
INTERNATIONAL GRAINS AGREEMENT, 1995

JUNE 19, 1998.—Ordered to be printed

Mr. HELMS, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany Treaty Doc. 105-4]

The Committee on Foreign Relations, to which was referred The Grains Trade Convention and Food Aid Convention Constituting the International Grains Agreement, 1995, signed by the United States on June 26, 1995, having considered the same, reports favorably thereon with one declaration and one proviso, and recommends that the Senate give its advice and consent to the ratification thereof as set forth in this report and the accompanying resolution of ratification.

I. PURPOSE

The Grains Trade Convention, 1995, is intended to foster international cooperation in trade in grains, to promote trade expansion and seek the elimination of trade barriers involving these commodities, to promote market stability, and to provide an international forum for exchanging information regarding grains. The Convention does not contain economic provisions and thus does not regulate levels of grain trade between countries or price ranges for grain sales.

The Food Aid Convention, 1995, obligates importing and exporting developed countries to provide specified annual levels of edible grain to developing countries either bilaterally or through a multilateral entity such as the World Food Program.

II. BACKGROUND

The International Grains Agreement, 1995 (Treaty Doc. 105-4) consists of two separate legal instruments: the Grains Trade Convention, 1995, and the Food Aid Convention, 1995. The Grains Trade Convention, 1995, replaces the Wheat Trade Convention, 1986, as extended in 1991. The Food Aid Convention, 1995, replaces the Food Aid Convention, 1986, as extended in 1992. For-

merly two parts of the most recent Wheat Trade Convention, these two instruments were separated in the International Grains Agreement pending before the Senate.

The Grains Trade Convention is administered by the International Grains Council (IGC), the successor to the International Wheat Council, originally established in the International Wheat Agreement, 1949. The 1949 Agreement, which provided for annual quotas for exporting and importing member countries within an agreed price range, was the result of an intergovernmental effort begun in 1933, when an international agreement for regulating wheat trade was concluded by the International Conference of Wheat Exporting and Importing Countries. The 1995 Convention expands the coverage of earlier agreements to include not only wheat and wheat products but also barley, maize, millet, oats, rye, sorghum, triticale (and their products), and other grains as the Council may later decide.

The Conventions were negotiated between December 1993 and December 1994 and were adopted at meetings of the International Wheat Council and the Food Aid Committee, held in London on December 7, 1994, and December 5, 1994, respectively. The Conventions were signed for the United States on June 26, 1995. They entered into force July 1, 1995. Their effective dates have been extended by the Parties through June 30, 1999.

III. SUMMARY

A. GENERAL

Grains Trade Convention, 1995

Part I, General (Arts. 1-8). Part I of the Convention sets forth Convention objectives (Art. 1), contains definitions (Art. 2), and explains what constitutes a “commercial purchase” and a “special transaction” (see below) for purposes of the Convention (Art. 5). It establishes the information dissemination functions of the Convention (Art. 3) and provides for Member consultations in the event of significant changes in the international grains market (Art. 4). It requires Members to provide regular reports to the Council on their grains trade and delineates the trade-related information that must be provided to that body (Art. 7). Part I also contains guidelines for concessional transactions that aim at limiting incursions into commercial markets (Art. 6). Finally, the Convention provides for dispute resolution between Members, empowering the Council to resolve disputes that are not resolved through negotiation (Art. 8).

Part II, Administration (Arts. 9-22). Part II of the Convention establishes the International Grains Council (IGC), the Convention’s governing body consisting of all Convention Members (Art. 9), and enumerates the Council’s powers and functions (Art. 10). The Council sits in London and must meet at least once during each half of each fiscal year (Art. 13). Part II also requires the Council to establish an Executive Committee, which is responsible to and works under the guidance of the Council (Art. 15(1), (2)). The Executive Committee consists of a maximum 6 exporting members and 8 importing members, elected annually by their respective group,

each group having the same number of total votes (Art. 15(1), (3)). The IGC is administered by a Secretariat with an Executive Director (Art. 17). Part II also requires the IGC to establish a Market Conditions Committee, consisting of all Convention Members, which is charged with continuously monitoring and reporting on “all matters affecting the world grain economy” with the objective of improving information services to Members (Art. 16; see also Art. 3(2)).

Part II creates a weighted voting procedure for determining if the Convention should enter into force and for assessing financial contributions, based on country allocations set forth in the Annex A of the Convention (Art. 11). Votes for all other purposes are to be determined under Article 12 (Art. 11(6)). That article requires the Council to determine whether countries are importing or exporting Members, having taken account “of the grain trading patterns of those members and of their own views” (Art. 12(1)). Once this determination is made, the countries in each group must distribute their votes (a total of 1000 being allowed for each group, with Members of the group deciding the allocation of votes within the group based on the votes allocated to Members in the Convention Annex) (Art. 12(2)). The Council must review the list of exporting and importing members “in light of the changing patterns of their grains trade” three years after the Convention enters into force (Art. 12(3)), may vote to move a country from one list to another at its request (Art. 12(4)), and must review the distribution of votes whenever the lists change (Art. 12(6)). Unless otherwise stated, decisions are by majority of votes cast by importing Members and a majority of votes cast by exporting Members, separately counted (Art. 14).

Part II sets forth Members’ general financial obligations, provides for approval of the Convention’s annual budget and for the annual financial assessment of Members, and sets forth consequences for non-payment of contributions (Art. 21).

Part II also provides for interactions and cooperation between the Council and non-member governments and intergovernmental organizations, allowing the Council to invite any non-member state or intergovernmental organization to attend any Council meeting as an observer (Art. 18) and to make whatever arrangements it deems appropriate for consultation with the United Nations and its agencies, especially, the United Nations Conference for Trade and Development, the Food and Agriculture Organization, the Common Fund for Commodities, and the World Food Program (Art. 19).

Part II also allows (but does not require) the Council, “at the appropriate time,” to explore the possibility of negotiating a grains agreement with economic provisions and report to Members on the matter; if the Council views an agreement to be desirable, it may call on the United Nations Conference on Trade and Development to convene a negotiating conference (Art. 22).

Part III, Final Provisions (Arts. 23–34). The Convention was open for signature until June 30, 1995, by countries listed in the Convention Annex (Art. 24). The Convention is subject to ratification or approval by each signatory Government “in accordance with its respective constitutional procedures” (Art. 25(1)), with instruments of ratification to be deposited by signatories no later than

June 30, 1995, unless the Council has extended the date for any signatory unable to do so (Art. 25(2)). Any Government listed in the Convention Annex was able to accede to the Convention until June 30, 1995; the Council is empowered, however, to grant one or more extensions of the date to any Government that had not deposited its instruments of ratification at that time (Art. 27(1)). The Convention states that it is open to ratification after June 30, 1995, by all countries upon conditions that the Council considers to be appropriate (Art. 27(2)). The Convention entered into force on July 1, 1995.

The Convention allows Members to withdraw from the Convention at the end of a fiscal year upon at least 90 days' notice (Art. 29), authorizes the Council, by special vote, to exclude a Member that it finds is in breach of its obligations, where it finds that the breach "significantly impairs" the Convention's operation (Art. 30), and provides for the settlement of accounts by Members that have withdrawn or have been excluded (Art. 31). Requirements and procedures for amending the Convention are also set forth (Art. 32).

The Convention will remain in force until June 30, 1998, unless it is extended or terminated by the Council, or replaced before then by a new agreement or convention with economic provisions negotiated under Article 22 (Art. 33(1)). The Council may extend the Convention, by special vote, for successive periods of not more than two years (Art. 33(2)).

Annex. An Annex to the Convention contains two lists of Member countries and specifies the numbers of votes allocated to each. This allocation is used for determining whether the Convention should enter into force, and for assessing financial contributions (see Art. 11(1)–(2)).

Food Aid Convention, 1995

Part I, Objective and Definitions (Arts. I-II). Part I of the Convention sets forth the Convention's objective and contains definitions of terms used in the Convention. As stated in Article I, the objective of the agreement is "to secure, through a joint effort by the international community, the achievement of the World Food Conference target of at least 10 million tonnes of food aid annually to developing countries in the form of grain suitable for human consumption, and as determined by the provisions of this Convention." The Convention defines a "developing county" as "any country or territory which is recognized by the Development Assistance Committee of the OECD as a developing country or territory" unless the Food Aid Committee decides otherwise (Art. II(1)(d)).

Part II, Main Provisions (Arts. III-XV). Part II of the Convention sets forth the basic obligation of Members to contribute grains to developing country as food aid (or the cash equivalent thereof) in minimum annual amounts listed for each named country (Art. III). Donor countries are Argentina, Australia, Canada, the European Community and its member states, Japan, Norway, Switzerland, and the United States (Art. III(4)). While grain is to be provided as gifts to the maximum extent possible, the Convention provides that donors may also supply grain by way of gifts or grants of cash to purchase grain for the recipient, sales for recipient country currency that is not transferable or convertible or for

goods and services for use by donor members, or sales on credit at concessional rates with extended repayment requirements terms (Art. IV). The Convention allows donors to channel their contributions to a specific country or countries, or make their contributions bilaterally or through intergovernmental organizations and/or non-governmental organizations (Art. V). The Convention requires that contributions be evaluated in terms of their wheat equivalent (Art. VI).

Members agree to undertake their aid transactions in a manner that does not interfere with normal production patterns and trade flows; to avoid tying food aid to commercial exports to recipient countries; to ensure that aid is provided consistently with the Food and Agriculture Organization (FAO) principles on surplus disposal; and generally to act in accordance with food aid guidelines approved by the United Nations World Food Program (Art. VII).

The Convention establishes a Food Aid Committee to administer the Convention; the Committee, which consists of all Convention Members, meets at least twice a year in conjunction with the statutory sessions of the International Grains Council (IGC), and reaches its decisions by consensus (Arts. IX, XII). Non-members and representatives from other international organizations may attend Committee meetings as observers (Art. XIII). The Committee may call on the IGC Secretariat for administrative duties and the processing and distribution of documentation and reports (Art. XIV). Disputes over Convention interpretation and applications, or defaults on obligations, are overseen by the Committee, which is empowered to take "appropriate action" (Art. XV).

Part III, Final Provisions (Arts. XVI–XXVI). Under Article XVII, the Convention was open for signature until June 30, 1995, by the Governments of the countries named earlier as donor nations. The Convention is subject to ratification or approval by each signatory country "in accordance with its respective constitutional procedures"; signatories' instruments of ratification were to be deposited by June 30, 1995, except that the Food Aid Committee was (and is) empowered to grant one or more extensions to signatories that had not deposited by that time (Art. XVIII). Any listed country that had not signed the Convention was able to accede until June 30, 1995, the Council being able to extend the date for depositing instruments of accession for a Government that had not done so by that date (Art. XX(1)). Once entered into force, the Convention is open for accession by other Governments upon such conditions as the Council considers appropriate (including that Government's minimum contribution) (Art. XX(2); see also Art. III(5)).

The Convention entered into force on July 1, 1995 (Art. XXI). The Convention is to remain in force until June 30, 1998, unless extended by the Parties (Art. XXII(1)). The Food Aid Committee may extend the Convention after this date for two-year periods (Art. XXII(2)). With respect to all of the above-described situations, however, the Food Aid Convention may enter into (or remain in) force only if the Grains Trade Convention is in force at the same time. If the Convention is extended, Members annual contributions may be subject to review by Members before the extension becomes effective (Art. XXII(3)).

The Convention allows Members to withdraw at the end of any year upon at least 90 days' notice, but requires Members to fulfill any undischarged obligations for that year (Art. XXIII(1)). A Member who has withdrawn may also subsequently rejoin the Convention (Art. XXIII(2)).

B. KEY PROVISIONS

Grains Trade Convention, 1995

Reporting and recording of information on grains trade.

As with its predecessors, a primary focus of the Grains Trade Convention is the collection and maintenance of information on international trade in grains, with the aim of providing information services to Members on the international grain economy. Article 3 of the Convention provides for the development and dissemination of information on grains trade, requiring that arrangements be made for regular reports and information exchange, as well as special studies, focusing on: "(a) supply, demand and market conditions; (b) developments in national policies and their effects on the international market; (c) developments concerning the improvement and expansion of trade, utilization, storage and transportation, especially in developing countries."

Under Article 7(1), Members are obligated to provide regular reports, and the Council is required to maintain records for each crop year, showing separately commercial and special transactions, of all shipments of grain by Members and all imports of grain from non-Members. A "commercial purchase" is a purchase "which conforms to the usual commercial practices" and is not considered a "special transaction" under the Convention (Art. 5(1)); a "special transaction" is defined to include sales on non-commercial credit terms, sales with special payment arrangements, sales for non-convertible currency, sales for tied loans granted by the exporting government, and certain barter transactions (Art. 5(2)). The Council must also maintain, to the extent possible, records of all shipments between non-members (Art. 7(1)).

Members must send the Executive Director information on quantities of grain involved in commercial and special transactions "as the Council within its competence may require" (Art. 7(3)(a)). Members must also send the Executive Director information relating to export prices "as the Council may require" (Art. 7(3)(b)). The Council must develop information on its own regarding prevailing grain transportation costs, but Members must provide supplementary information "as the Council may require" (Art. 7(3)(c)). Members are also obligated to provide, "as far as possible," information that the Council may require regarding their grain supply and demand and to "report promptly all changes in their national grain policies" (Art. 7(2)).

Market Conditions Committee. The Convention requires the IGC to establish a new Market Conditions Committee (MCC), open to all Convention Members (Arts. 3, 16). The MCC, which replaces a Convention subcommittee devoted to the same issue, to be headed by the Executive Director, unless the IGC determines otherwise (Art. 16(1)). Establishment of the Committee is aimed at improving the collection and presentation of information in the reports and

studies mandated under Article 3 of the Convention and, to this end, the Committee is tasked with continuously reviewing and reporting to Members on the international grain economy (Art. 16(3)). The Committee is also intended to provide advice to the Convention Secretariat in carrying out its informational role and thus supplement the guidance already provided by the Council to the latter (Art. 16(4)). If the Committee believes that economic developments “seriously threaten” to affect Members’ interests (or such information is brought to the attention to the Committee by the Executive Director of any Council Member) the Committee is to report these facts to the Executive Committee, which must meet within 10 days to review the situation and, if appropriate, request that a Council session be convened to pursue the matter further (Art. 4). The Convention envisions broad participation in the MCC, as the Committee is viewed as a means of enabling more Members to participate in the Council’s work (Art. 3(2)), and Committee meetings are open not only to Members but also to representatives of non-Member governments and international organizations (Art. 16(2)).

Financial contributions. The Convention requires that Member Governments meet the expenses of their Council delegations, and their representatives to Committees and working groups (Art. 21(1)). Other expenses necessary for the administration of the Convention are met by annual contributions from all Members (Art. 21(1)). Contributions are proportional to a Member’s voting strength; the number of votes allocated to a Member are to be regularly reviewed and adjusted to take into account trade developments (Arts. 21(1), 11). As stated in Article 21(1), “the contribution of each member for each fiscal year shall be in the proportion which the number of its votes in the Annex bears to the total of the votes of members in the Annex, as adjusted under Article 11 to reflect the membership of the Convention at the time when the budget for that fiscal year is adopted” (Art. 21(1)). The Council assesses Member contributions when it annually approves its budget for the forthcoming fiscal year (Art. 21(3)).

Allocation of Voting. The number of votes allocated to Members for the first three years of the Convention (that is, until June 30, 1998), for purposes of the entry into force of the Convention and financial contributions, are listed in the Convention Annex. Whenever the Convention is extended, the Council must review and adjust Members’ votes; the adjustments are to “bring the distribution of votes more closely into line with current grain trade patterns, and shall be in accordance with the methods specified in the Rules of Procedure” (Art. 11(3)). In addition, if the Council decides that “a significant shift in world grain trade patterns has occurred,” it must review and may adjust Members’ votes (Art. 11(4)). Such an adjustment is to be considered a Convention amendment, subject to the requirements of Article 32, the Convention’s amendment article (Art. 11(4)).

Concessional transactions. Members agree to conduct concessional transactions in grains in a manner that “avoid[s] harmful interference with normal patterns of production and international commercial trade” (Art. 6(1)). More specifically, both supplying and recipient members are to “undertake appropriate measures to ensure that concessional transactions are additional to com-

mercial sales which could reasonably be anticipated in the absence of such transactions, and would increase consumption or stocks in the recipient country” (Art. 6(2)). Among other things, measures by FAO members must be consistent with the FAO Principles of Surplus Disposal and may require that a “specified level of commercial imports of grains agreed with the recipient country be maintained on a global basis by that country” (Art. 6(2)). Before concluding concessional export transactions with recipients, exporting members must consult to the maximum extent possible with other exporters whose commercial sales might be affected by such concessional transactions (Art. 6(3)).

Food Aid Convention, 1995

The heart of the Food Aid Convention is Article III, which defines donor contributions in detail. Under Article III, Convention Members agree “to contribute to developing countries grains as food aid, suitable for human consumption and of an acceptable type and quality, or the cash equivalent thereof, in the minimum annual amounts specified” in the Article (Art. III(1)). Priority is to be given to countries classified by the OECD as least developed, other low-income countries, or lower middle-income countries (Art. III(1)). While contributions are to be made in the form of grains, donors may provide, at the request of recipient countries, limited quantities of pulses against their Convention obligations, provided these are of “an acceptable type and quality and are suitable for human consumption” (Art. III(3)).

The United States is the largest donor nation, followed by the European Community. Minimum contributions (in tons) are set forth in Art. III(4) as follows:

Argentina	35,000
Australia	300,000
Canada	400,000
European Community and its member states	1,755,000
Japan	300,000
Norway	20,000
Switzerland	40,000
United States	2,500,000

While Members are to place contributions in an “f.o.b [free on board] forward position,” they are encouraged to bear transportation costs “beyond the f.o.b. stage,” particularly in emergency conditions or where shipments to low-income, food deficit countries are involved (Art. III(6)). To the greatest extent possible, cash contributions for the purchase of grain for recipient countries (as provided for in Article IV) are to be used to buy grain from developing countries, with preference given to the developing members of the Grains Trade and Food Aid Conventions (Art. III(7)(a)). At the same time, in all transactions resulting from cash contributions, “special regard shall be had” for the quality of the grain; the cost, insurance and freight (c.i.f.) advantages of using the specific supplier; the potential for speedy delivery to the recipient; and the specific requirements of the recipient (Art. III(7)). Moreover, cash contributions are not normally to be used to purchase grain that is the same type as the supplier country has received as food aid in the

same year (or a previous year, if the grain is still being used) (Art. III(7)). To assist recipients in planning their development programs, the Convention requires donors as far as possible to make contributions on a “forward planning basis” and exhorts them to indicate in advance the gift and non-gift elements of donations (Art. III(8)).

If a Member is unable to provide the full amount of grain required in a given year, it will be added to its requirements for the subsequent year unless the Committee decides otherwise because of high transportation costs (Art. III(9)). Members must submit “regular and timely” reports to the Food Aid Committee regarding the amount, content, channeling and terms of their contributions (Art. III(10)). Among the powers and functions of the Food Aid Committee is a requirement that it “keep under review the way in which the obligations undertaken under this Convention have been fulfilled” (Art. X(1)).

IV. ENTRY INTO FORCE AND TERMINATION

A. ENTRY INTO FORCE

Both treaties entered into force on July 1, 1995—two years prior to the Executive’s submission of the treaty to the Senate for its advice and consent to ratification. The treaties limit accession until June 30, 1995, unless extensions are granted. The United States has been granted such an extension, and may accede to the Convention by submitting instruments of ratification to the Secretary General of the United Nations.

B. TERMINATION

Parties may withdraw from the treaties by giving written notice to the Secretary General of the United Nations at least ninety days prior to the end of the fiscal year (in the case of the GTC) or any calendar year (in the case of the FAC), but the obligations under the treaties continue through the end of that fiscal or calendar year.

V. COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on the proposed treaties on Wednesday, May 13, 1998. The hearing was chaired by Senator Hagel. The Committee considered the proposed treaty on Tuesday, May 19, 1998, and ordered the proposed treaty favorably reported by voice vote, with the recommendation that the Senate give its advice and consent to the ratification of the proposed treaty subject to one declaration, and one proviso.

VI. COMMITTEE COMMENTS

The Committee on Foreign Relations recommends favorably the proposed treaties. On balance, the Committee believes that the proposed treaties are in the interest of the United States and urges the Senate to act promptly to give its advice and consent to ratification. Several issues did arise in the course of the Committee’s consideration of the treaties, and the Committee believes that the

following comments may be useful to Senate in its consideration of the proposed treaties and to the State Department.

A. NO ECONOMIC REQUIREMENTS

Article 22 of the Grains Trade Convention provides that “the Council may, at an appropriate time, examine the possibility of the negotiation of a new international agreement or convention with economic provisions, and report to members, making such recommendations as it deems appropriate.” According to the State Department this provision “was included at the insistence of a small minority of members who wished to retain the right to raise the possibility of including economic provisions in a future Convention.”

The Committee emphasizes its support for the Grains Agreement in its current form—without any economic conditions. Although Article 22 of the Grains Trade Convention leaves open the possibility of negotiating a future treaty with economic provisions, the Committee anticipates that the United States will object to such an effort and strenuously oppose the negotiation of such a treaty. The Grains Trade Convention enjoys bipartisan support in its current incarnation, as its primary focus is the collection and maintenance of information on international trade in grains in an effort to facilitate its Members’ participation in the international grain economy. Any effort to create a intergovernmental mechanism for regulating or controlling grain prices or otherwise interfering in the international trade in grains would seriously undermine support for U.S. participation in the Grains Agreement.

B. PROVISIONAL MEMBERSHIP

Article 26 of the Grains Trade Convention and Article XIX of the Food Aid Convention permit members to accept provisional application of the treaty commitments pending ratification of the treaty. According to the State Department the United States has not accepted provisional membership, but has “been allowed to participate in the International Grains Council as a full member with voting rights and an expectation—but not an obligation—that it pay its annual dues pending deposit of its instrument of ratification. Authority to participate in and make payments to the International Grains Agreement prior to ratification of the treaty derives from section 5 of the State Department Basic Authorities Act.”

Section 5(a) of the State Department Basic Authorities Act (P.L. 84–885; 22 U.S.C. § 2672) authorizes participation by the United States in international activities for which provision has not been made by the terms of any treaty, convention or special Act of Congress. The provision makes clear, however, that this “subsection *shall not be construed* as granting authority to accept membership for the United States in any international organization, or to participate in any international organization for more than one year without the approval of Congress.” (emphasis added) The Department of State contends that such approval is provided in annual appropriations legislation, as long as the Department has presented the request for the necessary funding in the annual Congressional Presentation Document.

The Committee has serious questions about the Department's assertion that annual appropriations legislation provides sufficient legal authority—pursuant to Section 5 of the Basic Authorities Act—to participate in these organizations. Moreover, the reader of the annual budget documents presented by the State Department has to strain to learn that the Grains Agreement is not yet ratified. For example, the page in the Congressional Presentation Document (CPD) for the current fiscal year (fiscal 1998) where funding for the International Grains Council is sought makes no mention of the fact that the United States is not yet a party to the Grains Agreement. Rather, the reader must search elsewhere in the CPD—an appendix to the CPD for all Contributions to International Organizations—to learn that the United States is not yet a party to the Agreement, and that, as of that time (January 1997), the Executive had not even submitted the Agreement to the Senate. In seeking funding for international organizations, the Executive should make it expressly clear in the CPD those cases where, as here, the United States is not yet a full member of the respective organization, and should indicate whether or not the President has sought the Senate's advice and consent to become a member of such organizations.

The Committee notes that the State Department did not submit the Grains Agreement to the Senate for its advice and consent until April 7, 1997, nearly two years after the United States signed the Agreement. This delay is inexplicable, particularly given that the Agreement called for deposits of ratification to be submitted by June 30, 1995. Thus, the United States has participated in this organization for nearly three years, even though the Executive has not received (and did not seek until a year ago) the advice and consent to ratification of the Agreement. This apparently casual attitude to the advice and consent process is troubling.

As a general matter, the Committee wishes to express its concern with a recent trend to delay submission of treaties to the Senate for many years, even as the United States participates in the activities of the organizations established under the treaty. Of the four treaties considered by the Committee during its May 19 business meeting, each was submitted to the Senate more than two years after signature by the United States. In one case, the Administration advanced legislation to bring U.S. law into compliance with the treaty, two years prior to a request for advice and consent to the treaty. The Committee believes this trend undermines the Senate's legal role in the advice and consent to ratification of treaties. The Committee may need to consider legislation to redress this issue should this trend continue.

VII. TEXT OF THE RESOLUTION OF RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Grains Trade Convention and Food Aid Convention constituting the International Grains Agreement, 1995, signed by the United States on June 26, 1995 (Treaty Doc. 105-4), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

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

○