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Senate

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 26, 1998, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the amendments of the Senate to the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 2070) to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4164) to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 4283) to support sustainable and broad-based agricultural rural development in sub-Saharan Africa, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (S. 1364) to eliminate unnecessary and wasteful Federal reports.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 138. Joint Resolution appointing the day for the convening of the first session the One Hundred Sixth Congress.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed on October 26, 1998, subsequent to the sine die adjournment, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 2, 1998, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 191. An act to throttle criminal use of guns.

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

S. 759. An act to amend the State Department Basic Authorities Act to 1965 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of power flight and the achievements of the Wright brothers.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1525. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

S. 2432. An act to support programs of grants to States to address the assistive technology need of individuals with disabilities, and for other purposes.

S. 2500. An act to protect the sanctity of contract and leases entered into by surface patent holders with respect to coalbed methane gas.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

H.R. 378. For the relief of Heraclio Tolley.

H.R. 379. For the relief of Larry Errol Pieterse.

H.R. 633. An act to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

H.R. 1023. An act to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated anthihemophilic factor, and for other purposes.

H.R. 1794. For the relief of Mai Hoa ''Jasmin'' Salehi.

H.R. 1834. For the relief of Merecedes Del Carmen Quiros Martinez Cruz.

H.R. 1949. For the relief of Nuratu Olarewaju Abeke Kadiri.

H.R. 2070. An act to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

H.R. 2263. An act to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 2744. For the relief of Chong Ho Kwak.

H.R. 3267. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, and for other purposes.

H.R. 3461. An act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes.

H.R. 3633. An act to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 3910. An act to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

H.R. 4083. An act to make available to the Ukrainian Museum and Archives of the USIA television program ''Window on America.''

H.R. 4110. An act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to improve a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

H.R. 4164. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

H.R. 4283. An act to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4821. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolution were signed on November 2, 1998, subsequent to the sine die adjournment, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that, subsequent to the sine die adjournment, he had presented to the President of the United States, the following enrolled bills and joint resolution;

On October 22, 1998:

S. 538. An act to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

S. 744. An act to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a non-profit corporation, in the planning and construction of the water supply system, and for other purposes.

S. 1260. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1722. An act to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2524. An act to clarify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

On October 30, 1998:

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

On November 2, 1998:

S. 191. An act to throttle criminal use of guns.

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

On November 3, 1998:

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to congress concerning diplomatic immunity.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service Programs.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 of authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorized the appropriation of additional amounts for the acquisition of real and personal property.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

S. 2432. An act to support programs of grants to the States to address the assistive technology needs of individuals with disabilities, and for other purposes.

On November 4, 1998:

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorized purchase or donation of those lands, and for other purposes.

S. 1134, An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

S. 1525. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

TRIBUTE TO STAFF MEMBERS WHO AIDED IN THE PASSAGE OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. NICKLES. Mr. President, in my floor remarks preceding the passage of the International Religious Freedom Act of 1998 on October 9, 1998, I recognized three persons for their many hours of work and their important leadership roles in guiding this legislation to passage—Steve Moffitt of my

staff, John Hanford on the staff of Senator RICHARD LUGAR, and Cecile Shea with Senator JOSEPH LEIBERMAN.

I would like to take this opportunity to add to this honor roll the names of several additional congressional staff whose efforts were essential to the crafting and historic passage of this legislation. Often when legislation is passed into law, we, who work in Congress, never have the full benefit of seeing the aid and blessing which our efforts bring to others. This will assuredly be the case for this small group of staff who worked with such dedication and excellence for the passage of the International Religious Freedom Act. Their work has now received the unanimous acclaim of both Houses of Congress, as the Senate voted 98–0 in favor of this bill, followed the next day by a unanimous voice vote in the House. But, more importantly, I hope that these individuals will rest in the satisfaction that their selfless efforts will, for decades to come, redound to the benefit of countless persons around the world imprisoned, tortured, or otherwise persecuted or restricted in the practice of their religious beliefs. This is an extraordinary and noble service which they have rendered to persons of faith throughout the world, and I believe that it is important that we, as a congressional body, recognize their role in this historic achievement.

First, I wish to recognize two House staff members for their brilliant and tireless work, beginning at the very inception of the International Religious Freedom Act and carrying all the way through to its final passage. Laura Bryant of the office of Congressman BOB CLEMENT and William Inboden, formerly with Congressman TOM DELAY, were two of the original ''visionaries'' for this bill, and their compassion for suffering believers as well as their expertise on issues of religious persecution are reflected on every page of the bill. I am deeply grateful for their extraordinary contribution to this landmark legislation.

In the Senate, I wish to express special commendation to Jim Jatras, Foreign Affairs Specialist with the Republican Policy Committee. Mr. Jatras is one of the most distinguished analysts of foreign policy on Capitol Hill and is a person to whom I have often turned for expert counsel. In the case of the International Religious Freedom Act, Mr. Jatras contributed vitally, both to the substance of the bill and to the process of negotiation which led to its passage.

I wish, also, to express warmest thanks to Elaine Petty, with the staff of Senator CONNIE MACK, who was a leading original cosponsor of this act. Ms. Petty contributed many hours of work over the past 6 months toward the passage of this bill, and her efforts were especially important in discussions with other Senate offices and outside groups.

Special commendation is reserved for the remarkable expertise demonstrated by Art Rynearson, Senior Counsel with the Office of Senate Legislative Counsel. Mr. Rynearson labored through numerous drafts of this bill, and distinguished himself by his command of the process of legislative drafting, by his patience and perseverance, and by his commitment to excellence in creation of U.S. law. The Senate staffers which worked most closely with him have expressed deep gratitude for his spirit of teamwork on this year-long endeavor.

In addition, I wish to express gratitude to Polly Craighill, who also serves on the staff of Senate Legislative Counsel. Ms. Craighill stepped in at a critical moment in the development of this act and provided expert assistance requiring personal sacrifice on her part.

Finally, I would like to recognize the important contributions made by several of the senior staff at Congressional Research Service. Larry Eig, Legislative Attorney, Joyce Vialet, Refugee Affairs Expert, Vita Bite, Foreign Affairs Expert, Jeanne Grimmet, Legislative Attorney, and Dianne Rennack, Foreign Affairs Expert, all made important contributions to the careful work of researching and scrutinizing issues involved in the content of this bill.

RESOLUTION OF RATIFICATION OF TREATIES

The text of the resolutions of ratification of treaties passed by the Senate on October 21, 1998 are as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997 (Treaty Doc. 105–17), subject to the reservation of subsection (a), the declarations of subsection (b), and the provisos of subsection (c).

(a) RESERVATION.—The advice and consent of the Senate to the WIPO Performances and Phonograms Treaty is subject to the following reservation, which shall be included in the instrument of ratification and shall be binding on the President:

REMUNERATION RIGHT LIMITATION.—Pursuant to Article 15(3) of the WIPO Performances and Phonograms Treaty, the United States will apply the provisions of Article 15(1) of the WIPO Performances and Phonograms Treaty only in respect of certain acts of broadcasting and communication to the public by digital means for which a direct or indirect fee is charged for reception, and for other retransmissions and digital phonorecord deliveries, as provided under the United States law.

(b) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a ''limited reservations'' provision, such as that contained in Article 21 of the Performances and Phonograms Treaty, and a ''no reservations'' provision, such as that contained in Article 22 of the Copyright Treaty, have the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of these treaties should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(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 States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

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

(1) CONDITION FOR RATIFICATION.—The United States shall not deposit the instruments of ratification for these Treaties until such time as the President signs into law a bill that implements the Treaties, and that shall include clarifications to United States law regarding infringement liability for online service providers, such as contained in H.R. 2281.

(2) REPORT.—On October 1, 1999, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Treaties, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Treaties to ratify and implement them.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION.—A description of the domestic laws enacted by each Party to the Treaties that implement commitments under the Treaties, and an assessment of the compatibility of the laws of each country with the requirements of the Treaties.

(C) ENFORCEMENT.—An assessment of the measures taken by each Party to fulfill its obligations under the Treaties, and to advance its object and purpose, during the previous year. This shall include an assessment of the enforcement by each Party of its domestic laws implementing the obligations of the Treaties, including its efforts to:

(i) investigate and prosecute cases of piracy;

(ii) provide sufficient resources to enforce its obligations under the Treaties;

(iii) provide adequate and effective legal remedies against circumvention of effective technological measures that are used by copyright owners in connection with the exercise of their rights under the Treaties or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the copyright owners concerned or permitted by law.

(D) FUTURE NEGOTIATIONS.—A description of the future work of the Parties to the Treaties, including work on any new treaties related to copyright or phonogram protection.

(E) EXPANDED MEMBERSHIP.—A description of U.S. efforts to encourage other non-signatory countries to sign, ratify, implement, and enforce the Treaties, including efforts to encourage the clarification of laws regarding Internet service provider liability.

(3) 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.

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 Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters, and related exchange of notes, signed at Washington on March 13, 1997 (Treaty Doc. 105–11), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, signed in Hong Kong on April 15, 1997 (Treaty Doc. 105–6), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Government of the Republic of Poland on Mutual Legal Assistance in Criminal Matters, signed at Washington on July 10, 1996 (Treaty Doc. 105–12), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Barbados on Mutual Legal Assistance in Criminal Matters, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105–23), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Trinidad and Tobago on Mutual Legal Assistance in Criminal Matters, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105–22), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on October 31, 1996 (Treaty Doc. 105–24), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–24), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–24), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–24), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Australia on Mutual Assistance in Criminal Matters, and a related exchange of notes, signed at Washington on April 30, 1997 (Treaty Doc. 105–27), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Washington on June 13, 1997 (Treaty Doc. 105–34), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Saint Kitts and Nevis on Mutual Legal Assistance in Criminal Matters, signed at Basseterre on September 18, 1997, and a related exchange of notes signed at Bridgetown on October 29, 1997, and February 4, 1998 (Treaty Doc. 105–37), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Venezuela on Mutual Legal Assistance in Criminal Matters, signed at Caracas on October 12, 1997 (Treaty Doc. 105–38), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Israel on Mutual Legal Assistance in Criminal Matters, signed at Jerusalem on January 26, 1998, and a related exchange of notes signed the same date (Treaty Doc. 105–40), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 16, 1998 (Treaty Doc. 105–41), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Federative Republic of Brazil on Mutual Legal Assistance in Criminal Matters, signed at Brasilia on October 14, 1997 (Treaty Doc. 105–42), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Saint Vincent and the Grenadines on Mutual Legal Assistance in Criminal Matters, and a Related Protocol, signed at Kingstown on January 8, 1998 (Treaty Doc. 105–44), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Czech Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 4, 1998 (Treaty Doc. 105–47), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Estonia on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 2, 1998 (Treaty Doc. 105–52), and an Exchange of Notes dated September 16 and 17, 1998 (EC–7063), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the 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.

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 Estonia on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 2, 1998 (Treaty Doc. 105–52), and an Exchange of Notes dated September 16 and 17, 1998 (EC–7063), 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 agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the 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 two 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 interest, 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 the Treaty requires or authorizes legislation or other action by the United States of S12995America that is prohibited by the

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

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the United States of America and France, which includes an Agreed Minute, signed at Paris on April 23, 1996 (Treaty Doc. 105–13), 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 ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Articles 19 and 20 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to 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 France by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Grand Duchy of Luxembourg, signed at Washington on October 1, 1996 (Treaty Doc. 105–10), 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 ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to 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 Luxembourg by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Republic of Poland, signed at Washington on July 10, 1996 (Treaty Doc. 105–14), 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 ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to 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 Poland by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Third Supplementary Extradition Treaty Between the United States of America and the Kingdom of Spain, signed at Madrid on March 12, 1996 (Treaty Doc. 105–15), 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 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.

(b) PROVISO.—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 the 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.

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 Cyprus, signed at Washington on June 17, 1996 (Treaty Doc. 105–16), 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 ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to 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 Cyprus by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Argentine Republic, signed at Buenos Aires on June 10, 1997 (Treaty Doc. 105–18), 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 ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to 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 Argentina by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Antigua and Barbuda, signed at St. John's on June 3, 1996 (Treaty Doc. 105–19), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Antigua and Barbuda by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–19), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Dominica by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–19), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Grenada by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–19), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Saint Lucia by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Saint Kitts and Nevis, signed at Basseterre on September 18, 1996 (Treaty Doc. 105–19), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Saint Kitts and Nevis by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Saint Vincent and the Grenadines, signed at Kingstown on August 15, 1996 (Treaty Doc. 105–19), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Saint Vincent by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Barbados, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105-20), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Barbados by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Trinidad and Tobago, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105-21), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Trinidad and Tobago by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 Zimbabwe, signed at Harare on July 25, 1997 (Treaty Doc. 105-33), 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 ON 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 from the United States to the International Criminal Court agreed to 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 Zimbabwe by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol to the Extradition Treaty Between the United States of America and the United Mexican States of May 4, 1978, signed at Washington on November 13, 1997 (Treaty Doc. 105-46), 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 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.

(b) PROVISO.—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 the 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.

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 Austria, signed at Washington on January 8, 1998 (Treaty Doc. 105–50), 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 ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to 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 Austria by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

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 India, signed at Washington on June 25, 1997 (Treaty Doc. 105–30), 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 ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to 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 India by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty 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) PROVISO.—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 the 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.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of Hong Kong for the Transfer of Sentenced Persons, signed at Hong Kong on April 15, 1997 (Treaty Doc. 105–7), 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 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.

(b) PROVISO.—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 the 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.

ADDITIONAL STATEMENTS

OMNIBUS APPROPRIATIONS BILL—AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

• Mr. ABRAHAM. Mr. President, during debate on final passage of the Omnibus Appropriations bill, in which the American Competitiveness and Workforce Improvement Act was included as Title IV of Subdivision C, I asked unanimous consent to have a number of documents printed in the RECORD. These included two documents I received from the Administration during the negotiations, whose inclusion I was seeking to help illuminate the meaning of some of the provisions of the legislation. One of the key points about these documents is the changes from the July 30 version to the September 14 version. On the copies that I submitted, these changes were marked by redlining markings. Unfortunately, however, because I submitted a copy of the only version I had, which was a copy of a fax, these markings appear to have had the effect of making the September 14 version unintelligible, resulting in the printing of a garbled text that also did not contain the markings showing the changes. Accordingly, I ask that the corrected version of these documents that I am now submitting appear in the final issue of the RECORD of the 105th Congress. On the copy of the September 14 document that I am submitting, material that appeared in the July 30 version but was deleted in the September 14 version is in black brackets and material that was not included in the July 30 version and was added in the September 14 version is printed in italic.

The corrected version follows:

JULY 30, 1998—PROPOSED ADMINISTRATION REVISIONS TO H.R. 3736 (THE JULY 29, 1998 VERSION)

1. Require either a $500 fee for each position for which an application is filed or a $1,000 fee for each nonimmigrant. Fee to fund training provided under JTPA Title IV. In addition, a small portion of these revenues should fund the administration of the H–1B visa program, including the cost of arbitration.

2. Define H–1B-dependent employers as:

a. For employers with fewer than 51 workers, that at least 20% of their workforce is H–1B; and

b. For employers with more than 50 workers, that at least 10% of their workforce is H–1B.

3. The recruitment and no lay-off attestations apply to: (1) H–1B dependent employers; and (2) any employer who, within the previous 5 years, has been found to have willfully violated its obligations under this law.

4. H–1B dependent employers attest they will not place an H–1B worker with another employer, under certain employment circumstances, where the other employer has displaced or intends to displace a U.S. worker (as defined in paragraph (4)) during the period beginning 90 days before and ending 90 days after the date the placement would begin.

5. DOL would have the authority to investigate compliance either: (1) pursuant to a complaint by an aggrieved party; or (2) based on other credible evidence indicating possible violations.

6. Establish an arbitration process for disputes involving the laying-off of any U.S. worker who was replaced by an H–1B worker, even of a non-H–1B dependent employer. This arbitration process would be largely similar to that laid out in H.R. 3736 except that it would be administered by the Secretary of Labor. The arbitrator must base his or her decision on a ''preponderance of the evidence.''

7. Reference in the bill to ''administrative remedies'' includes the authority to require back pay, the hiring of an individual, or reinstatement.

8. There must be appropriate sanctions for violations of ''whistleblower'' protections.

9. Close loopholes in the attestations:

a. Strike the provision that ''[n]othing in the [recruitment attestation] shall be construed to prohibit an employer from using selection standards normal or customary to the type of job involved.''

b. Clarify that job contractors can be sanctioned for placing an H–1B worker with an employer who subsequently lays off a U.S. worker within the 90 days following placement.

c. Do not exempt H–1B workers with at least a master's degree or the equivalent from calculations of the total number of H–1B employees.

d. Define lay-off based on termination for ''cause or voluntary termination,'' but exclude cases where there has been an offer of continuing employment.

10. Consolidate the LCA approval and petition processes within DOL, rather than within INS.

11. Broaden the definition of U.S. workers to include aliens authorized to be employed by this act or by the Attorney General.

12. Include a provision that prohibits unconscionable contracts.

13. Include a ''no benching'' requirement that an H–1B nonimmigrant in ''non-productive status'' for reasons such as training, lack of license, lack of assigned work, or other such reason (not including when the employee is unavailable for work) be paid for a 40 hour week or a prorated portion of a 40 hour week during such time.

14. Increase the annual cap on H–1B visas to 95,000 in FY 1998, 105,000 in FY 1999, and 115,000 in FY 2000. After FY 2000, the visa cap shall return to 65,000.

15. Eliminate the 7500 cap on the number of non-physician health care workers admitted under the H–1B program to make the bill consistent with our obligations under the GATS agreement.

SEPTEMBER 14, 1998—ADMINISTRATION PACKAGE

1. Require [either] a $500 fee for each position for which an application is filed or [a $1,000 fee for each nonimmigrant] *renewed.* Fee to fund training provided under JTPA Title IV. In addition, a small portion of these revenues should fund the administration of the H–1B visa program, including the cost of [arbitration] *enforcement.*

2. Define H–1B-dependent employers as:

a. For employers with fewer than 51 workers, that at least 20% of their workforce is H–1B; and

b. For employers with more than 50 workers, that at least [10%] *12%* of their workforce is H–1B.

3. The recruitment and no lay-off attestations apply to: (1) H–1B dependent employers; and (2) any employer who, within the previous 5 years, has been found to have willfully violated its obligations under this law.

4. H–1B dependent employers attest they will not place an H–1B worker with another employer, under certain employment circumstances, where the other employer has displaced or intends to displace a U.S. worker (as defined in paragraph (4)) during the period beginning 90 days before and ending 90 days after the date the placement would begin.

5. DOL would have the authority to investigate compliance either: (1) pursuant to a complaint by an aggrieved party; or (2) based on other credible evidence *from a source which is likely to have knowledge of an employer's practices, employment conditions, or compliance with the labor condition application* indicating possible violations.

[6. Establish an arbitration process for disputes involving the laying-off of any U.S. worker who was replaced by an H–1B worker, even of a non-H–1B dependent employer. This arbitration process would be largely similar to that laid out in H.R. 3736 except that it would be administered by the Secretary of Labor. The arbitrator must base his or her decision on a ''preponderance of the evidence.''

[7. Reference in the bill to ''administrative remedies'' includes the authority to require back pay, the hiring of an individual, or reinstatement.]

8. There must be appropriate sanctions for violations of ''whistleblower'' protections.

9. Close loopholes in the attestations:

a. Strike the provision that ''[n]othing in the [recruitment attestation] shall be construed to prohibit an employer from using selection standards normal or customary to the type of job involved.''

Sen. Abraham would have a colloquy or there would be report language clarifying the intent of the recruitment attestation.

b. Clarify that job contractors can be sanctioned for placing an H–1B worker with an employer who subsequently lays off a U.S. worker within the 90 days following placement.

c. Do not exempt H–1B workers with at least a master's degree or the equivalent from calculations of the total number of H–1B employees.

d. Define lay-off based on termination for ''cause or voluntary termination,'' but exclude cases where there has been an offer of continuing employment.

10. [Consolidate the] *Maintain status quo with regard to* LCA approval and petition processes [within DOL, rather than within INS.].

11. Broaden the definition of U.S. workers to include aliens authorized to be employed by this act or by the Attorney General.

12. Include a provision that prohibits unconscionable contracts *(with civil fines).*

13. Include a ''no benching'' requirement that an H–1B nonimmigrant in ''non-productive status'' for reasons such as training, lack of license, lack of assigned work, or other such reason (not including when the employee is unavailable for work) be paid for a 40 hour week or a prorated portion of a 40 hour week during such time.

14. Increase the annual cap on H–1B visas to 95,000 in FY 1998, 105,000 in FY 1999, and 115,000 in FY 2000. After FY 2000, the visa cap shall return to 65,000.

15. Eliminate the 7500 cap on the number of non-physician health care workers admitted under the H–1B program to make the bill consistent with our obligations under the GATS agreement.

16. Three-year debarment for willful violation plus a $35,000–$40,000 fine.

In addition, we would require the prevailing wage attestation be permanently changed to the following:

Sec. . Definitions.

Section 212(n) (8 U.S.C. 1182(n)) is amended by inserting after subsection(2) the following new subsection:

''(3) As used in this section—

''(A) 'actual wage' means total compensation, including base pay (whether expressed as an hourly rate or a salary), equity, and health, life, disability, and other insurance plans, and retirement and savings plans provided to regular employees. If the employer offers a benefit plan which enables employees to choose among options, then the employer's plan shall be deemed to be acceptable provided the same plan and options are offered to all employees in the occupational classification in which the nonimigrant is intended to be (or is) employed.

''(B) 'prevailing wage' means total compensation, including the rate of pay as determined based on the best information available as of the time of filing the application (whether expressed as an hourly rate or a salary), equity, and health, life, disability, and other insurance plans, and retirement and savings plans provided to regular employees. If the employer offers a benefit plan which enables employees to choose among options, then the employer's plan shall be deemed to be acceptable provided the same plan and options are offered to all employees in the occupational classification in which the nonimmigrant is intended to be (or is) employed.''●

INDEPENDENT COUNSEL LAW AND KENNETH STARR'S INVESTIGATION

● Mr. LEVIN. Mr. President, on October 8th I made a statement on the Senate floor regarding the independent counsel law and Kenneth Starr's investigation of President Clinton. I want to take the opportunity today to clarify one aspect of that statement to ensure that my words and their import are accurate.

I stated on October 8th that the so-called Starr Report failed to mention Ms. Lewinsky's testimony ''that when she asked President Clinton whether she should get rid of his gifts to her in light of the Jones subpoena, his response was 'I don't know' '' and her testimony that the President said he didn't want to see Ms. Lewinsky's affidavit when she offered to show it to him. The reference in my statement should have been to Mr. Starr's analysis of the evidence which is the key part of his report instead of the overall report. Mr. Starr did make reference to such testimony in the part of the report where he summarized the evidence. My criticism of Mr. Starr's report is that he left such exculpatory evidence out of or dismissed it in the key part of his report which analyzes the evidence and explains why he believes the evidence ''may constitute grounds for impeachment.''

Otherwise it was the imbalanced analysis of the evidence where Mr. Starr failed to address the significance or relevance of exculpatory facts such as these which is so disturbing.●

APPLICATION OF STATE LAW TO FEDERAL PROSECUTORS

● Mr. ABRAHAM. Mr. President, I rise to register serious concern over a provision in the Omnibus Appropriations bill, included as I understand it over the protest of the Senate. This is a legislative provision appended to the Commerce, Justice, State Appropriations portion of the bill that subjects federal prosecutors and other ''attorneys for the Government'' to State laws and rules governing attorneys ''to the same extent and in the same manner as other attorneys in that State.''

Now please understand, Mr. President. I think I am as much of a believer in federalism as anyone here. But federalism does not mean that control of all matters should be ceded to the States. One area where I think it is pretty clear that the national government should be the principal source of law is in setting rules of professional conduct for its own officers. To leave that question to the States, it seems to me, is to cede a very large portion of the control for how federal law is to be enforced to the States. That power can then be used to frustrate the enforcement of federal law. The risk that this will happen is significantly greater where the power is being turned over not to the States' elected representatives, but to bar associations vested with the States' powers, but without the accountability to the people of the States that elections generate.

I believe that we can be pretty sure that this provision imposing State laws and rules on federal prosecutors will be used to frustrate federal law simply by looking at the rules the State bars already have adopted that will have this effect. I believe this trend will only accelerate once those opposed to certain aspects of federal law know, as a result of our adoption of this provision, that they have this new tool at their disposal.

For many years members of the criminal defense bar have been sponsoring rules adopted in State codes of professional responsibility that trench upon legitimate and essential practices of federal prosecutors. The best known example involves rules of States such as California, Missouri, and New Mexico, as well as the District of Columbia, that limit prosecutors' contacts with represented persons in a way that can seriously complicate undercover investigations. The problem with this prohibition is that a low-level member of an organized crime ring may well be represented by counsel retained by the leaders of the ring. As a result, counsel's principal interest may be in preventing his or her ''client'' from giving useful information about those leaders to law enforcement—even if doing so would be in the client's interest because the client might get less prison time.

But the ''represented parties'' context is not the only one where State rules governing attorneys raise problems. Colorado, New Hampshire, Pennsylvania, and Tennessee have ''ethics'' rules requiring prior judicial approval of subpoenas of attorneys, even though federal case law has (for good reason) adopted no such requirement. Colorado also has a rule requiring submission of exculpatory evidence to grand juries, which it adopted shortly after the Supreme Court found in United States versus Williams that federal courts could not use their ''supervisory powers'' to impose such an obligation. And, at least according to the 10th Circuit's vacated Singleton opinion, it is an ''unethical'' practice, under Kansas state rules, for an Assistant U.S. Attorney to offer leniency in exchange for truthful testimony. Even assuming the 10th Circuit does not reinstate that portion of the panel opinion when it rules en banc, hardly an inevitable outcome, the suggestion the opinion made will continue to chill any federal prosecutor practicing in Kansas. It will continue to do so regardless of what the 10th Circuit does, since Kansas could adopt this theory even if the Tenth Circuit abandons it. Indeed, any State bar will be free to declare that offering leniency to accomplices to obtain their testimony is ''unethical'' and, under the provision we have unwisely adopted, that rule will control federal prosecutions. The result will be a drastic reduction in the effectiveness of federal efforts to combat crime.

State bar associations have adopted the rules I have described despite previously grave doubt about their legal authority to make these rules binding on federal prosecutors. It seems to me that now that we have established as a matter of federal law that six months from now, rules like this will indeed govern federal prosecutors' conduct, these rules will only multiply further. For example, States could ban as unethical the forfeiture of cash intended to pay a defense lawyer—indeed, the ABA came very close to doing just that in an attempt effectively to overrule the Supreme Court's holding Caplin & Drysdale. States could rule it ''unethical'' to examine a witness in the grand jury room without his attorney being present, or to adduce evidence of one party-consent tape recordings—proposals the Senate, of course, rejected last month during the CJS debate. The potential list is limited only by the criminal defense bar's imagination.

To be sure, the Department of Justice can argue its case to the bar associations considering such rules. But that is no solution. At best, it will require an inordinate expenditure of effort and resources that could instead be used to lock up dangerous criminals. At worst, and more likely in my view, the Department will lose the argument much of the time, and we will end up with constraints on federal officers that bear no connection with the federal policies those officers are charged with enforcing.

This is not to say that I am opposed to requiring that lawyers who work for the federal government behave professionally. I am not. In fact, I am strongly for it. But I believe that it makes no sense to have the judgment about what ''professional conduct'' consists of be made by State bar associations. Of necessity these associations have little or no stake in securing the enforcement of the federal laws with which these

federal government lawyers are charged; and it is easy to imagine instances where a number of their members may have an affirmative stake in frustrating that enforcement.

Perhaps my concerns will turn out to be misplaced. I understand that one important concession the Senate obtained in the negotiations leading up to the inclusion of this provision in the omnibus legislation is a 6 month delay in the provision's effective date. This will give us some opportunity to see whether the result of the adoption of this provision is a greater effort by the State bars to accommodate federal interests, or the opposite. It will also give us a better opportunity to assess what the real impact of applying existing State rules in the context of federal prosecutions will be. In the long run, however, it seems to me that the right answer here is not for the federal government to abdicate to State bars the important responsibility of establishing these rules, but, at least with respect to its own officers, to perform that responsibility itself.●

TRIBUTE TO 1999 MARYLAND TEACHER OF THE YEAR

● Mr. SARBANES. Mr. President, I rise to recognize the remarkable achievements of one of my constituents, Rachael Younkers, who has won the title of 1999 Maryland Teacher of the Year. This honor is a tribute to her dedication to and mastery of the art of teaching seventh and eighth grade students at Plum Point Middle School, and is even more impressive by the fact that this 27-year-old is the youngest person ever to win the award in its twelve year history. I am so proud to congratulate Mrs. Younkers, the first winner from Southern Maryland, for being named the 1999 Maryland Teacher of the Year from 23 other Maryland candidates.

Mrs. Younkers is a native of Calvert County who, according to students and peers alike, brings a unique energy to her classes which serves to excite her students about social studies topics that may otherwise seem dull or out-of-date. Through the use of innovative teaching techniques, including learning games and exploration of the internet, Mrs. Younkers has brought a fresh perspective to her teachings.

It has always been my firm belief that the education and training of our young people is one of the most important tasks in a democratic society. Mr. President, I would like my colleagues to join me in recognizing the hard work that has led Mrs. Younkers to receive this recognition. I ask unanimous consent that an article from the Southern Maryland Extra to the Washington Post be inserted into the RECORD immediately following my remarks, and I yield the floor.

(From the Washington Post, Southern Maryland Extra, Oct. 22, 1998)

In Room, 216 at Plum Point Middle School, social studies teacher Rachael Younkers is quizzing her students on the great European explorers: Christopher Columbus, Vasco da Gama, Sir Francis Drake and so forth. You wouldn't think a roomful of 13-year-olds would be interested in a bunch of long-dead strangers, but that's clearly not the case in this class.

Hand after hand shoots up in the air, students eager to supply the appropriate answers. Later, when the class adjourns to the library, the youngsters rush about looking for the needed information. There's a certain excitement in the air, a feeling that school and learning and even homework can be, well, fun.

Plum Point Principal Michael Reidy sums up the situation this way: ''Mrs. Younkers has a spirit about her that creates magic in the classroom.''

That spirit has won Younkers the title of 1999 Maryland Teacher of the Year. Younkers, 27, is the youngest teacher to win the award in its 12-year history and the first from Southern Maryland. She received the award—which includes a $5,000 check and other prizes—at a ceremony Friday evening in Baltimore.

Younkers has taught seventh- and eighth-grade social studies at the Huntingtown school for five years, her entire career in education. Younkers, a native of Calvert County, said her inspiration in teaching has been her mother, a social studies teacher at Northern High School. One of the most important lessons her mother passed along was the importance of actively involving students in their education, she said.

''My teaching philosophy is based on an ancient Chinese proverb: 'Tell me, I forget. Show me, I remember. Involve me, I understand,''' Younkers said.

And involve her students she does. During a class on Tuesday, Younkers divided her 28 eighth-graders into teams and dispatched them to the library to research a specific explorer. Among their tasks: Finding the explorer's photograph on the Internet, drawing a detailed picture of his ship and writing a daily log of weather conditions during his voyage. The students even had to compose a letter to the king and queen explaining why they should fund the explorer's trip.

''Learning is not a spectator sport,'' Younkers said. ''The kids are the actual players in the game, and they need to be actively involved in their own learning. I see myself as a partner in their education, and that's how we win.''

Her students seem to like the technique. ''It's not like we're talking about a lot of dead guys,'' said Nathan Bowen, an eighth-grader from Prince Frederick. ''She really brings it to life.''

Nathan said he especially likes all the fun games Younkers comes up with, including baseball and basketball matches that are played in the classroom and adapted to the subject being studied. Treasure hunts and ''Social Studies Jeopardy'' also are frequent occurrences in Room 216.

Larkin Jones, also an eighth-grader, said she admires her teacher's personality. ''She's always smiling and happy, and she knows a lot about you.'' And that fact that she's young makes it ''really easy to talk to her,'' Jones said.

Indeed, Younkers has made such an impression on Larkin that she recently confided in her mother that she might want to be a social studies teacher when she grows up, ''just like Mrs. Younkers.''

''She's been a tremendous influence on her,'' said Donna Jones, Larkin's mother. Jones, a guidance counselor at Plum Point added that Younkers has a unique ability to help all students—whether they're honor roll or in need of remedial instruction.'' As a counselor, it's very comforting to know that no matter what level a student is, if they have Mrs. Younkers, they'll have a wonderful year.''

Younkers beat out 23 state semi-finalists, who were chosen from among Maryland's 49,000 teachers. She now advances to the national Teacher of the Year competition.

For the national contest, she must adopt an issue that she will advocate. Younkers said she will work to encourage the best and the brightest students to become teachers. Maryland, like other states, will face a severe teacher shortage in coming years, and, as Younkers said, ''Our students deserve to learn from highly qualified instructors.''

The national Teacher of the Year will be selected in the spring. In the meantime, Younkers is maintaining a rigorous speaking tour—talking to other educators, as well as politicians—and her students are getting used to the extra media attention and the parents who stop by with gifts and words of praise.●

THE 90TH ANNIVERSARY OF ST. MARY'S BANK IN MANCHESTER, NH

● Mr. GREGG. Mr. President, on November 24th, we will be celebrating the 90th anniversary of the birth of credit unions. St. Mary's Bank of Manchester, New Hampshire opened its doors in 1908 as a true local establishment serving the community on which it was built. St. Mary's Bank was formed by Manchester's French-Canadian immigrant and working class families to help other working class families. I want to congratulate St. Mary's Bank on being the pioneer in the field of credit unions and for continuing to grow and provide community support for the last 90 years.

In these times of bank mergers and takeovers designed to expand markets beyond boundaries of local communities, St. Mary's has always stood by its roots and the people of Manchester. St. Mary's Bank exemplifies a community institution built on local values and relationships. It continues its tradition of donating to community causes and has begun a $10 million investment in the Manchester community to help low and moderate income families purchase and rent homes, and to provide assistance in emergency situations.

I wish to recognize St. Mary's Bank of Manchester, New Hampshire for its 90 years of service to the community of Manchester's West Side and for marking the beginning of credit unions nationwide.●

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999—CONFERENCE REPORT

(In the RECORD of October 21, 1998, on page S12785, a page of the text of Mrs. FEINSTEIN's remarks was inadvertently omitted. The permanent RECORD will be corrected to reflect the following:)

QUINCY LIBRARY GROUP LEGISLATION

● Mrs. FEINSTEIN. Mr. President, I am very pleased that the Quincy Library Group bill has been included in

the Omnibus Appropriations bill. This legislation embodies the consensus proposal of the Quincy Library Group, a coalition of environmentalists, timber industry representatives, and local elected officials in Northern California, who came together to resolve their long-standing conflicts over timber management on the national forest lands in their area.

The Quincy Library Group legislation is a real victory for local consensus decision making. It proves that even some of the most intractable environmental issues can be resolved if people work together toward a common goal.

I first met the Quincy Library Group back in 1992 when I was running for the Senate, and was then very impressed with what they were trying to do.

The members of the Quincy Library Group had seen first hand the conflict between timber harvesting and jobs, environmental laws and protection of their communities and forests, and the devastation of massive forest fires. Their overriding concern was that a catastrophic fire could destroy both the natural environment and the potential for jobs and economic stability in their community. They were also concerned the ongoing stalemate over forest management was ultimately harming both the environment and their local economy.

The group got together and talked things out. They decided to meet in a quiet, non-confrontational environment—the main room of the Quincy Public Library. They began their dialogue in the recognition that they shared the common goal of fostering forest health, keeping ecological integrity, assuring an adequate timber supply for area mills, and providing economic stability for their community.

One of the best articles I have read about the Quincy Library Group process recently appeared in the Washington Post. Mr. President, I ask unanimous consent that this article be printed in the RECORD at the end of my statement.

THE PRESIDING OFFICER: Without objection, it is so ordered.

(See Exhibit 1.)

Mrs. FEINSTEIN. Mr. President, after dozens of meetings and a year and a half of negotiation, the Quincy Library Group developed an alternative management plan for the Lassen National Forest, Plumas National Forest, and the Sierraville Ranger District of the Tahoe National Forest.

In the last five years, the group has tried to persuade the U.S. Forest Service to administratively implement the plan they developed. While the Forest Service was interested in the plan developed, they were unwilling to fully implement it. Negotiations and discussions began in Congress. This legislation is the result.

THE QUINCY LIBRARY GROUP LEGISLATION

Specifically, the legislation directs the Secretary of Agriculture to implement the Quincy Library Group's forest management proposal on designated lands in the Plumas, Lassen and Tahoe National Forests for five years as a demonstration of community-based consensus forest management. I would like to thank Senators MURKOWSKI, BUMPERS, and CRAIG, Representatives HERGER and MILLER, as well as the Clinton Administration, for the thoughts they contributed to the development of the final bill.

The legislation establishes significant new environmental protections in the Quincy Library Group project area. It protects hundreds of thousands of acres of environmentally sensitive lands, including all California spotted owl habitat, as well as roadless areas. Placing these areas off limits to logging and road construction protects many areas that currently are not protected, including areas identified as old-growth and sensitive watersheds in the Sierra Nevada Ecosystem Project report.

However, in the event that any sensitive old growth is not already included in the legislation's off base areas, the Senate Energy and Natural Resources Committee provided report language when the legislation was reported last year, as I requested, directing the Forest Service to avoid conducting timber harvest activities or road construction in these late successional old-growth areas. The legislation also requires a program of riparian management, including wide protection zones and streamside restoration projects.

The Quincy Library Group legislation directs the Forest Service to amend the land and resource management plans for the Plumas, Lassen, and Tahoe National Forests to consider adoption of the Quincy Library Group plan in the forest management plans. The legislation does not require the Forest Service to continue implementing the Quincy Library Group pilot project once the forest plans are revised. The Senate Energy and Natural Resources Committee adopted an amendment, which I supported, to ensure that there is no conflict between the pilot project and the most current and best science reflected in any new forest plans.

MISINFORMATION ABOUT THE LEGISLATION

There have been a number of inaccurate statements made the Quincy Library Group legislation. I want to clear up three important points:

First, every single environmental law, including the National Environmental Policy Act and the National Forest Management Act, will be followed as this proposal is implemented. The legislation explicitly states, ''Nothing in this section exempts the pilot project from any Federal environmental law.''

The legislation requires an environmental impact statement to be completed before any resource management activities occur. It also provides for full public participation and input throughout the pilot project's implementation.

Second, the Quincy Library Group legislation does not double the volume of logging on the affected national forests. The intent of this proposal has always been to replace, not supplement, current logging activity, and the legislation will provide for timber harvests similar to current levels.

In a letter to me dated October 22, 1997, Ronald Stewart, Deputy Chief of Programs and Legislation for the Forest Service, states, ''based on the agency's current estimates, the potential timber outputs that would be generated by this bill, if fully funded with additional appropriations, would not double but would remain consistent with the outputs provided from these forests over the last five years.''

Third, the legislation explicitly prohibits the funding of Quincy Library Group projects through reallocation of funds from other national forests. The legislation explicitly states, ''The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.''

The bottom line is that the Quincy Library Group legislation will provide strong protections for the environment while preserving the job base in the Northern Sierra—not just in one single company, but across 35 area businesses, many of them small and family-owned.

This Quincy Library Group legislation is strongly supported by local environmentalists, labor unions, elected officials, the timber industry, and 27 California counties. The House approved the Quincy Library Group legislation by a vote of 429 to one last year. The Senate Energy Committee reported the legislation last October. The legislation has been the subject of Congressional hearings and the focus of nationwide public discussion.

I thank my colleagues for ensuring that this worthy pilot project has a chance.

EXHIBIT NO. 1

[From the Washington Post, Oct. 11, 1998]

GRASS-ROOTS SEEDS OF COMPROMISE

(By Charles C. Mann and Mark L. Plummer)

Every month since 1993, about 30 environmentalists, loggers, biologists, union representatives and local government officials have met at the library of Quincy—a timber town in northern California that has been the site of a nasty 15-year battle over logging.

Out of these monthly meetings has emerged a plan to manage 2.4 million acres of the surrounding national forests. Instead of leaving the forests' ecological fate solely to Washington-based agencies and national interest groups, the once-bitter adversaries have tried to forge a compromise solution on the ground—a green version of Jeffersonian democracy. When the House of Representatives, notorious for its discord on environmental legislation, approved the plan 429–1 in July 1997, the Quincy Library Group became the symbol for a promising new means of resolving America's intractable environmental disputes.

The Quincy Library Group is one of scores of citizens' associations that in the past decade have brought together people who previously met only in court. Sometimes called

''community-based conservation'' groups, they include the Friends of the Cheat River, a West Virginia coalition working to restore a waterway damaged by mining runoff; the Applegate Partnership, which hopes to restore a watershed in southwestern Oregon while keeping timber jobs alive, and Envision Utah, which tries to foster consensus about how to manage growth in and around Salt Lake City.

Like many similar organizations, the Quincy Library Group was born of frustration. In the 1980s, Quincy-based environmental advocates, led by local attorney Michael B. Jackson, attempted with varying success to block more than a dozen U.S. Forest Service timber sales in the surrounding Plumas, Lassen and Tahoe national forests. The constant battles tied the federal agency in knots and almost shut down Sierra Pacific Industries, the biggest timber company there, imperiling many jobs. The atmosphere was ''openly hostile, with agitators on both sides,'' says Linda Blum, a local activist who joined forces with Jackson in 1990 and aroused so much opprobrium that Quincy radio hosts denounced her on the air for taking food from the mouths of the town's children.

Worn down and dismayed by the hostility in his community, Jackson was ready to try something different. He got a chance to do so late in 1992, when Bill Coates, a Plumas County supervisor, invited the factions to talk to each other, face to face. Coates suggested that the group work from forest-management plans proposed by several local environmental organizations in the mid-1980s. By early 1993, they were meeting at the library and soon put together a new proposal. (The Forest Service eventually had to drop out because the Federal Advisory Committee Act, which places cumbersome requirements on groups who meet with federal agencies.) Under this proposal, timber companies could continue thinning and selectively logging in up to 70,000 acres per year, about the same area being logged in 1993 but drastically lower than the 1990 level. Riverbanks and roadless areas, almost half the area covered by the plan, would be off-limits.

The Quincy group asked the Forest Service to incorporate its proposal into the official plans for the three national forests, but never got a definite answer. Convinced that the agency was too dysfunctional to respond, in 1996 the group took its plan to their congressman, Wally Herger, a conservative Republican. Herger introduced the Quincy proposal in the House, hoping to instruct the agency to heed the wishes of local communities. It passed overwhelmingly—perhaps the only time that Reps. Helen Chenoweth (R-Idaho), a vehement property-rights advocate, and George Miller (D-Calif.) one of the greenest legislators on Capitol Hill, have agreed on an environmental law. Then the bill went to the Senate—and slammed into resistance from big environmental lobbies.

From the start, the Quincy group had kept in touch with the Wilderness Society, the Natural Resources Defense Council and the Sierra Club. The three organizations offered comments, and the Quincy group incorporated some. Still, the national groups continued to balk, instead submitting detailed criteria necessary to ''merit'' their support. When the Quincy plan became proposed legislation, the national groups stepped up their attacks. The Quincy approach, said Sierra Club legal director Debbie Sease, had a ''basic underlying flaw'' using a cooperative, local decision-making process to manage national assets. Jay Watson, regional director of the Wilderness Society, said: ''Just because a group of local people can come to agreement doesn't mean that it is good public policy.'' And because such parochial efforts are inevitably ill-informed and always risk domination by rich, sophisticated industry representatives, the Audubon Society warned, they are ''not necessarily equipped to view the bigger picture.'' Considering this bigger picture, it continued, ''is the job of Congress, and of watchdog groups like the National Audubon Society.''

Many local groups regard national organizations as more interested in protecting their turf than in achieving solutions that advance conservation. ''It's interesting to me that it has to be top-down,'' said Jack Shipley, a member of the Applegate Partnership. ''It's a power issue, a control issue.'' The big groups' insistence on veto power over local decision-making ''sounds like the old rhetoric—either their way or no way,'' Shipley says. ''No way'' may be the fate of the Quincy bill. Pressured by environmental lobbies, Sen. Barbara Boxer (D-Calif.) placed a hold on it in the Senate.

Despite the group's setback, community-based conservation efforts like Quincy provide a glimpse of the future. Under the traditional approach to environmental management, decisions have been delegated to impartial bureaucracies—the Forest Service, for example, for national forests. Based on the scientific evaluations of ecologists and economists, the agencies then formulate the ''right'' policies, preventing what James Madison called ''the mischief of faction.''

But today, according to Mark Sagoff of the University of Maryland Institute for Philosophy and Public Policy, it is the bureaucrats who are beset by factions; big business and environmental lobbies. For these special-interest groups, he argues, ''deliberating with others to resolve problems undermines the group's mission, which is to press its purpose or concern as far as it can in a zero-sum game with its political adversaries.'' The system ''benefits the lawyers, lobbyists and expert witnesses who serve in various causes as mercenaries,'' he says, ''but it produces no policy worth a damn.''

In contrast, community-based conservation depends on all sides acknowledging the legitimacy of each other's values. Participants are not guaranteed to get exactly what they want; no one has the power to stand by and judge the ''merit'' of the results. Although ecology and economics play central roles, ecologists and economists have no special place. Like everyone else, they must sit at the table as citizens, striving to make their community and its environment a better place to live.

In short, Quincy's efforts and those like it represent a new type of environmentalism: republican environmentalism, with a small ''r.'' This new approach cannot address global problems like climate change. Nor should it be routinely accepted if a local group decides on irrevocable changes in areas of paramount national interest—filling in the Grand Canyon, say. But even if some small town would be foolish enough to decide to do something destructive, there's a whole framework of national environment laws that would prevent it from happening. And, despite the resistance of the national organizations, the environmental movement should not reject this new approach out of hand. Efforts to protect the environment over the past 25 years have produced substantial gains, but have lately degenerated into a morass of litigation and lobbying. Community-based conservation has the potential to change things on the ground, where it matters most.●

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

● Mr. NICKLES. Mr. President, on October 9, 1998, the Senate, by a vote of 98–0, passed the International Religious Freedom Act. As the sponsor of the International Religious Freedom Act, I am providing this statement which gives some guidance as to what I tried to accomplish in crafting this Act.

BACKGROUND

With enactment of the International Religious Freedom Act, there will be a major increase in the amount of information on the nature and extent of violations of religious freedom in foreign countries, in the actions taken by the U.S. government in response to those violations and in the scrutiny of the steps taken by the U.S. government to combat them. Sadly, events around the world demonstrate the need for the International Religious Freedom Act.

It has been reported that more than half of the world's population lives under governments that place restrictions or outright prohibitions on the ability to practice one's religion. While the end of the Cold War saw a significant increase in religious freedom in many countries, in others there has been no change. Totalitarian governments either continue to stamp out religion or subject it to state controls through arrest, torture, beatings, imprisonment and unemployment.

One such government has used massacre, starvation, and forced resettlement as a tool in the effort to crush resistance in its mostly Christian region. There have been reports of the crucifixion of Christians, although these reports cannot be confirmed. What has been confirmed is the revival of slavery, abduction and mutilation. Displaced refugees have been confronted with forced conversion or starvation.

In other countries, reports abound of attacks by extremists or by government forces on Christians, and on their homes, businesses, and churches. Converts to Christianity are imprisoned and tortured. In several countries no overt practice of any religion but the state religion is permitted, and conversion is illegal. These prohibitions affect virtually every religion around the world.

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

This is the backdrop which led to the International Religious Freedom Act. The International Religious Freedom Act was crafted with four core principles. First, the International Religious Freedom Act is comprehensive both in the scope of covered violations, and in the full range of tools it provides to address the violations. By crafting a definition of violations of religious freedom that focuses on the most common types of violations as well as the most egregious, the Act attempts to resolve the problem before these violations escalate into torture, imprisonment and even death.

Second, the International Religious Freedom Act was crafted to require action while preserving necessary flexibility for the President. The International Religious Freedom Act contains a menu of options, including eight diplomatic and seven economic measures, from which the President must choose for each country that engages in violations of religious freedom. The Act also allows the President to calibrate any economic measure. The President can, for instance, suspend or limit foreign assistance, rather than cut it off entirely. The Act gives the President an additional option of taking commensurate action for any of the 15 options if the President determines that by doing so he can further the policy of the United States set forth in this Act. Finally, the President can exercise a waiver if important national interests require it, or if it would be harmful to those the Act seeks to help.

The provisions of the International Religious Freedom Act give the President economic and diplomatic tools to use that will

best fit the situation and most appropriately deal with the problem. These tools can be modified based on the level of persecution in the country, the country engaging in the persecution and our relationship with that country. This flexibility ensures that the International Religious Freedom Act will be more effective. The goal of the International Religious Freedom Act is not to punish countries but to change behavior.

Third, the International Religious Freedom Act promotes long-term change through several means, including comprehensive human rights and religious freedom training for U.S. officials and representatives, both in the Foreign Service and in the Immigration and Naturalization Service. The Act authorizes U.S. assistance for the development of legal protections abroad, broadcasting and scholarly exchanges to promote religious freedom, and awards for meritorious Foreign Service Officers.

Fourth, the International Religious Freedom Act establishes several positions to ensure a permanent profile on and attention to religious freedom. It establishes an Ambassador at Large for International Religious Freedom which is a permanent diplomatic position to spearhead U.S. advocacy for religious freedom internationally. The Act also establishes a Commission for International Religious Freedom to ensure accountability, and to provide independent policy recommendations as the Act is implemented. The Annual Report further provides accountability by reporting the actions of the U.S. government.

The following is a commentary on several sections of the International Religious Freedom Act.

Section 101. Ambassador-at-Large for Religious Liberty: This section creates a high-profile diplomat under the Secretary of State, vested with the authority to continually and forcefully raise the issue of religious persecution in bilateral and multilateral forums. The Ambassador is responsible for ensuring advocacy for, and high-quality reporting on, religious freedom by American Embassies around the world. The Ambassador also is to make policy recommendations to the President and the Secretary of State to advance the right to religious freedom abroad.

Section 102. Reporting: This section strengthens existing reporting requirements. The Ambassador is to assist in the preparation of the sections on religious freedom in the State Department Human Rights Country Reports, and embassy personnel are directed to seek out and investigate reports of violations of religious freedom.

This section also creates an Annual Report on International Religious Freedom. This report details the status of religious freedom in each country around the world, and provides a comprehensive accounting of the violations of religious freedom, how severe they are and where they occur. The report is to give an indication of trends towards improvements in protecting religious liberty, and trends toward the deterioration of that protection. The report will also include information regarding U.S. government actions taken to promote religious freedom abroad. The U.S. government, when compiling this report, must work with non-governmental organizations (NGOs), when appropriate, to ensure that each report contains the most accurate information.

The Annual Report must also include information on the forced conversion of minor U.S. citizens living abroad. It has come to my attention that our government has done little to resolve cases of the victimization of minors who have been taken to a foreign land, subjected to forced religious conversion, and prevented under the laws of those nations from returning to the United States where they would enjoy religious freedom.

In some cases, especially for girls, this amounts to a life sentence of living abroad. In some countries, women may not travel abroad without the permission of their father or husband. The State Department should work to secure the rights of its citizens—including those living abroad, and the Commission on International Religious Freedom should monitor these cases.

Each year, the Secretary of State, working with the Ambassador, must present this report to Congress by September 1. An Executive Summary highlighting the countries of greatest concern with regard to religious freedom and countries demonstrating significant improvement in the protection of that right is to accompany the report. A classified, more detailed addendum may be provided to Congress.

Section 103. Internet Site for Religious Liberty: To assist NGOs around the world, the Act establishes a State Department Internet site posting the Annual Report, the Executive Summary and other international documents on religious freedom.

Section 104. Religious Freedom Training: To ensure awareness by Foreign Service officers of the nature and scope of violations of religious freedom, the Act amends the Foreign Service Act of 1980 to require training in human rights, including violations of religious freedom, as standard training for Foreign Service officers. Training is mandatory for officers with reporting responsibilities and for Chiefs of Mission.

Section 105 & 106. Contacts with NGOs: Embassies are required to seek out religious NGOs and meet with imprisoned religious leaders where appropriate and beneficial. These contacts will not only help our government gather the facts accurately as it prepares the Annual Report, but also will prove valuable as our government seeks to formulate policies to promote religious freedom around the world, as described in section 403. A Sense of the Congress directs embassies to craft a strategy for the promotion of religious liberty.

Section 107. Equal Access to U.S. Embassies: The Act grants access to U.S. citizens (and, at the embassy's discretion, to nationals) to U.S. missions abroad for religious activities on a basis no less favorable than for other nongovernmental activities unrelated to the conduct of the diplomatic mission. For instance, it is inconsistent that permission be granted by U.S. missions to allow the dispensing and social consumption of alcoholic beverages and the serving of pork products, contrary to local law, while discouraging such permission for holding religious services. The fact that several other foreign consulates afford access to worship for their citizens disproves the suggestion that diplomatic interests preclude similar provision for Americans by the State Department. Many other social and American community activities without discernable diplomatic purpose will no doubt continue, and in most cases should continue. Religious service access requests under section 107 may receive no less consideration than these other activities occurring on U.S. mission premises.

Section 108. Prisoner Database and Issue Briefs: To prompt advocacy at every possible opportunity, the bill directs the State Department to maintain country-specific lists of religious prisoners and issue briefs on policies restricting religious liberty, to be provided to executive branch and Congressional leaders for use in meetings with foreign dignitaries. In compiling these lists, the Act gives the Secretary of State the discretion to decide whether including a name on the list harms or helps the prisoner.

Sections 201 to 206. The International Religious Freedom Act establishes a United States Commission on International Religious Freedom. This Commission, which is bipartisan in composition and will include both presidential and Congressional appointees, will ensure that the President and the Congress receive independent recommendations—and where necessary, criticism—of American policy in support of international religious freedom.

The Commission consists of 10 persons (including the Ambassador at Large, who sits as an ex officio, non-voting member), chosen for a period of two years; the Commission sunsets in four years unless reauthorized. The innovative appointment structure established in this Act ensures that five commissioners will be selected by the President's political party and four commissioners by the other political party, no matter which political party controls the White House or either house of Congress. While this Act appropriately defers to the President's constitutional authority in conducting policy toward foreign states, it is the intent of Congress that the Commission hold policy makers accountable to the purposes of this Act, and, thus, ensure the Act's effectiveness.

The Commission will review the ongoing facts and circumstances of violations of religious freedom (both from government reports and from other sources) and make policy recommendations. While the Commission's annual report on May 1 will stand as its main formal duty under the sequence of requirements established by the Act, it is the intent of Congress that the Commission be diligent in monitoring violations of religious freedom on an ongoing basis and make its policy recommendations on a timely basis and with an urgency and specificity appropriate to circumstances.

Section 301. This section is a Sense of the Congress that there should be at the National Security Council a Special Advisor on International Religious Freedom, who monitors persecution and serves as a resource and policy advisor for executive branch officials.

TITLE IV

This title requires that the President take action to address violations of religious freedom each year in each country around the world where these violations take place.

Section 401. If a country engages in violations of religious freedom as defined in the bill, then the President must, at least once a year, choose one or more of the options listed in the menu of options found in section 405. If the President decides to take one of options 9 through 15, then the President must fulfill the requirements of section 403 and 404, which provide appropriate scrutiny and review of potential sanctions.

Section 402. The President must, at least once a year, make a determination as to which countries around the world are engaged in particularly severe violations of religious freedom. The President may make those determinations any time during the year, providing the flexibility to respond quickly and appropriately to occurrences of religious persecution.

If the President finds a country to be engaged in particularly severe violations of religious freedom, then the President is required to select one or more of options 9 through 15 or take commensurate action as found in section 405.

Once the President makes such a determination, the President is to identify the government agency or instrumentality and the specific officials responsible for the persecution so that sanctions are as narrowly targeted as possible to those entities responsible for the persecution.

Any economic action taken pursuant to a determination made under this section cannot be taken until the provisions of section 403 and 404 have been satisfied. However, in keeping with the Act's purpose of changing behavior, the President must first make every reasonable effort to conclude a binding agreement with the foreign country to cease the violations. If such an agreement is concluded, the President is not required to impose a sanction on that particular country for that particular year.

The Congress also recognizes that once sanctions are imposed under the International Religious Freedom Act, implementing sanctions the following year could be counterproductive. Accordingly, the Act provides that in such cases, or if a comprehensive sanctions regime is already in place in significant part because of human rights abuses, the President may designate those sanctions as fulfilling the purposes of the Act.

It is the intent of Congress that this Act require action abroad specifically and recognizably in response to violations of religious freedom, and that no provisions of the Act exempt the Department of State from recognizing that violations of religious freedom have occurred and taking action in response to those violations.

This section includes a provision that any determination made under this Act, or any amendment to this Act, shall not trigger any termination of assistance or activities as outlined in sections 116 and 502B of the Foreign Assistance Act of 1961.

Section 403. The consultations outlined in this section are necessary to achieve a coordinated international policy, to adequately ensure the safety of persecuted individuals or communities and to ensure that the economic interests of the United States are considered before our government takes economic action.

Many NGOs have operations in the very countries where persecution is ongoing and these organizations can provide valuable insight as to how the problem of violations of religious freedom can best be alleviated, and can help our government better understand specific situations in the country of concern or the potential harm any punitive action might have on their organization or persecuted communities. It is the intent of the Congress that these consultations be the norm.

TITLE V

This title seeks to promote religious freedom through authorizing assistance for legal protections of religious freedom abroad, international exchanges, international broadcasting to promote religious freedom and through incentives and awards to our diplomatic community to promote religious freedom.

Section 601. Use of Annual Report: This section provides that the Annual Report on International Religious Freedom serve as a resource for U.S. officials adjudicating asylum and refugee applications involving claims of religious persecution. U.S. officials may not deny a claim solely because conditions described by an applicant are not referenced by the Annual Report.

Section 602. Reform of Refugee Policy: U.S. officials are assisted in processing potential refugees around the world by personnel hired abroad. Unfortunately, such personnel are sometimes influenced by unfairly prejudicial biases that affect their screening and processing of potential refugees. United States refugee policy should not be compromised by local prejudices based on religion, race, nationality, membership in a particular social group, or political opinion. To lessen the possibility of unfair discrimination by personnel hired abroad, and to provide greater oversight of U.S. hiring polices, section 602 requires the Attorney General and the Secretary of State to develop and implement anti-bias guidelines, and to develop guidelines for entering into agreement with local refugee processing organizations.

The Act also requires all U.S. refugee-processing officers to receive the same level of training as U.S. asylum officers, who currently receive more comprehensive training. This training includes instruction on the nature and extent of religious persecution abroad. The Act also requires Foreign Service officers who might have refugee-processing responsibilities to receive adequate training in refugee law and in the nature of religious persecution abroad.

Section 603. Reform of Asylum Policy: U.S. officials are assisted in processing potential asylees by interpreters, and other non-U.S. personnel who may be influenced by unfairly prejudicial biases that may affect such processing. To lessen the possibility of unfair discrimination by such personnel, section 603 requires the Attorney General and the Secretary of State to develop and implement anti-bias guidelines. Personnel of airlines owned by foreign governments known to engage in persecution are prohibited from employment as interpreters. The Act requires training for all immigration inspectors, asylum officers and immigration judges in the nature and extent of religious persecution abroad.

Section 604. Inadmissibility of Foreign Government Officials Who Have Been Engaged in Severe Violations of Religious Freedom: Section 604 provides that foreign government officials responsible for particularly severe violations of religious freedom in the last two years, and their families, shall not be admitted to the United States.

Section 605. Studies on the Effect of Expedited Removal for Asylum Claims: Under section 605, the Commission on International Religious Freedom may invite outside experts to cooperate with the U.S. General Accounting Office in studying and reporting on the effect of the expedited removal process on potential asylees.

Section 701. The Act recognizes that transnational corporations play an increasing role as agents for change around the world and have a great potential for positive leadership abroad in human rights. The Act states the Sense of the Congress that U.S. transnational corporations should adopt codes of conduct upholding the religious rights of their employees.●

AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

● Mr. KENNEDY. Mr. President, I commend Senator ABRAHAM, the Chairman of the Senate Immigration Subcommittee, for his leadership in reaching this acceptable compromise that addresses the needs of our high-tech industry and is fair to U.S. workers. I also commend the White House for its strong commitment to protecting the U.S. labor force. This is an issue of major importance to the high-tech industry and U.S. workers. High-tech jobs are growing at three times the rate of other jobs. Over the next ten years, high-tech computer companies will need 1.3 million additional employees.

Few dispute the fact that today, U.S. high-tech companies are unable to find enough skilled workers to meet the mushrooms demands of their rapidly growing industry. Universities are also unable to obtain enough talented faculty members and researchers to fill critical high-tech academic positions. If these shortages persist, the growth and vitality of U.S. high-tech companies will be undermined and our role as a leader in technology and research will be diminished.

The obvious solution to this current crisis is to increase the number of temporary visas available to skilled foreign workers. But the increase should not be permanent. Our immigration laws should not jeopardize opportunities for young Americans, downsized defense workers, and others who wish to enter the dynamic field of high-tech industries.

The current compromise reaches a fair balance—by temporarily increasing the number of high-tech visas over the next three years, and then reinstating the current annual cap of 65,000 visas after the third year.

Many of the foreign workers who will benefit from this compromise are exceptionally talented. They represent the ''best and brightest'' the world has to offer. We welcome these accomplished individuals and the unique skills they will bring to strengthen and diversify our economy.

However, most of the positions that will be filled by these additional foreign workers are simply good middle class jobs. Most of the jobs are lower level computer programmers. Many are physical therapists, occupational therapies, or nurses. It is shameful that U.S. workers do not have the skills to compete for these jobs. The fact that American workers lack the training skills to compete for these good jobs is an incident of our educational system. Clearly, we need to do more to find a long-term solution to this festering problem. And this bill gives three years to address this failure.

I have long insisted that any legislation increasing these visas should substantially invest in improved job training for U.S. workers and better education for U.S. students. We must give the U.S. workers the skills they need to qualify for these jobs. It makes no sense to throw in the towel by increasing quotas—even temporarily—without also investing in our own labor force. As a nation, we have an obligation to invest in our own workers and students.

Many firms are doing the right thing. Many of the large computer companies spend millions of dollars each year training their workers, and encouraging young men and women to choose high-tech careers. The compromise before us today enhances that commitment.

Earlier this year, Senator FEINSTEIN and I proposed a way to provide genuine training for American workers, without costing the taxpayer a single penny. I am pleased that the legislation before the Senate today incorporates our idea and achieves this goal.

It contains a reasonable fee for visa petitions and visa renewals for high-tech foreign workers. The $500 visa application fee included in the compromise will generate approximately $75 million a year.

One third of these funds will be used to fund National Science Foundation scholarships in math, engineering, and computer science for low-income students. The remaining funds will be used to train U.S. workers. As a result, many students and many workers will obtain the skills necessary to compete successfully for these good jobs. It is imperative that we provide as many U.S. workers as possible with the skills and specialized training to qualify for these positions.

The high-tech industry must also do a better job of recruiting U.S. workers. We have all read the reports about unscrupulous employers who pay only lip-service to recruiting U.S. workers, because they know they can obtain cheaper foreign labor. It makes sense that employers should recruit in the U.S. first, in cities like Boston, Detroit, or Los Angeles, before bringing workers in from Beijing, New Delhi, or Moscow. Only if employers cannot find qualified U.S. workers, should they be allowed to recruit and hire foreign workers.

The following are a few examples of how U.S. employers have only payed lip service to recruiting U.S. workers.

A high-tech facility in New Mexico announced a hiring freeze and refused to accept job applications. But at the same time, they brought in 53 foreign workers under the high-tech visa program.

Alan Ezer is a 45-year-old computer programmer with 10 years of experience in the field. He has kept his skills up to date. He was willing to take a pay cut to stay in the industry. After he was laid off, he sent out 150 resumes. He got only one job interview and no job offers.

Rose Marie Roo is an experienced computer programmer. But when no one would hire her to do computer work, she and her husband opened a bed and breakfast in Florida.

Peter Van Horn, age 31, has a master's degree in computer science. He lives in California, but employers won't hire him either.

The list goes on and on. Many of the nation's high-tech firms are blatantly turning away qualified U.S. workers while appealing to Congress for more foreign workers.

As a result of this problem, Senator FEINSTEIN and I fought long and hard to ensure that strong recruitment requirements would be included in the high-tech visa legislation. This compromise contains a worthwhile provision on this issue, and I commend Senator ABRAHAM for supporting our effort.

High-tech companies will be required to demonstrate that they have taken good faith steps to recruit in the U.S., according to industry-wide standards. Companies will be required to offer jobs to any U.S. workers who applies for a position and is equally or better qualified for the job than the foreign applicant. U.S. workers should have first crack at these jobs, and with this legislation, they will have it.

We should also make every effort to retain skilled U.S. workers presently holding these high-tech positions. There have been countless media stories about predatory high-tech computer firms firing talented middled-aged employees and replacing them with foreign workers willing to work longer hours for less pay. In the most flagrant instances, the replaced U.S. workers have even been asked to train their foreign replacement.

I am pleased that this compromise contains needed protections to guard against such abusive layoffs. Until now, it was legal under our immigration laws for an employer to fire U.S. workers and replace them with cheaper foreign workers. As a condition of participating in this compromise, employers covered under the legislation must attest that they have not laid off U.S. workers and tried to replace them with foreign workers.

The compromise contains many worthwhile provisions, but it also has flaws. One of the most serious defects is that the new recruitment and layoff attestations do not cover all employers hiring skilled foreign workers. The compromise exempts the largest high-tech companies from the new attestation requirements, even though some of these firms are the most serious violators.

Nevertheless, the Department of Labor will have increased enforcement powers. Under the previous law, the Department of Labor was restricted to waiting for complaints to be filed before they could act. The Department will now have authority to investigate compliance if they receive specific credible information that a violation has occurred. Additionally, the Department of Labor will now be empowered to conduct random investigations of even exempt employers if they are found to have committed violations. Violators will face stiffer fines and other punishment.

A second flaw in the legislation is the failure to cap the number of visas made available to health care workers. The effect of the abolition of this cap is that U.S. health care workers, particularly physical and occupational therapists, will be increasingly unable to find work. A recent study by the American Physical Therapy Association indicates that by the year 2000, there will be an 11% surplus of physical therapists in the United States. By the year 2005, this surplus will increase to 20–30%. Faced with these estimates, it is impossible to conclude that there is a shortage of physical therapists in this country. I urge the Department of Labor to reconsider its classification of physical and occupational therapy as occupations for which there is a blanket shortage of labor.

Despite these flaws, the compromise is, on the whole, fair to both U.S. and foreign workers. It provides much-needed protections for foreign workers. We must make sure that foreign workers who are brought to this country are not abused by their employers. The law requires that temporary foreign workers must be paid the prevailing wage for the specialty work they perform, including salary and benefits. This compromise requires employers to treat all similarly situated workers equally.

Finally, I am pleased that the compromise contains whistleblower protections I had recommended earlier this year. Despite serious abuses, few complaints were filed by workers because they were afraid of retaliation. Foreign workers were afraid that if they complained they would lose their jobs and be forced to leave the country. American workers were afraid to complain because they feared being blackballed in the industry.

This compromise protects workers who courageously report violations. Those who report abuses to the Department of Labor may request that their identity not be disclosed. And more important, workers who file complaints or cooperate with investigations cannot be intimidated, threatened, restrained, coerced, blacklisted, or discharged by their employer.

Overall, this compromise is a reasonable solution of the current difficult problem. It deserves bipartisan support.●

TARIFF AND TECHNICAL CORRECTIONS ACT OF 1998—H.R. 4342

● Mr. ROTH. Mr. President, on September 29, the Finance Committee reported unanimously H.R. 4342, the Miscellaneous Tariff and Technical Corrections Act of 1998. It was my hope that we would pass this legislation this year. Unfortunately, for reasons unrelated to the substance of the bill, this did not happen.

The failure of this legislation is disappointing because it served a number of important practical purposes. For example, this bill would have temporarily suspended or reduced the duty on a large number of products, including a wide variety of chemicals used to make anti-HIV, anti-AIDS and anti-cancer drugs. Also included were certain organic pigments which are environmentally benign substitutes for pigments containing toxic heavy metals.

In each instance, there were either no domestic production of the product in question or the domestic producers supported the measure. By suspending or reducing the duties, we would have enabled U.S. firms that use these products to produce goods in a more cost efficient manner, thereby helping create jobs for American workers and reducing costs for consumers.

The bill also contained a number of technical corrections and other minor modifications to the trade laws that

enjoyed broad support. One such measure would have helped facilitate Customs Service clearance of athletes that participate in world athletic events, such as the upcoming Women's World Cup, the Winter Olympic Games in Salt Lake City, Utah, and the International Special Olympics. Another measure would have corrected certain outdated references in the trade laws.

For each of the provisions included in this bill, we had solicited comments from the public and from the Administration to ensure that there was no controversy or opposition. Only those measures that were non-controversial and that had no opposition were included in the bill.

The failure of this bill is also disappointing because of the amount of time and effort that the staff put into preparing this extremely technical piece of legislation. That is why I would like to give special thanks to Faryar Shirzad, Linda Menghetti, Tim Keeler, Lisa Lee, Marsha Moke, Matthew Sorenson, Bruce Anderson, Bob Merulla and Myrtle Agent from the Finance Committee staff, Polly Craighill, from the Office of Legislative Counsel, and Hester Grippando from the Congressional Budget Office, for their extensive work on this legislation.●

● Mr. BENNETT. Mr. President, I rise today to commend Senator D'AMATO, the Chairman of the Banking Committee, for his diligence in bringing this legislation dealing with credit unions to the floor in a timely manner. Although I have concerns with the commercial lending provisions in the legislation, I do support the underlying bill.

I do have one question, however for the Chairman of the Banking Committee relating to the community credit union provisions in the act. Specifically, I am concerned with the way that the National Credit Union Administration (NCUA) will design their regulations dealing with the size and scope of community credit unions. Although I had initially intended to offer an amendment limiting the size of a federally-chartered community credit union to three or four contiguous census tracts, after discussing the matter with the Chairman I decided that my amendment would be unnecessary.

Mr. D'AMATO. I commend the Senator from Utah for his interest in this issue and thank him for refraining from offering this amendment. The Senator is quite correct when he states that his amendment would be unnecessary. The Banking Committee was very careful and direct in its instructions to the NCUA in Section 103 of the legislation, where the NCUA is instructed to define a ''well-defined local community, neighborhood, or rural district.''

Additionally, in the Committee's report, language was inserted to make this point especially clear. The Committee intends for the NCUA to limit federally-chartered community credit unions to be subject to well-defined, local, geographic expansion limits.

Mr. BENNETT. I thank the Chairman for his clarification on this issue. As I said previously, I had intended to offer an amendment on this issue, but I am satisfied by the Committee's report and by the remarks of the Chairman that such an amendment would be redundant and unnecessary.●

THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT

● Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAHAM, Senator MACK, Senator ABRAHAM and our other distinguished colleagues in supporting the Haitian Refugee Immigration Fairness Act. Last year Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which enabled Nicaraguan and Cuban refugees to remain permanently in the United States as immigrants.

Haitian refugees deserve no less.

These refugees have seen their relatives, friends and neighbors jailed, or murdered, or abducted in the middle of the night and never seen again. They have fled from decades of violence and brutal repression by the Ton Ton Macoutes, and later by the military regime which overthrew the first democratically elected president of Haiti.

The people of Haiti have struggled long and hard to establish a democracy in their nation. They endured repression and suffered persecution at the hands of successive governments. Haitians supporting democracy have faced torture, extra-judicial killings, imprisonment, and other forms of persecution. The State Department has documented these and other gross violations of human rights.

The Bush administration found that the vast majority of Haitian refugees were fleeing from political persecution. Thousands of these Haitians were paroled into the United States after establishing a credible fear of persecution. Many others filed bona fide applications for asylum upon arrival in the United States.

This legislation will enable Haitians to apply for adjustment of status if prior to December 31, 1995, they were paroled into the U.S., under any of the parole classifications, or filed for asylum. Additionally, as a result of an amendment proposed by Senator ABRAHAM and I, a significant number of unaccompanied children and orphans who did not have the capacity to apply for asylum for themselves will also be eligible to apply for adjustment of status.

Like other political refugees, Haitians have come to this country with a strong love of freedom and a strong commitment to democracy. They have settled in many parts of the United States. They have established deep roots in our communities, and their children born here are U.S. citizens. Wherever they have settled, they have made lasting contributions to the economic vitality and diversity of our communities and the nation.

This issue is about basic fairness. The United States has a long and noble tradition of providing safe haven to refugees. Over the years, we have enacted legislation to guarantee that Hungarians, Cubans, Yugoslavs, Vietnamese, Laotians, Cambodians, Poles, Chinese, and many other refugees will not be sent back to unstable or repressive regimes.

Last year, we adopted legislation to protect Nicaraguans and Cubans. But Haitians were unfairly excluded from that bill. The time has come for Congress to end the bigotry. We must remedy this flagrant omission and add Haitians to the list of deserving refugees.

By approving the Haitian Refugee Fairness Immigration Act, we can finally bring to an end the shameful decades of unjust treatment of Haitians. As the decisions of federal judges over the past two decades make clear, Haitans are treated with blatant discrimination under our immigration laws. Throughout the 1980's, less than 2 percent of Haitians fleeing the atrocities committed by the Duvalier regimes were granted asylum. Yet, other refugee groups had approval rates as high as 75 percent.

Haitian asylum seekers were detained by the Immigration and Naturalization Service, but asylum seekers from other countries were routinely released while their asylum applications were processed. Until recently, Haitians have been the only group intercepted on the high seas and forcibly returned to their home country, without even the opportunity to seek asylum. We welcomed boat people from Cuba, Vietnam and other parts of the world. But for years, we picked up Haitians on the high seas and sent them back to Haiti, in violation of international refugee laws.

This Congress has the opportunity to right the shameful wrongs that Haitian refugees have suffered. We have before us a bill that offers full protection of our laws to these victims of persecution in their fight for democracy. The call for democracy is being heard around the world, and America's voice has always been the loudest. How can we advocate democracy on the one hand, and then deny protection to those who heed our call and are forced to flee their homeland as a result?

The struggle for democracy is often dangerous and life threatening. Ask Nestilia Robergeau, who knows first hand the high price of supporting democracy on Haiti. She and her brother started a youth group in support of Haiti's democratically elected President, Jean Bertrand Aristide. After a military coup ousted President Aristide, her brother was murdered by the military, and she went into hiding in the woods around her village until she could escape from Haiti in a small boat. Today, she lives in Atlanta and holds two jobs. She is active in her local church, and hopes to be a nurse. Last year, she told the Subcommittee on Immigration that ever since she arrived in the United States, she has lived in fear of being sent back to Haiti.

Even the youngest Haitian refugees live in fear of being returned to Haiti. Ask Louisiana, a sixth grader at West Homestead Elementary School in Miami. She fled to the United States with her aunt, after her father, a pro-democracy activist, was murdered by the Haitian military. Last winter, Louisiana told us that she was terrified that she will be sent back to Haiti. She is terrified that the same people who killed her father will come after her in Haiti. She asked us to please pass a law that will let her stay in the United States, where she is safe.

Ask Mr. H in Massachusetts, a journalist in Haiti who criticized the Haitian military government, and was repeatedly arrested for his outspoken views. Finally, he went into hiding in Haiti. When soldiers could not find him, they abducted his girlfriend, brutally beat her, and dumped her by the side of the road to die. But she survived, and she and Mr. H escaped by boat. They were picked up by the Coast Guard, and brought to the United States. They married and now live in Massachusetts. Their two children were born here. Yet, Mr. H and his wife could be deported without this legislation.

Congress has a duty to offer the same protection to these Haitians that we have offered over the years to other refugees fleeing from repressive regimes. This bill is about what is fair, what is right, and what is just. We owe it to Louisiana, to Nestilia, and to the thousands of other Haitians forced to flee their homes because they believed in the promise of democracy.

This legislation has strong bipartisan support. It is supported by a wide range of nationwide organizations, including the Americans for Tax Reform, U.S. Catholic Conference, the Church World Service, the American Baptist Churches, the Mennonite Central Committee, the Council of Jewish Federations, the Lutheran Immigration Refugee Service, the United Methodist General Board of Church and Society, the Presbyterian Church (USA) and many, many more. As Jack Kemp wrote to Congress earlier this year ''This issue presents a chance to do the right thing by rectifying an omission in last year's bill, and to uphold our nation's tradition of accepting refugees.''

We should do all we can to end the current flagrant discrimination under the immigration laws. Haitian refugees deserve protection too—the same protection we gave to Nicaraguans and Cubans last year. We need to pay more than lipservice to the fundamental principle of equal protection of the laws.●