

amendment. My amendment has nothing to do with the transfer of lethal weapons. My colleague Senator BIDEN talked about that. Nothing to do with that. My amendment, in the real world, I don't believe could be seen as a killer amendment. It is a simple amendment.

My colleague Senator BOND is right. He says a lot of other countries have relationships with Iran. No other country gets a deal like this where we give nuclear technology and there is absolutely no control on the number of bombs India could build. Experts tell us it could be as many as 50 a year. I don't think that makes the world safer.

But to help me with this treaty, to give my constituents a feeling that we are protecting them, at the least, say you are getting this deal, you are going to be able to build a lot of weapons with it, then cut off your military-to-military ties with the leading terrorist nation in the world—Iran—a nation that is at this very moment hurting our troops in the field in Iraq.

Now, my colleague Senator BIDEN, I agree with completely when he says—and I do believe this—Senator LUGAR, if President, would have cut a better deal. I could say Senator BIDEN, if President, could have cut a better deal, but we don't have a better deal. And I don't live in a world where you sit back and say, oh, too bad. This isn't about buying a piece of cake. We are not going to the store and buying a toy. It is about giving nuclear technology to a country that has, in fact, been called out by our own country because it has in the past transferred information about WMDs, nuclear weapons, missiles, to Iran. We have called them out on that. So why can't we ask them simply to stop these military-to-military programs they have with Iran?

Again, when we stand up and say, gosh, this is a killer amendment, they will walk away, it sounds weak to me. It does not sound as though we are the strongest nation in the world. Who would walk away from this deal? India is not a member of the NPT, not a signatory, and they are getting all this information from the United States of America on nuclear civilian technology, with no cap on the number of bombs they can build, and they are going to walk away from this because we simply ask them not to have military-to-military cooperation with the world's leading sponsor of terrorism?

I don't get it. So I think my colleagues have made this complicated when it is really very simple. We do this deal with India, the least they can do is cut off their military-to-military cooperation with Iran.

With that, Mr. President, I conclude my remarks. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I would inquire of the Chair if the existing order now calls for a 2-minute debate on the Feingold amendment prior to a rollcall vote on that amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Further, I would ask the Chair for clarification: Does the 2-minute debate then occur on the Boxer amendment, after the rollcall vote on Feingold?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Then, finally, an additional 2-minute debate before final passage of the bill, after the Boxer amendment is voted on?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I thank the Chair for that clarification.

Mr. President, I ask unanimous consent that—the first rollcall vote, we understand, is 15 minutes—the subsequent rollcall votes be 10 minutes each.

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

Mr. LUGAR. I thank the Chair.

Senator FEINGOLD is now recognized.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 5183

Mr. FEINGOLD. Mr. President, I would like to briefly recap what my amendment does and why I believe it is important for the Senate to adopt it.

The amendment is very simple. It will require the President to make determinations that nothing in the nuclear cooperation agreement he negotiates with India will contribute to India's nuclear weapons program. Both the United States and India have stated that expanding India's nuclear arsenal is not an objective of this agreement, and my amendment simply makes those claims binding.

The United States is prohibited under our current obligations in the Nuclear Non-Proliferation Treaty to directly or indirectly assist the nuclear weapons programs of other states. My amendment simply makes clear that the United States is actually abiding by its international commitments. It does not require the President to guarantee what India will do; he simply must certify that he is satisfied the agreement will not contribute to India's nuclear weapons program.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me, in brief response, say I understand the intent of the amendment. But the amendment uses the words, for example, "India cannot use United States-origin equipment . . ." "India cannot replicate and subsequently use. . . ." No one can certify they cannot. It is possible they could. The question is whether we are insisting that they not use it. We are insisting they are not using it, and we have built into this agreement a requirement on the part of the administration to look at whether they are, in fact, doing it.

So the question is not whether they can or cannot. Anything can happen. A

President cannot certify it is not possible. That is what "cannot" says. But he can certify to the best of his knowledge it is not occurring. That is what we require. "Cannot" makes this a deal-breaker. No President could certify it. "Cannot" translates into "it is not possible to replicate, it is not possible to . . .," and no one can certify to that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will please call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS).

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 71, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—25

Akaka	Dorgan	Lincoln
Bingaman	Durbin	Menendez
Boxer	Feingold	Mikulski
Byrd	Feinstein	Obama
Cantwell	Harkin	Pryor
Clinton	Johnson	Reed
Conrad	Kennedy	Salazar
Dayton	Lautenberg	
Dodd	Leahy	

NAYS—71

Alexander	Dole	Murray
Allard	Domenici	Nelson (FL)
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Reid
Bayh	Frist	Roberts
Bennett	Graham	Rockefeller
Biden	Grassley	Santorum
Bond	Gregg	Sarbanes
Brownback	Hagel	Schumer
Bunning	Hatch	Sessions
Burns	Hutchison	Shelby
Burr	Inouye	Smith
Carper	Isakson	Snowe
Chafee	Kerry	Specter
Chambliss	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Levin	Talent
Collins	Lieberman	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voivovich
Crapo	Martinez	Warner
DeMint	McConnell	Wyden
DeWine	Murkowski	

NOT VOTING—4

Inhofe	McCain
Jeffords	Thomas

The amendment (No. 5183) 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.

AMENDMENT NO. 5187

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Boxer amendment.