

(B) describes in detail any failures, shortcomings, or obstruction by North Korea with respect to the implementation of the commitment of North Korea described in subsection (a);

(C) describes in detail the progress or lack thereof in the preceding 12-month period of all other programs promoting the elimination of North Korea's capability to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems; and

(D) beginning with the second report required by this subsection, a justification for the continuation of the waiver exercised under subsection (a) and, if applicable, subsection (b), for the fiscal year in which the report is submitted.

(d) **TERMINATION OF WAIVER AUTHORITY.**—Any waiver in effect by reason of the exercise of the waiver authority under subsection (a) shall terminate if the President determines that North Korea—

(1)(A) on or after September 19, 2005, transferred to a non-nuclear-weapon state, or received, a nuclear explosive device; or

(B) on or after October 10, 2006, detonated a nuclear explosive device; or

(2) on or after September 19, 2005—

(A) transferred to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and known by North Korea to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(B) sought and received any design information or component which is determined by the President to be important to, and intended by North Korea for use in, the development or manufacture of any nuclear explosive device,

unless the President determines and certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

(e) **EXPIRATION OF WAIVER AUTHORITY.**—Any waiver in effect by reason of the exercise of the waiver authority under subsection (a) shall terminate on the date that is 4 years after the date of the enactment of this Act. The waiver authority under subsection (a) may not be exercised beginning on the date that is 3 years after the date of the enactment of this Act.

(f) **CONTINUATION OF RESTRICTIONS AGAINST THE GOVERNMENT OF NORTH KOREA.**—

(1) **IN GENERAL.**—Except as provided in subsection (a)(1), restrictions against the Government of North Korea that were imposed by reason of a determination of the Secretary of State that North Korea is a state sponsor of terrorism shall remain in effect, and shall not be lifted pursuant to the provisions of law under which the determination was made, unless the President certifies to the appropriate congressional committees that—

(A) the Government of North Korea is no longer engaged in the transfer of technology related to the acquisition or development of nuclear weapons, particularly to the Governments of Iran, Syria, or any other country that is a state sponsor of terrorism;

(B) in accordance with the Six-Party Talks Agreement of February 13, 2007, the Government of North Korea has “provided a complete and correct declaration of all its nuclear programs,” and there are measures to effectively verify this declaration by the United States which, “[a]t the request of the other Parties,” is leading “disablement activities” and “provid[ing] the funding for those activities”; and

(C) the Government of North Korea has agreed to the participation of the International Atomic Energy Agency in the moni-

toring and verification of the shutdown and sealing of the Yongbyon nuclear facility.

(2) **STATE SPONSOR OF TERRORISM DEFINED.**—In this subsection, the term “state sponsor of terrorism” means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(g) **REPORT ON VERIFICATION MEASURES RELATING TO NORTH KOREA'S NUCLEAR PROGRAMS.**—

(1) **IN GENERAL.**—Not later than 15 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement of February 13, 2007, with specific focus on how such verification measures are defined under the Six-Party Talks Agreement and understood by the United States Government.

(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall include, among other elements, a detailed description of—

(A) the methods to be utilized to confirm that North Korea has “provided a complete and correct declaration of all of its nuclear programs”;;

(B) the specific actions to be taken in North Korea and elsewhere to ensure a high and ongoing level of confidence that North Korea has fully met the terms of the Six-Party Talks Agreement relating to its nuclear programs;

(C) any formal or informal agreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement; and

(D) any disagreement expressed by North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement.

(3) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) **DEFINITIONS.**—In this section—

(1) the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(2) the terms “non-nuclear-weapon state”, “design information”, and “component” have the meanings given such terms in section 102 of the Arms Export Control Act (22 U.S.C. 2799aa-1); and

(3) the term “Six-Party Talks Agreement of February 13, 2007” or “Six-Party Talks Agreement” means the action plan released on February 13, 2007, of the Third Session of the Fifth Round of the Six-Party Talks held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea (North Korea), Japan, the Republic of Korea (South Korea), the Russian Federation, and the United States relating to the denuclearization of the Korean Peninsula, normalization of relations between North Korea and the United States, normalization of relations between North Korea and Japan, economy and energy cooperation, and matters relating to the Northeast Asia Peace and Security Mechanism.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 21, 2008 in room 406 of the Dirksen Senate Office Building at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 9:15 a.m., to hold a hearing on defense trade cooperation treaties with the United Kingdom and Australia.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 21, 2008.

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

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “Exploring the Skyrocketing Price of Oil” on Wednesday, May 21, 2008, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 2 p.m., to hear testimony on pending nominations.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, at 2:45 p.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, May 21, 2008, to conduct a hearing. The Committee will meet in room 418 of the Russell Senate Office building, at 9:30 a.m.

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

SUBCOMMITTEE ON RURAL REVITALIZATION,
CONSERVATION, FORESTRY AND CREDIT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry, Subcommittee on Rural Revitalization, Conservation, Forestry and Credit, be authorized to meet during the session of the Senate on Wednesday, May 21, 2008 at 2:30 p.m. in room 332 of the Russell Senate office building.

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

PRIVILEGES OF THE FLOOR

Mr. TESTER. Mr. President, on behalf of Senator DODD, I ask unanimous consent that LCDR Christopher Martin, a congressional fellow in Senator DODD's office, be allowed floor privileges for the duration of the debate on H.R. 2642.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Alissa Doobay of my staff be granted floor privileges for the duration of today's session.

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

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, LCDR John Croghan, be granted the privilege of the floor for the remainder of the debate on the supplemental bill.

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

THANKING THE PRESIDING
OFFICER AND STAFF

Mr. REID. Mr. President, first of all, let me express my appreciation to you for your patience and, of course, all the staff. We have been trying to get where we are. It has been a long night. Hopefully, this is pointing us in the right direction.

UNANIMOUS-CONSENT AGREEMENT—HOUSE MESSAGE ON H.R. 2642

Mr. REID. Mr. President, I ask unanimous consent that following any leader time on Thursday, May 22, the Senate then resume consideration of the House message on H.R. 2642, and there be 2 hours of debate equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the cloture motion with respect to the Reid motion to concur in House amendment No. 2 with an amendment be withdrawn, and the Reid second-degree amendment be withdrawn; that the Senate then proceed to vote on adoption of the motion to concur in House amendment No. 2 with an amendment; that the motion to concur be subject to an affirmative 60-vote threshold, that if the motion achieves that threshold, it be agreed

to, and the motion to reconsider be laid upon the table; that if the motion to concur fails to achieve 60 votes, it be withdrawn, and Senator REID be recognized to move to concur in House amendment No. 2 with an amendment which is the Webb GI bill; that the motion be subject to an affirmative 60-vote threshold; and that if it achieves that threshold, the motion to concur be agreed to, and the motion to reconsider be laid upon the table: that if it fails to achieve 60 affirmative votes, it be withdrawn, and the Senate disagree to House amendment No. 2; that upon disposition of House amendment No. 2, Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of the committee-reported amendments Nos. 2 and 3 on funding and Iraq policy; that Senator SANDERS then be recognized to make a rule XVI point of order against section 11312 of the Reid motion; that if the point of order is sustained, Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of committee amendments Nos. 2 and 3 minus section 11312; that it be subject to a 60 affirmative vote threshold, and that if it achieves that threshold, it be agreed to, and the motion to reconsider be laid upon the table; that if it fails to achieve the 60-vote threshold, it be withdrawn, and Senator REID be recognized to move to concur in House amendment No. 1 with an amendment which is the text of the committee amendment No. 2 minus section 11312; that the motion be subject to an affirmative 60-vote threshold; and that if the motion achieves that threshold, it be agreed to, and the motion to reconsider be laid upon the table; if it fails to achieve that threshold, then it be withdrawn, and the Senate disagree to House amendment No. 1; that no further points of order be in order, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Thank you, Mr. President, very much.

ORDER OF BUSINESS

Mr. REID. I would now note for everyone within the sound of my voice, we are still having some problems with the farm bill because of the enrolling not having been done, as we understand it, in the House. They failed to enroll one section of the 15 sections. But we are going to deal with that tomorrow in some detail. And because of that, we will have to hold up doing the budget until we try to work something out tomorrow or at some later time.

SUPPORTING HUMANITARIAN
ASSISTANCE IN SOMALIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from consideration of S. Res. 541 and the Senate proceed to its consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 541) supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 541) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 541

Whereas, despite the formation of the internationally recognized Transitional Federal Government (TFG) in 2004, there has been little improvement in the governance or stability of southern and central Somalia, and stability in the northern region of Puntland has deteriorated;

Whereas governance failures in Somalia have permitted and contributed to escalating violence, egregious human rights abuses, and violations of international humanitarian law, which occur with impunity and have led to an independent system of roadblocks, checkpoints, and extortion that hinders trade, business, and the delivery of desperately needed humanitarian assistance;

Whereas the Government of Ethiopia intervened in Somalia in December 2006 against the Islamic Courts Union (ICU) and continues to serve as the primary security force for the TFG in Somalia;

Whereas a United Nations Monitoring Group on Somalia report presented to the United Nations Security Council on July 20, 2007, alleged that Eritreans have provided arms to insurgents in Somalia as part of a long-standing dispute between Ethiopia and Eritrea that includes a series of interlocking proxy wars in the Horn of Africa;

Whereas the United Nations estimates that, as of April 2008, 2,000,000 people in Somalia need humanitarian assistance or livelihood support for at least the next 6 months, including 745,000 people who have fled ongoing insecurity and sporadic violence in Mogadishu over the past 16 months, adding to more than 275,000 long-term internally displaced Somalis;

Whereas, despite Prime Minister Nur Hassan Hussein's public commitment to humanitarian operations, local and international aid agencies remain hindered by extortion, harassment, and administrative obstructions;

Whereas, in March 2008, United Nations Secretary-General Ban Ki-moon presented his report on Somalia based on recent strategic assessments and fact-finding missions, which offered recommendations for increasing United Nations engagement while decreasing the presence of foreign troops, including the establishment of a maritime task force to deter piracy and support the 1992 international arms embargo;