

PROVIDING FOR CONSIDERATION OF H.R. 5682, UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

JULY 25, 2006.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 947]

The Committee on Rules, having had under consideration House Resolution 947, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read.

The rule makes in order only those further amendments printed in part B of this report. The rule provides that the amendments printed in part B of this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question

in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in Part B of this report.

Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The Committee is not aware of any points of order against consideration of the bill or the amendments made in order under the rule. The waivers of all points of order against consideration of the bill and against the amendments made in order under the rule are prophylactic in nature.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 237

Date: July 25, 2006.

Measure: H.R. 5682, United States and India Nuclear Cooperation Promotion Act of 2006.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Mr. Markey, which requires that nuclear cooperation with India could only commence after the President has determined that the United States has secured India's full and active support in preventing Iran from acquiring weapons of mass destruction.

Results: Defeated 2 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

PART A—SUMMARY OF AMENDMENT CONSIDERED AS ADOPTED

The amendment considered as adopted by the rule represents the Committee on Rules' judgment on the matters within its jurisdiction contained in the bill. The amendment states that the joint resolution of approval of a nuclear cooperation agreement between the United States and India shall be considered under the same expedited procedures that a joint resolution of disapproval would be considered for similar cooperation agreements as prescribed by the Nuclear Non-Proliferation Provisions of the Atomic Energy Act, including the computation of days as continuous days of session. The amendment preserves the requirement of Congressional approval for the nuclear cooperation agreement.

PART B—SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries of amendments derived from information provided by the sponsor.)

1. Hyde (IL)/Lantos (CA): Manager's amendment. Contains technical and conforming changes to the text. Also makes one substantive change removing an amendment adopted during the full committee markup relating to subsection 4(b)(7). (10 minutes)

2. Stearns (FL): Reinforces the intent of Congress that the nuclear cooperation into which the governments of the United States and India would enter is for peaceful, productive purposes, not military. (10 minutes)

3. Jackson-Lee (TX)/Burton (IN): Sense of Congress declaring the importance of the South Asia region and urging the continuation of the United States' policy of engagement, collaboration, and exchanges with and between India and Pakistan. (10 minutes)

4. Sherman (CA): Requires that, before any nuclear cooperation with India can go forward, and every year thereafter, the President must certify that during the preceding year India has not increased the level of domestic uranium it sends through its weapons program. Baseline for the determination under the amendment is the 365 day period preceding the July 18, 2005 Bush-Singh declaration on nuclear cooperation. (10 minutes)

5. Berman (CA): Restricts exports of uranium and other types of nuclear reactor fuel (defined as "source material" and "special nuclear material" in the Atomic Energy Act of 1954) to India until the President determines that India has halted the production of fissile material (i.e. plutonium and highly enriched uranium) for use in nuclear weapons. (10 minutes)

6. Fortenberry (NE): Provides Congress with the ability to assess, to the extent possible, whether annual levels of India's nuclear fissile production may imply a possible violation of Article I of the Nuclear Nonproliferation Treaty. (10 minutes)

PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

In section 4(a)(1), strike "subsections (f) and (g)" and insert "subsection (f)".

In section 4(e)(1), strike "subsection (m)" and insert "subsection (h)".

In section 4(f), strike the subsection heading and insert "JOINT RESOLUTION OF APPROVAL".

In section 4, strike subsections (g) through (l) and redesignate subsections (m) through (p) as subsections (h) through (k), respectively.

In section 4, insert after subsection (f) the following new subsection:

(g) CONSIDERATION OF JOINT RESOLUTION OF APPROVAL.—The provisions of paragraphs (2) through (6) of section 130 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2159 i.) shall apply to a joint resolution under subsection (f) of this section to the same extent as such provisions apply to a joint resolution under section 130 i. of such Act. No amendment to, or motion to recommit, a joint resolution under subsection (f) of this section is in order.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 12, strike "may be" and insert "is".

Page 4, beginning line 21, strike "this subsection" and insert "paragraph (6)".

Page 11, line 3, strike “and” and all that follows through line 8 and insert a period.

Page 15, line 22, insert “nuclear” before “cooperation”.

Page 16, line 3, after “violate” insert “or be inconsistent with”.

Page 16, beginning line 6, strike “Notwithstanding the entry into force of an agreement for nuclear cooperation with India (arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153))” and insert “Notwithstanding the entry into force of an agreement for nuclear cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act”.

Page 17, line 8, strike “Subject to subsection (m), an” and insert “An”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2(6)(D), strike “and” after the semicolon.

In section 2(7)(B), strike the period at the end and insert “; and”.

In section 2, add at the end the following new paragraph:

(8) the United States Government, pursuant to the restrictions in this Act, shall not participate in, or contribute to, the manufacture or acquisition of nuclear weapons or nuclear explosive devices.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2(6)(D), strike “and” after the semicolon.

In section 2(7)(B), strike the period at the end and insert “; and”.

In section 2, add at the end the following new paragraph:

(8) the South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHERMAN OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 4(b), add at the end the following new paragraph:

(8) The amount of domestic uranium used in India’s military program during a 12-month period ending on the date of the determination is equal to or less than the amount of domestic uranium used in India’s military program during the 12-month period ending on July 18, 2005.

In section 4, insert after subsection (o) the following new subsection (and redesignate subsequent subsections accordingly):

(p) ANNUAL CERTIFICATION; TERMINATION OF COOPERATION.—Nuclear cooperation with India shall be terminated unless one year after making the determination described in subsection (b)(8), and annually thereafter, the president certifies that during the previous 12-month period the amount of domestic uranium used in India’s military program is equal to or less than the amount of domestic uranium used in India’s military program during the 12-month period ending on July 18, 2005.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BERMAN OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 4(d), add at the end the following new paragraph:

(5) LIMITATION ON NUCLEAR TRANSFERS TO INDIA.—Notwithstanding any other provision of law, and notwithstanding the entry into force of an agreement for nuclear cooperation with India pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and approved pursuant to this Act, nuclear transfers to India shall not include source material and special nuclear material (as defined in section 11 of such Act (42 U.S.C. 2014)) unless the President determines that India—

(A) is adhering to a unilateral moratorium on the production of fissile material for nuclear weapons;

(B) is adhering to a multilateral moratorium on the production of fissile material for nuclear weapons; or

(C) has signed and is adhering to a multilateral treaty prohibiting the production of fissile material for nuclear weapons.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FORTENBERRY OF NEBRASKA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 4(o), add at the end the following new paragraph:

(5) GROWTH IN INDIA'S MILITARY FISSILE MATERIAL PRODUCTION .—

(A) IN GENERAL.—Not later than one year after the date on which an agreement for nuclear cooperation between the United States and India is approved by Congress under section 4(f) and every year thereafter, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that—

(i) measures the effectiveness of the civil nuclear cooperation agreement in achieving the goals and objectives described in section 2; and

(ii) assesses the relative level of India's nuclear fissile material production compared to the previous year.

(B) CONTENTS.—The report described in subparagraph (A) shall also include information relating to—

(i) the amount of natural uranium India has mined and milled during the previous year;

(ii) the amount of electricity India's civilian reactors have produced during the previous year;

(iii) the amount of domestic natural uranium India has used to produce electricity during the previous year;

(iv) the amount of fissile material India has produced for military purposes during the previous year;

(v) the amount of domestic natural uranium and domestic enrichment capacity India has used to produce such fissile material;

(vi) the amount of domestic uranium India has otherwise stockpiled for possible civil or military use;

(vii) an identification of any changes with regard to these quantities from the previous year; and

(viii) any additional qualitative factors determined to be relevant with respect to subparagraph (A), as appropriate, such as the location of production facilities.

(C) PREPARATION; FORM OF REPORT.—The report should rely on public information to the extent possible. The report shall include a classified annex if necessary.

(D) HEARINGS.—The Committees specified in subparagraph (A) may, after consideration of each report under this paragraph, hold hearings with government and non-government witnesses as each Committee determines necessary to evaluate each report.

