So I make that request.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered. The minority leader.

Mr. DASCHLE. Mr. President, if the majority leader would yield, I ask that we make a short quorum call prior to the time he makes the next unanimous-consent request.

Mr. LOTT. Mr. President, I observe a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CHAFEE. Mr. President, I believe that the order provides for speaking, I presume it was in morning business, for me to speak and I was to be followed by Senator BYRD.

Mr. BYRD. Will the distinguished Senator yield?

Mr. CHAFEE. Yes, certainly.

Mr. BYRD. Mr. President, I didn't understand we were in a period for morning business. At the time I was about to speak, I thought we were on the highway bill. But in any event, if the two leaders are ready to proceed, I will desist until I can address the Senate.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 137, which is Kevin Thurm, to be Deputy Secretary of HHS; No. 286, Edward Shumaker, to be Ambassador to Trinidad and Tobago; No. 304, Ellen Seidman, to be Director of the Office of Thrift Supervision; and No. 277, Peter Scher, to be Ambassador as Special Trade Negotiator.

I further ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services.

DEPARTMENT OF STATE

Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator.

DEPARTMENT OF STATE

Edward E. Schumaker, III, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

DEPARTMENT OF THE TREASURY

Ellen Seidman, of the District of Columbia, to be Director of the Office of Thrift Supervision for a term of five years.

TREATIES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 3, 4, 5, 6, and 7. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; that all committee provisos, reservations, understandings, and declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action; and that following the disposition of the treaties, the Senate return to legislative session.

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

Mr. LOTT. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolutions of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification were agreed to as follows:

AGREEMENT WITH HONG KONG FOR THE SURRENDER OF FUGITIVES

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 Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (Treaty Doc. 105–3), subject to the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

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

(1) THIRD PARTY TRANSFERS.—The United States understands that Article 16(2) permits the transfer of persons surrendered to Hong Kong under this Agreement beyond the jurisdiction of Hong Kong when the United States so consents, but that the United States will not apply Article 16(2) of the Agreement to permit the transfer of persons surrendered to the Government of Hong Kong to any other jurisdiction in the People's Republic of China, unless the person being surrendered consents to the transfer.

(2) HONG KONG COURTS' POWER OF FINAL ADJUDICATION.—The United States understands that Hong Kong's courts have the power of final adjudication over all matters within Hong Kong's autonomy as guaranteed in the 1984 Sino-British Joint Declaration on the Question of Hong Kong, signed on December 19, 1984, and ratified on May 27, 1985. The United States expects that any exceptions to the jurisdiction of the Hong Kong courts for acts of state shall be construed narrowly. The United States understands that the exemption for acts of state does not diminish the responsibilities of the Hong Kong authorities with respect to extradition or the rights of an individual to a fair trial in Hong Kong courts. Any attempt by the Government of Hong Kong or the Government of the People's Republic of China to curtail the jurisdiction and power of final adjudication of the Hong Kong courts may be considered grounds for withdrawal from the Agreement.

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

(1) REPORT ON THE HONG KONG JUDICIAL SYSTEM.—One year after entry into force, the Secretary of State, in coordination with the Attorney General, shall prepare and submit a report to the Committee on Foreign Relations that addresses the following issues during the period after entry into force of the Agreement:

(i) an assessment of the independence of the Hong Kong judicial system from the Government of the People's Republic of China, including a summary of any instances in which the Government of the People's Republic of China has infringed upon the independence of the Hong Kong judiciary;

(ii) an assessment of the due process accorded all persons under the jurisdiction of the Government of Hong Kong;

(iii) an assessment of the due process accorded persons extradited to Hong Kong by the United States;

(iv) an accounting of the citizenship and number of persons extradited to Hong Kong from the United States, and the citizenship and number of persons extradited to the United States from Hong Kong;

(v) an accounting of the destination of third party transfer of persons who were originally extradited from the United States, and the citizenship of those persons;

(vi) a summary of the types of crimes for which persons have been extradited between the United States and Hong Kong.

(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 with respect to the INF Treaty.

(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:

(1) 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.

Mr. ASHCROFT. Mr. President, I rise to address the United States-Hong Kong Extradition Treaty, a treaty which I have followed closely in its passage through the Senate Foreign Relations Committee.

To most Americans, the seemingly nebulous topic of extradition treaties is not particularly important. But let us not be distracted by the complex legal jargon that accompanies this

agreement with Hong Kong. Our extradition agreements strike at the very heart of equality before the law, one of our most cherished freedoms in America. Our judicial system seeks to protect the due process right of foreigner and native citizen alike, and our extradition treaties with other nations are based on the premise that any person we transfer to a foreign court system will receive similarly just treatment.

The extradition treaty with Hong Kong is thus a very important consideration in assessing the future prospects for freedom in the former colony, now under Chinese rule. We need to consider this extradition treaty in light of China's overall behavior toward Hong Kong in recent months. China's actions to undermine democracy in Hong Kong cast doubt on the future of civil liberties in the British colony. China has declared the elected Hong Kong legislature invalid and appointed a hand-picked provisional legislative body. China's appointed chief executive of Hong Kong, Tung Chee-hwa, has announced additional measures to restrict civil liberties in the colony.

Public protests will have to receive prior approval and could be banned to protect ''national security.'' Hong Kong political organizations will be required to register with the government and will be prohibited from seeking or receiving funds from overseas organizations. Under China's definition of a Hong Kong political group, international organizations that expose China's human rights abuses also will be banned from receiving critical foreign funding. In light of these troubling steps taken by Beijing, not to mention China's violation of trade agreements, weapons proliferation commitments, and human rights standards, there are few doubts in my mind that China will bend the rules of this extradition treaty we are considering today.

The extradition treaty contains provisions that supposedly preserve due process and the ability of the United States to refuse extradition requests that are politically motivated. As with all international agreements, however, effective enforcement is essential to protect American interests. The strongest treaty language in the world is meaningless without presidential vigilance, a vigilance I find appallingly lacking in the Clinton administration. This administration has failed to confront China consistently on human rights violations, trade barriers, and weapons proliferation. I am concerned that the administration will adopt a similarly lax attitude in the enforcement of this treaty.

The Clinton administration's defense of Hong Kong in other areas has been weak at best. The White House has been hesitant to meet with political activists from the colony, and Vice President GORE failed to include Hong Kong in the itinerary of his last trip to East Asia. The 6 million people in Hong Kong deserve better treatment from America. The fight to preserve liberty in Hong Kong could be the battle that determines the outcome of the overall campaign to cultivate democracy in China. Hong Kong serves as yet another example of liberty to over 1 billion Chinese, and the effective removal of that example would set back the march of freedom in China.

In considering this extradition treaty, we need to be honest. We are not signing this treaty with Hong Kong alone, but with Beijing. By doing so, we could be placing our stamp of approval on a court system that will, by all appearances, increasingly be an extension of the Chinese Communist Party.

The United States has never before signed a treaty to extradite human beings to a totalitarian Communist regime, and I hope this treaty will not turn into the first example of such policy. The United States has been given a great trust as the leader of the free world, and the international commitments we make should reflect our country's commitment to democracy and the rule of law.

We in America need to realize that the forces of justice and liberty are at work in the Chinese people just as they have been at work with such stunning effect in other nations around the world. When China embraces democracy—just as South Korea, Taiwan, and Japan have done—the rule of law will follow. Until that day arrives, it will be good to say we stood by the Chinese people in their struggle for justice and liberty. Effective enforcement of this extradition treaty will be an important step in ensuring that the example of freedom in Hong Kong is preserved for the benefit of all Chinese.

Mr. BIDEN. Mr. President, the reversion of Hong Kong to the People's Republic of China is a historic event, the full impact of which may not be known for years. At midnight on June 30, the world watched as the flag of the United Kingdom came down over Hong Kong, the final chapter of over a century of the British Empire's presence in the Far East. July 1 dawned with the flag of China flying over Victoria Harbor, providing a great moment of pride for the people of China as Beijing recovered a territory lost in humiliating fashion to foreign powers.

For the cause of freedom, the reversion is a conundrum.

Some observers warn that China intends to trample Hong Kong's freedoms. After a decade in which millions have cast off the yoke of Communist rule of the Soviet Empire, the subjugation of the people of Hong Kong to the control of a dictatorial government in Beijing is surely a sad anomaly.

Others predict optimistically that in the end China, not Hong Kong, will be transformed by the new union. They point to the changes already underway in China, and foresee a more prosperous, open, plural, and democratic system for one-fifth of the world's population.

I believe the future of Hong Kong, like that of China, is not yet written. The actions of the United States will affect the ability of the people of Hong Kong to preserve their democratic freedoms and overall quality of life.

Visiting Washington recently on his first trip abroad as Hong Kong's Chief Executive, Tung Chee-hwa rightly took pride in the former colony's smooth transition to Chinese rule. But he also candidly acknowledged that preserving Hong Kong's economic vitality and expanding the democratic freedoms enjoyed by its 5½ million residents required not only a steady hand in Hong Kong, but also the sustained interest and support of the international community.

It is in this context that we must view the U.S.-Hong Kong extradition agreement.

Approval of the treaty is a risk, for it is predicated on a question which cannot be answered in the abstract. The question is this: will the Beijing Government adhere to its pledge to permit Hong Kong a high degree of autonomy for at least 50 years? In other words, will China abide by its promise to maintain ''one country, two systems?''

No one can answer that question definitively today—not the people of Hong Kong, not the British Government, not the Clinton administration, not even the gerontocracy in Beijing, which struggles to chart a course for China's modernization in the post-Deng Xiao Ping era.

Of course, there is always the risk that a treaty partner will prove to be unreliable. That risk is particularly acute here, where the treaty partner—the Hong Kong Government—will be overseen by a government in Beijing which has often failed to adhere adequately to commitments made to the United States.

Standing opposite that risk are the benefits that flow from having an extradition relationship with Hong Kong. For most of this decade, the relationship has undeniably been in our interests. Since 1991, more than 60 persons have been returned to the United States from Hong Kong pursuant to extradition requests, many of them for serious crimes such as narcotics trafficking. By contrast, we have extradited just seven persons to Hong Kong.

Moreover, the extradition treaty is a critical component of our overall law enforcement cooperation with Hong Kong authorities—cooperation which has proven enormously successful over the years in combating organized crime, drug smuggling, and international terrorism.

Finally, this treaty contains extraordinary protections against any attempt by Beijing to meddle with or politicize the extradition process.

Indeed, the treaty provides several protections against valid concerns that the PRC may renege on its pledge to permit Hong Kong to retain an independent judiciary. The treaty contains several safeguards; these include: First, a provision allowing the United States broad power to refuse to surrender U.S.

nationals in cases relating to ''the defense, foreign affairs, or essential public interest or policy of the United States'' (Article 3); second, a provision permitting the Secretary of State to deny extradition if the request was politically motivated, or the person sought is likely to be denied a fair trial or punished because of his race, religion, nationality, or political opinions (Article 6); and third, a provision barring the retransfer of any fugitive beyond the territory of Hong Kong without U.S. consent (Article 16).

The Committee has added included two provisions in the resolution of ratification that provide additional protection. First, understanding No. 1 makes it plain that the United States will not permit the retransfer to the People's Republic of China of any persons surrendered under this agreement, unless the person being surrendered consents to the transfer. Understanding No. 2 makes a strong statement in support of the independence of the Hong Kong judiciary, by stating that any effort to curtail the jurisdiction and power of adjudication of the Hong Kong courts may be considered grounds for withdrawal from the Agreement.

In exercising its power to advise and consent, the Senate must balance the risks that China will interfere with the autonomy of Hong Kong against the likely benefits to U.S. law enforcement that will flow from the agreement. In my view, the benefits clearly outweigh the risks. And the safeguards in the treaty, in addition to the provisions in the resolution of ratification, provide strong protection of U.S. interests and of the rights of those persons who may be surrendered under the treaty.

By ratifying this treaty, the Senate will send a strong signal to the people of Hong Kong that we have confidence in their ability to make the unique ''one country, two systems'' formula work. We also send a strong message to Beijing that we will not tolerate any efforts to undermine the traditional autonomy and impartiality of Hong Kong's judiciary. I urge my colleagues to join me in supporting ratification of the Hong Kong extradition agreement.

CONSTITUTION AND CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Constitution of the International Telecommunication Union (ITU), with Annexes, signed at Geneva on December 22, 1992, and Amendments to the Constitution and Convention, signed at Kyoto on October 14, 1994, together with Declarations and Reservations by the United States contained in the Final Acts (Treaty Doc. 104–34), subject to declarations and reservations Nos. 68, 73 and 82 of the 1992 Final Acts; declarations and reservations Nos. 84, 92, 97, and 98 of the 994 Final Acts; and the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

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

(1) BROADCASTS TO CUBA.—The United States of America, noting the Statement (No. 40) entered by the delegation of Cuba during the Plenipotentiary Conference of the International Telecommunication Union, in Kyoto Japan, affirms its rights to broadcast to Cuba on appropriate frequencies free of jamming or other wrongful interference and reserves its rights to address existing interference and any future interference, by Cuba with United States broadcasting. Furthermore, the United States of America notes that its presence in Gurantanamo is by virtue of an international agreement presently in force; the United States of America reserves the right to meet its radio communication requirements there as heretofore.

(2) GEOSTATIONARY-SATELLITE ORBITS.—The United States understands that the reference in Article 44 of the Constitution to the ''geographical situation of particular countries'' does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

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

(1) ASSESSED PAYMENTS TO THE UNITED NATIONS INTERNATIONAL TELECOMMUNICATION UNION.—Payments by the United States to the International Telecommunication Union shall be limited to assessed contributions, appropriated by Congress. This provision does not apply to United States payments voluntarily made for a specific purpose other than the payment of assessed contributions. The United States shall seek to amend Article 33(3) of the ITU Convention to eliminate to ITU's authority to impose interest payments on ITU members.

(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, 1998, 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 Senate's resolution of ratification is subject to the following proviso, which shall be binding on the President:

(1) 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.

TREATY ON MARITIME BOUNDARIES BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Maritime Boundaries between the United States of America and the United Mexican States, signed at Mexico City on May 4, 1978 (Ex. F, 96–1), 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:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification 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 be binding on the President:

(1) 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.

PROTOCOL BETWEEN THE UNITED STATES AND CANADA AMENDING THE 1916 CONVENTION FOR THE PROTECTION OF MIGRATORY BIRDS IN CANADA AND THE UNITED STATES

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the United States and Canada Amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States, with Related Exchange of Notes, signed at Washington on December 14, 1995 (Treaty Doc. 104–28), 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, and shall be binding on the President:

(1) INDIGENOUS INHABITANTS.—The United States understands that the term ''indigenous inhabitants'' as used in Article II(4)(b) means a permanent resident of a village within a subsistence harvest area, regardless of race. In its implementation of Article II(4)(b), the United States also understands that where it is appropriate to recognize a need to assist indigenous inhabitants in meeting nutritional and other essential needs, or for the teaching of cultural knowledge to or by their family members, there may be cases where, with the permission of the village council and the appropriate permits, immediate family members of indigenous inhabitants may be invited to participate in the customary spring and summer subsistence harvest.

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

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification 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 be binding on the President;

(1) 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.

PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES AMENDING THE CONVENTION FOR THE PROTECTION OF MIGRATORY BIRDS AND GAME MAMMALS.

Resolved, (two-thirds of the Senators present concurring therein, That the Senate advise and consent to the ratification of the Protocol between the Government of the United

States of America and the Government of the United Mexican States Amending the Convention for the Protection of Migratory Birds and Game Mammals, signed at Mexico City on May 5, 1997 (Treaty Doc. 105–26), 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, and shall be binding on the President:

(1) INDIGENOUS INHABITANTS.—The United States understands that the term ''indigenous inhabitants'' as used in Article I means a permanent resident of a village within a subsistence harvest area, regardless of race. In its implementation of Article I, the United States also understands that where it is appropriate to recognize a need to assist indigenous inhabitants in meeting nutritional and other essential needs, or for the teaching of cultural knowledge to or by their family members, there may be cases where, with the permission of the village council and the appropriate permits, immediate family members of indigenous inhabitants may be invited to participate in the customary spring and summer subsistence harvest.

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

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1998, 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 be binding on the President:

(1) 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.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent to propound a parliamentary inquiry concerning the treaties that were agreed to.

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

Mr. BYRD. Mr. President, did the Chair actually count Senators on the division that took place with respect to the adoption of the resolution of ratification of those treaties?

The PRESIDING OFFICER. The Chair is required to and so did.

Mr. BYRD. I thank the Chair.

Mr. LOTT. Mr. President, those treaties were the Agreement with Hong Kong for the Surrender of Fugitive Offenders; the International Telecommunications Union Constitution and Convention; the U.S.-Mexico Treaty on Maritime Boundaries; the Migratory Bird Protocol with Canada; and the Migratory Bird Protocol with Mexico.

LEGISLATIVE SESSION

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

AUTHORIZING EXPENDITURES FOR CONSULTANTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 138, submitted earlier today by Senator WARNER and Senator FORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 138) authorizing the expenditures for consultants by the Committee on Rules and Administration.

The Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 138) was agreed to, as follows:

S. RES. 138

Resolved. That section 16(b) of Senate Resolution 54, 105th Congress, agreed to February 13, 1997, is amended by striking ''$300,000'' and inserting ''$400,000''.

EXTRADITION TREATIES INTERPRETATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 196, S. 1266.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1266) to interpret the term ''kidnaping'' in extradition treaties to which the United States is a party.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 1523

(Purpose: To provide substitute language for the text of the bill)

Mr. LOTT. Mr. President, Senator HELMS has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HELMS, for himself, and Mr. BIDEN, proposes an amendment No. 1523.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Extradition Treaties Interpretation Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word ''kidnapping'', but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 3. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms ''kidnaping'' and ''kidnapping'' to include parental kidnapping.

Mr. BIDEN. Mr. President, I am pleased that the Senate is today acting on the Extradition Treaties Interpretation Act. I appreciate the cooperation of the chairman of the committee, and the cooperation and assistance of the executive branch, in moving this bill forward.

The bill is very short, and I will not take the Senate's time to review it at length. In brief, the bill is designed to remedy a disparity in U.S. extradition law and practice. The disparity is this: under certain extradition treaties, the crime of parental abduction—when one parent takes a child in violation of law or a custody order and against the wishes of the other parent—is not extraditable. That is so for two related reasons.

The criminalization of parental abduction is a relatively recent development in U.S. criminal law. Prior to the mid-1970's, parental abduction was generally considered a family law matter not covered by criminal law. In the last two decades or so, U.S. criminal law has evolved significantly. All 50 states