

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Rept. No. 106-483).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 1109: A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes (Rept. No. 106-484).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2417: A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes (Rept. No. 106-485).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1697: A bill to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982 (Rept. No. 106-486).

S. 1756: A bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes (Rept. No. 106-487).

S. 2163: A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington (Rept. No. 106-488).

S. 2882: A bill to authorize Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes (Rept. No. 106-489).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Treaty Doc. 106-47 Investment Treaty With Azerbaijan (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on August 1, 1997, together with an Amendment to the Treaty set forth in an Exchange of Diplomatic Notes Dated August 8, 2000, and August 25, 2000, (Treaty Doc. 106-47), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of

ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-25 Investment Treaty With Bahrain (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on September 29, 1999 (Treaty Doc. 106-25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-26 Investment Treaty With Bolivia (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Santiago, Chile, on April 17, 1998 (Treaty Doc. 106-26), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-29 Investment Treaty With Croatia (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996 (Treaty Doc. 106-29), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-28 Investment Treaty With El Salvador (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at San Salvador on March 10, 1999 (Treaty Doc. 106-28), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOR.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-27 Investment Treaty With Honduras (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995 (Treaty Doc. 106-27), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-30 Investment Treaty With Jordan (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Amman on July 2, 1997 (Treaty Doc. 106-30), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitu-

tion of the United States as interpreted by the United States.

Treaty Doc. 106-42 Investment Treaty With Lithuania (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania for the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on January 14, 1998 (Treaty Doc. 106-42), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

SOVEREIGN IMMUNITY.—The Senate understands that nothing in this Treaty shall constitute or be construed as a waiver by the United States of its sovereign immunity from suit.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-31 Investment Treaty With Mozambique (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, and a related exchange of letters, signed at Washington on December 1, 1998 (Treaty Doc. 106-31), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which

shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-46 Protocol Amending Bilateral Investment Treaty With Panama (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Republic of Panama Amending the Treaty Concerning the Treatment and Protection of Investments of October 27, 1982, signed at Panama City on June 1, 2000, (Treaty Doc. 106-46).

Treaty Doc. 104-25 Investment Treaty With Uzbekistan (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on December 16, 1994 (Treaty Doc. 104-25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-35 Treaty With Cyprus on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters, signed at Nicosia on December 20, 1999 (Treaty Doc. 106-35), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statutes establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-19 Treaty With Egypt on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters, signed at Cairo on May 3, 1998 (Treaty Doc. 106-19), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force

for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-17 Treaty With France on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of France on Mutual Legal Assistance in Criminal Matters, with an Explanatory Note, signed at Paris on December 10, 1998 (Treaty Doc. 106-17), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-18 Treaty with the Hellenic Republic on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 25, 1999 (Treaty Doc. 106-18), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 102-26 Treaty With Nigeria on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Federal Republic of Nigeria on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 13, 1989 (Treaty Doc. 102-26), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty

is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-20 Treaty With Romania on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Romania on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999 (Treaty Doc. 106-20), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-36 Treaty With South Africa on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of South Africa on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 16, 1999 (Treaty Doc. 106-36), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-16 Treaty With Ukraine on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters, signed at Kiev on July 22, 1998 (Treaty Doc. 106-16), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105-25 Inter-American Convention on Mutual Assistance in Criminal Matters With Related Optional Protocol (Exec. Rept. 106-24).

#### TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters ("the Convention"), adopted at the Twenty-Second Regular Session of the Organization of American States ("OAS") General Assembly meeting in Nassau, The Bahamas, on May 23, 1992, and the Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters ("the Optional Protocol"), adopted at the Twenty-third Regular Session of the OAS General Assembly meeting in Managua, Nicaragua, on June 11, 1993, both instruments signed on behalf of the United States at OAS Headquarters in Washington on January 10, 1995 (Treaty Doc. 105-25), subject to the understandings of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

(1) IN GENERAL.—The United States understands that the Convention and Optional Protocol are not intended to replace, supersede, obviate or otherwise interfere with any other existing bilateral or multilateral treaties or conventions, including those that relate to mutual assistance in criminal matters.

(2) ARTICLE 25.—The United States understands that Article 25 of the Convention, which limits disclosure or use of information or evidence obtained under the Convention, shall no longer apply if such information or evidence is made public, in a manner consistent with Article 25, in the course of proceedings in the Requesting State.

(3) PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it may provide under the Convention and/or Optional Protocol so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Convention or the Optional Protocol requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 104-29 United Nations Convention to Combat Desertification in Countries Experiencing Drought, Particularly in Africa, With Annexes (Exec. Rept. No. 106-25).

#### TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, With Annexes, adopted at Paris, June 17, 1994, and signed by the United States on October 14, 1994, (Treaty Doc. 104-29) (hereinafter, "the Convention"), subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) FOREIGN ASSISTANCE.—The United States understands that, as a "developed

country," pursuant to Article 6 of the Convention and its Annexes, it is not obligated to satisfy specific funding requirements or other specific requirements regarding the provision of any resource, including technology, to any "affected country," as defined in Article 1 of the Convention. The United States understands that ratification of the Convention does not alter its domestic legal processes to determine foreign assistance funding or programs.

(2) FINANCIAL RESOURCES AND MECHANISM.—The United States understands that neither Article 20 nor Article 21 of the Convention impose obligations to provide specific levels of funding for the Global Environmental Facility, or the Global Mechanism, to carry out the objectives of the Convention, or for any other purpose.

(3) UNITED STATES LAND MANAGEMENT.—The United States understands that it is a "developed country party" as defined in Article 1 of the Convention, and that it is not required to prepare a national action program pursuant to Part III, Section 1, of the Convention. The United States also understands that no changes to its existing land management practices and programs will be required to meet its obligations under Articles 4 or 5 of the Convention.

(4) LEGAL PROCESS FOR AMENDING THE CONVENTION.—In accordance with Article 34(4), any additional regional implementation annex to the Convention or any amendment to any regional implementation annex to the Convention shall enter into force for the United States only upon the deposit of a corresponding instrument of ratification, acceptance, approval or accession.

(5) DISPUTE SETTLEMENT.—The United States declines to accept as compulsory either of the dispute settlement means set out in Article 28(2), and understands that it will not be bound by the outcome, findings, conclusions or recommendations of a conciliation process initiated under Article 28(6). For any dispute arising from this Convention, the United States does not recognize or accept the jurisdiction of the International Court of Justice.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) CONSULTATIONS.—It is the sense of the Senate that the Executive Branch should consult with the Committee on Foreign Relations of the Senate about the possibility of United States participation in future negotiations concerning this Convention, and in particular, negotiation of any Protocols to this Convention.

(2) 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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) ADOPTION OF NO RESERVATIONS PROVISION.—It is the sense of the Senate that the "no reservations" provision contained in Article 37 of the Convention has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and that the Senate's approval of the Convention should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT TO CONGRESS.—Two years after the date the Convention enters into force for

the United States, and biennially thereafter, the Secretary of State shall provide a report to the Committee on Foreign Relations of the Senate setting forth the following:

(i) a description of the programs in each affected country party designed to implement the Convention, including a list of community-based non-governmental organizations involved, a list of amounts of funding provided by the national government and each international donor country, and the projected date for full implementation of the national action program;

(ii) an assessment of the adequacy of each national action program (including the timeliness of program submittal), the degree to which the plan attempts to fully implement the Convention, the degree of involvement by all levels of government in implementation of the Convention, and the percentage of government revenues expended on implementation of the Convention;

(iii) a list of United States persons designated as independent experts pursuant to Article 24 of the Convention, and a description of the process for making such designations;

(iv) an identification of the specific benefits to the United States, as well as United States persons, (including United States exporters and other commercial enterprises), resulting from United States participation in the Convention;

(v) a detailed description of the staffing levels and budget of the Permanent Secretariat established pursuant to Article 23;

(vi) a breakdown of all direct and indirect United States contributions to the Permanent Secretariat, and a statement of the number of United States citizens who are staff members or contract employees of the Permanent Secretariat;

(vii) a list of affected party countries that have been developed countries, within the meaning of the Convention; and

(viii) for each affected party country, a discussion of results (including discussion of specific successes and failures) flowing from national action plans generated under the Convention.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-38 Extradition Treaty with Belize (Exec. Report No. 106-26).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Belize, signed at Belize on March 30, 2000 (Treaty Doc. 106-38), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person extradited to Belize from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to

Belize by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreement Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-4 Extradition Treaty With Paraguay (Exec. Report No. 106-26).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Paraguay, signed at Washington on November 9, 1998 (Treaty Doc. 106-4), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article XV concerning the rule of Specialty would preclude the resurrender of any person extradited to the Republic of Paraguay from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of Paraguay by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which

shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-24 Extradition Treaty With South Africa (Exec. Report No. 106-23).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States and the Government of the Republic of South Africa, signed at Washington on September 16, 1999 (Treaty Doc. 106-24), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 18 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Republic of South Africa from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of South Africa by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-34 Extradition Treaty With Sri Lanka (Exec. Report No. 106-26).

TEXT OF COMMITTEE RECOMMENDED  
RESOLUTION OF ADVICE AND CONSENT:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka, signed at Washington on September 30, 1999 (Treaty Doc. 106-34), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).



(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty must preclude the surrender of any person extradited to the Democratic Socialist Republic of Sri Lanka from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such surrender; and the United States shall not consent to the transfer of any person extradited to the Democratic Socialist Republic of Sri Lanka by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

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 of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON:

S. 3157. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS:

S. 3158. A bill to shift Impact Aid funding responsibility for military connected children and property from the Department of Education to the Department of Defense; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT:

S. 3159. A bill to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to the use of accrued compensatory time by certain public employees; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 3160. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes;

to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. GRAMM, Mr. KYL, Mr. DOMENICI, Mr. DODD, Mrs. FEINSTEIN, Mr. HOLLINGS, and Mr. SESSIONS):

S. Res. 366. A resolution expressing the Sense of the Senate on the Certification of Mexico; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. JEFFORDS:

S. 3158. A bill to shift Impact Aid funding responsibility for military connected children and property from the Department of Education to the Department of Defense; to the Committee on Health, Education, Labor, and Pensions.

"EDUCATIONAL ASSISTANCE FOR MILITARY CONNECTED CHILDREN ACT OF 2000"

Mr. JEFFORDS. Mr. President, today I am introducing the "Educational Assistance for Military Connected Children Act of 2000," legislation that would transfer from the Department of Education to the Department of Defense financial responsibility for impact aid payments used to support the education of military dependents.

The impact aid program is authorized as Title VIII of the Elementary and Secondary Education Act (ESEA) of 1965. Unlike other ESEA programs, however, impact aid payments are not used to support specific educational activities. Rather, these payments serve as general aid to local educational agencies to replace tax dollars which are foregone as the result of the presence of the Federal government. For example, Federal property—such as military installations—is not subject to property taxes. In addition, under the terms of the Soldiers' and Sailors' Civil Relief Act of 1940, many military personnel do not pay taxes in the States and localities where their children attend school.

Replacing lost revenues that would otherwise have been available to support local schools is an obligation of the Federal government in those cases where the revenue loss is directly related to Federal action. The Department of Education, through the impact aid program, provides nearly \$1 billion each year for this purpose.

Over the past two years, the Committee on Health, Education, Labor, and Pensions has been reviewing all ESEA programs. In the course of that review, I have come to the conclusion that the children of military personnel would be better served if the impact aid provided on their behalf were offered through the Department of Defense.

For one thing, DOD officials are in a far better position than are Education Department personnel to assess the needs of schools on or near military bases and to be aware of activities—such as downsizing or the construction or renovation of base housing—which can have a major effect on the amount of the impact aid assistance available to a school. In many cases, my committee has been asked, after the fact, to address specific impact aid problems which have confronted schools as a result of such decisions.

In addition, problems such as inadequate funding, overcrowded conditions, and lengthy delays in the issuance of impact aid payments could be better addressed if their resolution were the responsibility of those who are most familiar with the needs of these schools and their students.

On a number of occasions in the past, defense-related legislation has included provisions which have directly changed impact aid or have supported parallel programs. I do not see that the interests of schools or students are best served by this duplication of effort.

The Department of Defense currently offers of variety of services to military dependents—ranging from child care to health services. I believe the education of these children to be equally important. The legislation I am offering today is, I believe, a good starting point for impact aid reform designed to improve the educational opportunities available to military dependents.

Mr. ASHCROFT:

S. 3159. A bill to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to the use of accrued compensatory time by certain public employees; to the Committee on Health, Education, Labor, and Pensions.

STATE AND LOCAL GOVERNMENT FAMILY FRIENDLY WORKPLACE ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce a very important piece of legislation. This bill continues my effort to help working parents balance the demands between work and family.

Over the past five years, we have been talking about the difficulty that parents have balancing work and family obligations. I do not think there are two values that are more highly or intensely admired in America than these. The first one is the value we place on our families. We understand that more than anything else the family is an institution where important things are learned, not just knowledge imparted but wisdom is obtained and understood in a family which teaches us not just how to do something but teaches us how to live.

The second value which is a strong value in America and reflects our heritage is the value of work. Americans admire and respect work. The difficult issue that face us as a nation, is how are we going to resolve these tensions? I think that is one of the jobs, that we