

109TH CONGRESS
1ST SESSION

H. CON. RES. 318

Expressing concern regarding nuclear proliferation with respect to proposed full civilian nuclear cooperation with India, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2005

Mr. MARKEY (for himself and Mr. UPTON) submitted the following concurrent resolution; which was referred to the Committee on Internal Relations

CONCURRENT RESOLUTION

Expressing concern regarding nuclear proliferation with respect to proposed full civilian nuclear cooperation with India, and for other purposes.

Whereas the United States is obligated under Article I of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) “not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons . . .”;

Whereas the United States has long sought to expand the effective application of and compliance with comprehensive, full-scope International Atomic Energy Agency (IAEA) safeguards and strengthened safeguards through the

1997 Model Additional Protocol, in order to help prevent the diversion of civilian nuclear programs for military purposes;

Whereas the Atomic Energy Act of 1954 prohibits, among other activities, civilian nuclear cooperation with non-nuclear-weapon states, as defined by the NPT, that do not allow full-scope IAEA safeguards;

Whereas the United States proposed and won the support of the Nuclear Suppliers Group (NSG) in 1992 to adopt rules that condition the supply of dual-use or nuclear “trigger list” items only to states that allow for full-scope IAEA safeguards, in order to prevent diversion of those items to military programs;

Whereas under United Nations Security Council Resolution 1172 (1998) the United States and other states committed “. . . to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons . . .”;

Whereas President Bush proposed in 2004 that the guidelines for the supply of NSG-restricted items be strengthened so as to require adherence to the 1997 Model Additional Protocol;

Whereas the United States has long supported the negotiation of a global treaty to prohibit the production of fissile material for weapons purposes as a means of limiting the growth of global nuclear weapons stockpiles;

Whereas the United States and the four other original nuclear-weapon states have ceased production of fissile materials for weapons purposes;

Whereas India is not a member of the NPT, has not agreed to full-scope IAEA safeguards, has conducted nuclear test explosions, and has not halted the production of fissile material for weapons purposes; and

Whereas President Bush and Indian Prime Minister Singh issued a joint United States-Indian communiqué on July 18, 2005, in which President Bush pledged to seek changes in the Atomic Energy Act of 1954 to allow for “full” civil nuclear cooperation with India and to seek changes to Nuclear Supplier Group guidelines relating to such activities: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress—

3 (1) supports strengthened ties between the
4 United States and India through expanded cooperation
5 in trade and human development, scientific and
6 medical research, energy technology, humanitarian
7 relief, military-to-military contacts, and the struggle
8 against global terrorism;

9 (2) believes that the United States and India
10 have a vital common interest in reducing the global
11 dangers posed by nuclear weapons through effective
12 nonproliferation and disarmament endeavors;

13 (3) supports efforts by the current Nuclear
14 Supplies Group guidelines regarding the application
15 of full-scope safeguards and the proposal of President
16 Bush to make the 1997 Model Additional Protocol
17 a condition for the supply of nuclear materials

1 and dual-use technology to non-nuclear-weapon
2 states by exporting nations of the Nuclear Suppliers
3 Group;

4 (4) finds that the cessation of the production of
5 fissile materials (highly enriched uranium and pluto-
6 nium) for weapons purposes would enhance the secu-
7 rity of the United States and the world;

8 (5) expresses its concern that the supply of nu-
9 clear fuel to India could result in the availability of
10 India's existing fissile material stockpile, and in In-
11 dia's capacity to produce fissile material, for weap-
12 ons purposes and thereby compromise the ability of
13 the United States to comply with Article I of the
14 Treaty on the Non-Proliferation of Nuclear Weap-
15 ons;

16 (6) finds that the proposal for full civilian nu-
17 clear cooperation between the United States and
18 India, as outlined on July 18, 2005, poses far-reach-
19 ing and potentially adverse implications for the nu-
20 clear nonproliferation objectives of the United States
21 and promises to do little in the long-term to bring
22 India into closer alignment with other strategic ob-
23 jectives of the United States;

24 (7) reiterates its disapproval of any proposal for
25 nuclear cooperation that would result in the export,

1 re-export, transfer, or retransfer, either directly or
2 indirectly, to any country that—

3 (A) is not a party to the Treaty on the
4 Non-Proliferation of Nuclear Weapons and has
5 detonated a nuclear explosive device, or

6 (B) is a nonnuclear-weapon state under
7 that Treaty, but has not accepted full-scope
8 International Atomic Energy Agency safeguards
9 over all of its nuclear facilities,

10 of nuclear materials, equipment, or technology that
11 could assist, directly or indirectly, in the production
12 or manufacture of nuclear weapons, including—

13 (i) any source material, special nuclear ma-
14 terial, byproduct material, production facility,
15 or utilization facility subject to a requirement
16 for an Agreement for Cooperation under section
17 123 of the Atomic Energy Act of 1954;

18 (ii) any items or assistance authorized
19 under section 57b. of the Atomic Energy Act of
20 1954 and any regulations prescribed under part
21 810 of title 10, Code of Federal Regulations; or

22 (iii) any nuclear-related item on the Com-
23 merce Control list maintained under part 774
24 of title 15, Code of Federal Regulations.

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