

*Resolved*, That the Senate—

(1) reaffirms its support for the National Moment of Remembrance at 3:00 pm on Memorial Day, created to honor the men and women of the United States who died in the pursuit of freedom and peace; and

(2) urges the people of the United States to observe the National Moment of Remembrance this Memorial Day so that the sacrifices of those who have died are not forgotten and that, as President Abraham Lincoln said, “The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart . . . should swell into a mighty chorus of remembrance, gratitude and rededication . . .”.

Mr. LIEBERMAN. Mr. President, I rise today to submit a Resolution with my good friend, Senator JEFF SESSIONS. Our resolution reaffirms the Senate’s support for a National Moment of Remembrance at 3:00 p.m. on Memorial Day, and calls upon all Americans to observe the National Moment of Remembrance this Memorial Day.

Memorial Day is a holiday unique in the world and distinctly American in spirit.

On Memorial Day we honor no single man or woman—no general or admiral—but generations of Americans who selflessly answered their Nation’s call to defend not national boundaries but a noble cause.

On Memorial Day we pay homage not to a single battle or war, but to the enduring struggle for freedom that stretches from Bunker Hill to Baghdad.

In these challenging times, when we hear almost daily of American servicemen and women who have sacrificed their lives to defend this great Nation, it is especially important that all Americans take a moment on Memorial Day to honor all these fallen heroes who throughout our history have made the ultimate sacrifice so that we may enjoy the freedoms we have today.

Many may not be aware, but Americans began formally recognizing the sacrifice of those who had given their lives in the service of their country in 1868 when General John A. Logan, Commander of the Grand Army of the Republic, designated May 30 as Decoration Day.

The first large observance was held that year in Arlington National Cemetery.

Those early commemorations encouraged Americans to decorate the graves of war dead with flowers. The goal of this, as General Logan eloquently put it, was that “We should guard their graves with sacred vigilance. . . . Let pleasant paths invite the coming and going of reverent visitors and fond mourners. Let no neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic.”

Through Decoration Day, General Logan began a noble tradition that we carry forward to this day.

We in Congress recently sought to reinforce that tradition and encourage all Americans to not lose sight of the meaning of Memorial Day, as Decoration Day has been known since 1971.

In 2000 we passed and the President signed the “National Moment of Remembrance Act” which encouraged all Americans to pause wherever they are at 3:00 p.m. local time on Memorial Day for a moment of silence to remember and honor those who have died in service to their country.

Since we passed that legislation, we have seen our Nation attacked.

Once again our fighting men and women have responded to the call to defend their Nation. They have done so magnificently. Their courage and valor are inspiring and are important reminders that we must continue to support those that fight, and honor those who have fallen.

We honor our heroes who founded and preserved our Nation and have since carried the torch of freedom into corners of the world where people huddled under tyranny’s dark shadows.

We honor these heroes with the words of President Abraham Lincoln in our heart when he said: “The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart . . . should swell into a mighty chorus of remembrance, gratitude and rededication.”

#### SENATE CONCURRENT RESOLUTION 36—EXPRESSING THE SENSE OF CONGRESS CONCERNING ACTIONS TO SUPPORT THE NUCLEAR NON-PROLIFERATION TREATY ON THE OCCASION OF THE SEVENTH NPT REVIEW CONFERENCE

Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mr. LAUTENBERG, Mr. DURBIN, Mr. CORZINE, Mr. FEINGOLD, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 36

Whereas 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 (in this resolution referred to as the “Nuclear Non-Proliferation Treaty”), codifies one of the most important international security arrangements in the history of arms control, the arrangement by which states without nuclear weapons pledge not to acquire them, states with nuclear weapons commit to eventually eliminate them, and nonnuclear states are allowed to use for peaceful purposes nuclear technology under strict and verifiable control;

Whereas the Nuclear Non-Proliferation Treaty is one of the most widely supported multilateral agreements, with 188 countries adhering to the Treaty;

Whereas the Nuclear Non-proliferation Treaty has encouraged many countries to officially abandon nuclear weapons or nuclear weapons programs, including Argentina, Belarus, Brazil, Kazakhstan, Libya, South Africa, South Korea, Ukraine, and Taiwan;

Whereas, at the 1995 NPT Review and Extension Conference, the states-parties agreed to extend the Nuclear Non-Proliferation Treaty indefinitely, to reaffirm the principles and objectives of the Treaty, to strengthen the Treaty review process, and to implement further specific and practical steps on non-proliferation and disarmament;

Whereas, at the 2000 NPT Review Conference, the states-parties agreed to further practical steps on non-proliferation and disarmament;

Whereas President George W. Bush stated on March 7, 2005, that “the NPT represents a key legal barrier to nuclear weapons proliferation and makes a critical contribution to international security,” and that “the United States is firmly committed to its obligations under the NPT”;

Whereas the International Atomic Energy Agency (IAEA) is responsible for monitoring compliance with safeguard agreements pursuant to the Nuclear Non-Proliferation Treaty and reporting safeguard violations to the United Nations Security Council;

Whereas Presidents George W. Bush and Vladimir Putin stated on February 24, 2005, that “[w]e bear a special responsibility for the security of nuclear weapons and fissile material in order to ensure that there is no possibility such weapons or materials would fall into terrorist hands”;

Whereas Article IV of the Nuclear Non-Proliferation Treaty calls for the fullest possible exchange of equipment and materials for peaceful nuclear endeavors and allows states to acquire sensitive technologies to produce nuclear fuel for energy purposes but also recognizes that such fuel could be used to secretly produce fissile material for nuclear weapons programs or quickly produce such material if the state were to decide to withdraw from the Treaty;

Whereas the Government of North Korea ejected international inspectors from that country in 2002, announced its withdrawal from the Nuclear Non-Proliferation Treaty in 2003, has recently declared its possession of nuclear weapons, and is in possession of facilities capable of producing additional nuclear weapons-usable material;

Whereas the Government of Iran has pursued an undeclared program to develop a uranium enrichment capacity, repeatedly failed to fully comply with and provide full information to the IAEA regarding its nuclear activities, and stated that it will not permanently abandon its uranium enrichment program which it has temporarily suspended through an agreement with the European Union;

Whereas the network of arms traffickers associated with A.Q. Khan has facilitated black-market nuclear transfers involving several countries, including Iran, Libya, and North Korea, and represents a new and dangerous form of proliferation;

Whereas governments should cooperate to control exports of and interdict illegal transfers of sensitive nuclear and missile-related technologies to prevent their proliferation;

Whereas the United Nations Secretary-General’s High-Level Panel on Threats, Challenges and Change concluded that “[a]lmost 60 States currently operate or are constructing nuclear power or research reactors, and at least 40 possess the industrial and scientific infrastructure which would enable them, if they chose, to build nuclear weapons at relatively short notice if the legal and normative constraints of the Treaty regime no longer apply,” and warned that “[w]e are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation”;

Whereas stronger international support and cooperation to achieve universal compliance with tighter nuclear non-proliferation rules and standards constitute essential elements of nuclear non-proliferation efforts;

Whereas sustained leadership by the United States Government is essential to help implement existing legal and political commitments established by the Nuclear Non-Proliferation Treaty and to realize a

more robust and effective global nuclear non-proliferation system; and

Whereas the governments of the United States and other countries should pursue a comprehensive and balanced approach to strengthen the global nuclear non-proliferation system, beginning with the Seventh NPT Review Conference of 2005: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. SHORT TITLE.

This resolution may be cited as the "Reinforce the Nuclear Non-Proliferation Treaty Act of 2005".

#### SEC. 2. SENSE OF CONGRESS ON SUPPORT OF THE NUCLEAR NON-PROLIFERATION TREATY.

Congress—

(1) reaffirms its support for the objectives of the Nuclear Non-Proliferation Treaty and expresses its support for all appropriate measures to strengthen the Treaty and to attain its objectives; and

(2) calls on all parties participating in the Seventh Nuclear NPT Review Conference—

(A) to insist on strict compliance with the non-proliferation obligations of the Nuclear Non-Proliferation Treaty and to undertake effective enforcement measures against states that are in violation of their Article I or Article II obligations under the Treaty;

(B) to agree to establish more effective controls on sensitive technologies that can be used to produce materials for nuclear weapons;

(C) to expand the ability of the International Atomic Energy Agency to inspect and monitor compliance with non-proliferation rules and standards to which all states should adhere through existing authority and the additional protocols signed by the states party to the Nuclear Non-Proliferation Treaty;

(D) to demonstrate the international community's unified opposition to a nuclear weapons program in Iran by—

(i) supporting the efforts of the United States and the European Union to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(ii) using all appropriate diplomatic and other means at their disposal to convince the Government of Iran to abandon its uranium enrichment program;

(E) to strongly support the ongoing United States diplomatic efforts in the context of the six-party talks that seek the verifiable and incontrovertible dismantlement of North Korea's nuclear weapons programs and to use all appropriate diplomatic and other means to achieve this result;

(F) to pursue diplomacy designed to address the underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate non-proliferation and disarmament efforts in those regions;

(G) to accelerate programs to safeguard and eliminate nuclear weapons-usable material to the highest standards to prevent access by terrorists and governments;

(H) to halt the use of highly enriched uranium in civilian reactors;

(I) to strengthen national and international export controls and relevant security measures as required by United Nations Security Council Resolution 1540;

(J) to agree that no state may withdraw from the Nuclear Non-Proliferation Treaty and escape responsibility for prior violations of the Treaty or retain access to controlled materials and equipment acquired for "peaceful" purposes;

(K) to accelerate implementation of disarmament obligations and commitments under the Nuclear Non-Proliferation Treaty for the

purpose of reducing the world's stockpiles of nuclear weapons and weapons-grade fissile material; and

(L) to strengthen and expand support for the Proliferation Security Initiative.

Mrs. FEINSTEIN. Mr. President, I rise today along with Senator HAGEL, Senator LAUTENBERG, Senator DURBIN, Senator CORZINE, and Senator FEINGOLD to submit a resolution calling on the parties participating at the Seventh Review Conference in New York City to reaffirm their support for and take additional measures to strengthen the Nuclear Nonproliferation Treaty.

Our resolution calls on parties to the conference to, among other things: insist on strict compliance with the non-proliferation obligations of the Treaty and to undertake effective enforcement measures against states that are in violation of their Article I or Article II obligations; agree to establish more effective controls on sensitive technologies that can be used to produce materials for nuclear weapons; support the efforts of the United States and the European Union (EU) to prevent Iran from acquiring a nuclear weapons capability; support the Six-Party talks that seek the verifiable disarmament of North Korea's nuclear weapons program; accelerate programs to safeguard and eliminate nuclear-weapons usable material to the highest standards to prevent access by terrorists or other states; agree that no state may withdraw from the Treaty and escape responsibility for prior violations of the treaty or retain access to controlled materials and equipment acquired for "peaceful" purposes, and; accelerate implementation of the NPT-related disarmament obligations and commitments that would, in particular, reduce the world's stockpiles of nuclear weapons and weapons-grade material.

More than 180 states have gathered in New York to review progress on implementing their respective obligations as signatories of the Treaty and discuss additional steps each party can take to fulfill all of the NPT objectives.

The Nuclear Nonproliferation Treaty has played a critical role in protecting U.S. national security interests and promoting peace and stability in the international community by bringing nuclear armed and non-nuclear armed states together to stop the proliferation of nuclear weapons.

Each party has clear and specific obligations. States with nuclear weapons pledge to eventually eliminate them while states without nuclear weapons pledge not to acquire them.

The track record of the Treaty speaks for itself. This framework has successfully convinced countries such as Ukraine, Kazakhstan, Belarus, Libya and South Africa to forgo possession of nuclear weapons. At the dawn of the nuclear age, who would have thought this would be possible?

Simply put, the fewer number of states with nuclear weapons, the less likely such weapons will be used or fall

into the wrong hands. The Treaty has saved lives and prevented unthinkable catastrophe.

The success of the Treaty is a testament to United States leadership and our commitment to multilateral diplomacy and cooperation. The gains in the area of nuclear nonproliferation over the past thirty plus years would not have been possible if we had chosen to shut ourselves out of the international community or take on the great challenges of the world on our own.

And, I might point out, as a signatory to the Treaty, we have increased the security of Americans and our national security interests at a far less cost than any military intervention. Successful arms control treaties give us more bang for our buck.

Now is a critical opportunity to examine the successes of the past and the steps all parties can take to strengthen the Nuclear Nonproliferation Treaty in the future.

Indeed, the world has changed dramatically since the last Review Conference in 1995 and the challenges to the nuclear nonproliferation regime have become more acute. In the past few years we have witnessed: the September 11th attacks and the intent of terrorist groups such as al-Qaeda to acquire and use nuclear weapons; the discovery of the AQ Khan nuclear black market; North Korea's withdrawal from the Nuclear Nonproliferation Treaty and announcement that it possessed nuclear weapons; the exposure of Iran's violations of its obligations as a signatory of the Nuclear Nonproliferation Treaty and the possibility that states may use the "Article 4 loophole" and develop a nuclear fuel cycle capability; the existence of global stockpiles of nuclear weapons usable materials.

Combined with an uncertainty on the part of non-nuclear weapon states about the intent of nuclear weapon states to fulfill their disarmament obligations, these challenges threaten the continuation of a successful nuclear nonproliferation regime.

As the United Nation's report "A More Secure World" states: "We are approaching a point at which the erosion of the nonproliferation regime could become irreversible and result in a cascade of proliferation."

North Korea has already withdrawn from the Treaty and escaped penalty. Iran may be next. How many others will follow if we stand still and do nothing to strengthen the NPT?

It would be an understatement to say that the collapse of the nuclear nonproliferation regime will have a devastating effect on the security and stability of the entire world.

That is why the Review Conference is so important and why we must not let divisions between nuclear armed and non-nuclear armed states prevent the conclusion of a successful conference. We must come together to breathe new life into the nuclear nonproliferation regime and seriously consider the steps

outlined above that will strengthen the treaty and make the world safer from the threat of nuclear terror.

I urge my colleagues to support this resolution.

#### SENATE CONCURRENT RESOLUTION 37—HONORING THE LIFE OF SISTER DOROTHY STANG

Mr. DEWINE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 37

Whereas Sister of Notre Dame de Namur Dorothy Stang moved to the Amazon 22 years ago to help poor farmers build independent futures for their families, and was murdered on Saturday, February 12, 2005, at the age of 73, in Anapu, Para, a section of Brazil's Amazon rain forest;

Whereas Sister Dorothy, a citizen of Brazil and the United States, worked with the Pastoral Land Commission, an organization of the Catholic Church that fights for the rights of rural workers and peasants, and defends land reforms in Brazil;

Whereas Sister Dorothy's death came less than a week after her meeting with Brazil's Human Rights Secretary about threats to local farmers from some loggers and landowners;

Whereas, after receiving several death threats, Sister Dorothy recently commented, "I don't want to flee, nor do I want to abandon the battle of these farmers who live without any protection in the forest. They have the sacrosanct right to aspire to a better life on land where they can live and work with dignity while respecting the environment.";

Whereas Sister Dorothy was born in Dayton, Ohio, entered the Sisters of Notre Dame de Namur community in 1948, and professed final vows in 1956;

Whereas, from 1951 to 1966, Sister Dorothy taught elementary classes at St. Victor School in Calumet City, Illinois, St. Alexander School in Villa Park, Illinois, and Most Holy Trinity School in Phoenix, Arizona, and began her ministry in Brazil in 1966, in Coroata, in the state of Maranhao;

Whereas, last June, Sister Dorothy was named "Woman of the Year" by the state of Para for her work in the Amazon region, in December 2004, she received the "Humanitarian of the Year" award from the Brazilian Bar Association for her work helping the local rural workers, and earlier this year, she received an "Honorary Citizenship of the State" award from the state of Para; and

Whereas Sister Dorothy lived her life according to the mission of the Sisters of Notre Dame: making known God's goodness and love of the poor through a Gospel way of life, community, and prayer, while continuing a strong educational tradition and taking a stand with the poor, especially poor women and children, in the most abandoned places, and committing her one and only life to work with others to create justice and peace for all: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress hereby honors the life and work of Sister Dorothy Stang.*

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 763. Mr. BURNS (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 188, to amend the Immigration and Nationality Act

to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

#### TEXT OF AMENDMENTS

SA 763. Mr. BURNS (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 188, to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program, as follows:

At the end add the following new section:  
**SEC. 3. LIMITATION ON USE OF FUNDS.**

Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

"(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes."

#### MEASURE READ THE FIRST TIME—S. 1098

Mr. ALLARD. Mr. President, I understand that S. 1098, introduced earlier today by Senator KENNEDY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for the first time.

The senior assistant bill clerk read as follows:

A bill (S. 1098) to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program.

Mr. ALLARD. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will be read the second time at the next legislative session.

#### ORDERS FOR TUESDAY, MAY 24, 2005

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, May 24. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then return to executive session and resume consideration of the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals; provided that the time until 11:40 a.m. be divided equally between the leaders or their designees, and the time from 11:40 a.m. to 12 noon be equally divided between the two leaders; provided further that notwithstanding provisions of rule XXII, at 12 noon, the Senate proceed to the cloture vote on the Owen nomination, with the live quorum waived.

I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

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

#### PROGRAM

Mr. ALLARD. Mr. President, tomorrow, the Senate will resume consideration of the nomination of Priscilla Owen to be a U.S. circuit judge for the Fifth Circuit Court of Appeals. At 12 noon, we will proceed to the cloture vote on the Owen nomination, and that will be the first vote of the day. Given the events of the day, it is expected cloture will be invoked on this well-qualified nominee. We have had 4 days of substantive debate on the nomination. It is our hope that once cloture is invoked, we can quickly move to a vote on confirmation.

#### ORDER FOR ADJOURNMENT

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HARKIN for up to 15 minutes, Senator BOXER for up to 15 minutes, Senator LEAHY; provided, that Senator KYL be also recognized prior to adjournment.

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

Mr. ALLARD. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator LEAHY, because of his time schedule, speak prior to my statement, and I still be allowed my 15 minutes and Senator BOXER still be allowed her 15 minutes.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Iowa for his courtesy. I apologize to the Senator from Colorado. I was distracted when he was giving the order to put us out. I should have realized, after 31 years here, when we are on autopilot. And, of course, the Senator was following precisely the agreement as usually somebody does in wrapup that has been worked out between the Democratic leader and the Republican leader and was totally within his rights. I apologize for interrupting.

Mr. ALLARD. I thank the Senator from Vermont for speaking up. We certainly did not want to shortchange on his right to speak. I was glad to see when we got to the last part of the iteration we had the Senator from Vermont included.

Mr. LEAHY. Mr. President, the distinguished Senator has always been protective of the rights of Members of both sides.

#### JUDICIAL NOMINEES

Mr. LEAHY. Mr. President, we have other Senators who wish to speak.