

This agreement helps to liberate U.S. policy from this false choice; the United States can and should enjoy positive relations with both nations. This bill will broaden and deepen America's emerging strategic partnership with India.

This legislation is also part of a broader framework for the United States and India to work together on many issues, including energy, defense cooperation, anti-terrorism efforts and the promotion of democracy. S. 3709 will strengthen the world's security by expanding the reach of international non-proliferation efforts, and will increase transparency about India's civilian nuclear program.

In addition, this bill will boost America's energy security by helping India meet its growing energy needs with nuclear power. With a population over one billion, India has greatly increased the demand for energy, helping to raise energy prices on the world market. The more power India can get from other sources, the less Americans will have to pay for energy here at home.

This bill will also foster economic growth in America by opening up new opportunities for American companies to do business in India's civilian nuclear sector. By passing this legislation, my colleagues will help create new jobs for Americans and new markets for American firms.

I want to commend my good friend from the neighboring State of Indiana, Senator LUGAR, for his sponsorship of this bill and his successful shepherding of it through the Senate.

Mr. President, improving U.S.-Indian ties is long overdue. After all, America and India are the worlds two largest democracies. As President Bush continues to champion the spread of democracy abroad, it is entirely fitting that our two countries should continue to strengthen our strategic partnership, as a model for the world of what democracies can accomplish when they work together in peace.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the unanimous consent order provides for 1 minute on each side. I will forego my minute, but I would like to yield to the distinguished leader, who is here. He wants to make a comment.

Mr. FRIST. Mr. President, just for the information of my colleagues, this will be the last rollcall vote tonight. The plans will be on Monday, December 4, to be back in session, and in all likelihood we will not be voting until the late afternoon of December 5. Everybody stay posted. We will keep you apprised of the future plans.

Mr. LUGAR. Mr. President, we relinquish all time.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 5682, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 3709, as amended, is inserted in lieu thereof.

The question is on third reading of the bill.

The bill (H.R. 5682), as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The 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 85, nays 12, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—85

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

NAYS—12

Akaka	Conrad	Harkin
Bingaman	Dayton	Johnson
Boxer	Dorgan	Kennedy
Byrd	Feingold	Leahy

NOT VOTING—3

Inhofe	Jeffords	Thomas
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The bill (H.R. 5682), as amended, was passed, as follows:

H.R. 5682

Resolved, That the bill from the House of Representatives (H.R. 5682) entitled "An Act to exempt from certain requirements of the

Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION

SECTION 101. SHORT TITLE.

This title may be cited as the "United States-India Peaceful Atomic Energy Cooperation Act".

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) strong bilateral relations with India are in the national interest of the United States;

(2) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(3) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;

(4) such commerce also represents a significant change in United States policy regarding commerce with countries not parties to the Nuclear Non-Proliferation Treaty, which remains the foundation of the international non-proliferation regime;

(5) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international non-proliferation regimes, including, in particular, the Guidelines of the Nuclear Suppliers Group (NSG); and

(6) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

SEC. 103. DECLARATION OF POLICY CONCERNING UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION.

It shall be the policy of the United States with respect to any peaceful atomic energy cooperation between the United States and India—

(1) to achieve as quickly as possible a cessation of the production by India and Pakistan of fissile materials for nuclear weapons and other nuclear explosive devices;

(2) to achieve as quickly as possible the Government of India's adherence to, and cooperation in, the full range of international non-proliferation regimes and activities, including India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C);

(3) to ensure that India remains in full compliance with its non-proliferation, arms control, and disarmament agreements, obligations, and commitments;

(4) to ensure that any safeguards agreement or Additional Protocol thereto to which India is a party with the International Atomic Energy Agency (IAEA) can reliably safeguard any export or reexport to India of any nuclear materials and equipment;

(5) to meet the requirements set forth in subsections a.(1) and a.(3)–a.(9) of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(6) to act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the multilateral Nuclear Suppliers Group and the rules and practices regarding NSG decision-making;