

his ratings are and how the people feel about this Presidency—why are we rushing to pass this gravely flawed agreement? It was hustled through the other body without any hearings and without a vote in the House Foreign Affairs Committee. Here in the Senate, the Foreign Relations Committee held just one hearing with just one witness who spoke in support of the agreement. Until Senators objected, an attempt was made to pass the bill on the floor without any debate whatsoever. Given the monumental national security implications of this legislation—casting aside core principles of the Nuclear Non-Proliferation Treaty—this lack of debate and due diligence is simply extraordinary.

Leading arms control experts have condemned this agreement. Leonor Tomero, director of nuclear non-proliferation at the Center for Arms Control and Nonproliferation, rendered this verdict:

The Bush administration ignored congressional conditions and gave away the store in its negotiations with India, with nothing to show for the deal now except having helped foreign companies, enabled the increase of nuclear weapons and nuclear-weapons materials in India, and seriously eroded a thirty-year norm of preventing nuclear proliferation.

India is a peaceful nation, a strong democracy, and a friend of the United States. I have tremendous respect for India. But there are facts that must be acknowledged: India is one of only four states that have refused to sign the Nuclear Non-Proliferation Treaty; India continues to produce fissile material and expand its nuclear arsenal; India does not have International Atomic Energy Agency safeguards on all elements of its civilian nuclear program; and India has failed to file a list of facilities that will be subject to the IAEA safeguards. According to the U.S. Department of State, in the past, Indian entities have sold sensitive missile technologies to Iran—to Iran—in violation of U.S. export control laws.

I might just add one other thing. It has been said time and time again that India is a great friend of the United States. I suggest that one go back and look at the votes in the United Nations General Assembly and see how many times India votes with the United States and has since the establishment of the United Nations. It is dismal. I was trying to get that before the debate today, going all the way back. I had that at one time. But I can tell you, last year, in 2007, in the General Assembly, India voted with the United States 14 percent of the time—one of the lowest in the world. This great friend of the United States supported us in the United Nations 14 percent of the time. Is that a real friend?

As I said, one more item: India, 22 reactors; only 14 are going to come under IAEA safeguards, the other 8 used for military weapons programs. Yet, despite this record, the legislation before us would give India the rights and privileges of civil nuclear trade that

heretofore have been restricted to members in good standing of the non-proliferation treaty.

As others have pointed out, this would create a dangerous precedent. It would create a distinction between kind of “good” proliferators and “bad” proliferators. It would send mixed, misleading signals to the international community with regard to what is and is not permitted under the non-proliferation treaty. Under this legislation, the United States would be saying, in effect, that India is a “good” proliferator and it should get special favorable treatment. What if, in the months ahead, China or Russia decides to recognize Iran as a “good” proliferator? On what grounds would we object, having rewritten the rules to suit our own interests and certain special interests with regard to India?

I oppose this legislation. But there is one element of this prospective agreement with India that I believe is particularly dangerous and needs to be changed. It was talked about earlier. Under the 2006 Henry J. Hyde Act, the United States must—must—ban the transfer of enrichment or reprocessing technologies to India and it must cut off—must cut off—nuclear trade with India if that nation resumes nuclear testing. The administration has successfully pressured the Nuclear Suppliers Group to approve an India-specific waiver that does not incorporate these consequences if India resumes nuclear testing. This is virtually an invitation to India to resume nuclear testing, secure in the knowledge that a resumption of testing would not nullify this new nuclear trade agreement.

I believe this to be a grave mistake. That is why I am joining with Senator DORGAN and Senator BINGAMAN and others to offer a commonsense amendment to this legislation in order to send an unambiguous warning to India with regard to resumption of nuclear testing. Our amendment states:

Notwithstanding any other provision of law, the United States may not export, transfer, or retransfer any nuclear technology, material, equipment, or facility under the Agreement if the Government of India detonates a nuclear device after the date of the enactment of this Act.

It is very simple, very straightforward.

In order to protect the integrity of the world’s nonproliferation regime, I urge my colleagues to vote against the United States-India nuclear energy cooperation agreement. It will set a dangerous precedent, and it will weaken our efforts to deny Iran a nuclear weapon. But if nothing else, at least we can adopt the amendment being offered by Senator DORGAN and Senator BINGAMAN and others to say that if, in fact, they do detonate a nuclear device, the United States will stop any export, transfer, or retransfer of any nuclear technology, material, or equipment to India. So, again, I am a realist. I recognize that this seems to be on a fast track. It will likely go to passage. So

to minimize the damage, I urge Senators to support the Dorgan-Bingaman amendment which will give India strong incentives not to resume nuclear testing.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I wish to proceed at this time as in morning business.

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

TRIBUTE TO SENATORS

Mr. WARNER. Mr. President, I rise today, as one of those who made the weighty decision not to seek reelection, to share my most personal thoughts—tributes—to my esteemed colleagues who will quietly, humbly, and with a deep sense of gratitude to their States, to our Nation, bring to a conclusion their public service as U.S. Senators.

This is a diverse group of Senators. Whether we hail from small farms, small cities or, in my case, from major metropolitan areas, we bring different backgrounds, different interests. That diversity gives the Senate its strength to serve equally all Americans. What we share, however, is an unwavering love for our States, our country and for the institution of the U.S. Senate.

We aspire to Winston Churchill’s quote: “We make a living by what we get; we make a life by what we give.”

It has been my privilege, over my 30 years in the Senate, to serve with a total of 261 Members. Each, almost, shall be remembered as a friend.

I want to say a few special, heartfelt words about Senator PETE DOMENICI.

PETE DOMENICI

I first came to know PETE DOMENICI when I arrived in the Senate in 1979. He beat me here by 6 years, and now has served New Mexico with distinction for 36 years. PETE is a veritable renaissance man: baseball player, math teacher, lawyer, city commissioner, senator and, most importantly, a loving husband, father and grandfather.

Senator DOMENICI made his mark with his leadership on fiscal and energy