

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 is amended by striking “\$641” and inserting “\$662”.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Subsection (a) of section 1311 is amended—

(A) in paragraph (1), by striking “\$1,033” and inserting “\$1,067”; and

(B) in paragraph (2), by striking “\$221” and inserting “\$228”.

(2) OLD LAW DIC.—The table in paragraph (3) of such subsection is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$1,067	W-4	\$1,276
E-2	\$1,067	0-1	\$1,128
E-3	\$1,067	0-2	\$1,165
E-4	\$1,067	0-3	\$1,246
E-5	\$1,067	0-4	\$1,319
E-6	\$1,067	0-5	\$1,452
E-7	\$1,104	0-6	\$1,637
E-8	\$1,165	0-7	\$1,768
E-9	\$1,215 ¹	0-8	\$1,941
W-1	\$1,128	0-9	\$2,076
W-2	\$1,172	0-10	\$2,276 ²
W-3	\$1,207		

¹ If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$1,312.

² If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$2,443.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Such section is further amended—

(A) in subsection (b), by striking “\$257” and inserting “\$265”;

(B) in subsection (c), by striking “\$257” and inserting “\$265”; and

(C) in subsection (d), by striking “\$122” and inserting “\$126”.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) is amended—

(A) in paragraph (1), by striking “\$438” and inserting “\$452”;

(B) in paragraph (2), by striking “\$629” and inserting “\$649”;

(C) in paragraph (3), by striking “\$819” and inserting “\$846”; and

(D) in paragraph (4), by striking “\$819” and “\$157” and inserting “\$846” and “\$162”, respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 is amended—

(A) in subsection (a), by striking “\$257” and inserting “\$265”;

(B) in subsection (b), by striking “\$438” and inserting “\$452”; and

(C) in subsection (c), by striking “\$218” and inserting “\$225”.

SEC. 1006. COORDINATION OF PROVISIONS WITH VETERANS PROGRAMS EXTENSION ACT OF 2006.

(a) EARLIER ENACTMENT OF THIS ACT.—If this Act is enacted before the Veterans Programs Extension Act of 2006 is enacted into law, the Veterans Programs Extension Act of 2006, and the amendments made by that Act, shall not take effect.

(b) EARLIER ENACTMENT OF VETERANS PROGRAMS EXTENSION ACT OF 2006.—If this Act is enacted after the enactment of the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall be deemed for all purposes not to have taken effect and the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall cease to be in effect.

Amend the title so as to read “An Act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors’ and Dependents’ Educational Assistance Program, to otherwise improve veterans’ benefits, memorial affairs, and health-care programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.”.

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid on the table, and any statements be printed.

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

REFORMING THE POSTAL LAWS OF THE UNITED STATES

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6407 which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 6407) to reform the postal laws of the United States.

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

DISCRETIONARY BUDGET TRANSFER

Mrs. MURRAY. Mr. President, I rise, first and foremost, to congratulate Chairman COLLINS and Senator CARPER for getting their postal reform bill to the finish line. This bill has been a gargantuan task for both Senators. It has been a long time coming. Some have observed that it has taken over 30 years for the Congress to pass legislation that fundamentally reforms the Postal Service. This bill is critically important to the long-term fiscal health of our Postal Service. It is equally important to the well-being of all our postal workers as well as the needs of all citizens and businesses, large and small, which use our Postal Service.

As both of the managers are aware, there was an important issue that threatened to derail this legislation at the last minute. Specifically, there is a provision in this final bill that has been interpreted as having the effect of transferring some \$200 million in annual costs from the Postal Service to the discretionary budget. More specifically, those costs that previously were covered through mandatory spending would have to be covered within the tight discretionary budget ceiling of the Appropriations Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies.

I currently serve as the ranking member of that subcommittee, and I expect to serve as its chairman when the 110th Congress convenes. Over the

course of the 109th Congress, I have spent a great deal of time working with Chairman KIT BOND to put together an appropriations bill that meets all of the disparate needs addressed in our bill. I can tell my colleagues, we do not have an extra \$200 million available within our allocation to cover the costs of the Postal Service. When the 110th Congress convenes, we are likely to have to mark up an appropriations bill for the current fiscal year that will be even tighter than the bill our committee reported back in July. As such, I can assure my colleagues that we will not be in a position to take on these costs this year, next year, or in any other year.

It is important to point out that these costs that are proposed to be transferred to the Committee on Appropriations are not new costs to the Postal Service. We are accustomed to the practice of authorizing committees enacting authorizations for new or expanded activities in the hope that the Appropriations Committee will be in a position to fund them. But this situation is something very different. Under the provisions originally included in this bill, the burden of financing the ongoing costs of the Postal Rate Commission, renamed the Postal Regulatory Commission, and the USPS inspector general would have suddenly been shifted to the Appropriations Committee.

My understanding is that the original intent of this provision was to provide both the Commission and the IG’s office with an added degree of budget autonomy and independence. However, the original provision had a much more dramatic effect. I make no apology for insisting on changes to this bill to keep it from happening.

I am pleased to say that, through a series of discussions today with my good friend and colleagues, Senators COLLINS and CARPER, we have been able to negotiate some important changes to the original bill. Specifically, the provision that seeks to transfer the funding burden of these activities to the Appropriations Committee will now be delayed until fiscal year 2009. Given the shortness of time and the critical need to pass this important legislation today, before this Congress

adjourns, I agreed to this change rather than insisting that the entire funding transfer be stricken. I wish to make clear that my position on this bill tonight should not be viewed as signaling any intent on my part to fund these activities in 2009 and beyond. To the contrary, I do not anticipate that the Appropriations Committee will be in a position to fund these activities in 2009, 2010, or in any other year. I agreed to this date change to give the Committee on Homeland Security and Governmental Affairs a full 22 months—almost 2 years—to revisit this legislation and bring the costs of these activities back into the mandatory budget. If not, these activities will go unfunded. And it will not be the fault of the Appropriations Committee if they do go unfunded. My colleagues on the Homeland Security and Governmental Affairs Committee are on notice and the Postmaster General is on notice. The funding transfer included in this bill for 2009 and beyond will need to be fixed. My subcommittee has no intention of absorbing these costs. It will be the responsibility of the Homeland Security and Governmental Affairs Committee to bring them back within the revenues available to the Postal Service.

Mr. CARPER. I thank my friend for her statement and for her help in moving this critical bill through the Senate tonight. I agree with her that the Appropriations Committee should not bear the burden of funding the Postal Regulatory Commission and the USPS inspector general. While it is important that the Commission and the inspector general enjoy the new independence from postal management that we seek to extend them in this bill, it is unfair to do so by taking scarce resources away from the critical programs overseen by the Appropriations subcommittee Senator MURRAY will soon lead. Our imprecision in drafting the section of our bill that Senator MURRAY refers to should not make her already difficult job even harder.

In the coming weeks and months, I pledge to work closely with Senator MURRAY, her colleagues on the Appropriations Committee, and my colleagues on the Homeland Security Committee in seeking a permanent solution to the problematic language that Senator MURRAY has brought to our attention.

Mr. FRIST. I ask unanimous consent that 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. 6407) was ordered to a third reading, was read the third time, and passed.

HENRY J. HYDE UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006—CONFERENCE REPORT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 5682, the United States-India nuclear agreement, that the conference report be agreed to and the motion to reconsider be laid upon the table.

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

Mr. LUGAR. Mr. President, I wish to make an important note regarding a provision in the conference agreement on H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006.

The conferees on this legislation believe that one of the most important aspects of renewed nuclear cooperation with India will be the new safeguards agreement it enters into with the International Atomic Energy Agency, IAEA, that would apply to its expanded list of declared civilian nuclear sites, facilities, and locations.

The administration's original legislation concerning India, which I introduced as S. 2429 on March 16, 2006, stated with regard to this matter that the President had to determine that "an agreement has entered into force between India and the IAEA requiring the application of safeguards in accordance with IAEA practices to India's civil nuclear facilities."

As a part of the committee's consideration of the administration's proposal, I asked a number of questions for the record regarding this new safeguards agreement. Secretary Rice stated in response to a question asked in April of this year regarding India's new safeguards agreement that:

This Initiative will only allow for nuclear cooperation to proceed with civil facilities and programs that are safeguarded by the IAEA. The Government of India has agreed that these safeguards will be in place in perpetuity. Under the Initiative, India has committed to place all its current and future civil nuclear facilities under IAEA safeguards, including monitoring and inspections. These procedures are designed to detect—and thereby prevent—the diversion to military use of any nuclear materials, technologies, or equipment provided to India's civil nuclear facilities. India has also committed to sign and adhere to an Additional Protocol, which provides for even broader IAEA access to facilities and information regarding nuclear related activities.

In March of this year, Senator BIDEN asked Under Secretaries Robert Joseph and Nicholas Burns how they interpreted certain Indian statements regarding their new safeguards agreement, specifically India's contention that it will be "India-specific." They stated:

"It will be incumbent on India to clarify what it means by 'India-specific' safeguards in the context of its negotiations with the IAEA. In our view, the safeguards agreement for India will be unique to India because India presents a unique set of circumstances. India has agreed to place all its civil nuclear

facilities under safeguards in a phased manner, along with future civil facilities, but India is not an NPT party and will have non-civil facilities and material outside of safeguards. However, there is an accepted IAEA framework for safeguards (INFCIRC/66) that pre-dates the NPT and is suited to safeguarding material in a non-NPT party without full-scope safeguards. In its separation plan, India has committed to safeguards in perpetuity."

In November 2005, I asked Under Secretary Joseph what kinds of safeguards will be applied to India's declared civil sites, facilities, and locations. He responded that:

"Safeguards agreements are modeled after INFCIRC/153 (the NPT safeguards agreement) or INFCIRC/66 (the Agency's safeguards system predating the NPT). India will not likely sign a safeguards agreement based strictly on INFCIRC/153, as this would require safeguards on India's nuclear weapons program. NPT-acknowledged nuclear weapon states have so-called 'voluntary' safeguards agreements that draw on INFCIRC/153 language, but do not obligate the IAEA to actually apply safeguards and do allow for the removal of facilities or material from safeguards. We heard from other states at the recent NSG meeting that they would not support a "voluntary offer" arrangement as, in their view, it would be tantamount to granting de facto nuclear weapon state status to India. We have similarly indicated to India that we would not view such an arrangement as defensible from a nonproliferation standpoint. We therefore believe that the logical approach to formulating a safeguards agreement for India is to use INFCIRC/66, which is currently used at India's four safeguarded reactors. For the most part, INFCIRC/66 and INFCIRC/153 agreements result in very similar technical measures actually applied at nuclear facilities."

In view of these responses, and since S. 2429 contained similar language, the Senate's India bill, S. 3709, specified with regard to India's safeguards agreement, and the determination the President had to make regarding it, 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 the text of such agreement has been made available to the appropriate congressional committees."

The conference agreement before us today does not include the language from the S. 3709 regarding this element of the Presidential determination required to use the waiver authority we grant. Rather, the conference agreement provides in section 104(b)(2) that "India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices, (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs . . . including materials used in or produced through the use of India's civil nuclear facilities."