

at \$1.8 trillion. But, regrettably, its liabilities exceeded its assets and the Federal Reserve Bank of New York had to step in and rescue it when the value of its assets plummeted.

Most recently, two Bear Stearns hedge funds, based in the Cayman Islands, but run out of New York, collapsed without any warning to its investors. Because of the location of these financial institutions—in a secrecy jurisdiction, outside the U.S. safety net of appropriate supervision—their desperate financial condition went undetected until it was too late.

Of course, BCCI Overseas, which was part of the then largest bankruptcy in history, was also “chartered” in the Caymans.

We have to learn from our mistakes. Any significant infusion to the financial system must carry assurances that it will not add to the pool of money beyond the safety net and supervisory authority of the United States. Moreover, the trillions of dollars currently offshore and invested in funds that could impact the American economy must be brought under appropriate supervision.

If Congress and Treasury fail to bring under U.S. supervisory authority the financial institutions and transactions in secrecy jurisdictions, there will be no transparency with the inevitable consequences of the lack of transparency—namely, a repeat of the unbridled greed and recklessness that we now face. Because of the monolithic character of world financial markets, a default crisis anywhere becomes a default crisis everywhere.

#### HONORING OUR ARMED FORCES

Mr. DODD. Mr. President, I rise with great sadness and a heavy heart to remember a young man and a great American. Army 1LT Thomas Brown, a native of Shelton, CT, was killed in action in Iraq a few days ago—the 41st citizen of my State to lose his life in the Iraq or Afghanistan wars. He was 26 years of age.

We honor the sacrifice of all our men and women who give their lives serving this country. But it is never easy to lose someone so young—especially someone for whom life so clearly had much more in store.

As a teenager, Lieutenant Brown attended Notre Dame Catholic High School in Fairport, where it has been said he was all but inseparable from his twin brother, Timothy. He was an honor student and an athlete.

He would graduate from George Mason University in 2004, and like so many young people, he was eager to serve his country—to give something back. He attended Ranger school, Airborne school and officer candidate school.

This young man would go on to serve in the Army's 2nd Battalion, 6th Infantry Regiment, 2nd Brigade Combat Team of the 1st Armored Division. There, I understand, Lieutenant Brown earned great respect and admiration from his fellow soldiers.

Lieutenant Brown was known among his comrades as an officer who led by example, not by order, and was immensely proud to serve his country in the U.S. Army. He was also known for his passionate love of the Boston Red Sox, and for his truly generous spirit.

In recognition of his heroic service and sacrifice, Thomas Brown was post-

humously awarded the Bronze Star Medal and the Purple Heart.

One of the saddest facts in this young soldier's passing is that he was due to take leave and return home in 3 short weeks to visit his friends, family and girlfriend. He wanted nothing more than the chance to visit home.

Timothy Brown said recently of his brother: “He wanted to make a difference.”

Let the record show that 1LT Thomas J. Brown, in his 26 short years on this Earth, did make a difference—and that we are forever grateful for the remarkable contributions he made to the country he did so love.

#### U.S.-INDIA NUCLEAR COOPERATION AGREEMENT

Mr. CASEY. Mr. President, I want to convey some brief remarks regarding my views on the United States-India civil nuclear cooperation agreement. I cast a “yes” vote on this agreement, but not without some serious reservations regarding the likely damage this agreement will do to the global nuclear nonproliferation regime.

I had the opportunity to visit India earlier this year, spending a day meeting senior government leaders in New Delhi and another day in Hyderabad, where I witnessed first hand the dynamic entrepreneurship that has recently transformed India into an economic powerhouse, albeit with still extreme poverty. Let me be clear: The United States and India, sharing a common commitment to democracy and personal freedoms, are natural allies. I congratulate President Bush for building upon the initial steps taken by his predecessor, President Clinton, in nurturing closer ties between our two great nations and laying the building blocks for an enduring strategic partnership.

India's exclusion from global trade in civil nuclear energy, a direct consequence of its 1974 nuclear weapons test utilizing equipment and materials imported for a civilian energy program, represented a continuing thorn to an otherwise blossoming United States-Indian relationship. Right or wrong, it was always the United States that was viewed as the leading advocate of the firewall between India and global nuclear trade—even though India never signed the Nuclear Non-Proliferation Treaty, NPT. So I understand why a resolution to this issue was necessary if the United States and India were to achieve a genuine partnership that could endure in coming decades.

My strongest criticism of the United States-India nuclear cooperation agreement is that, in exchange for a historic exception to the principle that those states that refuse to abide by the Nuclear Non-Proliferation Treaty cannot enjoy the fruits of global civilian nuclear trade, the United States did not ask enough in return from the Indian Government. We could have

pressed New Delhi to sign the Comprehensive Test Ban Treaty and forswear all future nuclear weapons tests. But we did not. We could have urged New Delhi to agree to a national moratorium on production of nuclear fissile material, linking that moratorium to a similar pledge by Pakistan. But we did not.

I worry over the message this agreement sends to states like North Korea and Iran. Are their leaders to believe that, with the passage of time, one day the international community will also accept their nuclear weapons programs as a de facto reality and move to accommodate such programs? How do we convince the international community to demonstrate solidarity against Iran's violations of the NPT while giving a pass to India's refusal to abide by this very same treaty? Of course I am not equating the two states—India is a democratic regime, a friend of the United States, and a force for stability in the world. There is no comparison. But I am concerned when we begin to divide the world into “good” proliferators and “bad” proliferators—instead, we need to send the message that all nuclear proliferation harms our security and increases the odds that a nuclear weapon will one day be used and kill millions.

Nevertheless, at every step of the process over the last 3 years, administration officials often appeared excessively sensitive to the need to smooth over domestic political concerns in India while downplaying concerns expressed by nonproliferation experts. So I congratulate Chairman BIDEN and Ranking Member LUGAR for their persistence in ensuring this final agreement is a real improvement over initial administration proposals. The legislation before us clarifies some of the deliberate ambiguities contained within the Article 123 United States-India agreement and the international exemption for India provided by the Nuclear Suppliers Group.

The United States-India civil nuclear initiative is a flawed agreement. Nonetheless, I am casting a “yes” vote for this legislation for two primary reasons. First, in many respects, the damage to the global non-proliferation regime has already been done. The decision taken last month by the Nuclear Suppliers Group to provide a universal exemption to permit India to participate in civil nuclear trade means that, even if the United States Congress were to reject this agreement, other nations like Russia and France are free to initiate their own civilian agreements with India. The net result of a United States rejection would likely only ensure that United States companies—and United States workers—will be unable to participate in the fruits of civilian nuclear trade with India.

Second, a “no” vote on this agreement will be unfairly construed as a rejection of a broader strategic alliance between the United States and India. Through his rhetoric and actions,

President Bush unwisely has transformed this nuclear cooperation agreement into the centerpiece of our bilateral relationship with New Delhi. In doing so, he has ignored the broad range of areas on which the United States and India can and should cooperate—ranging from science and technology to economic and business partnerships. In the security realm, our two nations should be doing more together on counterterrorism, especially in the wake of the devastating attacks in India over the past year.

I strongly believe in the promise of the future partnership between our two great nations. I am voting in favor of this agreement, despite its serious nonproliferation flaws, because I do not want to jeopardize that emerging alliance that can bring so many benefits to both of our peoples.

Mr. REED. Mr. President, I would like to take a few moments to discuss my vote against the India Nuclear Agreement.

In 2006, I voted in favor of the Henry J. Hyde United States and India Nuclear Cooperation Promotion Act, primarily because of the safeguards included in the act that would ensure that assistance to Indian's civilian nuclear program to meet its domestic energy needs, would not assist the Indian nuclear weapons program. Unfortunately, I do not believe that the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act that we voted on last night has the full scope of necessary protections.

India is the largest democracy in the world. Its economy is growing by 8 percent annually. Their domestic energy needs are enormous and they simply do not have enough indigenous resources to meet them. India is an important ally and our nation has benefitted from a strong trade and defense relationship for decades. Furthermore, my State of Rhode Island has prospered because of a vibrant Indian community. I believe that the United States should do all that it can to assist India and further strengthen the partnership between the two countries.

However, our country's relationship with India must be balanced with concerns about nuclear proliferation and the stability of the Middle East and Asia.

I believe that proliferation of nuclear weapons and weapons material and technology is the greatest threat facing our country today. The most effective method of controlling such proliferation is a multilateral regime where all countries are subject to the same standards.

The agreement that was approved by the Senate last night establishes a separate and unique regime for India. This particular agreement would allow India to be treated like a nuclear weapons state but not impose upon India the responsibilities and commitments placed on other nuclear weapons states. As such I believe that this particular

agreement is flawed. This agreement has the potential to actually weaken the carefully constructed, long-standing nuclear nonproliferation regime that the world depends on to prevent the spread of nuclear weapons.

This agreement does provide some benefits. Under this agreement India will put 14 of its nuclear reactors under safeguards agreements with the International Atomic Energy Agency, the IAEA. This will help to ensure that these reactors and the fuel supplied to them will be used only for the peaceful production of nuclear power. In addition the IAEA will bring its expertise to help to improve the operational safety of the reactors.

On the other hand the rest of India's nuclear reactors will not come under the IAEA and these reactors can be used as India wishes to produce power or to produce more material for nuclear weapons. But it is troublesome to me that India retains the right to deny IAEA access to some or all of the reactors that it has now agreed will come under IAEA agreements.

While this agreement will help India with its energy needs, India is also now free to use its limited indigenous uranium for to support a build up of its nuclear weapons stockpile. India has specifically preserved its ability to increase the number of nuclear weapons in its arsenal, its ability to increase the amount of nuclear weapons materials that it produces and its right to conduct a test of a nuclear weapon.

While India has a voluntary moratorium on testing, India still refuses to sign the Comprehensive Test Ban Treaty and to support a fissile material cutoff treaty. Finally, I am greatly concerned about the effect this agreement will have on the region, particularly the reaction of Pakistan. Pakistan will undoubtedly seek a similar agreement if it perceives an increased threat from India. Pakistan may seek to partner with China—and the United States would have few grounds to protest. In such a case, Pakistan will have additional access to nuclear technology.

While I believe that the United States should help India with its urgent energy needs, I believe we missed an opportunity to provide assistance with adequate and necessary safeguards in place. For these reasons, I reluctantly decided to vote against this agreement. It is my hope that the United States and India continue to work together to make the world safer from nuclear proliferation.

#### IN MEMORIAM: PAUL NEWMAN

Mrs. BOXER. Mr. President, I am honored to remember a great American icon who was a renowned actor, activist, and philanthropist—Paul Newman, who passed away on September 26, 2008, at the age of 83.

Paul's movie career spanned five decades, acting in over 65 films. He captivated all of America with his natural on-screen talent and his off-screen abil-

ity to give to others. He was more than an incredibly gifted, Academy Award-winning actor; his zeal for life was evident through his remarkable charitable work and favorite pastimes.

Paul Leonard Newman was born in Shaker Heights, OH, on January 26, 1925, to Arthur and Theresa Newman. Though he hoped to be a professional athlete, his gift for the performing arts showed early as he acted in grade school and high school plays. After high school he served in the U.S. Navy Air Corps and eventually went on to study theatre at prestigious institutions such as the Yale School of Drama and the famous Actor's Studio in New York.

In the 1950s his acting career began in theatre and television. He moved to films and was eventually nominated for 10 Oscars—winning Best Actor for "The Color of Money" and also two honorary Oscars. He played many major roles in classic American films such as "Exodus," "Hud," "Butch Cassidy and the Sundance Kid," "The Verdict," "The Sting," and "Absence of Malice." His legendary performances will forever entertain and captivate the American imagination.

Paul was not only an iconic actor, but he also fervently cared about our Nation. He opposed the Vietnam war and ardently favored civil rights and equality. In addition he was a world-class race car driver, and a flourishing nonprofit entrepreneur. He founded the popular Newman's Own line of food products 25 years ago, and 100 percent of its profits are donated to charities around the world. Among those charities are the Hole in the Wall Camps that Paul helped to create over 20 years ago. These camps allow for a carefree experience for children with illnesses. Newman's Own has raised \$250 million so far.

When his son, Scott, tragically passed away, Paul established the Scott Newman Center in 1980 to prevent drug abuse through educating children. He also helped to cofound the Committee Encouraging Corporate Philanthropy, a consortium of global CEOs in support of corporate giving. Paul Newman lived his life by giving to others and encouraging others to give.

He is survived by his wonderful wife of 50 years, award-winning actress Joanne Woodward; five daughters, Susan, Stephanie, Melissa, Nell, and Clea; two grandchildren; and his brother Arthur. I send my deepest condolences to them.

Our Nation lost an amazing talent and humanitarian with the passing of Paul Newman, but his legacy to the State of California and to all of America will live on.

#### GAO SLOT AUCTION RULING

Mrs. MURRAY. Mr. President, as chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related