

States. According to this report by a senior Energy Department official, al-Qaida may have held off against further attacks against our Nation since 9/11 to focus on attaining a nuclear weapon.

Madam President, I do have good news in this area. It is a serious topic, but there is some good news to report, although it also presents a challenge to us. The good news is, we know exactly what needs to be done to address the threat of nuclear terrorism. And a terrorist group as sophisticated as al-Qaida cannot build a nuclear weapon from scratch. The production of nuclear weapons and the fissile material that gives these nuclear weapons their deadly explosive power remains a capacity limited to a national government. A terrorist group can acquire a nuclear weapon through several means: It can purchase or steal a completed warhead from a state, or it can acquire the weapons-grade plutonium or enriched uranium at the core of a nuclear warhead to devise an improvised nuclear device.

Thus, if the United States works in concert with other nations to "lock down" nuclear warheads and weapons grade materials around the world, we can prevent terrorists from accessing this material in the first place. We are making some progress on this front through programs such as the Nunn-Lugar effort—named after Senators Nunn and Lugar. This effort to dismantle nuclear weapons and secure excess nuclear materials is playing out, but we are not moving fast enough. Additional funding is required but, perhaps even more important, high-level attention at the level of Presidents and Prime Ministers is necessary to break through the bureaucratic obstacles and political inertia blocking more rapid security gains.

After 9/11, the President should have made nuclear terrorism a key international priority, raising it to the very top of the U.S.-Russian agenda, for example. Instead, this administration continued a business-as-usual approach. I believe this was a gross misjudgment. This issue cries out for Presidential leadership.

But as vital as cooperative threat reduction programs are, we must go above and beyond them if we are to be successful in deterring a nuclear attack or nuclear terrorism. Not only should we do everything we can to prevent terrorist groups from acquiring the means to detonate a nuclear weapon, we must also fortify our capability to deter their use. A terrorist group such as al-Qaida is undeterred, but states, and certainly the states from which al-Qaida would acquire or steal a nuclear weapon, are not undeterred. We should make sure we keep pressure on them. We must enhance our ability to threaten overwhelming retribution against any state that by inattention or lax security enables a terrorist group to detonate a nuclear warhead in the United States.

We can do this in a number of ways: First, we must elevate the cost for individuals and businesses that choose to facilitate illicit smuggling of fissile material and related nuclear components. Nuclear smugglers and nuclear smuggling networks rely upon middlemen to transport fissile material and nuclear components, to forge export licenses and Customs slips, and engage in other black market activities. Too often in the past, when such individuals and businesses are caught in the act, so to speak, or with their hands dirty, they receive minimal prison sentences. For example, the Russian citizen arrested in Georgia for nuclear smuggling was sentenced to only 8 years in prison. These lax criminal penalties cannot deter future actions of nuclear smuggling.

Aiding and abetting nuclear smuggling is abhorrent and should be recognized for what it is—a crime against humanity. Just as the international community has banded together in the past to stigmatize the slave trade and genocide as crimes against humanity, so too should it now do the same thing for those who help terrorist groups acquire weapons of mass destruction. The United States should be a leader in this effort.

No. 2, we should be working with the International Atomic Energy Agency to establish a global library, a library of nuclear fissile material. If the IAEA were to have nuclear samples from every weapons production facility in the world, when a nuclear device exploded somewhere in the world, we could, in short order, trace the nuclear material used in that explosion to the originating reactor or production facility. The capability of a library such as this could serve as a powerful deterrent. If a state knew it could be held ultimately responsible for a nuclear detonation, it would have a far greater incentive to secure and protect its nuclear materials. Those states that refuse to cooperate with such a global library would risk condemnation and suspicion in the event of a nuclear attack.

Our colleague, Senator BIDEN, the chairman of the Foreign Relations Committee, has worked with the Armed Services Committee to strengthen U.S. efforts to take the first steps toward such a global library. Today, a group such as al-Qaida can get away with a nuclear attack on the United States because it does not have a fixed address at which we can easily retaliate. The same, however, does not apply to a nation that intentionally or through lax security provides the means for a terrorist group to detonate a nuclear device. The United States must leverage the same type of deterrence against those nations as it did against the Soviet Union during the Cold War.

Finally, we must be doing more in the overall effort to combat nuclear proliferation among states. It is a very simple equation. The more states that

acquire a nuclear weapon and fissile material, the more likely it is one of those states or some of those weapons and/or fissile material may be vulnerable to theft or illicit sale to terrorist groups. That is but one reason we must prevent Iran from acquiring nuclear weapons. It is why we must work with our international allies and partners to continue to ensure that North Korea verifiably dismantles its nuclear facilities and weapons under the Six Party Talks. This link between nuclear proliferation and nuclear terrorism demonstrates the importance of reinforcing the Nuclear Nonproliferation Treaty.

It is very difficult to imagine the utter devastation of an American city by an improvised nuclear device. It is perhaps for that reason the spectre of nuclear terrorism remains an abstract threat today. Yet before 9/11, very few of us could appreciate the dangers by commercial jet airliners hijacked by those on a suicide mission.

Madam President, the time for action on the challenge of nuclear terrorism is now. We must move to bolster existing threat reduction programs, strengthen our deterrence capability against those who would perpetrate acts of nuclear terrorism, and, finally, recommit ourselves to the effort to reduce the role and the number of nuclear weapons in our world today. We do not have the luxury of time to wait.

Before I relinquish the floor, I want to thank one of our great staff members for his work on this and so many other areas of our work. Jofi Joseph is one of our great legislative assistants who did a lot of work on this to prepare these remarks, and in so many other areas, and I want to commend him for his work.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

#### FHA MODERNIZATION ACT

Mr. REID. Madam President, I am glad I had the opportunity to listen to my friend from Pennsylvania give this very well thought out and very important statement. It is important for our country and for the world. Thank you very much.

Madam President, tomorrow, among other things, we will turn to consideration of the FHA Modernization Act, which has now been reported by the Senate Banking Committee. The bill enjoys wide bipartisan support, and for a good reason. It passed out of the committee by an overwhelming 20-to-1 vote.

The reason we must act now is clear for all to see. Every day new evidence emerges, and the depth and severity of our country's subprime mortgage and foreclosure crisis is painted before our eyes. Hundreds of thousands of mortgages are now delinquent nationwide. This is leading to real pain and hardship for American families. The most alarming fact is, this could be just the beginning.

This is why House and Senate Democrats announced earlier this year that we would address the subprime mortgage and foreclosure crisis comprehensively. I am pleased to say Democrats and Republicans have joined to work diligently toward that goal. Tomorrow, we bring the product of that hard work to the floor of the Senate.

This modernization bill is one of several ways we plan to assist deserving families not with a handout or a bailout but with education and assistance to help them weather this storm.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 4156

Mr. REID. Madam President, I ask unanimous consent that when the Senate begins the rule XIV procedure with respect to the House bridge bill regarding funding for Iraq and Afghanistan, that it be considered as having been initiated on Wednesday, November 14.

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

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent to go into morning business.

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

#### VETERANS LEGISLATION

Mr. AKAKA. Mr. President, last Thursday, November 8, 2007, the assistant majority leader, Senator DURBIN, propounded unanimous consent agreements on two bills reported by the Veterans' Affairs Committee—S. 1233, the proposed "Veterans Traumatic Brain Injury and Other Health Programs Improvement Act of 2007" and S. 1315, the proposed "Veterans Benefits Enhancement Act of 2007."

Both proposed agreements called for the bills to be considered "at any time determined by the majority leader, following consultation with the Republican leader" and also provided that the only amendments that would be in order would be "first-degree amendments that are relevant to subject matter of the bill." In other words, the request was for the Senate to take up these two bills, ordered reported by the committee in late June and reported in August, at some future time with the only exclusion being that no nonrelevant amendments would be in order.

It is hard to think of a more modest request for action on legislation. Un-

fortunately, my friend and colleague, the former chairman and ranking member of the committee, Senator CRAIG, objected to both unanimous consent agreements.

In explaining his objection, Senator CRAIG expressed the view that some provisions in the two bills are "controversial enough to merit considerable floor debate." Whether I agree with that characterization of the provisions, I would not seek to keep Senator CRAIG or any other Senator from debating the two bills. As I just noted, that was precisely what the unanimous consent called for—debate, at a mutually agreed upon time, with the only limitation being that any amendment had to be relevant. Judging by the concerns Senator CRAIG discussed in his explanation of his objection to the unanimous consent agreement, his amendments would, indeed, be relevant.

I was patient while our colleagues on the other side of the aisle dealt with the upheaval that followed the unanticipated change in the minority leadership on the committee. I recognized that they needed time to reorganize and for Senator BURR to move into his new role as the committee's ranking member. However, that change in the ranking member's position occurred over 2 months ago. It is time to bring these bills to the floor, time to engage in a full and open debate, time to vote on any amendments, and time to allow the Senate to have its say on the bills.

In his objection, Senator CRAIG spoke of the committee's history of working in a bipartisan fashion to resolve differences at the committee level. He is certainly correct that our committee rarely brings measures to the floor for debate. However, I do not understand that history to mean that any and all differences of opinion on legislation are resolved before we seek Senate action. Rather, it is my understanding that the committee's bipartisan practice means that we seek to negotiate so as to reach agreed-upon positions on legislation after legislative hearings and before committee markups. When we are unable to reach agreement, there is an opportunity for amendments to be offered during markups. After a markup, our traditional practice has been to move forward from a committee markup without further debate on the floor.

That approach is exactly what happened in 2005, when Senator CRAIG was chairman of the committee. He and I had negotiated on a variety of legislative initiatives up to the markup but could not reach agreement on a number of matters. At the markup, I offered amendments—five or six is my memory—on a number of the issues about which I had strong feelings. I did not, however, continue to pursue those matters on the floor. And I most assuredly did not do anything to block Senate consideration of the legislation that I had sought to amend. In fact, as ranking member, I worked with then-Chairman CRAIG to gain passage of the legislation by unanimous consent.

While I would certainly appreciate similar cooperation with respect to S. 1233 and S. 1315, I realize that Senator CRAIG and others may wish to continue to pursue amendments during debate before the full Senate, and I am prepared to support that result. All that is needed for that to happen is for agreement to be reached to begin that debate, as set forth in the unanimous consent agreement put forward by Senator DURBIN last week.

I do not know why others on the other side of the aisle are blocking this debate. I urge them to reconsider and to agree to allow the debate to go forward. Our committee should finish our work. America's veterans deserve no less.

#### MORTGAGE CANCELLATION RELIEF ACT

Mr. HATCH. Mr. President, I rise to speak concerning the Mortgage Cancellation Relief Act, S. 1394. In previous Congresses, I have introduced this legislation to provide immediate tax relief to homeowners adversely impacted by the recent downturn in the Nation's housing markets.

However, this Congress, I am pleased to join my friend and colleague from Michigan, Senator DEBBIE STABENOW, as a cosponsor of S. 1394. She was on the floor earlier this morning, and she had the opportunity to address this bill. I want to thank her for her continued interest in this issue.

I agree with her that it is well past time for Congress to act on this legislation.

There are a number of positive things I can say about S. 1394. It is a bipartisan bill. It is sound tax policy. It is good economic policy. And it treats those who have been impacted by housing declines fairly in their time of need.

As I mentioned, Senator STABENOW introduced this bill in May.

The President recommended a similar proposal in August.

However, the one not-so-positive thing I can say is that it is not law.

We are now into November. And despite all of the positive aspects of S. 1394, it has still not been reported by the Finance Committee or debated on the Senate floor.

The problem addressed by this legislation has its roots in the housing market.

In September, overall home sales slid 8 percent from the month before. Single-family sales slowed to the lowest pace in nearly 10 years.

Inventory is going up. At the end of August, there was a 9.6-month supply of homes. At the end of September, there was a 10.5-month supply of homes on the market.

So supply is up, and demand is down.

A high school senior, barely paying attention in his economics class, could tell you the result.

The result is a buyer's market. The median home price is down 4.2 percent from the year before.