

(1) *IN GENERAL.*—Section 7101(c) of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note; Public Law 101–508; 104 Stat. 1388–331) is repealed.

(2) *EFFECT ON PRIOR PAYMENTS.*—The repeal under paragraph (1) shall have no effect on payments made under the repealed provisions before the date of enactment of this Act.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) *DEFINITION.*—In this section, the term “postal debt” means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

(b) *IN GENERAL.*—Savings accruing to the United States Postal Service as a result of the enactment of this Act shall be used to reduce the postal debt to such extent and in such manner as the Secretary of the Treasury, in consultation with the United States Postal Service, shall specify, consistent with this section.

(c) *AMOUNTS SAVED.*—

(1) *IN GENERAL.*—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management in accordance with paragraph (2).

(2) *METHODOLOGY.*—Not later than July 31, 2003, the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the actuarial methods and assumptions by which the Office shall make its computations under paragraph (1); and

(B) submit the plan to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(3) *REQUIREMENTS.*—The plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(4) *DURATION.*—Nothing in this subsection or subsection (b) shall be considered to apply with respect to any fiscal year beginning on or after October 1, 2007.

(d) *REPORTING REQUIREMENT.*—The Postal Service shall include in each report which is rendered under section 2402 of title 39, United States Code, and which relates to any period after the date of the enactment of this Act and before the date specified in subsection (c)(4), the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (b), during the period covered by the report.

(e) *SENSE OF CONGRESS.*—It is the sense of Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least calendar year 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to under paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to under paragraph (1) should be used in the computation of bonuses to Postal Service executives or managers.

(f) REPORT RELATING TO UNFUNDED HEALTHCARE COSTS.

(1) *IN GENERAL.*—Not later than December 31, 2003, the United States Postal Service shall prepare and submit to the President and Congress a report that—

(A) describes how the Postal Service proposes to address its obligations relating to unfunded

postretirement healthcare costs of current and former postal employees; and

(B) outlines how prior and future actuarial accrued costs for postretirement healthcare benefits and the amounts necessary to prefund those costs are treated for purposes of financial statement reporting and establishing rates of postage and fees for postal services.

(2) *PRESIDENT’S COMMISSION.*—In preparing the report under this subsection, the Postal Service should consider the report of the President’s Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) *GAO REVIEW AND REPORT.*—Not later than 60 days after the Postal Service submits the report under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of the report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(g) DETERMINATION AND DISPOSITION OF SURPLUS.

(1) *IN GENERAL.*—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a “surplus”)—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to Congress a report describing how the Postal Service proposes that surplus be used, including a draft of any necessary legislation.

(2) *DETERMINATION DATE.*—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

(h) DISPOSITION OF SAVINGS REPORTS.

(1) *IN GENERAL.*—Not later than December 31, 2004, and after that date, not later than 8 months preceding the date on which the Postal Service submits any request for a recommended decision of rate adjustments under section 3622 of title 39, United States Code, the Postal Service shall submit to the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the General Accounting Office a report (including a letter of comment on the report from the Secretary of the Treasury) on recommendations for the disposition of future savings accruing to the Postal Service as a result of the enactment of this Act that considers—

(A) whether, and to what extent, those future savings should be used to address—

- (i) debt repayment;
- (ii) prefunding of postretirement healthcare benefits for current and former postal employees;
- (iii) productivity and cost saving capital investments;
- (iv) maintaining postal rate stability; and
- (v) any other matter; and

(B) the report of the President’s Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(2) *GAO REVIEW AND REPORT.*—Not later than 45 days after the Postal Service submits a report under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of the report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(3) *POSTAL SERVICE ACTION ON RECOMMENDATIONS.*—The Postal Service may not take any action to implement any recommendation for the disposition of future savings in any report submitted under paragraph (1), until 90 days after the date on which that report is submitted.

SEC. 4. EFFECTIVE DATE.

(a) *IN GENERAL.*—This Act shall take effect on the date of enactment of this Act.

(b) *APPLICATION.*—Section 8334(a)(1)(B)(ii) of title 5, United States Code (as added by section 2(b) of this Act), shall apply only with respect to pay periods beginning on or after the date of enactment of this Act.

AMENDMENT NO. 469

(Purpose: To amend chapter 83 of title 5, United States Code, to reform the funding benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.)

Mr. FRIST. Mr. President, on behalf of Senators COLLINS, LIEBERMAN, and CARPER, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Ms. COLLINS, for herself, Mr. LIEBERMAN, and Mr. CARPER, proposes an amendment numbered 469.

Mr. FRIST. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment be agreed to; the committee amendment, as amended, be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 469) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 380), as amended, was read the third time and passed.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 103, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 103) to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. Daniel K. Akaka, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 103

Whereas, in the case of John Jenkel v. Daniel K. Akaka, et al., No. C 03-0381 (JCS), pending in the United States District Court for the Northern District of California, the plaintiff has named as defendants ninety-four Members of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Members of the Senate who are defendants in the case of John Jenkel v. Daniel K. Akaka, et al.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to Public Law 100-696, appoints the following Senators as members of the United States Capitol Preservation Commission: The Senator from Utah, Mr. BENNETT, vice the Senator from Illinois, Mr. DURBIN; the Senator from Colorado, Mr. CAMPBELL, vice the Senator from Nevada, Mr. REID.

The Chair, on behalf of the Democratic Leader, pursuant to Public Law 100-696, announces the appointment of the Senator from Illinois, Mr. DURBIN, as a member of the United States Capitol Preservation Commission, vice the Senator from Utah, Mr. BENNETT.

The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 101-509, the appointment of Alan C. Lowe, of Tennessee, to the Advisory Committee on the Records of Congress.

The Chair announces, on behalf of the Democratic Leader, pursuant to Public Law 101-509, the appointment of Stephen Van Buren, of South Dakota, to the Advisory Committee on the Records of Congress, vice Elizabeth Scott of South Dakota.

EXECUTIVE SESSION

JOINT CONVENTION ON SAFETY OF SPENT FUEL AND RADIOACTIVE WASTE MANAGEMENT—TREATY DOCUMENT 106-48

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 5, Treaty Document No. 106-48 on today's Executive Calendar. I further ask unanimous consent that the treaty be considered as having been passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any statements relating to the treaty be printed in the RECORD as if read; and that the Senate immediately proceed to a vote on the resolution of ratification; further, that when the resolution of ratification is

voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

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

The question is on agreeing to the resolution of ratification.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to as follows:

JOINT CONVENTION ON SAFETY OF SPENT FUEL AND RADIOACTIVE WASTE MANAGEMENT

[Treaty Doc. 106-48]

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

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 106-48), subject to the conditions of section 2.

SEC. 2. CONDITIONS.

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

(1) COMMITMENT TO REQUEST AND 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:

(A) request copies of all national reports submitted pursuant to Article 32 of the Convention; and

(B) comment in each review meeting held pursuant to Article 30 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 32 of the Convention by a Contracting Party that is receiving United States financial or technical assistance relating to the improvement of its nuclear and radiological safety and security practices.

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

(A) UNDERSTANDING.—The United States understands that neither Article 36 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 36 of the Convention.

(B) PROTECTION OF INFORMATION.—The Senate understands that the confidentiality of information provided by other Contracting Parties that is properly identified as protected pursuant to Article 36 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 cer-

tify 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 Contracting Party pursuant to Article 32 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 30 of the Convention, of any report or document submitted by any other Contracting 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 and radiological safety and security 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 Contracting Party that is receiving United States financial or technical assistance relating to nuclear or radiological safety or security improvement—

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

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

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

(IV) a review of the position of the country as to the further operation of each nuclear facility 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 and security of nuclear facilities;

(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 or radiological safety or security improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear facility, and the amount intended for expenditure by the United States on each such facility in the future.

(3) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997, relating to condition (1) of the resolution of ratification of the Intermediate-