

abuse shelters. I think that is out of line with what the American people thinks, and it is certainly out of line with what I think.

As I said earlier, if my colleagues have legitimate reasons to oppose this amendment, we are happy to listen. In fact, we are willing to do what is necessary to get past any partisan difference and to move this issue forward. Unfortunately, our colleagues are not. I think you have to ask yourselves, then, what is this debate really all about?●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3717. To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmissions of obscene, indecent, and profane material, and for other purposes.

H.R. 339. To prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 2236. A bill to enhance the reliability of the electric system.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6792. A communication from the Acting General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Privacy Act and Freedom of Information Act; Implementation" (RIN3069-AB07) received on March 25, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-6793. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report relative to the Office's standard of reasonable assurance pertaining to the effectiveness of its internal management controls during Fiscal Year 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-6794. A communication from the Chairman and Chief Executive Officer, Farm Cred-

it Administration, transmitting, the Administration's proposed budget for Fiscal Year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-6795. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Commission's Report relative to the Fair Debt Collection Practices Act; to the Committee on Commerce, Science, and Transportation.

EC-6796. A communication from the Administrator, National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, a report relative to NASA's annual inventory of commercial activities performed by federal government sources; to the Committee on Commerce, Science, and Transportation.

EC-6797. A communication from the Secretary of Commerce, transmitting the Department of Commerce's Annual Report for Fiscal Year 2003 of the Department's Bureau of Industry and Security; to the Committee on Commerce, Science, and Transportation.

EC-6798. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to actions taken in respect to the New England fishing capacity reduction initiative; to the Committee on Commerce, Science, and Transportation.

EC-6799. A communication from the Associate Chief, Competition Policy Division, Wireline Competition Division, transmitting, pursuant to law, the report of a rule entitled "Section 272(b)'s 'Operate Independently' Requirement for Section 272 Affiliates; WC Docket No. 03-228; FCC 04-54" (WC Doc. 03-228) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6800. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Brazil and Spencer, Indiana)" (MB Doc. No. 03-192) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6801. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Florence, Quinby, Greeleyville, and Wedgefield, SC and Savannah GA)" (MB Doc. No. 03-35) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6802. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Albany, NY" (MB Doc. No. 02-92) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6803. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, DTV Broadcast Stations, Saranac Lake, NY" (MB Doc. No. 03-213) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6804. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Sec-

tion 73.606(b), Table of Allotments, TV Broadcast Stations, Bend, OR" (MM Doc. No. 01-82) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6805. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations; Osage Beach, MO" (MB Doc. No. 03-207) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6806. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Caledonia and Upper Sandusky, Ohio)" (MB Doc. No. 03-7) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6807. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Services" (FCC03-238) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6808. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Suspension of Effective Date in 47 CFR 90.209(b)(6)" (FCC03-306) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6809. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications. Petition for Rule Making Filed by Globe Wireless. Amendment of the Commission's Rules Concerning Maritime Communications" (FCC04-3) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6810. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Concerning Maritime Communications. Petition for Rule Making Filed by Regionet Wireless License, LLC" (FCC03-270) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6811. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Compatibility With Enhanced 911 Emergency Calling Systems; PSAP E911 Service Readiness" (FCC02-318) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6812. A communication from the Attorney Advisor, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 2 of the Commission's Rules to Realign the 76-81 GHz Band and the Frequency Range Above 95 GHz Consistent with International Allocation Changes (Report and Order)" (FCC04-20) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6813. A communication from the Division Chief, Wireline Competition Bureau,

Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Multi-Association Group Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers; Federal-State Joint Board on Universal Service" (FCC04-31) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6814. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Allowing Alternatives to Incandescent Lights, and Establishing Standards for New Lights, in Private Aids to Navigation [USCG-2000-7466]" (RIN1625-AA66) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6815. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: New Tacoma Narrows Bridge Construction [CGD 13-03-025]" (RIN1625-AA00) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6816. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 3 Regulations): [CGD05-04-040], [CGD01-04-020], [CGD01-04-016]" (RIN1625-AA09) received on March 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6817. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Prohibiting Directed Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska" received on March 23, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6818. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Modification of Closure Date for Atka Mackerel in the First HLA Fishery in Statistical Area 543" received on March 23, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6819. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Prohibiting Directed Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" received on March 23, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6820. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Trip Limit Increase in the Commercial Hook-and-Line Fishery for King Mackerel in the Florida East Coast Subzone from 50-75 Fish per day or From the Exclusive Economic Zone (EEZ)" received on March 23, 2004; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 107-7 The Protocol to the Agreement of the International Atomic Energy Agency Regarding Safeguards in the United States (Exec. Rept. No. 108-12)]

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS AND UNDERSTANDINGS.

The Senate advises and consents to the ratification of the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna June 12, 1998 (T. Doc. 107-7) subject to the conditions in section 2 and the understandings in section 3.

SEC. 2. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions, which shall be binding upon the President:

(1) CERTIFICATIONS REGARDING THE NATIONAL SECURITY EXCLUSION, MANAGED ACCESS, AND DECLARED LOCATIONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the appropriate congressional Committees that, not later than 180 days after the deposit of the United States instrument of ratification—

(A) all necessary regulations will be promulgated and will be in force regarding the use of the National Security Exclusion under Article 1.b of the Additional Protocol, and that such regulations shall be made in accordance with the principles developed for the application of the National Security Exclusion;

(B) the managed access provisions of Articles 7 and 1.c of the Additional Protocol shall be implemented in accordance with the appropriate and necessary inter-agency guidance and regulation regarding such access; and

(C) the necessary security and counter-intelligence training and preparation will have been completed for any declared locations of direct national security significance.

(2) CERTIFICATION REGARDING SITE VULNERABILITY ASSESSMENTS. Prior to the deposit of the United States instrument of ratification, the President shall certify to the appropriate congressional Committees that the necessary site vulnerability assessments regarding activities, locations, and information of direct national security significance to the United States will be completed not later than 180 days after the deposit of the United States instrument of ratification for the initial United States declaration to the International Atomic Energy Agency (in this resolution referred to as the "Agency") under the Additional Protocol.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings:

(1) IMPLEMENTATION OF ADDITIONAL PROTOCOL. Implementation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representative to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.

(2) NOTIFICATION TO CONGRESS OF ADDED AND DELETED LOCATIONS.—

(A) ADDED LOCATIONS. The President shall notify the appropriate congressional Committees in advance of declaring to the Agency any addition to the lists of locations within the United States pursuant to Article 2.a.(i), Article 2.a.(iv), Article 2.a.(v), Article 2.a.(vi)(a), Article 2.a.(vii), Article 2.a.(viii),

and Article 2.b.(i) of the Additional Protocol, together with a certification that such addition will not adversely affect the national security of the United States. During the ensuing 60 days, Congress may disapprove an addition to the lists by joint resolution for reasons of direct national security significance, under procedures identical to those provided for the consideration of resolutions under section 130 of the Atomic Energy Act of 1954 (42 U.S.C. 2159).

(B) DELETED LOCATIONS. The President shall notify the appropriate congressional Committees of any deletion from the lists of locations within the United States previously declared to the Agency pursuant to Article 2.a.(i), Article 2.a.(iv), Article 2.a.(v), Article 2.a.(vi)(a), Article 2.a.(vii), Article 2.a.(viii), and Article 2.b.(i) of the Additional Protocol that is due to such location having a direct national security significance, together with an explanation of such deletion, as soon as possible prior to providing the Agency information regarding such deletion.

(3) PROTECTION OF CLASSIFIED INFORMATION.—The Additional Protocol will not be construed to require the provision, in any manner, to the Agency of "Restricted Data" controlled by the provisions of the Atomic Energy Act of 1954.

(4) PROTECTION OF CONFIDENTIAL INFORMATION.—Should the President make a determination that persuasive information is available indicating that—

(A) an officer or employee of the Agency has willfully published, divulged, disclosed, or made known in any manner or to any extent contrary to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America and the Additional Protocol, any United States confidential business information coming to him or her in the course of his or her official duties relating to the implementation of the Additional Protocol, or by reason of any examination or investigation of any return, report, or record made to or filed with the Agency, or any officer or employee thereof, in relation to the Additional Protocol; and

(B) such practice or disclosure has resulted in financial losses or damages to a United States person;

the President shall, not later than 30 days after the receipt of such information by the executive branch of the United States Government, notify the appropriate congressional Committees in writing of such determination.

(5) REPORT ON CONSULTATIONS ON ADOPTION OF ADDITIONAL PROTOCOLS IN NON-NUCLEAR WEAPON STATES.—Not later than 180 days after entry into force of the Additional Protocol, and annually thereafter, the President shall submit to the appropriate congressional Committees a report on measures that have been taken or ought to be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear weapon states party to the Nuclear Non-Proliferation Treaty.

(6) REPORT ON UNITED STATES ASSISTANCE TO THE AGENCY FOR THE PURPOSE OF ADDITIONAL PROTOCOL IMPLEMENTATION AND VERIFICATION OF THE OBLIGATIONS OF NON-NUCLEAR WEAPON STATES.—Not later than 180 days after the entry into force of the Additional Protocol, and annually thereafter, the President shall submit to the appropriate congressional Committees a report detailing the assistance provided by the United States to the Agency in order to promote the effective implementation of additional protocols to safeguards agreements signed by non-nuclear weapon states party to the Nuclear Non-Proliferation Treaty and the