

Chris Dodd

U.S. SENATOR FROM CONNECTICUT



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CONTACT: Bryan DeAngelis
202-224-5372
or Justine Sessions
202-224-0345

DODD CHAIRS SENATE FOREIGN RELATIONS HEARING ON U.S. – INDIA NUCLEAR COOPERATION AGREEMENT

WASHINGTON, D.C. – Senator Chris Dodd (D-CT) made the following opening statement at today’s Senate Foreign Relations Committee hearing on the U.S. – India Peaceful Nuclear Cooperation Agreement. Dodd, who is a senior member of the Foreign Relations Committee and Chairman of its Subcommittee on the Western Hemisphere, Peace Corps, and Narcotics Affairs, chaired the hearing at the request of Chairman Joe Biden (D-DE).

The full text of Senator Dodd’s opening statement as prepared for delivery is below:

Today the Committee on Foreign Relations holds an important and historic hearing. It is important because Congress is being asked to approve an agreement that may have major consequences for U.S. foreign policy in Asia and for nuclear non-proliferation worldwide. It is historic because approval of this agreement should enable the United States and India to get around the biggest obstacle to charting a new course in relations between our two great democracies.

I want to underscore the geopolitical significance of this agreement. For nearly two generations, India cast itself as a nation proudly unaligned with the superpowers – not just on arms control and proliferation issues, but really in its whole political orientation. Today, however, India has become a major actor in the world, and it increasingly sees itself in concert with other global powers, rather than in opposition to them. This is true on counter-terrorism, on the need for stability in South Asia, on the fight against infectious diseases, and even on non-proliferation. Its relationship with the United States has never been closer. That is why Indian Prime Minister Manmohan Singh has devoted such energy and courage to bringing his parliament along and pressing for this agreement to come into force. He has put himself and his party on the line for this.

This is not about improving India’s nuclear weapons, or even about solving India’s energy crisis. At heart, this is about turning a page in India’s relations with the world,

putting its sense of nuclear grievance behind it so that India can work with other great countries from a position of reasonable equality. The nuclear cooperation agreement that is before this Committee is not perfect. As today's hearing proceeds, some of its imperfections will be noted and discussed. But approval of this agreement will still be a milestone in U.S.-Indian relations. And, approve it we must. We would be well advised to approve it this month, moreover, rather than waiting until next year.

Allow me to explain why acting now is important; if we want to adjust U.S. law or policy to implement this agreement in the best manner, we have an opportunity to make those adjustments in the bill that will waive the Atomic Energy Act timeline for considering the agreement. I hope that opponents of the agreement will let us do that and approve the agreement this month, rather than forcing a delay that will only breed nervousness while we wait to finish the job next year, when we will not need to waive any timelines and will not have an opportunity to adjust U.S. policy.

This agreement is not a partisan issue; it had strong support on both sides of the aisle in 2006, and it has that support today. And it is important to approve the agreement while we have a responsive partner in India to begin implementing it. The first step in reaching out to India was taken by President Bill Clinton in the year 2000. India and the United States pledged to continue their nuclear test moratoria; to avoid arms races; to work for a Fissile Material Cutoff Treaty; and to guard against the proliferation of weapons of mass destruction.

President Bush continued the work that President Clinton had begun. In July 2005, he and Indian Prime Minister Singh agreed that our two nations would negotiate a peaceful nuclear cooperation agreement, and the United States committed to work to get the Nuclear Suppliers Group to permit nuclear commerce with India. India, in turn, would improve its export control laws and regulations, separate its civilian nuclear program from its military one, and sign a safeguards agreement and an Additional Protocol to that agreement with the International Atomic Energy Agency.

In 2006, India published its plan for separating its civilian nuclear program from its military one. That plan calls for accepting safeguards, in a phased manner through 2014, over 14 existing or planned nuclear reactors and 6 uranium fuel production facilities. India added that all future civilian nuclear facilities would come under safeguards, but reserved the right to decide which facilities would be civilian. At the end of 2006, Congress enacted legislation to allow the President to negotiate and submit to Congress a peaceful nuclear cooperation agreement with India. Legislation was needed because India, although a non-nuclear weapon state under the Nuclear Non-Proliferation Treaty and under U.S. law, actually has a nuclear weapons program and will not accept safeguards over all its nuclear facilities, as called for in the Atomic Energy Act.

I supported the Henry J. Hyde Act, which gave the go-ahead for the agreement that is before us today. Indeed, 85 members of the Senate supported it, but that strong vote of approval came about only after this Committee addressed the non-proliferation concerns that nuclear trade with India raises.

One of those concerns was nuclear testing. India pledged to maintain its test moratorium, but it has not signed the Comprehensive Test-Ban Treaty. Congress made clear in the Hyde Act that any Indian nuclear test would end the waivers authorized by that Act. It also called for an end to nuclear commerce with India in the unlikely event that India was to engage in nuclear or ballistic missile proliferation. Another concern was whether to engage in nuclear trade relating to such sensitive activities as uranium enrichment, spent fuel reprocessing, and heavy water production. Congress agreed to limit such commerce with India, and made it U.S. policy to seek agreement in the Nuclear Suppliers Group to further restrict transfers of sensitive equipment and technology, including to India.

In order to get India to separate its civilian nuclear program from its military one, President Bush promised to help ensure an uninterrupted supply of nuclear fuel for India's civilian reactors. Few in Congress liked that promise, which suggested that the United States might help India to avoid any pain if sanctions were imposed on it. So the Hyde Act made it U.S. policy that any Indian fuel reserve should be commensurate with reasonable operating requirements of its safeguarded civilian reactors.

Finally, the Hyde Act required the President to make several certifications before submitting the nuclear cooperation agreement that is now before us. The tests that India had to meet included the following:

- Providing the United States and the IAEA a credible separation plan for India's nuclear programs, and filing a declaration with the IAEA regarding its civil facilities and materials;
- Negotiating a safeguards agreement with the IAEA, which had to provide for safeguards in perpetuity that are in accord with normal IAEA practices;
- Making significant progress toward concluding an Additional Protocol to its safeguards agreement, which would give the IAEA access to additional Indian facilities that are involved nuclear activities;
- Working with the United States to get a Fissile Material Cut-off Treaty adopted;
- Working with the United States to prevent the spread of sensitive nuclear technology; and
- Improving its export control regime and adhering to the export guidelines of the Nuclear Suppliers Group and the Missile Technology Control Regime.

In addition, the Nuclear Suppliers Group had to agree, by consensus, to a waiver to its guidelines for India.

A week ago, the President determined that each of those standards had been met. He submitted the agreement to Congress, along with the Nuclear Proliferation Assessment Statement required by the Atomic Energy Act. An important question before us, as we review the agreement and the President's certifications, is whether they comply with the Atomic Energy Act and the Hyde Act. For example, the Hyde Act requires that "India has provided the United States and the IAEA with a credible plan to separate civil and military nuclear facilities . . . and has filed a declaration regarding its civil facilities . . .

with the IAEA.” That requirement was not forced on the Administration; in fact, it was proposed by the Administration.

India announced its separation plan in 2006 and it provided that plan to the IAEA two months ago. It has yet to provide a declaration, however, and will not do so until after Congress approves the U.S.-India agreement. The Administration says that the separation plan contains the declaration and that we shouldn't insist upon a separate declaration. I think we need to discuss this matter today.

There are also aspects of the agreement itself that we should examine closely. I intend to do that in my questions. Among the issues I will raise are:

- Whether the agreement satisfies the requirement in the Atomic Energy Act for “a stipulation that the United States shall have the right to require the return of any nuclear materials and equipment” if India detonates a nuclear explosive device or terminates or abrogates its safeguards agreement;
- Whether the agreement satisfies the requirement for “a guaranty” that no fissile material the India obtains or produces pursuant to this agreement “will be stored in any facility that has not been approved in advance by the United States;”
- Whether the President's nuclear fuel assurances to India, which are repeated in the agreement and paraphrased in India's safeguards agreement, will undermine our ability to respond to an Indian nuclear test; and
- Whether India's safeguards agreement with the IAEA is sufficient protection against possible diversion of nuclear technology and non-nuclear material from India's civilian nuclear program to its military program.

We enacted the Hyde Act in December 2006. It took another 21 months before the agreement was submitted to Congress. Given the tight congressional calendar, we have our work cut out for us, if we are to address these questions and enact legislation before the Congress adjourns for the year. But we are working hard to get that done, and today's hearing is a vital part of that effort.

We are especially fortunate to have Under Secretary Bill Burns as our chief witness. Ambassador Burns is well known to us and well respected. He led the U.S. delegation at the most recent meeting of the Nuclear Suppliers Group, which agreed to allow nuclear commerce with India. Secretary Burns, welcome. I also note that Acting Under Secretary of State for Arms Control and International Security John Rood has joined Under Secretary Burns, and I understand that he also has prepared a statement. He, too, has been active in the negotiations relating to this agreement. Secretary Rood, welcome

I would like to call the Committee's attention to a statement by our Chairman, Senator Joe Biden, who is unavoidably out of town today. Without objection, his statement will be made a part of the record. Now I am pleased to turn to our distinguished Ranking Member, Senator Dick Lugar, who led the Committee's successful consideration of the 2006 legislation that paved the way for the agreement we are discussing today. Senator

Lugar is also a major supporter of the safeguards activities of the IAEA, which will be needed for any peaceful nuclear trade with India.