

had been the law of the land for 40 years.

In the Hubbard case, the Supreme Court decided that section 1001 of title 18, United States Code, prohibits the making of false statements only to executive branch agencies, and not to the courts or Congress. This decision overturned a 1955 Supreme Court case, which squarely held that "one who lied to an officer of Congress was punishable under §1001 . . ." *Hubbard*, 131 L.Ed. 2d 779, 798.

S. 830 would make clear that the courts, Congress and "any duly constituted committee or subcommittee of Congress" are covered by the prohibition in section 1001 against false statements. It would restore the clear message to all who may appear before a committee or subcommittee of the Senate or House: Do not lie to us.

Although various other laws criminalize false statements to Congress, none of those statutes reaches the breadth of misrepresentations and false statements prohibited by section 1001. For example, a perjury prosecution under 18 U.S.C. §1621 requires that the false statement be made under oath, while section 1001 does not. Likewise, a prosecution under 18 U.S.C. §287 requires that the false statement be made in connection with a claim for payment, while section 1001 does not. Finally, an obstruction prosecution under 18 U.S.C. §1505 requires that the obstruction be effected "corruptly or by threats or force," which section 1001 does not. Indeed, section 1505 has specifically been held not to prohibit lying to Congress. *U.S. v. Poindexter*, 951 F.2d 369 (D.C. Cir. 1991).

I recognize that extension of section 1001 to the courts must be done delicately so as not to impinge upon responsible advocacy. I look forward to working with my friend from Pennsylvania on refining this bill, and urge its passage in this Congress.

We should all be aware that until S. 830 is passed, witnesses may lie with impunity at congressional hearings, unless they are placed under oath.

Senator SPECTER has meticulously administered oaths to every witness who has appeared at the extensive and ongoing Ruby Ridge hearings before the Judiciary Subcommittee on Terrorism, Technology and Government Information, which he chairs. We have heard from current and former law enforcement personnel from four Federal agencies, including the Marshals Service, the Bureau of Alcohol, Tobacco and Firearms, the FBI, and the Justice Department. We have also heard from Randy Weaver and his daughter, Sara, Kevin Harris, their neighbors and their friends.

Sorting out what happened 3 years ago at Ruby Ridge, and then its aftermath, has proven to be no simple task. This was a tragedy, resulting in the deaths of Deputy Marshal William Degan, a 14-year-old boy, Sammy Weaver, and his mother, Vicki Weaver. Figuring out what went wrong at Ruby

Ridge and what can be done to make sure those events are never repeated, is the challenge the subcommittee is facing on a bipartisan basis.

Fulfilling our important oversight responsibility at these hearings, and in future hearings on other matters, requires that we seek the truth and base our findings on facts. Witnesses, who are interviewed, called to testify, and asked to provide documentary material relating to matters under consideration by Congress, should be given the message loudly and clearly that if they lie or purposely mislead us, they will be sanctioned with criminal penalties. This bill would put that message in the law, and I am glad to cosponsor it.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF PROPOSED AGREEMENT FOR COOPERATION WITH SOUTH AFRICA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 84

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

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 frameworks 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 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 29, 1995.

REPORT RELATIVE TO THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

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.

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 743. An Act to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

H.R. 1170. An Act to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court.

The message also announced that pursuant to the provisions of section 168(b) of Public Law 102-138, the Speaker appoints the following Member to the British-American Interparliamentary Group on the part of the House: Mr. BEREUTER, Chairman.

At 4:20 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with an amendment, in which it requests the concurrence of the Senate:

S. Con. Res. 27. Concurrent Resolution correcting the enrollment of H.R. 402.

The message also announced that the House 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) 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 further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ARCHER, Mr. GOODLING, Mr. ROBERTS, Mr. SHAW, Mr. TALENT, Mr. NUSSLE, Mr. HUTCHINSON, Mr. MCCRERY, Mr. SMITH of Texas, Mrs. JOHNSON of Connecticut, Mr. CAMP, Mr. FRANKS of Connecticut, Mr. GIBBONS, Mr. CLAY, Mr. DE LA GARZA, Mr. CONYERS, Mr. FORD, Mr. WAXMAN, Mr. MILLER of California, Mrs. KENNELLY, Mr. LEVIN, and Mrs. LINCOLN as the managers of the conference on the part of the House.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 440) entitled "An Act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes":

As additional conferees for the consideration of sections 105 and 141 of the Senate bill, and section 320 of the House amendments, and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, Mr. BARTON of Texas, Mr. GREENWOOD, Mr. DINGELL, Mr. WAXMAN, and Mr. BROWN of Ohio.

As additional conferees for the consideration of section 157 of the Senate bill, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. HANSEN, and Mr. MILLER of California.

At 6:51 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 104. Concurrent Resolution providing for an adjournment of the two houses.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 2399. An Act to amend the Truth in Lending Act to clarify the intent of such Act