Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 456.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 86. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3549. An act to amend the Defense Production Act of 1950, to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional oversight with respect thereto, and for other purposes.

RETURNED AMERICANS PROTECTION ACT OF 2006

Mr. HERGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5865) to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. PAYMENTS FOR TEMPORARY ASSISTANCE TO UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

(a) INCREASE IN AGGREGATE PAYMENTS LIMIT FOR FISCAL YEAR 2006.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by inserting '', except that, in the case of fiscal year 2006, the total amount of such assistance provided during that fiscal year shall not exceed $6,000,000'' after ''2003''.

SEC. 2. DISCLOSURE OF INFORMATION IN THE DIRECTORY OF NEW HIRES TO ASSIST ADMINISTRATION OF FOOD STAMP PROGRAMS.

Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended—

(1) by redesignating the second paragraph (7) as paragraph (9); and

(2) by adding at the end the following new paragraph

''(10) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF FOOD STAMP PROGRAMS.—

''(A) IN GENERAL.—If, for purposes of administering a food stamp program under the Food Stamp Act of 1977, a State agency responsible for the administration of the program transmits to the Secretary the names and social security account numbers of individuals, the Secretary shall disclose to the State agency information on the individuals and their employers maintained in the National Directory of New Hires, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE BY THE SECRETARY.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE AND DISCLOSURE OF INFORMATION BY STATE AGENCIES.—

''(i) IN GENERAL.—A State agency may not use or disclose information provided under this paragraph except for purposes of administering a program referred to in subparagraph (A).

''(ii) INFORMATION SECURITY.—The State agency shall have in effect data security and control policies that the Secretary finds adequate to ensure the security of information obtained under this paragraph and to ensure that access to such information is restricted to authorized persons for purposes of authorized uses and disclosures.

''(iii) PENALTY FOR MISUSE OF INFORMATION.—An officer or employee of the State agency who fails to comply with this subparagraph shall be subject to the sanctions under subsection (l)(2) to the same extent as if the officer or employee were an officer or employee of the United States.

''(D) PROCEDURAL REQUIREMENTS.—State agencies requesting information under this paragraph shall adhere to uniform procedures established by the Secretary governing information requests and data matching under this paragraph.

''(E) REIMBURSEMENT OF COSTS.—The State agency shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.''.

Mr. HERGER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5865. The purpose of the bill is to increase the funds in the program aiding Americans currently fleeing the crisis in the Middle East from $1 million to $6 million. It is important to help these Americans get out of harm's way and to provide them with the assistance they need to return to their homes in the United States.

However, when we considered this bill on the House floor, we learned that provisions within it allowed it to pass only on the condition that the program, established under the Social Security Act, is terminated. I thank my colleague Mr. MCDERMOTT for his comments on this matter and his criticism of this condition.

I am pleased that the Senate added an amendment to allow this valuable program to continue after this year. This is absolutely essential to the well-being of all Americans who may find themselves in such a situation in the future and look to their government for help. The United States received enough criticism already for mobilizing less quickly to assist our citizens in leaving war-ravaged areas of Lebanon. It is our job to protect them and help them return home, and I am pleased to give my support to this new version of the bill.

I urge my colleagues to vote in favor of H.R. 5685 to let the American people know that their representatives in Congress are concerned about their safety. Let us send a clear message that we will do all we can to help them get out of harm's way should they find themselves in such a crisis situation overseas.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on the bill, H.R. 5865.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1730

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 5682.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 947 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5682.

□ 1731

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I rise in support of H.R. 5682, the U.S.-India Nuclear Cooperation Promotion Act of 2006, which the Committee on International Relations ordered reported by a vote of 37–5 on June 28. This, therefore, is truly a bipartisan effort.

This bill is based on the administration's original proposal, H.R. 4974, which Mr. LANTOS and I introduced last fall at the request of Secretary Rice. Current law does not permit civil nuclear trade with India. That legislation would have authorized the President to waive a number of provisions of the Atomic Energy Act of 1954, as amended, to allow him to negotiate an agreement establishing civil nuclear cooperation with India.

This agreement will permit the U.S. to sell technology to India for nuclear power development. In return, India will open up for inspection its civilian nuclear program to international inspections and also agree not to test nuclear weapons and abide by nuclear export controls.

H.R. 5682 takes the President's bill as a starting point and amends it in several key ways. The most important of these is that the process of congressional consideration has been reversed, meaning that the agreement cannot go into effect unless Congress approves it. This seemingly small change actually has great ramifications for the role of Congress as it ensures that we will retain a substantive role in the negotiation and implementation of this historic and far-reaching agreement.

Other major improvements in this bill include strengthening the conditions which the President must certify. The original, vague generalities have been made more specific and require a number of conditions to have already been met instead of being open-ended. The most important of these include:

That India has provided the United States and the International Atomic Energy Agency with a credible plan to separate its civilian and military facilities;

India has concluded a safeguards agreement with the IAEA regarding its civilian nuclear facilities;

India and the IAEA are making ''substantial progress'' toward concluding an Additional Protocol, which is a set of enhanced safeguards and inspection measures that the United States is urging all countries to negotiate for themselves;

India and the United States are working toward a multilateral Fissile Material Cutoff Treaty;

India is working with the United States to prevent the spread of enrichment and reprocessing technology;

India is taking steps to secure its nuclear and other sensitive materials and technology through enhanced export control legislation and harmonizing its export control laws, regulations and procedures with international standards; and the Nuclear Suppliers Group, also known as the NSG, has voted to change its guidelines to allow civil nuclear trade with India.

As many of you know, the NSG is a voluntary group of countries that export nuclear materials and technology and that coordinate their export policies regarding other countries. Currently, those guidelines do not permit nuclear trade with India.

In addition, the legislation requires detailed annual reports on the implementation of the U.S.-India agreement and on U.S. nonproliferation policy with respect to South Asia. There are also sections on Sense of Congress and Statements of Policy that, although containing many useful provisions, I will not take the time to describe in detail now.

Taken together, the committee believes that this bill represents a judicious balancing of competing priorities and will help lay the foundation for an historic rapprochement between the United States and India, while also protecting the global nonproliferation regime.

Having described the major components of the bill, let me take a brief moment to address some of the arguments made by supporters and opponents.

I have yet to hear any objection raised by any Member regarding the desirability of improving U.S.-India relations in general. She is the largest democracy in the world, with 1.1 billion people.

The announcement on July 18 of last year by President Bush and Indian Prime Minister Singh of a new global partnership between our two countries has been almost universally praised in this country and is rightly regarded as an historic achievement and one that is long overdue.

That partnership embraces many elements, from combating the AIDS epidemic to collaboration on scientific research to closer cooperation and ensuring stability in South Asia and other regions. Among other benefits, the agreement on nuclear cooperation that this bill will make possible will help India address its pressing energy needs by allowing it to build several nuclear reactors to supply electricity and lessening the need for petroleum.

A major argument in favor, however, is that a closer relationship with India is needed to offset the rising power of China. There is much to this view, and it is clear that the U.S. will need to draw upon new resources to handle the challenges of this new century.

In the end, this is a good deal for both the U.S. and India. While the world has known that India possesses nuclear weapons, India has not had a seat at the table of nuclear stakeholders. The agreement calls for the U.S. to sell technology to India for nuclear power development. In return, India will open its 14 civilian nuclear reactors to international inspections, agree not to test nuclear weapons and abide by nuclear export controls. This brings India into the mainstream with other accountable countries, giving rise to the same benefits and responsibilities as such other countries.

It is important to note that this deal would improve international nuclear security and at the same time expand relations between the U.S. and one of the most important emerging nations in the world. It will enable India to make energy cheaper, cleaner and more accountable. It would create more customers for U.S. firms and, in the end, both countries will benefit.

I urge support of this important legislation.

I want to acknowledge the indispensable collaboration of Mr. LANTOS and his marvelous staff, matched only in talent and zeal by my marvelous staff. This is truly a product of very desirable bipartisanship, and I thank them and salute them for their contribution.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the legislation. This is no ordinary vote. Historians will regard what we do today as a tidal shift in relations between India and the United States. This will be known as the day when Congress signaled definitively the end of the Cold War paradigm governing interactions between New Delhi and Washington.

A few weeks ago, by a vote of 37–5, the International Relations Committee resoundingly approved this legislation backing the civilian nuclear accord with India. This was nothing short of a vote of confidence in the long-term future of relations between India and the United States.

President Clinton laid the foundation for this process with his historic trip to India 6 years ago. He demonstrated that the United States was launching a new era of mutual respect and cooperation.

A year ago, this vision was brought to full realization as the President and Prime Minister Singh issued a joint statement on an array of new initiatives spanning the fields of high technology, space exploration, counterterrorism, defense cooperation and energy security.

Today, Mr. Chairman, the House of Representatives steps forth into the spotlight to offer its judgment on one critical element of this new relationship, the United States and India Nuclear Cooperation Promotion Act of 2006, the first key step to create the statutory authority to expand nuclear research, civilian nuclear power and nonproliferation cooperation New Delhi.

Our legislation represents a nonproliferation victory for the United States. As part of the agreement, India has committed to continue its moratorium on its own nuclear tests. It will also adhere to international nuclear and missile control restrictions, and India has agreed to place its civil nuclear facilities for the first time under international safeguards.

Mr. Chairman, this, of course, is not a perfect agreement. No agreement between two sovereign nations can ever

be perfect, because the agreements arise from hard negotiations. Compromise was necessary on all sides. But we must not let the siren song of perfection deafen us to this chance for dramatically strengthening an important and valued ally.

□ 1745

Mr. Chairman, I understand the criticisms of this agreement on nonproliferation grounds. But I would like to assure the House that the International Relations Committee has thoroughly examined these issues during our five extensive hearings since last September on this initiative.

And, Mr. Chairman, our bill addresses those concerns thoroughly. It requires the President to make several determinations to Congress. Among these, the President must determine that India has concluded a credible plan to separate civilian and military nuclear facilities; that India has concluded a safeguards agreement with the International Atomic Energy Agency that will apply safeguards in perpetuity to India's civil nuclear facilities, materials, and programs; that India is harmonizing its export control laws and regulations to match those of the so-called Nuclear Suppliers Group, and that India is actively supporting U.S. efforts to conclude a fissile material cut-off treaty.

It is worth repeating, Mr. Chairman, that the International Relations Committee came to the determination that this agreement advances our Nation's nonproliferation goals, and our committee approved the bill by an overwhelming, bipartisan vote of 37–5.

Mr. Chairman, this legislation has been carefully crafted to protect our nonproliferation interests, and to ensure direct congressional oversight. Members will recall that the administration wanted Congress to approve the India deal in advance, without seeing the details of a still-to-be-negotiated nuclear cooperation agreement.

There would have been no effective subsequent review by the Congress. We rejected that approach. Our agreement ensures that Congress will have the final word on whether or not the agreement for cooperation with India can become law. Under our approach, Congress must vote a second time before there can be any civilian nuclear cooperation with India.

Congress must approve the completed cooperation agreement. But congressional oversight does not end there, Mr. Chairman. Our legislation also requires that the President make detailed annual reports on U.S. nonproliferation policy with respect to South Asia and the implementation of the U.S.-India agreement. And it includes certain guarantees that India will adhere to international standards for maintaining a safe civilian nuclear program.

Mr. Chairman, it is my deep pleasure to see the United States and India finally emerging from decades of distrust and aloofness. Today, we are at the hinge of history, as we seek to build a fundamentally new relationship based on our common values and our common interests.

Our legislation, which is before this House, is a concrete and meaningful element of this new and dynamic relationship. I urge my colleagues to give their full support to this legislation and to help usher in a new day in U.S.-India relations.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank Mr. HYDE and Mr. LANTOS for their hard work on this bill. I think they have covered the details of the bill rather well.

The reason I wanted to take 1 minute was to say that I met with Prime Minister Singh in Delhi, India, along with some of his cabinet members, oh, a couple of months ago.

And although I have not always been in accord with some of things India has done, I am sure that they want to work with us on this nuclear agreement. They have assured me, and I am confident they will keep their word, that there will be a clear demarcation between civil use of nuclear energy, nuclear technology we might sell to them and their nuclear weapons program.

And there is about 800 million people in India that are living on less than $2 a day. And when you go through Delhi and you see how they are living, under horrible, horrible conditions, little children running around with no place to go, burning cow chips for the heat that they need to stay warm at night, you realize the need for energy that they have and they need it so badly.

So this nuclear technology we are going to sell them for civil use will be very helpful, not only for job creation over there, but for making the quality of life better for all the people in India.

Mr. LANTOS. Mr. Chairman, I yield to the gentleman from Illinois (Mr. DAVIS) for the purpose of making a unanimous consent request.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006.

Mr. Chairman, "India," Mark Twain wrote, "is the cradle of the human race, the birthplace of human speech, the mother of history, the grandmother of legend, and the great grandmother of tradition." Now, this remarkable country is asking for our assistance as it develops its civilian nuclear program.

The possibilities for nuclear technological innovation in India are limitless. Domestic infrastructure improvements in water supply, power generation, and other industries will substantially improve the quality of life for over one billion Indian people.

Cooperating with India as it develops stable nuclear technology will strengthen the bond between India and the United States. Offering our expertise will increase the environmental protections in production and promote the responsible discard of nuclear waste. Bringing India's nuclear program under international guidelines will ensure a safer nuclear program.

The security and stability of India's nuclear program security is of the utmost importance. The International Atomic Energy Agency and the Indian Government have been working together to apply safeguards in accordance with International Atomic Energy Agency practices as well as formulating a plan to ensure the separation of civil and military facilities, materials, and programs. Furthermore, India is supporting international efforts to prevent the spread of enrichment and reprocessing technology. India is ensuring that the necessary steps are being taken to secure nuclear materials and technology through the application of comprehensive export control legislation and regulations through harmonization and adherence to Missile Technology Control Regime and Nuclear Suppliers Group guidelines.

India is a flourishing democracy that seeks to develop its nuclear program for purely peaceful reasons. It should be congratulated for that. Cooperating with India as it develops a civilian nuclear program will help India fulfill its civilian energy needs while creating a strategic partner for the United States in a volatile region.

Mr. LANTOS. Mr. Chairman, I yield 2¼ minutes to the gentleman from California (Mr. BERMAN) our distinguished colleague who has made invaluable contributions to the development of this legislation.

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Chairman, I want to commend the chairman and the ranking member of the committee, both Mr. HYDE and Mr. LANTOS, and their staffs for their hard work on this legislation.

There is no question that this bill is a major improvement over the administration's legislative proposal, as Mr. LANTOS mentioned. Because of the changes they have made, we will have an opportunity to decide whether or not to approve the nuclear cooperation agreement by a majority vote after the agreement is negotiated, after we see the IAEA safeguards agreement with India, and after the Nuclear Suppliers Group has reached a consensus.

Notwithstanding that, I do remain deeply concerned about this nuclear deal, because I fear that it will complicate our efforts to prevent the spread of weapons of mass destruction. Not because I think India is going to be a major proliferator, but because once you change the long-established nonproliferation rules for the benefit of one country, even a friendly democracy like India, then it becomes much easier for the other countries to justify carveouts for their special friends.

I would not be so concerned about setting a bad precedent if there was some compelling nonproliferation gain, but I just do not see it here. Later today, Representative TAUSCHER and I will offer an amendment to provide

that missing piece of the proposal. Our amendment, based on a proposal by former Senator Sam Nunn, would allow exports of nuclear reactors and other technology to India after a nuclear cooperation agreement has been approved by the Congress.

But it would restrict exports of uranium and other nuclear reactor fuel, until the President determines that India has halted the production of fissile material for use in nuclear weapons. Otherwise, we incentivize this.

Mr. Chairman, I come at this as someone who is unabashedly pro-India. I strongly support efforts to strengthen the U.S.-India strategic partnership. I also accept the fact that India has nuclear weapons, will never give up those weapons, and will probably never sign the Nuclear Nonproliferation Treaty.

Mr. Chairman, I welcome civilian nuclear cooperation with India, as long as it is done in a responsible way that does not undermine our credibility as a leader in the fight against proliferation. I believe the Tauscher-Berman amendment will help to achieve that goal.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I rise in strong support of this legislation, allowing for a nuclear cooperation agreement with India. The last two administrations have forged closer ties with India. And India is a nation now of over 1 billion people. The last two administrations frankly have overcome the chilly relations of the Cold War with India.

And last July's joint statement committed each country to a global partnership which has accelerated our cooperation on many issues, including on counterterrorism. As we saw 2 weeks ago, when a series of commuter train bombings hit Mumbai, killing over 200 Indian people, India is a frontline state in the struggle against Islamist terrorism.

Congress has played a leading role promoting U.S.-India relations. There is an India Caucus which I cochaired in the 107th Congress. In 2001, I led a congressional delegation to India's earthquake-shattered Gujarat region. Other Members have focused on India. But nothing we have done is as significant as the civilian nuclear cooperation agreement that we are debating today.

As our distinguished chairman has noted, the International Relations Committee has given this agreement close and extensive review. We held five hearings, which is certainly warranted given the high stakes.

Supporters and detractors alike recognize the great significance of this policy shift that the Bush administration has engineered. I would like to commend Chairman HYDE. He took a weak administration legislative proposal, one dismissive of congressional prerogative and turned it around. I want to commend Ranking Member LANTOS, too, for his detailed work on this challenging issue.

While nuclear energy is controversial in the United States, it is not in India. Like in several other countries, nuclear energy is widely viewed as a critical technology, one central to uplifting hundreds of millions of impoverished Indians. So India will develop its nuclear energy sector, not as easily or as quickly without this deal, but it will nonetheless. And India will not relinquish its nuclear weapons at this point in time, which is understandable, given its security situation.

So right now, many Indians view the United States as blocking India's technological and developmental aspirations by our opposition to their acquiring nuclear material and technology. With its growing economy, India is consuming more and more oil. It is competing on the world market, competing with American consumers for limited hydrocarbon resources.

This gives Americans an interest in helping India expand its nuclear power industry, which this legislation does. It also encourages India to move away from burning its abundance of highly polluting coal. By passing this legislation, we also take a step toward internationalizing India's nuclear industry, which I believe would make it safer.

Young Indian scientists and engineers in the nuclear field are interested in collaborating with their American counterparts. Today they are isolated. I would rather know more rather than less about India's nuclear work. Some have raised legitimate concerns about the impact of this agreement upon the Nuclear Nonproliferation Treaty and the Indian nuclear weapons arsenal. I am not prepared, at this point, to call this agreement a nonproliferation plus, as some do, but neither is it the clear setback some opponents describe.

For one, this agreement forces a separation between India's civilian and military nuclear programs. This is a good step. The agreement also is likely to increase India's cooperation with us in confronting countries seeking to break their NPT commitment by developing nuclear weapons.

In my view, this agreement is more likely a wash in the nonproliferation category, while its broad benefits, primarily cultivating a more influential relationship with India, are big pluses.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to distinguished Democratic whip, my good friend from Maryland (Mr. HOYER).

□ 1800

Mr. HOYER. I thank Mr. LANTOS for yielding the time, Mr. Chairman. I support this important bipartisan legislation, and I urge my colleagues to do the same.

It is critical to note that this bill creates a two-vote process for Congress to approve this Civil Nuclear Cooperation Agreement with India. While the bill allows the necessary waivers to the Atomic Energy Act for this pact, it also requires that the President submit a final agreement to Congress for a second up or down vote. I want to congratulate the gentleman from California for getting us a process that gives us that opportunity.

In short, I believe a Civil Nuclear Cooperation Agreement with India will serve America's strategic interests and strengthen global nonproliferation regimes by bringing the majority of India's nuclear reactors under International Atomic Energy Agency oversight for the first time.

In addition, this bill will strengthen the relationship between our two great democracies. A civilian nuclear agreement will help India's burgeoning economy continue to grow, and it will provide India with a clean source of energy.

Now, it is true that India is not a signatory to the Nuclear Nonproliferation Treaty, an international accord that I strongly support. But it is also true that India has honored the spirit of that treaty and has been a responsible nuclear nation for the past 32 years, unlike Pakistan, North Korea and Iran, I might observe.

Under this bill, the President is allowed to waive provisions of the Atomic Energy Act only after he sends Congress a determination that India has a credible plan to separate civil and military nuclear facilities. The President must also send to Congress a determination of an agreement between India and the IAEA requiring that agency to safeguard in perpetuity India's civil nuclear facilities, materials, and programs. In addition, the legislation requires detailed annual reports on the implementation of this agreement.

Mr. Chairman, I believe the House bill represents a policy that recognizes our Indian allies' responsible actions over more than three decades and our two nations' strong and deepening relationship. I thank the gentleman from California and Mr. ROYCE for their work on this bill and rise, as I said at the outset, in support of it.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this legislation which will further the cause of civilian nuclear cooperation with India, and I would like to thank Mr. LANTOS and Chairman HYDE for the work that they put into this, again demonstrating the bipartisan cooperation that is possible even in the arena of international affairs which sometimes gets rather testy.

Let me note that the United States-India relations got off to a very bad start shortly after India became independent of Great Britain. India basically sided with Russia in the Cold War. Well, the Cold War is over, and we should be making up for lost time, which is exactly what this bill is all about.

This is dramatically in the interests of both of our countries. Economically,

a prosperous, democratic India with an expanding middle class is a dream market for American entrepreneurs, manufacturers and, yes, technologists. This agreement is designed to provide India the energy it needs to achieve its economic goals but in a way that will not damage America or other western democracies' economy by fencing off and consuming limited energy resources or using high-pollution energy resources of their own.

The high-temperature gas reactor, my subcommittee had a hearing on this, noting that there are new nuclear alternatives like the high-temperature gas reactor and other type of nuclear power systems that offer a safe method of providing India the energy it needs to uplift the standard of living of its people. This legislation is pro-prosperity, pro-energy; and, if we are vigilant, it will not be contrary to the interests of the nonproliferation movement. But it is up to us to work with India to make sure that nonproliferation remains a high priority for our countries, both of us together.

Finally, let me note, Mr. Chairman, that we need to have a strong relationship for it with India, yes, with Japan and, yes, with the former Soviet Union, if we are to have peace in this world. There is a danger looming in the future. Hopefully, China will some day democratize. Until then, we must have alliances with the world's democracies like India in order to preserve the peace of the world.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 3 minutes to my good friend from New York (Mr. ACKERMAN), a distinguished colleague and valued member of the International Relations Committee.

Mr. ACKERMAN. Mr. Chairman, today the House has an opportunity to make an historic choice of great proportions. For 30 years, Mr. Chairman, U.S. policy toward India has been defined and constrained by our insistence on punishing India for its sovereign decision not to sign the Nuclear Nonproliferation Treaty.

The truth be told, had India conducted its nuclear tests earlier, it would have been treated the way we treat France and Britain and Russia and China and ourselves. In short, it would have been grandfathered in as a member of the nuclear weapons club. But they did not test earlier, and they have been treated differently. And nothing that we have tried over the last three decades has convinced them to give up their nuclear status, and nothing that we would say over the next three decades would convince them, either.

The time has come for the United States to deal with the reality of South Asia as it is and not as a fanciful wish. India lives in a difficult neighborhood, next to Pakistan, which continues to produce nuclear weapons unchecked, and China, whose commitment to a fissile material cutoff is suspect, at best. If India didn't exist in that neighborhood, we would have to invent them.

India has been a responsible nuclear power and deserves to be treated that way. The bill before us does just that.

Critics have expressed concerns regarding the bill's impact on our nonproliferation policy; and, clearly Iran, Pakistan and North Korea are looking for clues as to what it means for them and their nuclear programs.

What do you tell Pakistan and Iran and North Korea? Well, you tell them this: If you want to be treated like India, be like India. Be a responsible international actor with regard to weapons of mass destruction technologies. Don't sell your nuclear technologies to the highest bidder. Don't provide it to terrorists. Be a democracy, a real democracy like India, and work with us on important foreign policy objectives and not against us.

Iran and North Korea signed the NPT and are now running away from their freely entered into obligation and away from IAEA inspections. India did not sign the NPT, and yet is embracing the IAEA and embracing global nonproliferation. India's attitude should be recognized and commended and congratulated.

There are two options before us today: One, don't pass the bill. We do that, and we allow India to pursue its national interests unimpeded, as it has been doing outside of the nonproliferation mainstream.

The other is to make a deal with India and give to the United States and the international community a window in perpetuity into two-thirds of India's nuclear facilities and all of its future nuclear facilities, under safeguards, in compliance, transparent.

I think the choice is clear: If you want the IAEA to inspect India's civilian nuclear facilities, then you are for the bill. If you want India to be obligated to adhere to the missile technologies control regime for the first time, then you are for the bill. If you want them to comply for the first time with the nuclear suppliers' groups guidelines for the first time, then you are for the bill. If you want to send a clear message to nuclear rogue states about how to behave, then you are for the bill. And, if you want a broad, deep, and enduring strategic relationship with India, then you are for the bill.

Mr. Chairman, it is time for a 21st century policy towards India, one that supports and encourages India's emergence as a global, responsible power and solidifies U.S.-India bilateral relations for decades to come. The bill before us today is that new policy. I urge our colleagues to vote ''yes'' on H.R. 5682.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I rise today as an original cosponsor of the civilian nuclear agreement. As a member of the International Relations Committee and past cochair of the Congressional Caucus on India and Indian Americans, this is an issue I have enthusiastically supported. I want to thank Chairman Henry Hyde, Ranking Member Tom Lantos, Chairman Ed Royce, Caucus Cochairs Gary Ackerman and Joe Crowley, and all other members of the committee who have crafted well-balanced, bipartisan legislation.

Some incorrectly believe this agreement will have a negative impact on nonproliferation. In contrast, it will greatly strengthen our current nonproliferation system. India has long been outside of the international nonproliferation regimes. Under this agreement, India will place 14 of 22 existing and planned nuclear facilities under IAEA safeguards.

For 30 years, India has protected its nuclear programs. It has not allowed proliferation of its nuclear technology. India is the world's largest democracy, with the 11th largest economy. It is treated uniquely because of its history of maintaining a successful nuclear nonproliferation regime. I saw firsthand on a visit to India in December the vibrant future of India as America's partner in the codel led by Dan Burton.

Passage of this agreement promotes meaningful mutual economic benefits for India and America. Secretary Rice has noted that as many as 5,000 direct jobs and 15,000 indirect jobs could be created as a result of this agreement. In addition, India will be better positioned to compete in the global economy, and trade between our countries will continue to grow at a record pace, such as in 2005 when we recorded a 30 percent increase in exports to India.

In conclusion, God bless our troops and we will never forget September 11.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to my good friend from Nevada (Ms. BERKLEY) so she may engage in a colloquy.

Ms. BERKLEY. Mr. Chairman, I would like to thank Mr. LANTOS and Mr. ROYCE for engaging in this colloquy with me.

I fully appreciate the importance and significance of this historic piece of legislation. However, I rise today to discuss two amendments that were adopted by the committee.

I am sure that you are all aware that for over 20 years Nevada has fought to keep nuclear waste out of Yucca Mountain. This is a most compelling issue for the people of the State of Nevada. I am very pleased that the committee agreed with my arguments that, before we enter into any agreement to support a proliferation of nuclear power, we should know where the nuclear waste is going to be stored.

Nevada certainly doesn't want to store the nuclear waste that is generated in our own country, much less the nuclear waste that is generated in other countries, and that includes India.

I am pleased that an amendment that I sponsored ensuring that spent fuel

from India's civilian nuclear reactors cannot be transferred to the United States without congressional oversight, that was passed by the committee. Another amendment that requires the President to issue an annual report describing the disposal of nuclear waste from India's civilian nuclear program was also approved by the committee.

I believe these are critical provisions that the final bill simply must contain. Both of these provisions passed without objection during the committee markup of this legislation. I would ask the chairman whether he can assure me that he will work to maintain these provisions in the final bill as the legislative process goes forward.

I yield to the distinguished subcommittee chairman.

Mr. ROYCE. I thank the gentlewoman for yielding.

I supported the gentlewoman's amendment in committee. And while not necessarily concurring with all the views that she expressed in committee, I supported her amendment; and hers are helpful amendments which I will work to maintain in the final bill.

Ms. BERKLEY. I thank the chairman.

I yield to the ranking member of the committee.

Mr. LANTOS. I want to thank the gentlewoman for her excellent work on this legislation. I will do my utmost to work to keep this provision in the legislation.

Mr. ROYCE. Mr. Chairman, I reserve the balance of my time for closing.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2½ minutes to my good friend from South Carolina (Mr. SPRATT), the distinguished ranking member on our Budget Committee.

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Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

I would like to engage my colleagues and managers of this bill, Mr. ROYCE and Mr. LANTOS, in a colloquy on the issue of India's nuclear testing moratorium.

Section 129 of the Atomic Energy Act provides that, ''No nuclear materials and equipment or sensitive nuclear technology shall be exported to any non-nuclear weapon state that is found by the President to have detonated a nuclear device.'' It is my understanding that section 4(a)(3)(A) of H.R. 5682 waives this restriction for any nuclear test that occurred before July 18, 2005, effectively allowing nuclear cooperation in spite of India's past nuclear tests, but not for any detonation or tests after that day.

Therefore, if India were to do so, continued nuclear cooperation would be in jeopardy. Is that an accurate assessment?

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, the gentleman from South Carolina is indeed correct. It is our intent that section 129 of the Atomic Energy Act should apply prospectively to India. Should India conduct a nuclear test in the future, one likely consequence would be the discontinuation of nuclear fuel and technology sharing by the United States with India.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I agree with my friend, Congressman ROYCE. Nuclear tests by India would put the U.S.-India nuclear cooperation agreement in serious jeopardy.

Mr. SPRATT. I thank my colleagues for that clarification. As a further point of clarification, India's prime minister has reported to his parliament that, ''the United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactor.'' A sizeable fuel reserve could conceivably minimize the impact of a U.S. decision to cut off fuel supplies should India conduct a nuclear test.

Mr. ROYCE and Mr. LANTOS, is it your understanding that aiding in the development of a fuel reserve is not intended to facilitate a decision by the government of India to resume nuclear testing? I yield to the gentleman.

Mr. ROYCE. That is our understanding.

Mr. LANTOS. And I agree with that interpretation.

Mr. SPRATT. Finally, would the gentlemen then agree with me that any fuel reserve provided to the Indians for use in safeguarded, civilian nuclear facilities should be sized in a way that maintains continued fuel supply as a deterrent to Indian nuclear testing? I yield to the gentlemen.

Mr. ROYCE. Any fuel reserve should be intended to give India protections against short-term fluctuations in the supply of nuclear fuel.

Mr. LANTOS. I agree with Mr. ROYCE on this point.

Mr. SPRATT. I thank Mr. ROYCE and Mr. LANTOS for that clarification and commend you for your excellent work on this important legislation.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 2¼ minutes to our distinguished colleague from American Samoa (Mr. FALEOMAVAEGA), my good friend.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in support of H.R. 5682, the U.S. and India Nuclear Cooperation Promotion Act, and I want to certainly commend Chairman HENRY HYDE and Ranking Member TOM LANTOS for their leadership in moving this legislation forward. This proposed legislation is a classic example of what bipartisanship is all about, and I, again, commend our chairman and ranking member and their staffs for their statesmanship and initiative in bringing this bill to the floor for consideration.

I also want to compliment my colleague from New York (Mr. ACKERMAN) for giving our colleagues a little historical perspective about this whole question of non-proliferation, and I want to share with my colleagues a historical perspective of why India did not and could not sign the nuclear nonproliferation treaty.

Mr. Chairman, while some of our critics may argue that India has not signed the NPT, I submit that had it not been for our own country's indifference, I call it benign neglect, if you will, India may have been a member of the nuclear club and our discussion about the NPT would have been a moot point.

In the early 1960s, despite having a civilian nuclear program, India called for a global disarmament, but nations with nuclear weapons turned a deaf ear. In 1962, China attacked India claiming it was responding to border provocation. The United States responded by saying it might protect India against a future attack, but when China exploded its first nuclear bomb in 1964, the U.S. welcomed China as a member of the nuclear club, and we also supported China becoming a permanent member of the United Nations Security Council.

It may be of interest to our colleagues, Mr. Chairman, that India had a civilian nuclear program in place prior to the NPT being open for signatures in 1968, and at the time, India was only months away from possessing nuclear weapons. So while critics may argue that India has not signed the NPT, I agree with India's position that the NPT is, and has always been, flawed and discriminatory.

Therefore, it is little wonder that India exploded its first nuclear device in 1974. Recent U.S. State Department declassified documents on U.S. foreign policy show that India had little choice given the hostile attitude assumed by our country towards India during the Nixon-Kissinger years.

I commend President Bush and Prime Minister Singh for bringing this initiative to the table. I also applaud the effort of Under Secretary of State Nicholas Burns who was our chief negotiator in development of this agreement. He did an outstanding job and showed true statesmanship.

I also want to thank Mr. Sanjay Puri, a great leader in our Indian American community for all that he has done to rally support for this bill.

I urge my colleagues to support this legislation.

Mr. Chairman, I rise in support of H.R. 5682, the U.S. and India Nuclear Cooperation Promotion Act and I commend Chairman HENRY HYDE and Ranking Member TOM LANTOS for their leadership in moving this legislation forward. This proposed legislation is a classic example of what bipartisanship is all about and I again commend our chairman and ranking member and their staffs for their statesmanship and initiative in bringing this bill

to the floor for consideration. I want to share with my colleagues a historical perspective why India did not and could not sign the Nuclear Non-proliferation Treaty.

Mr. Chairman, while some of our critics may argue that India has not signed the Nuclear Non-Proliferation Treaty, NPS, I submit that had it not been for our country's indifference or, benign neglect, if you will, India may have been a member of the nuclear club and our discussion about the NPT would be a moot point. In the early 1960s, despite having a civilian nuclear program, India called for global disarmament but nations with nuclear weapons turned a deaf ear.

In 1962, China attacked India claiming it was responding to border provocation. The U.S. responded by saying it might protect India against a future attack. But when China exploded its first nuclear bomb in 1964, the U.S. welcomed China as a member of the nuclear club and we also supported China to become a permanent member of the United Nations Security Council. It may be of interest to our colleagues that India had a civilian nuclear program in place prior to the NPT being opened for signature in 1968 and, at the time, India was only months away from possessing nuclear weapons. So while critics may argue that India has not signed the Nuclear Non-Proliferation Treaty, NPS, I agree with India's position that the NPT is, and has always been, flawed and discriminatory. Therefore, it is little wonder that India exploded its first nuclear device in 1974. Recent U.S. State Department declassified documents on U.S. foreign policy show that India had little choice given the hostile attitude assumed by the United States towards India during the Nixon/Kissinger years.

In 1965, believing India was weakened from its war with China, Pakistan attacked India. In response, the U.S. remained neutral while China outspokenly supported Pakistan. Concerned for its own security and having little reason to rely on the U.S., India announced in 1966 that it would produce nuclear weapons within 18 months. But, in 1967, the U.S. joined with the Soviet Union in crafting a nuclear non-proliferation treaty which to this day states that only the United States, Russia, the United Kingdom, China, and France are permitted to own nuclear weapons because only these five nations possessed nuclear weapons at the time the treaty was open for signature in 1968.

As we all can agree, India then and India today lives in one of the world's toughest regions and it is a bit Eurocentric for the U.S. to treat India as if she is beholden to us for the safety, protection, and well-being of her people. It is no grand gesture on our part that we now offer India civil nuclear cooperation. Instead, U.S.-India civil nuclear cooperation is long overdue and, quite frankly, the deal is as good for us as it is for India.

Mr. Chairman, I commend President Bush and Prime Minister Singh for bringing this initiative to the table. I also applaud the efforts of Under Secretary of State Nicholas Burns who was our chief negotiator in the development of this agreement. As the lead negotiator, Secretary Burns has represented our Nation's interest with distinction and true statesmanship, and I am honored to have worked with him during these critical months leading up to today's historic deliberation of this important bill.

I also want to thank Mr. Sanjay Puri, a great leader in our Indian-American community for all that he has done to rally support for this bill.

I urge my colleagues to vote in favor of H.R. 5682.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of this legislation and of the growing strategic partnership between the United States, the world's oldest democracy, and India, the world's largest. The hard work by Members and the staff on the IR Committee under the leadership of the chairman and ranking member have produced a bill that better attempts to address legitimate nonproliferation concerns and respects congressional authority to approve agreements.

During the markup, the committee adopted an amendment I offered to minimize the risk that our nuclear exports would assist India's nuclear weapons programs.

Under this amendment, the President would be required to submit to Congress a report on the steps he is taking to ensure our exports do not contribute to India's nuclear weapons program. In addition, my amendment declared that it is U.S. policy to encourage India not to increase its production of fissile material in military facilities.

Taken together with the other statements by the administration, this amendment makes clear that it is U.S. policy to promote the prompt negotiation of a fissile material production cutoff treaty; that pending entry into force of such a treaty, to press for the earliest possible achievement of a multilateral moratorium to accomplish this purpose; and to urge India to refrain from increasing its rate of production of fissile materials for nuclear weapons.

Mr. Chairman, the final bill must contain these provisions, and I would ask my colleague and the manager of the bill, Mr. ROYCE, whether he can assure me that he will work to maintain these provisions and their stated intent in the final bill as the legislative process goes forward.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, yes. I supported the gentleman's amendment in committee, and I will work with him to maintain it in the final bill.

Mr. SCHIFF. I thank the gentleman.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to thank the gentleman for his excellent work on this legislation, and I intend to work to keep this provision in the legislation.

Mr. SCHIFF. I thank both of you gentlemen. I intend to support the legislation.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), my very dear friend and our most distinguished colleague.

Mr. MARKEY. Mr. Chairman, this agreement pours nuclear fuel on the fire of an India-Pakistan nuclear arms race. This agreement will free up 40 to 50 bombs worth of nuclear fuel for Indian nuclear bombs, and the consequence of that will be that Pakistan will respond, and Pakistan will respond with A.Q. Khan under house arrest in Islamabad, the Johnny Appleseed of nuclear weapons spread from Iran to Libya to North Korea.

And how do we know that? We know that because in Monday's Washington Post we learned from an outside source that Pakistan is building a facility that can create 50 plutonium nuclear bombs a year. We should be debating that out here on the House floor tonight.

This House has 2 days to reject a sale of 36 F–16 bombers that can take the 50 nuclear bombs which Pakistan can make each year in a radius of 1,500 kilometers, but we are not going to debate that. We are not going to debate Pakistan's nuclear program, which Congress was not told about, the American public was not told about.

Who is in Pakistan? A.Q. Khan is in Pakistan. Osama bin Laden is in Pakistan. Al Qaeda is in Pakistan.

This agreement is going to fuel an arms race, a nuclear arms race in southeast Asia, and it is going to spread across the world, and instead of debating an F–16 bill, 36 of them to Pakistan, with this abomination of a nuclear program which they have, we are instead fueling it with this India program which Pakistan knows is cynical because it will free up 50 bombs worth of civilian domestic Indian nuclear fuel for their bomb program.

We must halt, we must stop this nuclear arms race in southeast Asia. We must vote ''no'' on this proposal. It is absurd. We should be debating Pakistan's nuclear program, Pakistan's F–16 program tonight, or else we will look back on this as an historic failure.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

I think we are all very concerned about the reports on Pakistan's programs that appeared this week. I think it was Monday in the Washington Post, but I think it is important to also note that that report stated that the construction on this facility in Pakistan to make these bombs began sometime in the year 2000. So this is not something that I think can be characterized as a reaction to this new initiative with India.

I do have concerns about a nuclear arms buildup in Asia. Again, this is something that the administration should be doing more on, working towards a fissile material cutoff treaty.

However, I would just respond by pointing out that this agreement gives us a chance to be engaged with India on their program instead of being on the outside as we have been for decades.

Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Iowa (Mr. LEACH), the chairman of the Asia Subcommittee.

(Mr. LEACH asked and was given permission to revise and extend his remarks.)

Mr. LEACH. Mr. Chairman, at the outset I would like to recognize Chairman HYDE and the distinguished Ranking Member, Mr. LANTOS, for their leadership in improving the Administration's draft proposal for facilitating civil nuclear cooperation between the United States and India.

In particular, I appreciate their efforts to lessen the nonproliferation risks inherent in this initiative and to ensure that Congress remains a full partner with the Executive Branch as we move forward with this endeavor.

Nonetheless, while the issue at hand is a close call, in my judgment this particular initiative does not strike the right balance between two competing American national security interests: the important goal of improving relations with a rising India and the critical priority of preventing the spread of nuclear weapons and fissile material in an era hallmarked by the global threat of terrorism. Let me explain why.

There is nothing more difficult than to attempt to put perspective on events of day because so many issues can only be understood clearly, if at all, with the passage of time. For example, if we ask what is new on the Asian landscape over the last several years there is a tendency to emphasize troubling developments: the scourge of terrorism, North Korea, tensions over Taiwan, and America's growing trade deficit with China. But on the positive side little is more consequential than America's deepening ties with India.

The growing warmth between our two countries has its roots in the common values and the increasingly congruent interests of democratic societies committed to the ideal of liberty, social tolerance, representative government and the fight against terrorism, as well as other transnational threats—such as the spread of weapons of mass destruction, illicit narcotics, and the scourge of HIV/AIDS. In this regard all Americans condemn the recent horrific bomb attacks in Kashmir and Mumbai, and we stand with the people and government of India in their opposition to anarchistic acts of terror.

Our deepening government-to-government relationship is complemented by a rich mosaic of expanding people-to-people ties. In many ways, the more than 2 million Indian-Americans have become a living bridge between our two great democracies, bringing together our two peoples, as well as greatly enlarging our understanding of one another.

From a Congressional perspective, it should be underscored that America's commitment to this robust and multi-faceted relationship is fully bipartisan. As underscored by the debate on this measure, there is virtually no dissent in Washington from the precept that India and the United States should become increasingly close strategic partners with compelling incentives over time to develop convergent perspectives on a host of regional and global policy concerns.

By any objective measure, U.S.-India relations have never been on more solid footing. From new agreements on defense cooperation to expanded high technology trade and space cooperation, the relationship has been moving forward in an impressive fashion. On the economic front, America is India's largest trading partner and largest foreign investor. In many ways, however, what is impressive is how marginal, not how significant, is our trade. Economic and commercial ties between the U.S. and India are at an incipient, not end stage, and arguably deserve priority emphasis at this point in our relationship.

In this context, many in Washington and elsewhere around the world were caught by surprise with the Administration's offer last July to extend full civilian nuclear cooperation to India; a proposal which presented Congress with a fait accompli, notwithstanding the fact that implementation would require legislative action.

By background, when Prime Minister Singh was set to visit Washington last summer, the Administration was weighing two policy options to help ensure maximum success for this important summit with the President.

One option would have been to announce unequivocal U.S. support for India's claim to a permanent seat on the United Nations Security Council; a stance clearly in the interest of India and also compatible with the interests of the United States. Bizarrely, however, the Administration position then and now has been that Washington is unprepared to take a firm position in support of Indian membership until the U.S. achieves certain goals related to UN administrative and management reform, none of which are as critical as the case for Security Council enlargement to reflect the new balance of power in world affairs.

Frankly, I am flabbergasted by the Administration's ideological rigidity, as well as its lack of preparation to support India on this issue. I regard the U.S. position as awkward philosophically, illogical, and incompatible with sound strategic judgment.

Instead of supporting India's aspirations for Security Council membership, the Administration instead chose to peremptorily re-write the rules of the global nonproliferation that have well-served U.S. interests for over three decades.

To be sure, I acknowledge that there are a number of credible rationales for this agreement: to earn trust and goodwill with policymakers in Delhi, and the Indian public; to help accelerate the development of a strategic partnership between our two countries; to promote the use of nuclear power as an environmentally-friendly alternative to the use of coal and other scarce fossil fuels; and to emulate an Eisenhower-style atoms-for-peace initiative.

Nevertheless, as strong as the case for this initiative may be, I remain deeply concerned that the agreement negotiated by the Administration fundamentally undermines the Nuclear Non-Proliferation Treaty (NPT), the linchpin of U.S.led international efforts to stem the spread of nuclear weapons.

Administration officials assert that the exceptional treatment being accorded to India is unique and un-replicable. Once an exception to treaty law is made, however, the door is opened for a whole spectrum of governments, including close friends and alliance partners, to come forward to make comparable claims for special treatment—whether they be Brazil, Egypt, Japan, Saudi Arabia, South Korea, Pakistan, and even Taiwan.

If India were the only consideration, it would be a no-brainer to support this agreement. Unfortunately, at issue is the rule of law as it applies to us and others as well.

In particular a number of other countries, with whom we currently do not have amicable relations, such as Iran and North Korea, can be expected to similarly press the international community to recognize their legitimacy as nuclear weapons states. And if we unilaterally declare the right to ignore international law, other countries, including nuclear weapon states, can not be expected to go along with an exclusive American right to take exception to treaties.

This agreement thus creates opportunity for countries to use commercial or geopolitical rationales to expand forms of nuclear cooperation otherwise prohibited by existing international norms (such as the NPT) or procedures (such as those developed by the multilateral Nuclear Suppliers Group).

For example, in the immediate wake of the President's announcement of a policy shift, before either the Congress or the multilateral NSG could consider the proposal, Moscow moved to preempt Washington by announcing it would provide New Delhi with uranium reactor fuel in contravention of NSG guidelines.

In other words, the mere announcement of an Executive Branch-initiated proposal has had the effect of undercutting the NPT and precipitated another nation-state to implement key aspects of Washington's initiative.

Similarly, the government of Pakistan announced it would be obligated to match any expansion in India's nuclear weapons program.

The reason we have an NPT is to restrain nuclear weapons development. Based on news reports this past week from Pakistan, it is clear that one of the consequences of breaking international law is the precipitation of an arms race on the Indian Subcontinent. But as unfortunate as this arms race is, the consequence of the U.S.-led unraveling of the NPT is the spiraling of nuclear weapons development elsewhere.

Mr. Chairman, in a philosophical context this agreement is a reflection of an Administration approach to foreign policy rooted in the so-called doctrine of American Exceptionalism, which neo-cons do not define as refining a shining city on a Hill but as the right of a superpower to place itself above the legal and institutional restraints applied to others.

In the neo-con world, values are synonymous with power. The implicit assumption in that American security can be bought and managed alone, in many cases without allies, and without consideration of contrasting international views or the effect of our policies on others. Treaties like a Comprehensive Test Ban, which every President since Eisenhower has propounded, have been rejected, as have negotiations to strengthen the verification provisions of the Biological Weapons Convention.

Now the Administration proposes to weaken the NPT, perhaps fatally, which despite its weaknesses has helped limit the number of nuclear weapon states to a relative handful instead of 20 or 30 or even more.

As much as I support the Administration's desire to more rapidly advance a warming of relations with India, I cannot in good conscience support a weakening of the global nonproliferation regime or the breaching of United States obligations under international law. I therefore cannot support the legislation in its current form.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader, my friend and neighbor.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from California for yielding, for his tremendous leadership in making our country strong and respected throughout the world.

I am pleased to join him in paying tribute to the chairman of the committee, HENRY HYDE. What a wonderful honor that this bill is named for him. He, too, has been a champion to promote a values-based diplomacy for our country. We have all fought many years with him in support of human rights throughout the world. This is probably one of the last bills that will be completed on issues that relate to national security and the respect with which we are held in the world. So appropriately, it is named for Mr. HYDE.

Both Mr. HYDE and Mr. LANTOS have presented the House with legislation that is a vast improvement, frankly, over the bill that the President requested earlier this year, and it is a tribute to their leadership that we can all come together on this legislation this evening.

The bill before us establishes a two-step process for the India nuclear agreement. It is a process and legislation, which I support, that allows Congress to reserve final judgment on the agreement until the specifics are known. It requires that before Congress votes on the agreement, India and the International Atomic Energy Agency will have had to establish a process through which IAEA safeguards will be applied forever to India's civilian nuclear facilities, programs and materials.

Therefore, if an agreement is ultimately approved, Congress will retain the ability to monitor it through the required annual reports on U.S. nonproliferation policies in South Asia and on the implementation of the U.S.-India nuclear deal.

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This legislation is important because it recognizes that the prospect of greater nuclear cooperation with a nation that has not signed the Nuclear Nonproliferation Treaty raises serious concerns. As one who came to Congress intent on improving international nonproliferation regimes, I appreciate those concerns. One of the most significant, the issue of the production by India of fissile material, is addressed by an amendment to be offered by the gentleman from California (Mr. BERMAN).

The Berman amendment, which I support, conditions the provision of nuclear fuel by the U.S. on a presidential determination that India has halted fissile material production. But even if the Berman amendment is not adopted, I hope that the agreement that will be presented to Congress for approval when negotiations are concluded contains a promise by India to halt the production of fissile material. Such a promise would improve the agreement and go a long way to convincing those who cannot support today's legislation that their concerns have been heard and that the Bush administration and the government of India has sought to respond to them.

The legislation before us clearly endorses the philosophy behind India's nuclear initiative; a judgment that security would be promoted by bringing India into the nuclear nonproliferation mainstream. On balance, I believe that judgment to be correct, and I thank you, Mr. LANTOS and Mr. HYDE, for putting that balance here.

Although not bound by the NPT, India has a strong record of supporting nonproliferation goals. They have never ever violated the NPT. India has demonstrated by its actions a commitment to safeguarding nuclear technology. That commitment will be strengthened by India's adherence to the Nuclear Suppliers Group guidelines and the Missile Technology Control Regime guidelines as required by the nuclear initiative.

A close relationship with the democratic India is critical for the United States. There is a wide range of significant issues on which our shared values and shared interests will enable productive collaboration for the betterment of the world. This legislation reflects the strength of our current relationship with India and our hopes for its future. It is an expression of trust on matters relating to nuclear technology based on 3 decades of experience.

I urge my colleagues to support it. Even though there may be some questions and some amendments which may pass or not prevail today, on balance, I believe this legislation as presented here is worthy of our support.

I hope that the agreement that comes back to us is one that will be without controversy and will again be a reflection of the close bond between India and America. It was but a week ago when we were all gathered here to extend our sympathy to the people and the government of India because of the tragedy at Mumbai. Many of us expressed the love that we have for India and appreciation for the gifts that India has given to America, a vibrant dynamic Indo-American community which has contributed enormously to the economic success of our country and to our competitiveness in the world.

They have also contributed much to us in terms of our own social justice. We owe much to India as the source of nonviolence as a philosophy, espoused and practiced by Mahatma Gandhi. I said last week that when Reverend Martin Luther King, Jr. and Coretta Scott King went to India to study nonviolence, they received a gift from India that would serve our country well and be important and fundamental to our own civil rights movement; that nonviolence was a strength that again improved America, and for which we all should be indebted to India and we should never forget.

I also personally join Mr. LANTOS, because I know of his history on the subject in expressing appreciation to India for its hospitality to His Holiness the Dalai Lama, a great leader in the world. And I am enormously appreciative of the fact that his, I don't want to call it government in exile, but whatever the term of art is, in Darussalam in India.

The list goes on and on, we can name them over and over, again whether it is again the contributions of the Indo-American community, the philosophy that sprang from India that is so important to us, or the support for human rights. But on target for today is India's commitment, which it has never violated, to support the principles of the Nuclear Nonproliferation Treaty, which although it is not a party to that treaty, has been a supporter of its principles.

Again, for that reason, I hope that all of our colleagues will vote in support of this legislation so that we can go to the next step and that we can go into the future continuing a long and beneficial relationship with India for us all.

Mr. LANTOS. Mr. Chairman, before yielding time, I want to express my regret to all of my colleagues that the stringent requirements will enable me to yield no more than 1 minute to each of our speakers.

Mr. Chairman, I am very pleased to yield 1 minute to a distinguished member of the committee, my good friend from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, India is a democracy that understands the role of this Congress. They have negotiated a deal that dramatically loosens the controls on their nuclear weapons program, and they know that it is the role of this Congress to make that deal one step tighter.

Our job is to protect the nonproliferation interests of the United States. The job of India is to say that any amendment we offer is a ''killer amendment.'' Do not be fooled. They know and they expect that this Congress will do its job and make this deal one step better when it comes to controlling nuclear weapons.

India did not sign the Nuclear Nonproliferation Treaty. We should not punish India for becoming a nuclear power, but this deal in its present form facilitates building additional nuclear weapons by India. It will allow them to build twice as many nuclear weapons per year as they are doing now.

That is why I will be offering an amendment that will help India's civilian nuclear program, without helping their military program.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. LANTOS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman.

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from California.

Mr. Chairman, I rise in strong support of the India Nuclear Cooperation Promotion Act, and I want to commend Chairman HYDE and Ranking Member LANTOS for the work they put into crafting this bipartisan legislation that we have before us today. And I would like to thank the current chairs of the caucus on India and Indian Americans, Representative GARY ACKERMAN from Queens and my good friend ILEANA ROS-LEHTINEN from Florida for the support they have given to the passage of this agreement. I must also recognize the Indian-American community for the incredible advocacy work they have done to educate Members of Congress on the importance of this agreement.

I want it to be clear that this vote sets the stage for allowing the cooperation, but the actual exchange of civilian nuclear cooperation will not take place until Congress is provided with the details of the relevant negotiations and takes a second up-or-down vote.

We will be taking an historic step in our relations today by passing this agreement. This is about nuclear power access, not nuclear weapons enhancement. By passing this agreement, we will be bringing an India that has remained outside the nonproliferation regime for the past 32 years under the nonproliferation tent.

Some of my colleagues have argued we are destroying the Nuclear Nonproliferation Treaty, also known as the NPT, by passing this agreement. But while I have the deepest respect for the treaty and those who support it, we must be realistic in understanding why this deal needs to be done.

India cannot sign the NPT unless it were to give up its nuclear weapons, which is unrealistic to ask a nation who finds themselves surrounded by nuclear-armed nations they have fought wars against. India has been punished for the past 32 years for testing a nuclear weapon, and during these 32 years of NPT limbo they have not externally proliferated, while remaining a true democracy with a strong rule of law.

We need to use India as an example of what a nation should be doing to gain the respect and inclusion by the international community. I urge my colleagues to end India's nuclear isolation and allow them to be brought into the nonproliferation tent with the rest of the responsible states who seek safe and efficient civilian nuclear technology.

I support this legislation because I support the relationship that our two countries should and will be sharing. If we expect India to be our ally in the 21st century, we must treat them as an equal, which is what this cooperation will provide. I trust my colleagues will recognize what our future with India holds and vote for final passage of this legislation.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS), our distinguished colleague.

Mr. MEEKS of New York. Mr. Chairman, I too want to congratulate Chairman HYDE and Ranking Member LANTOS for the strong bipartisan bill.

This initiative really talks about and reflects confidence in India as a global strategic partner. You know, the world is flat, and we have to have these partners in the world. What this does is, it says to India, because it is one of the world's largest democracies, that we understand and we recognize that.

Also, we have to remember that this is about civil nuclear power. India has over a billion people and we have to figure out how we also make sure that we protect and preserve our environment. So what this does is recognize that the production of clean energy can reduce further pollution of the environment and decrease dependency on fossil fuels.

In fact, if you look at the Indian CO_2 emission, a threefold increase in India nuclear capacity by 2015 would result in a reduction of over 170 million tons annually, or approximately the total current CO_2 emissions of the Netherlands. So I strongly support this bill.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield the balance of my time to my good friend from California, Congresswoman BARBARA LEE.

The Acting CHAIRMAN (Mr. GUTKNECHT). The gentlewoman from California is recognized for 2½ minutes.

Ms. LEE. Mr. Chairman, I want to thank the gentleman for yielding and for his leadership and for really crafting a bill that I think is much better than what it was prior to the hearing, but I must rise to oppose this bill.

I had the privilege to visit India a few years ago with Mr. CROWLEY, and I witnessed firsthand the brilliance, the spirit, and the commitment to democracy of the Indian people. And like many of my colleagues, I strongly believe that it is in our country's best interest to strengthen our relationship with India. But to suggest that we can only do so at the expense of the international nonproliferation standards, as this legislation before us would, I think that is both dishonest and it is dangerous.

Let us be clear. This is not about India. As far as I am concerned, there is no country, and I mean no country, for which it would be acceptable to sacrifice our international standards. The problem with the deal, as it is currently written, is that it will do lasting harm to more than 30 years of international efforts to stop the spread of nuclear weapons.

This deal creates a double standard that undermines our efforts with countries like Iran and North Korea from developing nuclear weapons. It creates incentives for withdrawing from the Nuclear Nonproliferation Treaty. Why have countries like Brazil and South Korea spent all these years playing by the rules and not building nuclear weapons in exchange for civilian technology when India gets both?

It sets a dangerous precedent. In explaining Beijing's rationale for potentially pursuing a deal with Pakistan, Professor Shen Dingli of China's Fudan University has already argued this. He said, ''If the United States can violate the nuclear rules, then we can violate them also.'' We should be fighting to save what is left of the international nonproliferation framework, not just throwing it away.

We should insist that India formally commit to the goals and restrictions on the international nonproliferation framework and sign the Nonproliferation Treaty. Short of that, we should at least insist on specific nonproliferation safeguards, as specified in an amendment that I offered, which of course was not ruled in order. It would have required, however, India to commit to the basic principles consistent with the NPT. Again, unfortunately, this amendment was not made in order.

We should not pass any type of a nuclear deal, a nuclear, quite frankly business deal, without these safeguards. I don't think we should throw them away. We need to go back to the drawing board and we need to make sure that international nonproliferation goals are adhered to.

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Mr. ROYCE. Mr. Chairman, you know, while the United States is, in fact, leading the way on this agreement, it is a multilateral agreement in the sense that the NSG, 45 nations, must concur with this agreement; and Congress must approve a nuclear cooperation agreement that the administration is negotiating with India before technology is actually transferred.

So I also want to make the point here that Congress is going to have a second crack at this agreement when it comes back. But here is the choice that we face: Either we continue to try to box in India and hope for the best, or we make this move, we engage India, and we hope to use our influence to move this increasingly important country in our direction. And this will help make India a true partner, a true partner as we enter what will be a decades-long struggle, I fear, against Islamist terrorism.

This is not an ideal agreement, and the administration should be more aggressively pursuing an international fissile material cutoff. But this agreement is a good one which works through a difficult nonproliferation situation to strengthen an important relationship for us.

That is why I ask my colleagues to approve this legislation. Frankly, it is a chance to strengthen an important relationship for us at a time when we need more strong relationships, especially with regional powers such as India; and, I will remind my colleagues, it strengthens a relationship with a democracy, based on the rule of law, a democracy that has a good record on nonproliferation.

This deal is controversial in India. The coalition government of Prime Minister Singh has come under intense attack from the political extremes and from political opponents. He has been charged with selling out India, opening its nuclear facilities to international inspection, agreeing to check India's nuclear weapons production.

So far the center has held. Let's not deliver India's Marxist and xenophobic forces a victory. They would like us to kill this deal. Let's pass this legislation. As Chairman HYDE argued and as the ranking member explained, let's pass this legislation. Let the administration negotiate a nuclear sharing agreement with India, and then look again and decide whether or not to proceed.

I urge my colleagues to support this legislation.

Ms. HARMAN. Mr. Chairman, I oppose the India Nuclear Cooperation Promotion Act (H.R. 5682). The bill has substantially improved since it was first introduced in this body, but it still has a long way to go. I am particularly concerned about the failure of the bill to slow down a potentially catastrophic arms race in South Asia.

This bill would allow the President to enter into a nuclear cooperation agreement with India, the world's largest democracy and an important strategic ally of the United States. Under the proposed agreement, the United States would transfer fissile material and nuclear technology to India in exchange for India's promise to separate its civilian and military nuclear programs, subject its civilian programs to a host of international inspections and controls, and continue its moratorium on nuclear weapons testing.

As is an all too common habit of this administration, the key parameters of this agreement were negotiated with little or no congressional input. Congress was forced to add in protections against proliferation of nuclear technology and to ensure nuclear safety largely after the fact.

To this end, the House International Relations Committee has done an outstanding job in reasserting Congress' constitutional prerogatives. Thanks to the hard work of the Committee, the bill now requires that the President report to Congress on the progress that India has taken toward separating its civilian and military programs, toward placing its civilian programs under international supervision, otherwise living up to its end of the bargain. Congress then must vote to grant the President the authority to enter into this agreement. I welcome these improvements.

I also commend Congressman HOWARD BERMAN for his tireless efforts to give arms control protections in the agreement some teeth. Mr. BERMAN was instrumental in adding provisions that would automatically cease U.S. transfers of fissile material if India transferred missile or nuclear technology to third parties in violation of the Missile Technology Control Regime or the Nuclear Suppliers Group regulations. These provisions are vital to ensuring that U.S. nuclear technology and materials do not end up in the hands of terrorists or rogue nations.

But as far as this bill has come, it has not come far enough. The bill still allows the President to transfer fissile material to India without ensuring that India first cease its domestic production. It would therefore allow India to use U.S.-provided uranium for its civilian programs, while diverting all of its domestic production of uranium to the development of nuclear weapons. If India chose to divert its domestic material to its military programs, some commentators have estimated that it could build an additional 50 nuclear weapons every year.

This bill could thus fuel an already accelerating arms race in South Asia. India and Pakistan have engaged in intermittent hostilities for years, and both already have nuclear weapons. Adding hundreds of new nuclear weapons to this equation will unacceptably increase the risk of a nuclear exchange. Pakistan has already hinted that it would increase its production of nuclear weapons if this agreement is approved. We must do all in our power to stop this train while it is still in the station.

I am sympathetic to India's needs for clean, affordable power. I also recognize that India is a crucial ally of the United States. But we cannot allow an arms race to spiral out of control.

Both India and the administration have time to allay these concerns before Congress will hold its final vote on this agreement. I look forward to reviewing the President's report, and will withhold final judgment on this agreement until then.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 5682, the United States and India Nuclear Cooperation Promotion Act.

Were India to sign the Nuclear Nonproliferation Treaty (NPT), the primary international tool for limiting the proliferation of nuclear weapons, I would gladly support the agreement. My district is home to a large Indian-American population, whose opinions I value and whose support I have long enjoyed. I regret having to disagree with many of them today.

But I am—and have always been—an ardent proponent of nuclear nonproliferation. I believe that the fewer nuclear weapons that exist in the world, the better. Unfortunately, America's unilateral agreement will encourage an arms race on the Indian subcontinent, promote weak export controls around the world, and undermine the NPT.

This week, it was revealed that Pakistan is constructing a new plutonium-production reactor that will massively increase its bomb-making capacity. Rather than adding fuel to the fire by offering India a deal that will allow and encourage it to also increase weapons production, the United States should work to end the production of all fissile material in South Asia.

A unilateral agreement with India could also undermine the cohesiveness of the Nuclear Suppliers Group. If the United States exempts India from nuclear nonproliferation controls, China would likely feel it appropriate to make a similar agreement and export civilian nuclear technology to Iran or North Korea.

I am aware that as part of the agreement, India has opted to allow some of its reactors to be inspected. This concession, however, is largely symbolic. The reactors that will continue to be off limits could make more plutonium for weapons than India will ever need. Furthermore, the precedent of working outside the NPT is dangerous. If India can secure the benefits of NPT membership without adhering to the treaty's limitations, other countries will have little incentive to remain in the NPT.

I urge my colleagues to stand up for nonproliferation and join me in voting "no."

Mr. BLUMENAUER. Mr. Chairman, having visited India following the Southeast Asia tsunami, I am more convinced than ever of the benefits of a stronger U.S.-India partnership. There is no relationship more important than that between the world's largest democracy, India, and the world's oldest democracy, the United States. I believe that, as the world's largest democracy and a responsible regional power, India deserves a permanent seat on the UN Security Council. Support for such an arrangement would have been a sensible centerpiece to a new strategic partnership.

However, I am skeptical about elements of the proposed nuclear cooperation agreement between the U.S. and India. I am particularly concerned that this attempt to create an exception to international nonproliferation norms for India may make our efforts in Iran more difficult, or even encourage other countries to make their own exceptions to the rules for assistance to the supposedly civilian nuclear programs of less responsible countries.

I am pleased that the legislation crafted by the leadership of our House International Relations Committee minimizes the risks associated with this agreement and provides for close congressional oversight, though I support additional amendments to strengthen it. I do not wish to stand in the way of this legislation's progress and intend to follow developments closely for the up-or-down vote that this bill authorizes.

I believe that the more pressing issue is developing an effective strategy for cooperation to address India's growing energy needs. Increased reliance on nuclear energy will only have a marginal impact on India's consumption of fossil fuels and levels of global warming pollution emitted. To make an immediate impact, we should be helping India with conservation, renewable energy technologies, and strategies to reduce pollution such as coal gasification.

Mr. CARDIN. Mr. Chairman, I rise in support of H.R. 5682, the U.S. and India Nuclear Cooperation Promotion Act.

India is the largest democracy in the world today, and is rightly viewed as an emerging global power in the 21st century. I was pleased to listen to Indian Prime Minister Manmohan Singh address a Joint Session of Congress in July 2005 and describe his vision of future cooperation between India and the United States. I will continue to encourage our government to strengthen our ties to India, in areas such as high-technology, immigration, trade, space, and the military.

Today the United States and India can take an important step to lay the foundation for our countries to greatly expand nuclear research, nuclear power, and nonproliferation cooperation with each other. India is facing enormous challenges in providing sufficient energy to its growing population. India has more people living in abject poverty than do Latin America and Africa combined.

This legislation establishes a two-step process under which the United States may enter into a nuclear cooperation agreement with India. I am pleased that the Committee on International Relations has significantly amended this legislation, as compared to the version initially proposed by the Administration. The legislation today preserves the important oversight role of Congress. Under this

legislation, the President must make a number of determinations before India can be exempted from restrictions contained in the Atomic Energy Act of 1954 (AEA). Most notably, the President must determine that India has provided the International Atomic Energy Agency (IAEA) with a credible plan to separate civilian and military nuclear programs, and that India and the IAEA have concluded an agreement requiring the permanent application of IAEA safeguards to India's civil nuclear facilities.

Once the President has made the determinations required by this legislation, Congress must approve a joint resolution to ratify the final negotiated text of a nuclear cooperation agreement with India. I also support the provision in the bill that requires additional consultation between the Administration and Congress, including regular detailed reports on nonproliferation matters and the implementation of this agreement.

I look forward to working with the Administration to implement this nuclear cooperation program between the United States and India, consistent with this legislation and the intent of Congress.

Mr. HOLT. Mr. Chairman, I rise today to oppose H.R. 5682. I do this reluctantly, because I am a strong supporter of India. But I cannot turn my back on my life's work on nuclear non-proliferation.

Prior to coming to Congress, I worked at the U.S. Department of State as an arms control expert. I spent each day there trying to reduce the threat our nation faced from proliferation of nuclear weapons. I also learned first hand how effectively the international non-proliferation regime monitors existing nuclear states and prevents sensitive nuclear technology from falling into the wrong hands. I also worked for 10 years at the Princeton Plasma Physics Laboratory to research and develop fusion energy, because it would be an abundant source of energy that would not lead to the proliferation of nuclear weapons.

I am also a lifelong supporter of India. In fact, I first traveled to India more than 30 years ago. When I came to Congress, the first caucus I joined was the Congressional Caucus on India and Indian-Americans. Since then, my interest in India and my respect for its citizens have only grown. That is why I believe it is essential that our nation increase its cooperation with India.

India is our friend and a strong ally. The ties that bind our nations go to the core of our democratic values. India is the world's largest democracy, she possesses a vibrant economy, and she has an unwavering commitment to ending terrorism. America is fortunate to have an ally that shares our common vision and we need to grow our relationship by increasing cooperation on other economic, educational, and security concerns. But I have strong reservations about making individual exceptions in our nation's laws for nuclear export to India or any other state.

The non-proliferation regime we have is far from perfect, but it has proven to be remarkably successful in deterring the spread of nuclear material. The Nuclear Nonproliferation Treaty (NPT) of 1970 is the centerpiece of international nuclear nonproliferation structure. The NPT ensured that today we are dealing with only a handful of problematic states, such as Iran, rather than the dozens of nuclear states that might have existed otherwise. These historical successes highlight the essential role that the international non-proliferation regime has played and why it must not be undermined.

The United States was instrumental in creating the NPT, and now is not the time to stop our leadership on this important issue. The United States should not send the wrong message to the global community. We must continue to be a leader on nuclear non-proliferation if we hope to prevent Iran, North Korea, or others from acquiring nuclear weapons.

During the 2004 presidential campaign, both President Bush and Senator KERRY agreed on one thing: nuclear proliferation and nuclear terrorism are the gravest threat that our country faces. The threat of nuclear terrorism is underscored today because of the recent actions of Iran and the continued work by North Korea to develop nuclear technology.

That is why we need to be doing more to strengthen and support the international nuclear non-proliferation structure, not weaken it. Some non-proliferation experts have raised concerns that this bill would violate Article I of the NPT. Additionally this bill would create an exception to the rule, and thereby create a new rule.

I have been impressed by India and I do believe that she has been one of the most responsible nuclear states in the world. And unlike her neighbor, India has not engaged in wholesale proliferation of nuclear technology.

The bill before us today would make changes to the Atomic Energy Act which would allow for the transfer of U.S. nuclear technology and material to India. This would be the first time the conditions for nuclear cooperation in the Act were changed for an individual state. We should not make these changes lightly. We need to understand the implications of what we are doing for the international nuclear non-proliferation regime.

As well, we must also be clear. This is not the final vote the House will take on this important issue. Under the provisions contained in this bill, Congress will again have to review and vote to support nuclear cooperation once the final text of the cooperation agreement is finalized. For that reason, I remain unsure why Congress is considering or approving these significant changes to our nuclear non-proliferation structure. The Nuclear Suppliers Group still needs to give its approval to this proposed nuclear cooperation agreement. As well, India needs to complete its negotiations with the International Atomic Energy Agency on a new safeguards agreement. These are not just minor points, not just iotas in the agreement. They are central to the issue. What would be wrong with waiting for the final text to be negotiated and these important steps to be taken before we change our nation's laws to allow for nuclear material transfer?

That said, I remain troubled that providing nuclear technology to India would create a double standard. Historically, the United States has only provided nuclear technology to states that are parties to the NPT. This bill would allow for cooperation with India, despite the fact the India has not signed or ratified the NPT, and had previously developed a secret nuclear weapons program.

Additionally, I am worried that this legislation does not require India to cap or even limit its fissile material production. The United States, the United Kingdom, Russia, and France have all publicly announced that they are no longer producing fissile material for military use. Even China is believed to have stopped producing fissile material. Without a requirement to limit fissile material production, the United States is tacitly endorsing further production. We should not help any state in the world increase its stockpile of nuclear weapons, especially at a time when we are reducing our own stockpile.

I am also concerned that this legislation does not require that all of India's nuclear reactors be placed under international safeguards. That means that some of India's reactors will be used for military purposes and kept outside safeguards and the nonproliferation regime. The whole purpose of safeguards is to ensure that fissile material is not diverted to build nuclear weapons secretly. We need full scope safeguards on all of India's reactors to ensure that U.S. technology or nuclear material is not being diverted for military purposes. In effect, we would be giving approval to the existence of undeclared, uninspected production of fissile material.

Further, India is not required to classify her new reactors as civilian rather than military. Some have argued that nuclear cooperation is needed to help meet India's growing energy needs. If that is the case then every single new reactor should be civilian energy producing facilities. We should be doing more to discourage India from expanding her military nuclear program, rather than making it easier.

This bill makes some improvements on the legislation that the Administration submitted, and I am glad that some of my colleagues who share my concerns tried to improve it. Yet, even with these changes I do not think it wise to shred one of the few nonproliferation instruments we have. I am sorry that before they came to us the Administration did not negotiate a better agreement which would not jeopardize decades of nonproliferation work. I am also sorry we have not approached this matter to obtain the active partnership of such a respected and important country as India in the effort to prevent nuclear proliferation around the world. India teamed with us and other countries could be a most influential leader in reducing the threat of nuclear weapons around the world. I remain convinced that nuclear cooperation could be achieved with India, however this is not the proper way to do so.

For these reasons, I cannot support this bill which would undermine the NPT and our nation's long history of nuclear nonproliferation. I would oppose this deal if it was with any country outside of the NPT because I would have the same concerns. But I also know that despite my vote on this bill it will be approved by wide margins. I hope I am proven wrong, that this bill will not undermine our nation's nonproliferation efforts, but I regret that I cannot see how that can be.

Mr. JINDAL. Mr. Chairman, I rise to speak in support of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006. The bill would facilitate the sharing of civilian nuclear technology in an attempt to decrease competition for scarce energy resources and strengthen relations between the two nations.

With the receding of the global divisions established during the Cold War era, there has been increasing recognition that significant benefits can be obtained from closer cooperation between the U.S. and India. H.R. 5682 reflects broad agreement that peaceful nuclear cooperation with India can serve U.S. foreign policy and national security objectives and also minimize potential risks to the nonproliferation regime. This ranges from shared

strategic interests, such as enhanced stability and security in South Asia and the international system as a whole, to more specific priorities, such as combating global terrorism.

Today, the chief threat to our security and the security of our allies worldwide is posed by violent acts of terrorism by extremists and rogue nations engaged in nuclear experimentation to the detriment of the principles of freedom worldwide. As we witnessed recently by the bombing of Mumbai's subway system earlier this month, global terrorism is a threat that India shares with the United States. We need India's ongoing partnership in the fight against terrorism. Furthermore, by engaging in this agreement with India, we are able to strengthen the international nonproliferation regime by placing a majority of India's nuclear plants under international inspection. This is a more practical and realistic shift in U.S. nuclear policy that should be viewed as a victory for nonproliferation advocates compared to our previous policy of forced abandonment which yielded little towards achieving greater international security.

For our own sake, if for no other reason, it is imperative that we help countries like India and China curb their increasing consumption of oil and natural gas for domestic and commercial use. This, in turn, will help us curtail the cost of oil and natural gas, while helping India develop its own nuclear power sources sufficient to meet their growing demand. The result is that prices worldwide will decrease as overall supply of oil and natural gas increase, thus helping our own economy by preserving many of the industries that have been forced to close their doors because of high production costs.

Our relationship with India is unique—the United States and India are the oldest and largest democracies in the world. While we cannot foresee that China will share common political principles in the near future, because India's history is rooted in Democracy they are an ideal partner for achieving our goals of creating international and economic security. Passing H.R. 5682 is an important step toward cementing the great strides we have made in the past year in establishing this strategic partnership.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in support of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act.

India is a strategic friend and ally of the United States. Indian Americans have made an indelible mark upon the culture and diversity of our nation and I was proud to sponsor H. Res. 227 that recognized the contributions of Indian Americans to our nation, which the House passed earlier this year.

India and the United States have a strong history of cooperation. Directly after the September 11, 2001 terrorist attacks, India was one of the first countries to offer immediate aid to the United States. As the two largest pluralistic, free-market democracies in the world, it is only natural for the United States and India to seek to strengthen our bilateral relationship.

Last July, President Bush and Prime Minister Sing issued a Joint Statement declaring a new era of respect, reciprocity and cooperation, spanning the fields of high technology, space exploration, counter-terrorism, defense cooperation and energy security.

This legislation lays the statutory foundation to expand nuclear research, nuclear power and nonproliferation cooperation with India that would allow full trade in civil nuclear energy. In exchange for such trade, India has agreed to separate its military and civilian nuclear programs over the next eight years, placing 14 of its 22 reactors under permanent international safeguards, as well as all future civilian thermal and breeder reactors. It has also agreed to maintain its unilateral moratorium on nuclear testing and to work with the United States toward a fissile material cutoff treaty.

Mr. Chairman, the United States should seize this opportunity to forge a strategic alliance with India to expand civil nuclear energy production in that country. In closing, I thank the leadership for allowing this legislation to come to the floor today and urge an aye vote.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the United States and India Nuclear Cooperation Promotion Act of 2006. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, for more than a decade there has been increasing recognition in both countries of the significant benefits to be obtained from closer cooperation across a broad spectrum. To that end, on July 15, 2005 President Bush and Prime Minister Manmohan Singh issued a joint statement announcing a ''global partnership'' between the two countries that embraces cooperation across a wide range of subjects.

I am in support of this bill because this legislation reflects broad agreement consensus among Members of Congress that peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives, but must be approached in a manner that minimizes potential risks to the nonproliferation regime. Among the most important considerations are ensuring that Nuclear Suppliers Group (NSG) guidelines and consensus decision-making are upheld and that a U.S. nuclear cooperation agreement and subsequent U.S. nuclear exports are consistent with decisions, policies, and guidelines of the NSG. Equally important is the need to ensure that U.S. cooperation does not assist the Indian nuclear weapons program directly, or indirectly, in order to avoid contributing to a nuclear arms race in South Asia and because of U.S. obligations under the Nonproliferation of Nuclear Weapons (NPT).

There are two other noteworthy provisions in this bill which I consider very crucial in the United States' relationship with India regarding nuclear weapons. The bill contains reporting requirements and a provision that calls for termination of exports in the event of violations of certain commitments and seeks to uphold existing statutory Congressional oversight of U.S. nuclear cooperation and exports. At a time when the world appears to be considering nuclear energy as a viable and desirable alternative to carbon-based energy sources, oversight of its expansion is crucial.

The President took a bold step by cutting a deal with India on nuclear cooperation and it is now up to Congress to make the necessary fixes without undermining the deal. India has proven itself deserving of an understanding of cooperation with the United States regarding nuclear weapons. India has been punished for the last thirty-two years, but over that time they have shown a responsible foreign policy, and a commitment to democracy and rule of law. This deal would also provide India with some of its energy needs to continue to grow her economy and lower the use of coal burning power plants.

We cannot forget about our Indian American citizens during our talks of a nuclear cooperation with India. There are about two million Indian Americans living in the United States and the majority of them support this nuclear deal. We must let the Indian American community know that we hear them, we stand with them, and are both working towards the mutual goals of democracy. This deal will strengthen our long term relationship with India in hopes that they will continue to be one of our strongest allies in the War on Terrorism. This agreement will benefit the United States as well as India in monitoring nuclear weapons in helping to stabilize our world's economy and safety and I urge my colleagues to support this bill.

I will be introducing an amendment that urges Congress to continue its policies of engagement, collaborations, and exchanges with India and Pakistan. My bipartisan amendment is consistent with many U.S. foreign policy objectives. It will also draw the United States closer to this vitally important and strategic democracy.

Mr. KNOLLENBERG. Mr. Chairman, I support the legislation before the House of Representatives today, H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006. A civil nuclear cooperation agreement will make citizens of America and India more safe and secure, while providing increased stability around the world.

Since coming to Congress, I have felt that it is appropriate for the United States and India to have a close relationship. Last year, when President Bush and Indian Prime Minister Singh announced that the two countries would seek cooperation on its civil nuclear programs, I was immediately encouraged and supportive of their efforts. The improved relations stemming from this agreement will lead to untold benefits for the American and Indian people and enhance our mutual interests.

The U.S.-India relationship is strong and growing stronger because of our shared principles and goals. We remain the two largest democracies in the world, committed to political freedom protected by a representative government, and we share a commitment to free-market principles. These principles—bolstered by one of the world's largest consumer markets and a growing skilled labor force—have helped India in its development into a global economic power.

However, that growing economy depends on energy. Nuclear energy, unlike other energy sources, is truly a ''green'' energy source. It does not emit any carbon dioxide emissions or greenhouse gases. It also requires less geographic area to produce energy than other energy sources. Nuclear power is under-utilized and we should promote, not hamper, its growth.

Since the establishment of the Indian nuclear program in 1974, there has been no international oversight of India's nuclear program. A civilian nuclear cooperation agreement will provide India with much of the energy it needs while also bringing their civilian nuclear program under international review. With this agreement, the majority of India's civilian program will be under supervision of the International Atomic Energy Agency.

We always must be mindful of nuclear proliferation and nuclear materials falling into the

wrong hands. The Indian government remains committed to peace and stability in the region and the world and they realize the danger of allowing the proliferation of nuclear technology and material.

Sadly, this danger is all too real to the people of India because—like the U.S.—India has not been immune to terror attacks. The train bombing earlier this month and the attack on their parliament 5 years ago remains a constant reminder of terror and has forced them to reevaluate their civilian nuclear program and their status in the international community.

Mr. Chairman, H.R. 5682 will strengthen the U.S.-India relationship, promote a clean energy source, and make global nuclear materials more secure. For all these reasons, I strongly support the bill and encourage my colleagues to do so as well.

Mr. FOLEY. Mr. Chairman, I rise in strong support of H.R. 5682, the U.S. and India Nuclear Cooperation Promotion Act. At a time when world energy reserves and production are just barely keeping up with current capacity, I believe that this bill is the right policy for both our countries.

India is currently the sixth largest energy consumer in the world and continues to grow exponentially in its population. With only 3 percent of India's energy consumption being derived from nuclear energy, it is depending heavily on foreign energy sources. By helping India with its civilian nuclear power industry, and thereby reducing its dependency on other fuel sources, Americans ultimately should experience lower energy costs as available fuel sources increase.

This bill also will further strengthen India's commitment to nuclear nonproliferation. India has committed to following International Atomic Energy Agency safeguards, allowing for additional inspections, and has produced a plan to separate its civilian and military nuclear facilities.

In this uncertain world, and with India in the middle of a volatile region, it is imperative that the world's largest democracy have access to a constant and inexpensive source of energy. Mr. Chairman, I believe this legislation will help solidify our ongoing and deepening relationship with our friends in India and I urge all of my colleagues to support it.

Mr. HOLT. Mr. Chairman, there will be a time when the history of the spread of nuclear weapons of mass destruction is written and we will look back and see when the last thread of the nuclear non-proliferation regime was shredded. We can all talk at length about the details of this cooperative agreement. We can talk about what a good friend India is and how responsible they have been. We can talk about the so-called reality of an imperfect ability to control the militarization of nuclear reactions. But the history will say that with this agreement the world lost the last bit of an international tool to control the spread of nuclear weapons of mass destruction. The regime will have been killed. All we will have left is our ability to jawbone with our allies and threaten our enemies. Countries will work out whatever deals they can, two by two. This is a very dangerous moment.

If we really believe that nuclear proliferation and loose nukes are the greatest threat to world peace and security, as I do, then we should be holding on to every tool we can find to prevent that threat. We should also be working with India to strengthen the nuclear non-proliferation regime, not collaborating with India to destroy it.

Mr. ROYCE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GUTKNECHT). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 109–599, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 5682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States and India Nuclear Cooperation Promotion Act of 2006''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) preventing the proliferation of nuclear weapons, other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives for United States foreign policy;

(2) sustaining the NPT and strengthening its implementation, particularly its verification and compliance, is the keystone of United States nonproliferation policy;

(3) the NPT has been a significant success in preventing the acquisition of nuclear weapons capabilities and maintaining a stable international security situation;

(4) countries that have never become a party to the NPT and remain outside that treaty's legal regime pose a potential challenge to the achievement of the overall goals of global nonproliferation, because those countries have not undertaken the NPT's international obligation to prohibit the spread of dangerous nuclear technologies;

(5) it is in the interest of the United States to the fullest extent possible to ensure that those countries that are not NPT members are responsible with any nuclear technology they develop;

(6) it may be in the interest of the United States to enter into an agreement for nuclear cooperation as set forth in section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) with a country that has never been an NPT member with respect to civilian nuclear technology if—

(A) the country has demonstrated responsible behavior with respect to the nonproliferation of technology related to weapons of mass destruction programs and the means to deliver them;

(B) the country has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent to that of the United States, and is working with the United States in key foreign policy initiatives related to non-proliferation;

(C) such cooperation induces the country to implement the highest possible protections against the proliferation of technology related to weapons of mass destruction programs and the means to deliver them, and to refrain from actions that would further the development of its nuclear weapons program; and

(D) such cooperation will induce the country to give greater political and material support to the achievement of United States global and regional nonproliferation objectives, especially with respect to dissuading, isolating, and, if necessary, sanctioning and containing states that sponsor terrorism and terrorist groups, that are seeking to acquire a nuclear weapons capability or other weapons of mass destruction capability and the means to deliver such weapons; and

(7)(A) India meets the criteria described in this subsection; and

(B) it is in the national security interest of the United States to deepen its relationship with India across a full range of issues, including peaceful nuclear cooperation.

SEC. 3. STATEMENTS OF POLICY.

(a) IN GENERAL.—The following shall be the policies of the United States:

(1) Oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483; commonly referred to as the ''Nuclear Non-Proliferation Treaty'' or the ''NPT'').

(2) Encourage states party to the NPT to interpret the right to ''develop research, production and use of nuclear energy for peaceful purposes'', as described in Article IV of the NPT, as being a qualified right that is conditioned by the overall purpose of the NPT to prevent the spread of nuclear weapons and nuclear weapons capability, including by refraining from all nuclear cooperation with any state party that has not demonstrated that it is in full compliance with its NPT obligations, as determined by the IAEA.

(3) Strengthen the Nuclear Suppliers Group guidelines concerning consultation by members regarding violations of supplier and recipient understandings by instituting the practice of a timely and coordinated response by NSG members to all such violations, including termination of nuclear transfers to an involved recipient, that discourages individual NSG members from continuing cooperation with such recipient until such time as a consensus regarding a coordinated response has been achieved.

(b) WITH RESPECT TO SOUTH ASIA.—The following shall be the policies of the United States with respect to South Asia:

(1) Achieve a moratorium on the production of fissile material for nuclear explosive purposes by India, Pakistan, and the People's Republic of China at the earliest possible date.

(2) Achieve, at the earliest possible date, the conclusion and implementation of a treaty banning the production of fissile material for nuclear weapons to which both the United States and India become parties.

(3) Secure 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 Control Lists of the Wassennaar Arrangement;

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

(E) ratification of or accession to the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) Secure India's full and active participation in United States efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability (including the capability to enrich or process nuclear materials), and the means to deliver weapons of mass destruction.

(5) Seek to halt the increase of nuclear weapon arsenals in South Asia, and to promote their reduction and eventual elimination.

(6) To ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the United States except pursuant to the Congressional review procedures required under section 131 f. of the Atomic Energy Act of 1954 (42 U.S.C. 2160 f.).

(7) Pending implementation of a multilateral moratorium, encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities.

SEC. 4. WAIVER AUTHORITY AND CONGRESSIONAL APPROVAL.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the President makes the determination described in subsection (b), the President may—

(1) exempt a proposed agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153)) from the requirement in section 123 a.(2) of such Act, and such agreement for cooperation may only enter into force in accordance with subsection (f);

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to India, provided that such waiver shall cease to be effective if the President determines that India has engaged in any activity described section 129 of such Act (42 U.S.C. 2158), other than section 129 a.(1)(D) or section 129 a.(2)(C) of such Act, at any time after the date of the enactment of this Act; and

(3) with respect to India—

(A) waive the restrictions of section 129 a.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2158 a.(1)(A)) for any activity that occurred on or before July 18, 2005; and

(B) section 129 a.(1)(D) of such Act.

(b) DETERMINATION BY THE PRESIDENT.—The determination referred to in subsection (a) is a determination by the President that the following actions have occurred:

(1) India has provided the United States and the International Atomic Energy Agency with a credible plan to separate civil and military nuclear facilities, materials, and programs, and has filed a declaration regarding its civil facilities with the IAEA.

(2) India and the IAEA have concluded an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs as declared in the plan described in paragraph (1), including materials used in or produced through the use of India's civil nuclear facilities.

(3) India and the IAEA are making substantial progress toward concluding an Additional Protocol consistent with IAEA principles, practices, and policies that would apply to India's civil nuclear program.

(4) India is working actively with the United States for the early conclusion of a multilateral Fissile Material Cutoff Treaty.

(5) India is working with and supporting United States and international efforts to prevent the spread of enrichment and reprocessing technology.

(6) India is taking the necessary steps to secure nuclear and other sensitive materials and technology, including through—

(A) the enactment and enforcement of comprehensive export control legislation and regulations;

(B) harmonization of its export control laws, regulations, policies, and practices with the policies and practices of the Missile Technology Control Regime and the Nuclear Suppliers Group; and

(C) adherence to the MTCR and the NSG in accordance with the procedures of those regimes for unilateral adherence.

(7) The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG and such decision does not permit civil nuclear commerce with any other non-nuclear weapon state that does not have IAEA safeguards on all nuclear materials within its territory, under its jurisdiction, or carried out under its control anywhere.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate information concerning any determination made pursuant to subsection (b), together with a report detailing the basis for the determination.

(2) INFORMATION TO BE INCLUDED.—To the fullest extent available to the United States, the information referred to in paragraph (1) shall include the following:

(A) A summary of the plan provided by India to the United States and the IAEA to separate India's civil and military nuclear facilities, materials, and programs, and the declaration made by India to the IAEA identifying India's civil facilities to be placed under IAEA safeguards, including an analysis of the credibility of such plan and declaration, together with copies of the plan and declaration.

(B) A summary of the agreement that has been entered into between India and the IAEA requiring the application of safeguards in accordance with IAEA practices to India's civil nuclear facilities as declared in the plan described in subparagraph (A), together with a copy of the agreement, and a description of the progress toward its full implementation.

(C) A summary of the progress made toward conclusion and implementation of an Additional Protocol between India and the IAEA, including a description of the scope of such Additional Protocol.

(D) A description of the steps that India is taking to work with the United States for the conclusion of a multilateral treaty banning the production of fissile material for nuclear weapons, including a description of the steps that the United States has taken and will take to encourage India to identify and declare a date by which India would be willing to stop production of fissile material for nuclear weapons unilaterally or pursuant to a multilateral moratorium or treaty.

(E) A description of the steps India is taking to prevent the spread of nuclear-related technology, including enrichment and reprocessing technology or materials that can be used to acquire a nuclear weapons technology, as well as the support that India is providing to the United States to further United States objectives to restrict the spread of such technology.

(F) A description of the steps that India is taking to secure materials and technology applicable for the development, acquisition, or manufacture of weapons of mass destruction and the means to deliver such weapons through the application of comprehensive export control legislation and regulations, and through harmonization and adherence to Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group, Wassennaar guidelines, and United Nations Security Council Resolution 1540, and participation in the Proliferation Security Initiative.

(G) A description of the decision taken within the Nuclear Suppliers Group relating to nuclear cooperation with India, including whether nuclear cooperation by the United States under an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is consistent with the decision, practices, and policies of the NSG.

(H) A description of the scope of peaceful cooperation envisioned by the United States and India that will be implemented under the Agreement for Nuclear Cooperation, including whether such cooperation will include the provision of enrichment and reprocessing technology.

(I) A description of the steps taken to ensure that proposed United States civil nuclear assistance to India will not directly, or in any other way, assist India's nuclear weapons program, including—

(i) the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons related complex;

(ii) the replication and subsequent use of any United States technology in an unsafeguarded nuclear facility or unsafeguarded nuclear weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and

(iii) the provision of nuclear fuel in such a manner as to facilitate the increased production of highly-enriched uranium or plutonium in unsafeguarded nuclear facilities.

(d) RESTRICTIONS ON NUCLEAR TRANSFERS TO INDIA.—

(1) IN GENERAL.—Pursuant to the obligations of the United States under Article I of the NPT, nothing in this Act, or any agreement pursuant to this Act, shall be interpreted as permitting any civil nuclear cooperation between the United States and India that would in any way assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices.

(2) NSG TRANSFER GUIDELINES.—Notwithstanding the entry into force of an agreement for cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act, no item subject to such agreement or subject to the transfer guidelines of the NSG may be transferred to India if such transfer would violate the transfer guidelines of the NSG as in effect on the date of the transfer.

(3) TERMINATION OF NUCLEAR TRANSFERS TO INDIA.—Notwithstanding the entry into force of an agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153)), exports of nuclear and nuclear-related material, equipment, or technology to India shall be terminated if India makes any materially significant transfer of—

(A) nuclear or nuclear-related material, equipment, or technology that does not conform to NSG guidelines, or

(B) ballistic missiles or missile-related equipment or technology that does not conform to MTCR guidelines,

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security.

(4) PROHIBITION ON NUCLEAR TRANSFERS TO INDIA.—If nuclear transfers to India are restricted pursuant to this Act, the Atomic Energy Act of 1954, or the Arms Export Control Act, the President should seek to prevent the transfer to India of nuclear equipment, materials, or technology from other participating governments in the NSG or from any other source.

(e) APPROVAL OF AGREEMENT FOR NUCLEAR COOPERATION REQUIRED.—

(1) IN GENERAL.—Subject to subsection (h), an agreement for nuclear cooperation between the United States and India submitted pursuant to this section may become effective only if—

(A) the President submits to Congress the agreement concluded between the United States and India, including a copy of the safeguards agreement entered into between the IAEA and India relating to India's declared civilian nuclear facilities, in accordance with the requirements and procedures of section 123 of the Atomic Energy Act of 1954 (other than section 123 a.(2) of such Act) that are otherwise not inconsistent with the provisions of this Act; and

(B) after the submission under subparagraph (A), the agreement is approved by a joint resolution that is enacted into law.

(2) CONSULTATION.—Beginning one month after the date of the enactment of this Act and every month thereafter until the President submits to Congress the agreement referred to in paragraph (1), the President should consult with the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the status of the negotiations between the United States and India with respect to civilian nuclear cooperation and between the

IAEA and India with respect to the safeguards agreement described in subsection (b)(2).

(f) JOINT RESOLUTION OF APPROVAL.—For purposes of this section, a joint resolution referred to in subsection (e)(1)(B) is a joint resolution of the two Houses of Congress—

(1) the matter after the resolving clause of which is as follows: ''That the Congress hereby approves the Agreement for Nuclear Cooperation Between the United States of America and the Republic of India submitted by the President on _____.'', with the blank space being filled with the appropriate date;

(2) which does not have a preamble; and

(3) the title of which is as follows: ''Joint Resolution Approving an Agreement for Nuclear Cooperation Between the United States and India''.

(g) CONSIDERATION OF JOINT RESOLUTION OF APPROVAL.—The provisions of paragraphs (2) through (6) of section 130 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2159 i.) shall apply to a joint resolution under subsection (f) of this section to the same extent as such provisions apply to a joint resolution under section 130 i. of such Act. No amendment to, or motion to recommit, a joint resolution under subsection (f) of this section is in order.

(h) SECTION 123 OF ATOMIC ENERGY ACT OF 1954 NOT AFFECTED.—Notwithstanding subsection (e)(1), this section does not preclude the approval, under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), of an agreement for cooperation in which India is the cooperating party.

(i) SUNSET.—The procedures under this section shall cease to be effective upon the enactment of a joint resolution under this section.

(j) REPORTS.—

(1) POLICY OBJECTIVES.—The President shall, not later than January 31, 2007, and not later than January 31 of each year thereafter, submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on—

(A) the extent to which each policy objective in section 3(b) has been achieved;

(B) the steps taken by the United States and India in the preceding calendar year to accomplish those objectives;

(C) the extent of cooperation by other countries in achieving those objectives; and

(D) the steps the United States will take in the current calendar year to accomplish those objectives.

(2) NUCLEAR EXPORTS TO INDIA.—

(A) IN GENERAL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing United States exports to India for the preceding year pursuant to such agreement and the anticipated exports to India for the next year pursuant to such agreement.

(B) NUCLEAR FUEL.—The report described in subparagraph (A) shall also include (in a classified form if necessary)—

(i) an estimate for the previous year of the amount of uranium mined in India;

(ii) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices;

(iii) the rate of production of—

(I) fissile material for nuclear explosive devices; and

(II) nuclear explosive devices; and

(iv) an analysis as to whether imported uranium has affected such rate of production of nuclear explosive devices.

(C) UNSAFEGUARDED NUCLEAR FACILITIES.—The report described in subparagraph (A) shall also include (in a classified form if necessary) a description of whether United States civil nuclear assistance to India is directly, or in any other way, assisting India's nuclear weapons program, including—

(i) the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons related complex;

(ii) the replication and subsequent use of any United States technology in an unsafeguarded nuclear facility or unsafeguarded nuclear weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and

(iii) the provision of nuclear fuel in such a manner as to facilitate the increased production of highly-enriched uranium or plutonium in unsafeguarded nuclear facilities.

(3) NEW NUCLEAR REACTORS OR FACILITIES.—Not later than one year after the date of the enactment of this Act and annually thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing any new nuclear reactors or nuclear facilities that the Government of India has designated as civilian and placed under inspections or has designated as military.

(4) DISPOSAL OF SPENT NUCLEAR FUEL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing the disposal of spent nuclear fuel from India's civilian nuclear program.

(k) DEFINITIONS.—In this Act:

(1) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(2) MTCR.—The term ''MTCR'' means the Missile Technology Control Regime.

(3) NPT.—The term ''NPT'' means the Treaty on the Non-Proliferation of Nuclear Weapons.

(4) NPT MEMBER.—The term ''NPT member'' means a country that is a party to the NPT.

(5) NSG.—The term ''NSG'' means the Nuclear Suppliers Group.

The Acting CHAIRMAN. No further amendment is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion at the desk.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I regret very much that this legislation is before us this afternoon. In my view, this is a badly conceived and most especially a badly timed action which will weaken the nonproliferation regime over the long haul and, in the end, wind up encouraging the production of more nuclear weapons by Pakistan, China and India.

It also is, in my view, spectacularly badly timed because it will give Iran a greater excuse, as if they needed any, but it will give Iran a greater excuse than they now have to continue to proceed with their own nuclear program. I believe it is a profound mistake.

I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, we are being told that we shouldn't worry, that this won't lead to a nuclear arms race.

Now, India is not a signatory to the nuclear nonproliferation treaty. This agreement is in violation of the Nonproliferation Act of 1978 here in Congress. All of their facilities are not being put under full-scope safeguards.

Experts say that when we supply the nuclear fuel for their civilian program, it is going to free up nuclear fuel for their nuclear weapons program. It makes sense. But we are told, don't worry.

Now, right now, India makes about seven nuclear bombs a year, on average. That is the magnitude. That is the scope of their program. But experts say it will free up 40 to 50 bombs' worth of nuclear material if they wanted to build more nuclear bombs. We are told, don't worry.

But here is what else is going on. This week in the world, A.Q. Khan, under house arrest in Islamabad, this nuclear merchant that should be on trial in the world court for what he has done in spreading nuclear weapons materials around the world but yet the Bush administration has turned a blind eye to him and allowed Musharraf just to keep him under house arrest in a palace. Well, A.Q. Khan and his people now have a new program, it turns out, on the front page of the Washington Post this week, that will make it possible for them to build 40 to 50 plutonium nuclear bombs per year. Now they are going to do it. They are going to do it because they only have two to three nuclear bombs capacity per day right now, and they can scale up to 40 to 50.

Now what is interesting about these two charts about India and Pakistan, they are each now going to be capable of going from between two and seven up to 40 to 50.

We are told, don't worry. Well, I am worrying; and I think we should all worry. The Bush administration has not made public at all the fact that they have known for at least 2 years that Pakistan has this clandestine plutonium nuclear bomb program. It is the place where we should all be concerned that that al Qaeda operative buys a nuclear bomb and moves it into the Middle East, moves it to New York City, moves it to Washington, D.C. And instead we are told, don't worry.

Well, what kind of signal are we sending to the world when Iran, which is a signatory to the Nuclear Proliferation Treaty, is on trial at the Security Council to comply with the nonproliferation treaty because they are violating it, and we are turning a blind eye to what India and Pakistan, nonsignatories to the nonproliferation

treaty, are doing or will do if this deal goes through? We will make a mockery of the nonproliferation regime in the world.

And we know that President Bush doesn't care about it. Otherwise, we would know more about this Pakistani program which they have had satellite evidence of its existence for the last 2 years. We know that he doesn't care about it. Otherwise, he would be forcing India to put the full nuclear program in India under safeguards. He would be extracting a ban on the production of fissile material in India, in the same way that the United States and Russia and China and England and France now don't produce any more fissile material.

But, no, the President is allowing an exemption. This deal is like throwing a tinder onto an already raging fire in the most dangerous part of the world and pretending that there is no relationship between what we do here today and the response of Pakistan and Iran and other nations around the world.

Mr. ROYCE. Mr. Chairman, I rise in opposition to the motion.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, I would make several points.

One, in terms of the program that is being laid out in the Washington Post, I think it was this Monday, explaining Pakistan's ambitions with respect to its nuclear buildup, that is clearly not something that can be characterized as a reaction to this new initiative with India. The reason I say that is because a careful reading of that Washington Post report shows that the construction of this very facility site began in the year 2000. The construction of the facility began 6 years ago.

I will also point out that the supposition that it could be used for 40 to 50 nuclear bombs a year, the information we have is that is probably two or three. Yet the very existence of the facility itself shows why a fissile cutoff is, frankly, not practical to enforce, to attempt to enforce on India, except through negotiation.

And I think, lastly, in conclusion, the attempt to equate Pakistan's efforts, now 6 years old, and tie that and say that that is in response to a deal that we are negotiating with India of less than a year old is clearly not germane to the argument that we have before us today.

So I oppose the motion of the gentleman from Wisconsin.

The Acting CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

The preferential motion was rejected.

AMENDMENT NO. 1 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 109–599.

Mr. ROYCE. Mr. Chairman, as the designee of Mr. HYDE, I offer the Hyde-Lantos amendment which is made in order by the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROYCE:

Page 3, line 12, strike ''may be'' and insert ''is''.

Page 4, beginning line 21, strike ''this subsection'' and insert ''paragraph (6)''.

Page 11, line 3, strike ''and'' and all that follows through line 8 and insert a period.

Page 15, line 22, insert ''nuclear'' before ''cooperation''.

Page 16, line 3, after ''violate'' insert ''or be inconsistent with''.

Page 16, beginning line 6, strike ''Notwithstanding the entry into force of an agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153))'' and insert ''Notwithstanding the entry into force of an agreement for nuclear cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act''.

Page 17, line 8, strike ''Subject to subsection (m), an'' and insert ''An''.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I ask unanimous consent that the Hyde-Lantos amendment made in order by the rule be modified in the form which I have caused to be placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. ROYCE:

Page 2, line 4, strike ''United States'' and insert ''Henry J. Hyde United States''.

Page 3, line 12, strike ''may be'' and insert ''is''.

Page 4, beginning line 21, strike ''this subsection'' and insert ''paragraph (6)''.

Page 11, line 3, strike ''and'' and all that follows through line 8 and insert a period.

Page 15, line 22, insert ''nuclear'' before ''cooperation''.

Page 16, line 3, after ''violate'' insert ''or be inconsistent with''.

Page 16, beginning line 6, strike ''Notwithstanding the entry into force of an agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153))'' and insert ''Notwithstanding the entry into force of an agreement for nuclear cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act''.

Page 17, line 8, strike ''Subject to subsection (m), an'' and insert ''An''.

Mr. ROYCE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MARKEY. Mr. Chairman, I object.

The Acting CHAIRMAN. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to withdraw my objection.

The Acting CHAIRMAN. Without objection, the reading is dispensed with.

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. Mr. Chairman, the only change in this amendment is to name this bill after our distinguished chairman, HENRY HYDE. The underlying amendment contains a series of technical and conforming changes which were needed to ensure the bill was properly drafted.

I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I strongly support naming this historic legislation after our distinguished chairman as a small token of our respect and appreciation for his enormous contributions to the national security of the United States and to the sound conduct of U.S. foreign policy.

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Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

If all that the manager's amendment included was the naming of this legislation after HENRY HYDE, then I would be at the front of the line to ensure that I would be praising him to the heavens. And I want the gentleman from Illinois to understand that because he does deserve all the accolades which he is receiving.

But there is just a little bit more in this manager's amendment than naming it after the distinguished gentleman from Illinois.

The reason that I am opposed to this amendment is that it would strike part of one of the seven conditions being placed on the India nuclear deal.

Here is the full language of the condition. It is No. 7: ''The Nuclear Suppliers Group has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG and such decision does not permit civil nuclear commerce with any other non-nuclear weapon state that does not have IAEA,'' International Atomic Energy Agency, ''safeguards on all nuclear materials within its territory, under its jurisdiction, or carried out under its control anywhere.''

The manager's amendment would strike the words ''and such decision does not permit civil nuclear commerce with any other non-nuclear weapon state that does not have International Atomic Energy Agency safeguards on all nuclear materials within its territory, under its jurisdiction, or carried out under its control anywhere.'' The impact of that change in the language is that it would free the

Nuclear Suppliers Group to also allow nuclear commerce with other nations that have not agreed to full-scope IAEA safeguards on their nuclear facilities, such as Pakistan.

I see absolutely no justification for opening the door to China to come into the Nuclear Suppliers Group with a proposal to give Pakistan the same deal that the administration is proposing to give India. That is a bad idea. It invites a further weakening of the international nuclear nonproliferation regime and an expansion of commerce with countries that do not allow full-scope international safeguards. We should be very careful here. We should be very cautious.

The ostensible justification for the initiation of the war in Iraq is that we did not want the next terrorist attack to come in the form of a mushroom cloud. As we make these changes, they seem slight. They are not. They are historic in terms of the safeguards that we have in place to ensure that we are securing these nuclear materials, that proper procedures are in place to make sure that countries and subnational groups that should not have them in their possession are denied them.

This is a weakening amendment, and I urge the Members to oppose it.

Mr. Chairman, I yield back the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield myself the balance of my time.

It is my understanding that a member of the committee, the gentleman from California (Mr. SHERMAN) offered an amendment in committee that was passed on voice vote. However, upon further reflection, I understand the Member has asked that the amendment language be removed. And what is happening here is that the committee is honoring that request. I would note, however, that the heart of the section 4(b)(7), and this is the section that the gentleman is concerned about, which states that the President must determine that the Nuclear Suppliers Group has decided by consensus, that remains intact, and that is the practice at the NSG.

And let me just quote from the bill: ''The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG.''

So the heart of the determination remains intact. And, again, the removal of that particular language was at the request of a member of the committee, Mr. SHERMAN of California, who offered the original amendment that was accepted in committee.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California (Mr. ROYCE).

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 109–599.

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. STEARNS:

In section 2(6)(D), strike ''and'' after the semicolon.

In section 2(7)(B), strike the period at the end and insert ''; and''.

In section 2, add at the end the following new paragraph:

(8) the United States Government, pursuant to the restrictions in this Act, shall not participate in, or contribute to, the manufacture or acquisition of nuclear weapons or nuclear explosive devices.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

My amendment to this bill would clarify and reinforce the intent of Congress that nuclear cooperation into which the governments of the United States and India would enter is for peaceful and productive purposes and not military purposes. And I think a lot of us who view this bill have some concerns.

Now, the intent of this amendment is obviously woven throughout this legislation, but I thought an elevated position by a sense of Congress in what we are talking about perhaps would alleviate some of the colleagues, particularly the gentleman from Massachusetts. It bears reiterating that this country stands for peace and not war.

While India has agreed to allow monitoring at 14 of their nuclear reactors to ensure fuel is not used for weapons, my colleagues, there are eight other reactors and an unknown number of future reactors that can produce material for military purposes, free of any oversight or control. It is, indeed, obviously, an improvement in the status quo for India to open up any of its reactors to oversight, but the dangers inherent in further assisting India's nuclear development are clear.

These are unsettling times in nuclear proliferation. Iran and North Korea, for example, have violated their responsibilities under the Nuclear Nonproliferation Treaty and are producing or attempting to produce significant arsenals of nuclear weapons. Pakistan was aided and abetted with nuclear capability.

Support for today's legislation, and for broader cooperation with India, crosses party lines. We all understand that. We all support India. It is a burgeoning multiethnic, multireligious, free market democracy, has a firm rule of law and respect for personal liberties. These are all good. As such, India presents a hearty example, like the United States, for the world to follow. Clearly, the nation of India is and should be our friend, and we respect it.

However, my colleagues, India has refused to sign, as mentioned before, the 1968 Nuclear Nonproliferation Treaty. It refuses to accept full scope of the International Atomic Energy Agency safeguards over all its nuclear facilities, and India continues to produce fissile materials for its growing nuclear arsenal. These have been brought to our attention.

But, moreover, India is no stranger to violating international nuclear commitments to use nuclear assistance for civilian purposes. In 1974, it detonated a nuclear bomb manufactured using plutonium from a Canadian-supplied nuclear reactor, with heavy water provided by the U.S. Both countries had provided India with nuclear technology based on commitment to peaceful use.

Now, my colleagues, the former chairman of the Armed Services Committee, Sam Nunn, wrote recently in The Wall Street Journal: ''There is every reason to suspect that Pakistan and China will react to this deal by ratcheting up their own suspicions and nuclear activities, including making additional weapons material and weapons.''

So, Mr. Chairman, we should avoid fanning the flames here of a regional nuclear arms race. I think all of us remember President Reagan's words when he mentioned in a radio address on April 17, 1982, ''A nuclear war cannot be won and must never be fought . . . ''

So I think this amendment is basically a sense of Congress, a straightforward sense, to give us more assurance that what we are trying to do here is to help them in a peaceful way. We seek friendship and peace with all nations, particularly India, but we will not purchase this friendship with nuclear arms.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his amendment.

During consideration of this agreement in committee, members expressed some of the same concerns raised by the gentleman from Florida, and we added language to the underlying bill to alleviate those concerns. I offered an amendment, a successful amendment, in committee that explicitly states that nothing in this bill shall violate our article I NPT obligation, not to, in any way, assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices.

Now, the gentleman's amendment further clarifies that the aiding of India's strategic program is not Congress's intent. And with that, we are quite prepared to accept the gentleman's amendment.

Mr. STEARNS. That is very good. I appreciate that. Can I just ask you a question? Nowhere in the bill does it

mention anything about private corporations or corporations in the United States of America.

The Acting CHAIRMAN. The gentleman from Florida's time has expired.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Chairman, I am pleased to accept the gentleman's amendment.

This amendment restates longstanding U.S. policy that the United States will not support the manufacture or acquisition of nuclear weapons. This is, of course, longstanding U.S. policy. And we all agree that it should continue.

I urge all of my colleagues to support this amendment.

Mr. Chairman, I yield 2 minutes to my good friend from California, distinguished former ambassador of the United States, Congresswoman DIANE WATSON.

Ms. WATSON. Mr. Chairman, I thank Congressman LANTOS for yielding.

The United States has few, if any, better friends than India. And I feel strongly that the United States and India are destined to be great partners as they seek to meet the challenges of the 21st century. One of these challenges is the need to develop new sources of energy. The Indian economy is growing by leaps and bounds, offering new opportunities not only for India itself but for India's partners as well. India will need to develop tens of thousands of megawatts of new power capacity in the next few years to meet this need and lift India's poorest from poverty.

But there is another 21st century challenge that India and the United States must meet together, and that is the challenge of nuclear proliferation, particularly the threat of nuclear weapons in the hands of extremist governments and terrorist movements.

India is, and has been, a trusted partner in meeting this challenge. As much as any ally of the United States, India knows the dangers posed by terrorism. We were so sadly reminded of this again, only a few weeks ago, when extremists murdered over 200 Indian commuters in Mumbai. My sincerest sympathies go out to the people of Mumbai and all of India. Together, I have no doubt we will eventually defeat the ideologies that spark such terror attacks as well as defeat the poverty and marginalization which fuels it.

I have no doubt that India is a reliable steward of nuclear technology. But my concerns extends beyond India. I do not fear India with nuclear power. I do fear a world where both India and the United States must face a nuclear Iran or a nuclear North Korea. Our key tool for constraining the nuclear design of Iran and North Korea has been the Nuclear Nonproliferation Treaty. But I fear that this legislation will damage the NPT to the point that we will make it harder to stop the Iranian and North Korea nuclear programs.

The U.S./India partnership is too strong to be harmed by one piece of legislation. I believe that, if we continue working with India, we can find ways to address our mutual security concerns and energy needs. But I feel this legislation fails to meet either challenge.

Furthermore, I have concerns about our own constitutional processes here in the United States. Acceptance or rejection of any arrangement with India must include a full role for the United States Congress. The President cannot change American law without Congress's consent. I believe any such agreement with any foreign country must be approved by Congress.

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Mr. LANTOS. Mr. Chairman, I yield the balance of my time to our distinguished colleague, the gentleman from New York (Mr. ENGEL).

The Acting CHAIRMAN. The gentleman from New York is recognized for 2½ minutes.

Mr. ENGEL. Mr. Chairman, I thank my good friend, Mr. LANTOS. I want to commend you and Chairman HYDE for your leadership on this very, very important bill.

I strongly support the bill. I support Mr. STEARNS' amendment, because I think it dovetails very nicely with the bill, and I support a new strategic partnership with India. This is extremely important for the United States in the 21st century.

India being the largest democracy and the United States being the oldest democracy have so much in common, and this is a chance for us to prove it. We have similar geopolitical interests in the region. We understand the fact that India and the United States have much in common. What may have kept us apart during the Cold War no longer is relevant.

We have a strong Indian-American community in the United States, further strengthening the ties between our two great nations; and we have a common battle in the fight against terrorism. India, of course, experienced that terrible bombing on the railroad; and we in the United States understand what terrorism is as well.

India is a nuclear power. It is a reality. It is a fact of life. And the fact that India is willing to cooperate with the United States with nuclear power is a plus for us.

We should not treat friends and adversaries alike. People who say, well, you know, if you are going to help India, how can you tell Iran not to have nuclear power? That analogy is, frankly, ridiculous, because India has shown time and time again it is a peaceful, loving nation, with the same interests as the United States, whereas Iran is continuing its mischief. We know that Iran and North Korea should not be treated the same as India.

So I think what the Congress is doing, what Mr. LANTOS and Mr. HYDE have done with their bill, is a very tremendous asset to this country's future in working with India. India has more than a billion people, and India is growing in leaps and bounds in every step of the way.

This strategic partnership will not only be with nuclear, but it will be with all things, because we will continue to build up trust with India, we will continue to build up a working relationship with India.

Again, we don't have wishes to quarrel with any country, but when it comes to the region in Asia, India has the same concerns, and there are many, that we do, and that is why it pays to work with India and particularly with nuclear power.

I support Mr. STEARNS' amendment, I support the underlying bill, H.R. 5682, and I urge my colleagues to vote ''yes'' on both.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 109–599.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

In section 2(6)(D), strike ''and'' after the semicolon.

In section 2(7)(B), strike the period at the end and insert ''; and''.

In section 2, add at the end the following new paragraph:

(8) the South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to offer this amendment, along with my distinguished colleague, Mr. BURTON of Indiana. Might I say that I also add my support for the manager's amendment which draws upon the change that focuses on naming the bill after Chairman HYDE. I add my appreciation for his service as well.

Mr. Chairman, I also rise to speak on behalf of H.R. 5682 as I offer my amendment and offer the amendment with Mr. BURTON, and that is that this particular legislation, the United States and India Nuclear Cooperation Promotion Act, is an opportunity. It is an opportunity for further negotiation. It is an opportunity for friendship and the continuation of that friendship. It is a recognition that even though India has not signed the nonproliferation agreement, it has peacefully utilized nuclear energy for the many years of its utilization. It is a democracy.

So my amendment speaks to the whole concept of the importance of South Asia; and it says that former President Clinton got it right when we traveled with him to that region, Members of Congress, a small delegation of eight. We went to India and we went to Pakistan because we believed in the cohesion and the importance of that particular region.

Might I note that in particular, as it relates to this legislation, the Nuclear Supply Group, NSG, still is maintained in this bill, and the guidelines and consensus decisionmaking are upheld. So, again, I emphasize that it is an opportunity.

My amendment builds on that opportunity. Its language is direct. What it says is that South Asia is an important region and that it is in our national interests to continue our policy of engagement, collaboration, exchanges with and between India and Pakistan, particularly since this has served the Nation well. It goes on to emphasize the importance of that relationship.

Why is that relationship important? Because we have seen in these latter years the working relationship between them and the United States. Pakistan has been a loyal and unwavering ally in our global war on terror and has played a decisive role in helping to remove the Taliban regime from Pakistan and the capture of hundreds of wanted al Qaeda terrorists. Pakistan has suffered thousands of casualties and has been a victim of numerous terrorist acts.

In addition, the founder of Pakistan, Dr. Jinnah, premised the basis of this country on democratic principles. The alliance of the United States with the nation in South Asia should continue and the U.S. should emphasize in its foreign policy the importance of the region, India, Pakistan, Bangladesh. South Asia is important to the United States and the amendment further supports the need for encouraging celloboration and engagement with and between India and Pakistan by the U.S.

Mr. Chairman, I am happy to yield to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just say I support the amendment.

I have been concerned about the problems between India and Pakistan for a long, long time, particularly in the area of Kashmir. They are talking now. Prime Minister Singh and President Musharraf have been trying to work out some differences. I know it is a very thorny issue and one that is going to take some time, but they are talking. They have opened up not only a dialogue but a small opening in the area between Pakistan and India in the Kashmiri area.

This is a problem that must be solved. It should be solved. It could be a flash point for another war over there. Since India and Pakistan are both nuclear powers, anything we can do to reduce that threat and make sure peace reigns is very important.

I support the gentlewoman's amendment and am proud to be a cosponsor.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, I thank the gentlelady for yielding; and I just wanted to say I thank her and Mr. BURTON for their amendment. I think it is very important that the United States be engaged on the subcontinent, and I think the gentlewoman from Texas and the gentleman from Indiana should be commended for their good work on this amendment. We are prepared to accept that amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the distinguished ranking member from California.

Mr. LANTOS. Mr. Chairman, I want to commend my good friend from Texas for yet another constructive step. She makes so many in this body. I am strongly in support of her amendment and urge my colleagues to do likewise.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the distinguished gentlemen.

Just for the record, I know there has been mention of an arms race. We don't see an arms race with India. The recent comment of a spokesperson from Pakistan indicated they do not want an arms race in the region.

So I would say that this is an important step. We need to engage. We need to work with India and Pakistan together. I ask my colleagues to support this amendment.

Mr. Chairman, the United States' relationship with India and Pakistan is of paramount importance to our nations' political and economic future. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, we have embarked on a new era of promise, possibility and uncertainty. This means the United States, the world's only superpower, bears an especially heavy responsibility to remain engaged in all regions of the world, with all nation-states.

Mr. Chairman, my amendment is simple. My amendment is important. My amendment is necessary. And my amendment is bipartisan. Due to the strategic political and economic importance of the South Asia region, it is imperative to our national interest to continue our policy of engagement collaboration, and exchanges with and between India and Pakistan, particularly since this has served the nation well in the past.

My amendment, which is endorsed and cosponsored by Congressman BURTON, and which is not opposed by either the Majority or Minority of the Committee on International Relations, simply states that the "South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan."

Peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives so long as it is undertaken in a manner that minimizes potential risks to the nonproliferation regime. This will be best achieved by sustained and active engagement and cooperation between India and the United States.

Similarly, Pakistan has been a critical ally in the global war on terror. Pakistan has been a good friend to the people of the United States. Although H.R. 5682 signals no change in this country's relationship with Pakistan, it is not difficult to understand why it may give pause to some supporters of Pakistan. This is another reason why it is vital for the United States to continue to engage both Pakistan and India in ongoing political engagement, economic and technological collaborations, and personal exchanges, which will bring the United States closer to these two vitally important democracies in the South Asia region and will bring India and Pakistan closer to each other.

As a founding Co-Chair of the Congressional Pakistan Caucus, I am wholeheartedly committed to the political, economic, and social amelioration of Pakistan for the Pakistani people and the ascendancy of Pakistan in the international community. Pakistan has been a loyal and unwavering ally in our global war on terror, which has played a decisive role in helping to remove the Taliban regime from Afghanistan and the capture of hundreds of wanted al-Qaeda terrorists. Pakistan has suffered thousands of casualties and has been a victim of numerous terrorist acts on their own soil because of their steadfast alliance with our nation in the global war on terror.

In order to get a proper perspective on Pakistan, I believe we must take a look back at the luminary individual who is singularly responsible for its creation. Pakistan, one of the largest Muslim states in the world, is a living and exemplary monument of Muhammad Ali Jinnah. Becoming an architect of a dream first articulated by poet-philosopher Muhammed Allama Iqbal, a brilliant young lawyer named Muhammad Ali Jinnah valiantly dedicated his life to achieving an independent Pakistan for Indian Muslims. Revered as the father of Pakistan, Muhammad Ali Jinnah inspired the adulation of his people through his eloquence, perseverance and dauntless courage. For over 30 years, Muhammad Ali Jinnah was the prominent leader of Indian Muslims who articulately gave expression, coherence, and direction to their legitimate aspirations and transformed their dreams into a concrete reality. A visionary leader who was ahead of his time, Muhammad Ali Jinnah was a great constitutionalist and nation-builder who called for the equal rights of all Pakistani citizens without regard to their religion.

In the past six decades, the people and nation of Pakistan has come a long way. The bonds of friendship which began with Muhammad Ali Jinnah continue today with President Musharraf. I am grateful to the people and government of Pakistan, who in the aftermath

of the devastation and loss of innocent life which occurred on 9/11, and on the eve of the 5 year anniversary of 9/11, continue to support our efforts to stamp out international terrorism. Similarly, I think it is critical that we continue our policy of engagement, collaboration, and exchanges with and between the people and the governments of Pakistan and India.

I urge my colleagues to support my amendment.

The Acting CHAIRMAN. Does anyone claim time in opposition to the amendment?

If not, the question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SHERMAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 109–599.

Mr. SHERMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SHERMAN:

In section 4(b), add at the end the following new paragraph:

(8) The amount of domestic uranium used in India's military program during a 12-month period ending on the date of the determination is equal to or less than the amount of domestic uranium used in India's military program during the 12-month period ending on July 18, 2005.

In section 4, insert after subsection (o) the following new subsection (and redesignate subsequent subsections accordingly):

(p) ANNUAL CERTIFICATION; TERMINATION OF COOPERATION.—Nuclear cooperation with India shall be terminated unless one year after making the determination described in subsection (b)(8), and annually thereafter, the president certifies that during the previous 12-month period the amount of domestic uranium used in India's military program is equal to or less than the amount of domestic uranium used in India's military program during the 12-month period ending on July 18, 2005.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SHERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, India is a democracy and it knows that this Congress has a role to play. They negotiated a deal which is better than the deal they need. That deal which they negotiated with our State Department is very loose on the issue of nonproliferation of nuclear weapons. India knows, or at least expects, that this Congress will do its job and make the agreement better, tighten the agreement so that it does not help India to build additional nuclear weapons.

The question is whether this Congress will do its job or surprise the Indians and simply be a rubber stamp for the agreement that has already been negotiated. I hope we do our job, and here is why.

India did not sign the Nonproliferation Treaty. They are not in violation of it. They exploded nuclear weapons. I do not believe that we should punish India for its decision to become a nuclear power, but we should not facilitate India in building additional nuclear weapons.

India's problem is this: They can only produce a limited amount of uranium from domestic sources, basically 300 tons. What they get out of this deal is nuclear fuel and uranium.

How does India use its 300 tons, which it produces domestically? They use half of it for their civilian reactors already existing. They certainly lose money if they fail to run those reactors as scheduled at full capacity. But they are doing just that. They are running their existing civilian reactors at less than capacity because they only use 150 tons of uranium for that purpose. The other 150 tons goes to India's nuclear weapons program.

What will this bill do if we fail to amend it? It will allow India to buy uranium for all of its civilian needs from other countries. The result will be that India will be able to use all 300 tons of its domestic production for the construction of nuclear weapons.

That is not what we mean to do. We mean to help India develop its civilian program. But since uranium is fungible, we also do not mean that our help to India in giving it fuel for its civilian program is not supposed to, so we are told, help India double its production of nuclear weapons. That is why this bill needs an amendment.

What my amendment would do is simply require that, for the deal to go forward, India keeps doing what it has been doing, using 150 tons of its uranium for its existing civilian plants instead of diverting that 150 tons toward its military production. That is to say, we would make sure that this deal did not hamper, but did not help, India's nuclear weapons program.

I hope the amendment will enjoy support.

Mr. ROYCE. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the International Relations Committee, the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, this is a killer amendment. If you vote for it, you vote to kill this entire initiative, because this imposes limits on India's nuclear weapons program, but India already possesses nuclear weapons and is extremely unlikely to give them up. Recognizing this fact is recognizing reality.

This is a restriction imposed by the Sherman amendment that we impose on no other nuclear power, with the exception of North Korea, which may have nuclear weapons. This, as I have said, is a deal killer. Both India has said so and the administration has said so, and a vote for this amendment is a vote to kill the agreement.

So, with respect, I urge defeat of this amendment.

□ 1930

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I oppose this amendment. Mr. Chairman, this amendment was presented to the Committee on International Relations and was overwhelmingly defeated because it is a killer amendment. It would kill the entire nuclear cooperation agreement with India.

Legislation already provides that we should be proceeding with a multilateral moratorium or treaty to ban the production of fissile material. The legislation before us already states this. The underlying legislation requires detailed reporting on the steps India and the United States are taking to complete such a ban. It also requires reports on India's production of fissile material, so that we can try to conduct oversight over this important issue.

The Fortenberry amendment that the House is considering today will strengthen this reporting even further. In reality, however, this amendment is intended as a deal killer. I urge all of my colleagues to rely on the underlying text, and I firmly oppose this amendment.

Mr. SHERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this is a great amendment. Because right now this is how much nuclear material is needed by India to produce nuclear electricity in their country. It is used for electricity. However, once we provide them all of this nuclear material for their nuclear electricity, it is going to free up the same amount to make nuclear bombs.

So they can go from 7 a year to 40 to 50 nuclear bombs a year. Well, they are saying they do not want to do that. And the proponents of this treaty are saying, they are not going to do that. What the Sherman amendment says is, the President must certify each year that they do not do that. That is why the Sherman amendment is the deal maker, because it proves what is being said is actually the truth.

Mr. ROYCE. Mr. Chairman, I reserve the balance of my time.

Mr. SHERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, as Congressman MARKEY just said, as this proposal now stands, there is nothing stopping India from using more and more of its domestic uranium for weapons program. Without the safeguards provided by the Sherman amendment, India could produce dozens more nuclear weapons per year under the U.S.-

India deal, which would surely lead to an arms race with neighboring rival Pakistan.

Mr. Chairman, I am a great supporter of India and of stronger U.S.-India relations. India is the world's largest democracy. It has contributed measurably to the legacy of peace of the great leader Mahatma Ghandi. India's longstanding goal of universal nuclear disarmament has not been acknowledged enough in this debate.

This proposal will be harmful to security in India, in the region and the world. And this proposal will be harmful to the people of India in that it could escalate an arms race between India and Pakistan.

I support Representative SHERMAN's amendment, which requires the President to certify annually that India is not dedicating more domestic uranium to its weapons program, as a condition for the U.S. to cooperate with India on nuclear technology.

Pakistan wants a deal with the U.S. on nuclear technology, but the U.S. has refused. Instead, Pakistan has turned to China for this technology. To add fuel to the fire, it was just reported that Pakistan has begun building a powerful new reactor for producing plutonium, signaling a major expansion of the country's nuclear weapons capabilities.

Instead of giving India more uranium to develop nuclear weapons, the United States should take leadership in preventing an arms race in the region. A good first step would be to pass the Sherman amendment.

Mr. SHERMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me respond to the arguments. They say that India claims this is a killer amendment. This a negotiating tactic. Any amendment I don't like is a killer amendment. I use the negotiating tactic myself.

We are told this imposes a requirement on India that we do not impose on the other nuclear powers. All the other nuclear powers sign the nonproliferation treaty. India deliberately puts itself in a class by itself.

We are told that this bill, this amendment is designed to be a killer amendment. I don't think the gentleman meant that as an attack on my belief and integrity. I voted for the bill. I do not intend to kill the bill.

The Democratic leader was on this floor endorsing another amendment that India says is a killer amendment. I do not think she intends to kill the bill. She said she was going to vote for it. Those of us who want to improve the bill want to improve it. And if we are nothing more than a rubber stamp for a deal which by its terms will allow India to double its nuclear weapons production, all in the name of generating electricity, then we are not doing our job. Please vote for the amendment.

Mr. ROYCE. Mr. Chairman, I rise in opposition to this amendment. I will note that the base text of this bill, in section 402, already asks for a classified report on India's domestic uranium usage. But the gentleman's amendment would make such a certification a condition for the deal.

Let me also say that people recognize that India has great demand for expanding its energy grid to create electricity for its people. Let me say that the gentleman has taken a unique approach to this issue for which he should be commended. We sympathize with his concerns.

However, I do not see the amendment as even workable. I do not know that such a determination with a high degree of confidence could even be made. So I am concerned about terminating the agreement with India on such a certification that cannot even be made with any certitude.

Mr. Chairman, for some of these reasons, this amendment was defeated in committee by a vote of 10–32 when it was offered. I urge the House to do the same.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SHERMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. BERMAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 109–599.

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BERMAN:

In section 4(d), add at the end the following new paragraph:

(5) LIMITATION ON NUCLEAR TRANSFERS TO INDIA.—Notwithstanding any other provision of law, and notwithstanding the entry into force of an agreement for nuclear cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act, nuclear transfers to India shall not include source material and special nuclear material (as defined in section 11 of such Act (42 U.S.C. 2014)) unless the President determines that India—

(A) is adhering to a unilateral moratorium on the production of fissile material for nuclear weapons;

(B) is adhering to a multilateral moratorium on the production of fissile material for nuclear weapons; or

(C) has signed and is adhering to a multilateral treaty prohibiting the production of fissile material for nuclear weapons.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from California (Mr. BERMAN) and the gentleman from California (Mr. ROYCE) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I yield 2½ minutes to my co-author of this amendment, the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank Mr. BERMAN for his hard work with me on this issue. I commend Chairman HYDE, for whom I have tremendous affection, for having this bill named after him.

Mr. Chairman, the amendment that Mr. BERMAN and I are offering is the single strongest step Congress can take to ensure that the civilian nuclear cooperation agreement with India does not lead to a nuclear arms race in South Asia.

Our amendment would allow exports of nuclear reactors and other technology to India, our good friend. But it would prevent the export of nuclear reactor fuel until India has ceased production of fissile material for use in nuclear weapons. The United States and the other original nuclear weapons states have all agreed to a voluntary moratorium on fissile material production.

But under the bill as currently written, India will receive all of the benefits of a nuclear state under the nonproliferation treaty without being obligated to halt the production of fissile material, without having to sign a comprehensive test ban treaty, or to take other steps toward disarmament.

Requiring that India commit to ceasing the production of bomb material, in exchange for all of the benefits of nuclear trade, without asking for it to take any other responsibilities of a nuclear power is the bare minimum we should require to improve United States' national security.

The bill before us makes drastic exceptions to established nonproliferation rules. Currently India's production of weapons-grade plutonium is constrained by the requirements of its nuclear power reactors and its limited supply of natural uranium. But the civil-military separation plan offered by India excludes from national international inspection military facilities and spent fuel.

This provides India with a substantial capability to increase its nuclear weapons arsenal. If the bill goes ahead as is, the foreign supply of nuclear fuel to India would free up their existing limited capacity of highly enriched uranium and plutonium for weapons.

It is therefore responsible and prudent for Congress to ensure through this legislation that as a simple price of having access to sensitive nuclear technology, India declare a moratorium on productions of fissile material, just as the U.S. and other nuclear powers have.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. BERMAN. Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the International Relations Committee (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I announce my difficulty in opposing my good

friends, Mr. BERMAN and Mrs. TAUSCHER. They are both very learned in this field.

However, this amendment is very similar to Mr. SHERMAN's amendment and should be defeated for virtually the same reasons. India already possesses nuclear weapons, and is very unlikely to dispose of them or be divested of them.

This is a restriction that the U.S. imposes on no other nuclear power. Therefore, instead of proliferating good will it would proliferate bad will to impose this on India.

This is the proverbial deal killer, as the Sherman amendment was. A vote for this amendment is a vote to kill the agreement even if the bill passes. So, with considerable regret I must urge the defeat of this amendment.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I regret but I must strongly oppose this amendment offered by my good friend from California. This amendment was carefully considered by the International Relations Committee and was overwhelming defeated on a bipartisan vote.

It is a killer amendment, which would destroy this historic piece of legislation, and I think it would be irresponsible for us to hazard that strong probability.

Mr. Chairman, I urge all of my colleagues to oppose this amendment.

Mr. ROYCE. Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first I point out that while this amendment was defeated decisively, it was not defeated overwhelming.

Secondly, and I say this with great respect both to Chairman HYDE and Ranking Member LANTOS, who not only do great work here, but made this a significantly better bill by virtue of their efforts.

Let's review the bidding here. The U.S. went into this discussion saying, India, we want you to cut off fissile material production. India said no. The administration backed off its position.

I now offer an amendment that simply denies the fuel until such time as they cut off their fissile material production. The administration says it is a killer amendment. The language that they proposed in a weakened form now, they call a killer amendment.

Let's test the proposition here. Give a good vote to this amendment. As Mr. SHERMAN and Mr. MARKEY pointed out, we are incentivizing, if we provide the fuel, we are incentivizing a massive potential increases in India's nuclear weapon production.

What is China going to do? I am not that worried about India. But India has minimal deterrent capabilities against China right now. What is China going to do? China right now has halted its fissile material production. Will they continue to do that once this passes?

What will they do with Pakistan in the Nuclear Suppliers Group? At least, thank heavens, we will have a chance to see this agreement when it is finally negotiated after the Nuclear Suppliers Group has decided.

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But don't just accept the words it is a killer amendment. Give this a good vote. Let India know we are very serious about this. Reinforce the administration's commitment to this issue which wavered in the negotiation of India. This issue goes far beyond U.S.-India relationships. It goes on with what happens with the nuclear powers and with the spread of nuclear weapons. It will have ramifications far beyond the U.S.-India relationship.

This is a modest amendment. This is the amendment Sam Nunn proposes. This allows reactor technology and all of the other facets of a civilian nuclear cooperation to go ahead. It just says no fuel until you have decided to cut off fissile material production.

Mr. ROYCE. Mr. Chairman, I would like to yield 1 minute to the chairman of the International Relations Committee.

Mr. HYDE. I was simply going to suggest to my good friend, Mr. BERMAN, that while you are looking for patterns of conduct, think of the Libya example. Mr. Khadaffi might just turn in all their weapons. That is entirely possible.

Mr. BERMAN. Well, I do. But it wasn't because we gave Libya civilian nuclear cooperation. But I wouldn't compare India and Libya. They are very different countries. And the gain for Libya was a great gain for nonproliferation, I agree. But now we are in a different situation. Think of China, think of Pakistan, think of Iran, think of North Korea.

Mr. ROYCE. Reclaiming my time, Mr. Chairman.

I rise in opposition to the Berman amendment. I would like to commend the gentleman from California for bringing this issue before the House today, and I know that he does so having studied this issue very closely.

The gentleman's amendment would prevent the full realization of this agreement until India has put in place a cap, either unilaterally or multilateral, on its fissile material production. That is a highly unlikely or even an implausible scenario given the dynamics in the region in South Asia.

This should, frankly, be a goal, and the administration should be doing more on that front. But it should not be a mandate for this agreement.

This amendment is not without merit. I offered a successful amendment in committee that states that nothing in this bill shall violate our Article I NPT obligation not to in any way assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices. So I think Congress has made it clear that this is not the intent of the agreement.

The gentleman is right that the language in the underlying bill is not as strenuous as his proposal, but there is also an international component to this agreement. We are opening the door for this cooperation with India not only for the United States but for other countries as well, and I don't see how the gentleman's amendment would prevent the nuclear supplier group from approving such trade for other countries, excluding only the U.S.

Let me also say I do believe that fulfilling this relationship with India is in the interest of the United States. Indeed, and here is my final point, if this amendment were to pass, it could in fact be detrimental to U.S. interests from that perspective.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

But the Nuclear Suppliers Group operates on a consensus. If this amendment is in the agreement, the United States will not support a consensus position that allows another country to send nuclear fuel to India.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. FORTENBERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 109–599.

Mr. FORTENBERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FORTENBERRY:

In section 4(o), add at the end the following new paragraph:

(5) GROWTH IN INDIA'S MILITARY FISSILE MATERIAL PRODUCTION.—

(A) IN GENERAL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that—

(i) measures the effectiveness of the civil nuclear cooperation agreement in achieving the goals and objectives described in section 2; and

(ii) assesses the relative level of India's nuclear fissile material production compared to the previous year.

(B) CONTENTS.—The report described in subparagraph (A) shall also include information relating to—

(i) the amount of natural uranium India has mined and milled during the previous year;

(ii) the amount of electricity India's civilian reactors have produced during the previous year;

(iii) the amount of domestic natural uranium India has used to produce electricity during the previous year;

(iv) the amount of fissile material India has produced for military purposes during the previous year;

(v) the amount of domestic natural uranium and domestic enrichment capacity India has used to produce such fissile material;

(vi) the amount of domestic uranium India has otherwise stockpiled for possible civil or military use;

(vii) an identification of any changes with regard to these quantities from the previous year; and

(viii) any additional qualitative factors determined to be relevant with respect to subparagraph (A), as appropriate, such as the location of production facilities.

(C) PREPARATION; FORM OF REPORT.—The report should rely on public information to the extent possible. The report shall include a classified annex if necessary.

(D) HEARINGS.—The Committees specified in subparagraph (A) may, after consideration of each report under this paragraph, hold hearings with government and non-government witnesses as each Committee determines necessary to evaluate each report.

MODIFICATION TO AMENDMENT NO. 6 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Mr. FORTENBERRY:

In section 4(o), add at the end the following new paragraph:

(5) GROWTH IN INDIA'S MILITARY FISSILE MATERIAL PRODUCTION.—

(A) IN GENERAL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that—

(i) measures the effectiveness of the civil nuclear cooperation agreement in achieving the goals and objectives described in section 2; and

(ii) assesses the relative level of India's nuclear fissile material production compared to the previous year.

(B) CONTENTS.—The report described in subparagraph (A) shall also include information relating to—

(i) the amount of natural uranium India has mined and milled during the previous year;

(ii) the amount of electricity India's civilian reactors have produced during the previous year;

(iii) the amount of domestic natural uranium India has used in its declared civilian reactors to produce electricity during the previous year;

(iv) the amount of fissile material India has produced for military purposes during the previous year;

(v) the amount of domestic natural uranium and domestic enrichment capacity India has used to produce such fissile material;

(vi) the amount of domestic uranium India has otherwise stockpiled for possible civil or military use;

(vii) an identification of any changes with regard to these quantities from the previous year; and

(viii) any additional qualitative factors determined to be relevant with respect to subparagraph (A), as appropriate, such as the location of production facilities.

(C) PREPARATION; FORM OF REPORT.—The report should rely on public information to the extent possible. The report shall include a classified annex if necessary.

Mr. FORTENBERRY (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 947, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, I yield myself as much time as I may consumed.

(Mr. FORTENBERRY asked and was given permission to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Chairman, thank you for the opportunity to offer this amendment to H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006. The purpose of this amendment is to provide Congress with the ability to assess, to the extent possible, whether U.S. civilian nuclear cooperation with India may potentially contribute to growth in India's military fissile material production. The amendment is straightforward. It simply calls for a report each year to ensure that the United States is not unintentionally complicit in the growth of India's nuclear weapons capabilities.

First of all, let me express my appreciation to Chairman HYDE and Ranking Member LANTOS and the House International Relations Committee staff for their efforts to address a wide variety of concerns expressed by members of the International Relations Committee.

Given the global significance of this potential agreement, I believe it is important to remain diligent in the conduct of our oversight responsibilities.

Mr. Chairman, civil nuclear cooperation with India is a bilateral initiative with wide-ranging multilateral implications. The nonproliferation, energy and environmental objectives of this proposed agreement with India are laudable; and the Committee on International Relations has emphasized the need to ensure that such an agreement would not result in unintended consequences which may undermine its purpose and directly or indirectly result in boosting India's military nuclear capabilities.

It is my expectation that the International Relations Committee will avail itself of this opportunity to hold as many hearings as necessary to examine the content of this report and the potential implications for the U.S. compliance with Article I of the Treaty on the Nonproliferation of Nuclear Weapons as referenced in the bill.

This is particularly important in light of the recent news regarding the discovery of a reactor project which would enable Pakistan to make many more nuclear weapons each year. This news highlights very real concerns about a potential arms race in South Asia. It is up to Congress to ensure that any U.S.-India civil nuclear agreement remains just that, a civil nuclear agreement which will have no impact on the production of nuclear weapons.

Mr. Chairman, I understand that Chairman HYDE and Ranking Member LANTOS are in support of this amendment, and I am grateful for their support.

Mr. Chairman, I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding.

As we have noted before, the underlying bill in section 402 already asks for a classified report on India's domestic uranium usage. The gentleman from Nebraska's amendment asks for an additional report building on the report in the underlying bill. We are willing to accept that amendment.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. FORTENBERRY. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to commend my friend from Nebraska. We are pleased to accept his amendment. It strengthens the underlying legislation. I urge all of my colleagues to support it.

Mr. FORTENBERRY. I thank the gentleman and appreciate all of his hard work.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Does anyone claim time in opposition to the amendment?

The question is on the amendment, as modified, offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment, as modified, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109–599 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. STEARNS of Florida.

Amendment No. 4 by Mr. SHERMAN of California.

Amendment No. 5 by Mr. BERMAN of California.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 18, as follows:

[Roll No. 407]

AYES—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Boustany
Davis, Jo Ann
Deal (GA)
Evans
Ford
Gonzalez
Istook
Jones (OH)
Kelly
McHenry
McKinney
Miller (FL)
Murphy
Nussle
Olver
Pryce (OH)
Sweeney
Wexler

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Mr. GEORGE MILLER of California changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. SWEENEY. Mr. Chairman, on rollcall No. 407, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. MILLER of Florida. Mr. Chairman, on rollcall No. 407, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. MURPHY. Mr. Chairman, on rollcall No. 407, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. SHERMAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SHERMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 268, not voting 9, as follows:

[Roll No. 408]

AYES—155

Abercrombie
Allen
Baca
Baird
Baldwin
Barton (TX)
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson
Clay
Clyburn
Coble
Conyers
Costello
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Fortenberry
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Goode
Green, Al
Grijalva
Gutierrez
Harman
Hefley
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Price (NC)
Ramstad
Ross
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Slaughter
Smith (NJ)
Solis
Spratt
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Woolsey
Wu

NOES—268

Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman

Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gillmor
Gingrey
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Oxley
Pallone
Pearce
Pence
Peterson (PA)
Pickering
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Davis, Jo Ann
Deal (GA)
Evans
Ford
Gonzalez
Istook
McKinney
Nussle
Wexler

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2028

Messrs. WU, GUTIERREZ, and POMEROY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. BERMAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BERMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 241, not voting 7, as follows:

[Roll No. 409]

AYES—184

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barton (TX)
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cummings
Davis (CA)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Fortenberry
Frank (MA)
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Harman
Hefley
Herseth
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Platts
Price (NC)
Ramstad
Ross
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Sherman
Sherwood
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wolf
Woolsey
Wu

NOES—241

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emanuel
Engel
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gillmor
Gingrey
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Higgins
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Ortiz
Osborne
Oxley
Pallone
Pearce
Pence
Peterson (PA)
Pickering
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Smith (WA)
Sodrel
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Davis, Jo Ann
Deal (GA)
Evans
Istook
McKinney
Nussle
Wexler

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2036

Mr. MEEK of Florida changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. GUTKNECHT, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, pursuant to House Resolution 947, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARKEY. In its current form, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Markey moves to recommit the bill H.R. 5682 to the Committee on International Relations with instructions to report the same back to the House forthwith with the following amendment:

In section 4(b), add at the end the following new paragraph:

(8) India is fully and actively participating in United States efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability (including the capability to enrich or process nuclear materials), and the means to deliver weapons of mass destruction.

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, this recommittal motion requires that nuclear cooperation with India can only commence after the President has determined that India is fully and actively participating in United States' efforts to dissuade, isolate and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability, including the capability to enrich or process nuclear materials and the means to deliver weapons of mass destruction.

The motion does not kill or delay this bill in any way. If the House approves this motion, the Committee on International Relations will report the amended bill back to the House forthwith, meaning immediately. We will go to final passage of the legislation.

As the Members know, the U.S. Government has made a determination that Iran's nuclear program is a cover for a military program; and the International Atomic Energy Agency has found Iran to be in violation of their international safeguards commitments. The U.N. Security Council is about to consider what action to take in response.

Even Russia and China have now said that they would support action at the Security Council, potentially even sanctions, a position that could not have been imagined previously. India is now the only global power that has yet to get on board with the United States policy on Iran.

Clearly, preventing Iran from acquiring nuclear weapons is a paramount U.S. national security goal. A nuclear-armed Iran is a threat to our national security; and it is a threat to the security, indeed, the very survival of our closest ally in the Middle East, the State of Israel.

Let me at this time, Mr. Speaker, yield 1 minute to the gentleman from Michigan (Mr. UPTON).

The SPEAKER pro tempore. The gentleman has not been recognized for a period of controlled debate and may not allocate or reserve time. The gentleman may reclaim his time after 1 minute.

Mr. UPTON. Mr. Speaker, I don't often speak or vote for motions to recommit, but occasionally they do pass. And I would note that if this motion to recommit does pass, the bill still comes to us in its final form.

The gentleman from Massachusetts (Mr. MARKEY) and I tried to offer this amendment in the Rules Committee. I must say that in our testimony in the Rules Committee upstairs yesterday, I thought we had pretty good support on both sides of the aisle for this amendment from those that were there.

Iran is a bad player. This bill helps India. Why don't we have India on our side as we work against Iran in the world community? That is what this motion to recommit says. It says that the President has to certify that India is on our side as they work for nuclear capability in the world community and to keep Iran on the other side. Why aren't we working together, India and the United States, as we look at Iran in terms of more of the mischief that they are promoting around the world?

Mr. MARKEY. I thank the gentleman.

I yield 30 seconds to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I strongly support this motion. In committee deliberations, we have made it clear to India that they must make a choice between Tehran and Washington. They have done so twice at votes in Vienna at the International Atomic Energy Agency. This recommittal motion dramatically strengthens the underlying legislation. I urge all of my colleagues to vote for it.

Mr. MARKEY. I thank the gentleman.

Could I ask the Chair how much time is remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 1½ minutes remaining of the 5.

Mr. MARKEY. I yield myself the remainder of my time.

As the gentleman from Michigan and the gentleman from California have pointed out, there has been a series of statements made by the Indian government that have left a great deal of ambiguity with regard to how strong they will stand with us in our effort to take Iran to the Security Council to ensure that Iran does not use its uranium and plutonium programs in order to develop a clandestine nuclear weapons program.

The recommittal motion that I am propounding here this evening just follows up on the statements that have been made out of the Indian government so that they can understand what we expect from them, and we will send a signal from this Congress to our negotiators as to what we expect from them in eliciting from the Indian government. So I hope on a bipartisan basis we can all agree that this Iranian nuclear program is the very top foreign policy and defense threat not only to our country but to countries throughout the Middle East.

I urge an ''aye'' vote on the recommittal motion.

□ 2045

Mr. ROYCE. Mr. Speaker, I rise to oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, during the course of the committee's five hearings on this agreement members closely scrutinized the relationship between India and Iran, and I think it is fair to say that our committee helped influence India's thinking on Iran. And I think we should all remember that we are getting India's cooperation on Iran. We got two IAEA votes out of India, including a critical vote to get the Iran file to New York. That is the fact about cooperation.

We share the gentleman's concern about Iran, but our point is that India is cooperating on Iran. And as we continue to engage India, and this agreement is about India's growing energy needs, as we engage India, we move them away from states like Iran. Rejection of the agreement itself, frankly, could push India, theoretically, back towards countries like Iran.

Also, we have Mr. MARKEY's theme in the bill itself. The bill itself says to ''secure India's full and active participation in United States efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability, and the means to deliver weapons of mass destruction.'' If India breaks this agreement, then we, the United States, will break our agreement with India.

And I think also it is important to remember that India and the administration both say that they are cooperating on Iran quietly behind the scenes. Why? Because this is the most effective way to do it. And we have seen the positive results. But diplomacy cannot be certified. The purpose of this agreement is to help establish broad cooperation, to establish a partnership between India and the United States. You do not compel a partner to cooperate. So this amendment is both unworkable and contrary to the spirit of the new relationship we are trying to establish with India.

How important is that relationship? Well, we have had two administrations, the Clinton administration and the Bush administration, forge closer ties with India and overcoming what we remember only too well, the chilly relations of the Cold War. And last July's joint statement committed each country to a global partnership which has accelerated our cooperation on many issues, including counterterrorism, including Iran.

The International Relations Committee have given this agreement close and extensive review. While nuclear energy is controversial in the United States, it is not in India. Like in several other countries, nuclear energy is widely viewed as a critical technology for their electricity, one central to uplifting hundreds of millions of impoverished Indians. So India will develop its nuclear energy sector, not as easily or as quickly without this deal, but it will nonetheless. So this deal needs to go forward.

With its growing economy, India is consuming more and more oil. It is competing on the world market, competing with American consumers, for limited hydrocarbon resources. This gives Americans an interest in helping India expand its nuclear power industry, which this legislation does. It also encourages India to move away from burning its highly polluting coal, which is in our interest.

By passing this legislation, we also take a step toward internationalizing India's nuclear industry, which I believe would make it safer. The agreement also is likely to increase India's cooperation with us in confronting countries seeking to break their NPT commitment by developing nuclear weapons, as it already has with Iran.

India must take more steps, including developing a credible plan to separate its civilians and military nuclear facilities under the agreement. Congress must approve a nuclear cooperation agreement that the administration is negotiating with the Indians before the technology is actually transferred. And as I said, should India break the conditions of the agreement, the U.S. breaks off the agreement itself.

So either we continue to try to box in India and hope for the best, or we make this move, we engage India and hope to use our influence to move this increasingly important country in our direction, making India a true partner as we enter what will be a decades-long struggle against Islamist terrorism.

That is why I ask my colleagues to please oppose this motion to recommit and please vote for the U.S. and India Nuclear Cooperation Promotion Act.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 192, noes 235, not voting 6, as follows:

[Roll No. 410]

AYES—192

Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Cramer
Cummings
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Melancon
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Ross
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wilson (NM)
Woolsey
Wu
Wynn

NOES—235

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cooper
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Tom
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Engel
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jenkins
Jindal
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pallone
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Smith (WA)
Sodrel
Souder

Stearns
Strickland
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Davis, Jo Ann
Deal (GA)
Evans
Istook
McKinney
Wexler

□ 2108

Mr. DENT changed his vote from ''aye'' to ''no.''

Mr. JOHNSON of Illinois changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 359, noes 68, not voting 6, as follows:

[Roll No. 411]

AYES—359

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—68

Abercrombie
Baldwin
Becerra
Blumenauer
Capps
Conyers
Costello
Cummings
DeFazio
DeLauro
Dingell
Doggett
Farr
Goode
Grijalva
Harman
Hefley
Hinchey
Holt
Hooley
Jones (NC)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Leach
Lee
Lewis (GA)
Lynch
Markey
Marshall
Matsui
McDermott
McNulty
Miller, George
Moore (WI)
Moran (KS)
Nadler
Oberstar
Obey
Owens
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Rothman
Sanders
Schwartz (PA)
Serrano
Slaughter
Smith (NJ)
Solis
Stark
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Udall (NM)
Velázquez
Waters
Watson
Waxman
Weldon (PA)
Woolsey
Wu

NOT VOTING—6

Davis, Jo Ann
Deal (GA)
Evans
Istook
McKinney
Wexler

□ 2117

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL 5 P.M., AUGUST 11, 2006 TO FILE REPORT ON H.R. 5637, NON-ADMITTED AND REINSURANCE REFORM ACT OF 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services have until 5 p.m. on Friday, August 11, 2006, to file a report on H.R. 5637, Non-admitted and Reinsurance Reform Act of 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

EXPRESSING SENSE OF CONGRESS THAT VENEZUELA SHOULD SUPPORT STRATEGIES FOR ENSURING SECURE AIRPORT FACILITIES

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 400) expressing the sense of Congress that the Government of Venezuela should actively support strategies for ensuring secure airport facilities that meet international certifications to prevent trafficking of controlled substances, narcotics, and laundered money, as amended.

The Clerk read as follows:

H. CON. RES. 400

Whereas the United States is strongly committed to working with countries in Latin America and the Caribbean that have a shared interest in promoting regional stability;

Whereas the United States is strongly committed to working with countries in Latin America and the Caribbean that are combating the scourge of drugs and the violence and social degradation caused by narcotics trafficking;

Whereas the Bolivarian Republic of Venezuela is a party to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 UN Drug Convention);

Whereas Venezuela is a key transit point for drugs leaving Colombia—the world's primary source of cocaine and South America's top producer of heroin;