



Legislative Bulletin.....July 26, 2006

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H.R. 5682—Amendments to the United States and India Nuclear Cooperation Promotion Act

H.R. 5682, the United States and India Nuclear Cooperation Promotion Act, is scheduled to be considered on the House floor on Wednesday, July 26th, subject to a structured rule (H.Res. 947). The rule self-executes (i.e. automatically adds to the underlying bill without a separate vote) the amendment in Part A and makes in order only the six other amendments printed in Part B of the Rules Committee report accompanying the resolution. Summaries below are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released yesterday.

Part A (self-executing amendment)

- Strikes all of the sections in the underlying bill (Sections 4(g) through 4(l)) providing for the expedited consideration of the joint resolution of approval for a future U.S.-India nuclear agreement.
- Provides that such a joint resolution of approval would be considered under the same expedited procedures that a joint resolution of disapproval would be considered for similar cooperation agreements, as prescribed by the Nuclear Non-Proliferation Provisions of the Atomic Energy Act (42 U.S.C. 2159(i)). The procedures are very similar to the ones detailed in the underlying bill, with one major difference being a 45-day period (in current law) in which the committee of referral has to act on the joint resolution before being automatically discharged, as opposed to a 60-day period (in the underlying bill).
- Prohibits an amendment to, or a motion to recommit, the joint resolution of approval.

Part B (amendments debatable for ten minutes on the floor)

1. Hyde (R-IL)/Lantos (D-CA): Manager's Amendment.

- Strikes the requirement that the President certify (before any nuclear agreement can go forward) that the Nuclear Suppliers Group's (NSG) consensus decision to allow nuclear items to be supplied to India include a prohibition of civil nuclear commerce with any other non-nuclear weapon state that does not have International Atomic Energy Agency (IAEA) safeguards on all nuclear materials within its territory, under its jurisdiction, or carried out under its control anywhere.
- Makes several technical and conforming changes.

2. Stearns (R-FL): Adds a sense of Congress that the U.S. Government, pursuant to this legislation, shall not participate in, or contribute to, the manufacture or acquisition of weapons or nuclear explosive devices.

3. Jackson-Lee (D-TX)/Burton (R-IN): Adds a sense of Congress 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.

4. Sherman (D-CA): Requires that, before any nuclear cooperation with India can go forward, and every year thereafter, the President certify that, during the preceding year, India has not increased the level of domestic uranium it sends through its weapons program (based on the amount used between July 18, 2004 and July 18, 2005). [July 18, 2005 was the date of the Bush-Singh declaration of nuclear cooperation:
http://www.indianembassy.org/press_release/2005/July/21.htm.]

5. Berman (D-CA): Prohibits exports of uranium and other types of nuclear reactor fuel (defined as “source material” and “special nuclear material” in the Atomic Energy Act of 1954) to India, until the President determines that India has halted the production of fissile material (i.e. plutonium and highly enriched uranium) for use in nuclear weapons.

6. Fortenberry (R-NE): Requires the President to annually report to Congress on:

- the effectiveness of the nuclear cooperation agreement for achieving stated goals;
- the level of India’s nuclear fissile material production relative to the prior year;
- the amount of natural uranium India has mined and milled in the prior year;
- the amount of electricity India’s civilian reactors have produced in the prior year;
- the amount of domestic natural uranium India has used to produce electricity in the prior year;
- the amount of nuclear fissile material India produced for military purposes in the prior year;
- the amount of domestic natural uranium and domestic enrichment capacity India has used to produce such fissile material;
- the amount of domestic uranium India has otherwise stockpiled for possible civil or military use;
- any changes in quantities of the above items from the prior year;
- the location of relevant production facilities; and
- any other qualitative factors deemed relevant.