

## Calendar No. 537

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 5682**

---

IN THE SENATE OF THE UNITED STATES

JULY 27 (legislative day, JULY 26), 2006

Received; read twice and placed on the calendar

---

**AN ACT**

To exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Henry J. Hyde United  
5 States and India Nuclear Cooperation Promotion Act of  
6 2006”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) preventing the proliferation of nuclear  
10 weapons, other weapons of mass destruction, the

1 means to produce them, and the means to deliver  
2 them are critical objectives for United States foreign  
3 policy;

4 (2) sustaining the NPT and strengthening its  
5 implementation, particularly its verification and  
6 compliance, is the keystone of United States non-  
7 proliferation policy;

8 (3) the NPT has been a significant success in  
9 preventing the acquisition of nuclear weapons capa-  
10 bilities and maintaining a stable international secu-  
11 rity situation;

12 (4) countries that have never become a party to  
13 the NPT and remain outside that treaty's legal re-  
14 gime pose a potential challenge to the achievement  
15 of the overall goals of global nonproliferation, be-  
16 cause those countries have not undertaken the  
17 NPT's international obligation to prohibit the spread  
18 of dangerous nuclear technologies;

19 (5) it is in the interest of the United States to  
20 the fullest extent possible to ensure that those coun-  
21 tries that are not NPT members are responsible  
22 with any nuclear technology they develop;

23 (6) it is in the interest of the United States to  
24 enter into an agreement for nuclear cooperation as  
25 set forth in section 123 of the Atomic Energy Act

1 of 1954 (42 U.S.C. 2153) with a country that has  
2 never been an NPT member with respect to civilian  
3 nuclear technology if—

4 (A) the country has demonstrated respon-  
5 sible behavior with respect to the nonprolifera-  
6 tion of technology related to weapons of mass  
7 destruction programs and the means to deliver  
8 them;

9 (B) the country has a functioning and un-  
10 interrupted democratic system of government,  
11 has a foreign policy that is congruent to that of  
12 the United States, and is working with the  
13 United States in key foreign policy initiatives  
14 related to non-proliferation;

15 (C) such cooperation induces the country  
16 to implement the highest possible protections  
17 against the proliferation of technology related  
18 to weapons of mass destruction programs and  
19 the means to deliver them, and to refrain from  
20 actions that would further the development of  
21 its nuclear weapons program; and

22 (D) such cooperation will induce the coun-  
23 try to give greater political and material sup-  
24 port to the achievement of United States global  
25 and regional nonproliferation objectives, espe-

1           cially with respect to dissuading, isolating, and,  
2           if necessary, sanctioning and containing states  
3           that sponsor terrorism and terrorist groups,  
4           that are seeking to acquire a nuclear weapons  
5           capability or other weapons of mass destruction  
6           capability and the means to deliver such weap-  
7           ons;

8           (7)(A) India meets the criteria described in  
9           paragraph (6); and

10           (B) it is in the national security interest of the  
11           United States to deepen its relationship with India  
12           across a full range of issues, including peaceful nu-  
13           clear cooperation;

14           (8) the South Asia region is so important that  
15           the United States should continue its policy of en-  
16           gagement, collaboration, and exchanges with and be-  
17           tween India and Pakistan; and

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

22 **SEC. 3. STATEMENTS OF POLICY.**

23           (a) IN GENERAL.—The following shall be the policies  
24           of the United States:

1           (1) Oppose the development of a capability to  
2 produce nuclear weapons by any non-nuclear weapon  
3 state, within or outside of the Treaty on the Non-  
4 Proliferation of Nuclear Weapons (21 UST 483;  
5 commonly referred to as the “Nuclear Non-Pro-  
6 liferation Treaty” or the “NPT”).

7           (2) Encourage states party to the NPT to in-  
8 terpret the right to “develop research, production  
9 and use of nuclear energy for peaceful purposes”, as  
10 described in Article IV of the NPT, as being a quali-  
11 fied right that is conditioned by the overall purpose  
12 of the NPT to prevent the spread of nuclear weap-  
13 ons and nuclear weapons capability, including by re-  
14 fraining from all nuclear cooperation with any state  
15 party that has not demonstrated that it is in full  
16 compliance with its NPT obligations, as determined  
17 by the IAEA.

18           (3) Strengthen the Nuclear Suppliers Group  
19 guidelines concerning consultation by members re-  
20 garding violations of supplier and recipient under-  
21 standings by instituting the practice of a timely and  
22 coordinated response by NSG members to all such  
23 violations, including termination of nuclear transfers  
24 to an involved recipient, that discourages individual  
25 NSG members from continuing cooperation with

1 such recipient until such time as a consensus regard-  
2 ing a coordinated response has been achieved.

3 (b) WITH RESPECT TO SOUTH ASIA.—The following  
4 shall be the policies of the United States with respect to  
5 South Asia:

6 (1) Achieve a moratorium on the production of  
7 fissile material for nuclear explosive purposes by  
8 India, Pakistan, and the People’s Republic of China  
9 at the earliest possible date.

10 (2) Achieve, at the earliest possible date, the  
11 conclusion and implementation of a treaty banning  
12 the production of fissile material for nuclear weap-  
13 ons to which both the United States and India be-  
14 come parties.

15 (3) Secure India’s—

16 (A) full participation in the Proliferation  
17 Security Initiative;

18 (B) formal commitment to the Statement  
19 of Interdiction Principles;

20 (C) public announcement of its decision to  
21 conform its export control laws, regulations,  
22 and policies with the Australia Group and with  
23 the Guidelines, Procedures, Criteria, and Con-  
24 trol Lists of the Wassenaar Arrangement;

1 (D) demonstration of satisfactory progress  
2 toward implementing the decision described in  
3 subparagraph (C); and

4 (E) ratification of or accession to the Con-  
5 vention on Supplementary Compensation for  
6 Nuclear Damage, done at Vienna on September  
7 12, 1997.

8 (4) Secure India's full and active participation  
9 in United States efforts to dissuade, isolate, and, if  
10 necessary, sanction and contain Iran for its efforts  
11 to acquire weapons of mass destruction, including a  
12 nuclear weapons capability (including the capability  
13 to enrich or process nuclear materials), and the  
14 means to deliver weapons of mass destruction.

15 (5) Seek to halt the increase of nuclear weapon  
16 arsenals in South Asia, and to promote their reduc-  
17 tion and eventual elimination.

18 (6) To ensure that spent fuel generated in In-  
19 dia's civilian nuclear power reactors is not trans-  
20 ferred to the United States except pursuant to the  
21 Congressional review procedures required under sec-  
22 tion 131 f. of the Atomic Energy Act of 1954 (42  
23 U.S.C. 2160 f.).

24 (7) Pending implementation of a multilateral  
25 moratorium, encourage India not to increase its pro-

1       duction of fissile material at unsafeguarded nuclear  
2       facilities.

3       **SEC. 4. WAIVER AUTHORITY AND CONGRESSIONAL AP-**  
4                                   **PROVAL.**

5       (a) IN GENERAL.—Notwithstanding any other provi-  
6       sion of law, if the President makes the determination de-  
7       scribed in subsection (b), the President may—

8               (1) exempt a proposed agreement for nuclear  
9       cooperation with India (arranged pursuant to section  
10       123 of the Atomic Energy Act of 1954 (42 U.S.C.  
11       2153)) from the requirement in section 123 a.(2) of  
12       such Act, and such agreement for cooperation may  
13       only enter into force in accordance with subsection  
14       (f);

15              (2) waive the application of section 128 of the  
16       Atomic Energy Act of 1954 (42 U.S.C. 2157) with  
17       respect to India, provided that such waiver shall  
18       cease to be effective if the President determines that  
19       India has engaged in any activity described section  
20       129 of such Act (42 U.S.C. 2158), other than sec-  
21       tion 129 a.(1)(D) or section 129 a.(2)(C) of such  
22       Act, at any time after the date of the enactment of  
23       this Act; and

24              (3) with respect to India—

1 (A) waive the restrictions of section 129  
2 a.(1)(A) of the Atomic Energy Act of 1954 (42  
3 U.S.C. 2158 a.(1)(A)) for any activity that oc-  
4 curred on or before July 18, 2005; and

5 (B) section 129 a.(1)(D) of such Act.

6 (b) DETERMINATION BY THE PRESIDENT.—The de-  
7 termination referred to in subsection (a) is a determina-  
8 tion by the President that the following actions have oc-  
9 curred:

10 (1) India has provided the United States and  
11 the International Atomic Energy Agency with a  
12 credible plan to separate civil and military nuclear  
13 facilities, materials, and programs, and has filed a  
14 declaration regarding its civil facilities with the  
15 IAEA.

16 (2) India and the IAEA have concluded an  
17 agreement requiring the application of IAEA safe-  
18 guards in perpetuity in accordance with IAEA  
19 standards, principles, and practices (including IAEA  
20 Board of Governors Document GOV/1621 (1973))  
21 to India's civil nuclear facilities, materials, and pro-  
22 grams as declared in the plan described in para-  
23 graph (1), including materials used in or produced  
24 through the use of India's civil nuclear facilities.

1           (3) India and the IAEA are making substantial  
2 progress toward concluding an Additional Protocol  
3 consistent with IAEA principles, practices, and poli-  
4 cies that would apply to India's civil nuclear pro-  
5 gram.

6           (4) India is working actively with the United  
7 States for the early conclusion of a multilateral  
8 Fissile Material Cutoff Treaty.

9           (5) India is working with and supporting  
10 United States and international efforts to prevent  
11 the spread of enrichment and reprocessing tech-  
12 nology.

13           (6) India is taking the necessary steps to secure  
14 nuclear and other sensitive materials and technology,  
15 including through—

16                   (A) the enactment and enforcement of  
17 comprehensive export control legislation and  
18 regulations;

19                   (B) harmonization of its export control  
20 laws, regulations, policies, and practices with  
21 the policies and practices of the Missile Tech-  
22 nology Control Regime and the Nuclear Sup-  
23 pliers Group; and

1 (C) adherence to the MTCR and the NSG  
2 in accordance with the procedures of those re-  
3 gimes for unilateral adherence.

4 (7) The NSG has decided by consensus to per-  
5 mit supply to India of nuclear items covered by the  
6 guidelines of the NSG.

7 (c) SUBMISSION TO CONGRESS.—

8 (1) IN GENERAL.—The President shall submit  
9 to the Committee on International Relations of the  
10 House of Representatives and the Committee on  
11 Foreign Relations of the Senate information con-  
12 cerning any determination made pursuant to sub-  
13 section (b), together with a report detailing the basis  
14 for the determination.

15 (2) INFORMATION TO BE INCLUDED.—To the  
16 fullest extent available to the United States, the in-  
17 formation referred to in paragraph (1) shall include  
18 the following:

19 (A) A summary of the plan provided by  
20 India to the United States and the IAEA to  
21 separate India's civil and military nuclear facili-  
22 ties, materials, and programs, and the declara-  
23 tion made by India to the IAEA identifying In-  
24 dia's civil facilities to be placed under IAEA  
25 safeguards, including an analysis of the credi-

1 bility of such plan and declaration, together  
2 with copies of the plan and declaration.

3 (B) A summary of the agreement that has  
4 been entered into between India and the IAEA  
5 requiring the application of safeguards in ac-  
6 cordance with IAEA practices to India's civil  
7 nuclear facilities as declared in the plan de-  
8 scribed in subparagraph (A), together with a  
9 copy of the agreement, and a description of the  
10 progress toward its full implementation.

11 (C) A summary of the progress made to-  
12 ward conclusion and implementation of an Ad-  
13 ditional Protocol between India and the IAEA,  
14 including a description of the scope of such Ad-  
15 ditional Protocol.

16 (D) A description of the steps that India  
17 is taking to work with the United States for the  
18 conclusion of a multilateral treaty banning the  
19 production of fissile material for nuclear weap-  
20 ons, including a description of the steps that  
21 the United States has taken and will take to  
22 encourage India to identify and declare a date  
23 by which India would be willing to stop produc-  
24 tion of fissile material for nuclear weapons uni-

1 laterally or pursuant to a multilateral morato-  
2 rium or treaty.

3 (E) A description of the steps India is tak-  
4 ing to prevent the spread of nuclear-related  
5 technology, including enrichment and reprocess-  
6 ing technology or materials that can be used to  
7 acquire a nuclear weapons technology, as well  
8 as the support that India is providing to the  
9 United States to further United States objec-  
10 tives to restrict the spread of such technology.

11 (F) A description of the steps that India is  
12 taking to secure materials and technology appli-  
13 cable for the development, acquisition, or manu-  
14 facture of weapons of mass destruction and the  
15 means to deliver such weapons through the ap-  
16 plication of comprehensive export control legis-  
17 lation and regulations, and through harmoni-  
18 zation and adherence to Missile Technology  
19 Control Regime, the Nuclear Suppliers Group,  
20 the Australia Group, Wassenaar guidelines,  
21 and United Nations Security Council Resolution  
22 1540, and participation in the Proliferation Se-  
23 curity Initiative.

24 (G) A description of the decision taken  
25 within the Nuclear Suppliers Group relating to

1 nuclear cooperation with India, including  
2 whether nuclear cooperation by the United  
3 States under an agreement for cooperation ar-  
4 ranged pursuant to section 123 of the Atomic  
5 Energy Act of 1954 (42 U.S.C. 2153) is con-  
6 sistent with the decision, practices, and policies  
7 of the NSG.

8 (H) A description of the scope of peaceful  
9 cooperation envisioned by the United States  
10 and India that will be implemented under the  
11 Agreement for Nuclear Cooperation, including  
12 whether such cooperation will include the provi-  
13 sion of enrichment and reprocessing technology.

14 (I) A description of the steps taken to en-  
15 sure that proposed United States civil nuclear  
16 assistance to India will not directly, or in any  
17 other way, assist India's nuclear weapons pro-  
18 gram, including—

19 (i) the use of any United States  
20 equipment, technology, or nuclear material  
21 by India in an unsafeguarded nuclear facil-  
22 ity or nuclear-weapons related complex;

23 (ii) the replication and subsequent use  
24 of any United States technology in an  
25 unsafeguarded nuclear facility or

1           unsafeguarded nuclear weapons-related  
2           complex, or for any activity related to the  
3           research, development, testing, or manu-  
4           facture of nuclear explosive devices; and

5           (iii) the provision of nuclear fuel in  
6           such a manner as to facilitate the in-  
7           creased production of highly-enriched ura-  
8           nium or plutonium in unsafeguarded nu-  
9           clear facilities.

10       (d) RESTRICTIONS ON NUCLEAR TRANSFERS TO  
11 INDIA.—

12           (1) IN GENERAL.—Pursuant to the obligations  
13       of the United States under Article I of the NPT,  
14       nothing in this Act, or any agreement pursuant to  
15       this Act, shall be interpreted as permitting any civil  
16       nuclear cooperation between the United States and  
17       India that would in any way assist, encourage, or in-  
18       duce India to manufacture or otherwise acquire nu-  
19       clear weapons or nuclear explosive devices.

20           (2) NSG TRANSFER GUIDELINES.—Notwith-  
21       standing the entry into force of an agreement for  
22       nuclear cooperation with India pursuant to section  
23       123 of the Atomic Energy Act of 1954 (42 U.S.C.  
24       2153) and approved pursuant to this Act, no item  
25       subject to such agreement or subject to the transfer

1 guidelines of the NSG may be transferred to India  
2 if such transfer would violate or be inconsistent with  
3 the transfer guidelines of the NSG as in effect on  
4 the date of the transfer.

5 (3) TERMINATION OF NUCLEAR TRANSFERS TO  
6 INDIA.—Notwithstanding the entry into force of an  
7 agreement for nuclear cooperation with India pursu-  
8 ant to section 123 of the Atomic Energy Act of  
9 1954 (42 U.S.C. 2153) and approved pursuant to  
10 this Act, exports of nuclear and nuclear-related ma-  
11 terial, equipment, or technology to India shall be ter-  
12 minated if India makes any materially significant  
13 transfer of—

14 (A) nuclear or nuclear-related material,  
15 equipment, or technology that does not conform  
16 to NSG guidelines, or

17 (B) ballistic missiles or missile-related  
18 equipment or technology that does not conform  
19 to MTCR guidelines,

20 unless the President determines that cessation of  
21 such exports would be seriously prejudicial to the  
22 achievement of United States nonproliferation objec-  
23 tives or otherwise jeopardize the common defense  
24 and security.

1           (4) PROHIBITION ON NUCLEAR TRANSFERS TO  
2           INDIA.—If nuclear transfers to India are restricted  
3           pursuant to this Act, the Atomic Energy Act of  
4           1954, or the Arms Export Control Act, the Presi-  
5           dent should seek to prevent the transfer to India of  
6           nuclear equipment, materials, or technology from  
7           other participating governments in the NSG or from  
8           any other source.

9           (e) APPROVAL OF AGREEMENT FOR NUCLEAR CO-  
10          OPERATION REQUIRED.—

11           (1) IN GENERAL.—An agreement for nuclear  
12          cooperation between the United States and India  
13          submitted pursuant to this section may become ef-  
14          fective only if—

15                   (A) the President submits to Congress the  
16                   agreement concluded between the United States  
17                   and India, including a copy of the safeguards  
18                   agreement entered into between the IAEA and  
19                   India relating to India's declared civilian nu-  
20                   clear facilities, in accordance with the require-  
21                   ments and procedures of section 123 of the  
22                   Atomic Energy Act of 1954 (other than section  
23                   123 a.(2) of such Act) that are otherwise not  
24                   inconsistent with the provisions of this Act; and

1 (B) after the submission under subpara-  
2 graph (A), the agreement is approved by a joint  
3 resolution that is enacted into law.

4 (2) CONSULTATION.—Beginning one month  
5 after the date of the enactment of this Act and every  
6 month thereafter until the President submits to Con-  
7 gress the agreement referred to in paragraph (1),  
8 the President should consult with the Committee on  
9 International Relations of the House of Representa-  
10 tives and the Committee on Foreign Relations of the  
11 Senate regarding the status of the negotiations be-  
12 tween the United States and India with respect to  
13 civilian nuclear cooperation and between the IAEA  
14 and India with respect to the safeguards agreement  
15 described in subsection (b)(2).

16 (f) JOINT RESOLUTION OF APPROVAL.—For pur-  
17 poses of this section, a joint resolution referred to in sub-  
18 section (e)(1)(B) is a joint resolution of the two Houses  
19 of Congress—

20 (1) the matter after the resolving clause of  
21 which is as follows: “That the Congress hereby ap-  
22 proves the Agreement for Nuclear Cooperation Be-  
23 tween the United States of America and the Repub-  
24 lic of India submitted by the President on

1 \_\_\_\_\_.”, with the blank space  
2 being filled with the appropriate date;

3 (2) which does not have a preamble; and

4 (3) the title of which is as follows: “Joint Reso-  
5 lution Approving an Agreement for Nuclear Co-  
6 operation Between the United States and India”.

7 (g) CONSIDERATION OF JOINT RESOLUTION OF AP-  
8 PROVAL.—The provisions of paragraphs (2) through (6)  
9 of section 130 i. of the Atomic Energy Act of 1954 (42  
10 U.S.C. 2159 i.) shall apply to a joint resolution under sub-  
11 section (f) of this section to the same extent as such provi-  
12 sions apply to a joint resolution under section 130 i. of  
13 such Act. No amendment to, or motion to recommit, a  
14 joint resolution under subsection (f) of this section is in  
15 order.

16 (h) SECTION 123 OF ATOMIC ENERGY ACT OF 1954  
17 NOT AFFECTED.—Notwithstanding subsection (e)(1), this  
18 section does not preclude the approval, under section 123  
19 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), of  
20 an agreement for cooperation in which India is the cooper-  
21 ating party.

22 (i) SUNSET.—The procedures under this section shall  
23 cease to be effective upon the enactment of a joint resolu-  
24 tion under this section.

25 (j) REPORTS.—

1           (1) POLICY OBJECTIVES.—The President shall,  
2 not later than January 31, 2007, and not later than  
3 January 31 of each year thereafter, submit to the  
4 Committee on International Relations of the House  
5 of Representatives and the Committee on Foreign  
6 Relations of the Senate a report on—

7           (A) the extent to which each policy objec-  
8 tive in section 3(b) has been achieved;

9           (B) the steps taken by the United States  
10 and India in the preceding calendar year to ac-  
11 complish those objectives;

12           (C) the extent of cooperation by other  
13 countries in achieving those objectives; and

14           (D) the steps the United States will take  
15 in the current calendar year to accomplish those  
16 objectives.

17           (2) NUCLEAR EXPORTS TO INDIA.—

18           (A) IN GENERAL.—Not later than one year  
19 after the date on which an agreement for nu-  
20 clear cooperation between the United States  
21 and India is approved by Congress under sec-  
22 tion 4(f) and every year thereafter, the Presi-  
23 dent shall submit to the Committee on Inter-  
24 national Relations of the House of Representa-  
25 tives and the Committee on Foreign Relations

1 of the Senate a report describing United States  
2 exports to India for the preceding year pursu-  
3 ant to such agreement and the anticipated ex-  
4 ports to India for the next year pursuant to  
5 such agreement.

6 (B) NUCLEAR FUEL.—The report de-  
7 scribed in subparagraph (A) shall also include  
8 (in a classified form if necessary)—

9 (i) an estimate for the previous year  
10 of the amount of uranium mined in India;

11 (ii) the amount of such uranium that  
12 has likely been used or allocated for the  
13 production of nuclear explosive devices;

14 (iii) the rate of production of—

15 (I) fissile material for nuclear ex-  
16 plosive devices; and

17 (II) nuclear explosive devices;

18 and

19 (iv) an analysis as to whether im-  
20 ported uranium has affected such rate of  
21 production of nuclear explosive devices.

22 (C) UNSAFEGUARDED NUCLEAR FACILI-  
23 TIES.—The report described in subparagraph  
24 (A) shall also include (in a classified form if  
25 necessary) a description of whether United

1 States civil nuclear assistance to India is di-  
2 rectly, or in any other way, assisting India's nu-  
3 clear weapons program, including—

4 (i) the use of any United States  
5 equipment, technology, or nuclear material  
6 by India in an unsafeguarded nuclear facil-  
7 ity or nuclear-weapons related complex;

8 (ii) the replication and subsequent use  
9 of any United States technology in an  
10 unsafeguarded nuclear facility or  
11 unsafeguarded nuclear weapons-related  
12 complex, or for any activity related to the  
13 research, development, testing, or manu-  
14 facture of nuclear explosive devices; and

15 (iii) the provision of nuclear fuel in  
16 such a manner as to facilitate the in-  
17 creased production of highly-enriched ura-  
18 nium or plutonium in unsafeguarded nu-  
19 clear facilities.

20 (3) NEW NUCLEAR REACTORS OR FACILITIES.—

21 Not later than one year after the date of the enact-  
22 ment of this Act and annually thereafter, the Presi-  
23 dent shall submit to the Committee on International  
24 Relations of the House of Representatives and the  
25 Committee on Foreign Relations of the Senate a re-

1 port describing any new nuclear reactors or nuclear  
2 facilities that the Government of India has des-  
3 ignated as civilian and placed under inspections or  
4 has designated as military.

5 (4) DISPOSAL OF SPENT NUCLEAR FUEL.—Not  
6 later than one year after the date on which an  
7 agreement for nuclear cooperation between the  
8 United States and India is approved by Congress  
9 under section 4(f) and every year thereafter, the  
10 President shall submit to the Committee on Inter-  
11 national Relations of the House of Representatives  
12 and the Committee on Foreign Relations of the Sen-  
13 ate a report describing the disposal of spent nuclear  
14 fuel from India's civilian nuclear program.

15 (5) GROWTH IN INDIA'S MILITARY FISSIONABLE MA-  
16 TERIAL PRODUCTION.—

17 (A) IN GENERAL.—Not later than one year  
18 after the date on which an agreement for nu-  
19 clear cooperation between the United States  
20 and India is approved by Congress under sec-  
21 tion 4(f) and every year thereafter, the Presi-  
22 dent shall submit to the Committee on Inter-  
23 national Relations of the House of Representa-  
24 tives and the Committee on Foreign Relations  
25 of the Senate a report that—

1 (i) measures the effectiveness of the  
2 civil nuclear cooperation agreement in  
3 achieving the goals and objectives de-  
4 scribed in section 2; and

5 (ii) assesses the relative level of In-  
6 dia's nuclear fissile material production  
7 compared to the previous year.

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

11 (i) the amount of natural uranium  
12 India has mined and milled during the pre-  
13 vious year;

14 (ii) the amount of electricity In-  
15 dia's civilian reactors have produced during  
16 the previous year;

17 (iii) the amount of domestic natural  
18 uranium India has used in its declared ci-  
19 vilian reactors to produce electricity during  
20 the previous year;

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

24 (v) the amount of domestic natural  
25 uranium and domestic enrichment capacity

1 India has used to produce such fissile ma-  
2 terial;

3 (vi) the amount of domestic ura-  
4 nium India has otherwise stockpiled for  
5 possible civil or military use;

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

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

13 (C) PREPARATION; FORM OF REPORT.—

14 The report should rely on public information to  
15 the extent possible. The report shall include a  
16 classified annex if necessary.

17 (k) DEFINITIONS.—In this Act:

18 (1) IAEA.—The term “IAEA” means the  
19 International Atomic Energy Agency.

20 (2) MTCR.—The term “MTCR” means the  
21 Missile Technology Control Regime.

22 (3) NPT.—The term “NPT” means the Treaty  
23 on the Non-Proliferation of Nuclear Weapons.

24 (4) NPT MEMBER.—The term “NPT member”  
25 means a country that is a party to the NPT.





Calendar No. 537

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5682**

---

---

**AN ACT**

To exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

---

---

JULY 27 (legislative date, JULY 26), 2006

Received; read twice and placed on the calendar