Medical Association ''urges schools to implement comprehensive, developmentally appropriate sexuality education programs that are based on rigorous, peer reviewed science''.

(9) Over 1 billion dollars in citizen taxpayer money has been spent on abstinence-only-until-marriage programs in the past quarter century without significant monitoring of the content of these programs in order to guarantee they contain medically accurate information and exclude inaccurate data.

**SEC. 3. MEDICALLY INACCURATE SEX EDUCATION.**

(a) REQUIREMENTS.—A department, agency, or other instrumentality of the Federal Government shall not provide funds or other assistance to an entity for the development of course material or the provision of instruction on human development and sexuality, including any sex education, family life education, abstinence education, comprehensive health education, or character education, if such material or instruction will include medically inaccurate information. Before providing such funds or other assistance, the department, agency, or instrumentality shall require a sufficient assurance that such material or instruction will not include medically inaccurate information.

(b) DEFINITIONS.—In this Act, the term ''medically inaccurate information'' means information related to medical, psychiatric, psychological, empirical, or statistical statements that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health organizations and agencies.

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By Mr. DODD:

S. 4060. A bill to amend the Military Commissions Act of 2006 to improve and enhance due process and appellate procedures, and for other purposes; to the Committee on Armed Services.

Mr. DODD. Mr. President: I rise to introduce the Effective Terrorists Prosecution Act of 2006. This legislation would make critically important changes to the measure that Congress narrowly approved on September 29, the Military Commissions Act of 2006. Let me be clear from the outset of my remarks. I will take a backseat to no one when it comes to defending our country against terrorism. I fully support the use of military commissions to protect U.S. intelligence and expedite judicial proceedings vital to military action under the Uniform Code of Military Justice. Unlike the Administration, I trust the United States military and our legal system to arbitrate decisions related to enemy combatants.

I strongly believe that terrorists who seek to destroy America must be punished for any wrongs they commit against this country. But in my view, in order to sustain America's moral authority and win a lasting victory against our enemies, such punishment must be meted out only in accordance with the rule of law.

My legislation provides essential legal tools for our war on terror in seven key ways: It restores the writ of habeas corpus for individuals held in U.S. custody. It narrows the definition of unlawful enemy combatant to individuals who directly participate in hostilities against the United States who are not lawful combatants. It prevents the use of evidence in court gained through the unreliable and immoral practices of torture and coercion. It empowers military judges to exclude hearsay evidence they deem to be unreliable. It authorizes the U.S. Court of Appeals for the Armed Forces to review decisions by the military commissions. It limits the authority of the President to interpret the meaning and application of the Geneva Conventions and makes that authority subject to congressional and judicial oversight. Finally, it provides for expedited judicial review of the Military Commissions Act of 2006 to determine the constitutionality of its provisions.

Before I elaborate on each of these critical points, let me simply underscore the point that for more than 200 years, our Nation has served as a shining example in its promotion of civil and human rights throughout the world. Denial of basic legal proceedings to individuals held in the custody of the United States has raised questions over our basic adherence to the U.S. Constitution and also diminished our reputation around the world. American citizens are questioning their own government's judgments, terrorists are citing American abuses to recruit new loyalists, and American servicemembers fear detention overseas under similarly abusive conditions in violation of their human rights.

Supporters of the administration's law may say that to speak out against its enactment is being soft on terrorism. Not only is this sentiment wholly inaccurate, it underestimates a fundamental strength of our Nation and the best defense against terrorists—respect for the rule of law.

For instance, the administration-backed law eliminates the principle of habeas corpus which has served as the backbone of common law since before the Magna Carta in the 13th century. Under the writ of habeas corpus independent courts may review the legality of custody decisions. My legislation would restore this basic tenet in the context of military commissions.

The administration's approach allows the President to remove anyone he so chooses from America's standard jurisprudence and designate him or her as an ''unlawful enemy combatant'' if he has engaged in hostilities or supported hostilities against the United States. Such individuals are subject to arrest and detention indefinitely without charge. In contrast, my legislation allows the designation of ''unlawful enemy combatants'' only for those individuals engaged in armed conflict against the United States. This provision seeks to curtail potential abuse of the enemy combatant designation so that holding individuals in detention indefinitely without a trial will prove

to be the exception rather than the norm.

Also, unlike the law backed by the administration, my bill further promotes humane treatment of military personnel by prohibiting the use of evidence gained by coercion in a trial. Such a provision is critically important for two reasons. First, the use of torture has been proven ineffective in interrogations when a detainee simply says what he believes an interrogator wants to hear in order to stop the torture. Second it deprives foreign militaries the ability to cite U.S. actions to justify their own misconduct toward future American POWs.

My bill grants discretion to military judges to exclude hearsay evidence determined to be unreliable. Under my legislation, judges are given discretion in the event that classified evidence has a bearing on the innocence of an individual, but is excluded due to national security concerns and declassified alternatives are insufficient. America's military judges have been fully trained and prepared to handle classified information. The Bush administration's failure to recognize this fact is an insult to the men and women of our military's bench and an affront to the U.S. military legal system. Moreover, my bill properly grants the Armed Forces judicial review of these decisions unlike the administration's law which denies the United States Court of Appeals of the Armed Forces the right to hearing military commission appeals.

And, just as important as restoring our commitment in the Uniform Code of Military Justice, my legislation would also reaffirm America's commitment to the contents of the Geneva Conventions. In contrast, the Administration's Military Commissions Act gives unprecedented authority to the president to define what interrogation techniques constitute ''grave breaches'' of the Geneva Conventions. The United States President should not have the right to unilaterally define the legal boundaries of torture. The United States Congress has ratified universally recognized conventions prohibiting such conduct, and the President should recognize them as the law of the land. Indeed, there is a lesson to be learned in the events of the last 6 years, particularly in the case of Abu Ghraib, when not only was our Nation's reputation tarnished, but our commitment to the rule of law was credibly called into question. This is not the America our Nation's greatest generations have long fought for. Our country would have been better served if we had looked to the pages of history to guide us through this national crisis.

Just 60 years ago, the United States confronted the daunting task of bringing history's most despicable war criminals to justice. In determining how to deal with Nazi leaders guilty of grave atrocities, our country never forgot its pivotal role as the leader of the free world. There were strong and persuasive voices crying for the execution of these men who had commanded, with ruthless efficiency, the slaughter of 6 million innocent Jews and 5 million other innocent men, women, and children. Why should these men who had extinguished so many lives be given a trial at all? Why should they not be subjected to the same fate to which they had subjected countless innocent people? Why not just shoot them, as Winston Churchill wanted? Why not just give in to legal scholars, who said there was no court, no judge, no laws, and no precedent?

Why not? Because, as I have recounted on this floor on several occasions, America has always stood for something more. Our leaders at Nuremberg, including the young prosecutor Thomas Dodd, my father, rejected the certainty of execution for the uncertainty of a trial. In doing so, we reaffirmed the ideal that this Nation should never tailor its eternal principles to the conflict of the moment, because if we did, we would be walking in the footsteps of the enemies we despised.

Almost 60 years to the day after the Nuremberg verdicts, Congress passed the Military Commissions Act, with the support of the administration which steps away from the high principles established at Nuremberg and honored in the decades since. In my view, this law has dishonored our Nation's proud history.

Indeed, to watch the Senate, on the anniversary of Nuremberg, negate these great principles and traditions was one of the saddest days I have seen in a quarter century of service in this body. It pains me to no end to have seen the administration and its allies rush this bill through Congress in the days before an election with hopes of exploiting Americans' fears of a terrorist attack. This administration would have the American people believe that the war on terror requires a choice between protecting America from terrorism and upholding the basic tenets upon which our country was founded—but not both. This canard is untrue and frankly negligent.

I believe that the United States Congress made a crucial mistake. And that is why the final provision in my bill is perhaps the most important one—it will ensure that each of the provisions of the administration's Military Commission Act is quickly reviewed by our Nation's courts, and appropriately evaluated for their constitutionality. I do not pretend to have all the answers regarding the legality and probity of this highly controversial statute. But I believe it is essential for America's security and moral authority to allow those best qualified to make these judgments—members of our esteemed judiciary—to have an opportunity to overturn the most egregious provisions of this Act.

In turn, we in Congress have our own obligation, to work in a bipartisan way to repair the damage that has been done, to protect our international reputation, to preserve our domestic traditions, and to provide a successful mechanism to improve and enhance the tools required by the global war on terror.

I urge my colleagues to consider the consequences if we fail to correct the mistakes that have been made. I hope that Congress and the administration will take a serious look at my proposal and work with me to improve the current system, for the sake of our security, our international standing, and our commitment to the rule of law.

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

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

S. 4060

*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 ''Effective Terrorists Prosecution Act of 2006''.

**SEC. 2. DEFINITION OF UNLAWFUL ENEMY COMBATANT.**

Paragraph (1) of section 948a of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109–366)), is amended to read as follows:

''(1) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means an individual who directly participates in hostilities as part of an armed conflict against the United States who is not a lawful enemy combatant. The term is used solely to designate individuals triable by military commission under this chapter.''.

**SEC. 3. DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS BY COMBATANT STATUS REVIEW TRIBUNAL NOT DISPOSITIVE FOR PURPOSES OF JURISDICTION OF MILITARY COMMISSIONS.**

Section 948d of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109–366)), is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

**SEC. 4. EXCLUSION FROM TRIAL BY MILITARY COMMISSION OF STATEMENTS OBTAINED BY COERCION.**

Section 948r of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109–366)), is amended by striking subsections (c) and (d) and inserting the following new subsection (c):

''(c) EXCLUSION OF STATEMENTS OBTAINED BY COERCION.—A statement obtained by use of coercion shall not be admissible in a military commission under this chapter, except against a person accused of coercion as evidence that the statement was made.''.

**SEC. 5. DISCRETION OF MILITARY JUDGE TO EXCLUDE HEARSAY EVIDENCE DETERMINED TO BE UNRELIABLE OR LACKING IN PROBATIVE VALUE.**

Section 949a(b)(2)(E)(ii) of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109–366)), is amended by striking ''if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value'' and inserting ''if the military judge determines, upon motion by counsel, that the evidence is unreliable or lacking in probative value''.

**SEC. 6. DISCRETION OF MILITARY JUDGE TO TAKE CERTAIN ACTIONS IN EVENT THAT A SUBSTITUTE FOR CLASSIFIED EXCULPATORY EVIDENCE IS INSUFFICIENT TO PROTECT THE RIGHT OF A DEFENDANT TO A FAIR TRIAL.**

Section 949j(d)(1) of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109–366)), is amended by adding at the end the following: ''If the military judge determines that the substitute is not sufficient to protect the right of the defendant to a fair trial, the military judge may—

''(A) dismiss the charges in their entirety;

''(B) dismiss the charges or specifications or both to which the information relates; or

''(C) take such other actions as may be required in the interest of justice.''.

**SEC. 7. REVIEW OF MILITARY COMMISSION DECISIONS BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES RATHER THAN COURT OF MILITARY COMMISSION REVIEW.**

(a) REVIEW.—

(1) IN GENERAL.—Section 950f of title 10, United States Code (as enacted by the Military Commissions Act of 2006 (Public Law 109–366)), is amended to read as follows:

**''§ 950f. Review by Court of Appeals for the Armed Forces**

''(a) CASES TO BE REVIEWED.—The United States Court of Appeals for the Armed Forces, in accordance with procedures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.

''(b) SCOPE OF REVIEW.—In a case reviewed by the United States Court of Appeals for the Armed Forces under this section, the Court may only act with respect to matters of law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title (as so enacted) is amended by striking the item relating to section 950f and inserting the following new item:

''950f. Review by Court of Appeals for the Armed Forces.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 47A of title 10, United States Code (as so enacted), is further amended as follows:

(A) In section 950c(a), by striking ''the Court of Military Commission Review'' and inserting ''the United States Court of Appeals for the Armed Forces''.

(B) In section 950d, by striking ''the Court of Military Commission Review'' each place it appears and inserting ''the United States Court of Appeals for the Armed Forces''.

(C) In section 950g(a)(2), by striking ''the Court of Military Commission Review'' each place it appears and inserting ''the United States Court of Appeals for the Armed Forces''.

(D) In section 950h, by striking ''the Court of Military Commission Review'' each place it appears and inserting ''the United States Court of Appeals for the Armed Forces''.

(2) UNIFORM CODE OF MILITARY JUSTICE.—Section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by striking ''Decisions'' and inserting ''Except as provided in sections 950d and 950g of this title, decisions''.

**SEC. 8. IMPLEMENTATION OF TREATY OBLIGATIONS.**

(a) IN GENERAL.—Section 6(a) of the Military Commissions Act of 2006 (Public Law 109–366) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting after ''international character'' the following: ''and preserve the capacity of the United States to prosecute nationals of enemy powers for engaging in acts against members of the United States Armed Forces and United States citizens that have been prosecuted by the United States as war crimes in the past''; and

(B) by striking the second sentence; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate'' and inserting ''the President has the authority, subject to congressional oversight and judicial review, to promulgate''; and

(ii) by striking ''higher standards and'';

(B) in subparagraph (B), by striking ''interpretations'' and inserting ''rules''; and

(C) by amending subparagraph (D) to read as follows:

''(D) The President shall notify other parties to the Geneva Conventions that the United States expects members of the United States Armed Forces and other United States citizens detained in a conflict not of an international character to be treated in a manner consistent with the standards described in subparagraph (A) and embodied in section 2441 of title 18, United States Code, as amended by subsection (b).''.

(b) MODIFICATIONS OF WAR CRIMES OFFENSES.—

(1) INCLUSION OF DENIAL OF TRIAL RIGHTS AMONG OFFENSES.—Paragraph (1) of section 2441(d) of title 18, United States Code (as enacted by the Military Commissions Act of 2006), is amended by adding at the end the following new subparagraph:

''(J) DENIAL OF TRIAL RIGHTS.—The act of a person who intentionally denies one or more persons the right to be tried before a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples as prescribed by common Article 3 of the Geneva Conventions.''.

(2) DEFINITION OF SERIOUS PHYSICAL PAIN OR SUFFERING.—Clause (ii) of subparagraph ((D) of paragraph (2) of such section (as so enacted) is amended to read as follows:

''(ii) serious physical pain;''.

**SEC. 9. RESTORATION OF HABEAS CORPUS FOR INDIVIDUALS DETAINED BY THE UNITED STATES.**

(a) RESTORATION.—Subsection (e) of section 2241 of title 28, United States Code, as amended by section 7(a) of the Military Commissions Act of 2006 (Public Law 109–366), is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 7 of the Military Commissions Act of 2006 (Public Law 109–366) is repealed.

**SEC. 10. EXPEDITED JUDICIAL REVIEW OF MILITARY COMMISSIONS ACT OF 2006.**

Notwithstanding any other provision of law, the following rules shall apply to any civil action, including an action for declaratory judgment, that challenges any provision of the Military Commissions Act of 2006 (Public Law 109–366), or any amendment made by that Act, on the ground that such provision or amendment violates the Constitution or the laws of the United States:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard in that Court by a court of three judges convened pursuant to section 2284 of title 28, United States Code.

(2) An interlocutory or final judgment, decree, or order of the United States District Court for the District of Columbia in an action under paragraph (1) shall be reviewable as a matter of right by direct appeal to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after the date on which such judgment, decree, or order is entered. The jurisdictional statement with respect to any such appeal shall be filed within 30 days after the date on which such judgment, decree, or order is entered.

(3) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action or appeal, respectively, brought under this section.

**SEC. 11. EFFECTIVE DATE.**

The amendments made by this Act shall take effect on October 17, 2006, the date of the enactment of the Military Commissions Act of 2006 (Public Law 109–366), immediately after the enactment of that Act and shall apply to all cases, without exception, that are pending on or after such date.

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By Mr. DODD:

S. 4061. A bill to create, adopt, and implement rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency bench marked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce The Standards to Provide Educational Access for Kids (SPEAK) Act. This bill will create, adopt, and implement voluntary core American education content standards in math and science while incentivizing states to adopt them.

America's leadership, economic, and national security rest on our commitment to educate and prepare our youth to succeed in a global economy. The key to succeeding in this endeavor is to have high expectations for all American students as they progress through our nation's schools.

Currently there are 50 different sets of academic standards, 50 State assessments, and 50 definitions of proficiency under the No Child Left Behind Act. As a result of varied standards, exams and proficiency levels, America's highly mobile student-aged population moves through the nation's schools gaining widely varying levels of knowledge, skills and preparedness. And yet, in order for the United States to compete in a global economy, we must strengthen our educational expectations for *all* American children—we must compete as one Nation.

Recent international comparisons show that American students have significant shortcomings in math and science. Many lack the basic skills required for college or the workplace. This affects our economic and national security: It holds us back in the global marketplace and risks ceding our competitive edge. This is unacceptable.

America was founded on the notion of ensuring equity in opportunity for all. And yet, we risk both when we allow different students in different states to graduate from high school with very different educations. We live

in a Nation with an unacceptably high high school dropout rate. We live in a nation where 8th graders in some states score more than 30 points higher on tests of basic science knowledge than students in other states. I ask my colleagues today what equality of opportunity we have under such circumstances.

This is where American standards come in. Voluntary, core American standards in math and science are the first step in ensuring that all American students are given the same opportunity to learn to a high standard no matter where they reside. They will allow for meaningful comparisons of student academic achievement across states, help ensure that American students are academically qualified to enter college, or training for the civilian or military workforce, and, help ensure that students are better prepared to compete in the global marketplace. Uniform standards are a first step in maintaining America's competitive and national security edge.

While I realize there will be resistance to such efforts, education is after all a state endeavor; we cannot ignore that at the end of the day America competes as one country on the global marketplace. This does not mean that I am asking States to cede their authority in education. What the bill simply proposes is that we the convening power of the federal government to develop standards and then provide states with incentives to adopt them.

At the end of the day, this is a voluntary measure. States will choose whether or not to participate. States that do participate, while required to adopt the American standards, will be given the flexibility to make them their own. They will have the option to add additional content requirements, they will have final say in how coursework is sequenced, and, ultimately, States and districts will still be the ones developing the curriculum, choosing the textbooks and administering the tests. The standards provided for under this legislation will simply serve as a common core.

Here is what the SPEAK Act will do. It will task the National Assessment Governing Board (NAGB) with creating rigorous and voluntary core American education content standards in math and science for grades K–12. It will require that such standards be anchored in the National Assessment of Educational Progress' (NAEP) math and science frameworks. It will ensure that such standards are internationally competitive and comparable to the best standards in the world. It will develop rigorous achievement levels. It will ensure that varying developmental levels of students are taken into account in the development of such standards. It will provide for periodic review and update of such standards. It will allow participating States the flexibility to add additional standards to the core. And, it establishes an American standards Incentive Fund to incentivize states to adopt the standards. Among the benefits of participating is a huge infusion of funds for states to bolster their K–12 data systems.

What I propose today is a first step. A first step in regaining our competitive edge. A first step in ensuring that all American students have the opportunity to receive a first class, high-quality, competitive education. I am hoping that the bill I introduce today will at the very least spark a discussion. A discussion about what it is that we want for future generations and how we will set along the path to get it to them.

I hope that my colleagues will join me in supporting the SPEAK Act and look forward to resuming the discussion and reintroducing this important initiative in the coming Congress.

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

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

S. 4061

*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 ''Standards to Provide Educational Access for Kids Act'' or the ''SPEAK Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Throughout the years, educators and policymakers have consistently embraced standards as the mechanism to ensure that every student, no matter what school the student attends, masters the skills and develops the knowledge needed to participate in a global economy.

(2) Recent international comparisons make clear that students in the United States have significant shortcomings in mathematics and science, yet a high level of scientific and mathematics literacy is essential to societal innovations and advancements.

(3) With more than 50 different sets of academic content standards, 50 State academic assessments, and 50 definitions of proficiency under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), there is great variability in the measures, standards, and benchmarks for academic achievement in mathematics and science.

(4) Variation in State standards and the accompanying measures of proficiency make it difficult for parents and teachers to meaningfully gauge how well their children are learning mathematics and science in comparison to their peers internationally or here at home.

(5) The disparity in the rigor of standards across States results in test results that tell the public little about how schools are performing and progressing, as States with low standards or low proficiency scores may appear to be doing much better than States with more rigorous standards or higher requirements for proficiency.

(6) As a result, the United States' highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills, and preparedness.

(7) In order for the United States to compete in a global economy, the country needs to strengthen its educational expectations for all children.

(8) To compete, the people of the United States must compare themselves against international benchmarks.

(9) Grounded in a real world analysis and international comparisons of what students need to succeed in work and college, rigorous and voluntary core American education content standards will keep the United States economically competitive and ensure that the children of the United States are given the same opportunity to learn to a high standard no matter where they reside.

(10) Rigorous and voluntary core American education content standards in mathematics and science will enable students to succeed in academic settings across States while ensuring an American edge in the global marketplace.

**SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**

(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(ii) in subparagraph (C), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(iii) in subparagraph (D), by striking ''science,'';

(iv) in subparagraph (E), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''reading and mathematics'' each place the term occurs and inserting ''reading, mathematics, and science''; and

(ii) in subparagraph (C)(ii), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''; and

(C) in paragraph (4)(B), by striking '', require, or influence'' and inserting ''or require''; and

(2) in subsection (d)(3), by striking ''reading and mathematics'' each place the term occurs and inserting ''reading, mathematics, and science''.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended—

(1) in section 1111(c)(2) (20 U.S.C. 6311(c)(2))—

(A) by inserting ''(and, for science, beginning with the 2007–2008 school year)'' after ''2002–2003''; and

(B) by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''; and

(2) in section 1112(b)(1)(F) (20 U.S.C. 6312(b)(1)(F)), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''.

**SEC. 4. DEFINITIONS.**

Section 304 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9623) is amended—

(1) in the matter preceding paragraph (1), by striking ''In this title:'' and inserting ''Except as otherwise provided, in this title:'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Education.''.

**SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS; AMERICAN STANDARDS INCENTIVE FUND.**

The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 (as amended by section 4) and 305 as sections 306 and 307, respectively; and

(2) by inserting after section 303 the following:

**"SEC. 304. CREATION AND ADOPTION OF VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS.**

''(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Standards to Provide Educational Access for Kids Act and from amounts appropriated under section 307(a)(3) for a fiscal year, the Assessment Board shall create and adopt voluntary American education content standards in mathematics and science covering kindergarten through grade 12.

''(b) DUTIES.—The Assessment Board shall implement subsection (a) by carrying out the following duties:

''(1) Create and adopt voluntary American education content standards for mathematics and science covering kindergarten through grade 12 that reflect a common core of what students in the United States should know and be able to do to compete in a global economy.

''(2) Anchor the voluntary American education content standards based on the mathematics and science frameworks and the achievement levels under section 303(e) of the National Assessment of Educational Progress for grades 4, 8, and 12.

''(3) Ensure that the voluntary American education content standards are internationally competitive and comparable to the best standards in the world.

''(4) Review State standards in mathematics and science as of the date of enactment of the Standards to Provide Educational Access for Kids Act and consult and work with entities that are developing, or have already developed, such State standards.

''(5) Review the reports, views, and analyses of a broad spectrum of experts and the public as such reports, views, and analyses relate to mathematics and science education, including reviews of blue ribbon reports, exemplary practices in the field, and recent reports by government agencies and professional organizations.

''(6) Ensure that the voluntary American education content standards reflect the best thinking about the knowledge, skills, and competencies needed for a high degree of scientific and mathematical understanding.

''(7) Ensure that varying developmental levels of students are taken into account in the development of the voluntary American education content standards.

''(8) Ensure that the voluntary American education content standards reflect what students will be required to know and be able to do after secondary school graduation to be academically qualified to enter an institution of higher education or training for the civilian or military workforce.

''(9) Widely disseminate the voluntary American education content standards for public review and comment before final adoption.

''(10) Provide for continuing review of the voluntary American education content standards not less often than once every 10 years, which review—

''(A) shall solicit input from outside organizations and entities, including—

''(i) 1 or more professional mathematics or science organizations;

''(ii) the State educational agencies that have received American Standards Incentive Fund grants under section 305 during the period covered by the review; and

''(iii) other organizations and entities, as determined appropriate by Assessment Board; and

''(B) shall address issues including—

''(i) whether the voluntary American education content standards continue to reflect international standards of excellence and the latest developments in the fields of mathematics and science; and

''(ii) whether the voluntary American education content standards continue to reflect what students are required to know and be able to do in science and mathematics after graduation from secondary school to be academically qualified to enter an institution of higher education or training for the civilian or military workforce, as of the date of the review.

**"SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.**

''(a) ESTABLISHMENT OF FUND.—From amounts appropriated under section 307(a)(4) for a fiscal year, the Secretary shall establish and fund the American Standards Incentive fund to carry out the grant program under subsection (b).

''(b) INCENTIVE GRANT PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—Not later than 12 months after the Assessment Board adopts the voluntary American education content standards under section 304, the Secretary shall use amounts available from the American Standards Incentive fund to award, on a competitive basis, grants to State educational agencies to enable each State educational agency to adopt the voluntary American education content standards in mathematics and science as the core of the State's academic content standards in mathematics and science by carrying out the activities described in subsection (e).

''(2) DURATION AND AMOUNT.—A grant under this subsection shall be awarded—

''(A) for a period of not more than 4 years; and

''(B) in an amount that is not more than $4,000,000 over the period of the grant.

''(c) CORE STANDARDS.—A State educational agency receiving a grant under subsection (b) shall adopt and use the voluntary American education content standards in mathematics and science as the core of the State academic content standards in mathematics and science. The State educational agency may add additional standards to the voluntary American education content standards as part of the State academic content standards in mathematics and science.

''(d) STATE APPLICATION.—A State educational agency desiring to receive a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

''(1) timelines for carrying out each of the activities described in subsection (e)(1); and

''(2) a description of the activities that the State educational agency will undertake to implement the voluntary American education content standards in mathematics and science adopted under section 304, and the achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress, at both the State educational agency and local educational agency levels, including any additional activities described in subsection (e)(2).

''(e) USE OF FUNDS.—

''(1) MANDATORY ACTIVITIES.—A State educational agency receiving a grant under subsection (b) shall use grant funds to carry out all of the following:

''(A) Adopt the voluntary American education content standards in mathematics and science as the core of the State's academic content standards in mathematics and science not later than 2 years after the receipt of a grant under this section.

''(B) Align the teacher certification or licensure, pre-service, and professional development requirements of the State to the voluntary American education content standards in mathematics and science not later than 3 years after the receipt of the grant.

''(C) Align the State academic assessments in mathematics and science (or develop new such State academic assessments that are aligned) with the voluntary American education content standards in mathematics and science not later than 4 years after the receipt of the grant.

''(D) Align the State levels of achievement in mathematics and science with the student achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress.

''(2) PERMISSIVE ACTIVITIES.—A State educational agency receiving a grant under subsection (b) may use the grant funds to carry out, at the local educational agency or State educational agency level, any of the following activities:

''(A) Train teachers and administrators on how to incorporate the voluntary American education content standards in mathematics and science into classroom instruction.

''(B) Develop curricula and instructional materials in mathematics or science that are aligned with the voluntary American education content standards in mathematics and science.

''(C) Develop performance standards in mathematics or science to accompany the voluntary American education content standards in mathematics and science.

''(D) Conduct other activities needed for the implementation of the voluntary American education content standards in mathematics and science.

''(3) PRIORITY.—In awarding grants under this section the Secretary shall give priority to a State educational agency that will use the grant funds to carry out all of the activities described in subparagraphs (A), (B), and (C) of paragraph (2).

''(f) AWARD BASIS.—In determining the amount of a grant under subsection (b), the Secretary shall take into consideration—

''(1) the extent to which a State's academic content standards, State academic assessments, levels of achievement in mathematics and science, and teacher certification or licensure, pre-service, and professional development requirements, must be revised to align such State standards, assessments, levels, and teacher requirements with the voluntary American education content standards adopted under section 304 and the achievement levels in mathematics and science developed under section 303(e); and

''(2) the planned activities described in the application submitted under subsection (d).

''(g) ANNUAL STATE EDUCATIONAL AGENCY REPORTS.—A State educational agency receiving a grant under subsection (b) shall submit an annual report to the Secretary demonstrating the State educational agency's progress in meeting the timelines described in the application under subsection (d)(1).

''(h) GRANTS FOR DOD AND BIA SCHOOLS.—

''(1) DEPARTMENT OF DEFENSE SCHOOLS.—From amounts available from the American Standards Incentive fund, the Secretary, upon application by the Secretary of Defense, may award grants under subsection (b) to the Secretary of Defense on behalf of elementary schools and secondary schools operated by the Department of Defense to enable

the elementary schools and secondary schools to carry out the activities described in subsection (e).

''(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From amounts available from the American Standards Incentive fund, the Secretary, in consultation with the Secretary of Interior, may award grants under subsection (b) to the Bureau of Indian Affairs on behalf of elementary schools and secondary schools operated or funded by the Department of the Interior to enable the elementary schools and secondary schools to carry out the activities described in subsection (e).

''(i) STUDY.—Not later than 2 years after the completion of the first 4-year grant cycle for grants under this section, the Commissioner for Education Statistics shall carry out a study comparing the gap between the reported proficiency on State academic assessments and assessments under section 303 for State educational agencies receiving grants under subsection (b), before and after the State adopts the voluntary American education content standards in mathematics and science as the core of the State education content standards in mathematics and science.

''(j) DATA GRANT.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated under section 305(a)(4), the Secretary shall award, to each State educational agency that meets the requirements of paragraph (3), a grant to be used to enhance State data systems as such systems relate to the requirements under part A of title I of the Elementary and Secondary Education Act of 1965.

''(2) AMOUNT OF GRANT.—A grant awarded to a State educational agency under this subsection shall be in an amount equal to 5 percent of the amount allocated to the State under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332). If the amounts available from the American Standards Incentive fund are insufficient to pay the full amounts of grants under paragraph (1) to all State educational agencies, the Secretary shall ratably reduce the amount of all grants under this subsection.

''(3) REQUIREMENTS.—In order to receive a grant under this subsection, a State educational agency shall—

''(A) have received a grant under subsection (b); and

''(B) successfully demonstrate to the Secretary that the State has aligned—

''(i) the State's academic content standards and State academic assessments in mathematics and science, and the State's teacher certification or licensure, pre-service, and professional development requirements, with the voluntary American education content standards in mathematics and science; and

''(ii) the State levels of achievement in mathematics and science for grades 4, 8, and 12, with the achievement levels in mathematics and science developed under section 303(e) for such grades.

''(4) NATURE OF GRANT.—A grant under this subsection to a State educational agency shall be in addition to any grant awarded to the State educational agency under subsection (b).

''(5) LIMIT ON NUMBER OF GRANTS.—In no case shall a State educational agency receive more than 1 grant under this subsection.

''(k) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Standards to Provide Educational Access for Kids Act, and every 2 years thereafter, the Secretary shall report to Congress regarding the status of all grants awarded under this section.

''(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish a preferred national curriculum or preferred teaching methodology for elementary school or secondary school instruction.

''(m) TIMELINE EXTENSION.—The Secretary may extend the 12-year requirement under section 1111(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not more than 4 years for a State served by a State educational agency that receives a grant under subsection (b).

''(n) DEFINITIONS.—In this section:

''(1) IN GENERAL.—The terms 'elementary school', 'local educational agency', 'professional development', 'secondary school', 'State', and 'State educational agency' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) ACADEMIC CONTENT STANDARDS.—The term 'academic content standards' means the challenging academic content standards described in section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

''(3) LEVELS OF ACHIEVEMENT.—The term 'levels of achievement' means the State levels of achievement under subclauses (II) and (III) of section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii)(II), (III)).

''(4) STATE ACADEMIC ASSESSMENTS.—The term 'State academic assessments' means the academic assessments for a State described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).''.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

Section 307(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by section 5(1)) (20 U.S.C. 9624(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated—

''(1) to carry out section 302, $6,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

''(2) to carry out section 303, $200,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

''(3) to carry out section 304, $3,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year; and

''(4) to carry out section 305, $400,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.''.

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By Mr. INHOFE:

S. 4062. A bill to freeze non-defense discretionary spending at fiscal year 2007 levels effective in fiscal year 2008; to the Committee on the Budget.

Mr. INHOFE. Mr. President, I am here to work on what should be an area of widespread, bipartisan agreement with the introduction of the Fiscal Responsibility Act of 2006. Many, many people in both parties profess the need to reduce our Government's spending. When I hear individuals waxing poetic about the need for fiscal discipline, I usually offer a simple, one-sentence amendment to restore some discretionary spending discipline, but you should see my friends on the other side of the aisle run for the hills when someone proposes we actually do something about it. When the moment comes to move from mere words to real action on fiscal discipline, over and over I have confronted nearly united opposition to it on the other side of the aisle.

Last year we did make some progress on our shared goal. We actually held last year's non-security discretionary spending down below the rate of inflation. Let me repeat that: We actually held last year's non-security spending, over which we had discretion, down below the rate of inflation.

Again, we are faced with the same task.

The President agrees that we must hold down spending and has proposed to hold down discretionary spending. The Budget Committee agrees we must hold down spending and has proposed to hold down discretionary spending. The American people agree we must hold down spending. Senator DORGAN has said that we need to provide spending cuts in a significant manner. Senator FEINGOLD has said, ''We also need to continue to cut spending in Federal programs. . . .'' Senator LEVIN stated how we need to cut spending when he advocated that ''Discretionary spending . . . [be] frozen for 5 years.'' It seems that both parties agree that we must hold down discretionary spending.

Well, let's hold down discretionary spending.

I will read the one sentence that is really the entirety of this bill. I'm sure everyone in this body is familiar with it now—nearly all of my friends on the other side of the aisle have voted against it twice in the last twelve months, usually at a time when they are promoting fiscal discipline. It says: ''Beginning with fiscal year 2008 and thereafter, all non-defense, non-trost-fund, discretionary spending shall not exceed the previous fiscal year's levels without a two-thirds vote.'' This is simply a cap on discretionary spending.

It is very simple, cut and dry, something that can pass. I hope those individuals who have a more complicated approach to this will recognize this is something that is doable.

I want to focus briefly on one point in the President's most recent budget proposal. President Bush wisely sent us a budget that encourages long-term fiscal constraint by including several budget process and program oversight reforms, including setting enforceable limits on total spending to stabilize budget growth in the long-term. Simply put, the President proposes that we put in place a process by which we can control discretionary spending.

I have been working on a solution to the massive problem of government spending with this simple language for quite some time. I have actually wanted to offer it previously on appropriations bills, but held off. I offered it as an amendment last November and again this year in March. It has been defeated every time I offer it—every single time. It's usually defeated by nearly unanimous opposition on the other side of the aisle. And what's more, they usually vote against it in a debate during which they cry foul of deficits and declare the need for fiscal restraint. It's astounding how much rhetoric we hear about the need to hold down spending and the need for fiscal

restraint. I guess for some, it truly is much easier said than done.

So, I am offering it again.

I will restate the crux of this bill, the Fiscal Responsibility Act of 2006, one more time before I close: ''Beginning with fiscal year 2008 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year's levels without a two-thirds vote.'' Folks, it's that easy. I ask that you join me in holding down spending.

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

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

S. 4062

*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 ''Fiscal Responsibility Act of 2006''.

**SEC. 2. CONGRESSIONAL ENFORCEMENT.**

(a) ENFORCEMENT.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

''(g) EXCESS NON-DEFENSE DISCRETIONARY FEDERAL SPENDING REDUCTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would cause spending for non-defense, non-trust-fund, discretionary spending for the budget year to exceed the amount of spending for such activities in fiscal year 2007.

''(2) ALLOCATIONS.—The allocations under section 302(a) shall include allocations for the amount described in paragraph (1).

''(3) SUPER MAJORITY WAIVER OR APPEAL.—This subsection may be waived or suspended in the Senate only by an affirmative vote of two-thirds of the Members, duly chosen and sworn. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.''.

(b) EFFECTIVE DATE.—This section shall apply beginning with fiscal year 2008.

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By Mr. FEINGOLD:

S. 4063. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing the Affordable Housing Expansion and Public Safety Act to address some of the housing affordability issues faced by my constituents and by Americans around the country, including unaffordable rental burdens, lack of safe and affordable housing stock, and public safety concerns in public and federally assisted housing. My legislation is fully offset, while also providing over $3 billion in deficit reduction.

Increasing numbers of Americans are facing housing affordability challenges, whether they are renters or homeowners. But the housing affordability burden falls most heavily on low-income renters throughout our country. Ensuring that all Americans have safe and secure housing is about more than just providing families with somewhere to live, however. Safe and decent housing provides children with stable environments, and research has shown that students achieve at higher rates if they have secure housing. Affordable housing allows families to spend more of their income on life's other necessities including groceries, health care, and education costs as well as save money for their futures. I have heard from a number of Wisconsinites around my State about their concerns about the lack of affordable housing, homelessness, and the increasingly severe cost burdens that families have to undertake in order to afford housing.

Unfortunately, affordable housing is becoming less, not more, available in the United States. Research shows that the number of families facing severe housing cost burdens grew by almost two million households between 2001 and 2004. Additionally, one in three families spends more than thirty percent of their earnings on housing costs. The National Alliance to End Homelessness reports that at least 500,000 Americans are homeless every day and two million to three million Americans are homeless for various lengths of time each year. Cities, towns, and rural communities across the country are confronting a lack of affordable housing for their citizens. This is not an issue that confronts just one region of the Nation or one group of Americans. Decent and affordable housing is so essential to the well-being of Americans that the Federal Government must provide adequate assistance to our citizens to ensure that all Americans can afford to live in safe and affordable housing.

Congress has created effective affordable housing and community development programs, but as is the case with many of the Federal social programs, these housing programs are inadequately funded and do not meet the need in our communities. We in Congress must do what we can to ensure these programs are properly funded, while taking into account the tight fiscal constraints we are facing.

The Section 8 Housing Choice Voucher Program, originally created in 1974, is now the largest Federal housing program in terms of HUD's budget with approximately two million vouchers currently authorized. Yet the current number of vouchers does not come close to meeting the demand that exists in communities around our country. In my State of Wisconsin, the city of Milwaukee opened up their Section 8 waiting list for the first time since 1999 earlier this year for twenty four hours and received more than 17,000 applications. The city of Madison has not accepted new applications for Section 8 in over three years and reports that hundreds of families are on the waiting list.

Unfortunately, situations like this exist around the country. According to the 2005 U.S. Conference of Mayors Hunger and Homelessness Survey, close to 5,000 people are on the Section 8 waiting list in Boston. Detroit has not taken applications for the past two years and currently has a waiting list of over 9,000 people. Phoenix closed its waiting list in 2005 and reported that 30,000 families were on its waiting list. In certain cities, waiting lists are years long and according to the Center on Budget and Policy Priorities, the typical waiting period for a voucher was two and a half years in 2003. Given these statistics, it is clear there is the need for more Section 8 vouchers than currently exist.

While there are certainly areas of the Section 8 program that need to be examined and perhaps reformed, a number of different government agencies and advocacy organizations all cite the effectiveness of Section 8 in assisting low-income families in meeting some of their housing needs. In 2002, the Government Accountability Office determined that the total cost of a one-bedroom housing unit through the Section 8 program costs less than it would through other federal housing programs. The same year, the Bipartisan Millennial Housing Commission reported to Congress that the Section 8 program is ''flexible, cost-effective, and successful in its mission.''

The Commission further stated that the vouchers ''should continue to be the linchpin of a national policy providing very low-income renters access to the privately owned housing stock.'' The Commission also called for funding for substantial annual increments of vouchers for families who need housing assistance. This recommendation echoes the calls by advocates around the country, many of whom have called for 100,000 new, or incremental, Section 8 vouchers to be funded annually by Congress.

My bill takes this first step, calling for the funding of 100,000 incremental vouchers in fiscal year 2007. I have identified enough funds in my offsets to provide money for the renewal of these 100,000 vouchers for the next decade. While this increase does not meet the total demand that exists out there for Section 8 vouchers, I believe it is a strong first step. My legislation is fully offset and if it were passed in its current form, would provide for the immediate funding of these vouchers. I believe Congress should take the time to examine where other spending could be cut in order to continue to provide sizeable annual increases in new vouchers for the Section 8 program. According to the Congressional Research Service, incremental vouchers have not been funded since fiscal year 2002. During the past three to four years, the need for Federal housing assistance has grown and it will continue to grow in future years. We need to make a commitment to find the resources in our budget to ensure continued and increased funding for Section 8 vouchers.

We should examine doing more than just providing more money for Section 8. There have been numerous stories in my home State of Wisconsin about various concerns with the Section 8 program, ranging from potential discrimination on the part of landlords in declining to rent to Section 8 voucher holders to the administrative burdens landlords face when participating in the Section 8 program. Additionally, there are substantial concerns with the funding formula the Bush Administration is currently using for the Section 8 program. I look forward to working with my colleagues in the 110th Congress to address these and other issues and make the Section 8 program more effective, more secure, and more accessible to citizens throughout the country.

But providing rental assistance is not the only answer to solving the housing affordability problem in our country. We must also work to increase the availability of affordable housing stock in our communities through facilitating production of housing units affordable to extremely low and very low income Americans. The HOME Investments Partnership Program, more commonly known as HOME, was created in 1990 to assist states and local communities in producing affordable housing for low income families. HOME is a grant program that allows participating jurisdictions the flexibility to use funds for new production, preservation, and rehabilitation of existing housing stock. HOME is an effective federal program that is used in concert with other existing housing programs to provide affordable housing units for low income Americans throughout the country.

According to recent data from HUD, since fiscal year 1992, over $23 billion has been allocated through the HOME program to participating jurisdictions around the country. There have been over 800,000 units committed, including over 200,000 new construction units. HUD reports that over 700,000 units have been completed or funded. Communities in my State of Wisconsin have received over $370 million since 1992 and have seen over 20,000 housing units completed since 1992. Cities and States around the country are able to report numerous success stories in part due to the HOME funding that has been allocated to participating jurisdictions since 1992. The Bipartisan Millennial Housing Commission found that the HOME program is highly successful and recommended a substantial increase in funding for HOME in 2002.

Unfortunately, for the past two fiscal years, the HOME program has seen a decline in funding. In fiscal year 2005, HOME was funded at $1.9 billion and in fiscal year 2006, HOME was funded at a little more than $1.7 billion. As a result of this decline in funding, all participating jurisdictions in Wisconsin saw a decline in HOME dollars, with some jurisdictions seeing a decline of more than six percent. We need to ensure these funding cuts to HOME do not continue in the future and we must provide more targeted resources within HOME for the people most in need.

But Mr. President, as successful as the HOME program is, more needs to be done to assist extremely low income families. My legislation seeks to target additional resources to the Americans most in need by using the HOME structure to distribute new funding to participating jurisdictions with the requirement that these participating jurisdictions use these set-aside dollars to produce, rehab, or preserve affordable housing for extremely low income families, or people at 30 percent of area median income or below.

As we all know, extremely low income households face the most severe affordable housing cost burdens of any Americans. According to data from HUD and the American Housing Survey, 56 percent of extremely low income renter households deal with severe affordability housing issues while only 25 percent of these renters are not burdened with affordability concerns. HUD also found that half of all extremely low income owner households are severely burdened by affordability concerns. Data shows more than 75 percent of renter households with severe housing affordability burdens are extremely low income families and more than half of extremely low income households pay at least half of their income on housing. The Bipartisan Millennial Housing Commission has stated that ''the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents.'' The Commission also noted that there is no federal program solely for the preservation or production of housing for extremely low or moderate income families.

Because of these severe burdens and the high cost of providing safe and affordable housing to families at 30 percent or below of area median income, my bill would provide $400 million annually on top of the money that Congress already appropriates through HOME. I have heard from a number of housing advocates in Wisconsin that we have effective housing programs but the programs are not funded adequately. This is why I decided to administer this funding through the HOME program; local communities are familiar with the requirements and regulations of the HOME program and I think it is important not to place unnecessary and new administrative hurdles on local cities and communities.

Participating jurisdictions will be able to use this new funding under the eligible uses currently allowed by HOME to best meet the needs of the extremely low income families in their respective communities. But participating jurisdictions must certify that this funding is going to extremely low income households and must report on how the funds are being utilized in their communities. Funds are intended to be distributed on a pro-rata basis to ensure participating jurisdictions around the country receive funding. I also require that the Secretary notify participating jurisdictions that this new funding for extremely low income households in no way excuses such jurisdictions from continuing to use existing HOME dollars to serve extremely low income families. It is my hope that this extra funding will provide an increased incentive to local cities and communities to dedicate more resources to producing and preserving affordable housing for the most vulnerable Americans.

My bill would also reauthorize a critical crime-fighting grant program: the Public and Assisted Housing Crime and Drug Elimination Program, formerly known as ''PHDEP.'' Unfortunately, the PHDEP program has not been funded since 2001, and its statutory authorization expired in 2003. It is time to bring back this important grant program, which provided much-needed public safety resources to public housing authorities and their tenants. My legislation would authorize $200 million per year for five years for this program.

After more than a decade of declining crime rates, new FBI statistics indicate that 2005 brought an overall increase in violent crime across the country, and particularly in the Midwest. Nationwide, violent crime increased 2.3 percent between 2004 and 2005, and in the Midwest, violent crime increased 5.6 percent between 2004 and 2005. Housing authorities and others providing assisted housing are feeling the effects of this shift, but just as the crime rate is rising, their resources to fight back are dwindling. We need to provide them with funding targeted at preventing and reducing violent and drug-related crime, so that they can provide a safe living environment for their tenants.

Reauthorizing the Public and Assisted Housing Crime and Drug Elimination Program should not be controversial. The program has long enjoyed bipartisan support. It was first sponsored by Senator LAUTENBERG in 1988, and first implemented in 1989 under then-Housing and Urban Development Secretary Jack Kemp. When in effect, it funded numerous crime-fighting measures in housing authorities all over the country.

In Milwaukee, grants under this program funded a variety of important programs. It provided funding to the Housing Authority of the City of Milwaukee to hire public safety officers who are on site 24 hours a day to respond to calls and intervene when problems arise, and who work collaboratively with local law enforcement agencies. According to the Housing Authority, by the time the PHDEP program was defunded, public safety officers were responding to more than 8,000 calls per year, dealing quickly and effectively with thefts, drug use and

sales, and other problems. Grants under the program also allowed the Housing Authority in Milwaukee to conduct crime prevention programs through the Boys and Girls Club of Greater Milwaukee and other on-site agencies, providing youths and others living in public housing with a variety of educational, job training and life skill programs.

When the PHDEP program was defunded during the fiscal year 2002 budget cycle, the Administration argued that crime-fighting measures should be funded through the Public Housing Operating Fund and promised an increase in that Fund to account for part of the loss of PHDEP funds. That allowed some programs previously funded under PHDEP to continue for a few years. But now there is a significant shortfall in the Operating Fund and HUD is proposing limits on how capital funds can be used, and housing authorities nationwide—including in Milwaukee—have been faced with tough decisions, including cutting some or all of their crime reduction programs.

It is time for Congress to step in and reauthorize these grants. Everyone deserves a safe place to live, and we should help provide housing authorities and other federally assisted low-income housing entities with the resources they need to provide that to their tenants.

But we can do more than just provide public housing authorities with grant money. The Federal government also needs to provide more resources to help housing authorities spend those funds in the most effective way possible. That is why my legislation also contains several provisions to enhance the effectiveness of this grant program. It would: Require HUD's Office of Policy Development & Research (PD&R) to conduct a review of existing research on crime fighting measures and issue a report within six months identifying effective programs, providing an important resource to public housing authorities; require PD&R to work with housing authorities, social scientists and others to develop and implement a plan to conduct rigorous scientific evaluation of crime reduction and prevention strategies funded by the grant program that have not previously been subject to that type of evaluation, giving housing authorities yet another source of information about effective strategies for combating crime; and require HUD to report to Congress within four years, based on what it learns from existing research and evaluations of grantee programs, on the most effective ways to prevent and reduce crime in public and assisted housing environments, the ways in which it has provided related guidance to help grant applicants, and any suggestions for improving the effectiveness of the program going forward.

As with any grant program, it is essential that HUD monitor the use of the grants and that grantees be required to report regularly on their activities, as was required by HUD regulations when the program was defunded. The bill also clarifies the types of activities that can be funded through the grant program to ensure that funds are not used inappropriately.

My bill also includes a sense of the Senate provision calling on Congress to create a National Affordable Housing Trust Fund. At the outset, I want to commend my colleagues in the Senate, Senator KERRY, Senator REED, and others for all their work on advancing the cause of a National Affordable Housing Trust fund. I look forward to working with them and others in the 110th to push for the creation of such a trust fund.

I agree with my colleagues that such a trust fund should have the goal of supplying 1,500,000 new affordable housing units over the next 10 years. It should also contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low income and very low income families and contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

Hundreds of local housing trust funds have been created in cities and states throughout the country, including recently in the city of Milwaukee. I want to commend the community members in Milwaukee for working to address the housing affordability issues that the city faces and it is my hope that we in Congress can do our part to help Wisconsin's communities and communities around the country provide safe and affordable housing to all Americans.

This bill is the third of four proposals I am introducing this year to address some of the domestic issues that have been raised with me over the years by my constituents, some of them at the listening sessions I hold annually in each of Wisconsin's 72 counties. Previous proposals addressed health care reform and the trade deficit.

This Nation faces a severe shortage of affordable housing for our most vulnerable citizens. Shelter is one of our most basic needs, and, unfortunately, too many Wisconsinites and people around the country are struggling to afford a place to live for themselves and their families. This legislation does not solve all the affordable housing issues that communities are facing, but I believe it is a good first step. This issue is about more than providing a roof over a family's head, however. Good housing and healthy communities lead to better jobs, better educational outcomes, and better futures for all Americans. Local communities, States, and the Federal Government must work together to dedicate more effective resources toward ensuring that all Americans have a safe and decent place to live. I look forward to working with my colleagues in the next Congress to advance my bill and other housing initiatives and work towards meeting the goal of affordable housing and healthy communities for all Americans.

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

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

S. 4063

*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 ''Affordable Housing Expansion and Public Safety Act''.

**SEC. 2. INCREASE IN INCREMENTAL SECTION 8 VOUCHERS.**

(a) IN GENERAL.—In fiscal year 2007 and subject to renewal, the Secretary of Housing and Urban Development shall provide an additional 100,000 incremental vouchers for tenant-based rental housing assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $8,400,000,000 for the provision and renewal of the vouchers described in subsection (a).

(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available until expended.

(3) CARRYOVER.—To the extent that any amounts appropriated for any fiscal are not expended by the Secretary of Housing and Urban Development in such fiscal year for purposes of subsection (a), any remaining amounts shall be carried forward for use by the Secretary to renew the vouchers described in subsection (a) in subsequent years.

(c) DISTRIBUTION OF AMOUNTS.—

(1) ADMINISTRATIVE COSTS.—The Secretary may not use more than $800,000,000 of the amounts authorized under paragraph (1) to cover the administrative costs associated with the provision and renewal of the vouchers described in subsection (a).

(2) VOUCHER COSTS.—The Secretary shall use all remaining amounts authorized under paragraph (1) to cover the costs of providing and renewing the vouchers described in subsection (a).

**SEC. 3. TARGETED EXPANSION OF HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM.**

(a) PURPOSE.—The purposes of this section are as follows:

(1) To authorize additional funding under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.), commonly referred to as the Home Investments Partnership (''HOME'') program, to provide dedicated funding for the expansion and preservation of housing for extremely low-income individuals and families through eligible uses of investment as defined in paragraphs (1) and (3) of section 212(a) of the Cranston-Gonzalez National Affordable Housing Act.

(2) Such additional funding is intended to supplement the HOME funds already allocated to a participating jurisdiction to provide additional assistance in targeting resources to extremely low-income individuals and families.

(3) Such additional funding is not intended to be the only source of assistance for extremely low-income individuals and families under the HOME program, and participating jurisdictions shall continue to use non-set aside HOME funds to provide assistance to

such extremely low-income individuals and families.

(b) SET ASIDE FOR EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—

(1) ELIGIBLE USE.—Section 212(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)) is amended by adding at the end the following:

''(6) EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—

''(A) IN GENERAL.—Each participating jurisdiction shall use funds provided under this subtitle to provide affordable housing to individuals and families whose incomes do not exceed 30 percent of median family income for that jurisdiction.

''(B) EXCEPTION.—If a participating jurisdiction can certify to the Secretary that such participating jurisdiction has met in its jurisdiction the housing needs of extremely low-income individuals and families described in subparagraph (A), such participating jurisdiction may use any remaining funds provided under this subtitle for purposes of subparagraph (A) to provide affordable housing to individuals and families whose incomes do not exceed 50 percent of median family income for that jurisdiction.

''(C) RULE OF CONSTRUCTION.—The Secretary shall notify each participating jurisdiction receiving funds for purposes of this paragraph that use of such funds, as required under subparagraph (A), does not exempt or prevent that participating jurisdiction from using any other funds awarded under this subtitle to provide affordable housing to extremely low-income individuals and families.

''(D) RENTAL HOUSING.—Notwithstanding section 215(a), housing that is for rental shall qualify as affordable housing under this paragraph only if such housing is occupied by extremely low-income individuals or families who pay as a contribution toward rent (excluding any Federal or State rental subsidy provided on behalf of the individual or family) not more than 30 percent of the monthly adjusted income of such individual or family, as determined by the Secretary.''.

(2) PRO RATA DISTRIBUTION.—Section 217 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747) is amended by adding at the end the following:

''(e) PRO RATA DISTRIBUTION FOR EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—Notwithstanding any other provision of this Act, in any fiscal year the Secretary shall allocate any funds specifically approved in an appropriations Act to provide affordable housing to extremely low-income individuals or families under section 212(a)(6), such funds shall be allocated to each participating jurisdiction in an amount which bears the same ratio to such amount as the amount such participating jurisdiction receives for such fiscal year under this subtitle, not including any amounts allocated for any additional set-asides specified in such appropriations Act for that fiscal year.''.

(3) CERTIFICATION.—Section 226 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12756) is amended by adding at the end the following:

''(d) CERTIFICATION.—

''(1) IN GENERAL.—Each participating jurisdiction shall certify on annual basis to the Secretary that any funds used to provide affordable housing to extremely low-income individuals or families under section 212(a)(6) were actually used to assist such families.

''(2) CONTENT OF CERTIFICATION.—Each certification required under paragraph (1) shall—

''(A) state the number of extremely low-income individuals and families assisted in the previous 12 months;

''(B) separate such extremely low-income individuals and families into those individuals and families who were assisted by—

''(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

''(ii) any other funds awarded under this subtitle; and

''(C) describe the type of activities, including new construction, preservation, and rehabilitation of housing, provided to such extremely low-income individuals and families that were supported by—

''(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

''(ii) any other funds awarded under this subtitle.

''(3) INCLUSION WITH PERFORMANCE REPORT.—The certification required under paragraph (1) shall be included in the jurisdiction's annual performance report submitted to the Secretary under section 108(a) and made available to the public.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated under any other law or appropriations Act to carry out the provisions of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et. seq), there are authorized to be appropriated to carry out the provisions of this section $400,000,000 for each of fiscal years 2007 through 2011.

**SEC. 4. PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM.**

(a) TITLE CHANGE.—The chapter heading of chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended to read as follows:

**''CHAPTER 2—PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM''.**

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS AUTHORIZED.—Section 5129(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter $200,000,000 for each of fiscal years 2007, 2008, 2009, 2010, and 2011.''.

(2) SET ASIDE FOR THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH.—Section 5129 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908) is amended by adding at the end the following:

''(d) SET ASIDE FOR THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH.—Of any amounts made available in any fiscal year to carry out this chapter not less than 2 percent shall be available to the Office of Policy Development and Research to carry out the functions required under section 5130.''.

(c) ELIGIBLE ACTIVITIES.—Section 5124(a)(6) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)(6)) is amended by striking the semicolon and inserting the following: '', except that the activities conducted under any such program and paid for, in whole or in part, with grant funds awarded under this chapter may only include—

''(A) providing access to treatment for drug abuse through rehabilitation or relapse prevention;

''(B) providing education about the dangers and adverse consequences of drug use or violent crime;

''(C) assisting drug users in discontinuing their drug use through an education program, and, if appropriate, referring such users to a drug treatment program;

''(D) providing after school activities for youths for the purpose of discouraging, reducing, or eliminating drug use or violent crime by youths;

''(E) providing capital improvements for the purpose of discouraging, reducing, or eliminating drug use or violent crime; and

''(F) providing security services for the purpose of discouraging, reducing, or eliminating drug use or violent crime.''.

(d) EFFECTIVENESS.—

(1) APPLICATION PLAN.—Section 5125(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904(a)) is amended by adding at the end the following: ''To the maximum extent feasible, each plan submitted under this section shall be developed in coordination with relevant local law enforcement agencies and other local entities involved in crime prevention and reduction. Such plan also shall include an agreement to work cooperatively with the Office of Policy Development and Research in its efforts to carry out the functions required under section 5130.''

(2) HUD REPORT.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by adding at the end the following:

''(d) EFFECTIVENESS REPORT.—The Secretary shall submit a report to the Congress not later than 4 years after the date of the enactment of the Affordable Housing Expansion and Public Safety Act that includes—

''(1) aggregate data regarding the categories of program activities that have been funded by grants under this chapter;

''(2) promising strategies related to preventing and reducing violent and drug-related crime in public and federally assisted low-income housing derived from—

''(A) a review of existing research; and

''(B) evaluations of programs funded by grants under this chapter that were conducted by the Office of Policy Development and Review or by the grantees themselves;

''(3) how the information gathered in paragraph (2) has been incorporated into—

''(A) the guidance provided to applicants under this chapter; and

''(B) the implementing regulations under this chapter; and

''(4) any statutory changes that the Secretary would recommend to help make grants awarded under this chapter more effective.''.

(3) OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by adding at the end the following:

**''SEC. 5130. OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.**

''(a) REVIEW.—

''(1) IN GENERAL.—The Office of Policy Development and Research established pursuant to section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1) shall conduct a review of existing research relating to preventing and reducing violent and drug-related crime to assess, using scientifically rigorous and acceptable methods, which strategies—

''(A) have been found to be effective in preventing and reducing violent and drug-related crimes; and

''(B) would be likely to be effective in preventing and reducing violent and drug-related crimes in public and federally assisted low-income housing environments.

''(2) REPORT.—Not later than 180 days after the date of enactment of the Affordable Housing Expansion and Public Safety Act, the Secretary shall issue a written report with the results of the review required under paragraph (1).

''(b) EVALUATION PLAN.—

''(1) IN GENERAL.—Upon completion of the review required under subsection (a)(1), the Office of Policy Development and Research, in consultation with housing authorities, social scientists, and other interested parties, shall develop and implement a plan for evaluating the effectiveness of strategies funded under this chapter, including new and innovative strategies and existing strategies,

that have not previously been subject to rigorous evaluation methodologies.

''(2) METHODOLOGY.—The plan described in paragraph (1) shall require such evaluations to use rigorous methodologies, particularly random assignment (where practicable), that are capable of producing scientifically valid knowledge regarding which program activities are effective in preventing and reducing violent and drug-related crime in public and other federally assisted low-income housing.''.

**SEC. 5. SENSE OF THE SENATE REGARDING THE CREATION OF A NATIONAL AFFORDABLE HOUSING TRUST FUND.**

(a) FINDINGS.—Congress finds the following:

(1) Only 1 in 4 eligible households receives Federal rental assistance.

(2) The number of families facing severe housing cost burdens grew by almost 2,000,0000 households between 2001 and 2004.

(3) 1 in 3 families spend more than 30 percent of their earnings on housing costs.

(4) More than 75 percent of renter households with severe housing affordability burdens are extremely low-income families.

(5) More than half of extremely low-income households pay at least half of their income on housing.

(6) At least 500,000 Americans are homeless every day.

(7) 2,000,000 to 3,000,0000 Americans are homeless for various lengths of time each year.

(8) It is estimated that the development of an average housing unit creates on average more than 3 jobs and the development of an average multifamily unit creates on average more than 1 job.

(9) It is estimated that over $80,000 is produced in government revenue for an average single family unit built and over $30,000 is produced in government revenue for an average multifamily unit built.

(10) The Bipartisan Millennial Housing Commission stated that ''the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress shall create a national affordable housing trust fund with the purpose of supplying 1,500,000 additional affordable housing units over the next 10 years;

(2) such a trust fund shall contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low-income and very low-income families; and

(3) such a trust fund shall contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

**SEC. 6. OFFSETS.**

(a) REPEAL OF MULTIYEAR PROCUREMENT AUTHORITY FOR F–22A RAPTOR FIGHTER AIRCRAFT.—Effective as of October 17, 2006, section 134 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), relating to multiyear procurement authority for F–22A Raptor fighter aircraft, is repealed.

(b) ADVANCED RESEARCH FOR FOSSIL FUELS.—Notwithstanding any other provision of law, the Secretary of Energy shall not carry out any program that conducts, or provides assistance for, applied research for fossil fuels.

(c) TERMINATION OF ADVANCED TECHNOLOGY PROGRAM.—Notwithstanding any other provision of law, the Secretary of Commerce may not award any new grants under the Advanced Technology Program, provided for under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), effective October 1, 2006.

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By Mr. CRAPO:

S. 4064. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today I introduce the Improving No Child Left Behind—INCLB—Act. As a father and a legislator, I am committed to advocating for public education in Idaho and throughout the Nation. Ensuring that every child receives a good education is one of my top priorities. President Bush's sweeping education reforms included in the No Child Left Behind Act have had measurable positive effects on many students across the country, and I support the law's objective of ensuring that every child achieves his or her potential.

However, given time to observe the implementation of the law, it is now appropriate to review opportunities for needed improvements to the underlying program. After conferring with a number of organizations in Idaho and at the national level, I have identified implementation concerns that seem common to various stakeholder groups. In response, I have created the Improving No Child Left Behind Act. This bill contains a number of workable, commonsense modifications to the law. These provisions preserve the major focus on student achievement and accountability and, at the same time, ensure that schools and school districts are accurately and fairly assessed. The act ensures that local schools and districts have more flexibility and control in educating our Nation's children. The goal of the act is expressed in its name: to improve No Child Left Behind.

The bill does a number of things: INCLB would allow supplemental services like tutoring to be offered to students sooner than they are currently available; INCLB would provide flexibility for States to use additional types of assessment models for measuring student progress; INCLB grants States more flexibility in assessing students with disabilities; INCLB would ensure more fair and accurate assessments of Limited English Proficiency—LEP—students; INCLB would create a student testing participation range, providing flexibility for uncontrollable variations in student attendance; INCLB would allow schools to target resources to those student populations who need the most attention by applying sanctions only when the same student group fails to make adequate progress in the same subject for two consecutive years; and INCLB would ensure that students are counted properly and accurately in assessment and reporting systems.

Taken together, these provisions reflect a realistic assessment of both the strengths and weaknesses of No Child Left Behind. While there may be many issues that divide us, our responsibility in education is clear. We must promote successful, meaningful public education for our children. The INCLB Act will ensure that INCLB continues to be an avenue to success for educators and students throughout Idaho and the Nation.

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By Mrs. CLINTON:

S. 4065. A bill to direct the Attorney General to conduct a study on the feasibility of collecting crime data relating to the occurrence of school-related crime in elementary schools and secondary schools; to the Committee on the Judiciary.

Mrs. CLINTON. Mr. President, I rise today to introduce the Accurate Crime Trends for School Act, a bill that is critical in protecting our children from crimes within their schools.

Each day, parents send their children off to school with a sense of security that they are spending their day in a classroom free from danger. The latest outbreaks of school violence and crimes are a clear reminder that this is not always the case. While the majority of our schools are safe, some parents send their children off to school only to find that their child has become the victim of a crime.

The No Child Left Behind Act requires States and local educational agencies to publicly report criminal activity in our schools, based on their own reports and best-guess surveys. However, there is no Federal crime reporting and tracking system for K–12 schools in the United States.

I strongly believe that accurate data on the crimes occurring in our schools will help us develop preventative measures and effectively address crimes occurring in our nation's classrooms.

My bill, the Accurate Crime Trends (''ACT'') for Schools Act, directs the Attorney General, in consultation with the FBI and the International Association of Chiefs of Police, to determine the feasibility of expanding the National Incidents Based Reporting System (''NIBRS'') to include information on K–12 school-related crime. NIBRS is the FBI's comprehensive, detailed crime reporting system. It provides a greater capability of reporting the details of crimes than self-reporting or surveys do.

I want it to be clear that expanding NIBRS would not create a new level of bureaucracy. This bill would neither bring the FBI into our schools, nor place any new requirements or new burdens upon educators. Expanding NIBRS would use existing crime reporting infrastructures to collect specific K–12 crime data, allowing us to improve the safety of our kids in school.

This year The Office of the New York State Comptroller released a study that underscored the need for such legislation. The report showed that at schools sampled, 80 percent of documented incidents of crimes went unreported to the State, with a number of

these instances being serious crimes. This is the type of information that we need that we are not currently getting.

As a parent, I truly believe it is imperative to be made aware of any crime that takes place in our children's schools. Our parents, educators, and children need and deserve a sense of comfort and security from their schools. When we have accurate data on what is occurring in our school, we will be able to develop effective policies to make sure our schools are safe. This bill is a critical first step in achieving this goal.

The infrastructure for collecting this data is already in place. All we have to do is determine the best way to utilize it. The Accurate Crime Trends for Schools Act will accomplish just that.

I hope that my colleagues will join me in support of this legislation.

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

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

S. 4065

*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 ''Accurate Crime Trends for Schools Act'' or the ''ACT for Schools Act''.

**SEC. 2. STUDY AND REPORT.**

(a) STUDY.—The Attorney General shall, after consultation with the Director of the Federal Bureau of Investigation and the International Association of Chiefs of Police, conduct a study to determine the feasibility of expanding the National Incident-Based Reporting System to include information on the occurrence of school-related crime in elementary schools and secondary schools. Such study shall include the identification and evaluation of methods that may be used to collect and report such information.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report containing the results of the study conducted under subsection (a) to the appropriate committees of Congress.

(c) DEFINITIONS.—In this section, the terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out section 2, $250,000 for fiscal year 2007.

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By Mr. LEAHY (for himself, Mr. ALLARD, Mr. ROCKEFELLER, MR. BYRD, Mr. INOUYE, Mr. SALAZAR, Mr. ROBERTS, Ms. SNOWE, Mr. PRYOR, Mr. ENZI, Mrs. CLINTON and Mr. ENSIGN):

S. 4067. A bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Satellite Consumer Protection Act of 2006, and I am proud that Senators INOUYE, SNOWE, ALLARD, ROCKEFELLER, and BYRD, PRYOR, ENZI, and CLINTON are among those joining me in sponsoring this important bill. I regret the necessity of this legislation, but I am determined to protect consumers—especially consumers in rural areas such as Vermont.

This is a pro-consumer, bipartisan bill that addresses a problem that soon will face millions of Americans who subscribe to satellite TV services. I realize full well that this bill may not please the major corporations affected by this remedy, but its intent is not to help corporations, but to help home satellite viewers.

A Federal court recently found that EchoStar willfully, flagrantly and repeatedly violated Federal law, and I believe that EchoStar should be held to account for its decade of illegal activity. The situation is ultimately quite complicated, but the simplest version is this: EchoStar has been bringing distant network signals to areas that did not need satellite to provide access to that programming. But the penalty for such actions is harsh, and the court that heard the lawsuit had no choice: EchoStar will be required to stop retransmitting any distant signals. EchoStar flouted the law, but it is consumers who will suffer. Unless we pass this bill, many rural subscribers around the country will lose access to news and entertainment programming from the free, over-the-air broadcast networks.

The Satellite Consumer Protection Act is a practical, narrow, and—most importantly—pro-consumer solution to a problem of Echo Star's creation. The court-issued injunction, set to take effect December 1, will prohibit EchoStar from providing any distant network stations to any of its customers. Under the Satellite Consumer Protection Act, the injunction will apply to the roughly 95 percent of the country where EchoStar provides residents their local, over-the-air stations. Our legislation would only permit EchoStar to bring in distant network stations in three situations. First, where local stations are not available from a satellite provider, EchoStar could bring in a distant network station if it compensates the local station. Second, in areas that do not have affiliates of all four networks, EchoStar could bring in a distant signal of the missing network affiliate because no local station would be harmed. Third, stations from neighboring localities that are considered ''significantly viewed'' by the Federal Communications Commission, and are generally treated as local stations, could be carried.

This legislation would not be complete without an enforcement provision that will truly curb EchoStar's practice of illegally providing copyrighted content. The Satellite Consumer Protection Act therefore imposes real monetary penalties for violating the Act and requires EchoStar to put sufficient funds in escrow with the copyright office to cover any future violations.

This bipartisan bill respects the legitimate interests of broadcasters who have been harmed by EchoStar's actions, while it serves the interests of the people who are the innocent bystanders and the real victims of this emerging problem: the consumers who are paying for these services.

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

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

S. 4067

*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 ''Satellite Consumer Protection Act of 2006''.

**SEC. 2. LIMITATIONS ON EXCLUSIVE RIGHTS: SECONDARY TRANSMISSIONS OF DISTANT NETWORK SIGNALS FOR PRIVATE HOME VIEWING BY CERTAIN SATELLITE CARRIERS.**

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by inserting after section 119 the following:

**''§ 119A. Limitations on exclusive rights: secondary transmissions of distant network signals for private home viewing by certain satellite carriers**

''(a) STATUTORY LICENSE GRANTED.—

''(1) IN GENERAL.—Notwithstanding any injunction issued under section 119(a)(7)(B), a satellite carrier found to have engaged in a pattern or practice of violations pursuant to section 119(a)(7)(B) is granted a statutory license to provide a secondary transmission of a performance or display of a work embodied in a primary transmission made by a network station in accordance with the provisions of this section.

''(2) SIGNIFICANTLY VIEWED SIGNALS.—Under the statutory license granted by paragraph (1), a satellite carrier may provide a secondary transmission of a primary transmission made by a network station as provided in paragraph (2)(C) or (3) of section 119(a).

''(3) DISTANT SIGNALS.—

''(A) IN GENERAL.—Under the statutory license granted by paragraph (1), a satellite carrier may provide a secondary transmission of a performance or display of a work embodied in a primary transmission made by a network station, subject to the limitations of subparagraphs (B) and (C), of not more than 1 network station in a single day for each television network.

''(B) NON-LOCAL-INTO-LOCAL MARKETS.—A satellite carrier may provide a secondary transmission under subparagraph (A) in a local market (as defined in section 122(j)) in which a satellite carrier does not currently provide, and has not ever provided, a transmission pursuant to a statutory license under section 122, if the satellite carrier—

''(i) complies with the terms and conditions for a statutory license under section 119; and

''(ii) certifies to the Copyright Office within 30 days after the date of enactment of the Satellite Consumer Protection Act of 2006, or before initiating service to a subscriber under this section, whichever is later, that all subscribers receiving secondary transmissions pursuant to a statutory license under this section in that local market reside in unserved households, as determined under section 119(a)(2)(B)(ii); and

''(iii) deposits, in addition to the deposits required by section 119(b)(1), a duplicate payment with the Register of Copyrights in the same amount for each network station in the local market affiliated with the same network as the network station being imported.

''(C) SHORT MARKETS.—In a local market (as defined in section 122(j)) in which a network station (as defined in section 119(d)) affiliated with the ABC, CBS, NBC, or Fox television network is not licensed by the Federal Communications Commission, a satellite carrier may provide secondary transmission under subparagraph (A) of the primary signals of a network station affiliated with that network, if the satellite carrier—

''(i) complies with the terms and conditions for a statutory license under section 119; and

''(ii) certifies to the Copyright Office within 30 days after the date of enactment of the Satellite Consumer Protection Act of 2006, or before initiating service to a subscriber under this section, whichever is later, that all subscribers receiving secondary transmissions pursuant to a statutory license under this section in that local market reside in unserved households, as determined under section 119(a)(2)(B)(ii).

''(D) SHORT MARKET EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), a satellite carrier may not provide secondary transmission of the primary signals of a network station under that subparagraph if secondary transmission of those signals could be provided under paragraph (2).

''(ii) DISCONTINUANCE OF SECONDARY TRANSMISSION WHEN PRIMARY SIGNAL BECOMES AVAILABLE.—Notwithstanding subparagraph (C), a satellite carrier that has been providing secondary transmission of the primary signals of a network station under subparagraph (C) in a local market may not provide such secondary transmission in that local market more than 30 days after the date on which a network station affiliated with the same network begins to broadcast or rebroadcast the basic programming service of that network in that local market and could be carried pursuant to a license under section 122.

''(b) DISTRIBUTION OF DUPLICATE DEPOSIT AMOUNTS.—The Copyright Royalty Judges shall authorize the Librarian of Congress to distribute semiannually amounts received by the Register of Copyrights as deposits under subsection (a)(3)(B)(iii), after deducting the reasonable costs incurred by the Copyright Office and the Copyright Royalty Judges under this section, in accordance with a process that the Copyright Royalty Judges may prescribe by regulation, to a network station (as defined in section 119(d)(2)) affiliated with the network whose signals are being carried under this section to a community within the local market (as defined in section 122(j)) in which such signals are being provided under this section.

''(c) STATUTORY DAMAGES.—

''(1) IN GENERAL.—The violation by a satellite carrier of subsection (a) is actionable as an act of infringement under section 501 and is subject to statutory damages equal to $100 per month multiplied by the number of subscribers with respect to which the violation was committed for each month during which the violation was committed (treating each month of a continuing violation as a separate violation).

''(2) PETITION.—A petition for statutory damages may be made to the Copyright Royalty Judges, pursuant to such rules as may be prescribed by the Copyright Royalty Judges by regulation. In any proceeding under this section, the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a network station is to a subscriber who is eligible to receive the secondary transmission under this section.

''(3) ESCROW.—As a condition of using the statutory license under subsection (a), a satellite carrier must deposit the sum of $20,000,000 in escrow with the Copyright Office. The Copyright Office shall deposit the escrow funds in an account in the Treasury of the United States, in such manner as the Secretary of the Treasury directs, and invested in interest-bearing securities of the United States with any interest from such investment to be credited to the account. The Copyright Royalty Judges shall have exclusive jurisdiction to determine liability for and entitlement to the statutory damages owed to the petitioning party in accordance with a process to be prescribed by regulation and they shall authorize the Librarian of Congress to distribute funds from the escrow account to satisfy this determination. After all petitions under this section against a satellite carrier have been resolved, any amount remaining in the satellite carrier's escrow account after February 17, 2009, after deducting the reasonable costs incurred by the Copyright Office and the Copyright Royalty Judges under this section, shall be returned to the satellite carrier.

''(4) JUDICIAL REVIEW.—A satellite carrier may seek judicial review of all determinations of the Copyright Royalty Judges on a consolidated basis in a single petition of appeal to the United States Court of Appeals for the District of Columbia Circuit within 30 days after the later of—

''(A) February 17, 2009; or

''(B) the date on which all amounts in the escrow account have been distributed or returned.

''(d) SUNSET.—This section shall not apply after February 17, 2009.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 119 the following:

''119A. Limitations on exclusive rights: secondary transmissions of distant network signals for private home viewing by certain satellite carriers''.

Mr. ROCKEFELLER. Mr. President, today, I am pleased to join my colleagues Senators LEAHY and ALLARD in introducing the Satellite Consumer Protection Act of 2006. I am pleased that Senators BYRD, INOUYE, SALAZAR, SNOWE, ROBERTS, ENZI, and ENSIGN are original cosponsors.

I want to thank Senator LEAHY for his leadership on this issue. This bill builds upon the hard work and legislative language that Congressman RICK BOUCHER (D–VA) and I originally developed. Congressman BOUCHER has been invaluable in making all sure that all interested parties work together to protect consumers, and I must thank him for all of his hard work on this issue.

We have introduced this legislation to protect consumers who through no fault of their own can no longer receive network television signals from DISH Network. Our constituents have lost this right because of a nationwide legal battle between DISH Network and television broadcasters. The Court found that DISH Network had violated the law and imposed a penalty. This decision impacted thousands of my constituent and I believe that Congress needed to restore the ability of these consumers to receive network signals. For many rural West Virginians, cable television is not available.

We have a looming crisis on our hands and Congress must pass our bill immediately. We have a duty to our consumers to minimize the disruption to their daily lives, and our bill allows those consumers who do not have the ability to get local television stations in their area to continue to receive distant signals.

Again, I urge quick adoption of this legislation.

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By Mr. AKAKA (for himself and Mr. INOUYE):

S. 4070. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, it has long been evident that our immigration system needs to be reformed, and the current debate on immigration is long overdue. I am pleased that this body is addressing this important issue in such a comprehensive manner. However, if the Senate's debate on immigration is to be truly comprehensive, it must address not only its better-known propositions and factors but also its lesser-known ones as well.

My bill seeks to address and resolve an immigration issue that, while rooted in a set of historical circumstance more than seven decades old, remains unresolved to this day. It is an issue of great concern to Filipino World War II veterans and to Filipino Americans, and it ought to be an issue of great concern to all American veterans and citizens with an interest in justice and fairness.

Before I discuss the specifics of my bill, I would first like to thank my dear friend and colleague, the senior Senator from Hawaii, DANIEL K. INOUYE, for cosponsoring this bill. In the 101st Congress, Senator INOUYE authored Section 405 of the Immigration Act of 1990, which provided for the naturalization of Filipino World War II veterans. Senator INOUYE has a long history of being involved in this important effort and it is an honor to have his support on my bill today.

To understand the significance of this bill, it is important to first provide some background about the historical circumstances that got us to where we are today.

In 1941, on the basis of 1934 legislation enacted prior to Philippine independence, President Franklin D. Roosevelt issued an executive order. Through this order, President Roosevelt invoked his authority to ''call and order into the service of the Armed Forces of the United States,'' including ''all of the organized military forces of the Government of the Commonwealth of the Philippines.'' This order drafted more than 200,000 Filipino citizens into the United States military. Under the

command of General Douglas MacArthur, Filipino soldiers fought alongside American soldiers in the defense of our country.

Throughout the course of World War II, these Filipino soldiers proved themselves to be courageous and honorable comrades in arms as they helped the United States fulfill its mission. There was no question that they would be treated the same as American troops.

These Filipino soldiers are war heroes, and deserved to be treated as such. They provided active duty service on behalf of the U.S. military, which should have qualified them for the same benefits as other active-duty veterans. Congress betrayed these veterans by enacting the First Supplemental Surplus Appropriation Rescission Act in 1946, which included a rider that conditioned an appropriation of $200 million, for the benefit of the postwar Philippine Army, on the basis that service in the Commonwealth Army should not be deemed to have been service in the Armed Forces of the United States.

Commonwealth Army members were those called into the service of the United States Armed Forces for the Far East. These members served between July 26, 1941, and June 30, 1946. Similarly, Congress enacted the Second Supplemental Surplus Appropriation Rescission Act, which provided that service in the New Philippine Scouts was not deemed to be service in the U.S. military.

New Philippine Scouts were Filipino citizens who served with the United States Armed Forces with the consent of the Philippine government. They served between October 6, 1945, and June 30, 1947.

These veterans are now in their eighties and nineties. Of the 200,000 Filipino veterans that served in World War II, close to 49,000 survive. Some of these veterans receive U.S. benefits, some do not. By 2010, it is estimated that there will be just 20,000 survivors.

With the passage of the Immigration Act of 1990, the courage of the many Filipino soldiers who fought alongside our troops during World War II was finally recognized by our government, and Filipino veterans were offered the opportunity to obtain U.S. citizenship. According to the former Immigration and Naturalization Service, about 15,000 Filipino veterans live in the U.S. and became citizens between 1941 and 1995 under the authority of the Immigration Act of 1990. Between that time about 11,000 veterans who live in the Philippines were successfully naturalized. These thousands of Filipino veterans clearly wished to spend their golden years in the United States, and I am pleased that the 1990 Immigration reform efforts provided them the opportunity to do so.

Unfortunately, the offer did not extend to the adult sons and daughters of these veterans. As a result, the Filipino veterans who fought on behalf of America, and who now live in American and continue to contribute to America, must do so alone. Due to a backlog in the issuing of visas, many of the children of these veterans have waited more than twenty years before being able to obtain an immigrant visa.

My bill, by exempting children of certain Filipino World War II veterans from the numerical limitation on immigrant visas, will ensure that our Filipino World War II veterans can enjoy and be supported by their family members in their twilight years. I believe it is a simple yet profound way that this country may honor the sacrifices made more than six decades ago by these war heroes.

I urge my colleagues to honor the valiant contributions of Filipino World War II veterans to our Nation by supporting my bill.

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By Ms. LANDRIEU:

S. 4071. A bill to amend the Internal Revenue Code of 1986 to extend the placed-in-service date requirement for low-income housing credit buildings and bonus depreciation property and the period for rehabilitation expenditures in the Gulf Opportunity Zone; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, the people of New Orleans and the rest of the Gulf Coast have been working hard to rebuild their communities and the economy of the region. The Gulf Opportunity (GO) Zone legislation that the Congress passed and the President signed into law at the end of last year, has contributed greatly to the rebuilding efforts.

The benefits of this legislation have been tremendous so far. Hundreds of businesses, large and small, will be able to take advantage of tax incentives made possible by the GO Zone bill. These include a bonus depreciation provision that allows businesses to take a 50 percent depreciation deduction in the first year on new plant or equipment in the GO Zone. This has helped jump start our recovery by giving businesses the incentive to invest quickly in the GO Zone.

The GO Zone Act also increased the amount of low income housing tax credits available to GO Zone states. The Louisiana Housing Finance Agency reports that it has awarded more than $80 million in low income housing tax credits. These credits will be leveraged to finance 195 rental housing developments for working families.

The GO Zone also included an increased rehabilitation tax credit to encourage the preservation and rehabilitation of historic structures. We have many beautiful, old buildings in New Orleans and along the Gulf. They are part of our heritage and as we rebuild we want to preserve that heritage.

The problem with the GO Zone Act is that these tax benefits have limits in terms of the time that they are available for our rebuilding. Most require that any plant and equipment, or the housing financed by the tax credits, must be placed in service by the end of 2008—that is only two years away. The rehabilitation tax credit is also only available until the end of 2008. The problem with this is that our recovery is going to take longer. In Louisiana we are rebuilding an entire city essentially from scratch. Whole communities were wiped out in Mississippi. We have never seen a recovery like the one we are attempting in the Gulf.

The placed in service date is particularly difficult for the low income housing tax credits. It can take years to get together all of the financing for housing developments and even more time for construction. The current placed in service date effectively makes any credits allocated in 2008 unusable because it would be nearly impossible to get a building financed and constructed by the end of the year.

Today, I am introducing legislation to extend the placed in service dates for the various GO Zone tax benefits for an additional two years. This will give us more time to take full advantage of the opportunities the GO Zone legislation has given us. Our recovery is proceeding steadily, but it will take time. We do not want to diminish the impact these tax credits will have on our recovery by artificially limiting their availability. My bill would make these credits available for a longer period of time so that the recovery in the Gulf will be sustained.

I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4071

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

**SECTION 1. EXTENSION OF PLACED-IN-SERVICE DATE REQUIREMENT FOR LOW-INCOME HOUSING CREDIT BUILDINGS AND BONUS DEPRECIATION PROPERTY AND PERIOD FOR REHABILITATION EXPENDITURES IN GULF OPPORTUNITY ZONE.**

(a) LOW-INCOME HOUSING CREDIT BUILDINGS.—Section 1400N(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or 2008'' in paragraph (3)(A) and inserting ''2008, 2009, or 2010'',

(2) by striking ''during such period'' in paragraph (3)(B)(ii) and inserting ''during the period described in subparagraph (A)'', and

(3) by striking ''or 2008'' in paragraph (4)(A) and inserting ''2008, 2009, or 2010''.

(b) BONUS DEPRECIATION PROPERTY.—Section 1400N(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property)'' in paragraph (2)(A)(v) and inserting ''December 31, 2010'', and

(2) by striking ''January 1, 2008'' in paragraph (3)(B) and inserting ''January 1, 2011''.

(c) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h) of the Internal Revenue Code of 1986 is amended by striking ''2008'' and inserting ''2010''.

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By Ms. LANDRIEU (for herself and Mr. KERRY):

S. 4072. A bill to address ongoing small business and homeowner needs in

the Gulf Coast States impacted by Hurricane Katrina and Hurricane Rita; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU: Mr. President, I come to the floor today to highlight the ongoing needs of our small businesses and homeowners in the Gulf Coast who were devastated by Hurricanes Katrina and Rita. In Louisiana alone, these disasters claimed 1,464 lives, destroyed more than 200,000 homes and 18,000 businesses and inflicted $25 billion in uninsured losses. Many of my colleagues here in the Senate have been down to Louisiana and have seen firsthand the size and scope of the destruction. The Congress has been very generous in providing billions of Federal recovery dollars as well as valuable Gulf Opportunity (GO) Zone tax incentives to help spur recovery in the region. These resources will be key in the recovery of the region but there are additional needs on the ground that still must be addressed. That is why I am proud to introduce a bill today, the Gulf Coast Back to Business and Homes Act of 2006, which I believe, addresses these problems and shows our small businesses and homeowners that the Federal government is responsive to their needs. I am happy that my colleague, Senator KERRY, Ranking Member of the Senate Small Business & Entrepreneurship Committee, has joined me by cosponsoring this legislation.

Katrina was the most destructive hurricane ever to hit the United States. The next month, in September, Hurricane Rita hit the Louisiana and Texas coast. It was the second most powerful hurricane ever to hit the United States, wreaking havoc on the southwestern part of my state and the east Texas coast. This one-two punch devastated Louisiana lives, communities and jobs, stretching from Cameron Parish in the west to Plaquemines Parish in the east.

We are now rebuilding our State and the wide variety of communities that were devastated by Rita and Katrina, areas representing a diverse mix of population, income and cultures. We hope to restore the region's uniqueness and its greatness. To do that, we need to rebuild our local economies now and far into the future.

My State estimates that there were 71,000 businesses in the Katrina and Rita disaster zones. As I mentioned, a total of 18,752 of these businesses were catastrophically destroyed. However, on a wider scale, according to the U.S. Chamber of Commerce, over 125,000 small and medium-sized businesses in the Gulf region were disrupted by Katrina and Rita. Many of these businesses have yet to resume operations and others are struggling to survive. We will never succeed without these small businesses. They will be the key to the revitalization of the Gulf Coast. We also cannot succeed if our homeowners are being buried under red tape and regulations.

The people who work for the Small Business Administration and FEMA are dedicated and interested to help in the recovery of our region. However, these individuals are operating under a system which is inadequate and, in some cases, unresponsive to needs on the ground.

I come to the floor today to introduce a bill which provides commonsense solutions to get the Federal assistance to our struggling businesses and homeowners. If we don't help them now, building a strong Gulf Coast will be all the more difficult if residents cannot rebuild their homes and businesses cannot open their doors.

After talking to the business leaders and small businesses in my State, there are two things that they need right now: access to capital and additional time to repay their SBA Disaster loans. For homeowners, they are still encountering an SBA which is only disbursing small amounts of loan funds for home rebuilding. The SBA is also deducting proceeds from State-administered housing recovery grants to payoff existing SBA Disaster home loans. I understand the SBA is just doing its job and following the current laws, but I believe this is a situation where the current laws are actually hurting taxpayers in their efforts to fully recover.

For example, under current law, the SBA cannot disburse more than $10,000 for an approved Disaster Loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998 and these days, $10,000 is not enough to get a business up and running or to allow a homeowner to start making repairs. Our bill increases this collateral requirement for Katrina and Rita Disaster Loans from $10,000 to $35,000.

To address the lack of access to capital for our businesses, the bill includes a provision to provide funds to Louisiana, Mississippi, Alabama, and Texas to help small businesses now. Not three months from now, but as quickly as possible. We are asking for $100 million so that businesses can have money they need to repair, rebuild, and pay their employees until they get back up and running again. The States know what the needs of their affected businesses are and we want to provide them with this money so they can start helping businesses now.

Many businesses and homeowners are also coming up on the end of their standard one-year deferment of payment on principal and interest on their SBA Disaster Loans. For most disasters, one-year is more than enough time for borrowers to get back on their feet. But for disasters on the scale of Katrina and Rita, one-year came and went, with communities just now seeing gas stations open and some homeowners are just now returning to rebuild their homes. This is a unique situation and for French Quarter businesses, where tourism is down 85 percent from pre-Katrina levels, to require them to start making payments on a $50,000 loan is virtually impossible if there are no customers! Homeowners too are experiencing widespread uncertainty and I believe the current one-year deferment requires serious reconsideration. That is why this bill gives borrowers an additional year to get their lives in order—allow residents to begin fixing their homes and allow businesses the time for economic activity to pick back up.

For homeowners in Louisiana, the State is doing its part by setting up the Louisiana Road Home program, to provide homeowners with up to $150,000 in grant proceeds for uninsured losses on their properties. However, many applicants are concerned because under the Stafford and Small Business Acts, the SBA is required to ensure there are no 'duplication of benefits' provided to disaster victims. This means that SBA must review every file which received an SBA Disaster Loan, and if there is deemed to be a duplication, deduct the duplication amount from the grant proceeds. As I said, I want the SBA to ensure taxpayers funds are used wisely, but at the same time, I want to ensure that all residents are able to get the funds they need to rebuild their homes.

Under the current scenario, some residents who have additional uninsured losses, are being required to still pay back these grant proceeds. This is because many SBA loss inspections were done right after the storms in 2005, but since then building/labor costs have increased dramatically, and this is not reflected in the SBA verified loss. Borrowers are able to request a loan modification from SBA, but many residents who waited months and months for SBA to respond, are wary to go through the process again, especially if there is a prospect they will be declined for the increased loan amount. I can't blame them because there is enough uncertainty down there right now. Personally, I would also be hesitant to go through the SBA loan process again if I had to fill out as much paperwork as my constituents have had to fill out, and to receive constant requests for more information once they think they are done with submitting information.

For this reason, this bill provides the SBA Administrator the flexibility to consider this 'duplication of benefits' to be, rather than the entire SBA loan amount, to instead be the difference between the Federal Government's subsidized interest rate on the loan and the market rate at which the borrower could have borrowed such funds. This provides borrowers with additional funds for rebuilding while retaining the Federal Government's financial responsibility to taxpayers.

In introducing this bill today, I am hopeful it sends the signal to Gulf Coast residents and businesses that Congress has not forgotten about them. Congress has done a great deal during

the 109th Congress to help disaster victims, but that does mean we should just write off recurring problems to the responsibility of states or disaster victims themselves. I believe that both the leadership on the Senate Committee on Small Business & Entrepreneurship as well as the new SBA Administrator, Steve Preston, are receptive to addressing these ongoing needs in the Gulf Coast. I look forward to working closely with them in the coming weeks to provide substantive and lasting solutions for our small businesses and homeowners.

I urge my colleagues to support this important legislation and ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 4072

*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 ''Gulf Coast Back to Business and Homes Act of 2006''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) 43 percent of businesses that close following a natural disaster never reopen;

(2) an additional 29 percent of businesses close down permanently within 2 years of a natural disaster;

(3) Hurricane Katrina struck the Gulf Coast of the United States on August 29, 2005, negatively impacting small business concerns and disrupting commerce in the States of Louisiana, Mississippi, and Alabama;

(4) Hurricane Rita struck the Gulf Coast of the United States on September 24, 2005, negatively impacting small business concerns and disrupting commerce in the States of Texas and Louisiana;

(5) according to the United States Chamber of Commerce, more than 125,000 small and medium-sized businesses in the Gulf Coast were disrupted by Hurricane Katrina or Hurricane Rita;

(6) due to a slow initial Federal response and the widespread devastation in the affected States, businesses impacted by Hurricane Katrina are in dire need of increased access to capital and technical assistance to recover and prosper; and

(7) without the full recovery and prosperity of affected businesses, the Gulf Coast, and the rest of the United States, will be negatively impacted.

**SEC. 3. DEFINITIONS.**

In this Act—

(1) the term ''Disaster Area'' means an area in which the President has declared a major disaster in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(2) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) the term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

**SEC. 4. SMALL BUSINESS CONCERN RECOVERY GRANTS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $100,000,000 for the Economic Development Administration of the Department of Commerce to make grants to the appropriate State government agencies in Louisiana, Alabama, Mississippi, and Texas, to carry out this section.

(b) DISBURSEMENT OF FUNDS.—The Department of Commerce shall disburse the funds authorized under subsection (a) in the most expeditious manner possible to the designated States, based on—

(1) the number of small business concerns directly damaged or disrupted by Hurricane Katrina of 2005 or Hurricane Rita of 2005 in the State;

(2) the number of residents displaced from the State by Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(3) the number of jobs lost or disrupted by Hurricane Katrina of 2005 or Hurricane Rita of 2005 in the State;

(4) the extent of economic disruption by Hurricane Katrina of 2005 or Hurricane Rita of 2005 in the State; and

(5) the number of evacuees from any other State due to Hurricane Katrina of 2005 or Hurricane Rita of 2005, to whom the designated State is providing assistance.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded to a State under subsection (a) shall be used by the State to provide grants, which may be made to any small business concern located in a Disaster Area that was negatively impacted by Hurricane Katrina of 2005 or Hurricane Rita of 2005, to assist such small business concern for the purposes of—

(A) paying employees;

(B) paying bills and other existing financial obligations;

(C) making repairs;

(D) purchasing inventory;

(E) restarting or operating that business in the community in which it was conducting operations prior to Hurricane Katrina of 2005 or Hurricane Rita of 2005, or to a neighboring area or county or parish in a Disaster Area; or

(F) covering additional costs until that small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources.

(2) CRITERIA.—Notwithstanding any other provision of law, in making grants under paragraph (1), a State may use such criteria as the State determines appropriate, and shall not be required to apply eligibility criteria for programs administered by the Federal Government, including the Department of Commerce.

(3) ADMINISTRATIVE EXPENSES.—The Department of Commerce may use not more than $1,000,000 of the funds authorized under subsection (a) to administer the provision of grants to the designated States under this subsection.

**SEC. 5. DISASTER LOANS AFTER HURRICANE KATRINA OR HURRICANE RITA.**

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) DISASTER LOANS AFTER HURRICANE KATRINA OR HURRICANE RITA IN A DISASTER AREA.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'Disaster Area' means an area in which the President has declared a major disaster in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

''(ii) the term 'qualified borrower' means a person to whom the Administrator made a loan under this section because of Hurricane Katrina of 2005 or Hurricane Rita of 2005.

''(B) DEFERMENT OF DISASTER LOAN PAYMENTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, payments of principal and interest on a loan to a qualified borrower made before December 31, 2006, shall be deferred, and no interest shall accrue with respect to such loan, during the time period described in clause (ii).

''(ii) TIME PERIOD.—The time period for purposes of clause (i) shall be 1 year from the later of the date of enactment of this paragraph or the date on which funds are distributed under a loan described in clause (i), but may be extended to 2 years from such date, at the discretion of the Administrator.

''(iii) RESUMPTION OF PAYMENTS.—At the end of the time period described in clause (ii), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.''.

(b) INCREASING COLLATERAL REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, including section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)), the Administrator may not require collateral for any covered loan made by the Administrator.

(2) DEFINITION.—In this subsection, the term ''covered loan'' means a loan in an amount of not more than $35,000 made—

(A) under section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1));

(B) as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(C) after the date of enactment of this Act.

**SEC. 6. WAIVER OF DUPLICATION OF CERTAIN BENEFITS.**

(a) IN GENERAL.—Chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading ''COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFER OF FUNDS)'' under the heading ''COMMUNITY PLANNING AND DEVELOPMENT'' under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'', by inserting after ''Army Corps of Engineers:'' the following: ''*Provided further*, That notwithstanding the previous proviso or any other provision of law, in providing assistance in the State of Louisiana, the Administrator of the Small Business Administration may (in determining whether activities are reimbursable under, or whether funds have been made available under, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) using amounts made available under this heading) use as the amount of a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) the amount attributable to the difference between the rate of interest on such loan and the market rate at which such borrower could have borrowed such funds, over the period of such loan:''.

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall be deemed to have taken effect as though enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(2) APPLICABILITY.—The amendments made by this section shall apply to any application for assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that is submitted not later than 1 year after the date of enactment of this Act.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 615—DESIGNATING NOVEMBER 26, 2006, AS ''DRIVE SAFER SUNDAY''

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 516

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in the United States has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004 and 15,632 lives in 2005; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 26, 2006, as ''Drive Safer Sunday''.

Mr. CHAMBLISS. Mr. President, I am submitting a resolution to designate Sunday, November 26, 2006, as Drive Safer Sunday.

Motor vehicle travel is the primary source of travel in the United States and statistics show that the Sunday after Thanksgiving is the busiest highway traffic day of the year. Too many holidays end tragically due to the careless and reckless behavior of motorists and I hope that this resolution will raise awareness and help save lives. It should also serve as a reminder to those traveling over Thanksgiving holidays and all year long to be vigilant, alert, and careful.

Steve and Susan Owings are constituents of mine in Atlanta, GA. In 2002, their son Cullum Owings was in a fatal crash on the Sunday after Thanksgiving while traveling back to college. This resolution is in honor of Cullum, and designed with the hope that other families like the Owings, will not have to suffer such a tragic loss.

According to the Georgia Governor's Office of Highway Safety, our Georgia roads had 348,040 crashes with 1,744 fatalities in 2005. Two of the major contributing factors to the loss of life in these crashes were speeding and unrestrained passengers.

According to the National Highway Transportation Safety Administration,

An estimated 15,434 lives in 2004 and 15,632 lives in 2005 were saved as a result of passengers wearing their seatbelts.

Safety belts, when used, reduce the risk of fatal injury to front seat passenger car occupants by 45 percent.

Six out of 10 children who died in passenger vehicle crashes were unbelted.

At least 4 percent of automobile crashes are the result of distracted driving.

An average 119 people died each day as a result of motor crashes in 2005—an average of one every 12 minutes.

From 1975 through 2005, an estimated 211,128 lives were saved by safety belts.

From 1975 through 2005, an estimated 7,896 lives were saved by child restraints.

In 2005, 68 percent of pickup drivers killed in traffic crashes were not using a safety belt.

With families traveling to see relatives and students nationwide trying to get back to school, America's highways and interstates are highly congested and present many opportunities for dangerous or fatal accidents. This resolution encourages automobile drivers, truckers, passengers, and law enforcement agencies to work together to make the highways a safer place this Sunday after Thanksgiving. It also encourages all Americans to slow down, wear their seatbelts, use signals, and be aware of all the other cars and trucks on the road. It is my hope that we can all work together to reduce the number of injuries and fatalities that result from car crashes while keeping families happy and together.

## SENATE RESOLUTION 616—AUTHORIZING THE MAJORITY LEADER AND ONE STAFF MEMBER TO TRAVEL TO MEXICO FOR THE INAUGURATION OF THE NEW PRESIDENT OF MEXICO SCHEDULED FOR DECEMBER 2, 2006

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 616

*Resolved*, That the Majority Leader and one staff member are authorized to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006.

## SENATE RESOLUTION 617—DESIGNATING NOVEMBER 2006 AS ''NATIONAL LUNG CANCER AWARENESS MONTH''

Mr. CHAMBLISS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 617

Whereas lung cancer is the leading cancer killer of both men and women, accounting for nearly 1 in every 3 cancer deaths in the United States;

Whereas lung cancer claims the lives of more people each year than breast, prostate, colon, liver, and kidney cancers combined;

Whereas the Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute estimates that, in 2006, 174,470 new lung cancer cases will be diagnosed and 162,460 individuals will die of lung cancer in the United States;

Whereas both incidence and mortality rates for lung cancer are significantly higher in black males than in the general population of the United States;

Whereas smoking causes 87 percent of lung cancer deaths in the United States;

Whereas the best way to decrease the number of diagnoses and deaths per year from lung cancer is to encourage people in the United States to quit smoking;

Whereas a former smoker's risk of lung cancer does not decrease significantly until 20 years after the individual quit smoking;

Whereas the International Early Lung Cancer Action Program has demonstrated in a 14-year study with 31,567 participants that computer tomography scans can detect lung cancer in Stage I when the cancer can be more easily treated and cured, giving individuals who are diagnosed early a 10-year survival rate of 88 percent;

Whereas there is a need to increase public awareness of statistics, risk factors, and the importance of early diagnosis;

Whereas individuals with cancers that are routinely diagnosed at early stages through screening, such as breast cancer and prostate cancer, have high survival rates of 88 percent and 99 percent, respectively;

Whereas the 5-year survival rate for lung cancer in the United States is still only 15 percent, a rate virtually unchanged since the enactment of the National Cancer Act of 1971; and

Whereas designating November 2006 as ''National Lung Cancer Awareness Month'', as proposed by the Lung Cancer Alliance and the Lung Cancer Alliance of Georgia, will increase public awareness about lung cancer and the need for lung cancer research and early detection: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2006 as ''National Lung Cancer Awareness Month''; and

(2) reaffirms the Senate's commitment to—

(A) advancing lung cancer research and early detection, and particularly the Lung Cancer Alliance of Georgia's goal of significantly increasing the 5-year survival rate of individuals diagnosed with lung cancer in the United States to 50 percent within 10 years; and

(B) working with all Federal agencies involved in cancer research to develop a coordinated roadmap for accomplishing that goal.

Mr. CHAMBLISS. Mr. President, today I am submitting a resolution recognizing November as National Lung Cancer Awareness Month. It is important for Americans to recognize the large number of individuals who are diagnosed with and die from lung cancer each year. This resolution is a reminder to all Americans to help raise awareness about lung cancer, including the importance of early detection and treatment of this dreadful disease.

In the United States, nearly 125,000 Americans die from lung, trachea, and bronchus cancer each year. According to the Centers for Disease Control, CDC, lung cancer is the number one cause of cancer deaths nationally for men and women. More American women will die from lung cancer than die from breast cancer each year. The disease kills more individuals than breast, prostate, colon, liver, and kidney cancers combined. In my home state of Georgia this year alone, more than 6,200 Georgians will be diagnosed

with and almost 5,000 will die from lung cancer.

The best way to decrease the amount of diagnosis and deaths per year from lung cancer is for Americans not to smoke. According to the CDC, cigarette smoking is harmful to human health and plays a major role in 90 percent of all lung cancer deaths. The sooner that a person quits smoking, the greater chance that person has of not contracting lung cancer.

For the fiscal year 2007, the National Institutes of Health, NIH, will spend an estimated $285 million, and the National Cancer Institute, NCI, will spend $261 million on lung cancer research. This money will be spent to reduce the risk of contracting the disease and find a cure for lung cancer. As our Nation continues the fight against cancer, it is important for Congress to provide continued support to the NIH and NCI in order to find a cure for this terrible disease and reach our goal of eliminating suffering and death from cancer by 2015. Through advancements in science and research, cancer has become one of the most preventable and increasingly curable life threatening diseases. As a cancer survivor, I will be the first to tell you that prevention and detection greatly increases your chances of survival. It is my hope that recognizing November as National Lung Cancer Awareness Month will remind everyone that maintaining a healthy lifestyle coupled with early detection through screening greatly reduces the risk of cancer.

I commend the Lung Cancer Alliance of Georgia on all of their hard work in helping to raise awareness regarding this deadly disease. The Lung Cancer Alliance of Georgia has been at the forefront in organizing the state movement to combat lung cancer, releasing a state report card for Georgia that brings to light many specific problems our state has in relation to lung cancer. It is important to bring these problems to the forefront in order to work together to help reduce the rate of lung cancer incidence and deaths. I commend my friend Ed Levitt, his wife Linda, and Lung Cancer Alliance of Georgia, for all of their hard work in making lung cancer awareness a top priority.

## SENATE RESOLUTION 618—DESIGNATING NOVEMBER 26, 2006, AS ''DRIVE SAFER SUNDAY''

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 618

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in the United States has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004 and 15,632 lives in 2005; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

*Resolved,* That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 26, 2006, as ''Drive Safer Sunday''.

## SENATE RESOLUTION 619—EXPRESSING THE SENSE OF THE SENATE THAT SENATOR PAUL WELLSTONE SHOULD BE REMEMBERED FOR HIS COMPASSION AND LEADERSHIP ON SOCIAL ISSUES AND THAT CONGRESS SHOULD ACT TO END DISCRIMINATION AGAINST CITIZENS OF THE UNITED STATES WHO LIVE WITH MENTAL ILLNESS BY MAKING LEGISLATION RELATING TO MENTAL HEALTH PARITY A PRIORITY FOR THE 110TH CONGRESS

Mr. DURBIN (for himself, Mr. COLEMAN, Mr. KENNEDY, Mr. HARKIN, Mr. DAYTON, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 619

Whereas Paul Wellstone served with distinction as a Senator from the State of Minnesota;

Whereas, for more than 20 years, Paul Wellstone inspired the students of Carleton College in Northfield, Minnesota;

Whereas Paul Wellstone was a loving father and husband, a loyal citizen of the United States, and a compassionate person;

Whereas Paul Wellstone dedicated his life to bringing equal access to education, economic opportunity, and comprehensive healthcare to all citizens of the United States;

Whereas Paul Wellstone worked tirelessly to advance mental health parity for all citizens of the United States;

Whereas more than 44,000,000 citizens of the United States suffer from some form of a mental health-related condition;

Whereas only ⅓ of those citizens seek or receive treatment for their mental health-related condition;

Whereas 34 States have enacted laws that require some form of access to mental health treatments that is similar to physical health coverage; and

Whereas the tragic and premature death of Paul Wellstone on October 25, 2002, silenced 1 of the leading voices of the Senate who spoke on behalf of the citizens of the United States who live with a mental illness: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that—

(1) on the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career; and

(2) Congress should act to end discrimination against citizens of the United States who live with a mental illness by enacting legislation to provide for coverage of mental health benefits with respect to health insurance coverage.

## SENATE RESOLUTION 620—DESIGNATING NOVEMBER 2006 AS ''NATIONAL LUNG CANCER AWARENESS MONTH''

Mr. CHAMBLISS submitted the following resolution; which was considered and agreed to:

S. RES. 620

Whereas lung cancer is the leading cancer killer of both men and women, accounting for nearly 1 in every 3 cancer deaths in the United States;

Whereas lung cancer claims the lives of more people each year than breast, prostate, colon, liver, and kidney cancers combined;

Whereas the Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute estimates that, in 2006, 174,470 new lung cancer cases will be diagnosed and 162,460 individuals will die of lung cancer in the United States;

Whereas both incidence and mortality rates for lung cancer are significantly higher in black males than in the general population of the United States;

Whereas smoking causes 87 percent of lung cancer deaths in the United States;

Whereas the best way to decrease the number of diagnoses and deaths per year from lung cancer is to encourage people in the United States to quit smoking;

Whereas a former smoker's risk of lung cancer does not decrease significantly until 20 years after the individual quit smoking;

Whereas the International Early Lung Cancer Action Program has demonstrated in a 14-year study with 31,567 participants that computer tomography scans can detect lung cancer in Stage I when the cancer can be more easily treated and cured, giving individuals who are diagnosed early a 10-year survival rate of 88 percent;

Whereas there is a need to increase public awareness of statistics, risk factors, and the importance of early diagnosis;

Whereas individuals with cancers that are routinely diagnosed at early stages through screening, such as breast cancer and prostate cancer, have high survival rates of 88 percent and 99 percent, respectively;

Whereas the 5-year survival rate for lung cancer in the United States is still only 15 percent, a rate virtually unchanged since the enactment of the National Cancer Act of 1971; and

Whereas designating November 2006 as ''National Lung Cancer Awareness Month'', as proposed by the Lung Cancer Alliance and the Lung Cancer Alliance of Georgia, will increase public awareness about lung cancer and the need for lung cancer research and early detection: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates November 2006 as ''National Lung Cancer Awareness Month''; and

(2) reaffirms the Senate's commitment to—

(A) advancing lung cancer research and early detection, and particularly the Lung Cancer Alliance of Georgia's goal of significantly increasing the 5-year survival rate of individuals diagnosed with lung cancer in the United States to 50 percent within 10 years; and

(B) working with all Federal agencies involved in cancer research to develop a coordinated roadmap for accomplishing that goal.

## SENATE RESOLUTION 621—DESIGNATING THE WEEK OF FEBRUARY 5 THROUGH FEBRUARY 9, 2007, AS ''NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK''

Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas 1 in 3 female teens in a dating relationship have feared for their physical safety;

Whereas 1 in 2 teens in serious relationships have compromised their beliefs to please their partner;

Whereas nearly 1 in 5 teens who have been in a serious relationship said their boyfriend or girlfriend would threaten to hurt themselves or their partner if there was a breakup;

Whereas 1 in 5 teens in a serious relationship report they have been hit, slapped, or pushed by a partner;

Whereas more than 1 in 4 teens have been in a relationship where their partner verbally abuses them;

Whereas 13 percent of Hispanic teens reported that hitting a partner was permissible;

Whereas 29 percent of girls who have been in a relationship said they have been pressured to have sex or engage in sex they did not want;

Whereas nearly 50 percent of girls worry that their partner would break up with them if they did not agree to engage in sex;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern has been established in adolescence;

Whereas 81 percent of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue; and

Whereas the establishment of the National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

*Resolved*, That the Senate—

(1) designates the week of February 5 through February 9, 2007, as ''National Teen Dating Violence Awareness and Prevention Week''; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups, to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 5168. Mr. LUGAR proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5169. Mr. LUGAR (for Mr. OBAMA) proposed an amendment to the bill S. 3709, supra.

SA 5170. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3709, supra; which was ordered to lie on the table.

SA 5171. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5172. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table.

SA 5173. Mr. LUGAR (for Mr. HARKIN) proposed an amendment to the bill S. 3709, supra.

SA 5174. Mr. BINGAMAN (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 3709, supra.

SA 5175. Mr. FRIST (for Mr. THOMAS) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5176. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5177. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5178. Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5179. Mr. LUGAR (for Mr. BINGAMAN) proposed an amendment to the bill S. 3709, supra.

SA 5180. Mr. LUGAR (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 3709, supra.

SA 5181. Mr. ENSIGN proposed an amendment to the bill S. 3709, supra.

SA 5182. Mr. DORGAN proposed an amendment to the bill S. 3709, supra.

SA 5183. Mr. FEINGOLD proposed an amendment to the bill S. 3709, supra.

SA 5184. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5185. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5186. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5187. Mrs. BOXER proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5188. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REID, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr. KYL, Mrs. MURRAY, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5189. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5190. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5191. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5192. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 994, to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

SA 5193. Mr. FRIST (for Mr. REID) proposed an amendment to the concurrent resolution S. Con. Res. 101, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

## TEXT OF AMENDMENTS

**SA 5168.** Mr. LUGAR proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

Strike all after the enacting clause and insert the following:

**TITLE I—UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION**

**SECTION 101. SHORT TITLE.**

This title may be cited as the ''United States-India Peaceful Atomic Energy Cooperation Act''.

**SEC. 102. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) strong bilateral relations with India are in the national interest of the United States;

(2) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(3) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;

(4) such commerce also represents a significant change in United States policy regarding commerce with countries not parties to the Nuclear Non-Proliferation Treaty,

which remains the foundation of the international non-proliferation regime;

(5) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international non-proliferation regimes, including, in particular, the Guidelines of the Nuclear Suppliers Group (NSG); and

(6) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

**SEC. 103. DECLARATION OF POLICY CONCERNING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.**

It shall be the policy of the United States with respect to any peaceful atomic energy cooperation between the United States and India—

(1) to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and other nuclear explosive devices;

(2) to achieve as quickly as possible the Government of India's adherence to, and cooperation in, the full range of international non-proliferation regimes and activities, including India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C);

(3) to ensure that India remains in full compliance with its non-proliferation, arms control, and disarmament agreements, obligations, and commitments;

(4) to ensure that any safeguards agreement or Additional Protocol thereto to which India is a party with the International Atomic Energy Agency (IAEA) can reliably safeguard any export or reexport to India of any nuclear materials and equipment;

(5) to meet the requirements set forth in subsections a.(1) and a.(3)–a.(9) of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(6) to act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the multilateral Nuclear Suppliers Group and the rules and practices regarding NSG decision-making;

(7) given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, to work with members of the Nuclear Suppliers Group, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India;

(8) to maintain the fullest possible international support for, adherence to, and compliance with the Nuclear Non-Proliferation Treaty; and

(9) that exports of nuclear fuel to India should not contribute to, or in any way encourage, increases in the production by India of fissile material for non-civilian purposes.

**SEC. 104. WAIVERS FOR COOPERATION WITH INDIA.**

(a) WAIVER AUTHORITY.—If the President submits a determination under section 105 to the appropriate congressional committees and makes available to such committees the text of the agreement described in paragraph (3) of such section, the President may—

(1) subject to subsection (b), exempt a proposed agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection a.(2) of such section;

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to exports to India; and

(3) waive the application of any sanction with respect to India under—

(A) section 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of such Act (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

(b) JOINT RESOLUTION OF APPROVAL REQUIREMENT.—An agreement for cooperation exempted by the President pursuant to subsection (a)(1) shall be subject to the second proviso in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) applicable to agreements exempted by the President pursuant to subsection (a) of such section.

**SEC. 105. DETERMINATION REGARDING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.**

The determination referred to in section 104 is a written determination by the President, which shall be accompanied by a report to the appropriate congressional committees, that—

(1) India has provided to the IAEA and the United States a credible plan to separate its civil nuclear facilities, materials, and programs from its military facilities, materials, and programs;

(2) India has filed a complete declaration regarding its civil nuclear facilities and materials with the IAEA;

(3) an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials described in paragraph (2) has entered into force;

(4) India and the IAEA are making substantial progress toward implementing an Additional Protocol;

(5) India is working with the United States to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices;

(6) India is supporting international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants;

(7) India has secured nuclear and other sensitive materials and technology through the application of comprehensive export control legislation and regulations, including through effective enforcement actions, and through harmonization of its control lists with, and adherence to, the guidelines of the Missile Technology Control Regime and the Nuclear Suppliers Group; and

(8) the Nuclear Suppliers Group has decided to permit civil nuclear commerce with India pursuant to a decision taken by the Nuclear Suppliers Group that—

(A) was made by consensus; and

(B) does not permit nuclear commerce with any non-nuclear weapon state other than India that does not have IAEA safeguards on all nuclear materials and all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere.

**SEC. 106. PROHIBITION ON CERTAIN EXPORTS AND REEXPORTS.**

(a) PROHIBITION.—

(1) NUCLEAR REGULATORY COMMISSION.—Except as provided in subsection (b), the Nuclear Regulatory Commission may not authorize pursuant to part 110 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.

(2) SECRETARY OF ENERGY.—Except as provided in subsection (b), the Secretary of Energy may not authorize pursuant to part 810 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology to be used for the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.

(b) EXCEPTIONS.—Exports or reexports otherwise prohibited under subsection (a) may be approved if—

(1) the end user—

(A) is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities; or

(B) is a facility participating in, and the export or reexport is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle; and

(2) the President determines that the export or reexport will not improve India's ability to produce nuclear weapons or fissile material for military uses.

**SEC. 107. END-USE MONITORING PROGRAM.**

(a) IN GENERAL.—The President shall ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India and to ensure United States compliance with Article I of the Nuclear Non-Proliferation Treaty.

(b) MEASURES.—The measures taken pursuant to subsection (a) shall include the following:

(1) Obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the Nuclear Regulatory Commission and the Department of Commerce and the authorizing authorities of the Department of Energy, including, as appropriate, conditions regarding end-use monitoring.

(2) A detailed system of reporting and accounting for technology transfers, including any retransfers in India, authorized by the Department of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)). Such system shall be capable of providing assurances that—

(A) the identified recipients of the nuclear technology are authorized to receive the nuclear technology;

(B) the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and

(C) the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

(3) In the event the IAEA is unable to implement safeguards as required by an agreement between the United States and India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), arrangements that conform with IAEA safeguards standards, principles, and practices that provide assurances equivalent to that

intended to be secured by the system they replace, including—

(A) review in a timely fashion of the design of any equipment transferred pursuant to the agreement for cooperation, or of any facility that is to use, fabricate, process, or store any material so transferred or any special nuclear material used in or produced through the use of such material and equipment;

(B) maintenance and disclosure of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred pursuant to the agreement and any source or special nuclear material used in or produced through the use of any material and equipment so transferred; and

(C) access to places and data necessary to account for the material referred to in subparagraph (B) and to inspect any equipment or facility referred to in subparagraph (A).

(c) IMPLEMENTATION.—The measures described in subsection (b) shall be implemented to provide reasonable assurances that the recipient is complying with the relevant requirements, terms, and conditions of any licenses issued by the United States regarding such exports, including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports.

**SEC. 108. IMPLEMENTATION AND COMPLIANCE.**

(a) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including—

(1) any material non-compliance on the part of the Government of India with—

(A) the non-proliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India;

(B) the separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006;

(C) a safeguards agreement between the Government of India and the IAEA;

(D) an Additional Protocol between the Government of India and the IAEA;

(E) a peaceful nuclear cooperation agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or any subsequent arrangement under section 131 of such Act (42 U.S.C. 2160);

(F) the terms and conditions of any approved licenses; and

(G) United States laws and regulations regarding the export or reexport of nuclear material or dual-use material, equipment, or technology;

(2) the construction of a nuclear facility in India after the date of the enactment of this Act;

(3) significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced; and

(4) changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

(b) IMPLEMENTATION AND COMPLIANCE REPORT.—Not later than 180 days after the date on which an agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) enters into force, and annually thereafter, the President shall submit to the appropriate congressional committees a report including—

(1) a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards;

(2) a comprehensive listing of—

(A) all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations;

(B) any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear non-proliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations;

(C) any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and

(D) with respect to each such license or other form of authorization described in subparagraphs (A), (B), and (C)—

(i) the number or other identifying information of each license or authorization;

(ii) the name or names of the authorized end user or end users;

(iii) the name of the site, facility, or location in India to which the export or reexport was made;

(iv) the terms and conditions included on such licenses and authorizations;

(v) any post-shipment verification procedures that will be applied to such exports or reexports; and

(vi) the term of validity of each such license or authorization;

(3) any significant nuclear commerce between India and other countries, including any such trade that—

(A) does not comply with applicable guidelines or decisions of the Nuclear Suppliers Group; or

(B) would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin;

(4) either—

(A) a certification that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced in subparagraphs (A) through (F) of subsection (a)(1); or

(B) if the President cannot make such certification, an identification and assessment of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including—

(i) the steps the United States Government has taken to remedy or otherwise respond to such compliance issues;

(ii) the responses of the Government of India to such steps; and

(iii) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India, if not already terminated under section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158), remains in the national security interest of the United States;

(5) a detailed description of—

(A) United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty;

(B) the reactions of India and Pakistan to such efforts; and

(C) assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the objectives in subparagraph (A), consistent with its obligations under international law and existing agreements; and

(6) a detailed description of efforts and progress made toward the achievement of India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C).

(c) SUBMITTAL WITH OTHER ANNUAL REPORTS.—

(1) REPORT ON PROLIFERATION PREVENTION.—Each annual report submitted under subsection (b) after the initial report may be submitted together with the annual report on proliferation prevention required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)).

(2) REPORT ON PROGRESS TOWARD REGIONAL NON-PROLIFERATION.—The information required to be submitted under subsection (b)(5) after the initial report may be submitted together with the annual report on progress toward regional non-proliferation required under section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)).

(d) FORM.—Each report submitted under this section shall be submitted in unclassified form but may contain a classified annex.

**SEC. 109. UNITED STATES COMPLIANCE WITH ITS NUCLEAR NON-PROLIFERATION TREATY OBLIGATIONS.**

This title shall not be deemed to constitute authority for any action in violation of any obligation of the United States under the Nuclear Non-Proliferation Treaty.

**SEC. 110. INOPERABILITY OF DETERMINATION AND WAIVERS.**

A determination under section 105 and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this Act.

**SEC. 111. MTCR ADHERENT STATUS.**

Congress finds that India is not an MTCR adherent for the purposes of Section 73 of the Arms Export Control Act (22 U.S.C. 2797b).

**SEC. 112. TECHNICAL AMENDMENT.**

Section 1112(c)(4) of the Arms Control and Nonproliferation Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–486)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) so much of the reports required under section 108 of the United States-India Peaceful Atomic Energy Cooperation Act as relates to verification or compliance matters; and''.

**SEC. 113. DEFINITIONS.**

In this title:

(1) The term ''Additional Protocol'' means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540.

(2) The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The term ''atomic energy'' has the meaning given the term in section 11 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(c)).

(4) The term ''dual-use material, equipment, or technology'' means those items

controlled by the Department of Commerce pursuant to section 309(c) of the Nuclear Nonproliferation Act of 1978.

(5) The term ''IAEA safeguards'' has the meaning given the term in section 830(3) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(3)).

(6) The term ''nuclear materials and equipment'' has the meaning given the term in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(3)).

(7) The term ''Nuclear Non-Proliferation Treaty'' means 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 (21 UST 483).

(8) The terms ''nuclear weapon'' and ''nuclear explosive device'' have the meaning given the term ''nuclear explosive device'' in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)).

(9) The terms ''reprocessing'' and ''reprocess'' refer to the separation of nuclear materials from fission products in spent nuclear fuel.

(10) The term ''source material'' has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(11) The term ''special nuclear material'' has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(12) The term ''unsafeguarded nuclear fuel-cycle activity'' means research on, or development, design, manufacture, construction, operation, or maintenance of—

(A) any existing or future reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation with respect to which there is no obligation to accept IAEA safeguards at the relevant reactor, facility, plant, or installation that contains source or special fissionable material; or

(B) any existing or future heavy water production plant with respect to which there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom.

## TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''United States Additional Protocol Implementation Act''.

**SEC. 202. FINDINGS.**

Congress makes the following findings—

(1) The proliferation of nuclear weapons and other nuclear explosive devices poses a grave threat to the national security of the United States and its vital national interests.

(2) The Nuclear Non-Proliferation Treaty has proven critical to limiting such proliferation.

(3) For the Nuclear Non-Proliferation Treaty to be effective, each of the non-nuclear-weapon State Parties must conclude a comprehensive safeguards agreement with the IAEA, and such agreements must be honored and enforced.

(4) Recent events emphasize the urgency of strengthening the effectiveness and improving the efficiency of the safeguards system. This can best be accomplished by providing IAEA inspectors with more information about, and broader access to, nuclear activities within the territory of non-nuclear-weapon State Parties.

(5) The proposed scope of such expanded information and access has been negotiated by the member states of the IAEA in the form of a Model Additional Protocol to its existing safeguards agreements, and universal acceptance of Additional Protocols by non-nuclear weapons states is essential to enhancing the effectiveness of the Nuclear Non-Proliferation Treaty.

(6) On June 12, 1998, the United States, as a nuclear-weapon State Party, signed an Additional Protocol that is based on the Model Additional Protocol, but which also contains measures, consistent with its existing safeguards agreements with its members, that protect the right of the United States to exclude the application of IAEA safeguards to locations and activities with direct national security significance or to locations or information associated with such activities.

(7) Implementation of the Additional Protocol in the United States in a manner consistent with United States obligations under the Nuclear Non-Proliferation Treaty may encourage other parties to the Nuclear Non-Proliferation Treaty, especially non-nuclear-weapon State Parties, to conclude Additional Protocols and thereby strengthen the Nuclear Non-Proliferation Treaty safeguards system and help reduce the threat of nuclear proliferation, which is of direct and substantial benefit to the United States.

(8) Implementation of the Additional Protocol by the United States is not required and is completely voluntary given its status as a nuclear-weapon State Party, but the United States has acceded to the Additional Protocol to demonstrate its commitment to the nuclear non-proliferation regime and to make United States civil nuclear activities available to the same IAEA inspections as are applied in the case of non-nuclear-weapon State Parties.

(9) In accordance with the national security exclusion contained in Article 1.b of its Additional Protocol, the United States will not allow any inspection activities, nor make any declaration of any information with respect to, locations, information, and activities of direct national security significance to the United States.

(10) Implementation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representative to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.

**SEC. 203. DEFINITIONS.**

In this title:

(1) ADDITIONAL PROTOCOL.—The term ''Additional Protocol'', when used in the singular form, means the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna June 12, 1998 (T. Doc. 107–7).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(3) COMPLEMENTARY ACCESS.—The term ''complementary access'' means the exercise of the IAEA's access rights as set forth in Articles 4 to 6 of the Additional Protocol.

(4) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code.

(5) FACILITY.—The term ''facility'' has the meaning set forth in Article 18i. of the Additional Protocol.

(6) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(7) JUDGE OF THE UNITED STATES.—The term ''judge of the United States'' means a United States district judge, or a United States magistrate judge appointed under the authority of chapter 43 of title 28, United States Code.

(8) LOCATION.—The term ''location'' means any geographic point or area declared or identified by the United States or specified by the International Atomic Energy Agency.

(9) NUCLEAR NON-PROLIFERATION TREATY.—The term ''Nuclear Non-Proliferation Treaty'' means 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 (21 UST 483).

(10) NUCLEAR-WEAPON STATE PARTY AND NON-NUCLEAR-WEAPON STATE PARTY.—The terms ''nuclear-weapon State Party'' and ''non-nuclear-weapon State Party'' have the meanings given such terms in the Nuclear Non-Proliferation Treaty.

(11) PERSON.—The term ''person'', except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(12) SITE.—The term ''site'' has the meaning set forth in Article 18b. of the Additional Protocol.

(13) UNITED STATES.—The term ''United States'', when used as a geographic reference, means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) the territorial sea and the overlying airspace;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (41), respectively, of section 40102(a) of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(14) WIDE-AREA ENVIRONMENTAL SAMPLING.—The term ''wide-area environmental sampling'' has the meaning set forth in Article 18g. of the Additional Protocol.

**SEC. 204. SEVERABILITY.**

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

### Subtitle A—General Provisions

**SEC. 211. AUTHORITY.**

(a) IN GENERAL.—The President is authorized to implement and carry out the provisions of this title and the Additional Protocol and shall designate through Executive order which executive agency or agencies of the United States, which may include but are not limited to the Department of State, the Department of Defense, the Department of Justice, the Department of Commerce, the Department of Energy, and the Nuclear Regulatory Commission, shall issue or amend and enforce regulations in order to implement this title and the provisions of the Additional Protocol.

(b) INCLUDED AUTHORITY.—For any executive agency designated under subsection (a) that does not currently possess the authority

to conduct site vulnerability assessments and related activities, the authority provided in subsection (a) includes such authority.

(c) EXCEPTION.—The authority described in subsection (b) does not supersede or otherwise modify any existing authority of any Federal department or agency already having such authority.

**Subtitle B—Complementary Access**

**SEC. 221. REQUIREMENT FOR AUTHORITY TO CONDUCT COMPLEMENTARY ACCESS.**

(a) PROHIBITION.—No complementary access to any location in the United States shall take place pursuant to the Additional Protocol without the authorization of the United States Government in accordance with the requirements of this title.

(b) AUTHORITY.—

(1) IN GENERAL.—Complementary access to any location in the United States subject to access under the Additional Protocol is authorized in accordance with this title.

(2) UNITED STATES REPRESENTATIVES.—

(A) RESTRICTIONS.—In the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency or of the Mine Safety and Health Administration or the Occupational Safety and Health Administration of the Department of Labor may participate in the access.

(B) NUMBER.—The number of designated United States representatives accompanying IAEA inspectors shall be kept to the minimum necessary.

**SEC. 222. PROCEDURES FOR COMPLEMENTARY ACCESS.**

(a) IN GENERAL.—Each instance of complementary access to a location in the United States under the Additional Protocol shall be conducted in accordance with this subtitle.

(b) NOTICE.—

(1) IN GENERAL.—Complementary access referred to in subsection (a) may occur only upon the issuance of an actual written notice by the United States Government to the owner, operator, occupant, or agent in charge of the location to be subject to complementary access.

(2) TIME OF NOTIFICATION.—The notice under paragraph (1) shall be submitted to such owner, operator, occupant, or agent as soon as possible after the United States Government has received notification that the IAEA seeks complementary access. Notices may be posted prominently at the location if the United States Government is unable to provide actual written notice to such owner, operator, occupant, or agent.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice required by paragraph (1) shall specify—

(i) the purpose for the complementary access;

(ii) the basis for the selection of the facility, site, or other location for the complementary access sought;

(iii) the activities that will be carried out during the complementary access;

(iv) the time and date that the complementary access is expected to begin, and the anticipated period covered by the complementary access; and

(v) the names and titles of the inspectors.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided each time that complementary access is sought by the IAEA.

(c) CREDENTIALS.—The complementary access team of the IAEA and representatives or designees of the United States Government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the location before gaining entry in connection with complementary access.

(d) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 223, and subject to the United States Government's rights under the Additional Protocol to limit complementary access, complementary access to a location pursuant to this title may extend to all activities specifically permitted for such locations under Article 6 of the Additional Protocol.

(2) EXCEPTION.—Unless required by the Additional Protocol, no inspection under this title shall extend to—

(A) financial data (other than production data);

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) patent data;

(F) data maintained for compliance with environmental or occupational health and safety regulations; or

(G) research data.

(e) ENVIRONMENT, HEALTH, SAFETY, AND SECURITY.—In carrying out their activities, members of the IAEA complementary access team and representatives or designees of the United States Government shall observe applicable environmental, health, safety, and security regulations established at the location subject to complementary access, including those for protection of controlled environments within a facility and for personal safety.

**SEC. 223. CONSENTS, WARRANTS, AND COMPLEMENTARY ACCESS.**

(a) IN GENERAL.—

(1) PROCEDURE.—

(A) CONSENT.—Except as provided in paragraph (2), an appropriate official of the United States Government shall seek or have the consent of the owner, operator, occupant, or agent in charge of a location prior to entering that location in connection with complementary access pursuant to sections 221 and 222. The owner, operator, occupant, or agent in charge of the location may withhold consent for any reason or no reason.

(B) ADMINISTRATIVE SEARCH WARRANT.—In the absence of consent, the United States Government may seek an administrative search warrant from a judge of the United States under subsection (b). Proceedings regarding the issuance of an administrative search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(2) EXPEDITED ACCESS.—For purposes of obtaining access to a location pursuant to Article 4b.(ii) of the Additional Protocol in order to satisfy United States obligations under the Additional Protocol when notice of two hours or less is required, the United States Government may gain entry to such location in connection with complementary access, to the extent such access is consistent with the Fourth Amendment to the United States Constitution, without obtaining either a warrant or consent.

(b) ADMINISTRATIVE SEARCH WARRANTS FOR COMPLEMENTARY ACCESS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For complementary access conducted in the United States pursuant to the Additional Protocol, and for which the acquisition of a warrant is required, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to such judge all appropriate information regarding the basis for the selection of the facility, site, or other location to which complementary access is sought.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—A judge of the United States shall promptly issue an administrative search warrant authorizing the requested complementary access upon an affidavit submitted by the United States Government—

(A) stating that the Additional Protocol is in force;

(B) stating that the designated facility, site, or other location is subject to complementary access under the Additional Protocol;

(C) stating that the purpose of the complementary access is consistent with Article 4 of the Additional Protocol;

(D) stating that the requested complementary access is in accordance with Article 4 of the Additional Protocol;

(E) containing assurances that the scope of the IAEA's complementary access, as well as what it may collect, shall be limited to the access provided for in Article 6 of the Additional Protocol;

(F) listing the items, documents, and areas to be searched and seized;

(G) stating the earliest commencement and the anticipated duration of the complementary access period, as well as the expected times of day during which such complementary access will take place; and

(H) stating that the location to which entry in connection with complementary access is sought was selected either—

(i) because there is probable cause, on the basis of specific evidence, to believe that information required to be reported regarding a location pursuant to regulations promulgated under this title is incorrect or incomplete, and that the location to be accessed contains evidence regarding that violation; or

(ii) pursuant to a reasonable general administrative plan based upon specific neutral criteria.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition, each warrant shall contain the identities of the representatives of the IAEA on the complementary access team and the identities of the representatives or designees of the United States Government required to display identifying credentials under section 222(c).

**SEC. 224. PROHIBITED ACTS RELATING TO COMPLEMENTARY ACCESS.**

It shall be unlawful for any person willfully to fail or refuse to permit, or to disrupt, delay, or otherwise impede, a complementary access authorized by this subtitle or an entry in connection with such access.

**Subtitle C—Confidentiality of Information**

**SEC. 231. PROTECTION OF CONFIDENTIALITY OF INFORMATION.**

Information reported to, or otherwise acquired by, the United States Government under this title or under the Additional Protocol shall be exempt from disclosure under sections 552 of title 5, United States Code.

**Subtitle D—Enforcement**

**SEC. 241. RECORDKEEPING VIOLATIONS.**

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by any regulation prescribed under this title;

(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or

(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.

**SEC. 242. PENALTIES.**

(a) CIVIL.—

(1) PENALTY AMOUNTS.—Any person that is determined, in accordance with paragraph (2), to have violated section 224 or section 241 shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each violation. For the purposes of this paragraph, each day during which a violation of section 224 continues shall constitute a separate violation of that section.

(2) NOTICE AND HEARING.—

(A) IN GENERAL.—Before imposing a penalty against a person under paragraph (1), the head of an executive agency designated under section 211(a) shall provide the person with notice of the order. If, within 15 days after receiving the notice, the person requests a hearing, the head of the designated executive agency shall initiate a hearing on the violation.

(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the order imposed by the head of the designated agency shall constitute a final agency action.

(C) ISSUANCE OF ORDERS.—If the administrative judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 224 or section 241, the administrative judge shall state his findings of fact and conclusions of law, and issue and serve on such person an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative judge or the head of the designated agency shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(E) CONTENT OF NOTICE.—For the purposes of this paragraph, notice shall be in writing and shall be verifiably served upon the person or persons subject to an order described in paragraph (1). In addition, the notice shall—

(i) set forth the time, date, and specific nature of the alleged violation or violations; and

(ii) specify the administrative and judicial remedies available to the person or persons subject to the order, including the availability of a hearing and subsequent appeal.

(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative judge shall be the recommended decision and order and shall be referred to the head of the designated executive agency for final decision and order. If, within 60 days, the head of the designated executive agency does not modify or vacate the decision and order, it shall become a final agency action under this subsection.

(4) JUDICIAL REVIEW.—A person adversely affected by a final order may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or in the Court of Appeals for the district in which the violation occurred.

(5) ENFORCEMENT OF FINAL ORDERS.—

(A) IN GENERAL.—If a person fails to comply with a final order issued against such person under this subsection and—

(i) the person has not filed a petition for judicial review of the order in accordance with paragraph (4), or

(ii) a court in an action brought under paragraph (4) has entered a final judgment in favor of the designated executive agency,

the head of the designated executive agency shall commence a civil action to seek compliance with the final order in any appropriate district court of the United States.

(B) NO REVIEW.—In any such civil action, the validity and appropriateness of the final order shall not be subject to review.

(C) INTEREST.—Payment of penalties assessed in a final order under this section shall include interest at currently prevailing rates calculated from the date of expiration of the 60-day period referred to in paragraph (3) or the date of such final order, as the case may be.

(b) CRIMINAL.—Any person who violates section 224 or section 241 may, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than five years, or both.

**SEC. 243. SPECIFIC ENFORCEMENT.**

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions brought by the head of an executive agency designated under section 211(a)—

(1) to restrain any conduct in violation of section 224 or section 241; or

(2) to compel the taking of any action required by or under this title or the Additional Protocol.

(b) CIVIL ACTIONS.—

(1) IN GENERAL.—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 224 or section 241 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) SERVICE OF PROCESS.—In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.

## Subtitle E—Environmental Sampling

**SEC. 251. NOTIFICATION TO CONGRESS OF IAEA BOARD APPROVAL OF WIDE-AREA ENVIRONMENTAL SAMPLING.**

(a) IN GENERAL.—Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.

(b) CONTENT.—The notification under subsection (a) shall contain—

(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;

(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and

(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.

**SEC. 252. APPLICATION OF NATIONAL SECURITY EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.**

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.

**SEC. 253. APPLICATION OF NATIONAL SECURITY EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.**

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapons state;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) with respect to the proposed use of environmental sampling, the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving location-specific environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.

**SEC. 254. RULE OF CONSTRUCTION.**

As used in this subtitle, the term ''necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party'' shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by—

(1) setting a good example of cooperation in the conduct of such sampling; or

(2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.

## Subtitle F—Protection of National Security Information and Activities

**SEC. 261. PROTECTION OF CERTAIN INFORMATION.**

(a) LOCATIONS AND FACILITIES OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.

(b) INFORMATION OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No information of direct

national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.

(c) RESTRICTED DATA.—Nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular ''Restricted Data'' as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).

(d) CLASSIFIED INFORMATION.—Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

**SEC. 262. IAEA INSPECTIONS AND VISITS.**

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

**Subtitle G—Reports**

**SEC. 271. REPORT ON INITIAL UNITED STATES DECLARATION.**

Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to declare to the IAEA.

**SEC. 272. REPORT ON REVISIONS TO INITIAL UNITED STATES DECLARATION.**

Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration.

**SEC. 273. CERTIFICATION REGARDING VULNERABILITY AND RELATED ASSESSMENTS.**

Concurrently with the submission to Congress of the initial declaration list under section 271 and each list update under section 272, the President shall submit to Congress a report certifying that—

(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

**SEC. 274. REPORT ON EFFORTS TO PROMOTE THE IMPLEMENTATION OF ADDITIONAL PROTOCOLS.**

Not later than 180 days after the entry into force of the Additional Protocol, the President shall submit to the appropriate congressional committees a report on—

(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and

(2) assistance provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations.

**SEC. 275. NOTICE OF IAEA NOTIFICATIONS.**

The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

**Subtitle H—Authorization of Appropriations**

**SEC. 281. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this title.

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**SA 5169.** Mr. LUGAR (for Mr. OBAMA) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

At the appropriate place in title I, insert the following new section:

**SEC. ____. UNITED STATES POLICY REGARDING THE PROVISION OF NUCLEAR POWER REACTOR FUEL RESERVE TO INDIA.**

It is the policy of the United States that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

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**SA 5170.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table; as follows:

Strike section 262 and insert the following:

**SEC. 262. IAEA INSPECTIONS AND VISITS.**

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) CERTAIN INDIVIDUALS PROHIBITED FROM ENTERING THE UNITED STATES.—The head of any agency or department of the United States may deny entry into the United States of an IAEA inspector seeking such entry to carry out official business of the IAEA if the head of such agency or department suspects the IAEA inspector of having links to foreign intelligence services.

(c) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(d) USE OF UNITED STATES EQUIPMENT, MATERIALS, AND RESOURCES.—Any inspections conducted by personnel of the IAEA in the United States pursuant to the Additional Protocol shall by carried out using equipment, materials, and resources that are purchased, owned, inspected, and controlled by the United States.

(e) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

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**SA 5171.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike lines 7 and 8 and insert the following:

the purchase of land and moving of utilities;

(6) the city of Waycross, Georgia, a rural area for purposes of eligibility for rural development programs of the Department of Agriculture; and

(7) the cities of Alamo, Mercedes, Weslaco, and

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**SA 5172.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table; as follows:

In title II, strike the paragraph defining ''appropriate congressional committees'' and insert the following:

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Environment and Public Works of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

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**SA 5173.** Mr. LUGAR (for Mr. HARKIN) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike ''Group; and'' and all that follows through ''Nuclear'' on line 9 and insert the following: ''Group;

(8) India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions; and

(9) the Nuclear

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**SA 5174.** Mr. BINGAMAN (for himself and Mr. KENNEDY) proposed an amendment by him to the bill S. 3709, to exempt from certain requirements of the

Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table; as follows:

On page 6, after line 21, add the following:

(c) OPERATION OF WAIVERS.—Notwithstanding any waiver under subsection (a)—

(1) no nuclear equipment or sensitive nuclear technology may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that both India and the United States are taking specific steps to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices; and

(2) no nuclear materials may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that India has stopped producing fissile materials for weapons pursuant to a unilateral moratorium or multilateral agreement.

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**SA 5175.** Mr. FRIST (for Mr. THOMAS) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 20, before the colon insert the following: ''; and of which not less than $500,000 shall be used by the Secretary of Agriculture, acting through the Wyoming Department of Agriculture, to compensate livestock producers in the State of Wyoming for losses due to wolves''.

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**SA 5176.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7_____. The Secretary of Agriculture (referred to in this section as the ''Secretary'') shall prepare a report for submission by the President to Congress, along with the fiscal year 2008 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations;

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2);

(5) identifies the number of hazardous fuel reduction and forest health projects and acres in Forest Service Region 2 that—

(A) have received approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) have not been implemented;

(6) identifies the number of hazardous fuel reduction and forest health projects and acres in Forest Service Region 2 that are being analyzed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(7) describes—

(A) the goals and expectations identified in the vegetation management program for Forest Service Region 2;

(B) any progress towards the goals described under subparagraph (A); and

(C) the funding levels necessary to meet the goals described under subparagraph (A).

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**SA 5177.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7____. For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 533), there is appropriated, out of any money in the Treasury not otherwise appropriated, $30,000,000 for fiscal year 2007 for the conduct of hazardous fuel reduction and forest health projects of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided,* That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

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**SA 5178.** Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 5, beginning on line 15, strike ''Treaty; and'' and all that follows through ''that exports'' on line 16 and insert the following: ''Treaty;

(9) to continue to support implementation of United Nations Security Council Resolution 1172 (1998); and

(10) that exports

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**SA 5179.** Mr. LUGAR (for Mr. BINGAMAN) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 18, beginning on line 7, strike ''existing'' and all that follows through ''description'' on line 9 and insert the following: ''existing agreements;

(6) an estimate of—

(A) the amount of uranium mined in India during the previous year;

(B) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(C) the rate of production in India of—

(i) fissile material for nuclear explosive devices; and

(ii) nuclear explosive devices;

(7) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices; and

(8) a detailed description

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**SA 5180.** Mr. LUGAR (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

At the end of title I, add the following:

**SEC. 114. UNITED STATES-INDIA SCIENTIFIC COOPERATIVE THREAT REDUCTION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, shall establish a cooperative threat reduction program to pursue jointly with scientists from the United States and India a program to further common nonproliferation goals, including scientific research and development efforts related to nuclear nonproliferation, with an emphasis on nuclear safeguards (in this section referred to as the ''program'').

(b) CONSULTATION.—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) NATIONAL ACADEMIES RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) RECOMMENDATIONS.—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) PUBLIC AVAILABILITY.—The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

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**SA 5181.** Mr. ENSIGN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

Strike section 262 and insert the following:

**SEC. 262. IAEA INSPECTIONS AND VISITS.**

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under

section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) USE OF UNITED STATES EQUIPMENT, MATERIALS, AND RESOURCES.—Any inspections conducted by personnel of the IAEA in the United States pursuant to the Additional Protocol shall by carried out using equipment, materials, and resources that are purchased, owned, inspected, and controlled by the United States.

(d) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

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**SA 5182.** Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike ''Group; and'' and all that follows through ''the Nuclear'' on line 9 and insert the following: ''Group;

(8) India has committed to—

(A) the development of a credible separation plan between civilian and military facilities by ensuring all reactors that supply electricity to the civilian sector are declared and are subject to permanent IAEA standards and practices;

(B) a binding obligation to the same extent as nuclear-weapon State Parties under the Nuclear Non-Proliferation Treaty—

(i) not to transfer to any recipient whatsoever nuclear weapons or nuclear explosive devices or control over such devices directly or indirectly; and

(ii) not in any way to assist, encourage, or induce any non-nuclear-weapon State Party to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or acquire control over such weapons or explosive devices; and

(C) consistent with the Nuclear Non-Proliferation Treaty—

(i) pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, including ending fissile material production for nuclear weapons;

(ii) joining a legally-binding nuclear test moratorium;

(iii) verifiably reducing its nuclear weapons stockpile; and

(iv) eventually eliminating all nuclear weapons; and

(9) the Nuclear

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**SA 5183.** Mr. FEINGOLD proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 17, strike ''Group; and'' and all that follows through ''(8) the Nuclear'' on line 18 and insert the following: ''Group;

(8) the scope and content of United States nuclear cooperation with India in the proposed nuclear cooperation agreement pursuant to section 123 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(a)) does nothing to directly or indirectly assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, specifically that—

(A) India cannot use United States-origin equipment, technology, or nuclear material in an unsafeguarded facility or nuclear weapons-related complex; and

(B) India cannot replicate and subsequently use United States-origin technology in an unsafeguarded nuclear facility or unsafeguarded nuclear-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices;

(9) India has provided sufficient assurances that the provision by the United States of nuclear fuel will not facilitate the increased production by India of fissile material in unsafeguarded nuclear facilities; and

(10) the Nuclear

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**SA 5184.** Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 117, strike lines 9 through 12 and insert the following:

described in section 306E of such Act; of which the Secretary may use not less than $5,000,000 nor more than $50,000,000 to provide grants to States, not to exceed $1,000,000 per grant, to assist communities of less than 2,500 individuals, or entities that serve those communities, in complying with environmental regulations affecting the communities based on assistance approval criteria developed by the State and approved by the Secretary: *Provided*, That each State assistance approval criteria and any application for assistance funded under the criteria shall be approved by a council of citizens of the State that represent the regions of the State: *Provided further*, That the assistance may be used in conjunction with any other assistance provided by any Federal agency and shall be treated as funds of the community and not of the Federal Government: *Provided further*, That no matching requirement may be imposed on a community as a condition of receiving the assistance: *Provided further*, That funds not needed by a State in accordance with the grant application of the State may be repooled by the Secretary; and of which $88,234,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided further*, That of the total amount

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**SA 5185.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. CALCULATION OF AMOUNT OF CERTAIN BENEFITS.**

(a) IN GENERAL.—Chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 471) is amended under the heading ''COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFER OF FUNDS)'' under the heading ''COMMUNITY PLANNING AND DEVELOPMENT'' under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'', by inserting after ''Army Corps of Engineers:'' the following: ''*Provided further*, That notwithstanding the previous proviso or any other provision of law, in providing assistance in the State of Louisiana, the Administrator of the Small Business Administration may (in determining whether activities are reimbursable under, or whether funds have been made available under, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) using amounts made available under this heading) use as the amount of a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) the amount attributable to the difference between the rate of interest on such loan and the market rate at which such borrower could have borrowed such funds, over the period of such loan:''.

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(2) APPLICABILITY.—The amendments made by this section shall apply to any application for assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that is submitted not later than 1 year after the date of enactment of this Act.

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**SA 5186.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 11, after ''Service:'' insert ''*Provided further*, That not less than $600,000 of the amount made available under this heading shall be used to provide funding for the soil and water research unit located at Louisiana State University:''.

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**SA 5187.** Mrs. BOXER proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike ''Group; and'' and all that follows through ''Nuclear'' on line 9 and insert the following: ''Group;

(8) India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as the Government of Iran no longer supports acts of international terrorism, as determined by the Secretary of State under section 620A of

the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)); and

(9) the Nuclear

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**SA 5188.** Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REID, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr, KYL, Mrs. MURRAY, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), there is appropriated, out of any money in the Treasury not otherwise appropriated, $60,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior: *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SEC. 759. For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), there is appropriated, out of any money in the Treasury not otherwise appropriated, $300,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

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**SA 5189.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE IX—OUTER CONTINENTAL SHELF ROYALTY REFORM AND ENHANCEMENT**

**SEC. 901. LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.**

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) ROYALTY SUSPENSION PROVISIONS.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary shall agree to a request by any lessee to amend any lease issued as a result of a Central or Western Gulf of Mexico lease sale held during the period beginning on January 1, 1998, and ending on December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions in the amount of $34.73 per barrel (2005 dollars) for oil and for natural gas of $4.34 per million Btu (2005 dollars).

''(2) ADJUSTMENT.—The oil and natural gas price thresholds established under paragraph (1) shall be adjusted during any calendar year after 2005 by the percentage, if any, by which the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce changed during the preceding calendar year.

''(3) NEW ROYALTY SUSPENSION VOLUMES.—After the date of enactment of this subsection, price thresholds shall apply to any royalty suspension volumes granted by the Secretary.

''(4) EFFECTIVE DATE.—Any amended lease shall impose the new price thresholds effective beginning October 1, 2006.

''(r) CONSERVATION OF RESOURCES FEES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish, by regulation, a conservation of resources fee for producing leases that will apply to new and existing leases which shall be established at $9 per barrel for oil and $1.25 per million Btu for gas (2006 dollars).

''(2) COVERED AREAS.—The fee shall only apply to leases issued with deep water royalty relief for which royalties are not being paid when prices exceed $34.73 per barrel for oil and $4.34 per million Btu for natural gas (2005 dollars).

''(3) EFFECTIVE DATE.—A fee imposed under this subsection shall apply to production that occurs on or after October 1, 2006.''.

**SEC. 902. COASTAL IMPACT ASSISTANCE PROGRAM.**

Section 31(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''The'' and inserting the following:

''(A) FISCAL YEARS 2007 THROUGH 2010.—The''; and

(B) by adding at the end the following:

''(B) CERTAIN ROYALTY REVENUES.—Notwithstanding section 9, of the amount of any royalty revenues payable to the United States from any lease issued with deep water royalty relief as the result of a Central or Western Gulf of Mexico lease sale held during the period beginning on January 1, 1998, and ending on December 31, 1999, the Secretary of the Treasury shall deposit—

''(i) the amount of the royalty revenues in a special account in the Treasury, to be available to the Secretary of the Interior, without further appropriation, for each of fiscal years 2007 through 2016, for disbursement to Gulf producing States and coastal political subdivisions in accordance with this section, except that the amount made available under this clause shall not exceed a total of $2,500,000,000; and

''(ii) any remainder of the royalty revenues in the general fund of the Treasury, to be used for deficit reduction.''; and

(2) in paragraph (3)(B)—

(A) in clause (i), by striking ''and'' after the semicolon at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2011 through 2016 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2010.''.

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**SA 5190.** Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 20, strike ''influenza:'' and insert ''influenza; and of which not less than $1,500,000 shall be divided equally among each State that borders a Great Lake for use in enhancing facilities of the State to test for the presence of viral hemorrhagic septicemia in fish caught or farmed in the State:''.

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**SA 5191.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 755.

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**SA 5192.** Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 994, to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; as follows:

On page 1, line 5, strike ''Act of 2005'' and insert ''Act of 2006''.

On page 6, line 1, strike ''fiscal year 2006'' and all that follows through line 2 and insert the following: ''fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 and 2010.''.

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**SA 5193.** Mr. FRIST (for Mr. REID) proposed an amendment to the concurrent resolution S. Con. Res. 101, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; as follows:

On page 3, lines 3 and 4, strike ''Universal Declaration of Human Rights'' and insert ''International Covenant on Civil and Political Rights''.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a Full Committee hearing on the Reauthorization of the Pipeline Safety Program on Thursday, November 16, 2006 at 10 a.m. in room 253 of the Russell Senate Office Building.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 16, 2006 at 10 a.m. The purpose of this hearing is to consider the

nomination of Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy).

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LUGAR. Mr. President, I ask unanimous consent that on Thursday, November 16, 2006 following the first vote Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda:

Alex Beehler to be Inspector General of the Environmental Protection Agency.

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

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, November 16, 2006, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''The CHIP Program From the States' Perspective.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, November 16, 2006 at 10 a.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Thursday, November 16, 2006, to consider pending committee business (agenda attached).

*Agenda*

Legislation: S. 4046, Iraq Reconstruction Accountability Act of 2006.

Nominations: The Honorable James H. Bilbray to be Governor, U.S. Postal Service; Thurgood Marshall Jr. to be Governor, U.S. Postal Service; The Honorable Dan G. Blair to be Chairman, Postal Rate Commission, Stephen T. Conboy to be U.S. Marshal, Superior Court of the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Oversight of the Civil Rights Division'' on Thursday, November 16, 2006 at 9:30 a.m. in Dirksen Senate Office Building Room 226. The witness list is attached.

Panel I: The Hon. Wan Kim, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, DC.

Panel II: Mr. Michael A. Carvin, Partner, Jones Day, Washington, DC; Mr. Ted Shaw, Director-Counsel and President, NAACP Legal Defense and Educational Fund, Inc. (LDF), New York, NY; Mr. Robert N. Driscoll, Partner, Alston & Bird, LLP Washington, DC; Mr. Joseph Rich, Director of Fair Housing and Community Development, Lawyer's Committee for Civil Rights Under Law Washington, DC.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, November 16, 2006, at 10 a.m., for a hearing entitled ''The Defense Travel System: Boon or Boondoggle (Part 2).''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 16, 2006 at 10:30 a.m., to hold a closed briefing.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Thursday, November 16 at 2:30 p.m.

The purpose of the hearing is to receive testimony relating to S. 2626, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; and S. 3772, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine Nevada, and for other purposes.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet during the session of the Senate on November 16, 2006, at 9:30 a.m., in open session to receive testimony on Department of Defense business systems modernization efforts.

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

## PRIVILEGES OF THE FLOOR

Mr. LUGAR. Mr. President, I ask unanimous consent that Sharon Squassoni, a specialist with the Congressional Research Service, be granted privileges of the floor during the duration of the Senate's consideration of S. 3709.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that William Johnson and Lona Stoll, who are fellows in Senator KENNEDY's office, be granted floor privileges during the consideration of S. 3709.

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

Mr. LUGAR. I ask unanimous consent that Henry Abeyta, a fellow with the Committee on Energy and Natural Resources, be granted the privileges of the floor for the duration of the debate on S. 3709, the United States-India Peaceful Atomic Energy bill.

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

Mr. DORGAN. First, I ask unanimous consent on behalf of Senator FEINGOLD that a fellow in his office by the name of David Bonine be granted floor privileges for the duration of the debate on S. 3709, the India-United States nuclear legislation, and any vote thereon.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

## MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

On Tuesday, November 14, 2006, the Senate passed H.R. 5385, as follows:

H.R. 5385

*Resolved*, That the bill from the House of Representatives (H.R. 5385) entitled ''An Act making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, namely:*

*TITLE I*

*DEPARTMENT OF DEFENSE*

*MILITARY CONSTRUCTION, ARMY*

*(INCLUDING RESCISSIONS OF FUNDS)*

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $2,172,622,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $199,540,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations*

*are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 109–114, $43,348,000 are hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 109–13, $125,800,000 are hereby rescinded: Provided further, That of the amount provided under this heading, $34,800,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.*

*MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

*(INCLUDING RESCISSIONS OF FUNDS)*

*For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,238,065,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $71,626,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Navy and Marine Corps'' under Public Law 108–132, $30,000,000 are hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Navy and Marine Corps'' under Public Law 108–324, $8,000,000 are hereby rescinded.*

*MILITARY CONSTRUCTION, AIR FORCE*

*(INCLUDING RESCISSIONS OF FUNDS)*

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,214,885,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed $71,381,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 108–324, $2,694,000 are hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 109–114, $19,816,000 are hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 109–13, $10,800,000 are hereby rescinded.*

*MILITARY CONSTRUCTION, DEFENSE-WIDE*

*(INCLUDING RESCISSIONS AND TRANSFER OF FUNDS)*

*For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,162,281,000, to remain available until September 30, 2011: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $172,150,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Defense-Wide'' under Public Law 108–132, $9,000,000 are hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Defense-Wide'' under Public Law 108–324, $43,000,000 are hereby rescinded: Provided further, That of the funds appropriated for ''Military Construction, Defense-Wide'' under Public Law 109–114, $72,065,000 are hereby rescinded: Provided further, That of the amount provided under this heading, $100,886,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.*

*MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

*(INCLUDING RESCISSION OF FUNDS)*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $539,804,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for ''Military Construction, Army National Guard'' under Public Law 109–114, $2,129,000 are hereby rescinded.*

*MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $252,834,000, to remain available until September 30, 2011.*

*MILITARY CONSTRUCTION, ARMY RESERVE*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $191,450,000, to remain available until September 30, 2011.*

*MILITARY CONSTRUCTION, NAVY RESERVE*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $48,408,000, to remain available until September 30, 2011.*

*MILITARY CONSTRUCTION, AIR FORCE RESERVE*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $44,936,000, to remain available until September 30, 2011.*

*NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM*

*For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $205,985,000, to remain available until expended.*

*FAMILY HOUSING CONSTRUCTION, ARMY*

*For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $578,791,000, to remain available until September 30, 2011.*

*FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

*For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $675,617,000.*

*FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS*

*For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $305,071,000, to remain available until September 30, 2011.*

*FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS*

*For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $498,525,000.*

*FAMILY HOUSING CONSTRUCTION, AIR FORCE*

*(INCLUDING RESCISSIONS OF FUNDS)*

*For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $1,182,138,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for ''Family Housing Construction, Air Force'' under Public Law 108–324, $23,400,000 are hereby rescinded: Provided further, That of the funds appropriated for ''Family Housing Construction, Air Force'' under Public Law 109–114, $42,800,000 are hereby rescinded.*

*FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE*

*For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $755,071,000.*

*FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE*

*For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $8,808,000, to remain available until September 30, 2011.*

*FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE*

*For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,506,000.*

*DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND*

*For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.*

*CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE*

*For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $140,993,000, to remain available until September 30, 2011, which shall be only for the Assembled Chemical Weapons Alternatives program.*

*DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990*

*For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $191,220,000, to remain available until expended.*

*DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

*For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $5,237,100,000, to remain available until expended.*

*ADMINISTRATIVE PROVISIONS*

*SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.*

*SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.*

*SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.*

*SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.*

*SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.*

*SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.*

*SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.*

*SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.*

*SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.*

*SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.*

*SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea if that country has not increased its defense spending by at least 3 percent in calendar year 2005, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.*

*SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.*

*SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $750,000.*

*SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.*

*SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.*

*SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.*

*SEC. 118. (a) Not later than December 1, 2006, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress a report on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.*

*(b) The report under subsection (a) shall include a description of—*

*(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;*

*(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;*

*(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;*

*(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and*

*(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.*

*(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.*

*SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).*

*(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—*

*(A) the closure or realignment of the installation for which housing is provided under the contract;*

*(B) a reduction in force of units stationed at such installation; or*

*(C) the extended deployment overseas of units stationed at such installation.*

*(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.*

*SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.*

*SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.*

*SEC. 126. Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:*

*''(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.*

*''(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.*

*''(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.*

*SEC. 127. (a) Of the amount appropriated or otherwise made available by this title under the heading ''FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY'', $7,500,000 may be available for the lease of not more than 300 additional housing units in the vicinity of Fairbanks, Alaska. Such funds may not be available for the construction or purchase of such units.*

*(b)(1) The total cost of a unit leased under subsection (a), including the cost of utilities, maintenance, and operation, may not exceed $25,000 per year.*

*(2) A lease entered into under subsection (a) may not exceed 5 years in duration or include an option to extend the lease beyond the 5-year period beginning on the date the lease commences.*

*SEC. 128. (a) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, NAVY AND MARINE CORPS'' and available for ''Replacement Vehicle Bridge, Increment 2, Naval Station, Newport, Rhode Island'' is hereby increased by $3,410,000.*

*(b) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, NAVY AND MARINE CORPS'' and available for ''Hazardous Material Storage Facility, Naval Station Newport, Rhode Island'' is hereby reduced by $3,410,000.*

*SEC. 129. (a) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, AIR FORCE'' is hereby increased by $750,000.*

*(b) Of the amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, AIR FORCE'', as increased by subsection (a), $750,000 may be available for the Air Force Financial Management Center.*

*(c) The amount appropriated or otherwise made available by this title under the heading ''NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM'' is hereby reduced by $750,000.*

*SEC. 130. Subsection (c) of section 1077 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is hereby repealed.*

*SEC. 131. (a) The amount available for ''MILITARY CONSTRUCTION, AIR FORCE'' is hereby reduced by $25,400,000 for ''Basic Expeditionary Airmen Training Facility, Lackland AFB, Texas''.*

*(b) The amount available for ''Department of Defense Base Closure Account 2005'' is hereby increased by $25,400,000.*

*SEC. 132. Of the amount appropriated or otherwise made available by chapter 7 of title I of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148) under the heading ''MILITARY CONSTRUCTION, NAVY AND MARINE CORPS'' and available for the replacement of a Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi, $13,400,000 may be available for the construction of an additional Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi.*

## *TITLE II*

## *DEPARTMENT OF VETERANS AFFAIRS*

### *VETERANS BENEFITS PROGRAMS*

*COMPENSATION AND PENSIONS*

*(INCLUDING TRANSFER OF FUNDS)*

*For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $38,007,095,000, to remain available until expended: Provided, That not to exceed $28,112,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical services'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.*

*READJUSTMENT BENEFITS*

*For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,262,006,000, to remain available until expended: Provided,*

*That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.*

*VETERANS INSURANCE AND INDEMNITIES*

*For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, $49,850,000, to remain available until expended.*

*VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT*

*(INCLUDING TRANSFER OF FUNDS)*

*For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2007, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.*

*In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $153,185,000.*

*VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT*

*(INCLUDING TRANSFER OF FUNDS)*

*For the cost of direct loans, $53,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,242,000.*

*In addition, for administrative expenses necessary to carry out the direct loan program, $305,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.*

*NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT*

*(INCLUDING TRANSFER OF FUNDS)*

*For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $615,000: Provided, That no new loans in excess of $30,000,000 may be made in fiscal year 2007.*

*GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT*

*For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical services'' may be expended.*

*VETERANS HEALTH ADMINISTRATION*

*MEDICAL SERVICES*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; and for necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $28,689,000,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed $1,350,000,000 shall be available until September 30, 2008: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.*

*MEDICAL FACILITIES*

*For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $3,569,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2008.*

*MEDICAL AND PROSTHETIC RESEARCH*

*For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2008, $412,000,000, plus reimbursements, of which not less than $15,000,000 shall be used for Gulf War Illness research.*

*NATIONAL CEMETERY ADMINISTRATION*

*For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $160,733,000, of which not to exceed $8,037,000 shall be available until September 30, 2008.*

*DEPARTMENTAL ADMINISTRATION*

*GENERAL OPERATING EXPENSES*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,467,764,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,167,859,000: Provided further, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2008: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.*

*OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978, $70,599,000, of which $3,474,950 shall remain available until September 30, 2008.*

*CONSTRUCTION, MAJOR PROJECTS*

*For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $429,000,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2007, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2007; and (2) by the awarding of a construction contract by September 30, 2008: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above.*

*CONSTRUCTION, MINOR PROJECTS*

*For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services*

*of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $168,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.*

*GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES*

*For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $85,000,000, to remain available until expended.*

*GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES*

*For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $32,000,000, to remain available until expended.*

*INFORMATION TECHNOLOGY SYSTEMS*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by chapter 3109 of title 5, United States Code, $1,255,900,000, to remain available until September 30, 2008: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 60 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.*

*ADMINISTRATIVE PROVISIONS*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 201. Any appropriation for fiscal year 2007, in this Act or any other Act, for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 202. Amounts made available for fiscal year 2007, in this Act or any other Act, under the ''Medical services'' and ''Medical facilities'' accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.*

*SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code.*

*SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for the construction of any new hospital or home.*

*SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.*

*SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2006.*

*SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.*

*SEC. 208. Notwithstanding any other provision of law, during fiscal year 2007, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2007 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2007 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.*

*SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.*

*SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $31,246,000 for the Office of Resolution Management and $3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.*

*SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.*

*SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.*

*SEC. 214. Amounts made available under ''Medical services'' are available—*

*(1) for furnishing recreational facilities, supplies, and equipment; and*

*(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of this account.*

*SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply*

*with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.*

*SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used for payment for E-Gov initiatives.*

*SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.*

*SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 221. Amounts made available under the ''Medical services'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2007, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 222. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new ''Information technology systems'' account, funds made available for fiscal year 2007, in this or any other Act, may be transferred from the ''General operating expenses'', ''National Cemetery Administration'', and ''Office of Inspector General'' accounts to the ''Medical services'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 223. Amounts made available for the ''Information technology systems'' account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.*

*SEC. 224. No funds in this Act may be deposited into the DOD/VA Health Care Sharing Incentive Fund.*

*SEC. 225. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2007.*

*SEC. 226. REPORT ON USE OF LANDS AT WEST LOS ANGELES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER. (a) REPORT.— The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Medical Center, California.*

*(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:*

*(1) The master plan referred to in that subsection, if such a plan currently exists.*

*(2) A current assessment of the master plan.*

*(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of each such proposal.*

*(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of each such proposal.*

*(c) ALTERNATIVE REPORT ELEMENT.—If a master plan referred to in subsection (a) does not exist as of the date of enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) during the period beginning on the date of the enactment of this Act and ending 25 years later and during the period beginning on the date of the enactment of this Act and ending 50 years later. The master plan referred to in subsection (a) shall be completed prior to the adoption of the Capital Asset Realignment for Enhanced Services (CARES) plan for that property, or prior to the issuance of any enhanced use lease on the subject property. The CARES plan for the subject property shall be consistent with the master plan required by this section.*

*(d) LIMITATIONS ON IMPLEMENTATION.—*

*(1) IN GENERAL.—The Secretary may not implement any portion of the master plan referred to in subsection (a) until 120 days after the date of the receipt by the Committees on Appropriations of the Senate and the House of Representatives of the report required by that subsection.*

*(2) ACTIONS OTHER THAN DIRECT VETERANS SERVICES.—In the case of any portion of the master plan referred to in subsection (a) that does not relate exclusively to direct veterans services on the site referred to in subsection (a), the Secretary may not carry out such portion of the master plan without the approval of the Committees on Appropriations of the Senate and the House of Representatives.*

*(e) EXEMPTIONS.—Nothing contained in this provision shall prevent the Department of Veterans Affairs from providing maintenance, service or programs consistent with the mission of the Department.*

*SEC. 227. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.*

*SEC. 228. The major medical facility project for a Department of Veterans Affairs Medical Center in New Orleans, Louisiana, for which funds were appropriated for the Department of Veterans Affairs for the ''Construction, major projects'' account in Public Law 109–234 and Public Law 109–148 shall be treated for purposes of section 8104(b) of title 38, United States Code, as a major medical facility project that has been specifically authorized by law, and the Secretary of Veterans Affairs may obligate and expend amounts so appropriated for that account for that project for the purchase of a site including property exchange for, and new construction, restoration, or replacement of, the Department of Veterans Affairs Medical Center in New Orleans, Louisiana.*

*SEC. 229. Of the amount appropriated by this title, up to $18,000,000 may be available for necessary expenses, including salaries and expenses, for the provision of additional mental health services through centers for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code (commonly referred to as ''Vet Centers''), to veterans who served in combat in Iraq or Afghanistan.*

*SEC. 230. Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the actions taken by the Secretary to test veterans for vestibular damage.*

*SEC. 231. (a) INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.—Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking ''$7,000,000'' and inserting ''$10,000,000''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to fiscal years beginning on or after that date.*

*SEC. 232. Notwithstanding any other provision of law, the Secretary is authorized to carry out major medical facility projects and leases for which any funds have been appropriated under this Act or any other Act. Further, for major medical facility projects authorized under Public Law 108–170, the Secretary may carry out contracts through September 30, 2007, including land purchase on projects for which Phase I design has been authorized.*

*SEC. 233. Of the amount appropriated by this title under the heading ''VETERANS HEALTH ADMINISTRATION'', up to $1,000,000 shall be available for the Office of Inspector General.*

*SEC. 234. (a) COLOCATION OF COMMUNITY BASED OUTPATIENT CLINIC WITH WAGNER INDIAN HEALTH SERVICE UNIT, WAGNER, SOUTH DAKOTA.—No amount appropriated or otherwise made available for the Department of Veterans Affairs by this title may be obligated or expended to implement a business plan of Veterans Integrated Service Network 23 (VISN 23) for the implementation a Community Based Outpatient Clinic (CBOC) in Wagner, South Dakota, unless such business plan contains an evaluation and an analysis of the prospect of colocating such Community Based Outpatient Clinic with the Wagner Indian Health Service unit in Wagner, South Dakota.*

*(b) AVAILABILITY OF AMOUNTS FOR EMERGENCY ROOM SERVICES AT WAGNER INDIAN HEALTH SERVICE UNIT.—Of the amount appropriated or otherwise made available to the Department of Veterans Affairs by this title under the heading ''MEDICAL FACILITIES'', at the discretion of the Secretary of the Department of Veterans Affairs up to $500,000 may be available for emergency room services at the Wagner Indian Health Service unit pending implementation of a business plan meeting the requirements in subsection (a).*

*SEC. 235. (a) STUDY ON COSTS OF COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.—The Secretary of Veterans Affairs shall carry out a study of costs associated with the Comprehensive Service Programs authorized by sections 2011 and 2012 of title 38 United States Code.*

*(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the study required by subsection (a). The report shall set forth the following:*

*(1) The number of authorized and operational transitional housing beds and service centers under the programs referred to in subsection (a) in fiscal year 2006, and the number of such beds and centers in each State and in each Congressional District during such fiscal year.*

*(2) The cost in fiscal year 2006 of grants under section 2011 of title 38, United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.*

*(3) The cost in fiscal year 2006 of per diem payments under section 2012 of title 38 United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.*

*(4) The number of applications received, scored as qualified, and awarded pursuant to the Capital Grant Notice of Funds Availability published on April 20, 2006.*

*(5) The range of per diem payment rates, the average per diem payment rate, and the median per diem payment rate paid to recipients of*

*grants under section 2012 of title 38, United States Code, in fiscal year 2006.*

*(6) The number and percentage of total recipients of grants under section 2011 of title 38 United States Code, in fiscal year 2006 being paid under section 2012 of title 38, United States Code, the rate authorized for State homes for domiciliary care under section 1741(a)(1)(A) of that title for fiscal year 2006.*

*TITLE III*

*RELATED AGENCIES*

*AMERICAN BATTLE MONUMENTS COMMISSION*

*SALARIES AND EXPENSES*

*For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $37,088,000, to remain available until expended.*

*FOREIGN CURRENCY FLUCTUATIONS*

*For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $4,900,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.*

*UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS*

*SALARIES AND EXPENSES*

*For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, $19,790,000: Provided, That $1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.*

*DEPARTMENT OF DEFENSE—CIVIL*

*CEMETERIAL EXPENSES, ARMY*

*SALARIES AND EXPENSES*

*For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $26,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.*

*ARMED FORCES RETIREMENT HOME*

*For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $54,846,000.*

*ADMINISTRATIVE PROVISIONS*

*SEC. 301. None of the funds in this title under the heading ''American Battle Monuments Commission'' shall be available for the Capital Security Costs Sharing program.*

*(INCLUDING RESCISSION OF FUNDS)*

*SEC. 302. (a) For an additional amount for ''United States Court of Appeals for Veterans Claims, Salaries and Expenses'', $500,000, to remain available until expended, for implementation of the Appellate Case Management Electronic Case Files System.*

*(b) Of the amount appropriated under the heading ''United States Court of Appeals for Veterans Claims, Salaries and Expenses'', in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114), $500,000 are rescinded.*

*(c) This section shall take effect immediately upon enactment of this Act.*

*TITLE IV*

*GENERAL PROVISIONS*

*SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 402. Such sums as may be necessary for fiscal year 2007 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.*

*SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.*

*SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.*

*SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.*

*SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.*

*SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.*

***TITLE V—DIGITAL AND WIRELESS TECHNOLOGY***

***SEC. 501. SHORT TITLE.***

*This title may be cited as the ''Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2006''.*

***SEC. 502. ESTABLISHMENT OF PROGRAM.***

*Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (f):*

*''(g) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—*

*''(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.*

*''(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—*

*''(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);*

*''(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;*

*''(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects; and*

*''(D) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.*

*''(3) APPLICATION AND REVIEW PROCEDURES.—*

*''(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Under Secretary, consistent with subparagraph (B), shall establish procedures to review such applications. The Under Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.*

*''(B) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Under Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Under Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and digital and wireless networking technology. The Under Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Under Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.*

*''(C) MATCHING REQUIREMENT.—The Under Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Under Secretary, or $500,000, whichever is the lesser amount. The Under Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.*

*''(D) AWARDS.—*

*''(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds*

*$2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.*

*''(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State educational agency, local educational agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.*

*''(iii) PLANNING GRANTS.—The Under Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.*

*''(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Under Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.*

*''(v) NEED.—In awarding funds under this subsection, the Under Secretary shall give priority to the institution with the greatest demonstrated need for assistance.*

*''(E) ANNUAL REPORT AND EVALUATION.—*

*''(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Under Secretary on its use of the grant, cooperative agreement, or contract.*

*''(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Under Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under subparagraph (A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Under Secretary under clause (i).*

*''(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Under Secretary shall transmit the assessment to Congress along with a summary of the Under Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.*

*''(F) DEFINITIONS.—In this subsection:*

*''(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term 'digital and wireless networking technology' means computer and communications equipment and software that facilitates the transmission of information in a digital format.*

*''(ii) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—*

*''(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), or an institution described in section 326(e)(1) of that Act (20 U.S.C. 1063b(e)(1));*

*''(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));*

*''(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));*

*''(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or*

*''(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).*

*''(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).*

*''(iv) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).*

*''(v) MINORITY BUSINESS.—The term 'minority business' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).*

*''(vi) MINORITY INDIVIDUAL.—The term 'minority individual' means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.*

*''(vii) STATE.—The term 'State' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).*

*''(viii) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).''.*

***SEC. 503. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to the Technology Administration of the Department of Commerce to carry out section 5(g) of the Stevenson-Wydler Technology Innovation Act of 1980 such sums as may be necessary for each of the fiscal years 2007 through 2010.*

*This Act may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2007''.*

Amend the title so as to read: ''An Act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.''.

## ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4073 introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 4073) to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic.''

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

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the 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 bill (S. 4073) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 4073

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

**SECTION 1. ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.**

(a) DESIGNATION.—The outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, shall be known and designated as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''.

## AUTHORIZING THE MAJORITY LEADER AND ONE STAFF MEMBER TO TRAVEL TO MEXICO FOR THE INAUGURATION OF THE NEW PRESIDENT OF MEXICO SCHEDULED FOR DECEMBER 2, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 616, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 616) authorizing the Majority Leader and one staff member to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 616) was agreed to, as follows:

S. RES. 616

*Resolved,* That the Majority Leader and one staff member are authorized to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006.

## PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES CONVEYANCE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 621, H.R. 5061.

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

The legislative clerk read as follows:

A bill (H.R. 5061) to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

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

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 5061) was ordered to a third reading, was read the third time, and passed.

## AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT TO REAUTHORIZE A PROGRAM RELATING TO THE LAKE PONTCHARTRAIN BASIN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 663, H.R. 6121.

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

The legislative clerk read as follows:

A bill (H.R. 6121) to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

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

Mr. FRIST. I ask unanimous consent that the bill be read the 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 bill (H.R. 6121) was ordered to a third reading, was read the third time, and passed.

## PROVIDING FOR THE CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LAND TO THE TOWNS OF LAONA AND WABENO, WISCONSIN

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4559 just received from the House and at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 4559) to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.

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

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, a 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 bill (H.R. 4559) was ordered to a third reading, was read the third time, and passed.

## PROVIDING FOR THE CONVEYANCE OF THE FORMER KONNAROCK LUTHERAN GIRLS SCHOOL IN SMYTH COUNTY, VIRGINIA

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5103, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 5103) to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes.

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 5103) was ordered to a third reading, was read the third time, and passed.

## OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate now proceed to H.R. 5690 just received from the House and at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 5690) to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas.

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (H.R. 5690) was ordered to a third reading, was read the third time, and passed.

## AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT OF ''A HISTORY, COMMITTEE ON THE JUDICIARY, UNITED STATES HOUSE OF REPRESENTATIVES, 1813–2006''

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 423, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 423) authorizing the printing as a House document of ''A History, Committee on the Judiciary, United States House of Representatives, 1813–2006''.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 423) was agreed to.

## NAMING THE ARMED FORCES READINESS CENTER IN GREAT FALLS, MONTANA, IN HONOR OF CAPTAIN WILLIAM WYLIE GALT, A RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

Mr. FRIST. I ask unanimous consent the Committee on Armed Services be discharged from further consideration of S. 3759, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3759) to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 3759) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

## FAMILY ABDUCTION PREVENTION ACT OF 2005

Mr. FRIST. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 994 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 994) to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

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

Mrs. FEINSTEIN. Mr. President, on October 26, 2006, the Esperanza fire engulfed five firefighters dispatched to battle an uncontrollable blaze. All five firefighters died as a result.

Before it was extinguished, the fire consumed more than 40,000 acres of the southern California foothills and destroyed more than 30 homes. But while the forests will eventually return and the homes will be rebuilt, we can never reclaim the lives of our fallen firefighters.

Today I am cosponsoring a resolution with Senator BOXER to honor the firefighters and other public servants who bravely responded to the Esperanza fire.

On November 5, 2006, I delivered a eulogy at the Memorial Service in San Bernardino, CA, held in honor of the five firefighters who lost their lives in the fire. I believe it is appropriate at this time to enter these remarks into the CONGRESSIONAL RECORD:

I'm here to express gratitude to the five brave firefighters who lost their lives in the battle against the Esperanza fire.

They gave the ultimate sacrifice. Their heroism will not be forgotten and so do their families' sacrifice as well.

My heart goes out to you, mothers and fathers, sisters and brothers, sons and daughters of the five firefighters who perished from Engine Crew 57: Captain Mark Loutzenhiser, Jess McLean, Jason McKay, Daniel Hoover-Najera, and Pablo Cerda.

These five men were on the front lines, protecting thousands of lives and tens of thousands of acres, when they were overwhelmed by the fire's flames.

They are truly heroes.

Mark Loutzenhiser, Engine Captain, was 43 years old. He had 21 years of service as a firefighter. Mark was loved and respected by so many in the Idyllwild community.

To Maria, I know little can be said that mutes grief and overwhelming loss with one exception—five beautiful children—Mark and Maria's enduring legacy.

To your five children, Jacob, Teesha, Savannah, and the twins Kyle and Seth, I say this: Your dad was a true hero. He was a coach, a mentor, a friend. He is great in all our eyes.

And to Mark's parents, Russ and Polly: You can be so proud of his contributions. He made a difference. He leaves a legacy: a grateful community—a wife—five children.

Jess McLean, Fire Engine Operator, was 27 years old. He had seven years of experience.

To his mother, Cecilia: Jess was a thoughtful young man, a model son. I am so sorry for your loss.

Jess's wife, Karen: You were married just three years ago. But those three years are packed with memories, dreams shared and you will find new strength because of these years.

Jason McKay, Assistant Fire Engine Operator, 27 years old. He had five years of Forest Service experience.

To Bonnie McKay, Jason's mother, you know that Jason lived out his boyhood dream of becoming a fireman.

To his fiancé, Staci Burger, you know Jason as a brave and decent man. Carry that with you, always.

Daniel Hoover-Najera, Firefighter, 20 years old and in his second season of firefighting. As a young man, he was determined to one day grow up and become a firefighter.

To his mother Gloria Ayala, his stepfather Efren Ayala, his father and stepmother, Tim and Lisa Hoover, his brother Michael, his sister Monica, and his grandfather Patrick Najera, who helped raise him: I say this: Daniel will be missed by all those who knew him. He was a passionate young man, full of many talents, hopes and dreams. He was taken too young. But he leaves a strong heritage—hold onto it.

Pablo Cerda, 23 years old when he lost his life in his second season with the Forest Service.

To his father, Pablo, your son graduated from Riverside Community College's fire academy only last May. He paid his own way. His services, his terrible burns will not be forgotten by any of us.

And to his older sister, Claudia, your brother Pablo will be remembered for his strength and dedication. Be proud of him always.

The deaths of these five members of the Engine 57 crew represent a tremendous loss for this community, our State, and the nation.

As we move forward from this painful tragedy, we must work to protect ourselves from another fire like.

Just a few miles from here, in the mountains of the San Bernardino National Forest, are over a half million acres of bark beetle infested forest. Nestled among these trees are the homes of roughly 150,000 people.

The five firefighters who lost their lives and the more than 2,500 firefighters who fought this fire had to prevent the flames from reaching the bark beetle infested areas, which would have likely caused a catastrophic fire taking with it, whole communities and thousands of homes.

Governor Schwarzenegger, Representatives Lewis, Bono, Baca and I have fought for increased funding to protect our communities from hazardous fuels.

We must recommit ourselves to this effort and remove these dead and dying trees and non-native brush that present such a great fire hazard.

And our firefighters must have the tools and training to do their jobs.

To the 34 families who lost your homes. I say this: We will help in any way we can. Our heartfelt feelings are extended to you.

To the firefighters here today, we owe you no less. Know that we value your service and commitment to fire prone communities up and down the state.

Finally, in closing—to the families of these five brave firefighters, I offer my sincerest and deepest condolences. My heart is truly with you.

Mr. FRIST. I ask unanimous consent a Feinstein amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The amendment (No. 5192) was agreed to, as follows:

AMENDMENT NO. 5192

On page 1, line 5, strike ''Act of 2005'' and insert ''Act of 2006''.

On page 6, line 1, strike ''fiscal year 2006'' and all that follows through line 2 and insert the following: ''fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 and 2010.''.

The bill (S. 994), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

## MEASURES DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that appropriate committees be discharged from and the Senate now proceed to the en bloc consideration of the following resolutions:

S. Res. 595, S. Res. 596, S. Res. 597, S. Res. 598, S. Res. 599, S. Res. 600, S. Res. 601, S. Res. 602, S. Res. 603, S. Res. 604, S. Res. 608, S. Res. 609, S. Res. 611, S. Res. 614, H. Con. Res. 384, S. Con. Res. 119, S. Res. 547, H. Con. Res. 175, and S. Con. Res. 101.

I further ask that the Senate proceed to the immediate consideration en bloc of the following resolutions that were introduced earlier today: S. Res. 618, S. Res. 619, S. Res. 601, and S. Res. 621.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the resolutions as amended, if amended, be agreed to, the preambles as amended, if amended, be agreed to, and the motions to reconsider be laid on the table, all en bloc.

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

## LAWRENCE BERKELEY NATIONAL LABORATORY

The resolution (S. Res. 595) recognizing the Lawrence Berkeley National Laboratory as one of the premier science and research institutions of the world was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 595), with its preamble, reads as follows:

S. RES. 595

Whereas the Lawrence Berkeley National Laboratory was founded on August 26, 1931, by Ernest Orlando Lawrence, winner of the 1939 Nobel Prize in physics for his invention of the cyclotron, a circular particle accelerator that opened the door to modern high-energy physics;

Whereas the belief of Mr. Lawrence that scientific research is best done through teams of individuals with different fields of expertise left a legacy that has yielded rich dividends for the United States in basic knowledge and applied technology;

Whereas that distinguished legacy of accomplishment includes 10 Nobel Laureates associated with the Lawrence Berkeley National Laboratory, and a dozen scientists of the Lawrence Berkeley National Laboratory who have won the National Medal of Science;

Whereas, in 2006, the Lawrence Berkeley National Laboratory continues to be used to conduct research across a wide range of scientific disciplines with key efforts in fundamental studies of the universe, quantitative biology, nanoscience, new energy systems, environmental solutions, and the use of integrated computing as a tool for discovery;

Whereas scientists at the Lawrence Berkeley National Laboratory discovered the revolutionary new truth of the accelerating expansion of the universe, are pioneering the promising new scientific field of synthetic biology, and are harnessing the secrets of the genome to help solve the grand challenges of the world;

Whereas, through those accomplishments and others, including finding the antiproton, advancing energy efficiency and conservation technologies, deciphering the photosynthetic process, pioneering the field of nuclear medicine, and spearheading the development of alternative energy sources, scientists of the Lawrence Berkeley National Laboratory have played a critical role in advancing the world leadership of the United States in fundamental and applied sciences;

Whereas the national scientific user facilities of the Lawrence Berkeley National Laboratory provide the highest level of scientific, engineering, and technical support to thousands of scientists each year whose published works continue to consistently enrich their respective research fields;

Whereas the newest user facility of the Lawrence Berkeley National Laboratory, the Molecular Foundry, opened its doors on March 24, 2006, to enable the design, synthesis, and characterization of nanoscale materials, thereby opening the door to unimagined scientific and technological advancements;

Whereas the Advanced Light Source of the Lawrence Berkeley National Laboratory is a

national user facility that generates intense light for scientific and technological research that, among other accomplishments, has helped reveal how bacteria resist antibiotics, how inexpensive and efficient solar cells can be fabricated, and how unique substances like quasicrystals possess properties never before seen by humans;

Whereas the National Center for Electron Microscopy of the Lawrence Berkeley National Laboratory houses several of the most advanced microscopes and tools for microcharacterization in the world, including the One-Angstrom Microscope and the Spin Polarized Low-Energy Electron Microscope, that allow scientists to gain a basic scientific understanding of new energy-efficient materials, as well as to analyze the behavior of materials such as magnets, superconductors, ceramics, and high-temperature alloys; and

Whereas the National Energy Research Scientific Computing Center of the Lawrence Berkeley National Laboratory is the flagship scientific computing facility for the Office of Science of the Department of Energy, and is 1 of the largest facilities in the world that is devoted to providing computational resources and expertise for basic scientific research: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the outstanding and unique role that the Lawrence Berkeley National Laboratory has played over the past 75 years in the scientific and technological advancement of the United States and the international community; and

(2) congratulates the dedicated past and present scientists and researchers who have worked at the Lawrence Berkeley National Laboratory to make the institution 1 of the greatest research resources in the world.

## NATIONAL FIREFIGHTER APPRECIATION DAY

The resolution (S. Res. 596) designating Tuesday, October 10, 2006, as ''National Firefighter Appreciation Day'' to honor and celebrate the firefighters of the United States was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 596

Whereas there are more than 1,100,000 firefighters in the United States;

Whereas approximately 75 percent of all firefighters in the United States are volunteers who receive little or no compensation for their heroic work;

Whereas there are more than 30,000 fire departments in the United States;

Whereas thousands of firefighters have died in the line of duty since the date that Benjamin Franklin founded the first volunteer fire department in 1735;

Whereas 346 firefighters and emergency personnel died while responding to the terrorist attacks that occurred on September 11, 2001;

Whereas firefighters respond to more than 20,000,000 calls during a typical year;

Whereas firefighters also provide emergency medical services, hazardous materials response, special rescue response, terrorism response, and life safety education;

Whereas, in 1922, President Harding declared the week of October 9 to be ''Fire Prevention Week''; and

Whereas the second Tuesday in October is an appropriate day for the establishment of a ''National Firefighter Appreciation Day'': Now, therefore, be it

*Resolved*, That the Senate designates Tuesday, October 10, 2006, as ''National Firefighter Appreciation Day'' to honor and celebrate the firefighters of the United States.

## NATIONAL HISPANIC MEDIA WEEK

The resolution (S. Res. 597) designating the period beginning on October 8, 2006, and ending on October 14, 2006, as ''National Hispanic Media Week'' in honor of the Hispanic media of the United States was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 597), with its preamble, reads as follows:

S. RES. 597

Whereas, for almost 470 years, the United States has benefitted from the work of Hispanic writers and publishers;

Whereas more than 600 Hispanic publishers circulate more than 20,000,000 copies of publications every week in the United States;

Whereas 1 out of every 8 citizens of the United States is served by a Hispanic publisher;

Whereas the Hispanic press informs many citizens of the United States about the great political, economic, and social issues of the day;

Whereas the Hispanic press of the United States particularly focuses on informing and promoting the well-being of the Hispanic community of the United States; and

Whereas, by commemorating the achievements of the Hispanic press, the Senate acknowledges the important role that the Hispanic press has played in the history of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the period beginning on October 8, 2006, and ending on October 14, 2006, as ''National Hispanic Media Week'', in honor of the Hispanic Media of the United States; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

## NATIONAL CHARACTER COUNTS WEEK

A resolution (S. Res. 598) designating the week beginning October 15, 2006, as ''National Character Counts Week'' was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 598), with its preamble, reads as follows:

S. RES. 598

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning October 15, 2006, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

## NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

The resolution (S. Res. 599) designating the week of October 23, 2006, through October 27, 2006, as ''National Childhood Lead Poisoning Prevention Week'' was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 599), with its preamble, reads as follows:

S. RES. 599

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 310,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 23, 2006, through October 27, 2006, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) calls upon the people of the United States to observe the week with appropriate programs and activities.

## NATIONAL ALTERNATIVE FUEL VEHICLE DAY

The resolution (S. Res. 600) designating October 12, 2006, as ''National Alternative Fuel Vehicle Day'' was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 600), with its preamble, reads as follows:

S. RES. 600

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that they may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 12, 2006, as ''National Alternative Fuel Vehicle Day'';

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy, including—

(A) biofuels;

(B) battery-electric and hybrid-electric power;

(C) natural gas and propane;

(D) hydrogen and fuel cells; and

(E) emerging alternatives to conventional vehicle technologies; and

(3) urges Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

## RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING HISPANIC SCIENTISTS IN THE UNITED STATES

The resolution (S. Res. 601) recognizing the efforts and contributions of outstanding Hispanic scientists in the United States was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 601), with its preamble, reads as follows:

S. RES. 601

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the sixth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida, on Saturday, October 28, 2006;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the ''YES! Team''; and

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Inés Cifuentes as the honoree of the sixth annual National Hispanic Scientist of the Year Award, in recognition of her dedication to training science and mathematics educators, and her involvement in encouraging young students to study the earth sciences: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala and to organize a ''Meet the Hispanic Scientist Day''; and

(2) congratulates Dr. Inés Cifuentes for being honored as the National Hispanic Scientist of the Year for 2006 by the Museum of Science & Industry, in recognition of the dedication Dr. Cifuentes has shown to training science and mathematics educators and her involvement in encouraging young students to study the earth sciences.

## CONTRIBUTIONS OF BYRON NELSON

The resolution (S. Res. 602) memorializing and honoring the contributions of Byron Nelson was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 602), with its preamble, reads as follows:

S. RES. 602

Whereas Byron Nelson was born on a cotton farm in Ellis County, near Waxahachie, Texas, on February 4, 1912;

Whereas Byron Nelson became a caddie and taught himself the game of golf at Glen Garden Country Club in Fort Worth, Texas in 1922;

Whereas Byron Nelson became a professional golfer in 1932 and won 54 PGA-sanctioned tournaments;

Whereas Byron Nelson is widely credited as being the father of the modern swing;

Whereas, in the 1945 professional season, Byron Nelson won a 1-season record of 18 tournaments and averaged 68.33 strokes;

Whereas, in the 1945 professional season, Byron Nelson won a record 11 straight tournaments;

Whereas Byron Nelson was the winner of 5 major championships including the 1937 and 1945 Masters, the 1939 United States Open, and the 1940 and 1945 PGA Championships;

Whereas the Salesmanship Club of Dallas created the EDS Byron Nelson Championship in 1968 and remains the only PGA Tour event named in honor of a professional golfer;

Whereas the EDS Byron Nelson Championship has raised more than $94,000,000 for the Salesmanship Club Youth and Family Centers and has raised more money for charity than any other PGA Tour event;

Whereas Byron Nelson was elected as an inaugural inductee into the World Golf Hall of Fame in 1974; and

Whereas Byron Nelson will be remembered for his kindness and dedication that have won the respect and admiration of his peers, present-day players, and fans of all ages: Now, therefore, be it

*Resolved*, That the Senate honors the life and legacy of Byron Nelson.

## FEED AMERICA DAY

The resolution (S. Res. 603) designating Thursday, November 16, 2006, as ''Feed America Day'' was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 603), with its preamble, reads as follows:

S. RES. 603

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, in 2006, great numbers of citizens of the United States continue to suffer hunger and other privations; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring the fundamental principles of the society of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates Thursday, November 16, 2006, as ''Feed America Day''; and

(2) calls upon the people of the United States—

(A) to sacrifice 2 meals on Thursday, November 16, 2006; and

(B) to donate to a religious or charitable organization of their choice the money that they would have spent on food for that day for the purpose of feeding the hungry.

## MR. BRITT ''MAX'' MAYFIELD

The resolution (S. Res. 604) recognizing the work and accomplishments of Mr. Britt ''Max'' Mayfield, Director of National Hurricane Center's Tropical Prediction Center upon his retirement was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 604), with its preamble, reads as follows:

S. RES. 604

Whereas Mr. Britt ''Max'' Mayfield is known as the ''Walter Cronkite of Weather'', trustworthy, calming, and always giving the facts straight;

Whereas Mr. Mayfield is a Fellow of the American Meteorological Society and a nationally and internationally recognized expert on hurricanes, and has presented papers at national and international scientific meetings, lectured in training sessions sponsored by the United Nations World Meteorological Organization, and provided numerous interviews to electronic and print media worldwide;

Whereas in 2006, Mr. Mayfield received the Government Communicator of the Year Award from the National Association of Government Communicators, a national not-for-profit professional network of government employees who disseminate information within and outside the government, as well as the prestigious Neil Frank Award from the National Hurricane Conference;

Whereas in 2005, Mr. Mayfield received a Presidential Rank Award for Meritorious Service from President George W. Bush and was named ABC Television Network's ''Person of the Week'' after Hurricane Katrina;

Whereas in 2004, the Federal Coordinator for Meteorological Services and Supporting Research presented the Richard Hagemeyer Award to Mr. Mayfield at the Interdepartmental Hurricane Conference for his contributions to the hurricane warning program of the United States;

Whereas also in 2004, the National Academy of Television Arts and Sciences Suncoast Chapter recognized Mr. Mayfield with the Governor's Award, more commonly known as an ''Emmy'', for extraordinary contributions to television by an individual not otherwise eligible for an Emmy;

Whereas in 2000, Mr. Mayfield received an Outstanding Achievement Award at the National Hurricane Conference and in 1996 the American Meteorological Society honored him with the Francis W. Reichelderfer Award for exemplary performance as coordinator of the National Hurricane Center's hurricane preparedness training for emergency preparedness officials and the general public;

Whereas Mr. Mayfield and his colleagues have been recognized by the Department of Commerce with Gold Medals for work during Hurricane Andrew in 1992 and Hurricane Isabel in 2003, and a Silver Medal during Hurricane Gilbert in 1988;

Whereas Mr. Mayfield was also awarded a National Oceanic and Atmospheric Administration Bronze Medal for creating a public-private partnership to support the disaster preparedness of the United States; and

Whereas Mr. Mayfield is the current Chairman of the World Meteorological Organization Regional Association-IV, which supports 26 members from Atlantic and eastern Pacific countries: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Mr. Britt ''Max'' Mayfield's commitment to improving the accuracy of hurricane forecasting as Director of the National Hurricane Center's Tropical Prediction Center;

(2) thanks Mr. Mayfield for his service, which has undoubtedly helped to save countless lives and the property of citizens around the world;

(3) commends Mr. Mayfield's dedication to expanding educational opportunities for State and local emergency management officials;

(4) acknowledges the critical role that Mr. Mayfield has played in forecast and service improvements over his 34-year career;

(5) recognizes the unwavering support of Mr. Mayfield's family in supporting his career;

(6) wishes Mr. Mayfield continued success in his future endeavors; and

(7) recognizes the support and work of the staff of the National Hurricane Center's Tropical Prediction Center during Mr. Mayfield's tenure as Director of the Center.

## HISPANIC ASSOCIATION OF COLLEGES AND UNIVERSITIES

The resolution (S. Res. 608) recognizing the contributions of Hispanic Serving Institutions and the 20 years of educational endeavors provided by the Hispanic Association of Colleges and Universities was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 608), with its preamble, reads as follows:

S. RES. 608

Whereas 202 Hispanic Serving Institutions provide a gateway to higher education for the Hispanic community, enrolling nearly half of all Hispanic students in college today;

Whereas the Hispanic Association of Colleges and Universities, founded in San Antonio, Texas, has grown from 18 founding colleges and universities, to more than 400 United States colleges and universities, which the Association recognizes as Hispanic Serving Institutions, associate members, and partners;

Whereas the Hispanic Association of Colleges and Universities plays a vital role in advocating for the growth, development, and infrastructure enhancement of Hispanic Serving Institutions in order to provide a better and more complete postsecondary education for Hispanics and other students who attend these institutions;

Whereas the Hispanic Association of Colleges and Universities is the only national education association that represents Hispanic Serving Institutions and advocates on a national and State level for the educational achievement and success of Hispanic students in higher education;

Whereas the membership of the Hispanic Association of Colleges and Universities has extended beyond the borders of the United States to include over 45 colleges and universities in Latin America, Spain, and Portugal in order to expand education, research, and outreach through international opportunities for faculty, internships, scholarships, and governmental partnerships for students at Hispanic Serving Institutions; and

Whereas the 4th week in October 2006 is an appropriate time to express such recognition during the 20th Anniversary Conference of the Hispanic Association of Colleges and Universities in San Antonio, Texas: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the national role of the Hispanic Association of Colleges and Universities as an advocate and champion for Hispanic higher education and congratulates the organization on its 20th Anniversary;

(2) applauds Hispanic Serving Institutions for their work to provide quality educational opportunities to all Hispanic and other students who attend their institutions; and

(3) urges university presidents, faculty, staff, and supporters of Hispanic higher education to continue their efforts to recruit, retain, educate, and graduate students who might not otherwise pursue a postsecondary education.

## CHILD AWARENESS WEEK

The resolution (S. Res. 609) honoring the children's charities, youth-serving organizations, and other nongovernmental organizations committed to enriching and bettering the lives of children and designating the week of September 24, 2006, as ''Child Awareness Week'' was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 609), with its preamble, reads as follows:

S. RES. 609

Whereas the children and youths of the United States represent the future of the United States;

Whereas numerous individuals, children's organizations, and youth-serving organizations that work with children and youths on a daily basis provide invaluable services that serve to enrich and better the lives of children and youths;

Whereas by strengthening and supporting children's and youth-serving charities and other similar nongovernmental organizations and by encouraging greater collaboration among these organizations, the lives of many more children may be enriched and made better;

Whereas heightening people's awareness of and increasing the support by the United States for children and youth-serving organizations that provide access to healthcare, social services, education, the arts, sports, and other services will help to improve the lives of children and youths;

Whereas September is a time when parents, families, teachers, school administrators, and others increase their focus on preparing children and youths of the United States for the future as they begin a new school year and it is a time for the people of the United States as a whole to highlight and be mindful of the needs of children and youths;

Whereas ''Child Awareness Week'', observed in September, recognizes the children's charities, youth-serving organizations, and other nongovernmental organizations across the United States for the work they do to improve and enrich the lives of children and youths of the United States; and

Whereas a week-long salute to children and youths is in the public interest and will encourage support for these charities and organizations that seek to provide a better future for the children and youths of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 24, 2006, as ''Child Awareness Week'';

(2) recognizes with great appreciation the children's charities and youth-serving organizations across the United States for their efforts on behalf of children and youths; and

(3) calls on the people of the United States to—

(A) observe the week of September 24, 2006, by focusing on the needs of the children and youths of the United States;

(B) recognize the efforts of children's charities and youth-serving organizations to enrich and better the lives of the children and youths of the United States; and

(C) support the efforts of the children's charities and youth-serving organizations of the United States as an investment for the future of the United States.

## INDEPENDENT NATIONAL ELECTORAL COMMISSION OF THE GOVERNMENT OF NIGERIA

The resolution (S. Res. 611) supporting the efforts of the Independent National Electoral Commission of the Government of Nigeria, political parties, civil societies, religious organizations, and the people of Nigeria from one civilian government to another in the general elections to be held in April 2007 was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 611), with its preamble, reads as follows:

S. RES. 611

Whereas the United States maintains strong and friendly relations with Nigeria and values the leadership role that Nigeria plays throughout the continent of Africa, particularly in the establishment of the New Partnership for African Development and the African Union;

Whereas Nigeria is an important strategic partner with the United States in combating terrorism, promoting regional stability, and improving energy security;

Whereas Nigeria has been, and continues to be, a leading supporter of the peacekeeping efforts of the United Nations and the Economic Community of West African States by contributing troops to operations in Lebanon, Yugoslavia, Kuwait, the Democratic Republic of Congo, Liberia, Sierra Leone, Somalia, Rwanda, and Sudan;

Whereas past corruption and poor governance have resulted in weak political institutions, crumbling infrastructure, a feeble economy, and an impoverished population;

Whereas political aspirants and the democratic process of Nigeria are being threatened by increasing politically-motivated violence, including the assassination of 3 gubernatorial candidates in different states during the previous 2 months; and

Whereas the Chairperson of the Independent National Electoral Commission has—

(1) announced that governorship and state assembly elections will be held on April 14, 2007;

(2) stated that voting for the president and national assembly will take place on April 21, 2007; and

(3) vowed to organize free and fair elections to facilitate a smooth democratic transition: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of Nigeria as a strategic partner and long-time friend of the United States;

(2) acknowledges the increasing significance of the leadership of Nigeria throughout the region and continent;

(3) commends the decision of the National Assembly of Nigeria to reject an amendment to the constitution that would have lifted the existing 2-term limit and allowed for a third presidential term;

(4) encourages the Government of Nigeria and the Independent National Electoral Commission to demonstrate a commitment to successful democratic elections by—

(A) developing an aggressive plan for voter registration and education;

(B) addressing charges of past or intended corruption in a transparent manner; and

(C) conducting objective and unbiased recruitment and training of election officials;

(5) urges the Government of Nigeria to respect the freedoms of association and assembly, including the right of candidates, members of political parties, and others—

(A) to freely assemble;

(B) to organize and conduct public events; and

(C) to exercise those and other rights in a manner free from intimidation or harassment;

(6) urges a robust effort by the law enforcement and judicial officials of Nigeria to enforce the rule of law, particularly by—

(A) preventing and investigating politically-motivated violence; and

(B) prosecuting those suspected of such acts;

(7) urges—

(A) President Bush to ensure that the United States supports the democratic gains made in Nigeria during the last 8 years; and

(B) the Government of Nigeria to actively seek the support of the international community for democratic, free, and fair elections in April 2007; and

(8) expresses the support of the United States for coordinated efforts by the Government of Nigeria and the Independent National Electoral Commission to work with political parties, civil society, religious organizations, and other entities to organize a peaceful political transition based on free and fair elections in April 2007 to further consolidate the democracy of Nigeria.

## ESPERANZA INCIDENT FIRE IN SOUTHERN CALIFORNIA IN OCTOBER 2006

The resolution (S. Res. 614) honoring the firefighters and other public servants who responded to the devastating Esperanza incident fire in southern California in October 2006 was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 614), with its preamble, reads as follows:

S. RES. 614

Whereas, in late October 2006, the mountain communities west of Palm Springs, California were struck by a vast wildfire, which came to be known as the Esperanza Incident and which authorities believe was started by an arsonist;

Whereas the Esperanza Incident fire tragically claimed lives, homes and other buildings, and more than 40,000 acres of terrain;

Whereas nearly 3,000 firefighters from dozens of fire crews courageously battled the fast-spreading blaze, which was fanned by Santa Ana wind gusts up to 60 miles per hour;

Whereas 4 firefighters—Mark Loutzenhiser, Jess McLean, Jason McKay, and Daniel Hoover-Najera—made the ultimate sacrifice by giving their lives when flames overtook them as they tried to protect a home;

Whereas an additional firefighter, Pablo Cerda, joined them in that sacrifice when he too lost his life, after fighting to survive for 6 days in a hospital before succumbing to burns he had received fighting alongside his fallen colleagues;

Whereas firefighters honored the spirit of their fallen colleagues by completing the job they started and controlling the blaze, even while recognizing considerable danger to their own well-being;

Whereas skilled and courageous aircraft personnel and additional emergency personnel, including law enforcement and medical personnel, also responded to the threat posed by the fire; and

Whereas law enforcement personnel are aggressively pursuing the conviction of the arsonist, and generous Californians have offered additional funds, on top of those offered by the Riverside County Board of Supervisors, to help bring the arsonist to justice: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors—

(A) all of the firefighters who responded to the devastating Esperanza Incident fire in southern California in October 2006; and

(B) all others, including emergency, law enforcement, and medical personnel and aircraft crews, who contributed to controlling the fire, keeping Californians safe, and finding and arresting the suspected arsonist; and

(2) commends the firefighters and other personnel who responded to the fire for dedicated service to the people of California.

## ALPHA PHI ALPHA FRATERNITY, INCORPORATED

The concurrent resolution (H. Con. Res. 384) recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans, was considered and agreed to.

## A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS THAT PUBLIC POLICY SHOULD CONTINUE TO PROTECT AND STRENGTHEN THE ABILITY OF FARMERS AND RANCHERS TO JOIN TOGETHER IN COOPERATIVE SELF-HELP EFFORTS

The concurrent resolution (S. Con. Res. 119) expressing the sense of the Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts was considered and agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 119), with its preamble, reads as follows:

S. CON. RES. 119

Whereas the ability of farmers and ranchers in the United States to join together in cooperative self-help efforts is vital to their continued economic viability;

Whereas Federal laws have long recognized the importance of protecting and strengthening the ability of farmers and ranchers to join together in cooperative self-help efforts, including to cooperatively market their products, ensure access to competitive markets, and help achieve other important public policy goals;

Whereas farmer- and rancher-owned cooperatives play an important role in helping farmers and ranchers improve their income from the marketplace, manage their risk, meet their credit and other input needs, and compete more effectively in a rapidly changing global economy;

Whereas farmer- and rancher-owned cooperatives also play an important role in

providing consumers in the United States and abroad with a dependable supply of safe, affordable, high-quality food, fiber, and related products;

Whereas farmer- and rancher-owned cooperatives also help meet the energy needs of the United States, including through the production and marketing of renewable fuels such as ethanol and biodiesel;

Whereas there are nearly 3,000 farmer- and rancher-owned cooperatives located throughout the United States with a combined membership representing a majority of the nearly 2 million farmers and ranchers in the United States; and

Whereas farmer- and rancher-owned cooperatives also contribute significantly to the economic well being of rural America as well as the overall economy, including accounting for as many as 250,000 jobs: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the Sense of the Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts—

(1) to improve their income from the marketplace and their economic well-being;

(2) to capitalize on new market opportunities; and

(3) to help meet the food and fiber needs of consumers, provide for increased energy production, promote rural development, maintain and create needed jobs, and contribute to a growing United States economy.

## ADOPTION AND SAFE FAMILIES ACT OF 1997

The resolution (S. Res. 547) recognizing and supporting the successes of the Adoption and Safe Families Act of 1997 in increasing adoption, observing the efforts that the act has spurred, including National Adoption Day and National Adoption Month, and encouraging citizens of the United States to consider adoption throughout the year was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 547), with its preamble, reads as follows:

S. RES. 547

Whereas, since the passage of the Adoption and Safe Families Act of 1997 (42 U.S.C. 1305 note; Public Law 105–89), the number of children adopted from the foster care system has increased significantly, with approximately 51,000 children adopted from the foster care system in fiscal year 2004 alone;

Whereas, despite that remarkable progress, approximately 118,000 children in the foster care system of the United States are waiting to be adopted, and 49 percent of those children are at least 9 years old;

Whereas adoptive families make an important difference in the lives of the children they adopt by providing a stable, nurturing environment for those children;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas, in 2002, the Department of Health and Human Services launched a series of public service announcements promoting the adoption of children aged 8 and older;

Whereas more than 6,000 children have been placed into adoptive homes since the Department of Health and Human Services launched www.adoptuskids.org. a national photo listing service for children awaiting adoption across the United States;

Whereas, in 2005, judges, attorneys, adoption professionals, child welfare agencies, and child advocates in 45 States and the District of Columbia participated in 227 events in conjunction with National Adoption Day; and

Whereas those events finalized the adoptions of more than 3,300 children from the foster care system: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and supports—

(A) the success of the Adoption and Safe Families Act of 1997 (42 U.S.C. 1305 note; Public Law 105–89) and the efforts that the Act has spurred; and

(B) the goals and ideals of National Adoption Day and National Adoption Month; and

(2) encourages the citizens of the United States to consider adoption throughout the year.

## ACKNOWLEDGING AFRICAN DESCENDANTS OF THE TRANSATLANTIC SLAVE TRADE

The concurrent resolution (H. Con. Res. 175) acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean was considered and agreed to.

## CONDEMNING THE REPRESSION OF THE IRANIAN BAHA'I COMMUNITY

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 101) condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

The amendment (No. 5193) was agreed to, as follows:

AMENDMENT NO. 5193

On page 3, lines 3 and 4, strike ''Universal Declaration of Human Rights'' and insert ''International Covenant on Civil and Political Rights''.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 101), as amended, with its preamble, reads as follows:

S. CON. RES. 101

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it deplores the religious persecution by the Government of Iran of the Baha'i community and holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i Faith;

Whereas on March 20, 2006, the United Nations Special Rapporteur on Freedom of Religion or Belief, Ms. Asma Jahangir, revealed the existence of a confidential letter dated October 29, 2005, from the Chairman of the Command Headquarters of Iran's Armed Forces to the Ministry of Information, the Revolutionary Guard, and the Police Force, stating that the Supreme Leader, Ayatollah Khamenei, had instructed the Command Headquarters to identify members of the Baha'i Faith in Iran and monitor their activities;

Whereas the United Nations Special Rapporteur expressed ''grave concern and apprehension'' about the implications of this letter for the safety of the Baha'i community;

Whereas in 2005 the Iranian Government initiated a new wave of assaults, homes raids, harassment, and detentions against Baha'is, and in December 2005, Mr. Zabihullah Mahrami died after 10 years of imprisonment on charges of apostasy due to his membership in the Baha'i Faith; and

Whereas beginning in October 2005, an anti-Baha'i campaign has been conducted in the state-sponsored Kayhan newspaper and in broadcast media: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) condemns the Government of Iran for the October 29, 2005 letter, calls on the Government of Iran to immediately cease such activities and all activities aimed at the repression of the Iranian Baha'i community, and continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Baha'i community; and

(2) requests the President to—

(A) call for the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the International Covenant on Civil and Political Rights and other international covenants on human rights;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Baha'i community and other religious minorities, as a significant factor in the foreign policy of the United States Government regarding Iran; and

(C) initiate an active and consistent dialogue with other governments and the European Union in order to persuade the Government of Iran to rectify its human rights practices.

## DRIVE SAFER SUNDAY

The resolution (S. Res. 618) designating November 26, 2006, as ''Drive Safer Sunday'' was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 618), with its preamble, reads as follows:

S. RES. 618

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in the United States has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004 and 15,632 lives in 2005; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide

educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 26, 2006, as ''Drive Safer Sunday''.

## SENATOR PAUL WELLSTONE

The resolution (S. Res. 619) expressing the sense of the Senate that Senator Paul Wellstone should be remembered for his compassion and leadership on social issues and that Congress should act to end discrimination against citizens of the United States who live with mental illness by making legislation relating to mental health parity a priority for the 110th Congress was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 619), with its preamble, reads as follows:

S. RES. 619

Whereas Paul Wellstone served with distinction as a Senator from the State of Minnesota;

Whereas, for more than 20 years, Paul Wellstone inspired the students of Carleton College in Northfield, Minnesota;

Whereas Paul Wellstone was a loving father and husband, a loyal citizen of the United States, and a compassionate person;

Whereas Paul Wellstone dedicated his life to bringing equal access to education, economic opportunity, and comprehensive healthcare to all citizens of the United States;

Whereas Paul Wellstone worked tirelessly to advance mental health parity for all citizens of the United States;

Whereas more than 44,000,000 citizens of the United States suffer from some form of a mental health-related condition;

Whereas only ⅓ of those citizens seek or receive treatment for their mental health-related condition;

Whereas 34 States have enacted laws that require some form of access to mental health treatments that is similar to physical health coverage; and

Whereas the tragic and premature death of Paul Wellstone on October 25, 2002, silenced 1 of the leading voices of the Senate who spoke on behalf of the citizens of the United States who live with a mental illness: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that—

(1) on the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career; and

(2) Congress should act to end discrimination against citizens of the United States who live with a mental illness by enacting legislation to provide for coverage of mental health benefits with respect to health insurance coverage.

## NATIONAL LUNG CANCER AWARENESS MONTH

The resolution (S. Res. 620) designating November 2006 as ''National Lung Cancer Awareness Month'' was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 620), with its preamble, reads as follows:

S. RES. 620

Whereas lung cancer is the leading cancer killer of both men and women, accounting for nearly 1 in every 3 cancer deaths in the United States;

Whereas lung cancer claims the lives of more people each year than breast, prostate, colon, liver, and kidney cancers combined;

Whereas the Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute estimates that, in 2006, 174,470 new lung cancer cases will be diagnosed and 162,460 individuals will die of lung cancer in the United States;

Whereas both incidence and mortality rates for lung cancer are significantly higher in black males than in the general population of the United States;

Whereas smoking causes 87 percent of lung cancer deaths in the United States;

Whereas the best way to decrease the number of diagnoses and deaths per year from lung cancer is to encourage people in the United States to quit smoking;

Whereas a former smoker's risk of lung cancer does not decrease significantly until 20 years after the individual quit smoking;

Whereas the International Early Lung Cancer Action Program has demonstrated in a 14-year study with 31,567 participants that computer tomography scans can detect lung cancer in Stage I when the cancer can be more easily treated and cured, giving individuals who are diagnosed early a 10-year survival rate of 88 percent;

Whereas there is a need to increase public awareness of statistics, risk factors, and the importance of early diagnosis;

Whereas individuals with cancers that are routinely diagnosed at early stages through screening, such as breast cancer and prostate cancer, have high survival rates of 88 percent and 99 percent, respectively;

Whereas the 5-year survival rate for lung cancer in the United States is still only 15 percent, a rate virtually unchanged since the enactment of the National Cancer Act of 1971; and

Whereas designating November 2006 as ''National Lung Cancer Awareness Month'', as proposed by the Lung Cancer Alliance and the Lung Cancer Alliance of Georgia, will increase public awareness about lung cancer and the need for lung cancer research and early detection: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates November 2006 as ''National Lung Cancer Awareness Month''; and

(2) reaffirms the Senate's commitment to—

(A) advancing lung cancer research and early detection, and particularly the Lung Cancer Alliance of Georgia's goal of significantly increasing the 5-year survival rate of individuals diagnosed with lung cancer in the United States to 50 percent within 10 years; and

(B) working with all Federal agencies involved in cancer research to develop a coordinated roadmap for accomplishing that goal.

## NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK

The resolution (S. Res. 621) designating the week of February 5 through February 9, 2007, as ''National Teen Dating Violence Awareness and Prevention Week'' was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 621), with its preamble, reads as follows:

S. RES. 621

Whereas 1 in 3 female teens in a dating relationship have feared for their physical safety;

Whereas 1 in 2 teens in serious relationships have compromised their beliefs to please their partner;

Whereas nearly 1 in 5 teens who have been in a serious relationship said their boyfriend or girlfriend would threaten to hurt themselves or their partner if there was a breakup;

Whereas 1 in 5 teens in a serious relationship report they have been hit, slapped, or pushed by a partner;

Whereas more than 1 in 4 teens have been in a relationship where their partner verbally abuses them;

Whereas 13 percent of Hispanic teens reported that hitting a partner was permissible;

Whereas 29 percent of girls who have been in a relationship said they have been pressured to have sex or engage in sex they did not want;

Whereas nearly 50 percent of girls worry that their partner would break up with them if they did not agree to engage in sex;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern has been established in adolescence;

Whereas 81 percent of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue; and

Whereas the establishment of the National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

*Resolved,* That the Senate—

(1) designates the week of February 5 through February 9, 2007, as ''National Teen Dating Violence Awareness and Prevention Week''; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups, to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

## PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 496, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 496) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 496) was agreed to, as follows:

H. CON. RES. 496

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Wednesday, November 15, 2006, Thursday, November 16, 2006, or Friday, November 17, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Tuesday, December 5, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, November 16, 2006, or Friday, November 17, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 4, 2006, or Tuesday, December 5, 2006, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

## SIGNING AUTHORIZATION

Mr. FRIST. I ask unanimous consent that during the adjournment of the Senate, the majority leader and both Senators from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

## APPOINTMENTS AUTHORIZATION

Mr. FRIST. I ask unanimous consent notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 903, 977, 996, 997, 998, 999, and all nominations on the Secretary's desk; further, that the Foreign Relations Committee be discharged from consideration of the following nominations and the Senate proceed to their immediate consideration, all en bloc: Ronald Spogli, PN2064; Craig Roberts Stapleton, PN2063; Kay Kelley Arnold, PN2046; Gary C. Bryner, PN2047; Thomas Joseph Dodd, PN2048; Adolfo A. Franco, PN183; John P. Salazar, PN2050; Thomas A. Shannon, PN2051; Roger Wallace, PN1305; Jack Vaughn, PN96; Jack Vaughn, PN2052.

I further ask unanimous consent the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

FEDERAL COMMUNICATIONS COMMISSION

Kevin J. Martin, of North Carolina to be a Member of the Federal Communications Commission for a term of five years from July 1, 2006.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Ann E. Rondeau, 9812

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. James B. Mallory, III, 5088

IN THE NAVY

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

*To be admiral*

Vice Adm. Patrick M. Walsh, 1107

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Thomas J. Kilcline, Jr., 3174

DEPARTMENT OF JUSTICE

Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years, vice Todd Walther Dillard.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2087 AIR FORCE nomination of Thomas C. Hankins, which was received by the Senate and appeared in the Congressional Record of September 28, 2006.

PN2098 AIR FORCE nominations (15) beginning Jeffery C. Carstens, and ending MARCIA WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2006.

IN THE ARMY

PN2099 ARMY nominations (6) beginning ROBERT E. SUTER, and ending DAWN HAROLD, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2006.

PN2100 ARMY nomination of John M. Cotten, which was received by the Senate and appeared in the Congressional Record of September 29, 2006.

PN2101 ARMY nominations (2) beginning LAUREEN A. OTTO, and ending DEE A. PAOLI, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2006.

PN2102 ARMY nominations (2) beginning STEVEN F. WILLIAMS, and ending JESSICA N. STANTON, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2006.

PN2103 ARMY nomination of Lee A. Knox, which was received by the Senate and appeared in the Congressional Record of September 29, 2006.

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008, to which position he was appointed during the recess of the Senate from January 6, 2005, to January 20, 2005.

Roger W. Wallace, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2008, to which position he was appointed during the last recess of the Senate.

Kay Kelley Arnold, of Arkansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2010. (Reappointment).

Gary C. Bryner, of Utah, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

Thomas Joseph Dodd, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2008.

John P. Salazar, of New Mexico, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012.

Jack Vaughn, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2012. (Reappointment).

Craig Roberts Stapleton, of Connecticut, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Monaco.

Ronald Spogli, of California, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURES REPORTED

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate en bloc consideration of the following bills reported out of the Energy and Natural Resources Committee: Calendar Nos. 546, 557, 558, and 643, and that the Energy and Natural Resources Committee be discharged from further consideration of H.R. 3817 and H.R. 2383, and the Senate proceed to their immediate consideration en bloc.

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

Mr. FRIST. I ask unanimous consent the committee-reported amendments be agreed to, the bills, as amended, if amended, be read a third time and passed, the motion to reconsider be laid upon the table, all en bloc.

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

TO PROVIDE FOR THE REINSTATEMENT OF A LICENSE FOR A CERTAIN FEDERAL ENERGY REGULATORY COMMISSION PROJECT

The Senate proceeded to consider the bill (S. 2028) to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italics.)

S. 2028

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

**SECTION 1. REINSTATEMENT OF LICENSE FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.**

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to project numbered 7307 of the Federal Energy Regulatory Commission, the Commission shall, on the request of the licensee for the project, in accordance with that section (including the good faith, due diligence, and public interest requirements of that section and procedures established under that section), extend the time required for commencement of construction of the project until December 31, 2007.

(b) APPLICABILITY.—Subsection (a) shall apply to the project on the expiration of any extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the time required for commencement of construction of the project.

**[**(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license of the Commission for the project expires before the date of enactment of this Act, the Commission shall—

**[**(1) reinstate the license effective as of the date of the expiration of the license; and**]**

*(c) REINSTATEMENT OF TERMINATED LICENSE.—If a license of the Commission for the project has been terminated before the date of enactment of this Act, the Commission shall—*

*(1) reinstate the license effective as of the date of the termination of the license; and*

(2) extend the time required for commencement of construction of the project until December 31, 2007.

The committee amendment was agreed to.

The bill, (S. 2028), as amended, was ordered to be engrossed for a third reading, was read the third time; and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

TO PROVIDE FOR THE PRESERVATION OF THE HISTORIC CONFINEMENT SITES WHERE JAPANESE AMERICANS WERE DETAINED DURING WORLD WAR II, AND FOR OTHER PURPOSES

The Senate proceeded to consider the bill (H.R. 1492) to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 1492

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

**SECTION 1. PRESERVATION OF HISTORIC CONFINEMENT SITES.**

(a) PRESERVATION PROGRAM.—The Secretary shall create a program within the National Park Service to encourage, support, recognize, and work in partnership with citizens, Federal agencies, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the purpose of identifying, researching, evaluating, interpreting, protecting, restoring, repairing, and acquiring historic confinement sites in order that present and future generations may learn and gain inspiration from these sites and that these sites will demonstrate the Nation's commitment to equal justice under the law.

**[**(b) GRANTS.—The Secretary, in consultation with the Japanese American National Heritage Coalition, shall make grants to State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations to assist in carrying out subsection (a).**]**

*(b) GRANTS.—*

*(1) CRITERIA.—The Secretary, after consultation with State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations (including organizations involved in the preservation of historic confinement sites), shall develop criteria for making grants under paragraph (2) to assist in carrying out subsection (a).*

*(2) PROVISION OF GRANTS.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall, subject to the availability of appropriations, make grants to the entities described in paragraph (1) only in accordance with the criteria developed under that paragraph.*

(c) PROPERTY ACQUISITION.—

(1) AUTHORITY.—Federal funds made available under this section may be used to acquire non-Federal property for the purposes of this section, in accordance with section 3, only if that property is within the areas described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—The property referred to in paragraph (2) is the following:

(A) Jerome, depicted in Figure 7.1 of the Site Document.

(B) Rohwer, depicted in Figure 11.2 of the Site Document.

(C) Topaz, depicted in Figure 12.2 of the Site Document.

(D) Honouliuli, located on the southern part of the Island of Oahu, Hawaii, and within the land area bounded by H1 to the south, Route 750 (Kunia Road) to the east, the Honouliuli Forest Reserve to the west, and Kunia town and Schofield Barracks to the north.

(3) NO EFFECT ON PRIVATE PROPERTY.—The authority granted in this subsection shall not constitute a Federal designation or have any effect on private property ownership.

(d) MATCHING FUND REQUIREMENT.—The Secretary shall require a **[**25 percent**]** *50 percent* non-Federal match for funds provided under this section.

(e) SUNSET OF AUTHORITY.—This Act shall have no force or effect on and after the date that is 2 years after the disbursement to grantees under this section of the total amount of funds authorized to be appropriated under section 4.

**SEC. 2. DEFINITIONS.**

For purposes of this Act the following definitions apply:

(1) HISTORIC CONFINEMENT SITES.—(A) The term ''historic confinement sites'' means the 10 internment camp sites referred to as Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake and depicted in Figures 4.1, 5.1, 6.1, 7.1, 8.4, 9.2, 10.6, 11.2, 12.2, and 13.2, respectively, of the Site Document; and

(B) other historically significant locations, as determined by the Secretary, where Japanese Americans were detained during World War II.

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

(3) SITE DOCUMENT.—The term ''Site Document'' means the document titled ''Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites'', published by the Western Archeological and Conservation Center, National Park Service, in 1999.

**SEC. 3. PRIVATE PROPERTY PROTECTION.**

No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the owner or owners of that property or interest in property.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary $38,000,000 to carry out this Act. Such sums shall remain available until expended.

The committee amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1492), as amended, was read the third time, and passed.

REVISIONS TO PICK-SLOAN MISSOURI BASIN PROGRAM IRRIGATION DISTRICTS REPAYMENT CONTRACTS

The bill (H.R. 4000) to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation

District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## EXTENSION OF TIME FOR CONSTRUCTION OF A HYDROELECTRIC PROJECT

The bill (H.R. 4377), to extend the time required for construction of a hydroelectric project, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## VALLE VIDAL PROTECTION ACT OF 2005

The bill (H.R. 3817) to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## C. W. ''BILL'' JONES PUMPING PLANT

The bill (H.R. 2383) to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the ''C.W. 'Bill' Jones Pumping Plant'', was considered, ordered to a third reading, read the third time, and passed.

## ORDERS FOR MONDAY, DECEMBER 4, 2006, AND TUESDAY, DECEMBER 5, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 496 until 10 a.m. on Monday, December 4. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the Senate then automatically adjourn over until 12 noon on Tuesday, December 5; provided further that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 2 p.m., with Senator DEWINE to speak for up to 2 hours.

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

## PROGRAM

Mr. FRIST. Mr. President, I congratulate Chairman LUGAR and Senator BIDEN for outstanding work on the United States-India cooperative agreement legislation, which passed tonight by a vote of 85 to 12. I also appreciate the assistance of all Members who were willing to defer amendments and allow us to finish the bill this evening.

We will return for business after the Thanksgiving holiday. The continuing resolution will expire at the end of that week, as of December 8, and therefore we will need to work toward a conclusion on the appropriations process. As I announced earlier, our next vote will occur on Tuesday, December 5, around 5 p.m.

I wish all of my colleagues a safe and pleasant Thanksgiving holiday.

## ADJOURNMENT UNTIL MONDAY, DECEMBER 4, 2006, AT 10 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 496.

There being no objection, the Senate, at 10:01 p.m., adjourned until Monday, December 4, 2006, at 10 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 16, 2006:

### FEDERAL COMMUNICATIONS COMMISSION

KEVIN J. MARTIN, OF NORTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FOM JULY 1, 2006.

### DEPARTMENT OF JUSTICE

STEPHEN THOMAS CONBOY, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### DEPARTMENT OF STATE

CRAIG ROBERTS STAPLETON, OF CONNECTICUT, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONACO.

RONALD SPOGLI, OF CALIFORNIA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

### INTER-AMERICAN FOUNDATION

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JANUARY 6, 2005, TO JANUARY 20, 2005.

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

KAY KELLEY ARNOLD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010. (REAPPOINTMENT).

GARY C. BRYNER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN KUNDATION FOR A TERM EXPIRING JUNE 26, 2008.

THOMAS JOSEPH DODD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008.

JOHN P. SALAZAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012.

THOMAS A. SHANNON, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012.

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2012. (REAPPOINTMENT).

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. ANN E. RONDEAU

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. JAMES B. MALLORY III

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

*To be admiral*

VICE ADM. PATRICK M. WALSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be Vice admiral*

REAR ADM. THOMAS J. KILCLINE, JR.

### IN THE AIR FORCE

AIR FORCE NOMINATION OF THOMAS C. HANKINS TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFERY C. CARSTENS AND ENDING WITH MARCIA WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

### IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ROBERT E. SUTER AND ENDING WITH DAWN HAROLD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

ARMY NOMINATION OF JOHN M. COTTEN TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH LAUREEN A. OTTO AND ENDING WITH DEE A. PAOLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

ARMY NOMINATIONS BEGINNING WITH STEVEN F. WILLIAMS AND ENDING WITH JESSICA N. STANTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

ARMY NOMINATION OF LEE A. KNOX TO BE MAJOR.