

legislation, the President must make a number of determinations before India can be exempted from restrictions contained in the Atomic Energy Act of 1954 (AEA). Most notably, the President must determine that India has provided the International Atomic Energy Agency (IAEA) with a credible plan to separate civilian and military nuclear programs, and that India and the IAEA have concluded an agreement requiring the permanent application of IAEA safeguards to India's civil nuclear facilities.

Once the President has made the determinations required by this legislation, Congress must approve a joint resolution to ratify the final negotiated text of a nuclear cooperation agreement with India. I also support the provision in the bill that requires additional consultation between the Administration and Congress, including regular detailed reports on nonproliferation matters and the implementation of this agreement.

I look forward to working with the Administration to implement this nuclear cooperation program between the United States and India, consistent with this legislation and the intent of Congress.

Mr. HOLT. Mr. Chairman, I rise today to oppose H.R. 5682. I do this reluctantly, because I am a strong supporter of India. But I cannot turn my back on my life's work on nuclear non-proliferation.

Prior to coming to Congress, I worked at the U.S. Department of State as an arms control expert. I spent each day there trying to reduce the threat our nation faced from proliferation of nuclear weapons. I also learned first hand how effectively the international non-proliferation regime monitors existing nuclear states and prevents sensitive nuclear technology from falling into the wrong hands. I also worked for 10 years at the Princeton Plasma Physics Laboratory to research and develop fusion energy, because it would be an abundant source of energy that would not lead to the proliferation of nuclear weapons.

I am also a lifelong supporter of India. In fact, I first traveled to India more than 30 years ago. When I came to Congress, the first caucus I joined was the Congressional Caucus on India and Indian-Americans. Since then, my interest in India and my respect for its citizens have only grown. That is why I believe it is essential that our nation increase its cooperation with India.

India is our friend and a strong ally. The ties that bind our nations go to the core of our democratic values. India is the world's largest democracy, she possesses a vibrant economy, and she has an unwavering commitment to ending terrorism. America is fortunate to have an ally that shares our common vision and we need to grow our relationship by increasing cooperation on other economic, educational, and security concerns. But I have strong reservations about making individual exceptions in our nation's laws for nuclear export to India or any other state.

The non-proliferation regime we have is far from perfect, but it has proven to be remarkably successful in deterring the spread of nuclear material. The Nuclear Nonproliferation Treaty (NPT) of 1970 is the centerpiece of international nuclear nonproliferation structure. The NPT ensured that today we are dealing with only a handful of problematic states, such as Iran, rather than the dozens of nuclear states that might have existed otherwise. These historical successes highlight the essential role that the international non-proliferation regime has played and why it must not be undermined.

The United States was instrumental in creating the NPT, and now is not the time to stop our leadership on this important issue. The United States should not send the wrong message to the global community. We must continue to be a leader on nuclear non-proliferation if we hope to prevent Iran, North Korea, or others from acquiring nuclear weapons.

During the 2004 presidential campaign, both President Bush and Senator KERRY agreed on one thing: nuclear proliferation and nuclear terrorism are the gravest threat that our country faces. The threat of nuclear terrorism is underscored today because of the recent actions of Iran and the continued work by North Korea to develop nuclear technology.

That is why we need to be doing more to strengthen and support the international nuclear non-proliferation structure, not weaken it. Some non-proliferation experts have raised concerns that this bill would violate Article I of the NPT. Additionally this bill would create an exception to the rule, and thereby create a new rule.

I have been impressed by India and I do believe that she has been one of the most responsible nuclear states in the world. And unlike her neighbor, India has not engaged in wholesale proliferation of nuclear technology.

The bill before us today would make changes to the Atomic Energy Act which would allow for the transfer of U.S. nuclear technology and material to India. This would be the first time the conditions for nuclear cooperation in the Act were changed for an individual state. We should not make these changes lightly. We need to understand the implications of what we are doing for the international nuclear non-proliferation regime.

As well, we must also be clear. This is not the final vote the House will take on this important issue. Under the provisions contained in this bill, Congress will again have to review and vote to support nuclear cooperation once the final text of the cooperation agreement is finalized. For that reason, I remain unsure why Congress is considering or approving these significant changes to our nuclear non-proliferation structure. The Nuclear Suppliers Group still needs to give its approval to this proposed nuclear cooperation agreement. As well, India needs to complete its negotiations with the International Atomic Energy Agency on a new safeguards agreement. These are not just minor points, not just iotas in the agreement. They are central to the issue. What would be wrong with waiting for the final text to be negotiated and these important steps to be taken before we change our nation's laws to allow for nuclear material transfer?

That said, I remain troubled that providing nuclear technology to India would create a double standard. Historically, the United States has only provided nuclear technology to states that are parties to the NPT. This bill would allow for cooperation with India, despite the fact the India has not signed or ratified the NPT, and had previously developed a secret nuclear weapons program.

Additionally, I am worried that this legislation does not require India to cap or even limit its fissile material production. The United States, the United Kingdom, Russia, and France have all publicly announced that they are no longer producing fissile material for military use. Even China is believed to have stopped producing fissile material. Without a requirement to limit fissile material production, the United States is tacitly endorsing further production. We should

not help any state in the world increase its stockpile of nuclear weapons, especially at a time when we are reducing our own stockpile.

I am also concerned that this legislation does not require that all of India's nuclear reactors be placed under international safeguards. That means that some of India's reactors will be used for military purposes and kept outside safeguards and the nonproliferation regime. The whole purpose of safeguards is to ensure that fissile material is not diverted to build nuclear weapons secretly. We need full scope safeguards on all of India's reactors to ensure that U.S. technology or nuclear material is not being diverted for military purposes. In effect, we would be giving approval to the existence of undeclared, uninspected production of fissile material.

Further, India is not required to classify her new reactors as civilian rather than military. Some have argued that nuclear cooperation is needed to help meet India's growing energy needs. If that is the case then every single new reactor should be civilian energy producing facilities. We should be doing more to discourage India from expanding her military nuclear program, rather than making it easier.

This bill makes some improvements on the legislation that the Administration submitted, and I am glad that some of my colleagues who share my concerns tried to improve it. Yet, even with these changes I do not think it wise to shred one of the few nonproliferation instruments we have. I am sorry that before they came to us the Administration did not negotiate a better agreement which would not jeopardize decades of nonproliferation work. I am also sorry we have not approached this matter to obtain the active partnership of such a respected and important country as India in the effort to prevent nuclear proliferation around the world. India teamed with us and other countries could be a most influential leader in reducing the threat of nuclear weapons around the world. I remain convinced that nuclear cooperation could be achieved with India, however this is not the proper way to do so.

For these reasons, I cannot support this bill which would undermine the NPT and our nation's long history of nuclear nonproliferation. I would oppose this deal if it was with any country outside of the NPT because I would have the same concerns. But I also know that despite my vote on this bill it will be approved by wide margins. I hope I am proven wrong, that this bill will not undermine our nation's non-proliferation efforts, but I regret that I cannot see how that can be.

Mr. JINDAL. Mr. Chairman, I rise to speak in support of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006. The bill would facilitate the sharing of civilian nuclear technology in an attempt to decrease competition for scarce energy resources and strengthen relations between the two nations.

With the receding of the global divisions established during the Cold War era, there has been increasing recognition that significant benefits can be obtained from closer cooperation between the U.S. and India. H.R. 5682 reflects broad agreement that peaceful nuclear cooperation with India can serve U.S. foreign policy and national security objectives and also minimize potential risks to the non-proliferation regime. This ranges from shared