

States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written determination concerning the Agreement, including my approval of the Agreement and my authorization to execute the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the AEA, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the AEA and other applicable law. In my judgment, it meets all applicable statutory requirements except for section 123 a. (2) of the AEA, from which I have exempted it as described below.

The proposed Agreement provides a comprehensive framework for U.S. peaceful nuclear cooperation with India. It permits the transfer of information, non-nuclear material, nuclear material, equipment (including reactors) and components for nuclear research and nuclear power production. It does not permit transfers of any restricted data. Sensitive nuclear technology, heavy-water production technology and production facilities, sensitive nuclear facilities, and major critical components of such facilities may not be transferred under the Agreement unless the Agreement is amended. The Agreement permits the enrichment of uranium subject to it up to 20 percent in the isotope 235. It permits reprocessing and other alterations in form or content of nuclear material subject to it; however, in the case of such activities in India, these rights will not come into effect until India establishes a new national reprocessing facility dedicated to reprocessing under IAEA safeguards and both parties agree on arrangements and procedures under which the reprocessing or other alteration in form or content will take place.

In Article 5(6) the Agreement records certain political commitments concerning reliable supply of nuclear fuel given to India by the United States in March 2006. The text of the Agreement does not, however, transform these political commitments into legally binding commitments because the Agreement, like other U.S. agreements of its type, is intended as a framework agreement.

The Agreement will remain in force for a period of 40 years and will continue in force thereafter for additional

periods of 10 years each unless either party gives notice to terminate it 6 months before the end of a period. Moreover, either party has the right to terminate the Agreement prior to its expiration on 1 year's written notice to the other party. A party seeking early termination of the Agreement has the right immediately to cease cooperation under the Agreement, prior to termination, if it determines that a mutually acceptable resolution of outstanding issues cannot be achieved through consultations. In any case the Agreement, as noted, is a framework or enabling agreement that does not compel any specific nuclear cooperative activity. In the event of termination of the Agreement, key nonproliferation conditions and controls would continue with respect to material and equipment subject to the Agreement.

An extensive discussion of India's civil nuclear program, military nuclear program, and nuclear nonproliferation policies and practices is provided in the Nuclear Proliferation Assessment Statement (NPAS) and in a classified annex to the NPAS submitted to the Congress separately.

The AEA establishes the requirements for agreements for nuclear cooperation, some of which apply only to non-nuclear-weapon states (see AEA, section 123 a.). The AEA incorporates the definition of "nuclear-weapon state" from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which defines it to mean a state that has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. Therefore India is a non-nuclear-weapon state for NPT and AEA purposes, even though it possesses nuclear weapons. The Agreement satisfies all requirements set forth in section 123 a. of the AEA except the requirement of section 123 a. (2) that, as a condition of continued U.S. nuclear supply under the Agreement, IAEA safeguards be maintained in India with respect to all nuclear materials in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere (i.e., "full-scope" or "comprehensive" safeguards).

The Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (the "Hyde Act") established authority to exempt the Agreement from the full-scope safeguards requirement of section 123 a. (2) of the AEA, as well as certain other provisions of the AEA relating to supply under such an agreement, provided that the President makes certain determinations and transmits them to the Congress together with a report detailing the basis for the determinations. I have made those determinations, and I am submitting them together with the required report as an enclosure to this transmittal.

Approval of the Agreement, followed by its signature and entry into force, will permit the United States and India

to move forward on the U.S.-India Civil Nuclear Cooperation Initiative, which Indian Prime Minister Manmohan Singh and I announced on July 18, 2005, and reaffirmed on March 2, 2006. Civil nuclear cooperation between the United States and India pursuant to the Agreement will offer major strategic and economic benefits to both countries, including enhanced energy security, an ability to rely more extensively on an environmentally friendly energy source, greater economic opportunities, and more robust nonproliferation efforts.

The Agreement will reinforce the growing bilateral relationship between two vibrant democracies. The United States is committed to a strategic partnership with India, the Agreement promises to be a major milestone in achieving and sustaining that goal.

In reviewing the proposed Agreement I have considered the views and recommendations of interested agencies. I have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved it and I urge that the Congress also approve it this year.

GEORGE W. BUSH.

THE WHITE HOUSE, September 10, 2008.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

#### REPUBLICAN FAILURES ON THE ECONOMY—WE CANNOT AFFORD MORE OF THE SAME

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as we acknowledge the anniversary of 9/11, we ask God to bless America. And when we go home to our congressional districts this weekend, we should all ask our constituents one question: Are you better off today than you were 8 years ago when President Bush came to Washington?

An overwhelming majority of Americans believe they are worse off today than back in 2000. And no wonder. Let's consider the record of overseeing our Nation's economy.

Over the last 8 years, the median household income has fallen by \$1,000; 3.4 million more Americans are unemployed; 5.7 million more Americans are living in poverty; and, foreclosure rates are at a record high, with 2.5 million homes projected to enter foreclosure this year.

Madam Speaker, the Republican policies led to this economic condition that Americans face today. And rather than being sympathetic, the Republican Presidential candidate is accusing Americans of being whiners. How

can we expect any help if this man is elected to the White House?

THE OLD GUARD—AND  
SEPTEMBER 11, 2001

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, on that bright sunny day in September 2001, when America was attacked, there were many heroic responses.

Next to the Pentagon is Arlington National Cemetery, where America buries its war dead. In sight of the Pentagon is the Tomb of the Unknown.

This tribute to our warriors has been guarded continuously, 24 hours a day since 1930, by the oldest active duty infantry unit in the Army, the 3rd U.S. Infantry, known as the Old Guard.

These soldiers that guarded the tomb on 9/11 already knew about the suicide attacks against America in New York. And when that third plane roared low and fast near Arlington Cemetery and crashed into the Pentagon killing 189 people, these remarkable soldiers did not seek cover or safety before or after the assault on the Pentagon. They continued to do their duty, and stayed on vigilant guard at their post, not forsaking their dedication to the Tomb of the Unknown or to America. In fact, after the news of the New York attack, the Old Guard brought in reinforcements to protect and guard the tomb.

Amazing soldiers, these people of the Old Guard that never leave their post. And that's just the way it is.

DIRECTION OF OUR COUNTRY

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Madam Speaker, on this date, September 11, 2001, we were attacked. But that was not the end of the American story. The American story is still unfolding, as it has in my home area in Kimberly, Wisconsin, with the closing of the Kimberly Paper Mill.

One of the workers there is Randy Gossens. With his wife, Vicky, he has worked at that mill for 32 years, and he says, "With the closing of the Kimberly mill, we will not be able to help out with our daughter's education the way we did with our son. My wife and I are very proud of the fact that our son graduated from college and that we were able to help him financially with his chosen career. With the mill closing and our future income so unsure, we will not be able to do the same with our daughter."

What kind of Nation are we when we turn our back on our own American workers, when we have trade deals that are unfair and unbalanced? On this very special day, we need to look back and think back, but at the same time we have to take a positive step forward and change the direction of this country and the direction of our trade deals as well.

HONORING THOSE WHO PROTECT  
US

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, today we remember the 3,000 Americans murdered 7 years ago. While we pause and reflect, we are reminded of the incredible heroism of that day, the selfless commitment of so many, helping their neighbor, coworkers, or a complete stranger. We have seen that character, courage, and commitment every day since in those who have stood to protect our Nation at home and abroad. We remember Todd Beamer. Six major plots have been stopped in New York City alone.

To our soldiers, sailors, airmen, and marines, and all our military families, we owe you a debt of gratitude. To our first responders and intelligence officials, your service reminds us that there are many roles to play in protecting American families, and defeating terrorists overseas.

I am grateful to know that so many Americans are willing to stand on the front lines in defense of liberty. We must never forget their sacrifice and never fail to honor them.

In conclusion, God bless our troops, and we will never forget September 11th.

COMMEMORATING SEPTEMBER 11,  
2001

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, 7 years ago, our country was attacked by those who sought to terrorize our way of life through violence and through fear. The tragedy and loss caused by these hateful acts will haunt our generation, yet the resilience of the American people will inspire many more to come.

Today, America stands strong and our democracy undeterred. This republic remains one Nation, united by democratic ideals and tolerance.

New York, home to many South Floridians where I am from, remains in the hearts and minds of all Americans. Florida, like New York, is a mosaic of traditions and cultures. Such communities can only exist when respect and understanding champion over bigotry and hate.

America is founded upon the principles of freedom, we are sustained by the rule of law, and we are defended by brave men and women at home and abroad who serve our country and protect our democracy. In remembering September 11, 2001, we must never forget the sacrifices made by Americans that came before us, and always honor those that continue to do so today.

HUMANITARIAN CRISIS IN CUBA

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, as we commemorate the seventh anniversary of 9/11; we should know that there is a humanitarian disaster unfolding in the Caribbean, in particular, in the country of Cuba hit twice now, one by Gustav and then by Ike. The island is in dire straits, and the people there need our help. The problem is, currently the restrictions on travel and sending gift parcels are so extreme that Americans and family members of people in Cuba cannot help them.

I will be introducing legislation today to lift temporarily the restriction on gift parcels. Currently, gift parcels sent by family members to other family members in Cuba cannot even contain clothing, hygiene kits, or medical supplies, and that is simply wrong. We shouldn't have that restriction. It should be lifted, if not completely, at least temporarily.

Also, certain humanitarian licenses can be obtained now, but it takes a long time generally for that to happen. I would call on the Bush administration to expedite licensing of humanitarian groups, churches, and others who want to help the good people of Cuba.

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REMEMBERING SEPTEMBER 11

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, quite a few speakers today have spoken about 9/11, and we'll have services at the Pentagon and the Capitol memorializing that day. It is the Pearl Harbor, the December 7, of our generation; and it's a day when partisan politics shouldn't take place and, hopefully, won't today in this Chamber or anywhere else.

We're all Americans. We're not red Americans or blue Americans, Democrats or Republicans, but Americans. And I think we need to think about the victims. We need to think about the first responders, the police people and the fire people who gave their lives and rushed into those buildings, the emergency personnel and the sheriffs' deputies who protect us every day. And we need to think about the first counterterrorists, the passengers on Flight 93, that took control of that flight that was otherwise destined for either this great historic United States Capitol or the White House and would have caused death or injuries to people such as you and me, Madam Speaker, who are in this House today and would have been here in 2001. We need to thank the counterterrorists on Flight 93. Never forget them, and never forget the victims of 9/11.

God bless America.