

Union Calendar No. 341

109TH CONGRESS
2D SESSION

H. R. 5682

[Report No. 109–590, Part I]

To exempt from certain requirements of the Atomic Energy Act of 1954
a proposed nuclear agreement for cooperation with India.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2006

Mr. HYDE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. CROWLEY, and Mr. ETHERIDGE) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 21, 2006

Additional sponsors: Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. McDERMOTT, Mr. KING of New York, Mr. DELAHUNT, Mr. BOUSTANY, Mr. SESSIONS, Mr. CONAWAY, Mr. HALL, Mr. SMITH of Texas, Mr. NEUGEBAUER, Mr. CARTER, Mr. BONILLA, Mr. FOLEY, Mr. SAM JOHNSON of Texas, Mr. LINDER, Mr. CULBERSON, Mr. HENSARLING, Mr. McCAUL of Texas, Mr. KOLBE, Ms. GRANGER, Mr. MARCHANT, Mr. LEWIS of Kentucky, and Mr. MILLER of Florida

JULY 21, 2006

Reported from the Committee on International Relations with an amendment
[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 21, 2006

Committee on Rules discharged; committed to the Committee of the Whole
House on the State of the Union and ordered to be printed

A BILL

To exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “United States and India*
5 *Nuclear Cooperation Promotion Act of 2006”.*

6 **SEC. 2. SENSE OF CONGRESS.**

7 *It is the sense of Congress that—*

8 *(1) preventing the proliferation of nuclear weap-*
9 *ons, other weapons of mass destruction, the means to*
10 *produce them, and the means to deliver them are crit-*
11 *ical objectives for United States foreign policy;*

12 *(2) sustaining the NPT and strengthening its*
13 *implementation, particularly its verification and*
14 *compliance, is the keystone of United States non-*
15 *proliferation policy;*

16 *(3) the NPT has been a significant success in*
17 *preventing the acquisition of nuclear weapons capa-*
18 *bilities and maintaining a stable international secu-*
19 *rity situation;*

1 (4) countries that have never become a party to
2 the NPT and remain outside that treaty's legal re-
3 gime pose a potential challenge to the achievement of
4 the overall goals of global nonproliferation, because
5 those countries have not undertaken the NPT's inter-
6 national obligation to prohibit the spread of dan-
7 gerous nuclear technologies;

8 (5) it is in the interest of the United States to
9 the fullest extent possible to ensure that those coun-
10 tries that are not NPT members are responsible with
11 any nuclear technology they develop;

12 (6) it may be in the interest of the United States
13 to enter into an agreement for nuclear cooperation as
14 set forth in section 123 of the Atomic Energy Act of
15 1954 (42 U.S.C. 2153) with a country that has never
16 been an NPT member with respect to civilian nuclear
17 technology if—

18 (A) the country has demonstrated respon-
19 sible behavior with respect to the nonprolifera-
20 tion of technology related to weapons of mass de-
21 struction programs and the means to deliver
22 them;

23 (B) the country has a functioning and un-
24 interrupted democratic system of government,
25 has a foreign policy that is congruent to that of

1 *the United States, and is working with the*
2 *United States in key foreign policy initiatives*
3 *related to non-proliferation;*

4 *(C) such cooperation induces the country to*
5 *implement the highest possible protections*
6 *against the proliferation of technology related to*
7 *weapons of mass destruction programs and the*
8 *means to deliver them, and to refrain from ac-*
9 *tions that would further the development of its*
10 *nuclear weapons program; and*

11 *(D) such cooperation will induce the coun-*
12 *try to give greater political and material support*
13 *to the achievement of United States global and*
14 *regional nonproliferation objectives, especially*
15 *with respect to dissuading, isolating, and, if nec-*
16 *essary, sanctioning and containing states that*
17 *sponsor terrorism and terrorist groups, that are*
18 *seeking to acquire a nuclear weapons capability*
19 *or other weapons of mass destruction capability*
20 *and the means to deliver such weapons; and*

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

23 *(B) it is in the national security interest of the*
24 *United States to deepen its relationship with India*

1 *across a full range of issues, including peaceful nu-*
2 *clear cooperation.*

3 **SEC. 3. STATEMENTS OF POLICY.**

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

6 *(1) Oppose the development of a capability to*
7 *produce nuclear weapons by any non-nuclear weapon*
8 *state, within or outside of the Treaty on the Non-Pro-*
9 *liferation of Nuclear Weapons (21 UST 483; com-*
10 *monly referred to as the “Nuclear Non-Proliferation*
11 *Treaty” or the “NPT”).*

12 *(2) Encourage states party to the NPT to inter-*
13 *pret the right to “develop research, production and*
14 *use of nuclear energy for peaceful purposes”, as de-*
15 *scribed in Article IV of the NPT, as being a qualified*
16 *right that is conditioned by the overall purpose of the*
17 *NPT to prevent the spread of nuclear weapons and*
18 *nuclear weapons capability, including by refraining*
19 *from all nuclear cooperation with any state party*
20 *that has not demonstrated that it is in full compli-*
21 *ance with its NPT obligations, as determined by the*
22 *IAEA.*

23 *(3) Strengthen the Nuclear Suppliers Group*
24 *guidelines concerning consultation by members re-*
25 *garding violations of supplier and recipient under-*

1 *standings by instituting the practice of a timely and*
2 *coordinated response by NSG members to all such vio-*
3 *lations, including termination of nuclear transfers to*
4 *an involved recipient, that discourages individual*
5 *NSG members from continuing cooperation with such*
6 *recipient until such time as a consensus regarding a*
7 *coordinated response has been achieved.*

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

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

15 *(2) Achieve, at the earliest possible date, the con-*
16 *clusion and implementation of a treaty banning the*
17 *production of fissile material for nuclear weapons to*
18 *which both the United States and India become par-*
19 *ties.*

20 *(3) Secure India's—*

21 *(A) full participation in the Proliferation*
22 *Security Initiative;*

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

1 (C) public announcement of its decision to
2 conform its export control laws, regulations, and
3 policies with the Australia Group and with the
4 Guidelines, Procedures, Criteria, and Control
5 Lists of the Wassenaar Arrangement;

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

9 (E) ratification of or accession to the Con-
10 vention on Supplementary Compensation for
11 Nuclear Damage, done at Vienna on September
12 12, 1997.

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

20 (5) Seek to halt the increase of nuclear weapon
21 arsenals in South Asia, and to promote their reduc-
22 tion and eventual elimination.

23 (6) To ensure that spent fuel generated in In-
24 dia's civilian nuclear power reactors is not trans-
25 ferred to the United States except pursuant to the

1 *Congressional review procedures required under sec-*
2 *tion 131 f. of the Atomic Energy Act of 1954 (42*
3 *U.S.C. 2160 f.).*

4 *(7) Pending implementation of a multilateral*
5 *moratorium, encourage India not to increase its pro-*
6 *duction of fissile material at unsafeguarded nuclear*
7 *facilities.*

8 **SEC. 4. WAIVER AUTHORITY AND CONGRESSIONAL AP-**
9 **PROVAL.**

10 *(a) IN GENERAL.—Notwithstanding any other provi-*
11 *sion of law, if the President makes the determination de-*
12 *scribed in subsection (b), the President may—*

13 *(1) exempt a proposed agreement for nuclear co-*
14 *operation with India (arranged pursuant to section*
15 *123 of the Atomic Energy Act of 1954 (42 U.S.C.*
16 *2153)) from the requirement in section 123 a.(2) of*
17 *such Act, and such agreement for cooperation may*
18 *only enter into force in accordance with subsections*
19 *(f) and (g);*

20 *(2) waive the application of section 128 of the*
21 *Atomic Energy Act of 1954 (42 U.S.C. 2157) with re-*
22 *spect to India, provided that such waiver shall cease*
23 *to be effective if the President determines that India*
24 *has engaged in any activity described section 129 of*
25 *such Act (42 U.S.C. 2158), other than section 129*

1 *a.(1)(D) or section 129 a.(2)(C) of such Act, at any*
2 *time after the date of the enactment of this Act; and*

3 *(3) with respect to India—*

4 *(A) waive the restrictions of section 129*
5 *a.(1)(A) of the Atomic Energy Act of 1954 (42*
6 *U.S.C. 2158 a.(1)(A)) for any activity that oc-*
7 *curred on or before July 18, 2005; and*

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

9 *(b) DETERMINATION BY THE PRESIDENT.—The deter-*
10 *mination referred to in subsection (a) is a determination*
11 *by the President that the following actions have occurred:*

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

17 *(2) India and the IAEA have concluded an*
18 *agreement requiring the application of IAEA safe-*
19 *guards in perpetuity in accordance with IAEA stand-*
20 *ards, principles, and practices (including IAEA*
21 *Board of Governors Document GOV/1621 (1973)) to*
22 *India's civil nuclear facilities, materials, and pro-*
23 *grams as declared in the plan described in paragraph*
24 *(1), including materials used in or produced through*
25 *the use of India's civil nuclear facilities.*

1 (3) *India and the IAEA are making substantial*
2 *progress toward concluding an Additional Protocol*
3 *consistent with IAEA principles, practices, and poli-*
4 *cies that would apply to India's civil nuclear pro-*
5 *gram.*

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

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

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

15 (A) *the enactment and enforcement of com-*
16 *prehensive export control legislation and regula-*
17 *tions;*

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

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

1 (7) *The NSG has decided by consensus to permit*
2 *supply to India of nuclear items covered by the guide-*
3 *lines of the NSG and such decision does not permit*
4 *civil nuclear commerce with any other non-nuclear*
5 *weapon state that does not have IAEA safeguards on*
6 *all nuclear materials within its territory, under its*
7 *jurisdiction, or carried out under its control any-*
8 *where.*

9 (c) *SUBMISSION TO CONGRESS.—*

10 (1) *IN GENERAL.—The President shall submit to*
11 *the Committee on International Relations of the*
12 *House of Representatives and the Committee on For-*
13 *ign Relations of the Senate information concerning*
14 *any determination made pursuant to subsection (b),*
15 *together with a report detailing the basis for the de-*
16 *termination.*

17 (2) *INFORMATION TO BE INCLUDED.—To the full-*
18 *est extent available to the United States, the informa-*
19 *tion referred to in paragraph (1) shall include the fol-*
20 *lowing:*

21 (A) *A summary of the plan provided by*
22 *India to the United States and the IAEA to sep-*
23 *arate India's civil and military nuclear facili-*
24 *ties, materials, and programs, and the declara-*
25 *tion made by India to the IAEA identifying In-*

1 *dia's civil facilities to be placed under IAEA*
2 *safeguards, including an analysis of the credi-*
3 *bility of such plan and declaration, together with*
4 *copies of the plan and declaration.*

5 *(B) A summary of the agreement that has*
6 *been entered into between India and the IAEA*
7 *requiring the application of safeguards in ac-*
8 *cordance with IAEA practices to India's civil*
9 *nuclear facilities as declared in the plan de-*
10 *scribed in subparagraph (A), together with a*
11 *copy of the agreement, and a description of the*
12 *progress toward its full implementation.*

13 *(C) A summary of the progress made to-*
14 *ward conclusion and implementation of an Ad-*
15 *ditional Protocol between India and the IAEA,*
16 *including a description of the scope of such Ad-*
17 *ditional Protocol.*

18 *(D) A description of the steps that India is*
19 *taking to work with the United States for the*
20 *conclusion of a multilateral treaty banning the*
21 *production of fissile material for nuclear weap-*
22 *ons, including a description of the steps that the*
23 *United States has taken and will take to encour-*
24 *age India to identify and declare a date by*
25 *which India would be willing to stop production*

1 *of fissile material for nuclear weapons unilater-*
2 *ally or pursuant to a multilateral moratorium*
3 *or treaty.*

4 *(E) A description of the steps India is tak-*
5 *ing to prevent the spread of nuclear-related tech-*
6 *nology, including enrichment and reprocessing*
7 *technology or materials that can be used to ac-*
8 *quire a nuclear weapons technology, as well as*
9 *the support that India is providing to the United*
10 *States to further United States objectives to re-*
11 *strict the spread of such technology.*

12 *(F) A description of the steps that India is*
13 *taking to secure materials and technology appli-*
14 *cable for the development, acquisition, or manu-*
15 *facture of weapons of mass destruction and the*
16 *means to deliver such weapons through the ap-*
17 *plication of comprehensive export control legisla-*
18 *tion and regulations, and through harmonization*
19 *and adherence to Missile Technology Control Re-*
20 *gime, the Nuclear Suppliers Group, the Aus-*
21 *tralia Group, Wassenaar guidelines, and*
22 *United Nations Security Council Resolution*
23 *1540, and participation in the Proliferation Se-*
24 *curity Initiative.*

1 (G) *A description of the decision taken*
2 *within the Nuclear Suppliers Group relating to*
3 *nuclear cooperation with India, including wheth-*
4 *er nuclear cooperation by the United States*
5 *under an agreement for cooperation arranged*
6 *pursuant to section 123 of the Atomic Energy*
7 *Act of 1954 (42 U.S.C. 2153) is consistent with*
8 *the decision, practices, and policies of the NSG.*

9 (H) *A description of the scope of peaceful*
10 *cooperation envisioned by the United States and*
11 *India that will be implemented under the Agree-*
12 *ment for Nuclear Cooperation, including whether*
13 *such cooperation will include the provision of en-*
14 *richment and reprocessing technology.*

15 (I) *A description of the steps taken to en-*
16 *sure that proposed United States civil nuclear*
17 *assistance to India will not directly, or in any*
18 *other way, assist India's nuclear weapons pro-*
19 *gram, including—*

20 (i) *the use of any United States equip-*
21 *ment, technology, or nuclear material by*
22 *India in an unsafeguarded nuclear facility*
23 *or nuclear-weapons related complex;*

24 (ii) *the replication and subsequent use*
25 *of any United States technology in an*

1 *unsafeguarded nuclear facility or*
2 *unsafeguarded nuclear weapons-related*
3 *complex, or for any activity related to the*
4 *research, development, testing, or manufac-*
5 *ture of nuclear explosive devices; and*

6 *(iii) the provision of nuclear fuel in*
7 *such a manner as to facilitate the increased*
8 *production of highly-enriched uranium or*
9 *plutonium in unsafeguarded nuclear facili-*
10 *ties.*

11 *(d) RESTRICTIONS ON NUCLEAR TRANSFERS TO*

12 *INDIA.—*

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

21 *(2) NSG TRANSFER GUIDELINES.—Notwith-*
22 *standing the entry into force of an agreement for co-*
23 *operation with India pursuant to section 123 of the*
24 *Atomic Energy Act of 1954 (42 U.S.C. 2153) and ap-*
25 *proved pursuant to this Act, no item subject to such*

1 *agreement or subject to the transfer guidelines of the*
2 *NSG may be transferred to India if such transfer*
3 *would violate the transfer guidelines of the NSG as in*
4 *effect on the date of the transfer.*

5 (3) *TERMINATION OF NUCLEAR TRANSFERS TO*
6 *INDIA.—Notwithstanding the entry into force of an*
7 *agreement for nuclear cooperation with India (ar-*
8 *ranged pursuant to section 123 of the Atomic Energy*
9 *Act of 1954 (42 U.S.C. 2153)), exports of nuclear and*
10 *nuclear-related material, equipment, or technology to*
11 *India shall be terminated if India makes any materi-*
12 *ally significant transfer of—*

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

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

19 *unless the President determines that cessation of such*
20 *exports would be seriously prejudicial to the achieve-*
21 *ment of United States nonproliferation objectives or*
22 *otherwise jeopardize the common defense and security.*

23 (4) *PROHIBITION ON NUCLEAR TRANSFERS TO*
24 *INDIA.—If nuclear transfers to India are restricted*
25 *pursuant to this Act, the Atomic Energy Act of 1954,*

1 *or the Arms Export Control Act, the President should*
2 *seek to prevent the transfer to India of nuclear equip-*
3 *ment, materials, or technology from other partici-*
4 *pating governments in the NSG or from any other*
5 *source.*

6 *(e) APPROVAL OF AGREEMENT FOR NUCLEAR CO-*
7 *OPERATION REQUIRED.—*

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

12 *(A) the President submits to Congress the*
13 *agreement concluded between the United States*
14 *and India, including a copy of the safeguards*
15 *agreement entered into between the IAEA and*
16 *India relating to India's declared civilian nu-*
17 *clear facilities, in accordance with the require-*
18 *ments and procedures of section 123 of the Atom-*
19 *ic Energy Act of 1954 (other than section 123*
20 *a.(2) of such Act) that are otherwise not incon-*
21 *sistent with the provisions of this Act; and*

22 *(B) after the submission under subpara-*
23 *graph (A), the agreement is approved by a joint*
24 *resolution that is enacted into law.*

1 (2) *CONSULTATION.*—*Beginning one month after*
2 *the date of the enactment of this Act and every month*
3 *thereafter until the President submits to Congress the*
4 *agreement referred to in paragraph (1), the President*
5 *should consult with the Committee on International*
6 *Relations of the House of Representatives and the*
7 *Committee on Foreign Relations of the Senate regard-*
8 *ing the status of the negotiations between the United*
9 *States and India with respect to civilian nuclear co-*
10 *operation and between the IAEA and India with re-*
11 *spect to the safeguards agreement described in sub-*
12 *section (b)(2).*

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

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

23 (2) *which does not have a preamble; and*

1 (3) *the title of which is as follows: “Joint Resolu-*
 2 *tion Approving an Agreement for Nuclear Coopera-*
 3 *tion Between the United States and India”.*

4 (g) *INTRODUCTION AND REFERRAL.—*

5 (1) *INTRODUCTION.—A joint resolution shall, on*
 6 *the day on which the submissions under subsection*
 7 *(e)(1)(A) are made (or, if either House of Congress is*
 8 *not in session on that day, the first day thereafter*
 9 *when that House is in session)—*

10 (A) *be introduced in the House of Rep-*
 11 *resentatives by the majority leader, for himself*
 12 *and the minority leader of the House, or by*
 13 *Members of the House designated by the majority*
 14 *leader and minority leader of the House; and*

15 (B) *be introduced in the Senate by the ma-*
 16 *jority leader, for himself and the minority leader*
 17 *of the Senate, or by Members of the Senate des-*
 18 *ignated by the majority leader and minority*
 19 *leader of the Senate.*

20 *If either House of Congress is not in session on that*
 21 *day, the joint resolution shall be introduced on the*
 22 *first day thereafter when both Houses are in session.*

23 (2) *REFERRAL.—The joint resolution shall be re-*
 24 *ferred to the Committee on International Relations of*

1 *the House of Representatives and to the Committee on*
 2 *Foreign Relations of the Senate.*

3 *(h) DISCHARGE OF COMMITTEES.—If a committee to*
 4 *which a joint resolution is referred has not reported such*
 5 *joint resolution by the end of 60 days beginning on the date*
 6 *of its introduction, or the date of the submission of the non-*
 7 *proliferation assessment statement described in section 123*
 8 *of the Atomic Energy Act of 1954 (42 U.S.C. 2153), which-*
 9 *ever is later, such committee shall be discharged from fur-*
 10 *ther consideration of such joint resolution, and such joint*
 11 *resolution shall be placed on the appropriate calendar of*
 12 *the House involved.*

13 *(i) FLOOR CONSIDERATION IN THE HOUSE OF REP-*
 14 *RESENTATIVES.—*

15 *(1) IN GENERAL.—On or after the third calendar*
 16 *day (excluding Saturdays, Sundays, or legal holidays,*
 17 *except when the House of Representatives is in session*
 18 *on such a day) after the date on which the committee*
 19 *to which a joint resolution is referred has reported, or*
 20 *has been discharged from further consideration of,*
 21 *such a joint resolution, it shall be in order for any*
 22 *Member of the House to move to proceed to the consid-*
 23 *eration of the joint resolution. A Member of the House*
 24 *may make the motion only on the day after the cal-*
 25 *endar day on which the Member announces to the*

1 *House the Member's intention to do so. Such motion*
2 *shall be privileged and shall not be debatable. The mo-*
3 *tion shall not be subject to amendment or to a motion*
4 *to postpone. A motion to reconsider the vote by which*
5 *the motion is agreed to shall not be in order. If a mo-*
6 *tion to proceed to the consideration of the joint resolu-*
7 *tion is agreed to, the House shall immediately proceed*
8 *to consideration of the joint resolution which shall re-*
9 *main the unfinished business until disposed of.*

10 (2) *DEBATE.*—*Debate on a joint resolution, and*
11 *on all debatable motions and appeals in connection*
12 *therewith, shall be limited to not more than six hours,*
13 *which shall be divided equally between those favoring*
14 *and those opposing the joint resolution. An amend-*
15 *ment to the joint resolution shall not be in order. A*
16 *motion to further limit debate shall be in order and*
17 *shall not be debatable. A motion to table, a motion to*
18 *postpone, or a motion to recommit the joint resolution*
19 *shall not be in order. A motion to reconsider the vote*
20 *by which the joint resolution is agreed to or disagreed*
21 *to shall not be in order.*

22 (3) *APPEALS.*—*Appeals from the decisions of the*
23 *Chair to the procedure relating to a joint resolution*
24 *shall be decided without debate.*

1 (j) *FLOOR CONSIDERATION IN THE SENATE.*—Any
 2 *joint resolution shall be considered in the Senate in accord-*
 3 *ance with the provisions of section 601(b)(4) of the Inter-*
 4 *national Security Assistance and Arms Export Control Act*
 5 *of 1976.*

6 (k) *CONSIDERATION BY THE OTHER HOUSE.*—If, be-
 7 *fore the passage by one House of a joint resolution of that*
 8 *House, that House receives a joint resolution from the other*
 9 *House, then the following procedures shall apply:*

10 (1) *The joint resolution of the other House shall*
 11 *not be referred to a committee and may not be consid-*
 12 *ered in the House receiving it except in the case of*
 13 *final passage as provided in paragraph (2)(B).*

14 (2) *With respect to a joint resolution of the*
 15 *House receiving the joint resolution—*

16 (A) *the procedure in that House shall be the*
 17 *same as if no joint resolution had been received*
 18 *from the other House; but*

19 (B) *the vote on final passage shall be on the*
 20 *joint resolution of the other House.*

21 (3) *Upon disposition of the joint resolution re-*
 22 *ceived from the other House, it shall no longer be in*
 23 *order to consider the joint resolution that originated*
 24 *in the receiving House.*

1 *(l) COMPUTATION OF DAYS.—In the computation of*
 2 *the period of 60 days referred to in subsection (h), there*
 3 *shall be excluded the days on which either House of Congress*
 4 *is not in session because of an adjournment of more than*
 5 *3 days to a day certain or because of an adjournment of*
 6 *the Congress sine die.*

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

13 *(n) SUNSET.—The procedures under this section shall*
 14 *cease to be effective upon the enactment of a joint resolution*
 15 *under this section.*

16 *(o) REPORTS.—*

17 *(1) POLICY OBJECTIVES.—The President shall,*
 18 *not later than January 31, 2007, and not later than*
 19 *January 31 of each year thereafter, submit to the*
 20 *Committee on International Relations of the House of*
 21 *Representatives and the Committee on Foreign Rela-*
 22 *tions of the Senate a report on—*

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

1 (B) the steps taken by the United States
2 and India in the preceding calendar year to ac-
3 complish those objectives;

4 (C) the extent of cooperation by other coun-
5 tries in achieving those objectives; and

6 (D) the steps the United States will take in
7 the current calendar year to accomplish those ob-
8 jectives.

9 (2) NUCLEAR EXPORTS TO INDIA.—

10 (A) IN GENERAL.—Not later than one year
11 after the date on which an agreement for nuclear
12 cooperation between the United States and India
13 is approved by Congress under section 4(f) and
14 every year thereafter, the President shall submit
15 to the Committee on International Relations of
16 the House of Representatives and the Committee
17 on Foreign Relations of the Senate a report de-
18 scribing United States exports to India for the
19 preceding year pursuant to such agreement and
20 the anticipated exports to India for the next year
21 pursuant to such agreement.

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

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

3 (ii) *the amount of such uranium that*
4 *has likely been used or allocated for the pro-*
5 *duction of nuclear explosive devices;*

6 (iii) *the rate of production of—*

7 (I) *fissile material for nuclear ex-*
8 *plosive devices; and*

9 (II) *nuclear explosive devices; and*

10 (iv) *an analysis as to whether im-*
11 *ported uranium has affected such rate of*
12 *production of nuclear explosive devices.*

13 (C) *UNSAFEGUARDED NUCLEAR FACILI-*
14 *TIES.—The report described in subparagraph (A)*
15 *shall also include (in a classified form if nec-*
16 *essary) a description of whether United States*
17 *civil nuclear assistance to India is directly, or in*
18 *any other way, assisting India’s nuclear weap-*
19 *ons program, including—*

20 (i) *the use of any United States equip-*
21 *ment, technology, or nuclear material by*
22 *India in an unsafeguarded nuclear facility*
23 *or nuclear-weapons related complex;*

24 (ii) *the replication and subsequent use*
25 *of any United States technology in an*

1 *unsafeguarded nuclear facility or*
2 *unsafeguarded nuclear weapons-related*
3 *complex, or for any activity related to the*
4 *research, development, testing, or manufac-*
5 *ture of nuclear explosive devices; and*

6 *(iii) the provision of nuclear fuel in*
7 *such a manner as to facilitate the increased*
8 *production of highly-enriched uranium or*
9 *plutonium in unsafeguarded nuclear facili-*
10 *ties.*

11 *(3) NEW NUCLEAR REACTORS OR FACILITIES.—*

12 *Not later than one year after the date of the enact-*
13 *ment of this Act and annually thereafter, the Presi-*
14 *dent shall submit to the Committee on International*
15 *Relations of the House of Representatives and the*
16 *Committee on Foreign Relations of the Senate a re-*
17 *port describing any new nuclear reactors or nuclear*
18 *facilities that the Government of India has designated*
19 *as civilian and placed under inspections or has des-*
20 *ignated as military.*

21 *(4) DISPOSAL OF SPENT NUCLEAR FUEL.—Not*

22 *later than one year after the date on which an agree-*
23 *ment for nuclear cooperation between the United*
24 *States and India is approved by Congress under sec-*
25 *tion 4(f) and every year thereafter, the President shall*

1 *submit to the Committee on International Relations*
2 *of the House of Representatives and the Committee on*
3 *Foreign Relations of the Senate a report describing*
4 *the disposal of spent nuclear fuel from India's civil-*
5 *ian nuclear program.*

6 (p) *DEFINITIONS.—In this Act:*

7 (1) *IAEA.—The term “IAEA” means the Inter-*
8 *national Atomic Energy Agency.*

9 (2) *MTCR.—The term “MTCR” means the Mis-*
10 *sile Technology Control Regime.*

11 (3) *NPT.—The term “NPT” means the Treaty*
12 *on the Non-Proliferation of Nuclear Weapons.*

13 (4) *NPT MEMBER.—The term “NPT member”*
14 *means a country that is a party to the NPT.*

15 (5) *NSG.—The term “NSG” means the Nuclear*
16 *Suppliers Group.*

Union Calendar No. 341

109TH CONGRESS
2^D Session

H. R. 5682

[Report No. 109-590, Part I]

A BILL

To exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

JULY 21, 2006

Committee on Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed