

The Senator from California.

Mrs. BOXER. Mr. President, I will be very brief. We are giving India a one-of-a-kind deal that no one else gets: civilian nuclear technology and no cap on the number of bombs they can build.

The least we can do is ask them to cut off their military ties with the biggest state sponsor of terrorism—Iran. Iran is building the IEDs that are killing our soldiers in Iraq. The least we can do is ask the President to certify that they have cut off military-to-military relationships with Iran.

Why is it important? Look at this Defense News: "Indian Navy Trains Iranian Sailors."

We know they have these ties. If we really believe we are doing something good, we should at least expect India to cut off military ties with the leading state sponsor of terrorism—Iran. I urge an "aye" vote.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, Iran is a critical challenge to the United States, our diplomacy, our global security, but in this very difficult environment the United States must cultivate a strong multilateral response to Iran's pursuit of nuclear weapons in support of terrorism.

I simply point out that India was the only member of the nonaligned movement to vote for referral of Iran to the U.N. Security Council for its illegal nuclear program. Holding India to a different standard than all of our other closest allies or nations with whom we engage in nuclear commerce does not appear to be a good way to secure their support.

Let me be very clear: If this amendment is adopted, the India nuclear agreement is kaput. This is it. This is a killer amendment, and I ask for Senators to vote no.

Mrs. BOXER. 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 question is on agreeing to amendment No. 5187. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. INHOFE) 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 38, nays 59, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—38

Akaka	Byrd	Coleman
Bingaman	Cantwell	Collins
Boxer	Clinton	Conrad

Dayton	Kyl	Reid
DeWine	Lautenberg	Salazar
Dorgan	Leahy	Santorum
Durbin	Lincoln	Schumer
Ensign	Menendez	Smith
Feingold	Mikulski	Snowe
Feinstein	Murray	Specter
Harkin	Nelson (FL)	Stabenow
Johnson	Obama	Wyden
Kennedy	Pryor	

NAYS—59

Alexander	DeMint	Lugar
Allard	Dodd	Martinez
Allen	Dole	McCain
Baucus	Domenici	McConnell
Bayh	Enzi	Murkowski
Bennett	Frist	Nelson (NE)
Biden	Graham	Reed
Bond	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Sarbanes
Burns	Hatch	Sessions
Burr	Hutchison	Shelby
Carper	Inouye	Stevens
Chafee	Isakson	Sununu
Chambliss	Kerry	Talent
Coburn	Kohl	Thune
Cochran	Landrieu	Vitter
Cornyn	Levin	Voinovich
Craig	Lieberman	Warner
Crapo	Lott	

NOT VOTING—3

Inhofe	Jeffords	Thomas
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The amendment (No. 5187) was rejected.

Mr. LUGAR. Mr. President, 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.

#### NONPROLIFERATION CONSEQUENCES

Mr. OBAMA. Mr. President, I rise today to express my support for the United States-India Peaceful Atomic Energy Cooperation Act, S. 3709. As I have said before, I believe strengthening the relationship between our two nations is an important strategic goal and this legislation helps us take a dramatic step in this direction.

However, like many of my colleagues, I have concerns with potential nonproliferation consequences of this agreement. Much to my disappointment, the administration has done very little to address these concerns, instead, sending draft legislation to the Congress that was essentially a blank check.

The managers of the bill, Senators LUGAR and BIDEN, have done a tremendous job taking the administration's proposal and shaping it into meaningful, bipartisan legislation. The bill now before the Senate helps move us closer to India while addressing some key nonproliferation issues.

However, I remain concerned about the issue of nuclear testing. A decision by the Indian Government to conduct such a test could trigger an arms race in South Asia that would be extremely dangerous and destabilizing.

The good news is that the joint statement between President Bush and Prime Minister Singh of July 18, 2005 declared that India's unilateral moratorium on nuclear testing will continue. I take Prime Minister Singh at his word, but also believe in following President Reagan's mantra of "trust but verify."

To this end, I am wondering if the chairman will take a few moments to

clarify a couple matters concerning this legislation. Is it the managers' belief that section 129 of the Atomic Energy Act, AEA, will apply prospectively to India—aside from the sections of the AEA that are explicitly amended by S. 3709?

Mr. LUGAR. Mr. President, the Senator is correct. Under our bill, the full force of section 129 would apply to any Indian detonation of a nuclear explosive device, any termination or abrogation of IAEA safeguards by India, and material violation of IAEA safeguards by India, all would result under section 129 in the termination of nuclear exports to India.

Mr. OBAMA. On a related note, is it the chairman's interpretation of the legislation that, in the event of a future nuclear test by the Government of India, nuclear power reactor fuel and equipment sales, and nuclear technology cooperation would terminate; other elements of the United States-India nuclear agreement would likely terminate; and the United States would have the right to demand the return of nuclear supplies?

Mr. LUGAR. Yes, under our bill, the only requirement which is waived is that in section 123.a(2) of the Atomic Energy Act of 1954, for full-scope safeguards. India's 123 agreement would still have to meet the requirement of section 123.a(4), which requires that in the event of a test by India of a nuclear explosive device the United States shall have the right to request the return of supplies as you have stipulated.

Mr. OBAMA. I offered an amendment that the managers have already accepted pertaining to the supply of nuclear power reactor fuel in safeguarded, civilian nuclear facilities. To further clarify this issue, is it the managers' understanding that provision of a fuel to the Government of India should be sized in a way to maintain a deterrent to Indian nuclear testing, while also providing protections against short-term fluctuations in the supply of nuclear fuel? In other words, is it your understanding that providing a fuel reserve to India is not intended to facilitate a resumption in nuclear testing?

Mr. LUGAR. Yes, that is our understanding.

Mr. OBAMA. Does the chairman believe that, as this agreement moves forward to the Nuclear Suppliers Group, NSG, the United States should work to ensure that other nations provide nuclear power reactor fuel in a similar fashion?

Mr. LUGAR. Yes, I hope that would be the case.

Mr. OBAMA. Finally, would the managers agree that section 105 of S. 3709 requires that the President determine, prior to exercising the waivers in section 104, that "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 . . . has entered into force," and that the