The President listened to ideas of Senators on both sides of the aisle about the type of person and individual he should nominate to the Supreme Court.

Ultimately, though, the Constitution provides the authority to choose to the President and the President alone. The Constitution does not contemplate the Senate being cochoosers of the nominee but, rather, the President making that choice and then the Senate providing advice and consent during this judicial confirmation process, ultimately leading up to an up-or-down vote on the Senate floor.

I am a little disappointed that in spite of this attempt to reach out more than halfway to the Senate, and particularly the minority in the Senate on consultation, the President's good efforts have been rejected as inadequate. But I don't see how any reasonable outside observer could reach that conclusion.

Second, the issue of questions. What kind of questions should a nominee answer? The standard for this was set in the early 1990s by Ruth Bader Ginsburg who was nominated by President Clinton and confirmed to the U.S. Supreme Court. While she was willing to talk about things she had written in the past, it was clear that she was going to draw a very important line in terms of sending signals or prejudging cases or issues that were likely to come back before the Court. It was using that same standard observed by not only Judge Ginsburg but Judge Breyer, who was confirmed after her—also a Clinton nominee—Thurgood Marshall, Sandra Day O'Connor, or William Rehnquist in his confirmation proceeding.

It is clear, as Judge Roberts said, that there is an ethical line that judges cannot cross, one of which is set by the American Bar Association Model Code on Judicial Ethics. It says clearly, in confirmation proceedings—I asked Judge Roberts during the Senate Judiciary Committee hearings—that applies to judicial confirmation hearings. So it would have been unethical to cross the line. And now some Senators insist Judge Roberts should have crossed the line when it came to answering certain types of questions that would ask him to prejudge certain issues and cases.

But there is also a constitutional standard because the independence of the judiciary is a core value of our form of government and of the American people. Who could feel that a judge was truly independent and fair who has already stated in a confirmation hearing how he would rule on an issue that later comes before the Supreme Court? Everyone recognizes that is not fair, that is not an independent judiciary. So I believe the judge drew an appropriate line from that standpoint as well.

Finally, there is the third prong of this three-prong attack laid out by the special interest groups long before Judge Roberts was even nominated and has to do with the documents issue. This has to do with documents prepared by the Solicitor General's Office as it prepared to represent the United States in the Supreme Court.

I asked Judge Roberts whether that sort of ability to have candid and confidential communications among the lawyers who are representing the United States was part of a recognized privilege that all lawyers and clients share, whether it is the Government or whether it is individuals, and he said it was.

In fact, a number of Senators on our Judiciary Committee were quite upset last year when it appears confidential documents written by their committee lawyer to those Senators were then published in the outside world, claiming their rights had been violated. If the Senators are entitled to have confidential communication from our own lawyers and our own staff without having it published in the outside world, then surely the President of the United States enjoys that same right and privilege.

This nominee has withstood in admirable form more than 20 hours of questions from members of the Senate Judiciary Committee. There were 32 witnesses who testified after he did, including the American Bar Association which has given him an A plus, so to speak, that considered him unanimously to be well qualified for this position. In the end, though, this nominee is probably better known to the Senate and the Senate Judiciary Committee than any nominee in recent history, having only 2 years ago been confirmed by unanimous consent to the District of Columbia Court of Appeals, what some have called the second highest court in the land.

I ask my colleagues who are bound and determined to vote against this nominee who, by most accounts, is one of the most impressive nominees and outstanding nominees who has ever been nominated to the Supreme Court, is there any nominee of this President for whom they could vote? I fear the answer to that is no, that for some of our colleagues, there is no nominee by this President to the U.S. Supreme Court for whom they could ever vote.

That should sadden and disappoint all of us because what it means is that the bitter partisan divisions that separate us in this body far too often and distract us from the important work we have been sent here by our constituents to do have triumphed over the constitutional obligation to provide advice and consent and to conduct our ourselves with civility and dignity and to resist the pressures of interest groups who cry out for the political scalp of not just this President but all of his nominees and discourage good men and women from being willing to answer the call to public service. If they know they are getting ready to be put through a sausage grinder, if they know everything they did and said would be examined and distorted even and in the end that the merit of their nomination would play second fiddle to bitter partisan politics, I fear there are good men and women who would like to answer the call to public service who will simply say no.

I am looking forward on Thursday to the Senate Judiciary Committee voting Judge Roberts out of the committee and his nomination coming to the floor. I hope our colleagues will study his background, the record created before the Judiciary Committee, and come to their own decision, without regard to politics, without regard to partisanship, and judge it solely on the merits. But particularly it is my earnest hope and plea they resist the cry of the outside special interest groups who care nothing about good government but only about their narrow special interests and are using these nominations, more than anything, to raise money by scaring people and by distorting the qualifications and credentials of good men and women such as John Roberts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, I understand that under the order, we now go to the Agriculture appropriations bill. I have a few housekeeping details I would like to take care of on behalf of the leader, and then I ask unanimous consent that the senior Senator from Massachusetts be granted half an hour in which he may speak in morning business, with the understanding that we will then go back to the Agriculture appropriations bill without any other requests for morning business being honored.

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

Mr. BENNETT. I thank the Chair.

RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF SIMON WIESENTHAL

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 245 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The journal clerk read as follows:

A resolution (S. Res. 245) recognizing the life and accomplishments of Simon Wiesenthal.

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

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a man who dedicated himself to preserving the memory of the millions who perished in the Holocaust and to promoting human rights and preventing genocide.

Simon Wiesenthal lived through unimaginable tragedy and horror as a prisoner in Nazi concentration camps

during World War II. He survived the Holocaust and spent the next 60 years of his life tracking down the war criminals who had perpetrated terrible atrocities.

During the course of World War II, Simon Wiesenthal spent 4 years in a series of 12 concentration camps. He was a prisoner in the Mauthausen camp when it was liberated by the U.S. Army on May 5, 1945.

COL Richard Seibel who led the troops in liberating the camp described the horror that they found in a report to his superiors:

> Mauthausen did exist. Man's inhumanity to man did exist. The world must not be allowed to forget the depths to which mankind can sink, lest it should happen again.

Mr. Wiesenthal and his wife Cyla had been separated by the war but were reunited shortly after it ended. Between the 2 of them, 89 family members were killed.

They decided to start a family of their own and in 1946 had a daughter, Paulinka, who went on to have children and grandchildren of her own.

Also following the war, Mr. Wiesenthal went to work for the War Crimes Office run by the Americans. This was just the start to a lifelong mission to bring Nazi war criminals to justice.

He opened his own Historical Documentation Center to collect information on war criminals that was used to search them out and prosecute them for their heinous crimes. The evidence collected at the documentation center was used in prosecutions at the International Military Tribunal in Nuremberg in 1945 and 1946.

Credited with hunting down 1,100 major and minor Nazi war criminals since the end of World War II, Mr. Wiesenthal is most renowned for his role in the capture of Adolf Eichmann. Eichmann engineered Adolf Hitler's ''Final Solution of the Jewish Problem'' that led to the extermination of 6 million Jews as well as millions of non-Jews.

Eichmann was captured by Israeli agents in Argentina in 1960. Observed at trial in 1961, Mr. Wiesenthal later described his impression of Eichmann:

> In my mind I had built up the image of a demonic superman. Instead I saw a frail, nondescript, shabby fellow in a glass cell between two Israeli policement; they looked more colorful and interesting than he did. There was nothing demonic about him; he looked like a bookkeeper who was afraid to ask for a raise.

I am privileged to say that I did personally know Simon Wiesenthal. I received him in my home to raise money for the Wiesenthal Center in Los Angeles. I also met with him in Vienna where I saw his small, cramped office and voluminous files.

He was one of the most amazing people; he stayed the course, never gave up, and was the greatest Nazi hunter of our time.

Dedicated in 1977 to all of the 11 million people of different nationalities, races, and creeds who died in the Holocaust, the Simon Wiesenthal Center in Los Angeles promotes tolerance and understanding through community involvement, educational outreach and social action, and confronts important issues such as racism, anti-Semitism, terrorism, and genocide.

The center's founder and dean, Rabbi Marvin Hier said the following about Simon Wiesenthal's legacy:

> I think he'll be remembered as the conscience of the Holocaust. In a way he became the permanent representative of the victims of the Holocaust, determined to bring the perpetrators of the greatest crime to justice.

We have lost a leading voice for raising awareness and understanding of the Holocaust. It is imperative that his legacy and dedication to the millions who were killed because of their religion, race or nationality be remembered. We must do all that we can to ensure that human atrocities like this never happen again.

Let me conclude with Mr. Wiesenthal's own words:

> When history looks back, I want people to know that the Nazis weren't able to kill millions of people and get away with it. . . . If we pardon this genocide, it will be repeated, and not only on Jews. If we don't learn this lesson, then millions died for nothing.

Mr. KOHL. Mr. President, today the world has lost one of the great crusaders for justice, Simon Wiesenthal. After suffering through many Nazi death camps, he emerged from the war with a mission to bring the architects of the Holocaust and their collaborators to account for their crimes. Later in life his work was valuable for establishing the facts of the Holocaust and keeping the memory of the suffering of the victims of the Holocaust alive. Simon Wiesenthal was a valuable voice of conscience when many around the world wanted to ignore these horrible crimes and forget this awful period of the 20th century.

A successful Ukrainian architect before the war, when the Nazis invaded the Soviet Union, he was rounded up with his family and narrowly escaped death. He would spend the rest of the war in a variety of death and work camps. After the war he was eager to work with the Americans to bring Nazis and their collaborators to justice for their war crimes during the Holocaust. When the Allies seemed to tire of bringing former members of the Third Reich to justice, Simon Wiesenthal continued his work on his own, painstakingly researching and identifying members of the Gestapo and SS.

He may be most famously known as the man who found Adolf Eichmann, the organizer of Hitler's campaign to eradicate the Jews. Bringing Eichmann to justice was no doubt the most high profile of his successes, and he was able to use that spotlight to help him find and ferret out more criminals. In all he was involved in over 1,100 cases involving Nazi war criminals.

Mr. Wiesenthal did more than just round up the perpetrators of the most notorious mass killing in history. He also used his name recognition to fight against rising anti-Semitism in Europe and around the world. He sounded the alarm over rising neo-Nazi movements, and fought against their malicious influence. His work documenting the Holocaust and the testimony of survivors was ground breaking and has formed am important part of what we know about that tragic period and the people who survived it.

Mr. Wiesenthal has been seen as an important voice of justice, forcing the world to face a difficult reality about the evil in humans. His work laid bare the worst that man is capable of, but it also showed the importance of justice and the power of the human spirit.

Mr. LEVIN. Mr. President, today we mourn the passing of a great man whose name has become synonymous with the pursuit of justice, Simon Wiesenthal. Mr. Wiesenthal dedicated his life to finding and prosecuting Nazi war criminals, and he was extraordinarily successful at doing so. He was a passionate, courageous man waging an often lonely yet critical fight.

Born 96 years ago in what is now the Ukraine, Mr. Wiesenthal barely survived the unimaginable horrors of the Holocaust, emerging from a concentration camp at the end of the war weighing less than 100 pounds. Though the Nazis had not succeeded in taking his life, he had lost 89 members of his family.

Simon Wiesenthal took this incomprehensible grief and turned it into action, embarking on a lifelong quest to find Nazi war criminals and secure justice for their victims. He had already begun this work in the concentration camps, committing to memory details of his captors. After the war, he worked first for the U.S. Army's War Crimes Office and then opened the Jewish Historical Documentation Center in Linz, Austria in 1947, to continue that work on his own. The Center later moved to Vienna, where Mr. Wiesenthal worked every day in a small office building, surrounded by files, meticulously documenting and tracking the guilty. He worked in that office until last year, when his health would no longer permit it.

In his most prominent success, information from Wiesenthal led Israeli agents to capture Adolf Eichmann, the architect of Hitler's extermination campaign, in Argentina in 1960. Wisenthal's other high-profile arrests include Anne Frank's captor, Karl Silberbauer, and the commandant of the Treblinka and Sobibor camps, Franz Stangl. The vast majority of his work, though, was pursuing lesser-known and unknown Nazis and demanding accountability for their roles. In all, he is credited with bringing more than 1,100 Nazi war criminals to justice.

Those prosecutions not only brought punishment to the guilty but also affirmed to the world that justice, even when delayed, must always be done.

As we honor and thank Mr. Wiesenthal for the results of his work, we owe him a special debt for the way he went about that work. Despite his personal tragedy and despite the staggering scale of the atrocities, Mr. Wiesenthal sought, as he said, ''justice, not revenge.'' He broke the cycle of hate and elevated us all. Indeed, one of his strongest hopes was that his work would help us to rise above our history. As he said:

The history of man is the history of crimes, and history can repeat. So information is a defense. Through this we can build, we must build, a defense against repetition.

The 11 million victims of the Holocaust had no finer, more dedicated, more capable advocate than Simon Wiesenthal. The living had no finer example of a hero. Our only solace in his passing is that the 11 million Simon Wiesenthal spoke for can finally say to him today: ''Thank you for remembering us.''

Mr. SALAZAR. Mr. President, I rise today to honor Simon Wiesenthal, a remarkable man, a Holocaust survivor, who dedicated his life to the pursuit of justice and worked to prevent anti-Semitism and prejudice of all kinds.

After surviving imprisonment at five German concentration camps and escaping death several times, Mr. Wiesenthal continued to remember the 6 million people who lost their lives during the Holocaust by working to bring over 1,100 war criminals to justice. He pursued justice, not revenge. He demanded public trials, not secret executions.

He made sure society would remember those crimes against humanity so that future purveyors of ethnic cleansing would know that they could never escape retribution.

Mr. Wiesenthal earned the respect of those throughout the world, having many honors and awards bestowed upon him. He received decorations from the Austrian and French resistance movements, the Dutch Freedom Medal, the Luxembourg Freedom Medal, the United Nations League for the Help of Refugees Award, the French Legion of Honor and the U.S. Congressional Gold Medal which was presented to him by President James Carter in 1980.

Mr. Wiesenthal never questioned giving up his prewar trade of architecture. In a New York Times article in 1964, Mr. Wiesenthal described attending Sabbath services with a fellow camp survivor who had become a wealthy jeweler.

The man asked why Wiesenthal had not resumed architecture—his prewar trade—for it would have made him rich.

''You're a religious man,'' Wiesenthal told his friend. ''You believe in God and life after death. I also believe.''

''When we come to the other world and meet the millions of Jews who died in the camps and they ask us, 'What have you done?' there will be many answers. You will say, 'I became a jeweler.' Another will say, 'I smuggled coffee and American cigarettes.' Another will say, 'I built houses.'

''But I will say, 'I didn't forget you.'''

Thank you Mr. Wiesenthal for leaving an indelible mark on society. We owe you a debt of gratitude, and we will never forget you.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without any intervening action or debate.

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

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas Simon Wiesenthal was born on December 31, 1908, to Jewish merchants in Buczacz, in what is now the Lvov Oblast section of the Ukraine;

Whereas after he was denied admission to the Polytechnic Institute in Lvov because of quota restrictions on Jewish students, Simon Wiesenthal received his degree in engineering from the Technical University of Prague in 1932;

Whereas Simon Wiesenthal worked in an architectural office until he was forced to close his business and become a mechanic in a bedspring factory, following the Russian army's occupation of Lvov and purge of Jewish professionals;

Whereas following the Germany occupation of Ukraine in 1941, Simon Wiesenthal was initially detained in the Janwska concentration camp near Lvov, after which he and his wife were assigned to the forced labor camp serving the Ostbahn Works, which was the repair shop for Lvov's Eastern Railroad;

Whereas in August of 1942, Simon Wiesenthal's mother was sent to the Belzec death camp as part of Nazi Germany's ''Final Solution'', and by the end of the next month 89 of his relatives had been killed;

Whereas with the help of the Polish Underground Simon Wiesenthal was able to help his wife escape the Ostbahn camp in 1942, and in 1943 was himself able to escape just before German guards began executing inmates, but he was recaptured the following year and sent to the Janwska camp;

Whereas following the collapse of the German eastern front, the SS guards at Janwska took Simon Wiesenthal and the remaining camp survivors and joined the westward retreat from approaching Russian forces;

Whereas Simon Wiesenthal was 1 of the few survivors of the retreat to Mauthausen, Austria and was on the brink of death, weighing only 99 pounds, when Mauthausen was liberated by American forces on May 5, 1945;

Whereas after surviving 12 Nazi prison camps, including 5 death camps, Wiesenthal chose not to return to his previous occupation, and instead dedicated himself to finding Nazi war criminals and bringing them to justice;

Whereas following the liberation of Mauthausen, Simon Wiesenthal began collecting evidence of Nazi activity for the War Crimes Section of the United States Army, and after the war continued these efforts for the Army's Office of Strategic Services and Counter-Intelligence Corps;

Whereas Simon Wiesenthal would also go on to head the Jewish Central Committee of the United States Zone of Austria, a relief and welfare organization;

Whereas Simon Wiesenthal and his wife were reunited in 1945, and had a daughter the next year;

Whereas the evidence supplied by Wiesenthal was utilized in the United States Zone war crime trials;

Whereas, after concluding his work with the United States Army in 1947, Simon Wiesenthal and others opened and operated the Jewish Historical Documentation Center in Linz, Austria, for the purpose of assembling evidence for future Nazi trials, before closing the office and providing its files to the Yad Vashem Archives in Israel in 1954;

Whereas despite his heavy involvement in relief work and occupational education for Soviet refugees, Simon Wiesenthal tenaciously continued his pursuit of Adolf Eichmann, who had served as the head of the Gestapo's Jewish Department and supervised the implementation of the ''Final Solution'';

Whereas in 1953, Simon Wiesenthal acquired evidence that Adolf Eichmann was living in Argentina and passed this information to the Government of Israel;

Whereas this information, coupled with information about Eichmann's whereabouts in Argentina provided to Israel by Germany in 1959, led to Eichmann's capture by Israeli agents, trial and conviction in Israel, and execution on May 31, 1961;

Whereas following Eichmann's capture, Wiesenthal opened a new Jewish Documentation Center in Vienna, Austria, for the purpose of collecting and analyzing information to aid in the location and apprehension of war criminals;

Whereas Karl Silberbauer, the Gestapo officer who arrested Anne Frank, Franz Stangl, the commandant of the Treblinka and Sobibor concentration camps in Poland, and Hermine Braunsteiner, who had supervised the killings of several hundred children at Majdanek, are among the approximately 1,100 war criminals found and brought to justice as a result of Simon Wiesenthal's investigative, analytical, and undercover operations;

Whereas Simon Wiesenthal bravely forged ahead with his mission of promoting tolerance and justice in the face of danger and resistance, including numerous threats and the bombing of his home in 1982;

Whereas the Simon Wiesenthal Center was established in 1977, to focus on the prosecution of Nazi war criminals, commemorate the events of the Holocaust, teach tolerance education, and promote Middle East affairs;

Whereas the Simon Wiesenthal Center monitors and combats the growth of neo-Nazi activity in Europe and keeps watch over concentration camp sites to ensure that the memory of the Holocaust and the sanctity of those sites are preserved;

Whereas the Simon Wiesenthal Center played a pivotal role in convincing foreign governments to pass laws enabling the prosecution of Nazi war criminals;

Whereas throughout his lifetime, Simon Wiesenthal has had many honors and awards bestowed upon him, including decorations from the Austrian and French resistance movements, the Dutch Freedom Medal, the Luxembourg Freedom Medal, the United Nations League for the Help of Refugees Award, the French Legion of Honor, and the United States Congressional Gold Medal, which was presented to him by President James Carter in 1980;

Whereas President Ronald W. Reagan once remarked, ''For what Simon Wiesenthal represents are the animating principles of Western civilization since the day Moses came down from Sinai: the idea of justice, the idea of laws, the idea of the free will.'';

Whereas President George H. W. Bush has stated that Simon Wiesenthal, ''is our living embodiment of remembrance. The two pledges of Simon Wiesenthal's life inspire us all — 'Never forget' and 'Never again'.'';

Whereas President William Clinton has remarked of Simon Wiesenthal, ''To those who know his story, one of miraculous survival and of relentless pursuit of justice, the answer is apparent. From the unimaginable horrors of the Holocaust, only a few voices survived, to bear witness, to hold the guilty accountable, to honor the memory of those who were killed. Only if we heed these brave voices can we build a bulwark of humanity against the hatred and indifference that is still all too prevalent in this world of ours.''; and

Whereas, at the end of a life dedicated to the pursuit of justice and advocacy for victims of the Holocaust, Simon Wiesenthal passed away on September 20, 2005, at the age of 96: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family and friends of Simon Wiesenthal;

(2) recognizes the life and accomplishments of Simon Wiesenthal, who, after surviving the Holocaust, spent more than 50 years helping to bring Nazi war criminals to justice and was a vigorous opponent of anti-Semitism, neo-Nazism, and racism; and

(3) recognizes and commends Simon Wiesenthal's legacy of promoting tolerance, his tireless efforts to bring about justice, and the continuing pursuit of these ideals.

IRAN NONPROLIFERATION ACT OF 2000

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 1713, and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (S. 1713) to make amendments to the Nonproliferation Act of 2000 related to International Space Station payments.

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

Mr. LUGAR. Mr. President, on September 15 I introduced a bill to amend the Iran Nonproliferation Act of 2000, Public Law 106–178. The bill, S. 1713, provides authority for the administration to continue to cooperate with the Russian Federation on the International Space Station.

Current law prohibits certain payments from being made to Russia. When Congress enacted the Iran Nonproliferation Act, INPA, it did so to provide the President with a means to address proliferation of ballistic missile-related and other dangerous dual-use technology to Iran. Congress passed and the President signed legislation designed to give the executive branch additional tools with which to address Russian proliferation and the proliferation of other countries that are transferring dangerous weapons technology to Iran. The legislation was also meant to enhance significantly the ability of Congress to monitor proliferation to Iran and oversee executive efforts to combat it.

With regard to Russia, at the time of its enactment, the rationale for INPA restrictions on payments to Russia for cooperation on the International Space Station was that the Russian Aviation and Space Agency, RASA, could use any legal or operational authority it may have had over certain organizations and entities that might be proliferating to Iran to stop such activities.

I continue to believe that Russia must prevent proliferation to Iran of weapons of mass destruction, their means of delivery and the technical know-how to make them.

The bill I introduced last week does not condone the proliferation activities of Russian entities nor those of others proliferating to Iran. It does allow the United States to meet its obligations under the Agreement Concerning Cooperation on the Civil International Space Station. While it creates an exception for certain U.S. payments to Russia in support of the space station, it also mandates that Congress be kept aware of the specific Russian entities to which the United States makes payments, and that the President determine that such payments are not prejudicial to our nonproliferation policies with respect to cruise and ballistic missile proliferation to Iran or other state sponsors of terrorism.

Since the introduction of S. 1713, a question has arisen as to which agreements might be negotiated under its authority that could, in fact, obligate the United States to make payments beyond the date specified in section 3 of that bill. It is my intention that no payments may be made after January 1, 2012. Also, I understand that NASA intends to accelerate its crew exploration vehicle, CEV, program so as to avoid any complications that might arise as a result of continued U.S. utilization of Russian-provided technology during the period between the shuttle's retirement and the CEV becoming operational.

I want to thank all my colleagues for their cooperative consideration of this bill. I urge the Senate to pass S. 1713.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 1713) was read the third time and passed, as follows:

S. 1713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Nonproliferation Amendments Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Director of Central Intelligence's most recent Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, states ''Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, and China. Iran's earlier success in gaining technology and materials from Russian entities helped accelerate Iranian development of the Shahab-3 MRBM, and continuing Russian entity assistance has supported Iranian efforts to develop new missiles and increase Tehran's self-sufficiency in missile production.''

(2) Vice Admiral Lowell E. Jacoby, the Director of the Defense Intelligence Agency, stated in testimony before the Select Committee on Intelligence of the Senate on February 16, 2005, that ''Tehran probably will have the ability to produce nuclear weapons early in the next decade''.

(3) Iran has—

(A) failed to act in accordance with the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the ''Safeguards Agreement'');

(B) acted in a manner inconsistent with the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards, signed at Vienna December 18, 2003 (commonly referred to as the ''Additional Protocol'');

(C) acted in a manner inconsistent with its obligations under 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 (commonly referred to as the ''Nuclear Non-Proliferation Treaty''); and

(D) resumed uranium enrichment activities, thus ending the confidence building measures it adopted in its November 2003 agreement with the foreign ministers of the United Kingdom, France, and Germany.

(4) The executive branch has on multiple occasions used the authority provided under section 3 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) to impose sanctions on entities that have engaged in activities in violation of restrictions in the Act relating to—

(A) the export of equipment and technology controlled under multilateral export control lists, including under the Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement or otherwise having the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems to Iran; and

(B) the export of other items to Iran with the potential of making a material contribution to Iran's weapons of mass destruction programs or on United States national control lists for reasons related to the proliferation of weapons of mass destruction or missiles.

(5) The executive branch has never made a determination pursuant to section 6(b) of the Iran Nonproliferation Act of 2000 that—

(A) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(B) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a