

Visitor Facility Sites on National Wildlife Refuges in Alaska" (RIN1018-AE21) received on March 17, 1999; to the Committee on Environment and Public Works.

EC-2313. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Seasonal Closure of the Moose Range Meadows Public Access Easements in the Kenai National Wildlife Refuge" (RIN1018-AE58) received on March 17, 1999; to the Committee on Environment and Public Works.

EC-2314. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "The Energy Policy and Conservation Act Amendments"; to the Committee on Energy and Natural Resources.

EC-2315. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's report on the Price-Anderson Act; to the Committee on Energy and Natural Resources.

EC-2316. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's Annual Performance Plan for fiscal year 2000; to the Committee on Foreign Relations.

EC-2317. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Agency's Annual Performance Plan for fiscal year 2000; to the Committee on Foreign Relations.

EC-2318. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report on the National Institutes of Health Loan Repayment Program for Research Generally for 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-2319. A communication from the Assistant Secretary for Civil Rights, Department of Education, transmitting, pursuant to law, the annual report of the Office for Civil Rights for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-2320. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "List of Drug Products That Have Been Withdrawn or Removed From the Market for Reasons of Safety or Effectiveness" (Docket 98N-0655) received on March 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2321. A communication from the Assistant Secretary of Labor, transmitting, pursuant to law, the report of a rule entitled "Dipping and Coating Operations" (RIN1218-AB55) received on March 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2322. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Annual Report to Congress for fiscal year 1998; to the Committee on the Judiciary.

EC-2323. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the Commission's annual report under the Freedom of Information Act for fiscal year 1998; to the Committee on the Judiciary.

EC-2324. A communication from the Rules Administrator of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Birth Control, Pregnancy, Child Placement, and Abortion" (RIN1120-AA31) received on March 4, 1999; to the Committee on the Judiciary.

EC-2325. A communication from the Director of the Policy Directives and Instructions

Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Nonimmigrant Visa Exemption for Certain Nationals of the British Virgin Islands Entering the United States Through St. Thomas, United States Virgin Islands" (RIN1115-AF28) received on February 18, 1999; to the Committee on the Judiciary.

EC-2326. A communication from the Executive Director of the Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to the Committee's Procurement List dated March 10, 1999; to the Committee on Governmental Affairs.

EC-2327. A communication from the Director of the United States Office of Personnel Management, transmitting, a draft of proposed legislation entitled "The Retirement Coverage Error Correction Act"; to the Committee on Governmental Affairs.

EC-2328. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report entitled "Electrocardiogram Transportation Payments"; to the Committee on Finance.

EC-2329. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property" (Rev. Rul. 99-17) received on March 17, 1999; to the Committee on Finance.

EC-2330. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 99-19) received on March 17, 1999; to the Committee on Finance.

EC-2331. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's report on an estimation that the limitation on the Government National Mortgage Association's authority to make commitments for fiscal year 1999 will be reached before the end of the year; to the Committee on Banking, Housing, and Urban Affairs.

EC-2332. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Agency Plans" (RIN2577-AB89) received on March 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2333. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Real Estate Settlement Procedures Act (RESPA) Statement of Policy 1999-1 Regarding Lender Payments to Mortgage Brokers" (RIN2502-AH33) received on March 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2334. A communication from the Deputy Under Secretary of Defense for Environmental Security, transmitting, pursuant to law, the Defense Environmental Response Task Force report for fiscal year 1998; to the Committee on Armed Services.

EC-2335. A communication from the Deputy Under Secretary of Defense for Science and Technology, transmitting, pursuant to law, the Annual Report of the Strategic Environmental Research and Development Program for fiscal year 1998; to the Committee on Armed Services.

EC-2336. A communication from the Deputy Under Secretary of Defense for Science

and Technology, transmitting, pursuant to law, the Annual Report of the Scientific Advisory Board of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC-2337. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, the Department's report entitled "Extraordinary Contractual Actions to Facilitate the National Defense; to the Committee on Armed Services.

EC-2338. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Department's "Report on Restructuring Costs Associated with Business Combinations" dated March 1, 1999; to the Committee on Armed Services.

EC-2339. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Military Pay and Retirement Reform Act"; to the Committee on Armed Services.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on March 24, 1999:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 104-6 (Exec. Rept. 106-1)

TEXT OF THE COMMITTEE RECOMMENDED

RESOLUTION OF ADVICE AND CONSENT

*Resolved (two-thirds of the Senators present concurring therein),*

**SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS AND UNDERSTANDINGS.**

The Senate advises and consents to the ratification of the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104-6), subject to the conditions of section 2 and the understandings of section 3.

#### **SEC. 2. CONDITIONS.**

The advice and consent of the Senate to ratification of the Convention on Nuclear Safety is subject to the following conditions, which shall be binding upon the President:

(1) CERTIFICATION ON THE ELIMINATION OF DUPLICATIVE ACTIVITIES.—

(A) IN GENERAL.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States Government will not engage in any multilateral activity in the field of international nuclear regulation or nuclear safety that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention.

(B) LIMITATION.—The United States shall not contribute to or participate in the operation of the Convention other than by depositing the United States instrument of ratification until the certification required by subparagraph (A) has been made.

(2) COMMITMENT TO REVIEW REPORTS.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States will comment in each review meeting held under Article 20 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 5 of the Convention by any State Party that is receiving United States financial or technical assistance relating to the improvement in safety of its nuclear installations.

(3) LIMITATION ON THE COST OF IMPLEMENTATION.—

(A) LIMITATION.—Notwithstanding any provision of the Convention, and subject to the requirements of subparagraphs (B), (C), (D), and (E), the United States shall pay no more than \$1,000,000 as the portion of the United States annual assessed contribution to the International Atomic Energy Agency attributable to the payment of the costs incurred by the Agency in carrying out all activities under the Convention.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services, in consultation with the Secretary of State, shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term “Consumer Price Index” means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions to the regular budget of the International Atomic Energy Agency which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions for the operation of the Convention would jeopardize the national security interests of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific uses to which the additional contributions provided to the International Atomic Energy Agency would be applied.

(4) COMPLETE REVIEW OF INFORMATION BY THE LEGISLATIVE BRANCH OF GOVERNMENT.—

(A) UNDERSTANDING.—The United States understands that neither Article 27 nor any other provision of the Convention shall be construed as limiting the access of the legislative branch of the United States Government to any information relating to the operation of the Convention, including access to information described in Article 27 of the Convention.

(B) PROTECTION OF INFORMATION.—The Senate understands that the confidentiality of information provided by other States Parties that is properly identified as protected pursuant to Article 27 of the Convention will be respected.

(C) CERTIFICATION.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the Comptroller General of the United States shall be given full and complete access to—

(i) all information in the possession of the United States Government specifically relating to the operation of the Convention that is submitted by any other State Party pursuant to Article 5 of the Convention, including any report or document; and

(ii) information specifically relating to any review or analysis by any department, agency, or other entity of the United States, or any official thereof, undertaken pursuant to Article 20 of the Convention, of any report or

document submitted by any other State Party.

(D) REPORTS TO CONGRESS.—Upon the request of the chairman of either of the appropriate committees of Congress, the President shall submit to the respective committee an unclassified report, and a classified annex as appropriate, detailing—

(i) how the objective of a high level of nuclear safety has been furthered by the operation of the Convention;

(ii) with respect to the operation of the Convention on an Article-by-Article basis—

(I) the situation addressed in the Article of the Convention;

(II) the results achieved under the Convention in implementing the relevant obligation under that Article of the Convention; and

(III) the plans and measures for corrective action on both a national and international level to achieve further progress in implementing the relevant obligation under that Article of the Convention; and

(iii) on a country-by-country basis, for each country that is receiving United States financial or technical assistance relating to nuclear safety improvement—

(I) a list of all nuclear installations within the country, including those installations operating, closed, and planned, and an identification of those nuclear installations where significant corrective action is found necessary by assessment;

(II) a review of all safety assessments performed and the results of those assessments for existing nuclear installations;

(III) a review of the safety of each nuclear installation using installation-specific data and analysis showing trends of safety significance and illustrated by particular safety-related issues at each installation;

(IV) a review of the position of the country as to the further operation of each nuclear installation in the country;

(V) an evaluation of the adequacy and effectiveness of the national legislative and regulatory framework in place in the country, including an assessment of the licensing system, inspection, assessment, and enforcement procedures governing the safety of nuclear installations;

(VI) a description of the country's on-site and off-site emergency preparedness; and

(VII) the amount of financial and technical assistance relating to nuclear safety improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear installation, and the amount intended for expenditure by the United States on each such installation in the future.

(5) AMENDMENTS TO THE CONVENTION.—

(A) VOTING REPRESENTATION OF THE UNITED STATES.—A United States representative—

(i) will be present at any review meeting, extraordinary meeting, or Diplomatic Conference held to consider any amendment to the Convention Amendment Conferences; and

(ii) will cast a vote, either affirmative or negative, on each proposed amendment made at any such meeting or conference.

(B) SUBMISSION OF AMENDMENTS AS TREATIES.—The President shall submit to the Senate for its advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States any amendment to the Convention adopted at a review meeting, extraordinary meeting, or Diplomatic Conference.

(6) TREATY INTERPRETATION.—

(A) PRINCIPLES OF TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) CONSTRUCTION OF SENATE RESOLUTION OF RATIFICATION.—Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through majority approval of both Houses of Congress.

(C) DEFINITION.—As used in this paragraph, the term “INF Treaty” refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

### SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate to the Convention on Nuclear Safety is subject to the following understandings:

(1) DISMANTLEMENT OF THE JURAGUA NUCLEAR REACTOR.—The United States understands that—

(A) no practical degree of upgrade to the safety of the planned nuclear installation at Cienfuegos, Cuba, can adequately improve the safety of the existing installation; and

(B) therefore, Cuba must undertake, in accordance with its obligations under the Convention, not to complete the Juragua nuclear installation.

(2) IAEA TECHNICAL ASSISTANCE.—

(A) FINDINGS.—The Senate finds that—

(i) since its creation, the International Atomic Energy Agency has provided more than \$50,000,000 of technical assistance to countries of concern to the United States, as specified in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and in provisions of foreign operations appropriations Acts;

(ii) the International Atomic Energy Agency has budgeted, from 1995 through 1999, more than \$1,500,000 for three ongoing technical assistance projects related to the Bushehr nuclear installation under construction in Iran; and

(iii) the International Atomic Energy Agency continues to provide technical assistance to the partially completed nuclear installation at Cienfuegos, Cuba.

(B) SENSE OF THE SENATE.—The Senate urges the President to withhold each fiscal year a proportionate share of the United States voluntary contribution allocated for the International Atomic Energy Agency's technical cooperation fund unless and until the Agency discontinues the provision of all technical assistance to programs and projects in Iran and Cuba.

### SEC. 4. DEFINITIONS.

As used in this resolution:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CONVENTION.—The term “Convention” means the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104-6).

(3) NUCLEAR INSTALLATION.—The term “nuclear installation” has the meaning given the term in Article 2(i) of the Convention.

(4) STATE PARTY.—The term “State Party” means any nation that is a party to the Convention.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term “United States instrument of ratification” means the instrument of ratification of the United States of the Convention.