Mr. DURBIN. I ask for the division vote on the resolutions of ratification. The PRESIDING OFFICER. A division vote has been requested.

Senators in favor of the resolutions of ratification of these treaties will rise and stand until counted.

The advice and consent of the Senate under section 1 is subject to the following declaration:

TREATY DOC. 106–1: THE HAGUE CONVENTION Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to declarations.

The Senate advises and consents to the ratification of the Protocol Concerning Prohibition of the Use in War of Asphyxiating, Poisonous or其它 Chemical and Bacteriological Weapons, done at Geneva, Switzerland, on April 29, 1925 (Treaty Doc. 106–1), subject to the declaration of section 3, and the declaration of section 5.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

In accordance with Article XVIII, the United States of America declares that, with respect to the States of America, any new annexes to the Protocol shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

TREATY DOC. 106–A1: THE HAGUE CONVENTION Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to understandings and a Declaration.


Section 2. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) It is the understanding of the United States of America that the term ‘armed conflict’ as defined in Chapter II of the Convention, codifies customary international law in that it, first, prohibits the use of any cultural property to shield any legitimate military targets from attack and, second, allows all property to be attacked using any lawful and proportionate means, if required by military necessity and notwithstanding possible collateral damage to such property.

(2) It is the understanding of the United States of America that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action or other activities covered by this Convention shall be made in the basis of that person’s assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) It is the understanding of the United States of America that the rules established under this Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, as amended, do not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties, and do not, by virtue of their membership in such forces, engage in armed conflict, even if they are under the formal command, control, and responsibility of those forces.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that oblige the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, this Amendment is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. This Amendment does not confer private rights enforceable in United States courts.

TREATY DOC. 110–4: INTERNATIONAL CONVENTION FOR SUPPRESSION OF ACTS OF NUCLEAR TERRORISM Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, understandings, and a declaration.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted on April 13, 2005, on behalf of the United States of America on September 14, 2005 (the ‘‘Convention’’) (Treaty Doc. 110–4), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Pursuant to Article 23(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 23(1) of the Convention.

Section 3. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ‘armed conflict’ in Article 4 of the Convention does not include situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ‘international humanitarian law’ in Article 4 of the Convention has the same substantive meaning as the law of war.

(3) The United States of America understands that, pursuant to Article 4 and Article 2 of the Convention, (a) civilians acting in the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; and (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

(4) The United States of America understands that current United States law with respect to the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.