

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-

Range Nuclear Forces (INF) Treaty, approved by the Senate on May 27, 1988.

**SEC. 3. 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) **CONTRACTING PARTY.**—The term “Contracting Party” means any nation that is a party to the Convention.

(3) **CONVENTION.**—The term “Convention” means the 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 1060948).

(4) **NUCLEAR FACILITY.**—The term “nuclear facility” has the meaning given the term in Article 2(f) of 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.

**LEGISLATIVE SESSION**

The **PRESIDING OFFICER.** Under the previous order, the Senate will return to legislative session.

**ORDERS FOR THURSDAY, APRIL 3, 2003**

Mr. **FRIST.** Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, April 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10 a.m., with the time equally divided between Senator **HUTCHISON** and the minority leader or their designees. I further ask unanimous consent that at 10 a.m., the Senate resume consideration of S. 762, the supplemental appropriations bill, and that Senator **BOXER** be recognized at that point to offer an amendment related to antimissiles.

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

**PROGRAM**

Mr. **FRIST.** Mr. President, for the information of all Senators, the Senate will be in a period for morning business until 10 a.m. to allow Members to continue to make statements in support of the troops. At 10 a.m., the Senate will resume consideration of the supplemental appropriations bill. The chairman has been talking to colleagues on the other side of the aisle regarding the lineup of amendments. Senator **BOXER** will go first, and we will try to reach a 30-minute time limitation on her amendment.

I understand that following Senator **BOXER**'s amendment, Senator **BAYH**

will be prepared with an amendment regarding bioterrorism, and Senator **GRAHAM** of Florida will have an amendment regarding VA health.

We have also had discussions about stacking the votes on amendments until early afternoon to accommodate some scheduling problems. We will be prepared to do that tomorrow morning.

The Senate will complete action on the supplemental appropriations bill tomorrow. I thank the two managers for their diligent, hard work, and I especially thank the assistant Democratic leader for helping to expedite the completion of this important bill.

The **PRESIDING OFFICER.** The Democratic leader.

Mr. **REID.** Mr. President, the majority leader is absolutely right. We have made progress on this bill. Senator **BOXER** had originally agreed on 20 minutes. She would have 20 minutes, and Senator **STEVENS** would have 10 minutes. The amendment is not here so there was no way Senator **STEVENS** could look at the amendment. Senator **BAYH** agreed to 10 minutes and Senator **STEVENS** agreed to 10 minutes. Senator **GRAHAM** also agreed to 10 minutes and Senator **STEVENS** 10 minutes. We hope to work that out as soon as the amendments are here so the majority can look at them tomorrow.

We had Senator **STEVENS** make an announcement, as I have for the Democratic leader, to make sure people realize we are going to finish the bill tomorrow. Senator **BREAUX** has an amendment that Senator **DASCHLE** wants him to offer. So we will have to see what else we can work out. I know Senator **STEVENS** has amendments on his side. We have a goal in mind to finish this bill tomorrow so we can get it immediately to conference and have a bill on the President's desk before we leave for our Easter break.

The **PRESIDING OFFICER.** The majority leader.

Mr. **FRIST.** Mr. President, again, I thank all of our colleagues for working very hard, especially the managers of this bill, to complete it tomorrow night or tomorrow afternoon, or as soon tomorrow as possible. I think we will be able to accomplish that goal.

**ADJOURNMENT UNTIL 9:30 A.M. TOMORROW**

Mr. **FRIST.** Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Thursday, April 3, 2003, at 9:30 a.m.

**NOMINATIONS**

Executive nominations received by the Senate April 2, 2003:

**DEPARTMENT OF STATE**

**STEPHEN M. YOUNG**, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND

PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

**STEVEN A. BROWNING**, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

**RONALD L. SCHLICHER**, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

**JOHN F. MAISTO**, OF PENNSYLVANIA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE **ROGER FRANCISCO NORIEGA**.

**DEPARTMENT OF JUSTICE**

**WILLIAM EMIL MOSCHELLA**, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE **DANIEL J. BRYANT**.

**DEPARTMENT OF THE TREASURY**

**TERESA M. RESSEL**, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE **EDWARD KINGMAN, JR.**

**LEGAL SERVICES CORPORATION**

**HERBERT S. GARTEN**, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE **DOUGLAS S. EAKLEY**, TERM EXPIRED.

**THOMAS R. MEITES**, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE **LAVEEDA MORGAN BATTLE**, TERM EXPIRED.

**UNITED STATES INSTITUTE OF PEACE**

**STEPHEN D. KRASNER**, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE **SHIBBLEY TELHAM**.

**DANIEL PIPES**, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE **ZALMAY KHALIZAD**, TERM EXPIRED.

**CHARLES EDWARD HORNOR**, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007, VICE **STEPHEN HADLEY**, TERM EXPIRED.

**CORPORATION FOR PUBLIC BROADCASTING**

**ELIZABETH COURTNEY**, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010, (REAPPOINTMENT)

**IN THE COAST GUARD**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 276:

*To be captain*

**LEWIS J. BUCKLEY**, 0000

**FOREIGN SERVICE**

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:  
**CHARLES A. FORD**, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:  
**THOMAS LEE BOAM**, OF UTAH

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:  
**JOHNNY E. BROWN**, OF SOUTH CAROLINA  
**C. FRANKLIN FOSTER JR.**, OF VIRGINIA  
**IRA E. KASOFF**, OF CALIFORNIA

**IN THE AIR FORCE**

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

**COL. RONNIE D. HAWKINS JR.**, 0000

**IN THE ARMY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

**MAJ. GEN. JERRY L. SINN**, 0000

**IN THE MARINE CORPS**

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203: