

Frist	Kennedy	Pell
Glenn	Kerrey	Pressler
Gorton	Kerry	Pryor
Graham	Kohl	Reid
Gramm	Kyl	Robb
Grams	Lautenberg	Rockefeller
Grassley	Leahy	Roth
Gregg	Levin	Santorum
Harkin	Lieberman	Sarbanes
Hatch	Lott	Shelby
Hatfield	Lugar	Simon
Heflin	Mack	Simpson
Helms	McCain	Smith
Hollings	McConnell	Snowe
Hutchison	Mikulski	Specter
Inhofe	Moseley-Braun	Stevens
Inouye	Moynihan	Thomas
Jeffords	Murkowski	Thompson
Johnston	Murray	Thurmond
Kassebaum	Nickles	Warner
Kempthorne	Nunn	Wellstone

So the bill (S. 1316), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. KEMPTHORNE. Madam President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MORNING BUSINESS

Mr. COATS. Madam President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REPORT OF THE AGREEMENT FOR COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY BETWEEN THE UNITED STATES AND THE EUROPEAN ATOMIC ENERGY COMMUNITY—MESSAGE FROM THE PRESIDENT—PM 99

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 in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM) with accompanying agreed minute, annexes, and other attachments. (The confidential list of EURATOM storage facilities covered by the Agreement is being transmitted directly to the Senate Foreign Relations Committee and the House International Relations Committee.) 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

Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and other attachments, including the views of the Nuclear Regulatory Commission, is also enclosed.

The proposed new agreement with EURATOM 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. It replaces two existing agreements for peaceful nuclear cooperation with EURATOM, including the 1960 agreement that has served as our primary legal framework for cooperation in recent years and that will expire by its terms on December 31 of this year. The proposed new agreement will provide an updated, comprehensive framework for peaceful nuclear cooperation between the United States and EURATOM, will facilitate such cooperation, and will establish strengthened nonproliferation conditions and controls including all those required by the NNPA. The new agreement provides for the transfer of non-nuclear material, nuclear material, and equipment for both nuclear research and nuclear power purposes. It does not provide for transfers under the agreement of any sensitive nuclear technology (SNT).

The proposed agreement has an initial term of 30 years, and will continue in force indefinitely thereafter in increments of 5 years each until terminated in accordance with its provisions. In the event of termination, key nonproliferation conditions and controls, including guarantees of safeguards, peaceful use and adequate physical protection, and the U.S. right to approve retransfers to third parties, will remain effective with respect to transferred nonnuclear material, nuclear material, and equipment, as well as nuclear material produced through their use. Procedures are also established for determining the survival of additional controls.

The member states of EURATOM and the European Union itself have impeccable nuclear nonproliferation credentials. All EURATOM member states are party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). EURATOM and all its nonnuclear weapon state member states have an agreement with the International Atomic Energy Agency (IAEA) for the application of full-scope IAEA safeguards within the respective territories of the nonnuclear weapon states. The two EURATOM nuclear weapon states, France and the United Kingdom, like the United States, have voluntary safeguards agreements with the IAEA. In addition, EURATOM itself applies its own stringent safeguards at all peaceful facilities within the territories of all member states. The United States and EURATOM are of one mind in their unswerving commitment to achieving global nuclear nonproliferation goals. I call the attention of the Congress to the joint U.S.-EURATOM "Declaration

on Non-Proliferation Policy" appended to the text of the agreement I am transmitting herewith.

The proposed new agreement provides for very stringent controls over certain fuel cycle activities, including enrichment, reprocessing, and alteration in form or content and storage of plutonium and other sensitive nuclear materials. The United States and EURATOM have accepted these controls on a reciprocal basis, not as a sign of either Party's distrust of the other, and not for the purpose of interfering with each other's fuel cycle choices, which are for each Party to determine for itself, but rather as a reflection of their common conviction that the provisions in question represent an important norm for peaceful nuclear commerce.

In view of the strong commitment of EURATOM and its member states to the international nonproliferation regime, the comprehensive nonproliferation commitments they have made, the advanced technological character of the EURATOM civil nuclear program, the long history of extensive transatlantic cooperation in the peaceful uses of nuclear energy without any risk of proliferation, and the fact that all member states are close allies or close friends of the United States, the proposed new agreement provides to EURATOM (and on a reciprocal basis, to the United States) advance, long-term approval for specified enrichment, retransfers, reprocessing, alteration in form or content, and storage of specified nuclear material, and for retransfers of nonnuclear material and equipment. The approval for reprocessing and alteration in form or content may be suspended if either activity ceases to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection.

In providing advance, long-term approval for certain nuclear fuel cycle activities, the proposed agreement has features similar to those in several other agreements for cooperation that the United States has entered into subsequent to enactment of the NNPA. These include bilateral U.S. agreements with Japan, Finland, Norway and Sweden. (The U.S. agreements with Finland and Sweden will be automatically terminated upon entry into force of the new U.S.-EURATOM agreement, as Finland and Sweden joined the European Union on January 1, 1995.) Among the documents I am transmitting herewith to the Congress is an analysis by the Secretary of Energy of the advance, long-term approvals contained in the proposed U.S. agreement with EURATOM. The analysis concludes that the approvals meet all requirements of the Atomic Energy Act.

I believe that the proposed agreement for cooperation with EURATOM will make an important contribution to achieving our nonproliferation, trade and other significant foreign policy goals.

In particular, I am convinced that this agreement will strengthen the