

5, 1996; to the Committee on Environment and Public Works.

EC-4022. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to a Program Acquisition Unit Cost (PAUC); to the Committee on Armed Services.

EC-4023. A communication from the Secretary of Defense, transmitting, pursuant to law, a report regarding Cooperative Threat Reduction [CTR]; to the Committee on Armed Services.

EC-4024. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report regarding Department of Defense purchases from foreign entities for fiscal year 1995; to the Committee on Armed Services.

EC-4025. A communication from the Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled "Provision of Early Intervention and Special Education to Eligible DoD Dependents in Overseas Areas," (received on September 10, 1996); to the Committee on Armed Services.

EC-4026. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, a report regarding a rule entitled "Exemptions for Certain Open-End Management Investment Companies to Impose Deferred Sales Loads," (RIN 3235-AD18) received on September 10, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-4027. A communication from the Attorney-Advisor of the Federal Register Certifying Officer, Financial Management Service of the Department of the Treasury, transmitting, pursuant to law, a rule entitled "Depositaries for Federal Taxes" (RIN 1510-AA54) received on August 21, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-4028. A communication from the Vice President and Treasurer of Farm Credit Financial Partners, transmitting, a notice regarding the Retirement Plan for Agricultural Credit Associations and Farm Credit Banks in the First Farm Credit District; to the Committee on Governmental Affairs.

EC-4029. A communication from the Deputy Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Prevailing Rate Systems," (RIN 3206-AH-60) received on September 10, 1996; to the Committee on Governmental Affairs.

EC-4030. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, a report regarding the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC-4031. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "The Information Resources Management (IRM) Plan of the Federal Government" for fiscal year 1995; to the Committee on Governmental Affairs.

EC-4032. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a rule regarding debarment and suspension in procurement and nonprocurement activities (RIN 1991-AB24) received on August 27, 1996; to the Committee on Governmental Affairs.

EC-4033. A communication from the Administrator of the Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a rule entitled "Termination Order-Black Hills," received on September 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4034. A communication from the Administrator of the Agricultural Marketing Service, U.S. Department of Agriculture,

transmitting, pursuant to law, a rule entitled "Assessment Rates for Specified Marketing Orders," (FV96-927-2 IFR) received on September 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4035. A communication from the Congressional Review Coordinator, transmitting, pursuant to law, a rule entitled "Scrapie Indemnification Program," received on September 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4036. A communication from the Under Secretary of Defense, 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 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 entitled "Compressed Natural Gas Fuel 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 (Exec. Rept. 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 ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993, including the following annexes and associated documents, all such documents being integral parts of and collectively referred to in this resolution as the "Convention" (contained in Treaty Document 103-21), subject

to the conditions of subsection (b) and the declarations of subsection (e):

(1) The Annex on Chemicals.

(2) The Annex on Implementation and Verification (also known as the "Verification Annex").

(3) The Annex on the Protection of Confidential Information (also known as the "Confidentiality Annex").

(4) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(5) The Text on the Establishment of a Preparatory Commission.

(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 DECLARATIONS.—(A) Not later than 10 days 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 declaration requirements of 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.

(B) For purposes of this paragraph, the term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(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 under that agreement will meet or exceed those mandated by the Convention, or

(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) consult with, 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") and the noncompliant party with the objective of bringing the noncompliant party into compliance;

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

(i) restrict or suspend the noncompliant party's rights and privileges under 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.

(5) FINANCING IMPLEMENTATION.—The United States understands that in order to ensure the commitment of Russia to destroy its Chemical stockpiles, in the event that Russia ratifies the Convention, Russia must maintain a substantial stake in financing the implementation of the Convention. The costs of implementing the Convention should be borne by all parties to the Convention. The deposit of the United States instrument of 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 comes into force with the 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 are in the national security interests of the United States.

(7) PRESIDENTIAL CERTIFICATION AND REPORT ON NATIONAL TECHNICAL MEANS.—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 ensure effective verification of compliance. 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 ratification of 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 the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988. For purposes of this declaration, 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, approved by the Senate on May 27, 1988.

(2) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

(3) RETALIATORY POLICY.—The Senate declares that the United States should strongly reiterate its retaliatory policy that the use of chemical weapons against United States military forces or civilians would result in an overwhelming and devastating response, which may include the whole range of available weaponry.

(4) CHEMICAL DEFENSE PROGRAM.—The Senate declares that ratification of the Convention will not obviate the need for a robust, adequately funded Chemical defense program, together with improved national intelligence capabilities in the nonproliferation area, maintenance of an effective deterrent through capable conventional forces, trade-enabling export controls, and other capabilities. In giving its advice and consent to ratification of the Convention, the Senate does so with full appreciation that the entry into force of the Convention enhances the responsibility of the Senate to ensure that the United States continues an effective and adequately funded Chemical defense program. The Senate further declares that the United States should continue to develop theater missile defense to intercept ballistic missiles that might carry Chemical weapons and should enhance defenses of the United States Armed Forces against the use of chemical weapons in the field.

(5) ENFORCEMENT POLICY.—The Senate urges the President to pursue compliance questions under the Convention vigorously and to seek international sanctions 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 raises issues bilaterally or in appropriate international fora and takes appropriate actions.

(6) APPROVAL OF INSPECTORS.—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 mishandle information that the team obtains.

(7) ASSISTANCE TO RUSSIA.—The Senate declares that, if the United States provides limited financial assistance for the destruction of Russian chemical weapons, the United States should, in exchange for such assistance, require Russia to destroy its chemical weapons stocks at a proportional rate to the destruction of United States chemical weapons stocks, and to take the action before the Convention deadline. In addition, the Senate urges the President to request Russia to

allow inspections of former military facilities that have been converted to commercial production, given the possibility that these plants could one day be reconverted to military use, and that any United States assistance for the destruction of the Russian chemical stockpile be apportioned according to Russia's openness to these broad based inspections.

(8) EXPANDING CHEMICAL ARSENALS IN COUNTRIES NOT PARTY TO THE CHEMICAL WEAPONS CONVENTION.—It is the sense of the Senate that, if during the time the Convention remains in force the President determines that there has been an expansion of the chemical weapons arsenals of any country not a party to the Convention so as to jeopardize the supreme national interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the Convention remains in the national interest of the United States.

(9) COMPLIANCE.—Concerned by the clear pattern of Soviet noncompliance with arms control agreements and continued cases of noncompliance by Russia, the Senate declares the following:

(A) The Convention is in the interest of the United States only if both the United States and Russia, among others, are in strict compliance with the terms of the Convention as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply.

(B)(i) Given its concern about compliance issues, the Senate expects the President to offer regular briefings, but not less than several times a year, to the Committees on Foreign Relations and Armed Services and the Select Committee on Intelligence of the Senate on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in diplomatic channels and bilateral as well as the multilateral Organization fora to resolve the compliance issues and shall include, but would not necessarily be limited to a description of—

(I) any compliance issues, other than those requiring challenge inspections, that the United States plans to raise with the Organization; and

(II) any compliance issues raised at the Organization, within 30 days.

(i) Any Presidential determination that Russia is in noncompliance with the Convention shall be transmitted to the committees specified in clause (i) within 30 days of such a determination, together with a written report, including all unclassified summary, explaining why it is in the national security interests of the United States to continue as a party to the Convention.

(10) SUBMISSION OF FUTURE AGREEMENTS AS TREATIES.—The Senate declares that after the Senate gives its advice and consent to ratification of the Convention, any agreement or understanding which in any material way modifies, amends, or reinterprets United States and Russian obligations, or those of any other country, under the Convention, including the time frame for implementation of the Convention, should be submitted to the Senate for its advice and consent to ratification.

(11) RIOT CONTROL AGENTS.—(A) The Senate, recognizing that the Convention's prohibition on the use of riot control agents as a "method of warfare" precludes the use of such agents against combatants, including use for humanitarian purposes where combatants and noncombatants intermingled, urges the President—

(i) to give high priority to continuing efforts to develop effective nonchemical, non-lethal alternatives to riot control agents for

use in situations where combatants and non-combatants are intermingled; and

(ii) to ensure that the United States actively participates with other parties to the Convention in any reassessment of the appropriateness of the prohibition as it might apply to such situations as the rescue of downed air crews and passengers and escaping prisoners or in situations in which civilians are being used to mask or screen attacks.

(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 resolutions were introduced, read the first and second time by unanimous consent, 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 adjacent to 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 research on breast cancer; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 2065. A bill to amend the Higher Education Act of 1965 to require open campus security crime logs at institutions of higher education; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. EXON, Mr. KERREY, Mr. WELLSTONE, Mr. PRESSLER, Mr. GRASSLEY, and Mr. HARKIN):

S. 2066. A bill to amend the Northern Great Plains Rural Development Act to the duration of the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture, Nutrition, 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 Environment and Public Works.

##### ABIQUEIU DAM LEGISLATION

• Mr. DOMENICI. Mr. President, today I introduce a bill that clarifies the intent of Congress regarding Public Law 100-522. That law authorized 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 the past several years, the corps' Albuquerque 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 with condemnation of all 6,000 acres of flood easement lands around the lake. Such an action would be extremely disruptive to the Abiquiu community.

In response to those concerns, I introduced legislation last Congress that would have clarified that the acquisition of lands adjacent to the dam by the corps would be from willing sellers only. Since that time, the corps and the local Abiquiu Reservoir Advisory Council 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' Albuquerque district engineer has shown on this issue since I introduced my legislation last Congress. Indeed, in July of 1995 the corps released its master plan/environmental assessment for Abiquiu Reservoir, a plan which specifically reflected the intent of Public Law 100-522 by recommending that acquisition of land around the reservoir should only be from willing sellers.

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

Consequently, today I am again introducing 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 their property. As one long-time Abiquiu resident told me recently, "I don't want my grandchildren to have to go through this terrible threat of the Government taking away our ranch." My legislation will put an end to that threat, and I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2063

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. LIMITATION ON LAND ACQUISITION.

Section 1 of the Act entitled "An Act to authorize continued storage of water at Abiquiu Dam in New Mexico", approved October 24, 1988 (43 U.S.C. 620a note), is amended by inserting immediately following "acquire lands" the following: "only from willing sellers".•

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.

##### THE BREAST CANCER RESEARCH EXTENSION ACT OF 1996

• Ms. SNOWE. Mr. President, I introduce legislation which authorizes increased funding for breast cancer research.

Over the past 5 years, Congress has demonstrated an increased commitment to the fight against breast cancer. Back in 1991, less than \$100 million was spent on breast cancer research. Since then, Congress has steadily increased this allocation. These increases have stimulated new and exciting research that has begun to unravel the mysteries of this devastating disease and is moving us closer to a cure. Today, we must send a message through our authorization level to scientists and research policymakers that we are committed to continued funding for this important research.

This increase in funding is necessary because breast cancer has reached crisis levels in America. This year alone, 184,000 new cases of breast cancer will be diagnosed in this country, and more than 44,000 women will die from this disease. Breast cancer is the most common form of cancer and the second leading cause of cancer deaths among American women. Today, over 2.6 million American women are living with this disease. In my home State of Maine, it is the most commonly diagnosed cancer among women, representing more than 30 percent of all new cancers in Maine women.

In addition to these enormous human costs, breast cancer also exacts a heavy financial toll—over \$6 billion of our health care dollars are spent on breast cancer annually.

Today, however, there is cause for hope. Recent scientific progress made in the fight to conquer breast cancer is encouraging. Researchers have isolated the genes responsible for heritable breast cancer, and are beginning to understand the mechanism of the cancer cell itself. It is imperative that we capitalize upon these advances by continuing to support the scientists investigating this disease and their innovative research.

For this reason, my bill increases the fiscal year 1997 funding authorization level for breast cancer research to \$575 million. This level is just \$20 million over the National Cancer Institute's fiscal year 1997 bypass budget, representing the funding level scientists believe is necessary to make progress against this disease. This increased funding will contribute substantially toward solving the mysteries surrounding breast cancer. Our continued investment will save countless lives and health care dollars, and prevent undue suffering in millions of American women and families.

On behalf of the 2.6 million women living with breast cancer, I urge my colleagues to support this important bill. •

By Mrs. FEINSTEIN:

S. 2065. A bill to amend the Higher Education Act of 1965 to require open campus security crime logs at institutions of higher education; to the Committee on Labor and Human Resources.