



**Legislative Bulletin.....July 26, 2006**

**Contents:**

**H.R. 5682**—United States and India Nuclear Cooperation Promotion Act

---

---

**H.R. 5682—United States and India Nuclear Cooperation Promotion Act—  
*as reported (Hyde, R-IL)***

**Order of Business:** The bill is scheduled to be considered on Wednesday, July 26<sup>th</sup>, subject to a rule. If any amendments are made in order under the rule, they will be summarized in a separate RSC document.

**Summary:** H.R. 5682 would exempt future, non-weapon nuclear cooperation agreements with India from current statutory restrictions in the Atomic Energy Act of 1954 (AEA) that would otherwise not permit the export of nuclear items and materials to India. In order to waive the AEA requirements, the President would have to certify to Congress that India has fulfilled the commitments it undertook on July 18, 2005 in the U.S.-India Joint Statement to (among other activities) expand peaceful nuclear trade, including:

- providing a credible plan to separate its civilian and military nuclear facilities, materials, and programs;
- concluding a permanent nuclear safeguards agreement with the International Atomic Energy Agency (IAEA);
- progressing on an Additional (IAEA) Protocol that would apply to India's civil nuclear program;
- working actively with the United States for the early conclusion of a multilateral Fissile Material Cutoff Treaty;
- working actively with the United States to prevent the spread of nuclear enrichment and reprocessing technology to other countries; and
- enacting and enforcing comprehensive export control legislation and regulations to secure nuclear and other sensitive materials and technology.

Furthermore, the President would have to certify that the Nuclear Suppliers Group (NSG) has agreed by consensus to modify its guidelines to permit civil nuclear trade with India, which would otherwise be precluded by its 45 member-states.

Congress would have to approve, via a joint resolution enacted into law, any proposed civil nuclear agreement with India. On the day the President submits a proposed nuclear agreement with India to Congress, the majority leaders of both Houses (or their designees)

would have to introduce the joint resolutions that same day. If a congressional committee to which the joint resolution is referred has not reported the resolution within 60 days of its introduction, such committee would be discharged from further consideration of the resolution, and the resolution would be placed on the appropriate calendar of the House involved. The following special procedures would apply to consideration of the joint resolution in the House of Representatives:

- On or after the third calendar day (excluding Saturdays, Sundays, or legal holidays, except when the House of Representatives is in session on such a day) after the date on which the committee to which the joint resolution is referred has reported, or has been discharged from further consideration of, such a joint resolution, it would be in order for any Member of the House to move to proceed to the consideration of the joint resolution (after announcing such intention on the day before);
- Such motion would be privileged and not debatable;
- The motion would not be subject to amendment or to a motion to postpone;
- A motion to reconsider the vote by which the motion is agreed to would not be in order;
- If a motion to proceed to the consideration of the joint resolution is agreed to, the House would immediately proceed to consideration of the joint resolution, which would remain the unfinished business until disposed of;
- Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, would be limited to not more than six hours, divided equally between those favoring and those opposing the joint resolution;
- An amendment to the joint resolution would not be in order;
- A motion to further limit debate would be in order but not debatable;
- A motion to table, a motion to postpone, or a motion to recommit the joint resolution would not be in order; and
- A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to would not be in order.

No special consideration procedures would be created for the Senate.

The bill would require a variety of status reports, including reports on the success of the policy objectives of a nuclear agreement, U.S. nuclear exports to India pursuant to the agreement (including the extent to which they might be aiding India's nuclear weapons efforts), Indian construction of new nuclear reactors and facilities, and Indian disposal of spent nuclear fuel.

The bill explicitly states that nothing in this legislation, or any agreement pursuant to this legislation, should be interpreted as permitting any civil nuclear cooperation between the U.S. and India that would "in any way assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices." Nuclear agreement termination provisions would activate upon India's violation of the non-weapon nature of any agreement implemented pursuant to this legislation.

The bill also states a variety of findings and statements of U.S. policy, including:

- “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;
- “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; and
- “Seek to halt the increase of nuclear weapon arsenals in South Asia, and to promote their reduction and eventual elimination.”

The bill also emphasizes that, “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.”

**Additional Background:** Restrictions on non-weapon nuclear transfers typically apply to countries that do not have comprehensive international nuclear safeguards, that have ongoing nuclear weapons programs, or that have tested nuclear weapons since 1978 (other than “Nuclear Weapon States,” such as the United Kingdom, France, China, and Russia, as recognized by the Treaty on the Nonproliferation of Nuclear Weapons).

The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of guidelines for nuclear and nuclear-related exports. To see which countries participate, visit this website: <http://www.nuclearsuppliersgroup.org/>.

To read the U.S.-India Joint Statement of July 18, 2005, in which the leaders of the two countries recognized “the significance of civilian nuclear energy for meeting growing global energy demands in a cleaner and more efficient manner,” please visit this webpage: [http://www.indianembassy.org/press\\_release/2005/July/21.htm](http://www.indianembassy.org/press_release/2005/July/21.htm).

**Committee Action:** On June 26, 2006, the bill was referred to the International Relations Committee, which, on the next day, marked up, amended, and ordered the bill reported to the full House by a recorded vote of 37-5. The bill was also referred to the House Rules Committee, which took no action on the substance of the bill. The Rules Committee will still report a rule for the consideration of the bill.

**Administration Position:** The Administration is strongly supportive of this bill.

**Cost to Taxpayers:** CBO confirms that this bill would have no significant effect on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The International Relations Committee, in House Report 109-590, cites constitutional authority in Article I, Section 8, Clause 18 (the congressional power to make all laws necessary and proper for carrying into execution the foregoing powers listed in the Constitution), but fails to cite a foregoing power of authority. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718