

its constitutional authority to eavesdrop on any person within the United States—without judicial or legislative oversight and it claims that the Congress implicitly granted such power in the Joint Resolution of 2001.

But that Joint Resolution says nothing about domestic electronic surveillance. As Justice O'Connor has said, "A state of war is not a blank check for the president when it comes to the rights of the nation's citizens."

The bipartisan 9/11 Commission made clear that the Executive Branch has the burden of proof to justify why a particular governmental power should be retained—and Congress has the responsibility to see that adequate guidelines and oversight are made available.

The Executive Branch has failed to meet the 9/11 Commissioners' burden of proof. The American people are not convinced that these surveillance methods achieve the right balance between our national security and protection of our civil liberties.

These issues go to the heart of what it means to have a free society. If President Bush can make his own rules for domestic surveillance, Big Brother has run amok. If the President believes that winning the war on terror requires new surveillance capabilities, he has a responsibility to work with Congress to make appropriate changes in existing law. He is not above the law.

Congress and the American people deserve full and honest answers about the Administration's domestic electronic surveillance activities. On December 22, 2005, I asked the President to provide us with answers before the Senate Judiciary Committee began hearings on Judge Alito's nomination to the Supreme Court. We got no response. The Senate Judiciary Committee is scheduled to begin separate hearings on February 6 on the President's actions. Instead of providing us with the documents the Administration relied upon, the Justice Department continues to circulate summaries and "white papers" on the legal authorities it purports to have to ignore the law. It now appears that the President did so on at least thirty occasions after September 11. There is no legitimate purpose in denying access by Members of Congress to all of the legal thought and analysis that the President relied upon when he authorized these activities.

Every 45 days, the President ordered these activities to be reviewed by the Attorney General, the White House Counsel and the Inspector General of the National Security Agency. That's not good enough. These are all executive branch appointees who report directly to the President.

Congress spent seven years considering and enacting the Foreign Intelligence Surveillance Act. It was not a hastily conceived idea. We had broad agreement that both Congressional oversight and judicial oversight were fundamental—even during emergencies or times of war, which is why we estab-

lished a secret court to expedite the review of sensitive applications from the government.

Now, the administration has made a unilateral decision that Congressional and judicial oversight can be discarded, in spite of what the law obviously requires. We need a thorough investigation of these activities. Congress and the American people deserve answers, and they deserve answers now.

SENATE RESOLUTION 351—RESPONDING TO THE THREAT POSED BY IRAN'S NUCLEAR PROGRAM

Mr. BAYH submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 351

Whereas Iran is precipitating a grave nuclear crisis with the international community that directly impacts the national security of the United States and the efficacy of the International Atomic Energy Agency (IAEA) and 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");

Whereas the United States welcomes a diplomatic solution to the nuclear crisis, but the Government of Iran continues to reject a peaceful resolution to the matter;

Whereas, although the Government of Iran agreed to suspend uranium enrichment activities and to sign and ratify the IAEA's Additional Protocol on expansive, intrusive no-notice inspections in 2003, it has repeatedly failed to live up to its obligations under this agreement;

Whereas the Government of Iran broke IAEA seals on some centrifuges in September 2004, converted uranium to a gas needed for enrichment in May 2005, limited IAEA inspectors to a few sites, and said it would restart uranium conversion activities;

Whereas the Board of Governors of the IAEA declared in September 2005 that Iran was in non-compliance of its Nuclear Non-Proliferation Treaty obligations;

Whereas Iran announced on January 3, 2006, that it would resume uranium "research" activities at Natanz and invited IAEA to witness the breaking of IAEA seals at the facility;

Whereas the Government of Iran has acknowledged deceiving the IAEA for the past 18 years for not disclosing an uranium enrichment facility in Natanz and a heavy water production plant in Arak;

Whereas the Government of Iran's human rights practices and strict limits on democracy have been consistently criticized by United Nations reports;

Whereas the Department of State stated in its most recent Country Reports on Human Rights Practices that Iran's already poor human rights record "worsened" during the previous year and deemed Iran a country "of particular concern" in its most recent International Religious Freedom Report;

Whereas the Government of Iran funds terror and rejectionist groups in Gaza and the West Bank, Lebanon, Iraq, and Afghanistan and is providing material support to groups directly involved in the killing of United States citizens;

Whereas Iran has been designated by the United States as a state sponsor of terrorism since 1984, and the Department of State said in its most recent Country Reports on Ter-

rorism that Iran "remained the most active state sponsor of terrorism in 2004";

Whereas President of Iran Mahmoud Ahmadinejad has made repeated anti-American and anti-semitic statements, including denying the occurrence of the Holocaust and Israel's right to exist, and called on people to imagine a world without the United States;

Whereas Iran's recent acquisition of new anti-ship capabilities to block the Strait of Hormuz at the entrance to the Persian Gulf and the decision by the Government of Russia to sell the Government of Iran \$1,000,000,000 in weapons, mostly for 29 anti-aircraft missile systems, is most regrettable and should dampen United States-Russian relations;

Whereas the behavior of the Government of Iran does not reflect that country's rich history and the democratic aspirations of most people in Iran;

Whereas the people of the United States stand with the people of Iran in support of democracy, the rule of law, religious freedom, and regional and global stability;

Whereas, although Iran is subject to a range of unilateral sanctions and some third country and foreign entities sanctions, these sanctions have not been fully implemented;

Whereas Iran remains vulnerable to international sanctions, especially with respect to financial services and foreign investment in its petroleum sector and oil sales, few foreign nations have joined the United States in attempting to isolate the regime in Iran and compel compliance with Iran's international obligations;

Whereas, although Iran may be one of the world's largest exporters of oil, it does not have the refining capacity to make the gasoline necessary to make its economy run and currently imports 40 percent of its refined gasoline from abroad;

Whereas more complete implementation of United States sanctions laws and the adoption of additional statutes would improve the chances of a diplomatic solution to the nuclear crisis with Iran;

Whereas President George W. Bush has for 4 years given too little attention to the growing nuclear problem in Iran beyond rhetorical sound bites and has carried out an Iran policy consisting of loud denunciations followed by minimal action and ultimate deference of managing the crisis to Europe, a policy that has been riddled with contradiction and inconsistency and damaging to United States national security;

Whereas, had President Bush effectively marshaled world opinion in 2002 and not wasted valuable time, diverted resources, and ignored the problem in Iran, the United States would not be faced with the full extent of the current nuclear crisis in Iran;

Whereas action now is imperative and time is of the essence; and

Whereas the opportunity the United States has to avoid the choice between military action and a nuclear Iran may be measured only in months: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should cut assistance to countries whose companies are investing in Iran's energy sector, including pipelines to export Iranian crude;

(2) supplies of refined gasoline to Iran should be cut off;

(3) there should be a worldwide, comprehensive ban on sales of weapons to Iran, including from Russia and China;

(4) the United Nations Security Council should impose an intrusive IAEA-led weapons of mass destruction inspection regime on Iran similar to that imposed on Iraq after the 1991 Persian Gulf war;

(5) the United Nations Security Council should adopt reductions in diplomatic exchanges with Iran, limit travel by some Iranian officials, and limit or ban sports or cultural exchanges with Iran;

(6) the President should more faithfully implement the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) (commonly known as “ILSA”), and Congress should—

(A) increase the requirements on the President to justify waiving ILSA-related sanctions;

(B) repeal the sunset provision of ILSA;

(C) set a 90-day time limit for the President to determine whether an investment constitutes a violation of ILSA; and

(D) make exports to Iran of technology related to weapons of mass destruction sanctionable under ILSA;

(7) the United States should withdraw its support for Iran’s accession to the WTO until Iran meets weapons of mass destruction, human rights, terrorism, and regional stability standards; and

(8) the United States must make the Government of Iran understand that if its nuclear activity continues it will be treated as a pariah state.

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SENATE CONCURRENT RESOLUTION 76—CONDEMNING THE GOVERNMENT OF IRAN FOR ITS FLAGRANT VIOLATIONS OF ITS OBLIGATIONS UNDER THE NON-PROLIFERATION TREATY, AND CALLING FOR CERTAIN ACTIONS IN RESPONSE TO SUCH VIOLATIONS

Mr. COLEMAN (for himself, Mr. SCHUMER, Mr. LAUTENBERG, Mr. ALLEN, Mr. DEWINE, Mr. BROWBACK, Mr. NELSON of Nebraska, Mr. NELSON of Florida, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 76

Whereas the Government of Iran concealed a nuclear program from the International Atomic Energy Agency (IAEA) and the international community for nearly two decades until it was revealed in 2002;

Whereas the Government of Iran has repeatedly deceived the IAEA about a variety of nuclear-related activities, including uranium enrichment and laboratory-scale separation of plutonium;

Whereas the Government of Iran recently removed IAEA seals from a uranium enrichment facility at Natanz and announced the resumption of “research” on nuclear fuel in

a brazen affront to the international community;

Whereas members of the international community have agreed that the pursuit of uranium enrichment capabilities comprises a “red line” for United Nations Security Council referral that has now been unequivocally crossed by Iran;

Whereas this provocation represents only the latest action by the Government of Iran in a long pattern of intransigence relating to its nuclear program, including its violation of an October 2003 agreement with the United Kingdom, Germany, and France (the “EU-3”) only months after the agreement was signed, its unilateral violation of the 2004 agreement with the EU-3 to suspend its enrichment program (commonly known as the “Paris Agreement”), its failure to provide IAEA inspectors access to various nuclear sites, and its refusal to answer outstanding questions related to its nuclear program;

Whereas the regime in Iran has made clear the nefarious intentions behind its nuclear program in a series of inflammatory and reprehensible statements, including calling for Israel to be “wiped off the map” at a conference titled “A World without Zionism” and asserting that the Holocaust was a “myth” and that Israel should be transferred to Europe;

Whereas previous activities of the regime, including the sponsorship of terrorist groups such as Hezbollah, Hamas, and Islamic Jihad through the provision of funding, training, weapons, and safe haven and the destabilization of neighboring countries such as Iraq, Israel, and Lebanon, indicate that a nuclear-armed Iran would pose an unprecedented threat to the national security of the United States;

Whereas the Director General of the IAEA, Mohamed El Baradei, has publicly stated that once the Government of Iran perfects its capability to produce nuclear material and completes a parallel weaponization program, it would be only months away from building a nuclear bomb;

Whereas the Institute for Science and International Security, a Washington, D.C., nonproliferation advocacy group, released a January 2, 2006, satellite photograph showing extensive new construction at the Natanz facility;

Whereas the IAEA Board of Governors passed a resolution on September 24, 2005, indicating that Iran’s noncompliance with its IAEA obligations would result in the referral of Iran to the United Nations Security Council under Article XII.C of the Statute of the IAEA;

Whereas each member of the EU-3, the leading partner of the United States in diplomatic efforts regarding Iran’s nuclear pro-

gram, has publicly stated its intention to refer Iran to the United Nations Security Council and called for an “extraordinary meeting” of the IAEA Board of Governors on February 2, 2006;

Whereas the Governments of China and Russia have expressed agreement with the United States and the EU-3 that the Government of Iran has violated its commitments to the IAEA;

Whereas China and Russia sit on the United Nations Security Council, and their cooperation would be required to enact any substantive Security Council measures against the Government of Iran; and

Whereas the Government of Iran has demonstrated no interest in Russia’s offer to enrich Iran’s uranium feedstock into power plant fuel on Russian territory, further demonstrating its aversion to compromise:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) categorically condemns the Government of Iran for its flagrant violations of 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”);

(2) calls for the immediate suspension of all uranium enrichment activities of the Government of Iran;

(3) supports calls for an emergency meeting of the Board of Governors of the IAEA for the purpose of immediately referring Iran to the United Nations Security Council;

(4) calls on all nuclear suppliers to cease immediately cooperation with Iran on nuclear materials, equipment, and technology; and

(5) calls on the Governments of Russia and China to demonstrate that they are responsible stakeholders in the international community by supporting efforts to refer Iran to the United Nations Security Council and by taking appropriate measures in response to Iran’s violations of its commitments under the Nuclear Non-Proliferation Treaty.

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ADJOURNMENT UNTIL 10 A.M.,
TUESDAY, JANUARY 24, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will stand in adjournment until 10 a.m. on Tuesday, January 24, 2006.

Thereupon, the Senate, at 10 o’clock and 10 seconds a.m., adjourned until Tuesday, January 24, 2006 at 10 a.m.