

N-deal goes to the wire as PM leaves Washington

Indo-Asian News Service (India)

September 26, 2008

WASHINGTON— Even as Prime Minister Manmohan Singh flew back to New York after a meeting with President George Bush, the India-US nuclear agreement was headed for a close finish on Friday with an approval resolution being introduced in the House of Representatives but with a controversial provision in the Senate version intact.

The bill introduced on Thursday by the chairman of the House Foreign Affairs Committee Howard Berman, like the Senate Committee version, makes the implementing the 123 Agreement subject to the provisions of the Atomic Energy Act, the Hyde Act and any other applicable US law.

But contrary to the general impression, there is no reference to "testing" except by implication in either bill. In language, both bills only affirm "it is the policy of the United States to seek to prevent the transfer to India of nuclear equipment, materials, or technology from other participating governments in the Nuclear Suppliers Group (NSG) or from any other source."

While the US Atomic Energy Act provides for automatic termination of nuclear cooperation agreements under Section 123 if India conducts a nuclear test, Section 129 of the same law also gives the president authority to issue a waiver on grounds of national security.

India has all along maintained that it would be bound only by its 123 agreement. This too provides for consultations that would "take into account whether the circumstances that may lead to termination or cessation resulted from a Party's serious concern about a changed security environment or as a response to similar actions by other States which could impact national security."

Berman, who had been earlier reluctant to move the deal forward due some reservations about the Nuclear Suppliers' Group waiver to India, introduced the bill even as Manmohan Singh flew into Washington for a meeting with Bush amid some expectations that the agreement could still be through before he returned to New York.

Bush assured Manmohan Singh that his administration was "working hard get it passed by the Congress as quickly as possible."

"It (nuclear deal) has taken a lot of work on both our parts, a lot of courage on your part and of course we want the agreement to satisfy you and get it out of our Congress," Bush told Manmohan Singh in the presence of media persons at the White House's Oval Office as a steady drizzle drenched the US capital.

Describing the deal as one sign of a "good, strong strategic relationship with India", Bush said: "It has taken a lot of work on both our parts, a lot of courage on your part, and of course we want the agreement to satisfy you and get it out of our Congress."

But the Indian leader had to leave for New York at night without the agreement in his pocket after an emotional farewell meeting with Bush marked by much mutual encomiums.

As the Senate version is slightly different, the upper chamber too didn't vote on the measure Thursday apparently waiting for the final House version to emerge. If the two passed versions are not identical, a select committee would have to meet in a "conference" to reconcile them before Bush can sign in it into law.

The Congress is scheduled to break Sep 26 for the Nov 4 elections, but indications are that the two chambers may work through the weekend and maybe even into Monday to deal with the

Bush administration's \$700 billion bail-out plan to save the US financial system from its worst crisis in decades.

Explaining his reservations about the India deal, Berman told his colleagues: "I support peaceful nuclear cooperation with India, and in 2006 I voted for the Hyde Act, which established a framework for this cooperation.

"While I am under no illusion that India will give up its nuclear weapons, so long as the five recognised nuclear weapons states fail to make serious reductions in their arsenals, I believe it is a positive step to integrate India into the global non-proliferation regime."

However, "I continue to have concerns about ambiguities in the nuclear cooperation agreement that the Bush Administration negotiated with the government of India, particularly with regard to the potential consequences if India tests another nuclear weapon, and to the legal status of so-called 'fuel assurances' made by our negotiators," Berman said.

"I am also deeply troubled that the Administration completely disregarded important non proliferation requirements in the Hyde Act-thus putting American companies at a competitive disadvantage-when seeking a special exemption for India at the Nuclear Suppliers Group," he said.

His legislation, Berman said, "includes a number of provisions designed to improve Congressional oversight of the India nuclear cooperation agreement and help ensure that the agreement is interpreted in a manner consistent with the constraints in the Hyde Act."

"I will therefore vote in support of this Agreement," said the influential lawmakers who have been holding out despite the administration's best efforts to bring him round with Secretary of State Condoleezza Rice meeting him a couple of times and continuously working the phone with other lawmakers.

The Berman bill is almost identical to the one that was adopted 19-2 by the Senate Foreign Relations Committee Tuesday. He was also persuaded to drop "killer amendments" including one on Iran that could have sabotaged the legislation.

Earlier, amid fears that Berman would not introduce the necessary bill, the House Foreign Affairs Committee's top Republican Ileana Ros-Lehtinen introduced an approval legislation identical to the Senate panel bill after seeking suspension of rules at an emergency session of the House Rules Committee on Wednesday.