



Opening Statement of Senator Joseph R. Biden, Jr.
Hearing of April 5, 2006: U.S.-India Atomic Energy Cooperation

Thank you, Mr. Chairman. Today's hearing is important, and the issues before us are difficult.

The President, building on the work of President Clinton, has made a major strategic decision to develop a close partnership with India. I believe that most members of Congress embrace that effort.

But many of us have questions about the wisdom of creating an "India exception" to the existing law on nuclear exports.

I sympathize with what the President is trying to do.

- India has maintained its democracy for more than half a century in a land of great religious and political diversity.
- India has built a dynamic middle class and, in the last 15 years, embraced the global economy.
- India is a dominant regional power and a respected international voice, and it is working to improve relations with both China and Pakistan.
- And India will soon become the most populous country in the world.

Should the United States seek closer relations with India? Without a doubt, it should. But India's nuclear weapons raise difficult questions:

- India refused to sign the Nuclear Non-Proliferation Treaty and built nuclear weapons. What impact will the India nuclear deal have on the NPT regime?
- The plutonium for India's first weapons came from a Canadian reactor, using U.S. heavy water, that India had promised to use only for peaceful purposes. Will the current deal lead to diversion from civil to military uses?

- There are allegations that India has engaged in covert procurement of equipment for its nuclear weapons program. If so, then is India really prepared to crack down on proliferation?
- Isolating India's nuclear program for over 30 years failed to make India give up its nuclear weapons, but it succeeded in limiting the size and sophistication of India's nuclear weapons and nuclear power programs. What impact will this deal have on India's nuclear weapons program?

After all these years, it is probably time to admit that India will keep its nuclear weapons ... and to help India find a new relationship to the world in nuclear matters.

But there are lines that the India nuclear deal, made by an Administration acting often, if understandably, in secret and sometimes in haste, must not cross:

- We must not assist India's nuclear weapons program ... not because India is an adversary, which it is not, but because nuclear non-proliferation is a vital U.S. national interest, as well as a formal treaty obligation.
- We must not undermine world support for the nuclear non-proliferation regime by saying that nuclear weapons are fine for our friends.
- We must not encourage rogue states – and I stress that India is not a rogue state – by creating the sense that we only oppose proliferation until it succeeds, and then make our peace with new nuclear powers.

Congress should not give up its powers under existing law without knowing what a U.S.-India peaceful nuclear cooperation agreement and India's safeguards agreements with the IAEA will contain.

Let's be clear: the India nuclear deal could go forward without changing the law.

A peaceful nuclear cooperation agreement with India would simply require approval by joint resolution – a majority in each house of Congress.

But the Administration seeks a special exemption from the law, to allow the agreement to proceed unless Congress enacts a resolution of disapproval, which would require a two-thirds vote in each house to override a presidential veto.

Why does the President want to change the law? Does he doubt that he could get a majority to approve the agreement? If so, why?

I look forward to Secretary Rice's testimony today and to the testimony of outside experts after the recess.

I am prepared to work with the Administration. I hope that, in the end, I will be able to support this nuclear deal.

But there are still questions to be answered and concerns to be addressed. Assurances must be given, and very likely written into law.

If the President will not trust Congress to act wisely under existing law, then Congress has a duty to act wisely before it changes the law, to ensure that deals reached with India and with the Nuclear Suppliers Group will reinforce nuclear non-proliferation, rather than undermine it.

America will pursue close relations with India now, and for decades to come. We should build that friendship on a firm foundation of mutual interest, trust, and international support. We should take the time to do it right.