

Remarks on the House Floor of Chairman Berman at the start of debate on H.R. 7081, to Approve the United States-India Agreement for Peaceful Nuclear Cooperation

Note: The items placed in the Congressional Record that are referenced below are the documents that the Foreign Affairs Committee released on September 2, 2008 – which, upon the request of the Department of State, had been kept confidential until congressional consideration of the U.S.-India civilian nuclear cooperation agreement was at hand. [They can be found online here.](#)

Mr. Speaker, I'm a strong advocate of closer U.S.-India ties, including peaceful nuclear cooperation.

I voted for the Hyde Act, which established a framework for such cooperation today. The bill before us today will approve the U.S.-India Agreement for Peaceful Nuclear Cooperation.

Under the Hyde Act of two years ago, Congress was to have 30 days to review the agreement before beginning consideration of a privileged resolution of approval. Instead, the Agreement is now before us in the waning days before adjournment.

We can approve the Agreement now, with the oversight safeguards built into this bill, or wait until the next Congress and start over.

But if we wait, however, we will likely only vote on a simple resolution of approval, without any of these oversight improvements.

On balance, integrating India into a global nonproliferation regime is a positive step.

And before anyone gets too sanctimonious about India's nuclear weapon programs, we should acknowledge that the five recognized nuclear weapons states have not done nearly enough to fulfill their agreements under the Nuclear Nonproliferation Treaty, including making serious reductions in their own arsenals, nor – in the case of the United States – ratifying the Comprehensive Test Ban Treaty.

Having said that, I continue to have concerns about ambiguities in the agreement.

And I therefore ask unanimous consent to insert several documents in the record to clarify the meaning of these and other important issues.

It is my view that these documents constitute key and dispositive parts of the "authoritative representations" described in section 102 of this bill.

Mr. Speaker, this bill also gives Congress the right to disapprove a Presidential decision to resume civil nuclear cooperation with any country – any country, not just India – that tests a nuclear weapon.

It will also ensure that India takes the necessary remaining steps to bring its IAEA safeguards agreement fully into force, and to conclude an Additional Protocol with the IAEA, as India has committed to do.

It gives Congress the ability to review the future reprocessing arrangements that will allow India to reprocess spent U.S. fuel.

And finally, late yesterday, Secretary of State Rice made a personal commitment to me that – in a change of policy – the United States will make its "highest priority" at the November meeting of the Nuclear Suppliers Group the achievement of a decision by all of the nuclear suppliers to prohibit the export of enrichment and reprocessing equipment and technology to states that are not members of the Treaty on the Non-Proliferation.

This would be consistent with the intent of Congress as expressed in the Hyde Act.

And in light of the improvements for Congressional oversight in this bill, and the Secretary's commitment, I will be voting for H.R. 7081.