

Mack
Maloney
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-
McDonald
Moore (KS)
Moran (KS)
Moran (VA)
Musgrave
Neal (MA)
Northup
Nunes
Olver
Ortiz
Osborne
Oxley
Pearce
Pelosi

Pence
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Salazar
Schiff
Schmidt
Schwartz (PA)
Scott (VA)
Sekula Gibbs
Serrano
Sessions
Shadegg
Shaw

Shays
Shimkus
Simmons
Skelton
Smith (WA)
Snyder
Sullivan
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Towns
Udall (CO)
Upton
Van Hollen
Walden (OR)
Wasserman
Schultz
Waters
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Young (AK)

Davis, Jo Ann
English (PA)
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jefferson
Johnson (IL)
Jones (NC)

Kolbe
McCrery
McMorris
Rodgers
Melancon
Miller, Gary
Norwood
Nussle
Oberstar
Obey
Otter

Paul
Sanchez, Loretta
Sensenbrenner
Simpson
Smith (TX)
Strickland
Sweeney
Taylor (NC)
Watson
Waxman

on 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to House Resolution 1101, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 7, 2006, at page H8934.)

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

Mr. MARKEY. Mr. Speaker, I would like to claim the time in opposition to the bill.

The SPEAKER pro tempore. Does the gentleman from California oppose the conference report?

Mr. LANTOS. Mr. Speaker, I do not oppose the bill.

The SPEAKER pro tempore. Pursuant to clause 8(d) of rule XXII, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HYDE. 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 conference report to H.R. 5682.

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

There was no objection.

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

Mr. Speaker, the President has said that legislation to permit the establishment of civil nuclear trade with India is essential to establishing a new global partnership between the United States and India. The conference report before this House is the product of more than a year of effort by Members and staff of the House International Relations Committee and the Senate Foreign Relations Committee. It is based on the separate bills passed overwhelmingly in the House and the Senate and preserves the key provisions of both.

The conferees believe that this report represents a judicious balancing of competing priorities that encompass a broad range of subjects from U.S. policy in South Asia to the highly technical and complex world of nuclear export licenses. It is the product of months of discussions with the administration regarding virtually every section, and the conferees have gone to great lengths to accommodate the administration on its issues of concern.

I would like to express my appreciation for the cooperation of the Committee on Science, the Judiciary, Energy, Government Reform, Armed Services and Rules in helping expedite

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Mr. BACHUS and Mr. FRANK of Massachusetts changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Mr. Speaker, due to a preexisting commitment with constituents in my district, I missed two rollcall votes this evening. I ask that the CONGRESSIONAL RECORD show that had I been present:

For rollcall No. 536—Adoption of the Rule for H.R. 6406, a bill to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and to extend certain trade preference programs—I would have voted "no";

For rollcall No. 539—Adoption of the Rule for H.R. 6406, a bill to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and to extend certain trade preference programs—I would have voted "no."

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to section 2 of House Resolution 1100, the text of H.R. 6406, as passed by the House, will be appended to the engrossment of the House amendment to the Senate amendment to H.R. 6111.

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 bills of the House of the following titles:

H.R. 6338. An act to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

H.R. 6334. An act to reauthorize the Office of National Drug Control Policy Act.

H.R. 6345. An act to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, 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. 4115. An act to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment.

CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. HYDE. Mr. Speaker, pursuant to the rule, I call up the conference report

NOES—184

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Barrett (SC)
Barrow
Berry
Bilirakis
Bishop (UT)
Bonner
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Carson
Carter
Chandler
Cleaver
Clyburn
Coble
Conaway
Costello
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Duncan
Edwards
Etheridge
Everett
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gerlach
Gingrey
Gohmert
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez

Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Higgins
Hinchey
Hoekstra
Holden
Holt
Honda
Hostettler
Hunter
Inglis (SC)
Jackson (IL)
Jenkins
Jindal
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
King (NY)
Kingston
Kucinich
Langevin
Lantos
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lynch
Markey
Marshall
McCotter
McHenry
McHugh
McIntyre
McKinney
McNulty
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neugebauer
Owens
Pallone
Pascrell
Pastor

Payne
Peterson (MN)
Pitts
Platts
Poe
Pombo
Radanovich
Rahall
Regula
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Ryun (KS)
Sanchez, Linda
T.
Sanders
Saxton
Schakowsky
Schwarz (MI)
Scott (GA)
Sherman
Sherwood
Shuster
Sires
Slaughter
Smith (NJ)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Tancredo
Taylor (MS)
Thompson (MS)
Tiahrt
Tierney
Turner
Udall (NM)
Velázquez
Visclosky
Walsh
Wamp
Watt
Weldon (PA)
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—37

Baker
Berman
Blumenauer
Burton (IN)
Conyers
Cubin

the consideration of this conference report. Their cooperation should not be interpreted as having any impact on their rights under the jurisdictional rules and precedents of the House.

I insert for the RECORD some correspondence related to this issue.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 5, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I write concerning H.R. 5682, the Henry J. Hyde United States and India Nuclear Cooperation Promotion Act of 2006, as amended. As you know, the Committee on Energy and Commerce has jurisdiction over Title II of the amended text.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a full referral on the bill. By agreeing to waive its consideration of the bill, however, the Committee on Energy and Commerce does not waive its jurisdiction over H.R. 5682.

Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

COMMITTEE ON
INTERNATIONAL RELATIONS,
Washington, DC, December 5, 2006.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5682, relating to nuclear energy cooperation between the United States and India. I agree that the Committee on Armed Services has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to seek appointment of conferees in the interest of concluding the conference on H.R. 5682. I agree that by foregoing the appointment of conferees, the Committee on Armed Services is not waiving its jurisdiction. Further, this exchange of letters will be included in the Congressional Record during consideration of the conference report on the House floor.

Sincerely,

HENRY HYDE,
Chairman.

COMMITTEE ON INTERNATIONAL
RELATIONS,
Washington, DC, December 5, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: I write concerning H.R. 5682, the Henry J. Hyde United States and India Nuclear Cooperation Promotion Act of 2006, as amended.

I appreciate the fact that, although the Committee on Energy and Commerce has jurisdiction over substantial parts of Title II, you have been gracious enough not to exercise your Committee's right to a full referral on the bill, in order to expedite its consideration in the House consideration.

I acknowledge that by agreeing to waive its consideration of the bill, the Energy and Commerce Committee is not waiving any of its jurisdiction over the bill.

Thank you for your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON ARMED SERVICES,
Washington, DC, December 5, 2006.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: On November 16, 2006, the Senate passed by unanimous consent S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act. As you know certain provisions in S. 3709 fall within the jurisdiction of the Committee on Armed Services.

Our Committee recognizes the importance of S. 3709 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions and would otherwise be entitled to the appointment of conferees, the Committee on Armed Services will not seek appointment on S. 3709 given the time constraints.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of the conference report on the House floor.

With best wishes.

Sincerely,

DUNCAN HUNTER,
Chairman.

COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 8, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The House is scheduled to consider today the conference report on H.R. 5682, the "United States-India Peaceful Atomic Energy Cooperation Act." Thank you for consulting with the Committee on Government Reform regarding section 231 regarding the protection of confidentiality of information.

While I am unable to support the policy set forth in section 231, I will not object to H.R. 5682 moving to the floor. I do so only with the understanding that this procedural route will not prejudice the Committee's jurisdictional interest and its prerogatives in this bill or similar legislation in the future.

I request that you include our exchange of letters on this matter in the Congressional Record during consideration, of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

COMMITTEE ON INTERNATIONAL
RELATIONS,
December 8, 2006.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the conference report for H.R. 5682, the "United States-India Peaceful Atomic Energy Cooperation Act." Section 231, regarding the protection of confidentiality of information, is within the jurisdiction of your Committee.

In the interest of permitting this House to proceed expeditiously to consider the conference report for H.R. 5682, I appreciate your willingness to support this conference report moving to the floor. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter.

I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate on this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON SCIENCE
Washington, DC, December 8, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Science Committee in H.R. 5682 as amended by the Senate, and the Conference Report to the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (H. Rpt. 109-721). The Science Committee has jurisdiction over Title II, United States Additional Protocol Implementation.

The Science Committee recognizes the importance of H.R. 5682 and the Conference Report and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and your letter in response will be included in the Congressional Record when the Conference Report is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

COMMITTEE ON INTERNATIONAL
RELATIONS,
December 8, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the jurisdictional interest of the Science Committee in H.R. 5682 as amended by the Senate, and the Conference Report to the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (H. Rpt. 109-721). I appreciate your willingness to work with me so that important legislation can move expeditiously.

By allowing the Conference Report to be scheduled for floor consideration, I agree that the Committee on Science has not waived, reduced or otherwise affected the jurisdiction of the Science Committee, nor should this action be taken as precedent for other bills. I further agree that a copy of our exchange of letters will be included in the Congressional Record when the Conference Report is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

HENRY HYDE,
Chairman.

Mr. Speaker, this legislation provides the President with the authority he requires to permit the establishment of civil nuclear cooperation with India while also protecting the traditional congressional prerogatives in approving agreements of this type. It also strengthens the global nonproliferation regime by ensuring that India will become a full and active participant in efforts to prevent the spread of nuclear weapons capability, especially regarding Iran.

The conferees believe this conference report will pass overwhelmingly in both houses and quickly be signed by the President. Upon signing, the President will be able to proceed with the negotiation of a civil nuclear cooperation agreement with India that will become the cornerstone of a new and cooperative partnership between the U.S.

and India, the world's two largest democracies.

Mr. Speaker, I strongly support this legislation and urge my colleagues to vote for its passage.

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this conference report, and I yield myself such time as I may consume.

Mr. Speaker, India today is the pre-eminent state in South Asia. It is becoming a political and economic powerhouse of over 1.1 billion people with a thriving economy and a vibrant democracy. By these and other measures, India is a state that should be at the very center of our foreign policy and our attention. Regrettably, during the Cold War our two countries were unnaturally estranged by the dynamics of the international system. Slowly, during the 1990s our countries' interests began to converge and our relationship warmed.

Then, Mr. Speaker, 6½ years ago President Clinton made a historic trip to India and ushered in a new era of cooperation between our two great democratic nations. Washington and New Delhi have wisely built upon the foundations that President Clinton laid. Today they expand this mighty architecture of cooperation and friendship by approving, on a strongly bipartisan basis, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006.

With this legislation, the House of Representatives steps forth into the spotlight to offer its judgment on one critical element of this new relationship, civilian nuclear cooperation, and it establishes the process by which Congress will in the near future review and vote on the final agreement to implement such cooperation. This expansion of peaceful nuclear trade with India will usher in a new partnership between India and the United States based on our shared objective of preventing the spread of dangerous nuclear technology to countries and groups that would use it for evil purposes.

This is not the administration's bill, Mr. Speaker. Their original proposal sought to give the President complete authority to waive all restrictions under current law that would have complicated implementation of the U.S.-India nuclear trade and to severely limit congressional oversight by securing a preapproval for whatever agreement the U.S. and India conclude. There would have been no effective subsequent review by the Congress. By contrast, at our insistence, this legislation strikes the right balance between giving the President the necessary flexibility to negotiate the best agreement possible with New Delhi while at the same time preserving congressional oversight and the right of consent to the resulting agreement.

Mr. Speaker, this conference report follows the model laid out in the Hyde-

Lantos legislation overwhelmingly approved by the House last July. It ensures that Congress will have the final word on whether or not the final agreement for cooperation with India can become law. This conference report will provide the President with only partial authority to waive current provisions of U.S. law to allow peaceful nuclear-related trade with India to take place. But cooperation could only take place after Congress has approved the agreement of cooperation itself.

Mr. Speaker, the legislation will help fashion a partnership with India to further U.S. nonproliferation goals. The passage of the conference report will also adopt the implementing legislation for the U.S.-IAEA additional protocol. That legislation will finally allow us to bring that protocol in force which will promote the U.S. goal of all states adopting the enhanced safeguards contained in the additional protocol.

Mr. Speaker, this is a historic day for this House and for the United States. I urge all of my colleagues to give their full support to this conference report and to help usher in a new day in U.S.-India relations.

Mr. Speaker, it is only fitting that on the last day of this session of Congress, Chairman HYDE is chairing a bipartisan agreement done with cooperation in both Chambers. H.R. 5682 represents the right way of legislating, ample preparation, consideration of all ideas, bipartisan cooperation, cordial relations with the other body, and keen attention to institutional prerogatives. It is especially fitting that it will be forever identified with the outgoing chairman of the House International Relations Committee. And if it weren't for his astonishing array of accomplishments, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act could easily become known as the crowning achievement of the gentleman from Illinois.

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But the fact is, Mr. Speaker, this groundbreaking legislation is but one of the innumerable milestones in HENRY HYDE's impressive record of public service. HENRY is retiring from Congress after choosing not to seek a 17th consecutive term. He would have loved to stay with us longer, but as he recently told an interviewer, Father Time and Mother Nature have a way of beating up on me.

By contrast, Mr. Speaker, I am confident that history will be kind to HENRY HYDE. A member of the International Relations Committee since 1982, HENRY has been a key figure in crucial debates and decisions about war and peace, international arms control, the expansion of NATO, United Nations reform, and halting the spread of HIV/AIDS, which he has astutely compared to the bubonic plague in its tragic scope.

HENRY has also served with great distinction on the Judiciary and the Intel-

ligence Committees, but I will let another speak to his achievements there, and of course the continued, devoted support by his constituents through 16 terms in Congress speak volumes about his work on behalf of his district.

It was in the political caldron of Chicago that HENRY HYDE became entranced with politics early in life. He grew up as an Irish Catholic Democrat, but strayed from the faith in time to vote for Dwight David Eisenhower for President, so he became a Republican sometime in the 1940s.

But, Mr. Speaker, I prefer not to dwell on the things that divide me from my dear friend, HENRY HYDE. Rather, I would like to point out that both of us came of age during the Second World War, and this has formed our world views and forged our common value, and it is on this basis that we have often seen eye to eye and found ourselves shoulder to shoulder in struggles that consistently have been of service to our national security from the intricacies of key institutional agreements to the staggeringly complex issues involved in the fight against global terrorism.

HENRY has held a firm grip on the gavel in the International Relations Committee these past 6 years, through some of the most pivotal and riveting challenges of our times. He wielded his authority with fairness, intellectual honesty and no small amount of wit. As *The Washington Post* noted in 1998, he has managed to maintain a reputation for evenhandedness, for patience and restraint, a remarkable feat for someone known both for his savagely held beliefs and for his keen sense which way the wind blows.

Mr. Speaker, the International Relations Committee flourished under HENRY HYDE's direction. It will be daunting for me to take up the gavel as HENRY HYDE leaves us, Mr. Speaker. Anyone who knows him will understand how much HENRY will be missed in our committee and in this House.

Earlier this week, we commemorated HENRY's contributions by lending his name to a room in this very building of the Capitol. He will, therefore, always have a place here, and what is far more important, he will have a place in the hearts of his colleagues.

Some of us may disagree with some of his policies, but he is one of the institutional treasures around here, a true gentleman of the House.

Mr. Speaker, section 104(b)(2) requires that the President determine that India and the IAEA have completed all legal steps required prior to signature for an IAEA-India safeguards. That agreement must apply safeguards in perpetuity in accordance with IAEA standards, principles and practices. It references IAEA Board of Governors Document GOV/1621 (1973) as one of the IAEA guiding documents relating to standards for perpetuity of safeguards. I attach that document for the RECORD.

SAFEGUARDS

(b) THE FORMULATION OF CERTAIN PROVISIONS IN AGREEMENTS UNDER THE AGENCY'S SAFEGUARDS SYSTEM (1965, AS PROVISIONALLY EXTENDED IN 1966 AND 1968)

MEMORANDUM BY THE DIRECTOR GENERAL

(1) A substantial number of Governors have urged that there should be a greater degree of standardization than in the past with respect to the duration and termination of such agreements as henceforth be concluded under the Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968) for the application of safeguards in connection with nuclear material, equipment, facilities or non-nuclear material supplied to States by third parties. To achieve this, it is recommended that the following two concepts should be reflected in these agreements:

(a) That the duration of the agreement should be related to the period of actual use of the items in the recipient State; and

(b) That the provisions for terminating the agreement should be formulated in such a way that the rights and obligations of the parties continue to apply in connection with supplied nuclear material and with special fissionable material produced, processed or used in or in connection with supplied nuclear material, equipment, facilities or non-nuclear material, until such time as the Agency has terminated the application of safeguards thereto, in accordance with the provisions of paragraph 26 or 27 of the Agency's Safeguards System.

A short exposition with respect to the application of these concepts is annexed hereto.

(2) The proposed standardization would appear likely to facilitate the uniform application of safeguards measures. It is furthermore to be noted that the combined operation of the two concepts would be consistent with the application of the general principle embodied in paragraph 16 of the Agency's Safeguards System.

REQUESTED ACTION BY THE BOARD

(3) In bringing this matter to the Board's attention, the Director General seeks the views of the Board as to whether it concurs with the two concepts set out in paragraph 1 above.

ANNEX

(1) In the case of receipt by a State of source or special fissionable material, equipment, facilities or non-nuclear material from a supplier outside that State, the duration of the relevant agreement under the Agency's Safeguards System would be related to the actual use in the recipient State of the material or items supplied. This may be accomplished by requiring, in accordance with present practice, that the material or items supplied be listed in the inventory called for by the agreement.

(2) The primary effect of termination of the agreement, either by act of the parties or effluxion of time, would be that no further supplied nuclear material, equipment, facilities or non-nuclear material could be added to the inventory. On the other hand, the rights and obligations of the parties, as provided for in the agreement, would continue to apply in connection with any supplied material or items and with any special fissionable material produced, processed or used in or in connection with any supplied material or items which had been included in the inventory, until such material or items had been removed from the inventory.

(3) With respect to nuclear material, conditions for removal are those set out in paragraph 26 or 27 of the Agency's Safeguards System; with respect to equipment, facilities

and non-nuclear material, conditions for removal could be based on paragraph 26. A number of agreements already concluded have prescribed such conditions in part, by providing for deletion from the inventory of nuclear material, equipment, and facilities which are returned to the supplying State or transferred (under safeguards) to a third State. The additional provisions contemplated would stipulate that items or non-nuclear material could be removed from the preview of the agreement if they had been consumed, were no longer usable for any nuclear activity relevant from the point of view of safeguards or had become practicably irrecoverable.

(4) The effect of reflecting the two concepts in agreements would be that special fissionable material which had been produced, processed or used in or in connection with supplied material or items before they were removed from the scope of the agreement, would remain or be listed in the inventory, and such special fissionable material, together with any supplied nuclear material remaining in the inventory, would be subject to safeguards until the Agency had terminated safeguards on that special fissionable and nuclear material in accordance with the provisions of the Agency's Safeguards System. Thus, the actual termination of the operation of the provisions of the agreement would take place only when everything had been removed from the inventory.

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

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

First, let me begin by complimenting the gentleman from Illinois, Mr. HYDE. Like Mr. HYDE, I was born a Democrat and baptized a Catholic just 7 days later. So I know how big a decision it must have been to have abandoned that Democratic birthright. But he has been a historic figure in this institution. I want to associate myself with everything that the gentleman from California said about you.

But I do believe that this bill is a historic mistake. The world is looking at this institution this evening. It is wondering what in the world the United States is thinking in giving an exemption to the Nuclear Nonproliferation Act to a country which is a nonsignatory to the Nuclear Nonproliferation Treaty.

What is the signal that that will send to Pakistan? What is the signal that that will send to Iran, to Syria, to Egypt, to Venezuela, to North Korea? What is the signal that we are sending with regard to the entire nuclear nonproliferation regime which has served this world well since the 1960s?

I think that the message they are receiving is that there is going to be a double standard, and a double standard which, unfortunately, from my perspective, is going to lead to a rapid escalation of the development of nuclear weapons programs in country after country around the world.

Right now, India has a nuclear weapons program that experts estimate produces approximately 7 per year. Because the nuclear fuel, which this bill will make possible, frees up the domestic uranium supply in India, experts estimate that it will increase to 40 to 50

the number of nuclear weapons which India can produce per year, because we, the United States, in passing this legislation, will ensure the supply of their civilian nuclear energy needs.

Why should we care about that? Well, the reason that we should care about that is that Pakistan is now developing and building their own nuclear material production facility, which experts indicate will increase from two to three nuclear bombs per year to 40 to 50 nuclear bombs per year. That is what a nuclear arms race looks like. That is what the nuclear arms race between the United States and Soviet Union looked like in the 1950s, in the 1960s and in the 1970s, and what we are doing out here is pouring fuel onto this fire, rather than calling an international conference to bring together these parties and others in order to put in place a real nuclear weapons control regime. Instead we are turning a blind eye to the reality of what is going on in the South Asian continent.

So, ladies and gentlemen, this is a historic moment, a moment that we will look back on, not perhaps tomorrow, or next week, but 5 years from now, 10 years from now. People will point back to this night, this last night of the Republican control of Congress, this last night when the Republican-controlled House and Senate can produce for President Bush this anti-nuclear weapons control policy that he has been engaging in for the last 6 years and say this was the moment that crossed the line where ever country said to themselves, why should we, as signatories of the Nuclear Nonproliferation Treaty, abide by those rules when the United States selectively gives exemptions to countries that are not signatories to the nuclear nonproliferation policy.

You cannot preach temperance from a bar stool. The hypocrisy coefficient is at historic heights when the United States believes that the rest of the world will listen to us as we preach that they should not be interested in nuclear weapons, even as they are helping to facilitate the Indians in developing an ever greater capacity to produce nuclear weapons inspect that country.

Why should we care? We should care because A. Q. Khan, the nuclear Johnny Appleseed, the nuclear Pied Piper, who spread nuclear weapons from North Korea through the Middle East, is still living in Pakistan, living in a palace, still not in prison. His associates, his men, still walking the streets of Pakistan. Al Qaeda is headquartered in Pakistan, still unapprehended.

What is the message that we are sending? We are sending a message that the nuclear arms sellers are back on the road, selling to anyone who will purchase. That is the message that we are sending.

So tonight is a historic vote. It is a vote that will be looked back at as one of the most important that we have ever cast here in Congress. Sadly, it is

not going to receive even a fraction of the attention which it deserves.

But I tell you this, ladies and gentlemen, when and if this nuclear war breaks out, we will look back. At least we should be able to say we tried, we really tried to put an end to the nuclear arms race on the South Asian continent. This is what this debate tonight is all about.

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

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the incoming ranking Republican on the International Relations Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my chairman for his leadership and for his time.

Mr. Speaker, as an original cosponsor of this legislation, Mr. Speaker, and as cochair of the Congressional Caucus on India and Indian Americans, I rise in support of H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006. I would like to thank Chairman HYDE, as well as Ranking Member LANTOS, for their dedicated work on this issue and for their willingness to work with me and so many members of our House International Relations Committee, as well as the House as a whole, to ensure that the conference report before us tonight achieves the difficult balance of expanding cooperation with our democratic ally, India, while also promoting U.S. global nonproliferation policy.

Because the conference report closely tracks the bill which was passed overwhelmingly by the House in July, I need not list its specific provisions, other than to say that it preserves the central features of the House text, such as ensuring that Congress retains its traditional role in approving nuclear cooperation agreements.

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Also in reinforcing the indispensable role of the nuclear suppliers' club in preventing proliferation and encouraging India's cooperation in stopping Iran's efforts to develop their nuclear weapons capability. It has been significantly strengthened by the inclusion of many important sections from the companion legislation approved by the Senate.

Let me address the larger and more important context in which this legislation should be viewed. By providing the legal foundation for civilian nuclear cooperation between the United States and India, it achieves a key step of the global partnership with India that was announced on July 18 of last year by President Bush and Prime Minister Singh. This far-sighted and historic initiative is a long-delayed recognition that the two largest democracies share an extraordinary array of common interests and that a closer and increasingly cooperative relationship between them holds enormous potential to promote the strategic partnerships and interests of both. If allowed

to grow, it will undoubtedly produce a major realignment of the international system as a whole and an entirely positive one.

India and the United States have already traveled a long way toward building that new relationship. India stands alongside the United States in the effort to confront and eliminate the scourge of global terrorism and to reduce the instability and the conflict in South Asia and elsewhere. We look forward to expanding the areas of common interest and joint action. Nowhere is that cooperation more important, Mr. Speaker, than in stopping the spread of nuclear weapons.

I should note that this legislation affirms that India is a country that has demonstrated responsible behavior with respect to nonproliferation of technology related to weapons of mass destruction programs and the means to deliver them and that it is working with the United States in key foreign policy initiatives related to nonproliferation.

To further that goal, this legislation establishes as U.S. policy securing India's participation in the Proliferation Security Initiative, which is a cooperative arrangement among the world's powers to intercept the illicit movement of nuclear materials and other dangerous items by sea or air. India's cooperation would be a major addition to the world's efforts in this difficult but essential task. I am confident that her government will move quickly to assume a more prominent position among the initiative's growing ranks.

Lastly, Mr. Speaker, I am glad that this historic bill carries the name of HENRY HYDE; a leader of great proportions, a mentor to so many of us, a man of principles, a living legend, our friend, HENRY HYDE.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from New York (Mr. ACKERMAN), a senior distinguished member of the International Relations Committee and one of our outstanding experts on U.S.-India relations.

Mr. ACKERMAN. Mr. Speaker, I thank Mr. LANTOS, our soon-to-be chairman of the committee.

Mr. Speaker, today is truly a historic day for U.S.-India relations. Chairman HYDE, who deserves all of the accolades that he received today, has worked very hard, and, together with Ranking Member LANTOS, they have done extraordinary work to bring before us a conference report that will transform our relationship with India and bring reality to the process of nuclear nonproliferation. I congratulate them both for their tremendous efforts and for their tremendous and enormous achievement.

Mr. Speaker, if you liked this bill in January, and you overwhelmingly did, then you are going to love this conference report. If you were worried about seeing the agreement before it was final, then you will love this conference report, because it gives Con-

gress another chance to scrutinize and vote on approving the final deal.

If you wanted the IAEA to be able to inspect India's nuclear facilities, then you are for this conference report, because two-thirds of all of India's nuclear facilities will now be under IAEA safeguards. It is a no-brainer. Without this, we get to inspect zero; with this, two-thirds of India's nuclear facilities.

If you wanted India for the first time ever to commit to the MTCR guidelines, then you get that in this conference report.

If you wanted India for the first time ever to adhere to the Nuclear Suppliers Group guidelines, you get that in this conference report.

If you wanted to send a clear message to nuclear rogue states about how to behave, then you are for this conference report. You are for it because it shows that responsible nuclear powers are welcomed by the international community and not sanctioned.

If you wanted a broad, deep, enduring strategic relationship with India, then you are for this conference report.

For 30 years, U.S. policy towards India has been defined and constrained by our insistence on punishing India for its sovereign decision not to sign the Nuclear Nonproliferation Treaty. Truth be told, if India had conducted its nuclear tests a little earlier, it would have been treated the way we treat China and Russia and France and Britain and ourselves; in short, as a grandfathered member of the nuclear weapons club. But they did not test earlier, and nothing we have tried over the last 3 decades has convinced them to give up their nuclear weapons program, and nothing we say over the next 3 decades will convince them either.

India is a responsible nuclear power and deserves to be treated that way. The conference report before us does just that.

Critics have expressed concerns regarding the bill's impact on our nonproliferation policy, and clearly Iran and Pakistan and North Korea are looking for clues about what this deal means for them and their nuclear programs. Let them understand the message. If you want to be treated like India, be like India. Be responsible. Be a good international actor with regard to weapons of mass destruction technology. Be like India. Don't sell your technology to the highest bidder. Be like India. Don't provide it to terrorists. Be a democracy, a real democracy, such as India, and work with us on important foreign policy objectives, and not against us.

That is the message that we are going to send today.

Does it warm your heart and make you comfortable that Iran and North Korea signed the NPT, but they are now running away from their fully accepted and freely accepted obligations and away from IAEA inspections? India

didn't sign the NPT, and yet it is embracing the IAEA and embracing nonproliferation norms and is a democracy. India's attitude should be recognized and commended, not criticized and condemned.

Practically speaking, there are only two options, and they are before us today: One is to vote "no" and continue the status quo, which means India goes on pursuing its national interests as it has been doing outside of the nonproliferation mainstream, and we get to inspect nothing. The other is to vote "yes," make the deal with India and get for the United States and the international community a window in perpetuity into two-thirds of India's existing nuclear facilities and all of its future civilian nuclear facilities.

The choice is clear. The conference report brings India into the nonproliferation mainstream and gets the United States and international community access to India's civilian nuclear facilities.

Mr. Speaker, it is time for a 21st century policy toward India, one that supports and encourages India's emergence as a responsible global power and solidifies the U.S.-India bilateral relationship for decades to come.

Not that it needs it, but the bill gives a great name, that of HENRY HYDE, to this remarkable piece of legislation. We salute you, Mr. Chairman.

I urge a "yes" vote on H.R. 5632.

Mr. HYDE. Mr. Speaker, I thank Mr. ACKERMAN for a brilliant statement, as well as his cordial sentiments.

Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on International Terrorism and Nonproliferation, who has an awful lot to do with the ultimate product that we are voting on today.

Mr. ROYCE. Mr. Speaker, I rise in support of the Henry J. Hyde bill.

I want to address a concern raised earlier by the gentleman from California. I share his concern about A.Q. Khan. But Dr. Khan is in Pakistan, and we would not do this deal for Pakistan, because Pakistan proliferates. India does not. The nuclear fuel and materials we and the world may sell India will be for the civilian sector only, not the military, and will be under strict international safeguards and inspections by the International Atomic Energy Agency.

While nuclear energy is controversial to us in the United States, it is not controversial in India. As in several other countries, nuclear energy is viewed as a critical technology, one that is central to uplifting hundreds of millions of impoverished Indians, because they need the electricity for their grid. So India will develop its nuclear energy sector, not as easily or quickly as 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.

Right now, because of existing restrictions, many Indians view the U.S.

as blocking India's technological and developmental aspirations by opposing their acquiring nuclear material and technology for clean energy. This position does not make for a strong partnership.

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.

By passing this conference report, we take a big step towards 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 about India's nuclear work than less.

We have two options: either continue to try to box in India and hope for the best, and, as I mentioned, India will not relinquish its nuclear weapons now; or we make this move, engage India, and 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 Islamic terrorism.

This is not an ideal agreement and the administration should be more aggressively pursuing an international fissile material cutoff, but it is a very good agreement, one that works through a very difficult nonproliferation situation to strengthen an important relationship.

So I urge my colleagues to support the conference report. I would also mention that during the course of the committee's five hearings on this agreement, Members closely scrutinized India's relationship with Iran, and I think it is fair to say that our committee helped influence India's thinking on Iran. We got India's support for two IAEA votes, voting twice at the IAEA to find Iran in noncompliance with its safeguard obligations and to report Iran to the Security Council.

Importantly, this bill preserves congressional oversight, and that was not the administration's preferred approach, and gives Congress another bite at the apple, requiring a joint resolution of approval of the nuclear cooperation agreement. So India knows that Congress is continuing to watch.

Mr. Speaker, I thank the gentleman for yielding me time. I again commend Chairman HYDE. We honor him tonight with the title of this bill.

Mr. MARKEY. Mr. Speaker, I yield 3½ minutes to the gentlelady from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding, and also for his very clear presentation tonight as to why this is such a bad bill and bad conference report.

First of all, let me just say, Mr. Speaker, that I had the privilege to visit India a few years ago with my distinguished colleague from New York (Mr. CROWLEY) and our distinguished colleague from Maryland (Mr. HOYER).

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I witnessed firsthand the brilliance and 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 interests to strengthen our relationship with India economically, politically and culturally.

But to suggest that we can do so only at the expense of the international nonproliferation standards, as this conference report for the India nuclear deal before us would, is really both dishonest and it is dangerous.

Mr. Speaker, as far as I am concerned, there is no country, and I mean no country, for which it should be acceptable to sacrifice our international standards.

The problem with this 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 which undermines our efforts to stop countries like Iran and North Korea from developing nuclear weapons.

This deal creates incentives for withdrawing from the Nuclear Nonproliferation Treaty. Why have countries like Brazil and South Korea spend all these years playing by the rules and not building nuclear weapons in exchange for civilian technology when India gets both?

This deal 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 and said, if the U.S. can violate nuclear rules, then we can violate them also.

We should be fighting to save what is left of the international nonproliferation framework, not discarding it. There is no need to rush through with this conference report on the last day of this 109th Congress. We must go back to the drawing board and make sure this proposed nuclear cooperation agreement maintains international nonproliferation goals, and we can do this when the 110th Congress begins in January.

Ideally, India should formally commit to the goals and restrictions on the international nonproliferation framework and sign the Nuclear Nonproliferation Treaty. Short of that, we must insist on specific nonproliferation safeguards as specified in an amendment if you remember which I offered in this bill when it was considered in July.

This amendment basically would have required India to commit to the basic principles consistent with the NPT. Unfortunately, the amendment was not made in order.

The world is a dangerous place, Mr. Speaker. Nuclear weapons are pointed in all directions. Compliance with the Nuclear Nonproliferation Treaty is a basic standard that we should require in all nuclear deals and arrangements. This bill goes in the opposite direction. Without these commitments, we should reject this nuclear deal.

Finally, Mr. Speaker, I would just like to thank the chairman, Mr. HYDE, for his leadership and his fairness as chair of the International Relations Committee and specifically as it relates to HIV and AIDS and orphans and moms with children and the respect you have shown the minority. I wish you happiness and good luck and good health in this next chapter of your life.

Mr. HYDE. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3½ minutes to the gentleman from New York (Mr. CROWLEY), a distinguished member of the International Relations Committee, my good friend, a recognized expert on U.S.-India relations.

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague from California (Mr. LANTOS) for yielding me this time.

I, too, want to rise in strong support of the Henry Hyde India Nuclear Energy Cooperation Act.

I want to commend my friend and chairman, who I have deep respect for, Chairman HYDE, and my soon-to-be Chair of the International Relations Committee, Mr. LANTOS, for their work they put into crafting this bipartisan conference report.

I would also like to commend the staff of both the House International Relations Committee and the Senate Foreign Relations Committee for the work they have done to reach a compromise on this deal before we end this 109th Congress.

We here in Congress are not the only ones who have been engaged in pushing forward this important cooperation agreement or this bilateral relationship. I must also recognize the work of the Indian American community for the incredible advocacy they have demonstrated and the incredible support they have demonstrated for this legislation.

This legislation creates a two-step process, and by passing the conference report today, we will have taken that very important first step.

The second step rests upon negotiations between the United States and India, as well as India and the International Atomic Energy Agency and with the Nuclear Suppliers Group.

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

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 have held the belief that this bill is not about nuclear weapons as much as it is about nuclear energy.

I urge my colleagues to begin building a pathway of cooperation in energy with India that will help the economy of India grow and help American business opportunities prosper.

India's booming and growing economy needs fuel, and plenty of it, to uplift the lives of hundreds of millions who live in abject poverty. There is not enough wood, enough gas or enough oil in this world to sustain that growth. The greenhouse gases which have been produced by expending those fuels would be an unwelcome byproduct.

Passing this legislation opens up a new pathway of opportunity for energy development that will lower greenhouse gases, provide reliable electricity and, strengthen India's economy.

I am proud that the U.S. will work with India to see India and the Indian people reach their full potential. If we expect India to be our ally in the 21st century, we must treat them as an equal, which is what the cooperation will demonstrate.

I trust my colleagues will recognize what our future with India holds and vote for final passage of this legislation.

I just want to point out to my good friend, the gentlewoman from California (Ms. LEE), who spoke about her amendment, it is impossible for India to sign the Nonproliferation Treaty because she has already detonated that weapon in the early 1970s. She would have to put those weapons away and say she would never develop them again and put them beyond use and verifiable use before she can sign the treaty. It simply is not going to happen.

They have demonstrated that they are a good player in this field, as Mr. ACKERMAN said. If you want to be like India and get this deal, act like India.

Mr. MARKEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in strong opposition to this legislation.

Let the record show that if or when a mushroom cloud ever erupts over an American city, it will be traced back to this unwise vote in the United States Congress and to the bone-headed policy of this administration towards treaty obligations for Nunn-Lugar safeguards and the sale of nuclear materials to India.

When I was a boy, this country sold F-15s to Iran so that Iran could offset Soviet power in South Asia. Because we sold F-15s and other arms to Iran, we wound up selling chemical weapon precursor materials to Iraq to offset Iranian power in the Middle East. Today, we have 135,000 troops in Iraq, in part because of that string of bad decisions.

Now we are told that to offset Chinese power in Asia, we should sell nuclear materials to India which would free up Indian nuclear reactors to produce many more nuclear weapons for the Indian nuclear weapons program.

If we approve this deal with India, it would encourage China to increase its nuclear arsenal. I submit to you that we Americans are one of the potential targets of that enhanced Chinese nuclear arsenal.

Even more worrisome is that an Indian nuclear buildup would further accelerate the Pakistani nuclear buildup.

While I have strong confidence in the stability of the Indian Government and in the stability of Indian democracy, I have much less faith in the stability of the Pakistani Government and of Pakistani democracy, especially of the Pakistani Government's ability to keep under control those nuclear weapons which it already has and the additional weapons it would build because of this Indian nuclear buildup.

If there is a military coup in Pakistan, we should be very, very concerned, not only about the stability of South Asia, but of the whole world. There have been three military coups in Pakistan since its independence in 1947.

Rather than approving nonsignatory states in violation of the nonproliferation treaties, the better course of action is to respect international agreements and to immediately bring to the Senate a total ban on nuclear testing and comprehensive treaties to curtail nuclear proliferation.

On the last night before our July recess, there were only 68 of us in this House who voted against approving the legislation to permit sales of nuclear materials to India. Tonight, on the last night of the 109th Congress, we are voting on the House-Senate conference report.

I ask, I implore more of my colleagues to join me to prevent adding fuel to the fire of nuclear proliferation in South Asia. This legislation, and the following sale of nuclear materials to India, blows out of the water any hope we have of treaty constraints on the proliferation of nuclear weapons.

I want to make it clear in this record and for history that the actions of this administration in containing nuclear proliferation have been patently irresponsible. This administration has underfunded the Nunn-Lugar legislation, which takes nuclear materials out of the open market which would otherwise have been available for sale to terrorists.

This administration has failed to support international treaties limiting nuclear weapons proliferation, and now it has proposed treaties with India that would sell India nuclear materials that would result in a nuclear arms race between India and China and India and Pakistan.

Compared to this, the resolution to go to war in Iraq was a piker. Let us

pull back from the brink of this nuclear precipice.

Mr. HYDE. Mr. Speaker, I would ask Mr. LANTOS if he needs some additional time.

Mr. LANTOS. Yes, we do.

Mr. HYDE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. LANTOS), if that will help, for purposes of control.

Mr. LANTOS. We are very grateful for your gesture. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Ms. JACKSON-LEE), my friend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the committee, and I thank the distinguished chairman of the committee, and I believe this may be Mr. HYDE's last time as chairman of the International Relations Committee, and I want to offer to him my sincerest appreciation for his service to America. I have had the honor and privilege of serving with him on the Judiciary Committee, and I thank him for his service.

I thank Mr. LANTOS for the cooperative spirit that has been evidenced by this conference report and certainly congratulate him on his ascending to be Chair in this next Congress of the International Relations Committee.

I listened to Lee Hamilton and Jim Baker as they began to try to bridge the gap and the schism in the Iraq war. One of the most, or more stranger, recommendations for many was the engagement of Syria and Iran, for many were aghast that we would talk to those who have been so reckless in their relationship with the United States. I believe in engagement, but is it not interesting that a democracy, the largest, a nation that has embedded itself in democracy since its birth, India, is a friend of the United States, and yet we are hesitant to engage India.

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That is what this legislation represents. It is an engagement of a friend, working with them on the civilian use of nuclear power, addressing the concerns of enormous population and enormous poverty. Although the middle class of India is growing, this legislation will begin the engagement of a friend, and it will provide a fixture in the South Asian community that has both the capabilities to use nuclear materials in a friendly way and it will be an engagement of a friend with the United States.

I happen to be, of course, engaged with the people of Pakistan, and I am grateful that my amendment remained in this legislation that said that we continue to engage in the South Asian region with India and Pakistan. For even though there may be citing of the inequities or the issues as it relates to Pakistan, they too should be engaged with.

But what we are doing today is a start. And I am very grateful, Mr. LAN-

TOS, that there are bridges and firewalls in this legislation. This legislation allows the vetting of India to begin. It allows the International Atomic Energy Agency to vet this program. And before the President goes forward, he must be convinced or she must be convinced that this is an appropriate step to make. If we can engage with Iran and Syria, though it is a difficult proposition for many, why not engage with a democracy and a friend who will benefit by the utilization of nuclear power? And so I would hope that we would look at this in a manner that says this is a good step for there is control over what is being utilized, unlike so many of those who have the access to nuclear power. I hope my colleagues will support this forward step and that they will see the checks and balances that are so necessary and continue to support the South Asia region that includes not only India but Pakistan.

Mr. MARKEY. Mr. Speaker, could you advise us how much time is remaining?

The SPEAKER pro tempore (Mr. HAYES). The gentleman has 6¼ minutes.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. A nuclear sword of Damocles hangs over the world. Fear and ignorance have placed it there. Separation from our brothers and sisters holds it there. Separation of our heads from our hearts leaves it there.

We have a moral responsibility to our children, our grandchildren, and the entire world to create a world free of nuclear weapons. We have moral obligations to lead the way towards total nuclear disarmament and nuclear abolition, to wrest from the unsteady hand of crass casualty that nuclear sword of Damocles, and save this planet as a place where we work out our destiny.

Only we can dissipate the advancing mushroom clouds by saying "no" to this bill, "no" to proliferation, "no" to nuclear testing, "no" to nuclear weapons, "no" to nuclear war, "no" to the destruction of our planet.

The spirit of the Founders which inhabits this institution was a spirit that believed in unity. We must believe in human unity as firmly as we believe in the unity of the United States. We must believe in the imperative of human unity as we believe in the imperative of our next breath, the imperative of the first breath which issues from all new life to come. And we do this by pursuing international cooperation towards abandoning nuclear ambitions, not furthering them. For God's sake, stop this sleepwalk into the nuclear valley of shadows. Wake up and vote against this bill.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from Massachusetts, and I join my colleagues in extending best

wishes to Mr. HYDE on the new phase of his life.

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

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 nonproliferation regime was shredded with this agreement.

We can 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 whether nuclear power is environmentally benign. But history will say, mark my words, 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 jaw-bone with our allies and to threaten our enemies. Countries will work out whatever deals they can, two by two. That is the future of the control of nuclear weapons of mass destruction. Countries will work out whatever deals they can, two by two. This is a very dangerous moment.

Mr. MARKEY. Could we get a final review here of where we are, Mr. Speaker?

The SPEAKER pro tempore (Mr. LAHOOD). There are 3½ minutes remaining.

Mr. MARKEY. I am the last speaker, so I reserve my time.

Mr. HYDE. Mr. Speaker, I believe I have the right to close the debate, so I am reserving my time. I have no further requests, so I will close.

Mr. LANTOS. Mr. Speaker, I yield myself the balance of our time.

I share my opponent's concern about the danger of nuclear proliferation. This legislation is the exact opposite of nuclear proliferation. It opens up for the first time in history all of India's current civilian nuclear plants and all future nuclear plants to international control. This is a control measure. It is a measure which will dramatically enhance the historic strategic cooperation between the democratic state of India and the United States of America. When historians will look at this historic vote we are about to take, they will view this as the most significant vote for democracy, peace, and control of nuclear weapons in the 21st century.

The Senate voted 85 to 15 for this legislation. It passed the House on a bipartisan basis, overwhelmingly. Tonight we have an opportunity to reaffirm that vote, and I urge all of my colleagues to vote for this legislation.

I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

This is an historically bad deal. President Bush has done a far better job in negotiating with the Congress to gain acceptance for this deal than he did with the Indians and getting them to accept the essentials of a real nuclear nonproliferation agreement.

In this agreement, as we send nuclear materials to India and free up so that the Russians and others can do so as well, here is what is not inspected: Six of India's plutonium-producing reactors will not be inspected. Their heavy-water production facets, not inspected. Plutonium separation facilities, not inspected. Uranium mines, not inspected. Uranium enrichment facilities, not inspected. In other words, their nuclear weapons program, not inspected.

This is the deal which we are cutting. This is the deal which the Congress is being asked tonight to bless. Do you know who would accept a deal like that? A.Q. Kahn would accept a deal like that for Pakistan. In fact, President Musharraf of Pakistan said to President Bush on his visit to Pakistan right after his visit to India, he said to President Bush, "I too would like that deal that you are offering to India." President Bush said, "We cannot give you that deal."

What are we going to say when China offers that deal to Pakistan? Because they will, ladies and gentlemen. What will we say when all of those plutonium-producing reactors are not inspected? What will we say in 2 years when the Russians offer that same deal to the Iranians? What will we say to the Russians, to the Iranians?

If we don't set the standard for nuclear nonproliferation here in the United States in our negotiations with our allies, do not expect there to be higher standards in the negotiations between the Chinese and their allies or the Russians and their allies. Wherever we set the standard, that is going to be the global standard. And when we turn to these other countries and we tell them, no, your standards are not high enough, they are going to call us hypocrites.

Ladies and gentlemen, it is an historic night, it is an historic vote. People will look back at this as the moment when the nuclear nonproliferation regime of the world was destroyed. Vote "no". Vote "no" for history. Vote "no" for your conscience. When you look back, this will be one of those moments when you are glad that you voted "no."

Mr. HYDE. Mr. Speaker, the arguments that have been made so ably by the gentleman from Massachusetts have been anticipated and, in my judgment, well met by Mr. ACKERMAN, Mr. LANTOS, Mr. CROWLEY, Ms. ROSLEHTINEN, Mr. ROYCE, and others, so I will not consume the few moments we have left repeating them; suffice to say this is an excellent step forward. It recognizes the reality, the nuclear reality of India, and is a very progressive step.

It is the conference report of the House bill and the Senate bill, both of which passed overwhelmingly, and so it is truly bipartisan and is something that ought to pass.

I would like to take this final opportunity to express, inadequately, I am afraid, my respect and admiration for Mr. LANTOS. I congratulate the Democratic Party in selecting him to head the International Relations Committee, because foreign policy is going to be critical in the coming months and the coming years, and the Congress could not be in better hands in that area than it is with Mr. LANTOS as chairman of the committee. He brings a grasp of history that is unequalled because he has lived through so much of it, as well as studied with high scholarship. So it is an honor and privilege and experience and an adventure to have served with him for so long and learned so much about foreign policy at his hand.

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I also want to say the staffs, both the Democratic and Republican staffs, are superior people.

In Camelot, King Arthur once said we are all of us tiny drops in a vast ocean, but some of them sparkle. Well, we have a lot of sparklers who are staffs of both Republicans and Democrats. Mr. Mooney, Tom Mooney, who is not only my friend and my chief of staff, but a brilliant administrator and student of foreign policy, has been especially helpful. I couldn't begin to express my appreciation to him.

Horace Mann, a great educator, once said a man should be ashamed to die until he has won some victory for humanity. I think every Member of Congress attains a victory for humanity every time Congress is in session and a vote is cast. Democracy is more than simply a set of rules as to how we elect people or how we litigate against each other; it ascribes individual worth to every human being, every member of the human family, and you in Congress are custodians of democracy. That is a very high calling.

To be in Washington as a representative of well over half a million people and to stand in the shadow of Jefferson and Lincoln and Washington is no small thing. I am proud to have had the honor and the privilege to serve with so many people who are so dedicated to the success and the flourishing of this great country.

I thank God for each one of you. My wish is that you all live to be a thousand years old and the last voice you hear will be mine.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding. I thank the Rules Committee for making consideration of the conference report to accompany H.R. 5682, the "United States and India Nuclear Cooperation Promotion Act of 2006" in order.

The United States' relationship with India and Pakistan is of paramount importance to our Nation's political and economic future. With the receding of the Cold War's global di-

visions 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. It is in the national interest for the United States to continue our policy of engagement, collaboration, and exchange which has served the Nation well in the past, particularly in the South Asia region.

It is important that we are considering this conference report today. I also want to thank my colleagues for adopting my amendment to H.R. 5682. My bipartisan amendment, which was endorsed and co-sponsored by Congressman BURTON, simply stated 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."

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.

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 the India and the United States.

This landmark legislation serves both our strategic interests and our long-standing nonproliferation objectives. We should heed the sage words of the Iraq Study Group which recommends engaging rather than abandoning the possibilities dialogue offers. Our engagement and subsequent abandonment of Iran has resulted in their current pursuit of nuclear technology. We should not make the same mistake in South Asia. We need to remain engaged with India and Pakistan so that they remain our most important allies rather than our adversaries.

We are on the path to fostering an enduring relationship of mutually beneficial cooperation with India. The new realities of globalization and interdependence have brought a convergence of interests between the world's largest democracy and the world's most powerful one. I accompanied President Clinton in his groundbreaking trip to India marking a new phase in the bonds that bind our two countries. This conference report builds on this relationship by permitting an invigorated relationship in the field of nuclear cooperation, an area of critical importance given India's increasing energy demands.

This conference report incorporates a host of important nonproliferation measures that will anchor India in the international nonproliferation framework by including: safeguards between India and the International Atomic Energy Agency (IAEA); end use monitoring of

U.S. exports to India; and strengthening the Nuclear Suppliers Group, which are the group of countries that restrict nuclear proliferation throughout the world.

In addition, this conference report maintains Congressional oversight over the ongoing relationship of nuclear cooperation between U.S.-India. By implementing this legislation, we are furthering our critical nonproliferation objectives of advancing the IAEA's Additional Protocol by allowing the U.S. to become a party to this critical nonproliferation arrangement. We will enhance our nonproliferation policy and bolster our argument that the rest of the world should agree to this robust inspection regime.

In conclusion, I support the United States and India Nuclear Cooperation Promotion Act of 2006 with my Amendment, and this conference report. I urge my colleagues to do the same.

Mr. BARTON of Texas. Mr. Speaker, the conference report on H.R. 5682 includes language implementing the "Additional Protocol" to the U.S. nuclear safeguards agreement with the International Atomic Energy Agency (IAEA). The other Body gave its advice and consent for the Additional Protocol in 2004, but without enactment passage of this implementing legislation the Additional Protocol cannot enter into force.

Following the 1991 Gulf War, IAEA member states took steps to strengthen the nuclear safeguards system. This led to the development of a model "Additional Protocol" to supplement safeguards agreements and amend verification arrangements. It is designed to improve the ability of the IAEA to detect clandestine nuclear weapons programs in non-nuclear-weapons states by providing the IAEA with increased information and expanded inspection access. As of March of 2006, 110 countries had signed additional protocols, including all the nuclear weapons states, and 78 countries have them in force.

The U.S. is not obligated to accept safeguards under the Nuclear Non-Proliferation Treaty or the Additional Protocol. However, the U.S. already allows safeguards to be placed on certain facilities and materials under a voluntary agreement with the IAEA. This underscores our support for the Nonproliferation Treaty. The U.S. signing the Additional Protocol demonstrates that adherence will not commercially disadvantage non-nuclear-weapons states. Under both the voluntary agreement and the Additional Protocol, the U.S. maintains a national security exclusion and the right to manage IAEA access to facilities or information of direct national security significance.

Enactment of this implementing legislation provides the President with authority to permit IAEA inspectors, accompanied by U.S. representatives, access to certain facilities and to information on activities in the U.S. It also authorizes the Department of Commerce and the Nuclear Regulatory Commission to develop implementing regulations and conduct training and trial inspections. Finally, the legislation sets forth procedures for the inspections, similar to those for the Chemical Weapons Convention, and establishes civil and criminal penalties for the failure of U.S. entities to provide such information.

Mr. Speaker, this legislation will strengthen our Nation's ability to advance the cause of universal acceptance of increased safeguards

and for that reason I urge both Bodies to adopt the conference report and send it on to the President for his signature.

Among the many tributes to our beloved colleague, HENRY HYDE, this bill and what it can do for global nuclear security is among the most worthy.

Mr. BERMAN. Mr. Speaker, I'd like to commend Chairman HYDE, Ranking Member LANTOS and their excellent staffs for their hard work on his legislation.

I'd like to offer special thanks for their efforts to ensure that the conference agreement retains a provision I suggested, which would halt nuclear cooperation if the Indian government exports sensitive technologies that violate the guidelines of the Nuclear Suppliers Group and Missile Technology Control Regime.

This conference agreement—and the underlying nuclear deal with India—are far from perfect. I believe the Administration could have and should have pressed for a much better deal.

But having said that, it's important to keep in mind that this agreement is a major improvement over the Administration's original legislative proposal.

That bill would have cut Congress out of the process and put the nuclear deal with India on auto-pilot.

Among other things, this agreement preserves the right of Congress to vote on the final nuclear cooperation agreement with India—which is still under negotiation—before it goes into effect.

While I wish this conference agreement included some stronger nonproliferation provisions—including an amendment on fissile material I offered on the floor—I intend to vote "yes" because I believe the U.S.-India relationship is extremely important, and rejecting the bill at this point would be a major setback.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to this legislation and I do so because I believe this bill undermines the nuclear Non-Proliferation Treaty (NPT), lacks sufficient safeguards to prevent India from continuing to produce nuclear weapons, and threatens the stability of the region.

Mr. Speaker, there is no question that India is an important relationship for the United States to cultivate. India's booming economy, efforts to combat terrorism, and commitment to democracy means they will be a key strategic partner of ours for years to come. However, I do not believe the proper way to cultivate this relationship is by lifting the moratorium on nuclear trade with India.

We all know that India is not a signatory to the NPT, and yet we stand on the verge of rewarding a country operating outside the parameters of this vitally important treaty. This agreement loosens export control laws and clears the way to provide nuclear assistance. It does so without requiring India to limit its fissile material production and without establishing restrictions on the number of weapons they plan to produce. Also under the framework, 8 of India's 22 nuclear plants would be protected from inspection. These 8 plants just so happen to be the military facilities that will remain out of the purview of international inspection.

The Administration maintains that nuclear proliferation and the fear that terrorist organizations could acquire nuclear weapons, is the greatest threat to our Nation's security. But Mr. Speaker, passing this legislation today to

allow the President to waive portions of the Atomic Energy Act will shred the NPT, the most successful agreement we have to guard against proliferation. If India, a nation operating their nuclear programs outside the NPT, can strike an agreement of this magnitude, allowing them this much flexibility and holding them to so few hard and fast standards, why would any other nation not currently party to the NPT wish to join?

Passing this legislation today sends the wrong signal. It makes very real the threat of an arms race between Pakistan and India, an already extremely fragile relationship between two long-time adversaries. Mr. Speaker, passing this legislation today is an enormous step backwards for global nonproliferation efforts and I urge my colleagues to reject it.

Ms. WOOLSEY. Mr. Speaker, we are here to debate the India Nuclear Bill. However, there seems to be something missing from the debate today. It's like the elephant in the room no one wants to talk about. Whatever happened to the United States' own commitment to nonproliferation?

When the House considered its own version, I tried to submit an amendment that was quite simple. It stated that until the President has implemented and observed all of our NPT obligations and revised its own policies relating to them, no nuclear-related item may be transferred to India.

Unfortunately, my amendment was not included.

And yet another closed rule from the Republican leadership precludes any compromise today.

As many of my colleagues have stated, this is not about the deal or our alliances with India. This is about how the Bush administration has made a mockery of the NPT and encouraged other countries to go around the treaty. Basically, the bill says that if a country ignores the NPT, the U.S. will cut a deal with them.

Where is our commitment to nonproliferation?

If anything, with this treaty the U.S. will contribute to global nuclear proliferation.

In a world that is becoming more—not less—violent by the day, we must face the facts: Until the U.S. lives up to its own nonproliferation, obligations, we can't possibly ask others to do so.

Today, I will vote against this misguided bill and urge my colleagues to do the same.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 1105, I