

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 Number: 105-10
Transmitted: July 08, 1997

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.