

(2) reaffirms the Senate's commitment to—

(A) advancing lung cancer research and early detection, and particularly the Lung Cancer Alliance of Georgia's goal of significantly increasing the 5-year survival rate of individuals diagnosed with lung cancer in the United States to 50 percent within 10 years; and

(B) working with all Federal agencies involved in cancer research to develop a coordinated roadmap for accomplishing that goal.

SENATE RESOLUTION 621—DESIGNATING THE WEEK OF FEBRUARY 5 THROUGH FEBRUARY 9, 2007, AS "NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK"

Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas 1 in 3 female teens in a dating relationship have feared for their physical safety;

Whereas 1 in 2 teens in serious relationships have compromised their beliefs to please their partner;

Whereas nearly 1 in 5 teens who have been in a serious relationship said their boyfriend or girlfriend would threaten to hurt themselves or their partner if there was a breakup;

Whereas 1 in 5 teens in a serious relationship report they have been hit, slapped, or pushed by a partner;

Whereas more than 1 in 4 teens have been in a relationship where their partner verbally abuses them;

Whereas 13 percent of Hispanic teens reported that hitting a partner was permissible;

Whereas 29 percent of girls who have been in a relationship said they have been pressured to have sex or engage in sex they did not want;

Whereas nearly 50 percent of girls worry that their partner would break up with them if they did not agree to engage in sex;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern has been established in adolescence;

Whereas 81 percent of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue; and

Whereas the establishment of the National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

Resolved, That the Senate—

(1) designates the week of February 5 through February 9, 2007, as "National Teen Dating Violence Awareness and Prevention Week"; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups, to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote

awareness and prevention of the crime of teen dating violence in their communities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5168. Mr. LUGAR proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5169. Mr. LUGAR (for Mr. OBAMA) proposed an amendment to the bill S. 3709, supra.

SA 5170. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3709, supra; which was ordered to lie on the table.

SA 5171. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5172. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table.

SA 5173. Mr. LUGAR (for Mr. HARKIN) proposed an amendment to the bill S. 3709, supra.

SA 5174. Mr. BINGAMAN (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 3709, supra.

SA 5175. Mr. FRIST (for Mr. THOMAS) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5176. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5177. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5178. Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5179. Mr. LUGAR (for Mr. BINGAMAN) proposed an amendment to the bill S. 3709, supra.

SA 5180. Mr. LUGAR (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 3709, supra.

SA 5181. Mr. ENSIGN proposed an amendment to the bill S. 3709, supra.

SA 5182. Mr. DORGAN proposed an amendment to the bill S. 3709, supra.

SA 5183. Mr. FEINGOLD proposed an amendment to the bill S. 3709, supra.

SA 5184. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5185. Ms. LANDRIEU submitted an amendment intended to be proposed by her

to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5186. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5187. Mrs. BOXER proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol.

SA 5188. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REID, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr. KYL, Mrs. MURRAY, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5189. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5190. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5191. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5192. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 994, to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

SA 5193. Mr. FRIST (for Mr. REID) proposed an amendment to the concurrent resolution S. Con. Res. 101, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

TEXT OF AMENDMENTS

SA 5168. Mr. LUGAR proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION

SECTION 101. SHORT TITLE.

This title may be cited as the "United States-India Peaceful Atomic Energy Cooperation Act".

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) strong bilateral relations with India are in the national interest of the United States;

(2) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(3) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;

(4) such commerce also represents a significant change in United States policy regarding commerce with countries not parties to the Nuclear Non-Proliferation Treaty,

which remains the foundation of the international non-proliferation regime;

(5) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international non-proliferation regimes, including, in particular, the Guidelines of the Nuclear Suppliers Group (NSG); and

(6) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

SEC. 103. DECLARATION OF POLICY CONCERNING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.

It shall be the policy of the United States with respect to any peaceful atomic energy cooperation between the United States and India—

(1) to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and other nuclear explosive devices;

(2) to achieve as quickly as possible the Government of India's adherence to, and cooperation in, the full range of international non-proliferation regimes and activities, including India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C);

(3) to ensure that India remains in full compliance with its non-proliferation, arms control, and disarmament agreements, obligations, and commitments;

(4) to ensure that any safeguards agreement or Additional Protocol thereto to which India is a party with the International Atomic Energy Agency (IAEA) can reliably safeguard any export or reexport to India of any nuclear materials and equipment;

(5) to meet the requirements set forth in subsections a.(1) and a.(3)–a.(9) of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(6) to act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the multilateral Nuclear Suppliers Group and the rules and practices regarding NSG decision-making;

(7) given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, to work with members of the Nuclear Suppliers Group, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India;

(8) to maintain the fullest possible international support for, adherence to, and compliance with the Nuclear Non-Proliferation Treaty; and

(9) that exports of nuclear fuel to India should not contribute to, or in any way encourage, increases in the production by India of fissile material for non-civilian purposes.

SEC. 104. WAIVERS FOR COOPERATION WITH INDIA.

(a) **WAIVER AUTHORITY.**—If the President submits a determination under section 105 to

the appropriate congressional committees and makes available to such committees the text of the agreement described in paragraph (3) of such section, the President may—

(1) subject to subsection (b), exempt a proposed agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection a.(2) of such section;

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to exports to India; and

(3) waive the application of any sanction with respect to India under—

(A) section 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of such Act (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

(b) **JOINT RESOLUTION OF APPROVAL REQUIREMENT.**—An agreement for cooperation exempted by the President pursuant to subsection (a)(1) shall be subject to the second proviso in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) applicable to agreements exempted by the President pursuant to subsection (a) of such section.

SEC. 105. DETERMINATION REGARDING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.

The determination referred to in section 104 is a written determination by the President, which shall be accompanied by a report to the appropriate congressional committees, that—

(1) India has provided to the IAEA and the United States a credible plan to separate its civil nuclear facilities, materials, and programs from its military facilities, materials, and programs;

(2) India has filed a complete declaration regarding its civil nuclear facilities and materials with the IAEA;

(3) an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials described in paragraph (2) has entered into force;

(4) India and the IAEA are making substantial progress toward implementing an Additional Protocol;

(5) India is working with the United States to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices;

(6) India is supporting international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants;

(7) India has secured nuclear and other sensitive materials and technology through the application of comprehensive export control legislation and regulations, including through effective enforcement actions, and through harmonization of its control lists with, and adherence to, the guidelines of the Missile Technology Control Regime and the Nuclear Suppliers Group; and

(8) the Nuclear Suppliers Group has decided to permit civil nuclear commerce with India pursuant to a decision taken by the Nuclear Suppliers Group that—

(A) was made by consensus; and

(B) does not permit nuclear commerce with any non-nuclear weapon state other than India that does not have IAEA safeguards on all nuclear materials and all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere.

SEC. 106. PROHIBITION ON CERTAIN EXPORTS AND REEXPORTS.

(a) **PROHIBITION.**—

(1) **NUCLEAR REGULATORY COMMISSION.**—Except as provided in subsection (b), the Nuclear Regulatory Commission may not authorize pursuant to part 110 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.

(2) **SECRETARY OF ENERGY.**—Except as provided in subsection (b), the Secretary of Energy may not authorize pursuant to part 810 of title 10, Code of Federal Regulations, licenses for the export or reexport to India of any equipment, materials, or technology to be used for the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water.

(b) **EXCEPTIONS.**—Exports or reexports otherwise prohibited under subsection (a) may be approved if—

(1) the end user—

(A) is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities; or

(B) is a facility participating in, and the export or reexport is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle; and

(2) the President determines that the export or reexport will not improve India's ability to produce nuclear weapons or fissile material for military uses.

SEC. 107. END-USE MONITORING PROGRAM.

(a) **IN GENERAL.**—The President shall ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India and to ensure United States compliance with Article I of the Nuclear Non-Proliferation Treaty.

(b) **MEASURES.**—The measures taken pursuant to subsection (a) shall include the following:

(1) Obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the Nuclear Regulatory Commission and the Department of Commerce and the authorizing authorities of the Department of Energy, including, as appropriate, conditions regarding end-use monitoring.

(2) A detailed system of reporting and accounting for technology transfers, including any retransfers in India, authorized by the Department of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)). Such system shall be capable of providing assurances that—

(A) the identified recipients of the nuclear technology are authorized to receive the nuclear technology;

(B) the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and

(C) the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

(3) In the event the IAEA is unable to implement safeguards as required by an agreement between the United States and India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), arrangements that conform with IAEA safeguards standards, principles, and practices that provide assurances equivalent to that

intended to be secured by the system they replace, including—

(A) review in a timely fashion of the design of any equipment transferred pursuant to the agreement for cooperation, or of any facility that is to use, fabricate, process, or store any material so transferred or any special nuclear material used in or produced through the use of such material and equipment;

(B) maintenance and disclosure of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred pursuant to the agreement and any source or special nuclear material used in or produced through the use of any material and equipment so transferred; and

(C) access to places and data necessary to account for the material referred to in subparagraph (B) and to inspect any equipment or facility referred to in subparagraph (A).

(c) IMPLEMENTATION.—The measures described in subsection (b) shall be implemented to provide reasonable assurances that the recipient is complying with the relevant requirements, terms, and conditions of any licenses issued by the United States regarding such exports, including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports.

SEC. 108. IMPLEMENTATION AND COMPLIANCE.

(a) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including—

(1) any material non-compliance on the part of the Government of India with—

(A) the non-proliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India;

(B) the separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006;

(C) a safeguards agreement between the Government of India and the IAEA;

(D) an Additional Protocol between the Government of India and the IAEA;

(E) a peaceful nuclear cooperation agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or any subsequent arrangement under section 131 of such Act (42 U.S.C. 2160);

(F) the terms and conditions of any approved licenses; and

(G) United States laws and regulations regarding the export or reexport of nuclear material or dual-use material, equipment, or technology;

(2) the construction of a nuclear facility in India after the date of the enactment of this Act;

(3) significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced; and

(4) changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

(b) IMPLEMENTATION AND COMPLIANCE REPORT.—Not later than 180 days after the date on which an agreement between the Government of India and the United States Government pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) enters into force, and annually thereafter, the President shall submit to the appropriate congressional committees a report including—

(1) a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards;

(2) a comprehensive listing of—

(A) all licenses that have been approved by the Nuclear Regulatory Commission and the

Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations;

(B) any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear non-proliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations;

(C) any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and

(D) with respect to each such license or other form of authorization described in subparagraphs (A), (B), and (C)—

(i) the number or other identifying information of each license or authorization;

(ii) the name or names of the authorized end user or end users;

(iii) the name of the site, facility, or location in India to which the export or reexport was made;

(iv) the terms and conditions included on such licenses and authorizations;

(v) any post-shipment verification procedures that will be applied to such exports or reexports; and

(vi) the term of validity of each such license or authorization;

(3) any significant nuclear commerce between India and other countries, including any such trade that—

(A) does not comply with applicable guidelines or decisions of the Nuclear Suppliers Group; or

(B) would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin;

(4) either—

(A) a certification that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced in subparagraphs (A) through (F) of subsection (a)(1); or

(B) if the President cannot make such certification, an identification and assessment of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including—

(i) the steps the United States Government has taken to remedy or otherwise respond to such compliance issues;

(ii) the responses of the Government of India to such steps; and

(iii) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India, if not already terminated under section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158), remains in the national security interest of the United States;

(5) a detailed description of—

(A) United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, capping, and reducing their fissile material stockpiles, pending creation of a world-wide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty;

(B) the reactions of India and Pakistan to such efforts; and

(C) assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the objectives in subparagraph (A), consistent with its obligations under international law and existing agreements; and

(6) a detailed description of efforts and progress made toward the achievement of India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C).

(c) SUBMITTAL WITH OTHER ANNUAL REPORTS.—

(1) REPORT ON PROLIFERATION PREVENTION.—Each annual report submitted under subsection (b) after the initial report may be submitted together with the annual report on proliferation prevention required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)).

(2) REPORT ON PROGRESS TOWARD REGIONAL NON-PROLIFERATION.—The information required to be submitted under subsection (b)(5) after the initial report may be submitted together with the annual report on progress toward regional non-proliferation required under section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)).

(d) FORM.—Each report submitted under this section shall be submitted in unclassified form but may contain a classified annex.

SEC. 109. UNITED STATES COMPLIANCE WITH ITS NUCLEAR NON-PROLIFERATION TREATY OBLIGATIONS.

This title shall not be deemed to constitute authority for any action in violation of any obligation of the United States under the Nuclear Non-Proliferation Treaty.

SEC. 110. INOPERABILITY OF DETERMINATION AND WAIVERS.

A determination under section 105 and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this Act.

SEC. 111. MTCR ADHERENT STATUS.

Congress finds that India is not an MTCR adherent for the purposes of Section 73 of the Arms Export Control Act (22 U.S.C. 2797b).

SEC. 112. TECHNICAL AMENDMENT.

Section 112(c)(4) of the Arms Control and Nonproliferation Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-486)) is amended—

(1) in subparagraph (B), by striking “and” after the semicolon at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) so much of the reports required under section 108 of the United States-India Peaceful Atomic Energy Cooperation Act as relates to verification or compliance matters; and”.

SEC. 113. DEFINITIONS.

In this title:

(1) The term “Additional Protocol” means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540.

(2) The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The term “atomic energy” has the meaning given the term in section 11 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(c)).

(4) The term “dual-use material, equipment, or technology” means those items

controlled by the Department of Commerce pursuant to section 309(c) of the Nuclear Nonproliferation Act of 1978.

(5) The term “IAEA safeguards” has the meaning given the term in section 830(3) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(3)).

(6) The term “nuclear materials and equipment” has the meaning given the term in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(3)).

(7) The term “Nuclear Non-Proliferation Treaty” means 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 (21 UST 483).

(8) The terms “nuclear weapon” and “nuclear explosive device” have the meaning given the term “nuclear explosive device” in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)).

(9) The terms “reprocessing” and “reprocess” refer to the separation of nuclear materials from fission products in spent nuclear fuel.

(10) The term “source material” has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(11) The term “special nuclear material” has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(12) The term “unsafeguarded nuclear fuel-cycle activity” means research on, or development, design, manufacture, construction, operation, or maintenance of—

(A) any existing or future reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation with respect to which there is no obligation to accept IAEA safeguards at the relevant reactor, facility, plant, or installation that contains source or special fissionable material; or

(B) any existing or future heavy water production plant with respect to which there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom.

TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

SEC. 201. SHORT TITLE.

This title may be cited as the “United States Additional Protocol Implementation Act”.

SEC. 202. FINDINGS.

Congress makes the following findings—

(1) The proliferation of nuclear weapons and other nuclear explosive devices poses a grave threat to the national security of the United States and its vital national interests.

(2) The Nuclear Non-Proliferation Treaty has proven critical to limiting such proliferation.

(3) For the Nuclear Non-Proliferation Treaty to be effective, each of the non-nuclear-weapon State Parties must conclude a comprehensive safeguards agreement with the IAEA, and such agreements must be honored and enforced.

(4) Recent events emphasize the urgency of strengthening the effectiveness and improving the efficiency of the safeguards system. This can best be accomplished by providing IAEA inspectors with more information about, and broader access to, nuclear activities within the territory of non-nuclear-weapon State Parties.

(5) The proposed scope of such expanded information and access has been negotiated by the member states of the IAEA in the form of a Model Additional Protocol to its exist-

ing safeguards agreements, and universal acceptance of Additional Protocols by non-nuclear weapons states is essential to enhancing the effectiveness of the Nuclear Non-Proliferation Treaty.

(6) On June 12, 1998, the United States, as a nuclear-weapon State Party, signed an Additional Protocol that is based on the Model Additional Protocol, but which also contains measures, consistent with its existing safeguards agreements with its members, that protect the right of the United States to exclude the application of IAEA safeguards to locations and activities with direct national security significance or to locations or information associated with such activities.

(7) Implementation of the Additional Protocol in the United States in a manner consistent with United States obligations under the Nuclear Non-Proliferation Treaty may encourage other parties to the Nuclear Non-Proliferation Treaty, especially non-nuclear-weapon State Parties, to conclude Additional Protocols and thereby strengthen the Nuclear Non-Proliferation Treaty safeguards system and help reduce the threat of nuclear proliferation, which is of direct and substantial benefit to the United States.

(8) Implementation of the Additional Protocol by the United States is not required and is completely voluntary given its status as a nuclear-weapon State Party, but the United States has acceded to the Additional Protocol to demonstrate its commitment to the nuclear non-proliferation regime and to make United States civil nuclear activities available to the same IAEA inspections as are applied in the case of non-nuclear-weapon State Parties.

(9) In accordance with the national security exclusion contained in Article 1.b of its Additional Protocol, the United States will not allow any inspection activities, nor make any declaration of any information with respect to, locations, information, and activities of direct national security significance to the United States.

(10) 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.

SEC. 203. DEFINITIONS.

In this title:

(1) ADDITIONAL PROTOCOL.—The term “Additional Protocol”, when used in the singular form, means 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).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(3) COMPLEMENTARY ACCESS.—The term “complementary access” means the exercise of the IAEA’s access rights as set forth in Articles 4 to 6 of the Additional Protocol.

(4) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 105 of title 5, United States Code.

(5) FACILITY.—The term “facility” has the meaning set forth in Article 18i. of the Additional Protocol.

(6) IAEA.—The term “IAEA” means the International Atomic Energy Agency.

(7) JUDGE OF THE UNITED STATES.—The term “judge of the United States” means a United States district judge, or a United States magistrate judge appointed under the authority of chapter 43 of title 28, United States Code.

(8) LOCATION.—The term “location” means any geographic point or area declared or identified by the United States or specified by the International Atomic Energy Agency.

(9) NUCLEAR NON-PROLIFERATION TREATY.—The term “Nuclear Non-Proliferation Treaty” means 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 (21 UST 483).

(10) NUCLEAR-WEAPON STATE PARTY AND NON-NUCLEAR-WEAPON STATE PARTY.—The terms “nuclear-weapon State Party” and “non-nuclear-weapon State Party” have the meanings given such terms in the Nuclear Non-Proliferation Treaty.

(11) PERSON.—The term “person”, except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(12) SITE.—The term “site” has the meaning set forth in Article 18b. of the Additional Protocol.

(13) UNITED STATES.—The term “United States”, when used as a geographic reference, means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) the territorial sea and the overlying airspace;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (41), respectively, of section 40102(a) of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(14) WIDE-AREA ENVIRONMENTAL SAMPLING.—The term “wide-area environmental sampling” has the meaning set forth in Article 18g. of the Additional Protocol.

SEC. 204. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Subtitle A—General Provisions

SEC. 211. AUTHORITY.

(a) IN GENERAL.—The President is authorized to implement and carry out the provisions of this title and the Additional Protocol and shall designate through Executive order which executive agency or agencies of the United States, which may include but are not limited to the Department of State, the Department of Defense, the Department of Justice, the Department of Commerce, the Department of Energy, and the Nuclear Regulatory Commission, shall issue or amend and enforce regulations in order to implement this title and the provisions of the Additional Protocol.

(b) INCLUDED AUTHORITY.—For any executive agency designated under subsection (a) that does not currently possess the authority

to conduct site vulnerability assessments and related activities, the authority provided in subsection (a) includes such authority.

(c) EXCEPTION.—The authority described in subsection (b) does not supersede or otherwise modify any existing authority of any Federal department or agency already having such authority.

Subtitle B—Complementary Access

SEC. 221. REQUIREMENT FOR AUTHORITY TO CONDUCT COMPLEMENTARY ACCESS.

(a) PROHIBITION.—No complementary access to any location in the United States shall take place pursuant to the Additional Protocol without the authorization of the United States Government in accordance with the requirements of this title.

(b) AUTHORITY.—

(1) IN GENERAL.—Complementary access to any location in the United States subject to access under the Additional Protocol is authorized in accordance with this title.

(2) UNITED STATES REPRESENTATIVES.—

(A) RESTRICTIONS.—In the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency or of the Mine Safety and Health Administration or the Occupational Safety and Health Administration of the Department of Labor may participate in the access.

(B) NUMBER.—The number of designated United States representatives accompanying IAEA inspectors shall be kept to the minimum necessary.

SEC. 222. PROCEDURES FOR COMPLEMENTARY ACCESS.

(a) IN GENERAL.—Each instance of complementary access to a location in the United States under the Additional Protocol shall be conducted in accordance with this subtitle.

(b) NOTICE.—

(1) IN GENERAL.—Complementary access referred to in subsection (a) may occur only upon the issuance of an actual written notice by the United States Government to the owner, operator, occupant, or agent in charge of the location to be subject to complementary access.

(2) TIME OF NOTIFICATION.—The notice under paragraph (1) shall be submitted to such owner, operator, occupant, or agent as soon as possible after the United States Government has received notification that the IAEA seeks complementary access. Notices may be posted prominently at the location if the United States Government is unable to provide actual written notice to such owner, operator, occupant, or agent.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice required by paragraph (1) shall specify—

(i) the purpose for the complementary access;

(ii) the basis for the selection of the facility, site, or other location for the complementary access sought;

(iii) the activities that will be carried out during the complementary access;

(iv) the time and date that the complementary access is expected to begin, and the anticipated period covered by the complementary access; and

(v) the names and titles of the inspectors.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided each time that complementary access is sought by the IAEA.

(c) CREDENTIALS.—The complementary access team of the IAEA and representatives or designees of the United States Government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the location before gain-

ing entry in connection with complementary access.

(d) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 223, and subject to the United States Government's rights under the Additional Protocol to limit complementary access, complementary access to a location pursuant to this title may extend to all activities specifically permitted for such locations under Article 6 of the Additional Protocol.

(2) EXCEPTION.—Unless required by the Additional Protocol, no inspection under this title shall extend to—

(A) financial data (other than production data);

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) patent data;

(F) data maintained for compliance with environmental or occupational health and safety regulations; or

(G) research data.

(e) ENVIRONMENT, HEALTH, SAFETY, AND SECURITY.—In carrying out their activities, members of the IAEA complementary access team and representatives or designees of the United States Government shall observe applicable environmental, health, safety, and security regulations established at the location subject to complementary access, including those for protection of controlled environments within a facility and for personal safety.

SEC. 223. CONSENTS, WARRANTS, AND COMPLEMENTARY ACCESS.

(a) IN GENERAL.—

(1) PROCEDURE.—

(A) CONSENT.—Except as provided in paragraph (2), an appropriate official of the United States Government shall seek or have the consent of the owner, operator, occupant, or agent in charge of a location prior to entering that location in connection with complementary access pursuant to sections 221 and 222. The owner, operator, occupant, or agent in charge of the location may withhold consent for any reason or no reason.

(B) ADMINISTRATIVE SEARCH WARRANT.—In the absence of consent, the United States Government may seek an administrative search warrant from a judge of the United States under subsection (b). Proceedings regarding the issuance of an administrative search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(2) EXPEDITED ACCESS.—For purposes of obtaining access to a location pursuant to Article 4b.(ii) of the Additional Protocol in order to satisfy United States obligations under the Additional Protocol when notice of two hours or less is required, the United States Government may gain entry to such location in connection with complementary access, to the extent such access is consistent with the Fourth Amendment to the United States Constitution, without obtaining either a warrant or consent.

(b) ADMINISTRATIVE SEARCH WARRANTS FOR COMPLEMENTARY ACCESS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For complementary access conducted in the United States pursuant to the Additional Protocol, and for which the acquisition of a warrant is required, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to such judge all appropriate information regarding the basis for the selection of the facility, site, or other location to which complementary access is sought.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—A judge of the United States shall promptly issue an administrative search warrant authorizing the requested complementary access upon an affidavit submitted by the United States Government—

(A) stating that the Additional Protocol is in force;

(B) stating that the designated facility, site, or other location is subject to complementary access under the Additional Protocol;

(C) stating that the purpose of the complementary access is consistent with Article 4 of the Additional Protocol;

(D) stating that the requested complementary access is in accordance with Article 4 of the Additional Protocol;

(E) containing assurances that the scope of the IAEA's complementary access, as well as what it may collect, shall be limited to the access provided for in Article 6 of the Additional Protocol;

(F) listing the items, documents, and areas to be searched and seized;

(G) stating the earliest commencement and the anticipated duration of the complementary access period, as well as the expected times of day during which such complementary access will take place; and

(H) stating that the location to which entry in connection with complementary access is sought was selected either—

(i) because there is probable cause, on the basis of specific evidence, to believe that information required to be reported regarding a location pursuant to regulations promulgated under this title is incorrect or incomplete, and that the location to be accessed contains evidence regarding that violation; or

(ii) pursuant to a reasonable general administrative plan based upon specific neutral criteria.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition, each warrant shall contain the identities of the representatives of the IAEA on the complementary access team and the identities of the representatives or designees of the United States Government required to display identifying credentials under section 222(c).

SEC. 224. PROHIBITED ACTS RELATING TO COMPLEMENTARY ACCESS.

It shall be unlawful for any person willfully to fail or refuse to permit, or to disrupt, delay, or otherwise impede, a complementary access authorized by this subtitle or an entry in connection with such access.

Subtitle C—Confidentiality of Information

SEC. 231. PROTECTION OF CONFIDENTIALITY OF INFORMATION.

Information reported to, or otherwise acquired by, the United States Government under this title or under the Additional Protocol shall be exempt from disclosure under sections 552 of title 5, United States Code.

Subtitle D—Enforcement

SEC. 241. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by any regulation prescribed under this title;

(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or

(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.

SEC. 242. PENALTIES.

(a) CIVIL.—

(1) **PENALTY AMOUNTS.**—Any person that is determined, in accordance with paragraph (2), to have violated section 224 or section 241 shall be required by order to pay a civil penalty in an amount not to exceed \$25,000 for each violation. For the purposes of this paragraph, each day during which a violation of section 224 continues shall constitute a separate violation of that section.

(2) **NOTICE AND HEARING.**—

(A) **IN GENERAL.**—Before imposing a penalty against a person under paragraph (1), the head of an executive agency designated under section 211(a) shall provide the person with notice of the order. If, within 15 days after receiving the notice, the person requests a hearing, the head of the designated executive agency shall initiate a hearing on the violation.

(B) **CONDUCT OF HEARING.**—Any hearing so requested shall be conducted before an administrative judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the order imposed by the head of the designated agency shall constitute a final agency action.

(C) **ISSUANCE OF ORDERS.**—If the administrative judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 224 or section 241, the administrative judge shall state his findings of fact and conclusions of law, and issue and serve on such person an order described in paragraph (1).

(D) **FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.**—In determining the amount of any civil penalty, the administrative judge or the head of the designated agency shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(E) **CONTENT OF NOTICE.**—For the purposes of this paragraph, notice shall be in writing and shall be verifiably served upon the person or persons subject to an order described in paragraph (1). In addition, the notice shall—

(i) set forth the time, date, and specific nature of the alleged violation or violations; and

(ii) specify the administrative and judicial remedies available to the person or persons subject to the order, including the availability of a hearing and subsequent appeal.

(3) **ADMINISTRATIVE APPELLATE REVIEW.**—The decision and order of an administrative judge shall be the recommended decision and order and shall be referred to the head of the designated executive agency for final decision and order. If, within 60 days, the head of the designated executive agency does not modify or vacate the decision and order, it shall become a final agency action under this subsection.

(4) **JUDICIAL REVIEW.**—A person adversely affected by a final order may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or in the Court of Appeals for the district in which the violation occurred.

(5) **ENFORCEMENT OF FINAL ORDERS.**—

(A) **IN GENERAL.**—If a person fails to comply with a final order issued against such person under this subsection and—

(i) the person has not filed a petition for judicial review of the order in accordance with paragraph (4), or

(ii) a court in an action brought under paragraph (4) has entered a final judgment in favor of the designated executive agency, the head of the designated executive agency shall commence a civil action to seek compliance with the final order in any appropriate district court of the United States.

(B) **NO REVIEW.**—In any such civil action, the validity and appropriateness of the final order shall not be subject to review.

(C) **INTEREST.**—Payment of penalties assessed in a final order under this section shall include interest at currently prevailing rates calculated from the date of expiration of the 60-day period referred to in paragraph (3) or the date of such final order, as the case may be.

(b) **CRIMINAL.**—Any person who violates section 224 or section 241 may, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than five years, or both.

SEC. 243. SPECIFIC ENFORCEMENT.

(a) **JURISDICTION.**—The district courts of the United States shall have jurisdiction over civil actions brought by the head of an executive agency designated under section 211(a)—

(1) to restrain any conduct in violation of section 224 or section 241; or

(2) to compel the taking of any action required by or under this title or the Additional Protocol.

(b) **CIVIL ACTIONS.**—

(1) **IN GENERAL.**—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 224 or section 241 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) **SERVICE OF PROCESS.**—In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.

Subtitle E—Environmental Sampling**SEC. 251. NOTIFICATION TO CONGRESS OF IAEA BOARD APPROVAL OF WIDE-AREA ENVIRONMENTAL SAMPLING.**

(a) **IN GENERAL.**—Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.

(b) **CONTENT.**—The notification under subsection (a) shall contain—

(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;

(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and

(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.

SEC. 252. APPLICATION OF NATIONAL SECURITY EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and re-

ported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.

SEC. 253. APPLICATION OF NATIONAL SECURITY EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapons state;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) with respect to the proposed use of environmental sampling, the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving location-specific environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.

SEC. 254. RULE OF CONSTRUCTION.

As used in this subtitle, the term “necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party” shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by—

(1) setting a good example of cooperation in the conduct of such sampling; or

(2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.

Subtitle F—Protection of National Security Information and Activities**SEC. 261. PROTECTION OF CERTAIN INFORMATION.**

(a) **LOCATIONS AND FACILITIES OF DIRECT NATIONAL SECURITY SIGNIFICANCE.**—No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.

(b) **INFORMATION OF DIRECT NATIONAL SECURITY SIGNIFICANCE.**—No information of direct

national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.

(c) **RESTRICTED DATA.**—Nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular “Restricted Data” as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).

(d) **CLASSIFIED INFORMATION.**—Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) **CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.**—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) **PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.**—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) **VULNERABILITY AND RELATED ASSESSMENTS.**—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

Subtitle G—Reports

SEC. 271. REPORT ON INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to declare to the IAEA.

SEC. 272. REPORT ON REVISIONS TO INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration.

SEC. 273. CERTIFICATION REGARDING VULNERABILITY AND RELATED ASSESSMENTS.

Concurrently with the submission to Congress of the initial declaration list under section 271 and each list update under section 272, the President shall submit to Congress a report certifying that—

(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

SEC. 274. REPORT ON EFFORTS TO PROMOTE THE IMPLEMENTATION OF ADDITIONAL PROTOCOLS.

Not later than 180 days after the entry into force of the Additional Protocol, the Presi-

dent shall submit to the appropriate congressional committees a report on—

(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and

(2) assistance provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations.

SEC. 275. NOTICE OF IAEA NOTIFICATIONS.

The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

Subtitle H—Authorization of Appropriations

SEC. 281. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SA 5169. Mr. LUGAR (for Mr. OBAMA) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

At the appropriate place in title I, insert the following new section:

SEC. ____ . UNITED STATES POLICY REGARDING THE PROVISION OF NUCLEAR POWER REACTOR FUEL RESERVE TO INDIA.

It is the policy of the United States that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

SA 5170. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table; as follows:

Strike section 262 and insert the following:

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) **CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.**—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) **CERTAIN INDIVIDUALS PROHIBITED FROM ENTERING THE UNITED STATES.**—The head of any agency or department of the United States may deny entry into the United States of an IAEA inspector seeking such entry to carry out official business of the IAEA if the head of such agency or department suspects the IAEA inspector of having links to foreign intelligence services.

(c) **PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.**—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(d) **USE OF UNITED STATES EQUIPMENT, MATERIALS, AND RESOURCES.**—Any inspections

conducted by personnel of the IAEA in the United States pursuant to the Additional Protocol shall be carried out using equipment, materials, and resources that are purchased, owned, inspected, and controlled by the United States.

(e) **VULNERABILITY AND RELATED ASSESSMENTS.**—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

SA 5171. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike lines 7 and 8 and insert the following:

the purchase of land and moving of utilities;

(6) the city of Waycross, Georgia, a rural area for purposes of eligibility for rural development programs of the Department of Agriculture; and

(7) the cities of Alamo, Mercedes, Weslaco, and

SA 5172. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table; as follows:

In title II, strike the paragraph defining “appropriate congressional committees” and insert the following:

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Environment and Public Works of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

SA 5173. Mr. LUGAR (for Mr. HARKIN) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike “Group; and” and all that follows through “Nuclear” on line 9 and insert the following: “Group;

(8) India is fully and actively participating in United States and international efforts to dissuade, sanction, and contain Iran for its nuclear program consistent with United Nations Security Council resolutions; and

(9) the Nuclear

SA 5174. Mr. BINGAMAN (for himself and Mr. KENNEDY) proposed an amendment by him to the bill S. 3709, to exempt from certain requirements of the

Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; which was ordered to lie on the table; as follows:

On page 6, after line 21, add the following:
(c) OPERATION OF WAIVERS.—Notwithstanding any waiver under subsection (a)—

(1) no nuclear equipment or sensitive nuclear technology may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that both India and the United States are taking specific steps to conclude a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices; and

(2) no nuclear materials may be exported to India unless the President has determined, and has submitted to the appropriate congressional committees a report stating, that India has stopped producing fissile materials for weapons pursuant to a unilateral moratorium or multilateral agreement.

SA 5175. Mr. FRIST (for Mr. THOMAS) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 20, before the colon insert the following: “; and of which not less than \$500,000 shall be used by the Secretary of Agriculture, acting through the Wyoming Department of Agriculture, to compensate livestock producers in the State of Wyoming for losses due to wolves”.

SA 5176. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:
SEC. 7 _____. The Secretary of Agriculture (referred to in this section as the “Secretary”) shall prepare a report for submission by the President to Congress, along with the fiscal year 2008 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations;

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2);

(5) identifies the number of hazardous fuel reduction and forest health projects and acres in Forest Service Region 2 that—

(A) have received approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) have not been implemented;

(6) identifies the number of hazardous fuel reduction and forest health projects and acres in Forest Service Region 2 that are being analyzed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(7) describes—

(A) the goals and expectations identified in the vegetation management program for Forest Service Region 2;

(B) any progress towards the goals described under subparagraph (A); and

(C) the funding levels necessary to meet the goals described under subparagraph (A).

SA 5177. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7 _____. For an additional amount for “WILDLAND FIRE MANAGEMENT” under the heading “DEPARTMENT OF AGRICULTURE” of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 533), there is appropriated, out of any money in the Treasury not otherwise appropriated, \$30,000,000 for fiscal year 2007 for the conduct of hazardous fuel reduction and forest health projects of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SA 5178. Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 5, beginning on line 15, strike “Treaty; and” and all that follows through “that exports” on line 16 and insert the following: “Treaty;

(9) to continue to support implementation of United Nations Security Council Resolution 1172 (1998); and

(10) that exports

SA 5179. Mr. LUGAR (for Mr. BINGAMAN) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 18, beginning on line 7, strike “existing” and all that follows through “description” on line 9 and insert the following: “existing agreements;

(6) an estimate of—

(A) the amount of uranium mined in India during the previous year;

(B) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(C) the rate of production in India of—

(i) fissile material for nuclear explosive devices; and

(ii) nuclear explosive devices;

(7) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices; and

(8) a detailed description

SA 5180. Mr. LUGAR (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

At the end of title I, add the following:

SEC. 114. UNITED STATES-INDIA SCIENTIFIC CO-OPERATIVE THREAT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, shall establish a cooperative threat reduction program to pursue jointly with scientists from the United States and India a program to further common nonproliferation goals, including scientific research and development efforts related to nuclear nonproliferation, with an emphasis on nuclear safeguards (in this section referred to as the “program”).

(b) CONSULTATION.—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) NATIONAL ACADEMIES RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) RECOMMENDATIONS.—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) PUBLIC AVAILABILITY.—The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

SA 5181. Mr. ENSIGN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

Strike section 262 and insert the following:
SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under

section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) **PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.**—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) **USE OF UNITED STATES EQUIPMENT, MATERIALS, AND RESOURCES.**—Any inspections conducted by personnel of the IAEA in the United States pursuant to the Additional Protocol shall be carried out using equipment, materials, and resources that are purchased, owned, inspected, and controlled by the United States.

(d) **VULNERABILITY AND RELATED ASSESSMENTS.**—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

SA 5182. Mr. DORGAN proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike “Group; and” and all that follows through “the Nuclear” on line 9 and insert the following: “Group;

(8) India has committed to—

(A) the development of a credible separation plan between civilian and military facilities by ensuring all reactors that supply electricity to the civilian sector are declared and are subject to permanent IAEA standards and practices;

(B) a binding obligation to the same extent as nuclear-weapon State Parties under the Nuclear Non-Proliferation Treaty—

(i) not to transfer to any recipient whatsoever nuclear weapons or nuclear explosive devices or control over such devices directly or indirectly; and

(ii) not in any way to assist, encourage, or induce any non-nuclear-weapon State Party to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or acquire control over such weapons or explosive devices; and

(C) consistent with the Nuclear Non-Proliferation Treaty—

(i) pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, including ending fissile material production for nuclear weapons;

(ii) joining a legally-binding nuclear test moratorium;

(iii) verifiably reducing its nuclear weapons stockpile; and

(iv) eventually eliminating all nuclear weapons; and

(9) the Nuclear

SA 5183. Mr. FEINGOLD proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India,

and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 17, strike “Group; and” and all that follows through “(8) the Nuclear” on line 18 and insert the following: “Group;

(8) the scope and content of United States nuclear cooperation with India in the proposed nuclear cooperation agreement pursuant to section 123 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(a)) does nothing to directly or indirectly assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, specifically that—

(A) India cannot use United States-origin equipment, technology, or nuclear material in an unsafeguarded facility or nuclear weapons-related complex; and

(B) India cannot replicate and subsequently use United States-origin technology in an unsafeguarded nuclear facility or unsafeguarded nuclear-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices;

(9) India has provided sufficient assurances that the provision by the United States of nuclear fuel will not facilitate the increased production by India of fissile material in unsafeguarded nuclear facilities; and

(10) the Nuclear

SA 5184. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, which was ordered to lie on the table; as follows:

On page 117, strike lines 9 through 12 and insert the following:

described in section 306E of such Act; of which the Secretary may use not less than \$5,000,000 nor more than \$50,000,000 to provide grants to States, not to exceed \$1,000,000 per grant, to assist communities of less than 2,500 individuals, or entities that serve those communities, in complying with environmental regulations affecting the communities based on assistance approval criteria developed by the State and approved by the Secretary: *Provided*, That each State assistance approval criteria and any application for assistance funded under the criteria shall be approved by a council of citizens of the State that represent the regions of the State: *Provided further*, That the assistance may be used in conjunction with any other assistance provided by any Federal agency and shall be treated as funds of the community and not of the Federal Government: *Provided further*, That no matching requirement may be imposed on a community as a condition of receiving the assistance: *Provided further*, That funds not needed by a State in accordance with the grant application of the State may be repooled by the Secretary; and of which \$88,234,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided further*, That of the total amount

SA 5185. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and

for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CALCULATION OF AMOUNT OF CERTAIN BENEFITS.

(a) **IN GENERAL.**—Chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 471) is amended under the heading “COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFER OF FUNDS)” under the heading “COMMUNITY PLANNING AND DEVELOPMENT” under the heading “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT”, by inserting after “Army Corps of Engineers:” the following: “*Provided further*, That notwithstanding the previous proviso or any other provision of law, in providing assistance in the State of Louisiana, the Administrator of the Small Business Administration may (in determining whether activities are reimbursable under, or whether funds have been made available under, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) using amounts made available under this heading) use as the amount of a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) the amount attributable to the difference between the rate of interest on such loan and the market rate at which such borrower could have borrowed such funds, over the period of such loan:”

(b) **EFFECTIVE DATE AND APPLICABILITY.**—

(1) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as though enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(2) **APPLICABILITY.**—The amendments made by this section shall apply to any application for assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that is submitted not later than 1 year after the date of enactment of this Act.

SA 5186. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 11, after “Service:” insert “*Provided further*, That not less than \$600,000 of the amount made available under this heading shall be used to provide funding for the soil and water research unit located at Louisiana State University:”

SA 5187. Mrs. BOXER proposed an amendment to the bill S. 3709, to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; as follows:

On page 8, beginning on line 8, strike “Group; and” and all that follows through “Nuclear” on line 9 and insert the following: “Group;

(8) India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as the Government of Iran no longer supports acts of international terrorism, as determined by the Secretary of State under section 620A of

the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)); and

(9) the Nuclear

SA 5188. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REID, Mr. BAUCUS, Mrs. BOXER, Mrs. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr. KYL, Mrs. MURRAY, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF THE INTERIOR" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54), there is appropriated, out of any money in the Treasury not otherwise appropriated, \$60,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior: *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SEC. 759. For an additional amount for "WILDLAND FIRE MANAGEMENT" under the heading "DEPARTMENT OF AGRICULTURE" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54), there is appropriated, out of any money in the Treasury not otherwise appropriated, \$300,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SA 5189. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IX—OUTER CONTINENTAL SHELF ROYALTY REFORM AND ENHANCEMENT

SEC. 901. LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(q) ROYALTY SUSPENSION PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary shall agree to a request by any lessee to amend any lease issued as a result of a Central or Western Gulf of Mexico lease sale held during the period beginning on January 1, 1998, and ending

on December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions in the amount of \$34.73 per barrel (2005 dollars) for oil and for natural gas of \$4.34 per million Btu (2005 dollars).

"(2) ADJUSTMENT.—The oil and natural gas price thresholds established under paragraph (1) shall be adjusted during any calendar year after 2005 by the percentage, if any, by which the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce changed during the preceding calendar year.

"(3) NEW ROYALTY SUSPENSION VOLUMES.—After the date of enactment of this subsection, price thresholds shall apply to any royalty suspension volumes granted by the Secretary.

"(4) EFFECTIVE DATE.—Any amended lease shall impose the new price thresholds effective beginning October 1, 2006.

"(r) CONSERVATION OF RESOURCES FEES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish, by regulation, a conservation of resources fee for producing leases that will apply to new and existing leases which shall be established at \$9 per barrel for oil and \$1.25 per million Btu for gas (2006 dollars).

"(2) COVERED AREAS.—The fee shall only apply to leases issued with deep water royalty relief for which royalties are not being paid when prices exceed \$34.73 per barrel for oil and \$4.34 per million Btu for natural gas (2005 dollars).

"(3) EFFECTIVE DATE.—A fee imposed under this subsection shall apply to production that occurs on or after October 1, 2006."

SEC. 902. COASTAL IMPACT ASSISTANCE PROGRAM.

Section 31(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)) is amended—

(1) in paragraph (1)—

(A) by striking "The" and inserting the following:

"(A) FISCAL YEARS 2007 THROUGH 2010.—The"; and

(B) by adding at the end the following:

"(B) CERTAIN ROYALTY REVENUES.—Notwithstanding section 9, of the amount of any royalty revenues payable to the United States from any lease issued with deep water royalty relief as the result of a Central or Western Gulf of Mexico lease sale held during the period beginning on January 1, 1998, and ending on December 31, 1999, the Secretary of the Treasury shall deposit—

"(i) the amount of the royalty revenues in a special account in the Treasury, to be available to the Secretary of the Interior, without further appropriation, for each of fiscal years 2007 through 2016, for disbursement to Gulf producing States and coastal political subdivisions in accordance with this section, except that the amount made available under this clause shall not exceed a total of \$2,500,000,000; and

"(ii) any remainder of the royalty revenues in the general fund of the Treasury, to be used for deficit reduction."; and

(2) in paragraph (3)(B)—

(A) in clause (i), by striking "and" after the semicolon at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2011 through 2016 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2010."

SA 5190. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him

to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 20, strike "influenza;" and insert "influenza; and of which not less than \$1,500,000 shall be divided equally among each State that borders a Great Lake for use in enhancing facilities of the State to test for the presence of viral hemorrhagic septicemia in fish caught or farmed in the State:".

SA 5191. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 755.

SA 5192. Mr. FRIST (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 994, to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; as follows:

On page 1, line 5, strike "Act of 2005" and insert "Act of 2006".

On page 6, line 1, strike "fiscal year 2006" and all that follows through line 2 and insert the following: "fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 and 2010."

SA 5193. Mr. FRIST (for Mr. REID) proposed an amendment to the concurrent resolution S. Con. Res. 101, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; as follows:

On page 3, lines 3 and 4, strike "Universal Declaration of Human Rights" and insert "International Covenant on Civil and Political Rights".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a Full Committee hearing on the Reauthorization of the Pipeline Safety Program on Thursday, November 16, 2006 at 10 a.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 16, 2006 at 10 a.m. The purpose of this hearing is to consider the