

Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. GRAMM, Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. BENNETT, Mr. HATFIELD, Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. KERREY, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 144. An act to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees;

S. 531. An act to authorize a circuit judge who has take part in an en banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes;

S. 977. An act to correct certain references in the Bankruptcy Code;

S. 1111. An act to amend title 35, United States Code, with respect to patents on biotechnological processes; and

S. 1147. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 895) "An Act to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes".

The message also announced that in accordance with sections 1928a-1928d of title 22 United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. COCHRAN, Mr. GRASSLEY, Mr. MURKOWSKI, Mr. GORTON, and Mr. AKAKA, as members of the Senate delegation to the North Atlantic Assembly Fall Meeting during the 1st session of the 104th Congress, to be held in Turin, Italy, October 5-9, 1995.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TATE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 354, noes 59, answered "present" 1, not voting 20, as follows:

[Roll No. 697]

AYES—354

Allard	Edwards	Lewis (KY)
Andrews	Ehlers	Lightfoot
Archer	Ehrlich	Lincoln
Armey	Emerson	Linder
Bachus	Engel	Lipinski
Baesler	English	Livingston
Baker (CA)	Eshoo	LoBiondo
Baker (LA)	Evans	Lofgren
Baldacci	Ewing	Longley
Ballenger	Farr	Lowey
Barcia	Fawell	Lucas
Barr	Fields (TX)	Luther
Barrett (NE)	Flake	Maloney
Barrett (WI)	Flanagan	Manton
Bartlett	Foley	Manzullo
Barton	Forbes	Markey
Bass	Ford	Martinez
Bateman	Fowler	Martini
Becerra	Fox	Mascara
Beilenson	Frank (MA)	Matsui
Bentsen	Franks (CT)	McCarthy
Bereuter	Franks (NJ)	McCollum
Berman	Frelinghuysen	McCrery
Bevill	Frisa	McDade
Bilbray	Galleghy	McHale
Bilirakis	Ganske	McInnis
Bishop	Gejdenson	McKeon
Bliley	Gekas	McKinney
Blute	Geren	Meehan
Boehlert	Gilchrest	Meek
Boehner	Gilman	Metcalf
Bonilla	Gonzalez	Meyers
Bonior	Goodlatte	Mica
Bono	Goodling	Miller (CA)
Borski	Gordon	Miller (FL)
Boucher	Goss	Mineta
Brewster	Graham	Minge
Browder	Green	Mink
Brown (FL)	Greenwood	Mollohan
Brown (OH)	Gunderson	Montgomery
Brownback	Hall (OH)	Moorhead
Bryant (TN)	Hall (TX)	Moran
Bryant (TX)	Hamilton	Morella
Bunn	Hancock	Murtha
Bunning	Hansen	Myers
Burr	Hastert	Myrick
Burton	Hastings (WA)	Nadler
Buyer	Hayes	Nethercutt
Callahan	Hefner	Neumann
Calvert	Heineman	Norwood
Camp	Herger	Nussle
Canady	Hilleary	Obey
Cardin	Hinche	Olver
Castle	Hobson	Orton
Chabot	Hoekstra	Oxley
Chambliss	Hoke	Packard
Chapman	Holden	Pallone
Christensen	Horn	Parker
Chrysler	Hostettler	Paxon
Clayton	Houghton	Payne (VA)
Clinger	Hoyer	Pelosi
Coble	Hunter	Peterson (FL)
Coburn	Hutchinson	Peterson (MN)
Coleman	Hyde	Petri
Collins (GA)	Inglis	Pomeroy
Collins (MI)	Istook	Portman
Combest	Jackson-Lee	Poshard
Condit	Jefferson	Pryce
Cooley	Johnson (CT)	Quillen
Costello	Johnson (SD)	Quinn
Cox	Johnson, E. B.	Radanovich
Coyne	Johnson, Sam	Rahall
Crapo	Johnston	Ramstad
Creameans	Jones	Rangel
Cubin	Kanjorski	Reed
Cunningham	Kasich	Regula
Danner	Kelly	Richardson
de la Garza	Kennedy (MA)	Riggs
Deal	Kennedy (RI)	Rivers
DeLauro	Kennelly	Roberts
DeLay	Kildee	Roemer
Dellums	Kim	Rogers
Deutsch	King	Rohrabacher
Diaz-Balart	Kingston	Ros-Lehtinen
Dickey	Klecza	Rose
Dicks	Klink	Roth
Dixon	Klug	Roukema
Doggett	Knollenberg	Roybal-Allard
Dooley	Kolbe	Royce
Doolittle	LaHood	Salmon
Dornan	Lantos	Sanders
Doyle	Largent	Sawyer
Dreier	LaTourette	Saxton
Duncan	Laughlin	Schaefer
Dunn	Lazio	Schiff
Durbin	Lewis (CA)	Schumer

Scott	Stokes	Wamp
Seastrand	Studds	Ward
Sensenbrenner	Stump	Watt (NC)
Serrano	Stupak	Watts (OK)
Shadegg	Talent	Waxman
Shaw	Tanner	Weldon (FL)
Shays	Tate	Weldon (PA)
Shuster	Tauzin	Weller
Sisisky	Taylor (NC)	White
Skaggs	Thomas	Whitfield
Skeen	Thornberry	Wicker
Skelton	Thornton	Williams
Smith (MI)	Thurman	Wilson
Smith (NJ)	Tiahrt	Wise
Smith (TX)	Torres	Wolf
Smith (WA)	Torricelli	Woolsey
Solomon	Towns	Wyden
Souder	Trafcant	Wynn
Spence	Upton	Yates
Spratt	Vucanovich	Young (AK)
Stearns	Waldholtz	Young (FL)
Stenholm	Walsh	Zeliff

NOES—59

Abercrombie	Gillmor	Payne (NJ)
Ackerman	Gutierrez	Pickett
Chenoweth	Gutknecht	Pombo
Clay	Hastings (FL)	Rush
Clyburn	Hayworth	Sabo
Conyers	Hefley	Sanford
Cramer	Jacobs	Scarborough
Crane	LaFalce	Schroeder
Davis	Latham	Slaughter
DeFazio	Levin	Stark
Dingell	Lewis (GA)	Stockman
Meyers	McDermott	Taylor (MS)
Everett	McNulty	Torkildsen
Fazio	Menendez	Velazquez
Filner	Mfume	Vento
Foglietta	Neal	Visclosky
Funderburk	Ney	Volkmer
Furse	Oberstar	Waters
Gephardt	Owens	Zimmer
Gibbons	Pastor	

ANSWERED "PRESENT"—1

Harman

NOT VOTING—20

Brown (CA)	Kaptur	Porter
Clement	Leach	Reynolds
Collins (IL)	McHugh	Tejeda
Fattah	McIntosh	Thompson
Fields (LA)	Moakley	Tucker
Frost	Molinari	Walker
Hilliard	Ortiz	

□ 1234

So the journal was approved.

The result of the vote was announced as above recorded.

SIX-MONTH PERIODIC REPORT ON NATIONAL EMERGENCY DECLARED TO DEAL WITH LAPSE OF EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. BUNNING) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order No. 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the

lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 29, 1995.

TEXT OF PROPOSED AGREEMENT
FOR COOPERATION BETWEEN
THE UNITED STATES AND THE
REPUBLIC OF SOUTH AFRICA
CONCERNING PEACEFUL USES
OF NUCLEAR ENERGY—MESSAGE
FROM THE PRESIDENT OF THE
UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)), the text of a proposed Agreement for Cooperation Between the United States of America and the Republic of South Africa Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Acting Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of South Africa has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. It provides a comprehensive framework for peaceful nuclear cooperation between the United States and South Africa under appropriate conditions and controls reflecting a strong common commitment to nuclear non-proliferation goals.

The proposed new agreement will replace an existing U.S.-South Africa agreement for peaceful nuclear cooperation that entered into force on August 22, 1957, and by its terms would expire on August 22, 2007. The United States suspended cooperation with South Africa under the 1957 agreement in the 1970's because of evidence that South Africa was embarked on a nuclear weapons program. Moreover, following passage of the NNPA in 1978,

South Africa did not satisfy a provision of section 128 of the Atomic Energy Act (added by the NNPA) that requires full-scope IAEA safeguards in non-nuclear weapon states such as South Africa as a condition for continued significant U.S. nuclear exports.

In July 1991 South Africa, in a momentous policy reversal, acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and promptly entered into a full-scope safeguards agreement with the IAEA as required by the Treaty. South Africa has been fully cooperative with the IAEA in carrying out its safeguards responsibilities.

Further, in March 1993 South Africa took the dramatic and candid step of revealing the existence of its past nuclear weapons program and reported that it had dismantled all of its six nuclear devices prior to its accession to the NPT. It also invited the IAEA to inspect its formerly nuclear weapons-related facilities to demonstrate the openness of its nuclear program and its genuine commitment to non-proliferation.

South Africa has also taken a number of additional important non-proliferation steps. In July 1993 it put into effect a law banning all weapons of mass destruction. In April 1995 it became a member of the Nuclear Suppliers Group (NSG), formally committing itself to abide by the NSG's stringent guidelines for nuclear exports. At the 1995 NPT Review and Extension Conference it played a decisive role in the achievement of indefinite NPT extension—a top U.S. foreign policy and national security goal.

These steps are strong and compelling evidence that South Africa is now firmly committed to stopping the spread of weapons of mass destruction and to conducting its nuclear program for peaceful purposes only.

In view of South Africa's fundamental reorientation of its nuclear program, the United States proposes to enter into a new agreement for peaceful nuclear cooperation with South Africa. Although cooperation could have been resumed under the 1957 agreement, both we and South Africa believe that it is preferable to have a new agreement completely satisfying, as the proposed new agreement does, the current legal and policy criteria of both sides, and that reflects, among other things:

- Additional international non-proliferation commitments entered into by the parties since 1974, when the old agreement was last amended, including, for South Africa, its adherence to the Treaty on the Non-Proliferation of Nuclear Weapons;
- Reciprocity in the application of the terms and conditions of cooperation between the parties; and
- An updating of terms and conditions to take account of intervening changes in the respective domestic legal and regulatory frame-

works of the parties in the area of peaceful nuclear cooperation.

For the United States, the proposed new agreement also represents an additional instance of compliance with section 404(a) of the NNPA, which calls for an effort to renegotiate existing agreements for cooperation to include the more stringent requirements established by the NNPA.

The proposed new agreement with South Africa permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfers, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination, key conditions and controls continue with respect to material and equipment subject to the agreement.

From the United States perspective the proposed new agreement improves on the 1957 agreement by the addition of a number of important provisions. These include the provisions for full-scope safeguard; perpetuity of safeguards; a ban on "peaceful" nuclear explosives; a right to require the return of exported nuclear items in certain circumstances; a guarantee of adequate physical security; and a consent right to enrichment of nuclear material subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123b, the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 29, 1995.