EC−4031. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, a report regarding a rule entitled ‘‘Prevailing Rate Systems,’’ received on September 9, 1996; to the Committee on Armed Services.

EC−4032. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report regarding Cooperative Threat Reduction (CTR); to the Committee on Armed Services, dated September 9, 1996.

EC−4033. A communication from the Acting Deputy Director of the U.S. Office of Person nel Management, transmitting, pursuant to law, a report regarding ‘‘Exemptions for Certain Open-End Management Investment Companies to Impose Deferred Sales Loads’’; received on September 10, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC−4034. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report regarding fisheries of the Caribbean, (RIN 0648−AG26) received on September 10, 1996; to the Committee on Commerce, Science, and Transportation.

EC−4035. A communication from the Congressional Review Coordinator, transmitting, pursuant to law, a rule entitled ‘‘Assessment Rates for Specified Marketing Orders,’’ (FV−96−927−21 FR) received on September 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC−4036. A communication from the Under Secretary of Agriculture, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95−01; to the Committee on Appropriations.

EC−4037. A communication from the Deputy Assistant Director for Fisheries, National Marine Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule regarding fisheries of the Caribbean, (RIN 0648−AG26) received on September 10, 1996; to the Committee on Commerce, Science, and Transportation.

EC−4038. A communication from the Acting Director Office of Sustainable Fisheries, National Marine Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule regarding trip limit reductions (received on September 10, 1996); to the Committee on Commerce, Science, and Transportation.

EC−4039. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule regarding fisheries of the exclusive economic zone off Alaska (received on September 10, 1996); to the Committee on Commerce, Science, and Transportation.

EC−4040. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report regarding environmental compliance and restoration program for fiscal year 1995; to the Committee on Commerce, Science, and Transportation.

EC−4041. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule, regarding revision of class E airspace (RIN 2120−AA66 (1996−0122) received on September 9, 1996; to the Committee on Commerce, Science, and Transportation.

EC−4042. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule, regarding a ‘‘Gas Fueled Integrity’’ (RIN AF14); to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committees was submitted:

By Mr. Helms, from the Committee on Foreign Relations: Treaty Doc. 103−35 'The Chemical Weapons Convention Act of 1993' (Report No. 104−33)

TEXT OF THE COMMITTEE RECOMMENDED

RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the submission of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed at Paris on January 13, 1993, by the United States and 11 other nations as附件 to the Memorandum of Understanding Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(3) The Annex on the Protection of Confidential Information (also known as the ‘‘Corruptionality Annex’’).


(b) CONDITIONS.—The advice and consent of the Senate to the ratification of the Convention is subject to the following conditions, which shall be binding upon the President:

(1) AMENDMENT CONFERENCES.—The United States will be present and participate fully in all Amendment Conferences and will cast its vote, either affirmatively or negatively, on all proposed amendments made at such conferences, to ensure that—

(A) the United States has an opportunity to consider any and all amendments in accordance with its Constitutional processes; and

(B) no amendment to the Convention enters into force without the approval of the United States.

(2) PRESIDENTIAL CERTIFICATION ON DATA DISCLOSURE.—(A) No amendment to the Convention enters into force after the Convention enters into force, or not later than 10 days after the deposit of the Russian instrument of ratification of the Convention, whichever is later, the President shall either—

(i) certify to the Senate that Russia has complied satisfactorily with the data disclosure requirements contained in the Wyoming Memorandum of Understanding; or

(ii) submit to the Senate a report on apparent discrepancies in Russia’s data under the Wyoming Memorandum of Understanding and the results of any bilateral discussions regarding those discrepancies.

(3) PRESIDENTIAL CERTIFICATION ON THE BILATERAL DESTRUCTION AGREEMENT.—Before the deposit of the United States instrument of ratification of the Convention, the President shall certify in writing to the Senate that—

(A) a United States-Russian agreement on implementation of the Bilateral Destruction Agreement has been or will shortly be concluded, and that the verification procedures required of the United States and Russian facilities as well as those of other parties to the Convention.

(B) the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons will be prepared, when the Convention enters into force, to submit a plan for meeting the Organization’s full monitoring responsibilities that will include United States and Russian facilities as well as those of other parties to the Convention.

(4) NONCOMPLIANCE.—If the President determines that a party to the Convention is in violation of the Convention and that the actions of such party threaten the national security interests of the United States, the President shall—

(a) notify the Senate in writing of such action, and promptly submit a report to, the Senate detailing the effect of such actions on the Convention;
(B) seek on an urgent basis a meeting at the highest diplomatic level with the Organization for the Prohibition of Chemical Weapons (in this resolution referred to as the "Organization") to ensure that the noncompliance by the nonparty to the Convention is not to be in compliance with the nonparty, and with the objective of bringing the noncompliant party into compliance; 

(C) in the event that a party to the Convention does not to be in compliance with the Convention, request consultations with the Organization on whether to—

(i) respect or suspend the noncompliant party's high-sea uses of its chemical weapons in violation of the Convention until the party complies with its obligations; 

(ii) recommend collective measures in conformity with international law; or 

(iii) bring the issue to the attention of the United Nations General Assembly and Security Council; and 

(D) in the event that noncompliance continues, determine whether or not continued adherence to the Convention is in the national security interests of the United States and so inform the Senate.

(3) Financing implementation.—The United States understands that in order to ensure the commitment of Russia to the destruction of its chemical stockpiles, in the event that Russia ratifies the Convention, Russia must maintain a substantial stake in the implementation of the Convention. The costs of implementing the Convention should be borne by all parties to the Convention. The United States intends that if ratification of the Convention shall not be contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia or any other party to the Convention.

(6) Implementation arrangements.—If the Convention does not enter into force or if the Convention is not in accordance with United States having ratified the Convention but with Russia having taken no action to ratify or accede to the Convention, then the President shall, if he plans to implement reductions of United States chemical forces as a matter of national policy or in a manner consistent with the Convention.

(A) Consult with the Senate regarding the effect of such reductions on the national security of the United States; and 

(B) take no action to reduce the United States chemical stockpile at a pace faster than that currently planned and consistent with the Convention until the President submits to the Senate his determination that such reductions in the national security interests of the United States.

(7) Presidential certification and report on chemical weapons.—Not later than 90 days after the deposit of the United States instrument of ratification of the Convention, the President shall certify that the United States National Technical Means and the provisions of the Convention on verification of compliance, when viewed together, are sufficient to ensure effective verification of compliance with the provisions of the Convention. This certification shall be accompanied by a report, which may be supplemented by a classified annex, indicating how the United States National Technical Means, including collection, processing and analytic resources, will be marshalled, together with the Convention's verification provisions, to verify compliance with the Convention. Such certification and report shall be submitted to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(c) Declarations.—The advice and consent of the Senate to the Convention is subject to the following declarations, which express the intent of the Senate:

(1) Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of Article II, Section 2, Clause 2 of the Constitution. 

(2) Compliance.—The Senate declares that compliance with the Convention will not obviate the need for a robust, balanced, and adequate defense posture, and will enhance defenses of the United States.

(3) Retaliatory policy.—The Senate declares that the United States should strongly and unconditionally reiterate its ratification policy that the Convention is in the interest of the United States military forces and civilians would result in an overwhelming and devastating response, which may include the whole range of available weapons systems. 

(4) Chemical defense program.—The Senate declares that the United States should, in exchange for such assistance, the United States should strongly and unconditionally reiterate its ratification policy that the 

(5) Enforcement policy.—The Senate urges the President to pursue compliance questions under the Convention vigorously and to take any available means if a party to the Convention does not comply with the Convention, including the "obligation to make every reasonable effort to demonstrate its compliance with this Convention", pursuant to paragraph 11 of Article IX. It should not be necessary to prove the noncompliance of a party to the Convention before the United States takes unilateral or in appropriate international fora and takes appropriate actions.

(6) Assistance to Russia.—The Senate expects that the United States will exercise its right to reject a proposed inspector or inspection assistant when the facts indicate that this person is likely to seek information to which the inspection team is not entitled or to mislead the team.

(7) Assistance to Russia.—The Senate declares that, if the United States provides limited financial assistance to the destruction of Russian chemical weapons, the United States Armed Forces and the United States chemical force of the United States National Technical Means and the provisions of the Convention on verification of compliance, when viewed together, are sufficient to ensure effective verification of compliance with the provisions of the Convention. This certification shall be accompanied by a report, which may be supplemented by a classified annex, indicating how the United States National Technical Means, including collection, processing and analytic resources, will be marshalled, together with the Convention's verification provisions, to verify compliance with the Convention. Such certification and report shall be submitted to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

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(c) Declarations.—The advice and consent of the Senate to the Convention is subject to the following declarations, which express the intent of the Senate:
use in situations where combatants and non-
combatants are intermingled; and
(ii) to ensure that the United States ac-
tively participates with other parties to the
Convention in any reassessment of the ap-
propriateness of the prohibition as it might
apply to such situations as the rescue of
drowned air crews and passengers and escap-
ing passengers in which civilians are being used to mask or screen at-
tacks.
(B) For purposes of this paragraph, the
term "riot control agents" is used within the
meaning of Article II(4) of the Convention.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolu-
tions were introduced, read the first
and second time by unanimous con-
sent, and referred as indicated:
By Mr. DOMENICI (for himself and Mr.
BINGAMAN):
S. 2063. A bill to limit the authority of the
Secretary of the Army to acquire land adja-
cent to the Abiquiu Dam in New Mexico; to the
Committee on Environment and Public Works.

By Ms. SNOWE:
S. 2064. A bill to amend the Public Health
Service Act to extend the program of re-
search on breast cancer; to the Committee on
Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr.
CROMGAR, Mr. EKON, Mr. KERREY, Mr. WELLSTONE, Mr. PRES-
SLER, Mr. GRASSLEY, and Mr. HARKIN):
S. 2065. A bill to amend the Northern Great
Plains Rural Development Act to the dura-
tion of the Northern Great Plains Rural De-
velopment Commission, and for other pur-
poses; to the Committee on Agriculture, Nu-
trition, and Forestry.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself and
Mr. BINGAMAN):
S. 2063. A bill to limit the authority of the Secretary of the Army to acquire land adjacent to Abiquiu Dam in New Mexico; to the Committee on En-
vironment and Public Works.

ABQUIU DAM LEGISLATION

• Mr. DOMENICI. Mr. President, today
I introduce a bill that clarifies the in-
tent of Congress regarding Public Law
100-564. Authorized by the Army
Corps of Engineers to store water at
Abiquiu Dam in northern New Mexico.
The law also authorized the corps to
acquire lands adjacent to Abiquiu Dam for
recreational access purposes.

For several years, the corps’ Albu-
querquc office has been working to
determine how the area around the
dam should be developed. During that
time, it became clear that the local
community was extremely concerned
that the Corps might proceed without con-
demnation of all 6,000 acres of flood
easement lands around the lake. Such
an action would be extremely disrup-
tive to the Abiquiu community.

In response to those concerns, I in-
troduced legislation last Congress that
would have clarified that the acquisi-
tion of lands adjacent to the dam by
the corps would be from willing sellers
only. Since that time, the corps and
the local community have been meeting to address
the concerns of the local community.

Both the local community and I
are very appreciative of the outreach
and involvement that the Army Corps’ Al-
buquerque District engineer has shown
on this issue since I introduced my leg-
islation last Congress. Indeed, in July
1995 the corps released its master
plan/environmental assessment for
Abiquiu Reservoir, a plan which spe-
cifically reflected the intent of Public
Law 100-564.

However, because of the inherent
short-term nature of the position of Al-
buquerque district engineer, and be-
cause of past concerns about corps pol-
icy toward condemnation of land at the
reservoir, the local community still be-
lieves, as do I, that there should be an
express clarification of congressional
intent to protect the local community
at Abiquiu from unreasonable con-
demnation proceedings.

Consequently, today I am again in-
troducing legislation that will clarify
congressional intent that land acquired
by the corps at Abiquiu Dam is to be
acquired from willing sellers only. This
legislation will give the citizens of the
Abiquiu area the peace of mind that
they deserve about the integrity of the
classified property. As one of Public
Law 100-522 by recommending that an-
other counseling will only be from willing sellers.

However, because of the inherent
short-term nature of the position of Al-
buquerque district engineer, and be-
cause of past concerns about corps pol-
icy toward condemnation of land at the
reservoir, the local community still be-
lieves, as do I, that there should be an
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legislation will give the citizens of the
Abiquiu area the peace of mind that
they deserve about the integrity of the
classified property. As one of Public
Law 100-564, authorized the Army
Corps of Engineers to store water at
Abiquiu Dam in New Mexico; the com-
mittee on Environment and Public Works.

By Ms. SNOWE:
S. 2064. A bill to amend the Public Health
Service Act to extend the program of re-
search on breast cancer; to the Committee on
Labor and Human Resources.

The following bills and joint resolu-
tions were introduced, read the first
and second time by unanimous con-
sent, referred as indicated:

By Ms. SNOWE:
S. 2064. A bill to amend the Public Health
Service Act to extend the program of research on breast cancer; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:
S. 2065. A bill to amend the Higher Edu-
cation Act of 1965 to require open campus security crime logs at institutions of higher education; to the Com-
mittee on Labor and Human Resources.

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