are confident we will be able to restore the circulatory system, if you will, and regain health for the economy—the body, if you will—and get the problem fixed for the American people.

I said yesterday that we are going to fix this problem this week. The Senate will speak tonight. We will send to the House a package that, if passed, will address the issue.

We will have demonstrated to the American people that we can deal with the crisis in the most difficult of times—right before an election, when the tendency to be the most partisan is the greatest. But we are in the process of setting that aside, rising to the challenge—both Democrats and Republicans—and doing what is right for the American people.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

## CORRECTION TO APPOINTMENT

Mr. DODD. Mr. President, I ask unanimous consent that action on the appointment of Rainier Spencer made yesterday be corrected to reflect that is an appointment made on behalf of the majority leader and that correction be printed in the RECORD.

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

## UNITED STATES-INDIA NUCLEAR COOPERATION APPROVAL AND NONPROLIFERATION ENHANCEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 7081, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 7081) to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am standing in today, my colleagues should be aware, for Senator BIDEN, who is the chairman of the Foreign Relations Committee. As most of the world is aware, he is otherwise occupied.

As the ranking Democrat next to him, I have been asked to assume the responsibility of bringing this matter before the Senate. Senator BIDEN has spent a great deal of time on this issue, along with his friend and colleague, the former chairman, Senator LUGAR, as have other Members as well.

Today we will talk about this issue, the importance of it, the action taken by the House of Representatives under the leadership of HOWARD BERMAN, the chairman of the Foreign Affairs Committee of that body.

I have a letter from the Secretary of State, as well as other supporting information, that leads us to the conclusion that this bill ought to be passed, and passed, I hope, overwhelmingly by this body because of the message it would send not only to the people and the Government of India but others as well about the direction we intend to take in the 21st century about this matter.

I will share some opening comments, and I will turn to my colleague, Senator LUGAR, for any comments he has, and then Senator DORGAN and Senator BINGAMAN—at least two people I know who have amendments they wish to have offered. I know they have comments and thoughts they have to share on this subject matter as well.

In addition to Senator LUGAR and Senator BIDEN on the committee, there are other Members as well who expressed a strong interest in the subject matter—not necessarily an agreement with this proposal but nonetheless should be recognized for their diligence in paying attention to the issue. Senator FEINGOLD of Wisconsin and Senator BARBARA BOXER of California have demonstrated a real interest and concern about this issue.

I want to speak for a few minutes about Representative Henry Hyde. I was elected with him in 1974 to the House of Representatives. He is no longer with us, but nonetheless he made a remarkable contribution as a Republican Member of the House of Representatives, not the least of which was this one, on the Hyde amendment, which will be discussed, I presume, at some length today as we talk about this bill, H.R. 7081, the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Agreement.

I rise to urge passage of this bill, approving the United States-India peaceful nuclear cooperation agreement. On this past Saturday, the House of Representatives passed this bill by a margin of 298 to 116, a resounding vote in support for this agreement.

This agreement with India is as important as it is historic. This bill enables the United States and India to chart a new course in relations between our two great democracies.

There are compelling geopolitical reasons to move forward with this relationship. India has become a major actor in the world.

Why don't we put up this map. One of the things I thought I would do is put up a map. I know everyone knows exactly where these countries are located, but I think sometimes it can be helpful to remind people of the tremendous importance of India's location in Asia, sharing borders with many countries—certainly China and Pakistan and in close proximity with Afghanistan, a very fragile part of the world.

If you look at this map—I will leave it up for a good part of the day—you will appreciate, aside from the agreement itself, the strategic importance of this relation for the United States.

India has become a major actor in the world, and it increasingly sees itself in concert with other global powers, rather than in opposition to them.

Indian Prime Minister Singh, who visited Washington just last week, has devoted energy and political courage in forging this agreement, and in seeking approval for it in India. Put simply, he has placed himself and his political party on the line.

In India, the political symbolism of the agreement is extremely important. It addresses the most divisive and longstanding issue between our two countries dating back to 1974. Most important, the agreement addresses India as an equal—a point that looms large in India, where there are strong memories of a colonial past and of tensions with the United States during the Cold War.

Some of the debate in India focused on whether the agreement with the United States would hamper India's nuclear weapons program. But much of the give-and-take was really about a more basic question—whether it was really time for India to work cooperatively with Western countries. Reaching an accord on nuclear status has been wrenching for India, despite the favorable terms that some say India obtained.

This agreement is indicative of a new era in Indian foreign policy—an era in which India will see all the world's powers as potential partners in efforts to address its own needs and the needs of others. I believe that this new era will bring increased stability and progress to South Asia. I see the bill before us as approving far more than just a nuclear agreement. Among other things, it will set the stage for a stronger U.S.-India relationship, which will be of critical importance to our country in the 21st century.

The Committee on Foreign Relations held an in-depth hearing on the U.S.-India agreement last month. The committee, along with the House Committee on Foreign Affairs, worked closely with the administration to address technical concerns expressed about the agreement. This extraordinary consultation resulted in a bill that will improve U.S. implementation of the accord and assure that nuclear non-proliferation remains at the core of U.S. foreign policy. Our committee approved a bill identical to the House-passed bill by a vote of 19-to-2. I commend chairman HOWARD BERMAN in the House and Senator LUGAR for his leadership as well.

This agreement is not a partisan issue. President Clinton launched the initiative, and President Bush pushed it to fruition. It had strong support on both sides of the aisle in 2006, when we voted on the Henry J. Hyde Act, establishing the underlying principles and requirements of this accord. Indeed, 85

members of the Senate supported the Hyde Act, and only 12 voted against it. I believe the resulting agreement has strong support today.

I mentioned Henry Hyde arrived in Congress in 1975, along with some 74 of us elected in that fall of 1974. I had a wonderful relationship with Henry Hyde. We served together in the House and then during our respective tenure in that body, and then in this body. As I mentioned earlier, Henry Hyde was a remarkable Member of Congress and accomplished many things. He was controversial in some ways but a person of deep conviction, deep personal convictions, and he brought that conviction to everything he engaged in as a matter of public policy.

We probably would not be in as strong a position today to talk about this agreement had it not been for the Hyde Act. So I would be remiss this morning in discussing this if we didn't pay tribute to Henry Hyde and his contribution to this very issue. I want the record to reflect my appreciation for the work this man did on behalf of all of us by drafting and supporting and insisting upon the adopting of the Hyde Act.

Mr. President, throughout our work on this agreement we have sought to address concerns expressed in the United States as well as in India. Some nuclear nonproliferation experts have voiced a fear that it would lead India—and then India's neighbors—to increase the production of nuclear weapons. Some experts have warned that giving India the right of peaceful nuclear commerce, despite its refusal to sign the Nuclear Non-Proliferation Treaty, could undermine the world's willingness to abide by that vital treaty and to enforce compliance with it. We have been consistently vigilant to such risks, and the Hyde Act and this bill give us the tools to remain so in the future.

The process that led to the U.S.-India agreement was undertaken with an eye to achieving progress on nonproliferation issues. Pursuant to a declaration issued in July 2005 by President Bush and Prime Minister Singh, it is important to note the following:

India has improved its export control law and regulations;

India has moved to adhere to the guidelines of the Nuclear Suppliers Group and the Missile Technology Control Regime;

India has affirmed that it will not transfer equipment or technology for uranium enrichment or spent fuel reprocessing to any country that does not already have a full-scale, functioning capability;

India has reaffirmed, both to the United States and to the Nuclear Suppliers Group, its unilateral moratorium on nuclear testing;

India has initialed, and intends to sign, a safeguards agreement with the IAEA;

India has begun to negotiate an Additional Protocol to that safeguards agreement; and

India will bring under IAEA safeguards over a dozen existing or planned nuclear facilities that were not previously subject to safeguards.

The bill before the Senate provides additional measures that guide the implementation of the agreement, and they are worthy of note.

This agreement reaffirms that our approval of the agreement is based on U.S. interpretations of its terms. In other words, it reaffirms that President Bush's assurances about fuel supplies are a political commitment—and are not legally binding.

It requires the President to certify that approving this agreement is consistent with our obligation under the Nuclear Non-Proliferation Treaty not to assist or encourage India to produce nuclear weapons.

Before the Nuclear Regulatory Commission can issue any licenses under this agreement, India's safeguards agreement with the IAEA must first enter into force. In addition, India must file a declaration of civilian nuclear facilities under the safeguards agreement that is not ''materially inconsistent'' with the separation plan that India issued in 2006. We know that there will be some changes, because the 2006 plan envisioned safeguards beginning that year—rather than 2 years later. But this guards against a declaration that flatly contradicts India's promises.

The bill also requires prompt notification of the Foreign Relations Committee if India should diverge from its separation plan in implementing its safeguards agreement.

The bill establishes a procedure for congressional review—and possible rejection—of any ''subsequent arrangement'' under the agreement that would allow India to reprocess spent nuclear fuel that was derived from U.S.-supplied reactor fuel or produced with U.S.-supplied equipment. Article 6 of the India agreement anticipates such a subsequent arrangement if India builds a new reprocessing facility dedicated to its civilian nuclear power sector. Congress should have a special role in this, because spent fuel reprocessing can produce weapons-grade plutonium. This is an improvement over current law, which allows such arrangements to take effect 15 days after public notice is given in the Federal Register.

The bill requires the President to certify that it is U.S. policy to work in the Nuclear Suppliers Group to achieve further restrictions on transfers of enrichment and reprocessing equipment or technology.

The bill also directs the President to seek international agreement on procedures to guard against the diversion of heavy water from civilian to military programs. The India agreement has protections for heavy water that the United States may supply, or that is produced with U.S.-supplied equipment. We need to get supplier countries to adopt similar standards. This was the subject of some lengthy conversation at the committee hearing on this very matter, talking about the heavy water issue and what can be produced by that. I left the hearing confident that the administration intends to pursue these matters very aggressively.

The bill requires regular reporting on the executive branch progress in its efforts on enrichment and reprocessing limits and protecting against heavy water diversion.

That is a lot to consume. I will be happy to make this available to my colleagues to review—staff have worked on this very diligently over the last number of years—to respond to any Member or staff member about any of this. It is somewhat complicated when you get into the issue of heavy water and physics. Nonetheless, there are matters I want the Members to be confident about when they consider their vote on this very important bill.

So, again, I wish to thank the administration, and I will ask unanimous consent, if I may—this is a letter which we received from the State Department, from Secretary of State Condoleezza Rice, expressing the strong support of the administration for this agreement.

I ask unanimous consent that this letter be printed in the RECORD.

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

(See exhibit 1.)

Mr. DODD. As I mentioned earlier, of course, I'd like to express my gratitude to Senator BIDEN for his remarkable work on this effort, along with Senator LUGAR. Obviously, this team who has worked so closely together on so many issues, but this one is of extreme importance. Again, I urge my colleagues to be supportive of it. We have a chance to get this done.

There are those who will argue for delaying and waiting later, but I think the moment is here. Again, this is an important message to send. As I mentioned earlier, I am not sure my colleagues are aware of this, but Prime Minister Singh showed remarkable courage as the Prime Minister of that country in forging this agreement. I think our response to it is important—not that we ought to sign on to it for that reason—but it is important, how important this relationship is.

Again, I draw the attention of my colleagues to this map behind me and the central role, geographically, this great and mature democracy holds in this part of the world, where in many cases there is something far less than a strong and mature democracy. To have a good, strong relationship with this great country in this century will be of critical importance, I believe, to our safety as a nation and the safety of mankind.

So this agreement transcends a bilateral relationship. It goes far deeper than that, reaches far broader than the boundaries of two countries separated by the great distance but allows us, for

the first time in some 35 years, to once again grow closer together as two greet democracies.

The tension between our countries has been there for these past 35 years. Tonight we will have an opportunity to put that behind us and to build a new relationship.

For that reason, this agreement also has great significance and import.

THE SECRETARY OF STATE,
*Washington, October 1, 2008.*

Hon. HARRY REID,
*U.S. Senate.*

DEAR SENATOR REID: I am writing to express support for the ''United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act'' (H.R. 7081). I very much appreciate your consideration of this important bill within such an extraordinary timeframe. We would not be asking for such exceptional action if we did not believe it was necessary to complete an initiative on which both the Administration and Congress have worked very hard, and on a thoroughly bipartisan basis, since 2005.

The U.S.-India nuclear agreement marks the culmination of a decade-long process. Two successive Administrations have sought to improve U.S.-India relations and adapt American policy to India's emergence on the international stage. For the United States, passage of this legislation will clear the way to deepen our strategic relationship with India, open significant opportunities for American firms, help meet India's surging energy requirements in an environmentally friendly manner, and bring India into the global nuclear nonproliferation mainstream.

I encourage you to pass H.R. 7081 without amendment. The current bill advances the U.S.-India relationship while enhancing nonproliferation efforts worldwide. Amendments would unnecessarily jeopardize the careful progress we have achieved with India at a time when I believe it is important for us to seize the significant momentum we have created in the U.S.-India relationship.

I understand that some Senators have questions about the impact of an India nuclear test on this initiative. We believe the Indian government intends to uphold the continuation of the nuclear testing moratorium it affirmed to the United States in 2005 and reiterated to the broader international community as recently as September 5, 2008. Let me reassure you that an Indian test, as I have testified publicly, would result in most serious consequences.

Existing in U.S. law would require an automatic cut-off of cooperation, as well as a number of other sanctions, if India were to test. After 60 continuous session days, the President could waive the termination of cooperation if he determined that the cut-off would be ''seriously prejudicial'' to nonproliferation objectives or ''otherwise jeopardize the common defense and security.'' We believe existing law strikes the proper balance in responding to a nuclear test, and it is consistent with the approach adopted by the Nuclear Suppliers Group when it adopted the exception for India in early September.

Please allow me also to reiterate what I told Congress on April 5, 2006, when this same question arose: ''We've been very clear with the Indians . . . should India test, as it has agreed not to do, or should India in any way violate the IAEA safeguard[s] agreements to which it would be adhering, the deal, from our point of view, would at that point be off.''

Encouraging India's sustained commitment to its moratorium on nuclear testing will be important to the strategic partnership the United States now seeks to build with India. Congress and the Administration have carefully addressed testing concerns in the Hyde Act, the U.S.-India 123 Agreement, and the testimony of Administration officials.

We have an unprecedented and historic opportunity before us to help shape the 21st century for the better. With this legislation in its current form, the Senate can help ensure that the United States and India complete the journey we began together three years ago. You can also help ensure that U.S. industry—just like its international counterparts—is able to engage with India in civil nuclear trade.

Sincerely,

CONDOLEEZZA RICE.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I wish to congratulate Senator DODD for his leadership in the Foreign Relations Committee as we took up this historic agreement. He and I both congratulate Prime Minister Singh, our President, President Bush, and Secretary Rice for their advocacy.

This is, indeed, a historic day and a historic moment in the relationship between the United States and India, a very important partnership for world peace.

Today we consider the United States-India Peaceful Nuclear Cooperation Agreement. This is one of the most important strategic diplomatic initiatives undertaken in the last decade. By concluding this pact, the United States has embraced a long-term outlook that will give us new diplomatic options and improved global stability.

The legislation we are considering approves the 123 Agreement that will allow the United States to engage in peaceful nuclear cooperation with India, while protecting U.S. national security and nonproliferation efforts, as well as congressional prerogatives.

It is an opportunity to build a strategic partnership with a nation, India, that shares our democratic values and will exert increasing influence on the world stage.

Last Saturday, September 27, the House of Representatives voted 297 to 117 to approve this agreement. Senate approval would be the capstone to more than 3 years of efforts in the United States and India and around the world.

By embracing this agreement, India's leaders are seeking to open a new chapter in the United States-India relations and reverse decades of fundamental disagreement over the nonproliferation regime. India has created a new national export control system; promised to maintain its unilateral nuclear testing moratorium; pledged to work with us to stop the spread of enrichment and reprocessing technologies; proposed to separate its civilian and military facilities and committed to place its civilian facilities under IAEA safeguards.

If approved, an agreement will allow India to receive nuclear fuel technology and reactors from the United States, benefits that were previously denied to India because of its status outside the Nuclear Non-Proliferation Treaty.

The benefits of this pact are designed to be a lasting incentive for India to abstain from further nuclear weapons tests and to cooperate closely with the United States in stopping proliferation.

The 123 Agreement was submitted by President Bush on September 10, 2008. Last week, the Foreign Relations Committee voted 19 to 2 to report this bill, approving the agreement to the full Senate. The bill the House voted on Saturday was almost identical to the bill approved by the Senate Foreign Relations Committee.

Now, 2 years ago, the Senate voted 85 to 12 to approve legislation that set the parameters for the 123 Agreement we are considering today. The House voted 359 to 68 to approve companion legislation. At the time, the Foreign Relations Committee undertook an extensive review of the agreement and its context. We held three public hearings with testimony from 17 witnesses, including our Secretary of State, Condoleezza Rice.

We received a classified briefing from Under Secretaries of State Nick Burns and Bob Joseph. Numerous briefings were held for staff with experts from the Congressional Research Service, the State Department, the intelligence community, and the National Security Council.

I submitted 174 written questions for the record to the Department of State on details of the agreement, and I posted those answers on my Web site. The 2006 legislation set the rules for today's consideration of the 123 Agreement between the United States and India.

Unlike the administration's original proposal, the Hyde Act neither restricted nor predetermined congressional action on the 123 Agreement.

We expect India to move quickly to negotiate a new safeguards agreement with the IAEA and then to seek consensus from the Nuclear Suppliers Group in accordance with the Hyde Act. Unfortunately, domestic political divisions in India led to a delay of almost 2 years.

Final action on these two tasks was not completed until earlier this month. India engaged and obtained the approval of a new safeguards agreement with the IAEA on August 1. Nuclear Suppliers Group consensus was received on September 6. Since that time, the administration and both Houses of Congress have worked diligently to evaluate the agreements, answer questions from Members of Congress, and move the process forward.

The Hyde Act required the President to report to Congress on whether India had met seven determinations which are as follows: India has provided the United States and the IAEA with a separation plan for its civilian and military facilities and filed a declaration regarding civilian facilities with the IAEA; India has concluded all legal steps prior to signature for its safeguards agreement in perpetuity with the IAEA; India and the IAEA are making substantial progress in completing

an additional protocol; India is working actively with the United States to conclude a fissile material cutoff treaty; India is working with and supporting the United States to prevent the spread of enrichment and reprocessing technology; and, India is taking the necessary steps to secure nuclear materials and technology; and, the Nuclear Suppliers Group has decided by consensus to permit supply to India of nuclear items under an exception to their guidelines.

Now, 2 weeks ago at a Foreign Relations Committee hearing, Under Secretary of State for Political Affairs Bill Burns, Acting Under Secretary Joan Rood, and the lead U.S. Negotiator, Richard Stratford, provided detailed analysis of the agreement. Members were able to examine the documents accompanying the 123 Agreement and ask questions of witnesses about the Hyde Act, the 123 Agreement's text, the new safeguards agreement, and the Nuclear Suppliers Group decision.

I am convinced the President has met all the required determinations under the Hyde Act. However, the congressional review of the agreement demonstrated that two issues required provisions in the legislation before us.

First, India has not identified in the text of its IAEA safeguards agreement those facilities it will place under safeguards. India has provided a plan for the separation of facilities from its nuclear weapons program to the IAEA, but the plan is nonbinding and appears outdated.

This is not what Congress understood would happen when we approved the Hyde Act. Indeed, in 2006, the administration requested bill language calling on India to file ''a declaration regarding its civil facilities with the IAEA.''

The safeguards agreement containing that declaration was to enter into force before submission of the 123 Agreement to Congress.

Under the Hyde Act, India and the IAEA must conclude:

> All legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices . . . to India's civil nuclear facilities, materials, and programs. . . . including materials used in or produced through the use of India's civil nuclear facilities.

The purpose of this complex provision was to secure the most complete version possible of the safeguards agreement for congressional review. We intended that it be submitted as part of the Presidential determination and waiver report required by the Hyde Act. Unfortunately, by not naming the facilities in the safeguards agreement, there is an open question as to when India will act. This has legal implications because the United States is prohibited by law and our NPT obligations from having nuclear trade with any facility not named in India's safeguards agreement.

In response to this issue, Section 104 of the bill before us requires that licenses may not be issued by the Nuclear Regulatory Commission for transfer of nuclear fuel, equipment and technology until after the President determines and certifies to Congress that, one, the safeguards agreement approved by the IAEA Board of Governors on August 1, 2008, has entered into force; and, two, India has filed a declaration of facilities that is not materially inconsistent with the facilities and schedules described in its separation plan.

The second issue that required a new provision in this legislation is India's desire to reprocess spent nuclear fuel burned in its reactors, including fuel from the United States. Reprocessing can result in the separation of plutonium, which can be used in a nuclear weapon.

The United States permits some NPT members with long histories of strong compliance with the IAEA agreement to reprocess U.S.-origin spent nuclear fuel through a process called programmatic consent.

During negotiations on the 123 Agreement, India requested programmatic consent and the United States agreed. However, the United States made programmatic consent contingent on India establishing a dedicated facility to carry out the reprocessing and an agreement on reprocessing procedures in this new facility.

During the formulations hearings, I asked Acting Under Secretary John Rood if the arrangement that would be negotiated with India to permit reprocessing would be submitted to Congress for review.

Mr. Rood stated: '' . . . yes, that's required under the Atomic Energy Act.''

Permitting spent nuclear fuel from the United States to be reprocessed in India is a complex matter that requires careful implementation. The bill before us today does not block negotiations on such arrangements with India. However, the bill does require a future administration to submit such a ''subsequent arrangement'' to Congress which would have the power to pass a resolution of disapproval.

By addressing these two important matters, I believe this legislation improves congressional oversight for future nuclear cooperation with India and corrects a problem related to the new safeguards agreement India has with the IAEA.

In conclusion, I strongly urge my colleagues to approve the United States-India agreement. The national security and economic future of the United States will be enhanced by a strong and enduring bipartisan with India.

With a well-educated middle class that is larger than the entire U.S. population, India can be an anchor of stability in Asia and an engine of global economic growth.

Moreover, the United States has a strong interest in expanding energy cooperation with India to develop new technologies, cut greenhouse gas emissions, and prepare for declining global fossil fuel reserves.

The United States' own energy problems will be exacerbated if we do not forge energy partnerships with India, China, and other nations experiencing rapid economic growth. This legislation will promote much closer United States-Indian relations while preserving the priority of our nonproliferation efforts. We should surely move forward now.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. DODD. Mr. President, I yield time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the tragedy of 9/11 is indelibly imprinted on the minds of all of us. What is not so well understood or remembered was that one month later, October 2001, something else happened. Graham Allison, someone who has worked on nonproliferation in the Clinton administration, has written a book about it. Time magazine wrote about it in March of 2002.

Here is what they said: A month after 9/11, for a few harrowing weeks, a group of U.S. officials believed the worst nightmare of their lives—something even more horrific than 9/11—was about to come true. In October of 2001, an intelligence report went out to a small number of government agencies, including the Energy Department's top secret nuclear emergency search team based in Nevada.

This is a Time report, but I have it also in a book written by Graham Allison.

The report said that terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and that they planned to smuggle it into New York City. The source of the report was a CIA agent named Dragonfire. Dragonfire's report actually was something that was claimed to be undetermined in terms of reliability. But it was something the CIA agent named Dragonfire had picked up. Dragonfire's claim tracked with a report from a Russian general who believed his forces were missing a 10-kiloton device. Since the mid-1990s, proliferation experts have wondered whether several portable nuclear devices might be missing from the Russian stockpile. That made the Dragonfire report all that more alarming. Detonation of a 10-kiloton nuclear weapon in downtown New York would kill about 100,000 civilians, irradiate 700,000 more, and flatten everything for a half a mile.

So the counterterrorist investigators went on the highest alert, we are told. The search team went to New York City. It was kept secret so as not to panic the people of New York. Mayor Giuliani was not informed. If terrorists had managed to smuggle a nuclear weapon into New York City, the question was, could they detonate it. About

a month later, after this report from a CIA agent named Dragonfire of a nuclear weapon having been stolen by terrorists, smuggled into New York City, about to be detonated, about to kill massive numbers of people, it was determined that perhaps this was not a credible intelligence report. But in the postmortem evaluation, they determined it is plausible to have believed a Russian nuclear weapon could have been stolen. It is plausible to believe, having stolen it, terrorists could have smuggled it into New York City, and plausible to believe they could have detonated it; one low-yield nuclear weapon. There are 25,000 of them on this planet. Think of the apoplectic seizure that occurred in October of 2001 over a report by a CIA agent that he picked up some information about one low-yield nuclear weapon being smuggled into New York City. There are 25,000 nuclear weapons on this Earth.

Our job is to provide the leadership to begin to reduce the number of nuclear weapons. The bill before us will almost certainly expand the production of nuclear weapons by India.

Here is what it says to India: Even as we take apart the basic architecture of nonproliferation efforts, the nuclear nonproliferation treaty, which India is one of three countries that has never signed, even as we take that nonproliferation architecture apart with this bill, we have said to India, with this agreement, you can misuse American nuclear technology and secretly develop nuclear weapons. That is what they did. You can test those weapons. That is what they did. You can build a nuclear arsenal in defiance of United Nations resolutions and international sanctions. After testing, 10 years later, all will be forgiven, and you will be welcome into the club of nuclear powers without ever having signed the nonproliferation treaty.

Let's understand what this does. First, let me say that never has something of such moment and such significance and so much importance been debated in such a short period and given such short shrift: one very brief committee hearing in the Senate and a total of a couple of hours here on the Senate floor today; pretty disappointing.

What this agreement says is, India needs various kinds of equipment and technology to produce and build nuclear powerplants. They need more power, and they want to get it from nuclear powerplants. They have been prevented from accessing the kind of material and equipment to produce those plants because they have not signed the nonproliferation treaty, and they developed nuclear weapons outside of the purview of all of us, misusing American nuclear technology to secretly develop these weapons. Now we have said in an agreement with them, yes, we will allow big companies now to sell you this technology—this is all about big companies being able to access a new marketplace for technology, to sell the technology and the capability to develop nuclear powerplants—we will allow you to do that, and we will have the opportunity in this agreement for you to put eight of your plants behind a curtain that will have no international inspections, which is a green light to say, you may produce additional nuclear weapons.

That is not just a supposition. Almost everybody understands that is going to happen. This agreement does not prohibit them from nuclear tests in a way that would nullify the agreement, if they do test. The Administration's interpretation of this agreement is very ambiguous about that.

I want to go through a couple of points. India would have unlimited ability to import fuel for 14 civilian powerplants under this agreement. That is what they want. They want to produce additional power with nuclear plants. Then it says India could have eight other power reactors behind a curtain that we will not be able to inspect. India can then divert its entire domestic fuel supply to eight military reactors to produce additional nuclear weapons.

What does that mean? It is our agreeing that India, that has never signed the nonproliferation treaty and has tested nuclear weapons and developed nuclear weapons in secret using our technology, is now given an agreement that allows them to build more nuclear weapons. Their neighbor is Pakistan, also possessing nuclear weapons. Pakistan warned the international community yesterday that a deal allowing India to import United States atomic fuel and technology could accelerate the nuclear arms race between India and Pakistan. India and Pakistan have fought three wars since independence from Britain in 1947 and, through a peace process, have stabilized relations since 2004, but they remain deeply distrustful of each other. We have now reached an agreement that says one of them may begin to produce additional nuclear weapons.

UPI—Islamabad, Pakistan: Without naming sources, the Press Trust reported Wednesday that the Pakistani Prime Minister has reported construction of two nuclear powerplants with Chinese assistance. The move appears aimed at counterbalancing a nuclear fuel deal negotiated with India. The decision was made on September 19 in Islamabad. The point is, we will allow you to put eight reactors behind a curtain. We will allow you to produce additional nuclear weapons that we won't know about. Is there a reaction to that? Pakistan has a reaction, to engage with the Chinese.

The United States had agreed that the purpose of the agreement was not to contain India's strategic program but to enable resumption of full civil nuclear energy cooperation. So that is the India separation plan. That is what they say. They say the United States and India agreed the purpose of the agreement is not to constrain India's strategic program. That means they say the agreement is to not constrain India's ability to produce nuclear weapons. That is what that means.

I am going to offer an amendment today that the managers will oppose. The conferees believe there should be no ambiguity regarding the legal and policy consequences of any future Indian test of a nuclear explosive device. That is from a joint statement of the conference of the Hyde Act which passed the Congress. There should be no ambiguity. Here is what the Administration says it thinks the agreement provides: Should India detonate a nuclear explosive device, the United States has the right to cease all nuclear cooperation. Well, we know we have the right. Are we going to do it? No. That is deliberate ambiguity to say if India were to test a nuclear weapon, there is nothing that will require us to decide to nullify this agreement.

Let me say again, the India Prime Minister says the agreement does not in any way affect India's right to undertake future nuclear tests, if necessary.

This is a planet with 25,000 nuclear weapons, tactical and strategic. The suspected loss or stealing of one caused an apoplectic seizure in October of 2001. We have 25,000 of them. Our job as an international leader, a world leader, our job is to begin marching back from the abyss; that is, to reduce the number of nuclear weapons. Instead we are taking apart the basic architecture of nuclear nonproliferation that has served us for many decades. We are saying to India, who has never signed the nuclear nonproliferation treaty, it is OK if you produce additional nuclear weapons we can't see and we don't know about. We are going to sign an agreement that allows you to do that. That is almost unbelievable.

India is a very important trading partner. India is a very important ally for our country. I believe that. I accept that. But this administration and those in the Congress who have agreed to the measure before us today are making a grievous mistake. We will not have second chances with respect to this issue of nuclear weapons. If we don't provide the world leadership to begin marching back from the prospect of terrorists using nuclear weapons, the prospect of nuclear weapons being stolen and developed by terrorist organizations, we will one day wake up and tragically read that a nuclear weapon was exploded in a major city on this planet. This agreement marches in exactly the wrong direction. Do you think this agreement allowing India to produce additional nuclear weapons has no impact on Pakistan, has no impact on China, has no message to the rest of the world? The message is: You can misuse American nuclear technology and secretly develop nuclear weapons. You can test those weapons. You can build a nuclear arsenal in defiance of United Nations resolutions, and

you will be welcomed as someone exhibiting good behavior with an agreement with the United States. What kind of message is that? What message does that send to others who want to join the nuclear club who say: You have nuclear weapons, we want some.

If we don't find a way to begin systematically reducing the number of nuclear weapons and stop the spread of nuclear weapons and try to find every way to prevent a nuclear weapon from ever again being exploded in anger on this planet, one day we will ruefully regret what we have done here.

Again, let me close by saying that never in my life has such a large issue been given such short shrift. This issue has great consequences for this country, the world, and their respective futures for that matter, and this administration is, in my judgment, making a very serious mistake.

Mr. President, how much time remains?

The PRESIDING OFFICER. All time has expired.

Mr. DORGAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I inquire of my colleague from North Dakota, is it the intent of the Senator to offer an amendment at this time or is it later this morning, or what is my colleague and friend's plan?

Mr. DORGAN. Mr. President, I say to the Senator from Connecticut, I am waiting for the Senator from New Mexico to come to the floor. What we are going to do is we are going to combine our two amendments.

Mr. DODD. OK.

Mr. DORGAN. We will still wish to take the 30 minutes each, but we will combine the two amendments and have a vote on one amendment, provided, of course, that meets unanimous consent. But I will, in a few moments, be ready to consume my half hour on this subject if that is your desire. I want to wait for Senator BINGAMAN to come in order to consult. He should be here momentarily.

Mr. DODD. Mr. President, in his absence, why don't we wait. My plan would be to have you do that and make your statements, and I will respond to them at the appropriate time.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, Senator BINGAMAN and I will be combining our amendments into a Dorgan-Bingaman amendment, with other cosponsors, and that is now being put together by legislative counsel. So we will have that here briefly. But why don't I proceed with my 30 minutes. I think Senator BINGAMAN will have 30 minutes. Then apparently there is going to be a response following that, and we will conclude a portion of this debate.

So, Mr. President, on the 30 minutes I now have available, let me read to my colleagues something written by Graham Allison. Graham Allison is someone who has been involved in nuclear nonproliferation with the Clinton administration. He wrote this in a book, and this, by the way, is published in an article. I want to read it. I will quote it:

> One month after the terrorist assault on the World Trade Center and the Pentagon, on October 11, 2001, President George W. Bush faced a more terrifying prospect. At that morning's presidential daily intelligence briefing, George Tenet, the director of central intelligence, informed the president that a CIA agent codenamed ''Dragonfire'' had reported that Al Qaeda terrorists possessed a 10-kiloton nuclear bomb, evidently stolen from the Russian arsenal. According to Dragonfire, this nuclear weapon was in New York City.

Continuing to quote:

> The government dispatched a top-secret nuclear emergency support team to the city. Under a cloak of secrecy that excluded even Mayor Rudolph Giuliani, these nuclear ninjas searched for the bomb. On a normal workday, half a million people crowd the area within a half-mile radius of Times Square. A noon detonation in Midtown Manhattan would kill them all instantly. Hundreds of thousands of others would die from collapsing buildings, fire and fallout in the hours thereafter.

Continuing to quote:

> In the hours that followed, Condoleezza Rice, then national security adviser, analyzed what strategists call the ''problem from hell.'' Unlike the Cold War, when the US and the Soviet Union knew that an attack against the other would elicit a retaliatory strike of greater measure, Al Qaeda—with no return address—had no such fear of reprisal. Even if the president were prepared to negotiate, Al Qaeda has no phone number to call.

Again, continuing to quote:

> Concerned that Al Qaeda could have smuggled a nuclear weapon into Washington as well, the president ordered Vice President DICK CHENEY to leave the capital for an ''undisclosed location,'' where he would remain for weeks to follow—standard procedure to ensure ''continuity of government''. . . .
>
> Six months earlier the CIA's Counterterrorism Center had picked up chatter in Al Qaeda channels about an ''American Hiroshima.'' The CIA knew that Osama bin Laden's fascination with nuclear weapons went back at least to 1992, when he attempted to buy highly enriched uranium from South Africa. . . .
>
> As CIA analysts examined Dragonfire's report and compared it with other bits of information, they noted that the September attack on the World Trade Center had set the bar higher for future terrorist attacks. . . .
>
> As it turned out, Dragonfire's report proved to be a false alarm. But the central takeaway from the case is this: The US government had no grounds in science or logic to dismiss this possibility, nor could it do so today.

Now, think of that. That is a discussion about one low-yield 10 kiloton nuclear weapon allegedly stolen from the Russian stockpile, smuggled into New York to be detonated by terrorists—one nuclear weapon. There are 25,000 on this Earth. One small weapon caused an apoplectic seizure about the prospect of hundreds of thousands of people being killed.

What does that have to do with this? Well, what it has to do with this is we have struggled since the end of the Second World War to try to put a cap on the bottle here and make sure a nuclear weapon is never again exploded in anger—not by a military power, not by a terrorist group. We have tried to prevent the spread of nuclear weapons. We have tried to see if we could find a way to reduce the number of nuclear weapons. We have created something called the Nuclear Non-Proliferation Treaty, the NPT. We have created something called the Nuclear Test Ban Treaty, which I regret to say our country has not ratified. But we have tried to find ways to stop the spread of nuclear weapons, stop the building of additional nuclear weapons.

One of three countries that did not sign the Nuclear Test Ban Treaty was India. They refused to sign it. In these intervening years, what we have discovered about India—a respected ally of ours, a trading partner of ours, a country we hold in high esteem—we have discovered that they misused American nuclear technology to secretly develop their own nuclear weapons. We have discovered that they tested those nuclear weapons. They have defied the United Nations resolutions and international sanctions.

Now we have discovered that an agreement has been reached with the Government of India that all will be forgiven. We will sign a new agreement with you—that I believe unwinds and undoes the entire architecture of nonproliferation of nuclear weapons. All will be forgiven. In fact, what we will do is we will say to you that you can create nuclear powerplants because you need nuclear power, and our corporations and international corporations can sell—this is about business, a lot of business—can sell to you the technology and the construction materials to produce nuclear powerplants. And, oh, by the way, the agreement also says you can have eight nuclear powerplants that are behind a curtain that will never be inspected by international inspectors. That is where you can produce additional nuclear weapons, which the Indian Government wishes to do.

This agreement is an unbelievable mistake. At exactly the moment when this country should exhibit its leadership, its world leadership that is required of this country to not only stop the spread of nuclear weapons but to begin marching back to reduce the number of nuclear weapons, at this exact time, this Government, this administration and this Congress, is saying to an ally: We will give you the green light to produce more nuclear weapons even though you have never signed the nonproliferation treaty. That is almost unbelievable to me.

The nonproliferation treaty prohibits peaceful nuclear assistance to so-called nonnuclear states unless they agree to put all their facilities under international safeguards and give up the option of producing nuclear weapons. With this agreement, we say that does not matter anymore. It does not matter. You do not have to subject these eight plants to international safeguards. You do not have to give up the option of producing nuclear weapons.

The five traditional nuclear powers in the post-Second World War period—Russia, the United States, Britain, France, and China—all have signed the nonproliferation treaty. All other countries are considered to be nonnuclear states according to the nonproliferation treaty.

Article I of the NPT obligates the recognized nuclear weapon states, including the United States, ''not in any way to assist, encourage, or induce any non-nuclear weapons State to manufacture or otherwise acquire nuclear weapons. . . .'' With this agreement, we have decided that does not matter. We have no intention to pay attention to Article I any longer.

Section 128 of the Atomic Energy Act requires all states other than the five I mentioned to have full-scope safeguards as a prerequisite for receiving U.S. civil nuclear exports. That does not matter anymore.

Section 129 of the Atomic Energy Act requires the termination of nuclear exports if a nonnuclear weapon state has, among other things, tested nuclear weapons after 1978. We have said that does not matter anymore.

Section 102 of the Arms Export Control Act requires sanctions on any nonnuclear weapon state that has detonated a nuclear device. That doesn't matter anymore. The United Nations Security Council resolution 1172 condemned India and Pakistan's 1998 nuclear tests. The United States-India agreement says that none of these provisions will be applicable to India anymore, even though it secretly used our technology to develop nuclear weapons and then tested them.

Now, a working nuclear bomb can be produced with as little as 35 pounds of uranium 235 or 9 pounds of plutonium 239. I think nuclear terrorism and the threat of nuclear terrorists gaining access to nuclear weapons represent the gravest security threats to our Nation, bar none.

Retired GEN Gene Habiger, who commanded America's nuclear forces, has said that nuclear terrorism ''is not a matter of if; it is a matter of when.''

In 2006, Henry Kissinger wrote in the Washington Post:

> The world is faced with the nightmarish prospect that nuclear weapons will become a standard part of national armament and wind up in terrorist hands.

It will become a standard part of armament for countries, because they want to possess it, and it will inevitably end up in terrorist hands.

Former Senator Sam Nunn wrote in the Wall Street Journal:

> We know that terrorists are seeking nuclear materials—enriched uranium or plutonium—to build a nuclear weapon. We know that if they get that material they can build a nuclear weapon. We believe that if they build such a weapon, they will use it. We know terrorists are not likely to be deterred, and that the more this nuclear material is available, the higher the risks.

We know Osama bin Laden has been seeking the opportunity and the materials to build nuclear weapons since the early 1990s. In 1998, Osama bin Laden issued a statement titled ''The Nuclear Bomb of Islam,'' declaring:

> It is the duty of Muslims to prepare as much force as possible to terrorize the enemies of God.

I described the book entitled ''Nuclear Terrorism'' written by Graham Allison, an official in the Clinton administration who worked on these issues: The potential stealing of one low-yield weapon terrorizing the country and a city.

Nowhere is the threat of nuclear terrorism more imminent than in South Asia. It is home to al-Qaida, which is seeking nuclear weapons. It is an area where Pakistan and China and India have always had tense relations. All three possess nuclear weapons. India and China fought a border war in 1962. India and Pakistan have fought three major wars and had two smaller scale contests. Both detonated nuclear explosions in 1998 and declared themselves a nuclear power. After that, the world held its breath while India and Pakistan fought a limited war in Kashmir. India is thought to have a modest cache of nuclear weapons at this point. You can go to the journals and get estimates of 25 to 50 or 60 nuclear weapons, but India wants more.

It seems to me that to do this in the absence of an understanding of what it means in the region, and in the absence of what it means to unravel the regime by which we have tried to move toward nonproliferation of nuclear weapons is a dangerous step.

I wish to describe something The New York Times wrote yesterday, and I fully agree: President Bush and his aides were so eager for a foreign policy success they didn't even try to get India to limit its weapons program in the future. They got no promise from India to stop producing bomb-making material, no promise not to expand its arsenal, and no promise not to resume nuclear testing. The Senate should postpone action until the next Congress can figure out how to limit the damage from this deal.

I fully agree with that. I don't have any understanding why we are rushing—with one short hearing before one committee in this Congress—to a short, truncated version on the floor of the Senate, and then agreement.

Here is the agreement: India would have unlimited ability to import fuel for 14 civilian nuclear powerplants, and it could then divert all of its current domestic fuel supply to 8 military reactors which are used for nuclear weapons production, with no international inspection at all.

If anyone thinks this makes sense for our country, I think there is something wrong with that thinking.

Will it have a consequence with respect to Pakistan? I expect so. Pakistan warned the international community in July that a deal allowing India to import United States atomic fuel and technology could accelerate a nuclear arms race between Delhi and Islamabad. They have fought substantial wars before, as I said.

So what does Pakistan do? They go off and they will seek nuclear fuel assistance from China to build 10 nuclear powerplants. Will they be inspected? The move appears aimed at counterbalancing a nuclear fuel deal negotiated this year between India and Western suppliers.

Paragraph 5 of the India separation plan says: The United States and India—this is India's portion of the agreement—had agreed that the purpose of the agreement was not to constrain India's strategic program.

That is a fancy way of saying their understanding is we are not constraining their ability to produce additional nuclear weapons.

Now, the Hyde Act passed the Congress and allowed this negotiation to take place. I didn't vote for it. I was one of a minority who didn't vote for it because it had some huge holes in it, but here is what the conferees said:

> The conferees believe there should be no ambiguity regarding the legal and policy consequences of any future testing of a nuclear explosive device by India.

That is what they said. Here is how the Administration interprets the agreement that is on the floor of the Senate:

> Should India detonate a nuclear explosive device, the United States has the right to cease all nuclear cooperation with India.

We already have that right. But is that ambiguous? It surely is. The Administration doesn't say we are going to shut down or nullify this agreement; it says we have the right to.

The proposition of the Hyde amendment that passed the Congress said it should be unambiguous. No ambiguity. Yet the Administration is deliberately being ambiguous so that if India tests a nuclear weapon, that country may still not be subject to sanctions.

The BJP, which may be India's next ruling party, says:

> The BJP would like to clearly reiterate that any compromise on India's right to nuclear test is wholly unacceptable. Finally, the agreement does not in any way affect India's right to undertake future nuclear tests, if necessary.

This last statement was from the Prime Minister of India. Do we need to say more about what might or might not be here?

Senator BINGAMAN and I are offering an amendment, the Dorgan-Bingaman amendment, with a good number of cosponsors, that makes clear two things. No. 1: If India would test, it would nullify this agreement with respect to United States cooperation. No. 2: Senator BINGAMAN has added—and we are

putting them together—if India were to test a nuclear weapon, the export controls we can enact to deal with other suppliers around the world and their dealings with India should be fully utilized.

Let me go back to where I started for a bit. Probably all of my colleagues have been in the same discussions. I hear people say nuclear weapons are like any other weapon. I hear people say nuclear weapons are usable. I hear people say we need to build new nuclear weapons here in our country. We need to build bunker-buster weapons, nuclear weapons that can go under and bust some caves; Earth-penetrating bunker-buster weapons. Designer nuclear weapons. We have all heard it. This administration has wanted to build new designer nuclear weapons.

Some believe a nuclear weapon is like any other weapon. It is not. It can never be used. To the extent and when it is used, if it is used by a terrorist group or country, nothing on this Earth will be the same.

It was different in the 1940s. The last time a nuclear weapon was used in anger, outside of tests, was to end the Second World War. Then virtually no one else had nuclear weapons. Now we have nuclear weapons spread around this globe. This country has assumed the responsibility for many years—the mental responsibility to try to stop the spread of nuclear weapons. It is a desperate attempt to say: You know what. The only way this planet is going to continue is if we stop the spread of nuclear weapons. Does anybody think if people start lobbing nuclear weapons back and forth, killing millions of people, that this planet survives? I don't. We have 25,000 of them on this planet, and we are going to sign up to an agreement today that says let's produce more? Not us, although we have people here who want to produce more in this country. This says let India produce more in secret. What does that mean to Pakistan? What does that mean to China? What does that mean to that South Asian region? What does it mean to the world?

This is such a truncated debate and such a shame. There are a lot of very interesting, qualified, serious people who ought to be weighing in on this to describe what we are doing here today in terms of the consequences to this planet. What are the consequences to the regime that has existed for many years—five or six decades now—to try to stop the spread of nuclear weapons?

I had a hearing one day in my appropriations subcommittee, because we fund the nuclear weapons portion of the appropriations process in the Department of Energy. In that hearing, someone described the fact that the last time a nuclear weapon was used in a conflict was in 1945, and it has been all of these decades—all of these decades—that we have constrained the use of nuclear weapons. The Soviets and the U.S. built massive stockpiles of nuclear weapons under a doctrine called Mutually Assured Destruction, believing that if either attacked the other, the retaliation would essentially destroy both. The original attack would inflict massive damage on the country that was attacked, but the country that was attacked would also retaliate in a manner that virtually obliterated the attacking country. So that mutually assured destruction represented a standoff during the Cold War with the Soviet Union.

In the meantime, other countries aspired to become nuclear weapons powers, to obtain nuclear weapons, and to this day not only do many countries still desire these things, but now terrorists do as well. So the question is, Who is going to step us back from this cliff? We have a former Secretary of Defense who believes there is about a 50-percent chance that a nuclear weapon—I believe he said a 50-percent chance—will be exploded in a major city within 10 years. I don't doubt that could be the prospect if we don't use all of our energy and all of our leadership capability as a leading nuclear power in this world—a nuclear weapons power in this world—to try to march back from 25,000 nuclear weapons to far fewer nuclear weapons; to try to put up walls by which we will not allow people or countries to proliferate nuclear weapons.

We have a man in Pakistan who is under house arrest, and has been for a long while, Mr. A. Q. Khan, who apparently is a national hero of sorts in Pakistan. He spread nuclear secrets all around the world for money. Our country has never even been able to interview him, to talk to him, to understand where these secrets went. As I said, he is not in prison, he is under house arrest. He is still considered a hero by some.

We have to get serious about this issue of the proliferation of nuclear weapons. We are not getting serious about an issue such as this by dismantling the very structure that has helped us now for some 60 years to prevent the spread of nuclear weapons or at least prevent the use of nuclear weapons.

In the Appropriations Committee hearing I described earlier, I said: We have been lucky, and someone said: Well, it is much more than luck. I said: I agree it is more than luck. It is a regime, it is a structure of nonproliferation that we have worked on. Many administrations worked seriously in this area.

This administration, regrettably, appointed people to positions of authority on nuclear nonproliferation who didn't believe in the mission. They didn't even believe in the mission. The question for us now is: Is this the way forward, to take apart the structure?

When I said we have been lucky, what I meant was that the structure has certainly helped, but we are going to need more than that. We are going to need some good fortune. If we think we can live on a planet with 25,000 nuclear weapons, that somehow, some way, some day, somebody is not going to steal one and detonate it in a major city—we have to be serious about this.

India is a wonderful country. India is an ally of ours. It is an ally of the United States. But that should not justify our deciding to give a green light to India—a country which has never signed the nonproliferation treaty—give the green light to produce more nuclear weapons. That is exactly what this agreement does. No one can stand up in this discussion and say: This agreement doesn't allow a country that has refused to sign the nonproliferation treaty, this agreement does not allow them to produce more nuclear weapons. It does on its face, and everybody knows it. Everybody wants to pretend as though it doesn't exist.

This is a horrible mistake. I am enormously surprised, after so many decades of people talking and thinking seriously about nuclear nonproliferation, that we reward those countries that misuse nuclear technology in order to secretly produce nuclear weapons and secretly test nuclear weapons. We now say to them: By the way, here is your reward, an agreement by which you can continue to do it; an agreement which is written in a way that says we will allow you to produce more nuclear weapons and, oh, by the way, if you test, we won't even put in the agreement that we will nullify it. An agreement we might nullify. We ought to put in the agreement, ''We will,'' which was promised in the conference report.

So maybe I am not capable of understanding the world view of some that allowing an ally of the United States, that has not signed the nonproliferation treaty, to produce additional nuclear weapons is somehow strengthening our country or the world or is good for us. Maybe I missed something, but I don't think so. I think what is missing is the logic and the commitment to nonproliferation of those who negotiated this. What is missing is the determination and the relentless effort by this country to lead in the direction of reducing the number of nuclear weapons and not allowing the production of more.

Mr. President, I yield the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER (Mr. CASEY). Five minutes.

Mr. DORGAN. I reserve the remaining 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I have a consent agreement that would combine the two amendments. I ask unanimous consent that the order with respect to H.R. 7081 be modified to provide that the Dorgan and Bingaman amendments be combined into one amendment; that all debate time specified previously remain available and the amendment be subject to the 60-vote threshold, as provided under the previous agreement.

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