

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

aisle on the issue of energy because it was the other side of the aisle that led a filibuster against the national energy policy we had before us last November. Maybe there is some guilt on their part about defeating a national energy policy, as it was through a Democratic filibuster.

I thought since that vote, when we had 58 votes and only needed 2 more to get cloture, to get to finality on a bill that was passed overwhelmingly by this body, that bill would have been the national energy policy. It would have been the first national energy policy that passed this body for probably a dozen or more years, and it is now needed more than ever before, but we needed two more votes. It is so puzzling to me that 46 out of 49 Democrats can stick together when they want to defeat very well-qualified judges the President sends up here, so well qualified they have the highest rating of the American Bar Association, and yet when we had a national energy policy, we adopted that national energy policy 3 or 4 months after the Northeast blackout last August and just before we knew energy prices were going to go up because OPEC announced they were going to shut off the spigot, why couldn't we get more than 13 out of 49 Democrats, considering the unanimity of holding the caucus together to defeat judges, and the Democratic leader was very much in favor of the Energy bill but he voted to stop debate? Why couldn't more than 13 Democrats help bring about a national energy policy?

Now we are hearing so much from the other side that one wonders if they don't have a somewhat guilty conscience about that vote.

We only needed two more Democrats. There are at least four Democrats from corn-producing States who should have been voting for cloture because this bill was so good for the ethanol industry, as an example, producing ethanol, a renewable fuel to mix with gasoline, to stretch gasoline, but we had four Democrats on the other side from corn-producing States who did not vote. We only needed two of them.

Also, this was a very comprehensive energy policy, so comprehensive it was well balanced with tax incentives for fossil fuels, tax incentives for renewables and alternative energy, and tax incentives for conservation. In fact, the speech we just heard was a lot about conservation, tax incentives for conservation, and they do not want to vote to stop a Democratic filibuster and move the bill along? It is very puzzling. I do not understand it. It makes one wonder: Are we hearing all these speeches now since gas is way up, at the highest level in history, because maybe they have some shame because they didn't want to vote to stop that filibuster last fall?

Then I hear some criticism toward the President about high gasoline prices. But what about the President of the United States leading the way ever since he has been in office to get this

Congress to adopt a national energy policy, and Congress came within two votes, but a Democratic filibuster killed it, and the President is getting blamed for a national energy policy he has been pushing that the other side killed?

Is there some guilt, some shame on the other side trying to detract from what the President has been trying to do? Is there some shame on the other side when they were in the majority in 2001 and 2002 and could not produce a national energy policy?

We have had an opportunity to move forward with a national energy policy, and those people who are giving the speeches condemning the President or concerned about high prices, what about helping us to reconsider that vote of last November—it can be reconsidered—and bring cloture and finality to the bill, and we can have a national energy policy?

Is a national energy policy going to make a difference when it comes to high energy prices? You bet it is because it is sending a signal to OPEC that we have our act put together and we are prepared to respond.

It very much broke the stranglehold of OPEC in 1982 when President Reagan deregulated the cost controls that we had on petroleum. For the next 20 years, OPEC was irrelevant because it told the rest of the world that we are not going to hold our product off the market. When we establish not only our own incentives for producing our own fossil fuels to a greater extent than we are today but also that we are going to have incentives for conservation, it is going to send that same clear signal to OPEC?

OPEC is meeting maybe right this very day to say to the rest of the world: We are going to shut our spigots down another million barrels a day. And all the time the Senate is languishing because of a Democrat filibuster last November of the Energy bill. They see inactivity on our part, and to a great extent it encourages them the same way they were encouraged when we had price controls on petroleum from 1979, 1980, and 1981 until Reagan finally took them off. I hope we will have less speeches from the other side and votes in favor of ethanol and biodiesel, all of those things that are good for the agricultural communities of Illinois, Indiana, and Wisconsin, as well as Iowa and Minnesota. They are good for the environment because ethanol and biodiesel are cleaner burning than fossil fuels; good for the agricultural economy because when the bill is fully implemented, we would be using 20 percent of our corn crop to produce ethanol and will eventually be doing the same thing with the soybean crop and biodiesel. We will also be conserving as well.

Yet what do we get from the Members of those States when they have an

opportunity to do something? They vote no, under some excuse that we are not going to be able to maybe have some lawsuits that they want to have.

Do they want chocolate cake for lawyers or do they want lower gasoline prices? Do they want chocolate cake for their lawyers—because the whole new realm of lawsuits after tobacco and after asbestos, that is where those lawyers are going to go, suing the energy companies—or do they want a cleaner environment? Do they want chocolate cake for their lawyers or do they want to help their farmers? Do they want chocolate cake for their lawyers or do they want to send a signal to OPEC that we have our act together and we are going to play in this energy game and we are not going to be in a stranglehold by those oil sheiks? I think the choice is pretty clear. I hope we get some action and less words.

I yield the floor.

#### RECESS UNTIL 9:30 TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until tomorrow, Thursday, April 1, at 9:30 a.m.

Thereupon, the Senate, at 7:27 p.m., recessed until Thursday, April 1, 2004, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate March 31, 2004:

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALPHONSO R. JACKSON, OF TEXAS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. CHARLES C. BALDWIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. CECIL R. RICHARDSON

##### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIGADIER GENERAL JAMES J. BISSON  
BRIGADIER GENERAL RONALD G. CROWDER  
BRIGADIER GENERAL WILLIAM W. GOODWIN  
BRIGADIER GENERAL MICHAEL A. GORMAN  
BRIGADIER GENERAL ROBERT G.F. LEE  
BRIGADIER GENERAL ROBERTO MARRERRO-CORLETT  
BRIGADIER GENERAL JOSEPH J. TALUTO  
BRIGADIER GENERAL ARTHUR H. WYMAN

##### To be brigadier general

COLONEL FLOYD E. BELL, JR.  
COLONEL JAMES A. BRUNSON  
COLONEL JOSEPH J. CHAVES  
COLONEL JOSEPH L. CULVER  
COLONEL PAUL C. GENEREUX, JR.  
COLONEL MARTIN L. GRABER  
COLONEL MARK W. HAMPTON  
COLONEL YAROPOLK R. HLADKY  
COLONEL GEORGE E. IRVIN, SR.  
COLONEL JAMES A. KRUECK  
COLONEL ROGEE A. LALICH  
COLONEL JACK E. LEE  
COLONEL RICHARD B. MOORHEAD