

AMENDMENT NO. 5181

(Purpose: To ensure that IAEA inspection equipment is not used for espionage purposes)

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.

Mr. LUGAR. Mr. President, I understand that the Senator from Delaware, as the ranking member, will offer the official motion sending us over to the Chamber.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, if I understand the parliamentary situation properly, and I am not sure I do, I ask unanimous consent that following the offering of the Ensign amendment, the Senate stand in recess subject to the call of the Chair so that it may reconvene pursuant to the previous order.

I further ask that the following Senate staff be permitted to attend the closed session, and I send the list to the desk.

The list is as follows:

Mike Disilvestro; Joel Breitner; Mary Jane McCarthy; Paul Nelson; Richard Verma; Stephen Rademaker; Marcel Lettre; Nancy Erickson; Lynne Halbrooks; Scott O'Malia; Pam Thiessen; Thomas Moore; Lynn Rusten; Ed Corrigan; Rexon Ryu; Ken Myers III; Ken Myers, Jr.; Brian McKeon; Ed Levine; Madelyn Creedon; Nancy Stetson; Diane Ohlbaum; Anthony Blinken; Janice O'Connell.

Mr. BIDEN. Mr. President, before the Chair rules, I will remind Senators that those who attend the closed session are not permitted to bring any electronic devices into the Old Senate Chamber. Mr. President, I send to the desk the list of the names of the staff members that could be present.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Ensign amendment now being the pending question, the Senate stands in recess subject to the call of the Chair.

Whereupon, the Senate, at 3:43 p.m., recessed subject to the call of the Chair and reassembled at 4:59 p.m. when called to order by the Presiding Officer (Ms. MURKOWSKI.)

Mr. LUGAR. Madam President, we are now prepared to vote in relation to the Ensign amendment. I ask unanimous consent that following that vote, Senator FEINGOLD be recognized to offer his amendment and that there be 90 minutes equally divided on that amendment. I further ask unanimous consent that following the use or yielding back of time on that amendment, it be set aside, and Senator BOXER be recognized in order to offer her amendment; provided further that there be 45 minutes equally divided in relation to that amendment. Further, that following that time the Senate proceed to a vote in relation to the Feingold amendment, to be followed by a vote in relation to the Boxer amendment, with no second-degrees in order, and following these votes, the bill be read for a third time and the Senate proceed to a vote on passage of the House bill as provided in the previous order. I would also ask that there be 2 minutes equally divided for debate prior to each vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair. We are now prepared to vote in relation to the Ensign amendment.

The PRESIDING OFFICER. Do Senators yield time on the amendment?

Mr. LUGAR. Yes.

VOTE ON AMENDMENT NO. 5181

The PRESIDING OFFICER. All time is yielded. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 267 Leg.]  
YEAS—27

Allard	Dorgan	Kyl
Bunning	Ensign	Lott
Coburn	Enzi	McConnell
Coleman	Frist	Menendez
Collins	Grassley	Santorum
Conrad	Gregg	Sessions
Cornyn	Hutchison	Smith
DeMint	Inhofe	Snowe
Dole	Johnson	Sununu

NAYS—71

Akaka	Biden	Burr
Alexander	Bingaman	Byrd
Allen	Bond	Cantwell
Baucus	Boxer	Carper
Bayh	Brownback	Chafee
Bennett	Burns	Chambliss

Clinton	Kerry	Reed
Cochran	Kohl	Reid
Craig	Landrieu	Roberts
Crapo	Lautenberg	Rockefeller
Dayton	Leahy	Salazar
DeWine	Levin	Sarbanes
Dodd	Lieberman	Schumer
Domenici	Lincoln	Shelby
Durbin	Lugar	Specter
Feingold	Martinez	Stabenow
Feinstein	McCain	Stevens
Graham	Mikulski	Talent
Hagel	Murkowski	Thune
Harkin	Murray	Vitter
Hatch	Nelson (FL)	Voinovich
Inouye	Nelson (NE)	Warner
Isakson	Obama	Wyden
Kennedy	Pryor	

NOT VOTING—2

Jeffords	Thomas
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The amendment (No. 5181) was rejected.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ISAKSON). Under the previous order, the Senator from Wisconsin is recognized. Will the Senator suspend?

Did the distinguished chairman wish to be recognized?

Mr. LUGAR. Mr. President, just for clarification, I ask unanimous consent that the Feingold and Boxer amendments be in order, notwithstanding adoption of the Harkin amendment.

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

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. LEAHY. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. FEINGOLD. I yield.

Mr. LEAHY. Mr. President, how long did we spend in that last 15-minute rollcall?

The PRESIDING OFFICER. We spent approximately 39 minutes.

Mr. LEAHY. Thirty-nine?

The PRESIDING OFFICER. Thirty-six. I apologize.

Mr. LEAHY. Thirty-six for a 15-minute rollcall. I am just curious, for those of us who might actually have a life after dark around this place, how much longer the rest will be.

I thank the Chair.

The PRESIDING OFFICER. The Chair would recognize that the distinguished majority leader's retirement recognition with the Vice President was being held, and that was probably the delay, for the meeting.

The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 5183

Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 5183.