

PN1251 Army nominations (315) beginning EILEEN M. AHEARN, and ending x4578, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1382 Army nomination of Gary W. Stinnett, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1383 Army nomination of James M. Ives, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1384 Army nomination of Paul Swicord, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1385 Army nomination of Stephen A. Bernstein, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1386 Army nomination James R. Hudson, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1387 Army nomination of Gary J. Garay, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1388 Army nomination of John W. Ervin, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1402 Army nominations (8) beginning FLOYD T. CURRY, and ending JEFFREY B. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1403 Army nominations (19) beginning JOHN E. ARMITSTEAD, and ending EUGENE R. WOOLRIDGE, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1409 Army nomination Randall J. Vance, which was received by the Senate and appeared in the Congressional Record of March 1, 2004.

PN1410 Army nomination of Craig M. Doane, which was received by the Senate and appeared in the Congressional Record of March 1, 2004.

PN1441 Army nomination of Carol A. Cullinan, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1442 Army nomination of Christopher B. Soltis, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1443 Army nominations (2) beginning JEFFREY A. TONG, and ending TIMOTHY M. WARD, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1444 Army nominations (2) beginning JAMES M. GAUDIO, and ending BEVERLY A. HERARD, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1445 Army nominations (2) beginning MICHAEL J. HARRIS, and ending ROBERT L. LEGG, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1446 Army nominations (2) beginning DAVID N. AYCOCK, and ending DAVID E. LINDBERG, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1447 Army nomination of Michael T. Lawhorn, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1448 Army nominations (20) beginning DERRON A. ALVES, and ending ALISA R. WILMA, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1449 Army nominations (27) beginning JOEL R. BACHMAN, and ending SHERRY L. WOMACK, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1450 Army nominations (106) beginning CURTIS J. *ABERLE, and ending PAMELA M. *WULF, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1451 Army nominations (129) beginning GINA M. *AGRON, and ending JEFFREY V. ZOTTOLA, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1453 Army nominations (4) beginning BRUCE M. FREDERICKSON, and ending WILLIAM A. PETTY, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

IN THE NAVY

PN1427 Navy nomination of David R. Agle, which was received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN1452 Navy nominations (10) beginning HUGH B. BURKE, and ending JEANINE B. WOMBLE, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PROTOCOL TO THE AGREEMENT OF THE INTERNATIONAL ATOMIC ENERGY AGENCY REGARDING SAFEGUARDS IN THE UNITED STATES—TREATY DOCUMENT 107-7

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 16, Treaty Document No. 107-7, on today's Executive Calendar.

I further ask that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; further, that the committee conditions and understandings be agreed to, that any statements be printed in the CONGRESSIONAL RECORD as if read, and that the Senate immediately proceed to a vote on the resolution of ratification; further, that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The treaty will be considered to have passed through the various parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification reads as follows:

[(Treaty Doc. 107-7) The Protocol to the Agreement of the International Atomic Energy Agency Regarding Safeguards in the United States, with 2 conditions and 8 understandings;]

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS AND UNDERSTANDINGS.

The Senate advises and consents to the ratification of 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) subject to the conditions in section 2 and the understandings in section 3.

SEC. 2. CONDITIONS

The advice and consent of the Senate under section 1 is subject to the following conditions, which shall be binding upon the President:

(1) CERTIFICATIONS REGARDING THE NATIONAL SECURITY EXCLUSION, MANAGED ACCESS, AND DECLARED LOCATIONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the appropriate congressional Committees that, not later than 180 days after the deposit of the United States instrument of ratification—

(A) all necessary regulations will be promulgated and will be in force regarding the use of the National Security Exclusion under Article 1.b of the Additional Protocol, and that such regulations shall be made in accordance with the principles developed for the application of the National Security Exclusion;

(B) the managed access provisions of Articles 7 and 1.c of the Additional Protocol shall be implemented in accordance with the appropriate and necessary inter-agency guidance and regulation regarding such access; and

(C) the necessary security and counter-intelligence training and preparation will have been completed for any declared locations of direct national security significance.

(2) CERTIFICATION REGARDING SITE VULNERABILITY ASSESSMENTS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the appropriate congressional Committees that the necessary site vulnerability assessments regarding activities, locations, and information of direct national security significance to the United States will be completed not later than 180 days after the deposit of the United States instrument of ratification for the initial United States declaration to the International Atomic Energy Agency (in this resolution referred to as the "Agency") under the Additional Protocol.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings:

(1) IMPLEMENTATION OF ADDITIONAL PROTOCOL.—Implementation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representatives to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.

(2) NOTIFICATION TO CONGRESS OF ADDED AND DELETED LOCATIONS.—

(A) ADDED LOCATIONS.—The President shall notify the appropriate congressional Committees in advance of declaring to the Agency any addition to the lists of locations within the United States pursuant to Article 2.a(i), Article 2.a.(iv), Article 2.a.(v), Article 2.a.(vi)(a), Article 2.a.(vii), Article 2.a.(viii), and Article 2.b.(i) of the Additional Protocol, together with a certification that such addition will not adversely affect the national security of the United States. During the ensuing 60 days, Congress may disapprove an addition to the lists by joint resolution for reasons of direct national security significance, under procedures identical to those provided for the consideration of resolutions under section 130 of the Atomic Energy Act of 1954 (42 U.S.C. 2159).

(B) DELETED LOCATIONS.—The President shall notify the appropriate congressional Committees of any deletion from the lists of locations within the United States previously declared to the Agency pursuant to Article 2.a.(i), Article 2.a.(iv), Article 2.a.(v), Article 2.a.(vi)(a), Article 2.a.(vii), Article 2.a.(viii), and Article 2.b.(i) of the Additional Protocol that is due to such location having a direct national security significance, together with an explanation of such deletion, as soon as possible prior to providing the Agency information regarding such deletion.

(3) PROTECTION OF CLASSIFIED INFORMATION.—The Additional Protocol will not be construed to require the provision, in any manner, to the Agency of "Restricted Data" controlled by the provisions of the Atomic Energy Act of 1954.

(4) PROTECTION OF CONFIDENTIAL INFORMATION.—Should the President make a determination that persuasive information is available indicating that—

(A) an officer or employee of the Agency has willfully published, divulged, disclosed, or made known in any manner or to any extent contrary 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 and the Additional Protocol, any United States confidential business information coming to him or her in the course of his or her official duties relating to the implementation of the Additional Protocol, or by reason of any examination or investigation of any return, report, or record made to or filed with the Agency, or any officer or employee thereof, in relation to the Additional Protocol; and

(B) such practice or disclosure has resulted in financial losses or damages to a United States person;

the President shall, not later than 30 days after the receipt of such information by the executive branch of the United States Government, notify the appropriate congressional Committees in writing of such determination.

(5) REPORT ON CONSULTATIONS ON ADOPTION OF ADDITIONAL PROTOCOLS IN NON-NUCLEAR WEAPON STATES.—Not later than 180 days after entry into force of the Additional Protocol, and annually thereafter, the President shall submit to the appropriate congressional Committees a report on measures that have been taken or ought to be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear weapon states party to the Nuclear Non-Proliferation Treaty.

(6) REPORT ON UNITED STATES ASSISTANCE TO THE AGENCY FOR THE PURPOSE OF ADDITIONAL PROTOCOL IMPLEMENTATION AND VERIFICATION OF THE OBLIGATIONS OF NON-NUCLEAR WEAPON STATES.—Not later than 180 days after the entry into force of the Additional Protocol, and annually thereafter, the President shall submit to the appropriate congressional Committees a report detailing the assistance provided by the United States to the Agency in order to promote the effective implementation of additional protocols to safeguards agreements signed by non-nuclear weapon states party to the Nuclear Non-Proliferation Treaty and the verification of the compliance of such parties with Agency obligations.

(7) SUBSIDIARY ARRANGEMENTS AND AMENDMENTS.—

(A) The subsidiary arrangement.—The Subsidiary Arrangement to the Additional Protocol between the United States and the Agency, signed at Vienna on June 12, 1998 contains an illustrative, rather than exhaustive, list of accepted United States managed access measures.

(B) Notification of additional subsidiary arrangements and amendments.—The President shall notify the appropriate congressional Committees not later than 30 days after—

(i) agreeing to any subsidiary arrangement with the Agency under Article 13 of the Additional Protocol; and

(ii) the adoption by the Agency Board of Governors of any amendment to its Annexes under Article 16.b.

(8) AMENDMENTS.—Amendments to the Additional Protocol will take effect for the United States in accordance with the requirements of the United States Constitution as the United States determines them.

SEC. 4. DEFINITIONS.

In this resolution:

(1) ADDITIONAL PROTOCOL.—The term "Additional Protocol" means the Protocol Additional to the Agreement between the United States and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes and a Subsidiary Agreement, signed at Vienna June 12, 1998 (T. Doc. 107-7).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(3) 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.

Mr. LUGAR. Mr. President, today the Senate considers the Additional Protocol to the Agreement between the United States and the International Atomic Energy Agency, IAEA, Regarding Safeguards in the United States.

Last February, at the National Defense University, President Bush called on the Senate to ratify the U.S. Additional Protocol, and today, I am pleased to bring this resolution of ratification to the floor on behalf of the Committee on Foreign Relations.

The United States signed the Additional Protocol in Vienna on June 12, 1998, and President Bush submitted it to the Senate on May 9, 2002. The State Department submitted the implementing legislation to Congress on November 19, 2003. At the administration's request, I introduced the implementing legislation in the Senate last December.

Since Senate ratification of the Nuclear Non-proliferation Treaty, the NPT, in 1969, and our Voluntary Offer to accept IAEA safeguards in 1980, 188 states have now approved the NPT. The NPT and the IAEA's existing safeguards agreements sufficed to forestall nuclear weapons programs in the world's advanced industrial states, several of which were weighing the nuclear option 40 years ago. Unfortunately, the NPT and the IAEA's existing safeguards agreements have been insufficient to prevent the diversion of resources in Non-Nuclear Weapon States determined to cheat. At the same time, we have witnessed an increase in the global availability of nuclear weapons materials, reprocessing

and enrichment technologies. To ensure that materials and technologies are devoted only to peaceful uses, it is in the interest of the United States that the IAEA have the power to conduct intrusive inspections and verify imports and exports of sensitive materials and equipment in states suspected of diverting resources to a weapons program. The Additional Protocol, when universally ratified and implemented by all member states of the IAEA, will not solve all of our proliferation problems, but Senate ratification will further ensure that U.S. efforts to persuade all member states to adopt the Additional Protocol will be supported by concrete U.S. action.

When the NPT was constructed, in order to gain its acceptance by states without weapons or complete fuel cycles, the world allowed for peaceful uses of the atom by states who forswore weapons. This was an outgrowth of the U.S. "Atoms for Peace Program." Thus, Article IV of the NPT states:

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

Those last words, "in conformity with Article I and II of this Treaty," are key in our consideration of the Additional Protocol. Non-Nuclear Weapon States under Article II of the NPT are obliged not to undertake any steps toward development of a weapon, and in so doing, secure their right to peaceful uses of the atom; peaceful uses verified by the IAEA under safeguards. When the Committee on Foreign Relations reported the NPT to the Senate in 1968, it did so with some reservations concerning this safeguards system. As the committee report noted:

[T]he implementation of the treaty raises uncertainties. The reliability and thereby the credibility of international safeguards systems is still to be determined. No completely satisfactory answer was given to the Committee on the effectiveness of the safeguards systems envisioned under the treaty. But [the Committee] is equally convinced that when the possible problems in reaching satisfactory safeguards agreements are carefully weighed against the potential for a worldwide mandatory safeguards system, the comparison argues strongly for the present language of the treaty.

Today, many have come to the realization that the existing framework of the NPT, as verified by status quo safeguards, is unable to provide adequate verification of Non-Nuclear Weapon States' obligations and alert the world community to broken commitments to the IAEA and under the NPT.

I believe that acting today to ratify the Additional Protocol will put us back on the right track, a track toward complete verification and effective enforcement of Article II.

In 2003, the international community was confronted with two cases involving declared Non-Nuclear Weapon

States violating their commitments under the NPT by pursuing nuclear weapon programs.

Iran's clandestine drive toward a nuclear weapons capability was partly exposed by an Iranian resistance group and confirmed by the IAEA. Then, Germany, France, and the United Kingdom concluded separate negotiations with Tehran in which the regime agreed to abandon its uranium enrichment program and to cease all efforts to pursue nuclear weapons. Iran signed an Additional Protocol with the IAEA last December. In January, Iranian Foreign Minister Kharrazi appeared to hedge on Iran's commitment by suggesting that Tehran had agreed "to the suspension, not stopping, of the uranium enrichment process." Then, last February, in his latest report on Iran, IAEA Director General ElBaradei noted that inspectors had found in Iran technical designs for so-called "P-2" centrifuges similar to those the Agency discovered in Libya, designs not declared to the IAEA. Iran has also failed to declare a pilot uranium enrichment facility, importation of many nuclear fuel cycle components, and experiments with plutonium separation.

Lastly, with regard to Iran, there are extremely disturbing press accounts of inspectors finding traces of highly enriched Uranium-235, which could have but one use, in a nuclear weapon. The United States has made no secret of our view that Iran is developing nuclear weapons.

In Libya, we witnessed an important nonproliferation success. Following intense negotiations with the Bush administration and the United Kingdom, Libya admitted that it had WMD programs and agreed to abandon these efforts and work with international treaty regimes to verify Libya's commitment. I applaud President Bush and his team for a victory in the war against the proliferation of weapons of mass destruction. Through our experience in Libya, we have learned of the extent of the nuclear proliferation network run by Pakistan's "father of the bomb," A.Q. Khan. Similarly, we have also seen the dangers posed by exports of sensitive technologies by many European and Asian countries that contributed to Libya's nuclear weapons program. It is important to note in this regard how the Additional Protocol incorporates and provides for reporting on the Nuclear Suppliers' Group, NSG, Trigger List items in Annex II as well as uranium mining, enrichment and reactor activities in Annex I.

Events in Iran and Libya are important to our consideration of the Additional Protocol. In 1980, the Senate ratified the U.S. commitment to voluntarily accept safeguards to demonstrate a firm commitment to the IAEA and to the NPT. As a Nuclear Weapon State party to the NPT, the United States is not required to accept any safeguards. Our decision sent an important message to the world: the preeminent superpower, with a large

civilian nuclear power industry, could accept IAEA safeguards.

The Additional Protocol seeks to fill holes in the existing patchwork of declarations and inspections. It will require the declaration of many locations and activities to the IAEA not previously required, and allow, with less than 24 hours' notice, inspections of such locations.

The United States, as a declared Nuclear Weapon State party to the NPT, may exclude the application of IAEA safeguards on its activities. Under the Additional Protocol, the United States also has the right to exclude activities and sites of direct national security significance in accordance with its National Security Exclusion contained in Article 1.b. This provision is crucial to U.S. acceptance of the Additional Protocol and provides the basis for the protection of U.S. nuclear weapons-related activities, sites, and materials as a declared nuclear power.

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, the administration has assured the Committee on Foreign Relations that the likelihood of an inspection occurring in the United States is very low. Nevertheless, should an inspection under the Additional Protocol be determined to be potentially harmful to U.S. national security, the United States has the right, through the National Security Exclusion, to prevent the inspection.

For the past 9 months, the majority and minority staffs of the committee have been working closely with the administration to craft a resolution of ratification that will gain broad support in the Senate. On January 29, the committee held a hearing with administration witnesses. On March 4, the resolution of ratification before the Senate today was approved at a committee business meeting by a vote of 19 to 0. I thank Senator BIDEN and his staff for their cooperation in this effort. I am pleased to inform all Members that the administration fully supports the committee's recommended resolution of ratification, without changes.

In sum, I believe the Additional Protocol is necessary to further ensure effective verification and enforcement of the Article II obligations of Non-Nuclear Weapon States. Continued enjoyment of Article IV rights should come only with an increase in our ability to verify compliance with obligations to the IAEA and under the NPT. I do not believe that the Additional Protocol will be a burden for the United States, given that our ratification and implementation of the Protocol does not constitute a statement about U.S. adherence to nonproliferation commitments, but rather as a demonstration of our continued leadership in furtherance of the nonproliferation objectives

contained in it. It is a first step toward realization of the objectives set forth by President Bush last February.

I urge my colleagues to support the committee's resolution of ratification and to ratify the Additional Protocol.

Mr. BIDEN. Mr. President, I am very pleased to recommend that the United States Senate give its advice and consent to ratification of the Additional Safeguards Protocol between the United States and the International Atomic Energy Agency, the IAEA. Ratification of the Additional Protocol will make a real contribution to U.S. nuclear non-proliferation efforts, and it will do so without putting at risk any sensitive national security information.

As my colleagues surely know, the Additional Protocol is an outgrowth of the world's discovery in 1991 that Iraq had come perilously close to developing a nuclear weapon, without the IAEA realizing it. One reason for Iraq's near-success was that the IAEA was allowed to inspect only those facilities that Iraq declared to it. If a uranium enrichment facility was across the hall from a declared facility—and in some cases it was about that bad—the IAEA had no mandate to inspect it. We, the world, and the IAEA itself realized that a revised safeguards regime was needed.

The Additional Protocol that was developed to address this concern requires a signatory to provide yearly reports covering more nuclear facilities than those included in the declarations required by the so-called "comprehensive" safeguards agreements that have defined the IAEA's role in recent decades. It also allows the IAEA to inspect non-declared facilities, if the organization believes that illegal nuclear activities may be taking place there. This is a significant expansion of IAEA inspection rights, and it's something that the United States rightly wants to be adopted by all the non-nuclear weapons states under the Nuclear Non-Proliferation Treaty (the NPT).

The United States, as a recognized nuclear weapons state under the NPT, is not required to provide information to the IAEA or to accept IAEA inspections. In 1967, however, when the NPT was being negotiated, President Lyndon Baines Johnson announced that the United States would voluntarily submit to safeguards on nuclear materials. He did this to assuage the concerns of non-nuclear weapons states that feared that the five nuclear weapons states would otherwise enjoy an unfair commercial advantage regarding their nuclear power industries. Accordingly, a U.S.-IAEA safeguards agreement, also known as the "Voluntary Offer," has been in place since 1980. Truth be told, this Voluntary Offer is more symbolic than real; until 1994, the IAEA only applied safeguards to two commercial power reactors and two fuel fabrication facilities in the United States, from a list of 250 eligible facilities. In recent years, it has inspected

only sites for which the United States requested inspections, like the site where we store the highly enriched uranium we removed from Kazakhstan.

Our willingness to accept IAEA safeguards helped to secure the world's agreement to the NPT. Similarly, our stated willingness to accept the Additional Protocol was crucial to gaining the world's agreement, in 1995, to the indefinite extension of the NPT. And our ratification of the Additional Protocol will strengthen our ability to convince more non-nuclear weapons states to sign their own additional protocols.

When the Additional Protocol enters into force, the United States will submit additional information on civil nuclear facilities on an annual basis and identify additional civilian facilities, a small number of which might someday be inspected. All implementation activities under the Additional Protocol will be subject to a "National Security Exclusion," however, that will allow our Government to exclude the application of the Additional Protocol wherever it would result in "access by the Agency to activities with direct national security significance to the United States or to locations or information associated with such activities." Just as under the Voluntary Offer, the United States will retain the trump card of not declaring a facility, not submitting certain information, or denying or halting an inspection if our national security interests come into play. If we decide to permit an IAEA inspection, we will also have the right to employ "managed access" to protect national security information. (All countries will have the right to use managed access to protect confidential business information; because the United States is a recognized nuclear weapons state, we will have the right to use managed access more broadly.)

The Senate Foreign Relations Committee has looked carefully at how our special rights would be invoked and whether sensitive facilities will be prepared to accept an IAEA inspection if the President or the interagency process decides to permit that inspection. We are satisfied that a Federal agency with a legitimate national security concern will have no difficulty ensuring that sensitive information is protected.

The resolution of ratification that the Committee recommends will ensure that the U.S.-IAEA Additional Protocol does not enter into force until the President certifies that all the necessary regulations will be in place and all the necessary site vulnerability assessments will have been completed within 180 days of entry into force. (No reporting to the IAEA is required until 180 days after entry into force, so no inspections of newly-declared facilities would occur before then.) The resolution of ratification also addresses the protection of classified and proprietary information, the addition or deletion of locations from U.S. reports to the

IAEA, U.S. intent to use its special rights as a nuclear weapons state under the NPT, and the adoption of subsidiary arrangements or amendments under the Additional Protocol. In short, the Committee has covered all the bases to ensure that adoption of the Additional Protocol will support our nuclear non-proliferation policy without endangering sensitive national security information.

The resolution of ratification also calls for annual reports on U.S. efforts to get all the non-nuclear weapon states to adopt additional protocols and on U.S. help to the IAEA to conduct effective inspections. Those are important efforts that every member of this body should support. For all the difficulties it faces in gaining access to sites of concern, the IAEA has shown a real determination to get into those sites. Getting more states to sign and implement additional protocols will help the IAEA to gain that access. And once they get in, IAEA inspectors have shown a real ability to uncover information that rogue states thought they had concealed. But they are vitally dependent upon member states—and especially the United States—for the equipment and training that enable them to know what to look for and how to detect it in a manner that is scientifically valid, maximizes detection capabilities, and preserves a chain of custody so as to leave no doubt about the validity of their analysis.

U.S. ratification of our Additional Protocol is only one step among many that are needed to make nuclear non-proliferation work. Even to bring the Additional Protocol into force, we will then need to enact implementing legislation; the Executive branch will then have to promulgate appropriate regulations; and preparations for possible IAEA inspections will have to be completed.

In addition, the United States must marshal all its foreign policy tools to move states of concern away from nuclear weapons and to foster further international cooperation on non-proliferation. Some good work has been done in recent months. Libya signed an agreement with the United States and the United Kingdom to give up its weapons of mass destruction and long-range ballistic missile programs. The Proliferation Security Initiative was created and cooperating states agreed to coordinate their interdiction efforts while adhering to international law. The permanent members of the United Nations Security Council agreed on a draft resolution to bar proliferation to non-state entities.

At the same time, however, much remains to be done. For example, North Korea continues to move toward having a large enough nuclear arsenal that it might contemplate using it, or even selling or giving away some of its nuclear weapons or fissile material. Meanwhile, although we have engaged in six-party talks that included North Korea, both we and the North Koreans

have yet to give our negotiators the authority to get down to business and discuss a phased agreement under which North Korea would gradually dismantle all its nuclear weapons and long-range ballistic missile programs, in return for various security assurances and diplomatic or economic benefits. So nothing significant has yet been achieved on the diplomatic front, while the clock keeps ticking on the nuclear weapons front. And we face the risk that South Korea, a crucial player on this issue, will develop a policy that is at odds with ours.

The situation regarding Iran is also difficult, although much has been achieved in the last year. Exposure of Iran's two decades of lying and deception regarding its nuclear activities has led Iran to sign the Additional Protocol and to permit IAEA inspections that have proven quite embarrassing to Iran. Pursuant to an agreement with the foreign ministers of the United Kingdom, France and Germany, Iran has also agreed to suspend all its uranium enrichment and reprocessing activities. Iran has tried to backtrack on its commitments, and I personally have no confidence that Iran has come clean on its nuclear weapons efforts. So we must continue to press Iran to realize that its national interest will best be served by rejecting nuclear weapons. We must work to maintain solidarity with our European allies, with the Russian Federation, with Japan, and with the IAEA to send the message that Iran's real choice is between international acceptance and world rejection. I don't think that Iran wants to become another North Korea. We must make clear that the path of nuclear weapons can lead only to such a fate, and also that the path of non-proliferation will lead to a better future for Iran and all of its people.

We must also work to make the international nuclear non-proliferation regime still more effective. One element of the NPT is a promise to non-nuclear weapons states that, in return for forswearing nuclear weapons, they will enjoy the benefits of peaceful nuclear technology. That bargain has become frayed. Iran, Iraq and North Korea have all used their ostensibly civilian facilities to mask covert weapons programs.

In Iran and North Korea, we were at least able to sound the alarm. Both states had secret efforts to produce weapons-grade plutonium and highly enriched uranium and were caught. In Iraq, however, absent the Gulf War of 1991, Saddam Hussein might have obtained highly enriched uranium without anybody realizing it.

A smarter state, using a civilian program as the rationale, could build uranium enrichment facilities, spent fuel reprocessing cells, and the like—and properly report these efforts to the IAEA. It could acquire weapons-grade plutonium or highly enriched uranium, and place the material under IAEA safeguards. In other words, it could become a potential nuclear weapons

power without violating safeguards. Then it could withdraw from the NPT, and develop and assemble nuclear weapons in a short time.

That's the challenge we need to address. How do we counter not just states that do things in a ham-handed manner, but states that skillfully exploit the loopholes of the NPT? The Additional Protocol can help make it much harder to hide a covert nuclear program, if we persuade the rest of the world to sign such protocols as well. But how can we combat the "break-out" scenario?

One idea gaining currency is to allow non-nuclear weapons states to continue to possess civilian nuclear programs, but not a closed nuclear fuel cycle. A state could have civilian nuclear reactors to produce electrical power, but must import the nuclear reactor fuel and return any spent fuel. This would ensure that a state did not obtain fissile material needed for a nuclear weapon.

IAEA Director General Mohammed El-Baradei would allow only multinational facilities to produce and process nuclear fuels, and give legitimate end-users assured access to these fuels at reasonable rates. Gen. Brent Scowcroft and Dr. William Perry recently endorsed this proposal, adding that states that refuse this bargain should be subject to sanctions. President Bush has not endorsed multinational facilities, but called upon members of the Nuclear Suppliers Group to refuse to export enrichment and reprocessing equipment to any state that does not already possess full scale enrichment and reprocessing plants.

Any agreement on revising the nuclear non-proliferation regime will be difficult to achieve. Non-nuclear weapons states will ask what they will get for surrendering a well established right. States with nuclear fuel industries may worry that they will go out of business if only a few multinational facilities are allowed to operate enrichment and reprocessing activities. But the United States and other concerned states should set a goal of reaching a consensus in time for next year's NPT Review Conference. We have a window of opportunity, and we should use it.

There is another bargain central to the NPT, one that this administration largely prefers to ignore. In return for forswearing nuclear weapons, non-nuclear weapons states received a commitment from the five permanent nuclear powers, reaffirmed as recently as 2000, to seek eventual nuclear disarmament.

Nobody, including me, expects the United States to give up its nuclear deterrent any time in the foreseeable future. But the administration's drive to research and possibly produce new nuclear weapons—including low-yield nukes—is a step in the wrong direction. It signals to the rest of the world that even the preeminent global power needs new nuclear weapons to assure its own security.

The administration threatens to take another backward step on a Fissile Material Cutoff Treaty. An FMCT has been a U.S. objective for eight years, and this administration castigated other countries for preventing negotiations from starting. Now that there is a chance of success, however, the administration says that we may refuse to negotiate. This only undermines solidarity with our allies, which have worked for years to help us convince other countries to negotiate.

For all the flaws of the NPT, it is an essential treaty. It has been vital to encouraging states like Ukraine, Belarus, Kazakhstan, South Africa, Brazil and Argentina to end their nuclear weapons programs. The United States must work to improve the nuclear non-proliferation regime, and it must also do all that it can to abide by the bargains between the nuclear "haves" and the nuclear "have nots" that underlie world willingness to eschew the most awesome and awful weapons mankind has ever invented.

In conclusion, I want to congratulate and thank my chairman, Senator DICK LUGAR, for his fine leadership in bringing this resolution of ratification to fruition. It was not an easy task, and he demonstrated exceptional leadership. I am grateful also to our staffs, especially Ken Myers, III and Thomas Moore on the majority side, and Edward Levine and Jofi Joseph on the Democratic side. Finally, I want to commend the interagency committee that worked with us, and especially Ms. Susan Koch of the National Security Council staff. She is a real professional, and we would not have gotten to this day without her.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The ACTING PRESIDENT pro tempore. A division vote is requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, APRIL 1, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, April 1. I further ask 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 for their use later in the day, and the Senate

then begin a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee. I further ask unanimous consent that following the 60 minutes of morning business, the Senate resume consideration of H. R. 4, the welfare reauthorization bill; provided that there be 60 minutes of debate equally divided between the chairman and the ranking member of the Finance Committee for debate only; provided further, that the Senate then proceed to the cloture vote on the substitute amendment to the bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, we will resume consideration of the welfare bill. Shortly after 11:30 in the morning, the Senate will proceed to the cloture vote on the substitute amendment. It is unfortunate we have had to proceed with the cloture vote on this very important piece of legislation, but given the desire to offer unrelated amendments, the procedural vote is necessary. If cloture is invoked, we will be able to continue to consider welfare amendments, and we will finish the bill this week. It will be very unfortunate if cloture fails and we are unable to complete this bill this week because of unrelated issues. Additional votes are possible tomorrow, and Senators will be notified when votes are scheduled.

ORDER FOR ADJOURNMENT

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 previous order following the remarks of Senator GRASSLEY.

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

The Senator from Iowa.

NATIONAL ENERGY POLICY

Mr. GRASSLEY. Mr. President, there has been a lot of discussion about high gasoline prices lately, and rightly so because gasoline prices are as high as they have ever been in the history of our country and, in the process, not only taking a lot of money out of the pockets of working men and women, but harming the overall economy. And the full impact has not been felt yet.

In the process of hearing so many remarks and concerns about this situation, as we heard for a half hour a few minutes ago from one of our colleagues from the other side of the aisle, I wonder if we are not hearing so many speeches from the other side of the