

Whereas on September 26, 1945, upon the insistence of the United States, a conference was held in Vienna by the Allies and the 9 Austrian Federal State Governors, that laid the foundation for the first post-war Austrian Government recognized by the United States and the other Allied Forces;

Whereas this treaty saved Austria from being divided into an East and West, as in Germany;

Whereas Austrians are thankful for the generosity demonstrated by the citizens and the Government of the United States after World War II;

Whereas Austrian-Americans have made important contributions to the American way of life as well as in industry, education, culture, and the arts and sciences; and

Whereas Austrian born Americans, or Americans of Austrian descent, have brought prestige and recognition to the United States as Nobel laureates in medicine, economics, and the sciences: Now, therefore, be it

Resolved, That the Senate—

(1) declares September 26, 1997, as "Austrian-American Day"; and

(2) authorizes and requests the President to commend this observance to the citizens of the United States in honor of this momentous occasion.

CONVEYANCE OF A PARCEL OF LAND TO THE DOS PALOS AG BOOSTERS

Mr. ENZI. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of H.R. 111, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 111) to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California to the Dos Palos Ag Boosters for use as a farm school.

Mr. ENZI. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 111) was considered read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, Calendar No. 259 and Calendar No. 260.

I further ask unanimous consents the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations be printed at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Harold W. Gehman, Jr., 0000.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles E. Wilhelm, 0000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 105-28, 105-29, AND 105-30

Mr. ENZI. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 23, 1997, by the President of the United States:

Comprehensive Test-Ban Treaty (Treaty Document No. 105-28);

Protocol Amending Tax Convention With Canada (Treaty Document No. 105-29);

Extradition Treaty With India (Treaty Document No. 105-30).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The President's messages are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Comprehensive Nuclear Test-Ban Treaty (the "Treaty" or "CTBT"), opened for signature and signed by the United States at New York on September 24, 1996. The Treaty includes two Annexes, a Protocol, and two Annexes to the Protocol, all of which form integral parts of the Treaty. I transmit also, for the information of the Senate, the report of the Department of State on the Treaty, including an Article-by-Article analysis of the Treaty.

Also included in the Department of State's report is a document relevant to but not part of the Treaty: The Treaty on the Establishment of a Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization, adopted by the Signatory States to the Treaty on November 19, 1996. The Text provides the basis for the work of the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization is pre-

paring detailed procedures for implementing the Treaty and making arrangements for the first session of the Conference of the States Parties to the Treaty. In particular, by the terms of the Treaty, the Preparatory Commission will be responsible for ensuring that the verification regime established by the Treaty will be effectively in operation at such time as the Treaty enters into force. My Administration has completed and will submit separately to the Senate an analysis of the verifiability of the Treaty, consistent with section 37 of the Arms Control and Disarmament Act, as amended. Such legislation as may be necessary to implement the Treaty also will be submitted separately to the Senate for appropriate action.

The conclusion of the Comprehensive Nuclear Test-Ban Treaty is a signal event in the history of arms control. The subject of the Treaty is one that has been under consideration by the international community for nearly 40 years, and the significance of the conclusion of negotiations and the signature to date of more than 140 states cannot be overestimated. The Treaty creates an absolute prohibition against the conduct of nuclear weapon test explosions or any other nuclear explosion anywhere. Specifically, each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion; to prohibit and prevent any nuclear explosions at any place under its jurisdiction or control; and to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

The Treaty establishes a far reaching verification regime, based on the provision of seismic, hydroacoustic, radio-nuclide, and infrasound data by a global network (the "International Monitoring System") consisting of the facilities listed in Annex 1 to the Protocol. Data provided by the International Monitoring System will be stored, analyzed, and disseminated, in accordance with Treaty-mandated operational manuals, by an International Data Center that will be part of the Technical Secretariat of the Comprehensive Nuclear Test-Ban Treaty Organization. The verification regime includes rules for the conduct of on-site inspections, provisions for consultation and clarification, and voluntary confidence-building measures designed to contribute to the timely resolution of any compliance concerns arising from possible misinterpretation of monitoring data related to chemical explosions that a State Party intends to or has carried out. Equally important to the U.S. ability to verify the Treaty, the text specifically provides for the rights of States Parties to use information obtained by national technical means in a manner consistent with generally

recognized principles of international law for purposes of verification generally, and in particular, as the basis for an on-site inspection request. The verification regime provides each State Party the right to protect sensitive installations, activities, or locations not related to the Treaty. Determinations of compliance with the Treaty rest with each individual State Party to the Treaty.

Negotiations for a nuclear test-ban treaty date back to the Eisenhower Administration. During the period 1978–1980, negotiations among the United States, the United Kingdom, and the USSR (the Depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)) made progress, but ended without agreement. Thereafter, as the nonnuclear weapon states called for test-ban negotiations, the United States urged the Conference on Disarmament (the “CD”) to devote its attention to the difficult aspects of monitoring compliance with such a ban and developing elements of an international monitoring regime. After the United States, joined by other key states, declared its support for comprehensive test-ban negotiations with a view toward prompt conclusion of a treaty, negotiations on a comprehensive test-ban were initiated in the CD, in January 1994. Increased impetus for the conclusion of a comprehensive nuclear test-ban treaty by the end of 1996 resulted from the adoption, by the Parties to the NPT in conjunction with the indefinite and unconditional extension of that Treaty, of “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” that listed the conclusion of a CTBT as the highest measure of its program of action.

On August 11, 1995, when I announced U.S. support for a “zero yield” CTBT, I stated that:

“... as part of our national security strategy, the United States must and will retain strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests and to convince it that seeking a nuclear advantage would be futile. In this regard, I consider the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States.

“I am assured by the Secretary of Energy and the Directors of our nuclear weapons labs that we can meet the challenge of maintaining our nuclear deterrent under a CTBT through a Science Based Stockpile Stewardship program without nuclear testing. I directed the implementation of such a program almost 2 years ago, and it is being developed with the support of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. This program will now be tied to a new certification procedure. In order for this program to

succeed, both the Administration and the Congress must provide sustained bipartisan support for the stockpile stewardship program over the next decade and beyond. I am committed to working with the Congress to ensure this support.

“While I am optimistic that the stockpile stewardship program will be successful, as President I cannot dismiss the possibility, however unlikely, that the program will fall short of its objectives. Therefore, in addition to the new annual certification procedure for our nuclear weapons stockpile, I am also establishing concrete, specific safeguards that define the conditions under which the United States can enter into a CTBT. . . .”

The safeguards that were established are as follows:

- The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile, including the conduct of a broad range of effective and continuing experimental programs.
- The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology that will attract, retain, and ensure the continued application of our human scientific resources to those programs on which continued progress in nuclear technology depends.
- The maintenance of the basic capability to resume nuclear test activities prohibited by the CTBT should the United States cease to be bound to adhere to this Treaty.
- The continuation of a comprehensive research and development program to improve our treaty monitoring capabilities and operations.
- The continuing development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.
- The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE)—advised by the Nuclear Weapons Council, the Directors of DOE’s nuclear weapons laboratories, and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type that the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with the Congress, would be prepared to withdraw from the CTBT under the standard “supreme national interests” clause in order to conduct whatever testing might be required.

With regard to the last safeguard:

- The U.S. regards continued high confidence in the safety and reliability of its nuclear weapons stockpile as a matter affecting the supreme interests of the country and will regard any events calling that confidence into question as “extraordinary events related to the subject matter of the treaty.” It will exercise its rights under the “supreme national interests” clause if it judges that the safety or reliability of its nuclear weapons stockpile cannot be assured with the necessary high degree of confidence without nuclear testing.
- To implement that commitment, the Secretaries of Defense and Energy—advised by the Nuclear Weapons Council or “NWC” (comprising representatives of DOD, JCS, and DOE), the Directors of DOE’s nuclear weapons laboratories and the Commander of the U.S. Strategic Command—will report to the President annually, whether they can certify that the Nation’s nuclear weapons stockpile and all critical elements thereof are, to a high degree of confidence, safe and reliable, and, if they cannot do so, whether, in their opinion and that of the NWC, testing is necessary to assure, with a high degree of confidence, the adequacy of corrective measures to assure the safety and reliability of the stockpile, or elements thereof. The Secretaries will state the reasons for their conclusions, and the views of the NWC, reporting any minority views.
- After receiving the Secretaries’ certification and accompanying report, including NWC and minority views, the President will provide them to the appropriate committees of the Congress, together with a report on the actions he has taken in light of them.
- If the President is advised, by the above procedure, that a high level of confidence in the safety or reliability of a nuclear weapon type critical to the Nation’s nuclear deterrent could no longer be certified without nuclear testing, or that nuclear testing is necessary to assure the adequacy of corrective measures, the President will be prepared to exercise our “supreme national interests” rights under the Treaty, in order to conduct such testing.
- The procedure for such annual certification by the Secretaries, and for advice to them by the NWC, U.S. Strategic Command, and the DOE nuclear weapons laboratories will be embodied in domestic law.

As negotiations on a text drew to a close it became apparent that one member of the CD, India, would not join in a consensus decision to forward the text to the United Nations for its adoption. After consultations among countries supporting the text, Australia requested the President of the

U.N. General Assembly to convene a resumed session of the 50th General Assembly to consider and take action on the text. The General Assembly was so convened, and by a vote of 158 to 3 the Treaty was adopted. On September 24, 1996, the Treaty was opened for signature and I had the privilege, on behalf of the United States, of being the first to sign the Treaty.

The Treaty assigns responsibility for overseeing its implementation to the Comprehensive Nuclear Test-Ban Treaty Organization (the "Organization"), to be established in Vienna. The Organization, of which each State Party will be a member, will have three organs: the Conference of the States Parties, a 51-member Executive Council, and the Technical Secretariat. The Technical Secretariat will supervise the operation of and provide technical support for the International Monitoring System, operate the International Data Center, and prepare for and support the conduct of on-site inspections. The Treaty also requires each State Party to establish a National Authority that will serve as the focal point within the State Party for liaison with the Organization and with other States Parties.

The Treaty will enter into force 180 days after the deposit of instruments of ratification by all of the 44 states listed in Annex 2 to the Treaty, but in no case earlier than 2 years after its being opened for signature. If, 3 years from the opening of the Treaty for signature, the Treaty has not entered into force, the Secretary-General of the United Nations, in his capacity as Depositary of the Treaty, will convene a conference of the states that have deposited their instruments of ratification if a majority of those states so requests. At this conference the participants will consider what measures consistent with international law might be undertaken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty. Their decision on such measures must be taken by consensus.

Reservations to the Treaty Articles and the Annexes to the Treaty are not permitted. Reservations may be taken to the Protocol and its Annexes so long as they are not incompatible with the object and purpose of the Treaty. Amendment of the Treaty requires the positive vote of a majority of the States Parties to the Treaty, voting in a duly convened Amendment Conference at which no State Party casts a negative vote. Such amendments would enter into force 30 days after ratification by all States Parties that cast a positive vote at the Amendment Conference.

The Treaty is of unlimited duration, but contains a "supreme interests" clause entitling any State Party that determines that its supreme interests have been jeopardized by extraordinary events related to the subject matter of the Treaty to withdraw from the Treaty upon 6-months' notice.

Unless a majority of the Parties decides otherwise, a Review Conference will be held 10 years following the Treaty's entry into force and may be held at 10-year intervals thereafter if the Conference of the States Parties so decides by a majority vote (or more frequently if the Conference of the States Parties so decides by a two-thirds vote).

The Comprehensive Nuclear Test-Ban Treaty is of singular significance to the continuing efforts to stem nuclear proliferation and strengthen regional and global stability. Its conclusion marks the achievement of the highest priority item on the international arms control and nonproliferation agenda. Its effective implementation will provide a foundation on which further efforts to control and limit nuclear weapons can be soundly based. By responding to the call for a CTBT by the end of 1996, the Signatory States, and most importantly the nuclear weapon states, have demonstrated the bona fides of their commitment to meaningful arms control measures.

The monitoring challenges presented by the wide scope of the CTBT exceed those imposed by any previous nuclear test-related treaty. Our current capability to monitor nuclear explosions will undergo significant improvement over the next several years to meet these challenges. Even with these enhancements, though, several conceivable CTBT evasion scenarios have been identified. Nonetheless, our National Intelligence Means (NIM), together with the Treaty's verification regime and our diplomatic efforts, provide the United States with the means to make the CTBT effectively verifiable. By this, I mean that the United States:

- will have a wide range of resources (NIM, the totality of information available in public and private channels, and the mechanisms established by the Treaty) for addressing compliance concerns and imposing sanctions in cases of non-compliance; and
- will thereby have the means to: (a) assess whether the Treaty is deterring the conduct of nuclear explosions (in terms of yields and number of tests) that could damage U.S. security interests and constraining the proliferation of nuclear weapons, and (b) take prompt and effective counteraction.

My judgment that the CTBT is effectively verifiable also reflects the belief that U.S. nuclear deterrence would not be undermined by possible nuclear testing that the United States might fail to detect under the Treaty, bearing in mind that the United States will derive substantial confidence from other factors—the CTBT's "supreme national interests" clause, the annual certification procedure for the U.S. nuclear stockpile, and the U.S. Safeguards program.

I believe that the Comprehensive Nuclear Test-Ban Treaty is in the best interests of the United States. Its provisions

will significantly further our nuclear nonproliferation and arms control objectives and strengthen international security. Therefore, I urge the Senate to give early and favorable consideration to the Treaty and its advice and consent to ratification as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 22, 1997.

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital Signed at Washington on September 26, 1980 as Amended by the Protocols Signed on June 14, 1983, March 28, 1984 and March 17, 1995, signed at Ottawa on July 29, 1997. This Protocol modified the taxation of social security benefits and the taxation of gains from the sale of shares of foreign real-property holding companies.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 23, 1997.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of India, signed at Washington on June 25, 1997.

In addition, I transmit, for the information of the Senate, a related exchange of letters signed the same date and the report of the Department of State with respect to the Treaty. As the report states, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

Upon entry into force, this Treaty would enhance cooperation between the law enforcement authorities of both countries, and thereby make a significant contribution to international law enforcement efforts. With respect to the United States and India, the Treaty would supersede the Treaty for the Mutual Extradition of Criminals between the United States of America and Great Britain, signed at London December 22, 1931, which was made applicable to India on March 9, 1942, and is currently applied by the United States and India.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 23, 1997.

ORDERS FOR WEDNESDAY,
SEPTEMBER 24, 1997

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate