

appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5187) was ordered to be read a third time, was read the third time, and passed.

CORRECTING THE ENROLLMENT OF H.R. 3127

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 48, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res 480) to correct the enrollment of a bill, H.R. 3127.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 480) was agreed to.

EXECUTIVE CALENDAR

TREATY DOCUMENT 109-10A

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following treaty and that it be placed on the Executive Calendar:

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, adopted at Geneva on December 8, 2005, and signed by the United States on that date.

I further ask unanimous consent that this protocol and those that remain in committee be assigned designations of "A," "B," and "C" respectively to reflect that three protocols were received as part of Treaty Document 109-10.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that a joint statement with Senator BIDEN, and accompanying materials, regarding the Geneva Protocol III—the Protocol Additional to the Geneva Conventions of 12

August 1949, and relating to the Adoption of an Additional Distinctive Emblem—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SENATORS LUGAR AND BIDEN

Today, on behalf of the Committee on Foreign Relations, we have requested that the Committee be discharged from further consideration of the Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Adoption of an Additional Distinctive Emblem, which was adopted at Geneva on December 8, 2005, and signed by the United States on that date (Treaty Doc. 109-10A) ("Geneva Protocol III" or the "Protocol").

The Protocol creates a new distinctive emblem, a Red Crystal, that will serve the same purposes as the Red Cross and Red Crescent emblems. The Red Crystal is a neutral emblem that can be used by governments and national societies that face challenges using the existing emblems or that believe this neutral emblem may offer enhanced protection in certain situations. The Protocol also paved the way for Magen David Adom, Israel's national society, to become a member of the International Red Cross and Red Crescent Movement.

As chairman and ranking member of the Committee, we have reviewed the Protocol, as well as responses provided by the Department of State to written questions that we have submitted on the Protocol. Based on our review, we believe that the Protocol is in the interests of the United States and urge the Senate to act promptly to give advice and consent to ratification of the Protocol. Ratification of the Protocol will reinforce and extend the longstanding and historic leadership of the United States in the law of armed conflict. We support prompt ratification of the Protocol this year, as such action emphasizes the U.S. commitment to the humanitarian objectives of the International Red Cross and Red Crescent Movement and its fundamental principles of universality and neutrality.

Because the Committee has not formally acted on the Protocol, there is no Committee report. Therefore, in order to assist senators in evaluating the Protocol, we are submitting for the Record a summary prepared by professional staff of the Committee outlining the purpose and background of the Protocol, as well as its key provisions. We also are including the responses from the Department of State to questions that we submitted on the Protocol.

Staff Summary of the Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Treaty Doc. 109-10A).

I. PURPOSE

The Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Adoption of an Additional Distinctive Emblem, was adopted at Geneva on December 8, 2005, and signed by the United States on that date (Treaty Doc. 109-10A).

The Protocol, also referred to as Geneva Protocol III, creates a new distinctive emblem, a Red Crystal, in addition to and for the same purposes as the Red Cross and the Red Crescent emblems.

II. BACKGROUND

The 1949 Geneva Conventions provide for the respect and protection of military medical and religious personnel during inter-

national armed conflicts. The 1949 Geneva Conventions retained the distinctive emblems as a means of easily identifying and protecting such personnel, their vehicles and their facilities. The Conventions also permit authorized national societies of the High Contracting Parties to the Geneva Conventions to use these emblems in certain circumstances. The Geneva Protocol III creates a new emblem, the Red Crystal, equal in all respects to the existing emblems (Red Cross, Red Crescent and the Red Lion and Sun), to be used by military medical and religious services and authorized national societies.

The new distinctive emblem, the Red Crystal, is a neutral emblem that can be used by governments and national societies that face challenges using the existing emblems or that believe that this neutral emblem may offer enhanced protections in certain situations. The United States had urged the High Contracting Parties to the Geneva Convention to conclude a protocol on this issue as an important step towards achieving truly universal membership in the International Red Cross and Red Crescent Movement. The text of the Geneva Protocol III was drawn up in October 2000, following discussions within the Joint Working Group established by the Standing Commission of the Red Cross and Red Crescent pursuant to the mandate assigned to it by Resolution 3 of the 27th International Conference of the Red Cross and Red Crescent and subsequent consultations. This draft followed attempts to resolve this issue during the negotiations of the 1949 Geneva Conventions and during the negotiations of Protocols I and II in the 1970s. As adopted, the Geneva Protocol III paved the way for Magen David Adom, Israel's national society, to become a member of the International Red Cross and Red Crescent Movement.

III. SUMMARY OF KEY PROVISIONS OF THE AGREEMENT

The key provisions of the Geneva Protocol III establish the new emblem, the Red Crystal, and set forth applicable rules.

Article 2 establishes the new emblem "in addition to, and for the same purposes as" the existing distinctive emblems. It also establishes that the emblems "shall enjoy equal status" and that the conditions for use of and respect for the new emblem are identical to those applicable to the existing emblems. Article 2 also authorizes the medical and religious personnel of armed forces of the parties to make temporary use of any of the distinctive emblems (including the Red Crystal) where such use may enhance protection. Article 3 authorizes national societies of parties that decide to use the new emblem to incorporate within it one or more of the existing emblems or "another emblem which has been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross" prior to December 8, 2005. This Article also authorizes a national society that incorporates within the new emblem one of the existing emblems to "use the designation of that emblem and display it within its national territory."

Article 4 authorizes the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies and their duly authorized personnel to use the new emblem "in exceptional circumstances and to facilitate their work." Article 5 authorizes the medical services and religious personnel participating in operations under the auspices of the United Nations to use one of the distinctive emblems with the agreement of the participating states. Article 6 extends to the new distinctive emblem provisions of the Geneva

Conventions and, where applicable, Protocols I and II, regarding “prevention and repression of misuse” of the existing distinctive emblems. Parties to Geneva Protocol III are required to take measures “necessary for the prevention and repression, at all times, of any misuse” of each of the emblems. Article 6 also allows parties to permit “prior users” of the new emblem, or of “any sign constituting an imitation thereof,” to continue using such emblem or signs, so long as the emblem or signs do not “appear, in time of armed conflict to confer protection” of the Geneva Conventions and, where applicable, Protocols I and II. Prior users, under this provision, must have acquired the rights to use the emblem or signs before December 8, 2005.

IV. IMPLEMENTING LEGISLATION

The executive branch has submitted proposed legislation to Congress that would provide protection for the new Red Crystal emblem, as well as the existing Red Crescent emblem, consistent with the Geneva Conventions and the Geneva Protocol III. These protections correspond to existing protections in U.S. law, set forth in Title 18 of the United States Code, for the Red Cross emblem. This legislation was referred to the Committee on the Judiciary.

V. QUESTIONS FOR THE RECORD

RESPONSES OF HON. JOHN BELLINGER, III, THE LEGAL ADVISER, DEPARTMENT OF STATE, TO QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR RICHARD G. LUGAR

Question: If the U.S. chooses to ratify this treaty, what legislation is necessary to implement this Protocol?

Answer: The Department of State has submitted draft legislation to the House of Representatives and the Senate that would provide protections to the Third Protocol (red crystal) distinctive emblem consistent with Article 6 of the Geneva Protocol III. The draft legislation also provides protections to the red crescent distinctive emblem consistent with the 1949 Geneva Conventions and the Geneva Protocol III. These protections correspond to protections set forth in 18 U.S.C. § 706 for the red cross.

Question: How does the Geneva Protocol III serve U.S. foreign policy interests?

Answer: The Geneva Protocol III serves U.S. foreign policy interests in several ways. First, it lifted an important obstacle to the universality of the International Red Cross and Red Crescent Movement, by adopting a neutral emblem that could be used by any government or national society that face challenges using the existing emblems or that believe that this neutral emblem may offer enhanced protections in certain situations. The adoption of the Protocol made it possible for Israel’s national society, Magen David Adom (MDA), to join the Movement after more than fifty years of exclusion. The United States looks to the Movement to deliver humanitarian assistance in response to natural disasters or armed conflict. MDA’s exclusion from the Movement meant that the Movement was falling short with respect to one of its fundamental principles—universality—and did not have national societies everywhere operating under its umbrella delivering humanitarian services.

Second, the new emblem created by the Protocol provides the U.S. military medical and religious personnel and the American Red Cross humanitarian workers with another option in circumstances where we believe that the red cross may not be perceived as a neutral emblem. For example, the U.S. government or the American Red Cross may choose to use the red crystal on an exceptional basis to avoid the appearance of a religious affiliation in an armed conflict involv-

ing countries or groups with strong religious ties.

Third, U.S. ratification of the Protocol will advance the longstanding and historic leadership of the United States in the law of armed conflict, just as our role in urging its adoption did. In addition, it will send an important message of the strength of U.S. support for this issue if the United States Government has ratified the Protocol before it enters into force on January 14, 2007. U.S. ratification of the Protocol emphasizes the commitment of the United States to the humanitarian objectives of the International Red Cross and Red Crescent Movement and the Movement’s fundamental principles of universality and neutrality.

Finally, the adoption of the Protocol and MDA’s subsequent admission into the Movement made it possible for the American Red Cross to end its policy of withholding its dues from the International Federation of Red Cross and Red Crescent Societies (the Federation) in protest of MDA’s exclusion. In 2005, the American Red Cross entered into default status in the Federation and lost its ability to run for Federation offices as a result of not paying its dues since 2000. After MDA was admitted to the Movement in June 2006, the American Red Cross resumed its dues payments and regained its status as a member in good standing, thus allowing it to play a very constructive role to ensure that the Movement and the Federation are achieving the policy and program goals that serve the American public.

Question: How do national societies around the world view the adoption of the new emblem? What are their views on its use and potential impact on their security?

Answer: National societies have consistently supported adoption of the Geneva Protocol III by passing unanimously resolutions at the International Movement’s Council of Delegates meetings every two years in support of such a Protocol. Moreover, at the 29th International Conference of the Red Cross and Red Crescent held in June 2006, national societies voted in favor of adopting changes to the Movement’s statutes authorizing national societies to use the new emblem for purposes of membership, by a vote of 136 to 21, with six abstentions.

The statements of representatives of national societies to these bodies indicate that they believe having an additional neutral emblem will enhance their ability to perform humanitarian work. We understand that they believe that it should offer their workers greater security in situations where the red cross and red crescent are not seen as neutral emblems, especially in mixed populations or where parties to a conflict differ in religious affiliation. Statements by representatives of national societies that were not in favor of the statutes changes or the previous resolutions generally did not focus on problems using the red crystal emblem per se, but on opposition to the entry of Israel’s national society, Magen David Adom, into the International Red Cross and Red Crescent Movement or opposition to the policies of the Government of Israel.

Question: Which countries have ratified Geneva Protocol III? When does it enter into force? Although consensus was not achieved in adopting Geneva Protocol III, what are the expectations of support for its ratification?

Answer: As of September 21, 2006, six countries (Bulgaria, Iceland, Liechtenstein, Norway, Philippines, and Switzerland) have ratified the Geneva Protocol III. Article 11 of the Protocol provides that it enters into force six months after two instruments of ratification or accession have been deposited. Accordingly, the Geneva Protocol III enters into force on January 14, 2007, six months

after the second instrument of ratification was deposited. For each country ratifying or acceding to the Protocol after the first two, the Geneva Protocol III enters into force six months after the deposit of its instrument of ratification or accession.

We expect that there will be additional ratifications of the Geneva Protocol III. Twenty-seven countries, including the United States, signed the Protocol on the day of its adoption (December 8, 2005). Since then, another forty-nine countries have signed the Protocol, suggesting continuing strong interest in the Protocol. We expect most countries will follow up by depositing their instruments of ratification after satisfying their domestic requirements for ratification. In addition, we believe the International Committee of the Red Cross will continue to urge countries to become parties to the Geneva Protocol III.

Question: Is it expected that any countries or their national societies will choose to use the red crystal? Will national societies use the option to incorporate another symbol within the red crystal? Are there concerns that the use of red crystal or the incorporation of other emblems or symbols into the red crystal may create confusion about the personnel, vehicles or facilities using the emblems? Does either the International Committee of the Red Cross or the Federation of the Red Cross and Red Crescent Societies plan to change to use of the red crystal as its primary emblem?

Answer: We expect that a number of governments and national societies will choose to use the red crystal on an exceptional basis. In particular, governments and national societies have said that in some current conflict zones, where religion divides the conflicting parties, they may wish to use the red crystal to convey that military medical units and humanitarian workers are neutral and not parties to the conflict. Beyond these circumstances, it is unlikely that many governments or national societies will shift to using the red crystal as their primary emblem. We are not aware of any government currently planning to use the red crystal as its emblem.

Magen David Adom has already declared that when it is working outside of Israel, it will use the Red Shield of David inside the red crystal. In certain circumstances, it may choose to use the red crystal alone, if it believes that it will enhance the security of its staff. The American Red Cross has expressed that it would consider using the red crystal overseas on a case-by-case basis, if desirable due to security and operational circumstances.

We do not believe that incorporating another emblem inside the red crystal will create confusion about the personnel, vehicles or facilities using those emblems. Over time, we believe the public will become more familiar with the red crystal as a symbol in its own right. Moreover, parties to the Geneva Protocol III are required to disseminate the Protocol as widely as possible in their countries so that their armed forces and civilian populations become familiar with the Protocol and the new emblem.

Neither the ICRC nor the Federation plans at this time to adopt the red crystal as its primary emblem, as noted in a preambular paragraph of the Geneva Protocol III. According to Article 4, they may, however, choose to use the red crystal on an exceptional basis, where circumstances merit and where it will facilitate their work, possibly in regions where the red crystal emblem will underscore their neutrality to the parties to the conflict.

Question: How will the adoption of the emblem impact the overall International Red Cross and Red Crescent Movement? Is the

emblem likely to be accepted as a symbol of protection and reduce the risk of targeted attack on aid workers?

Answer: The adoption of the Geneva Protocol III and the establishment of a new emblem significantly impacts the International Red Cross and Red Crescent Movement by helping it fulfill one of its seven fundamental principles—universality. The Movement has been unable to achieve this goal for more than fifty years due to the exclusion of Israel's national society, Magen David Adom (MDA). MDA's membership in the Movement now improves the ability of the Movement to respond to humanitarian crises in the Middle East, with national societies cooperating on an equal basis.

Parties to the Geneva Protocol III are required to disseminate the Protocol as widely as possible so that their armed forces and civilian populations become familiar with the Protocol and the new emblem. As a result, we believe that over time parties to a conflict and the public at large will become more familiar with the red crystal. However, the larger phenomenon of targeted attacks on aid workers has diverse causes, many of which will not be addressed by the use of a more neutral emblem. Those who wish to disrupt the provision of humanitarian assistance for political or military goals do not respect the neutrality of humanitarian workers, regardless of whether the humanitarian workers are perceived as neutral or politically or religiously affiliated.

Question: Will the new emblem increase the protection of aid workers who appear increasingly to come under fire as soft targets, not because of confusion over symbols, but because of perceptions about their political alliance?

Answer: The new emblem gives the International Red Cross and Red Crescent Movement an important tool that may help it operate in exceptional circumstances. While the red cross is not a religious symbol (but the inversion of the Swiss flag), it has been perceived as a symbol of Christianity in some circumstances. Where the Movement is working with populations of different religions, especially if they are in conflict, the red crystal may be a less divisive symbol that better conveys the neutrality of the Movement. Therefore, we expect that the red crystal will enhance the protection of the Movement's humanitarian workers.

However, the larger phenomenon of targeted attacks on aid workers has diverse causes, many of which will not be addressed by the use of a more neutral emblem. Those who wish to disrupt the provision of humanitarian assistance for political or military goals do not respect the neutrality of humanitarian workers, regardless of whether the humanitarian workers are perceived as neutral or politically or religiously affiliated.

Question: The adoption of the Geneva Protocol III and the changes to the Statutes of the International Movement of the Red Cross and Red Crescent were not accomplished by consensus. Was the International Movement damaged in any way because consensus was not achieved?

Answer: While the negotiations over the Geneva Protocol III and the changes to the International Movement's Statutes were challenging, we believe that the Movement was not damaged by the lack of consensus. In the final session of the International Conference of the International Red Cross and Red Crescent Movement, several delegations acknowledged that, while they might have preferred a modified outcome, this issue had reached closure and the Movement should now move forward with other aspects of its humanitarian work. Moreover, when the components of the Movement met imme-

diately after the International Conference to consider admitting the Magen David Adom and the Palestine Red Crescent Society, they admitted them by unanimous acclamation, without having to submit the issue to a vote. We believe this illustrates that the Movement is united behind the outcome of the International Conference of the Red Cross and Red Crescent.

RESPONSES OF HON. JOHN BELLINGER, III, THE LEGAL ADVISER, DEPARTMENT OF STATE, TO QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

Question: As of this date, according to the information available on the Internet site of the International Committee of the Red Cross, there are five states that have ratified the protocol. Why is it important for the Senate to act on this treaty prior to the end of the 109th Congress? Is it expected that the instrument of ratification will be deposited prior to congressional action on the implementing legislation?

Answer: It is important for the Senate to act on the Geneva Protocol III prior to the end of the 109th Congress to underscore its importance and the high priority the United States Government places on it. Urgent ratification of the Protocol will also advance the longstanding and historic leadership of the United States in the law of armed conflict. The Protocol will enter into force on January 14, 2007. It will send an important message of the strength of U.S. support for this issue if the United States Government has ratified the Protocol before it enters into force. In addition, ratification this year emphasizes the commitment of the United States to the humanitarian objectives of the International Red Cross and Red Crescent Movement. It will also emphasize the U.S. commitment to the Movement's fundamental principles of universality and neutrality.

We do not expect that the instrument of ratification will be deposited prior to congressional action on the implementing legislation because at this time we are working with the relevant committees and we expect that Congress will take up the implementing legislation in a timely fashion and at the same time as the Senate is considering the Protocol, consistent with the broad public and congressional support for the Geneva Protocol III.

Question: In ratifying the Geneva Conventions of 1949, the United States entered a reservation to the provisions in the First Geneva Convention with regard to the obligation to make unlawful within the United States the use of the Red Cross emblem, in order to protect certain commercial use in this country.

a. Is there any prior commercial use of the new emblem in the United States of which the Executive Branch is aware?

b. Does Article 6(2) provide the United States sufficient latitude to permit such prior use of the new emblem? Please elaborate.

c. Please provide information from the Patent and Trademark Office about whether there are any trademarks currently registered that are similar to the new emblem (the Red Crystal).

Answer: The Executive Branch is not aware of any prior commercial use of the new emblem, the red crystal in the United States. Nonetheless, the Geneva Protocol III provides sufficient latitude for the continuation of legitimate prior uses of the new emblem to the extent that they may exist. The International Committee of the Red Cross has registered the red crystal emblem as a trademark (U.S. Registration No. 2676576) at the United States Patent and Trademark Office (USPTO). The USPTO has found no other

registered trademarks that are confusingly similar to the new emblem.

Question: In addition to the enforcement powers under the proposed implementing legislation vested in the Attorney General, are there other existing federal statutes relevant to the protection of the Red Cross or the new emblem (the Red Crystal), such as the trademark laws administered by the Patent and Trademark Office or the unfair trade laws administered by the Federal Trade Commission? Please elaborate.

Answer: While the red cross has specific protections in U.S. law (18 U.S.C. §706), the red crystal does not have similar specific protections in U.S. law. The proposed legislation would provide specific protections for the red crystal and the red crescent. In certain circumstances, U.S. unfair competition law could provide some possible protection for the Geneva Convention distinctive emblems, including the U.S. Trademark Act contained in 15 U.S.C. §1051 et seq. For example, 15 U.S.C. §1052(a) provides a basis for the U.S. Patent and Trademark Office to refuse trademark applications on the grounds that the mark falsely suggests a connection with institutions, beliefs or national symbols. 15 U.S.C. §1125 provides a civil action against any person who uses a word or symbol in commerce that is likely to deceive as to an affiliation with the commercial activities of another. We believe the proposed legislation submitted to the Congress by the Department of State will adequately prohibit, at all times, use of the red crystal and red crescent that is inconsistent with the Geneva Conventions and its Protocol III.

Question: Is there a common understanding among the signatories of the term "in exceptional circumstances and to facilitate their work" as used in Article 3(3) and Article 4?

Answer: The term "in exceptional circumstances and to facilitate their work", as used in Article 3(3) and Article 4 of the Geneva Protocol III, was not discussed or debated in detail during the December 2005 diplomatic conference which adopted the Protocol.

Question: The United States is not a party to the 1977 Additional Protocols to the Geneva Conventions (Protocol I and II). Protocol III includes several references to those Protocols. By ratifying Protocol III, would the United States assume any obligations under the 1977 Protocols?

Answer: No, by ratifying the Geneva Protocol III, the United States would not undertake any new obligations under Protocols I and II. The references in the Geneva Protocol III to provisions of Protocols I and II include the language "where applicable". Thus, a provision of Protocol I or II must be "applicable" to a party to the Geneva Protocol III in order to confer an obligation on that party. As noted above, the United States is not a party to Protocol I or II.

Question: Article 6(1) bars the "perfidious use" of the distinctive emblems mentioned in Articles 1 and 2. Is there a common understanding among the signatories of the meaning of this term? Please elaborate.

Answer: The term "perfidious use" in Article 6(1) was not discussed or debated in detail during the December 2005 diplomatic conference which adopted the Geneva Protocol III. Nonetheless, perfidy is generally understood to mean an act inviting the confidence of an adversary to lead him to believe that he is entitled to, or obliged to accord protection, under the law of armed conflict, with the intent to betray that confidence.

Question: Did the U.S. delegation to the negotiating conference make any public statements that relate to the meaning or interpretation of any treaty terms?

Answer: No, the U.S. delegation did not make any public statements that relate to

the meaning or interpretation of any treaty terms during the December 2005 diplomatic conference which adopted the Geneva Protocol III.

ORDERS FOR WEDNESDAY,
SEPTEMBER 27, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Wednesday, September 27. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 6061, with 1 hour of debate equally divided between the two leaders or their designees, to be followed by a vote on the motion to invoke cloture on the pending amendment to H.R. 6061.

I further ask that it be in order to file second-degree amendments as provided for under rule XXII until the hour of 11 a.m. tomorrow, Wednesday.

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

PROGRAM

Mr. McCONNELL. Mr. President, the two leaders are continuing to discuss the process to consider the military tribunals legislation as a freestanding measure. If an agreement can be reached early tomorrow morning, then it is possible the scheduled cloture vote will be vitiated and the Senate will consider the bill under this consent agreement. Senators should be on notice that votes in relation to the military tribunal legislation can occur throughout tomorrow's session.

As the majority leader has previously stated, we have much work to complete this week; therefore, all Senators can expect full days and late nights to finish the remaining work.

ADJOURNMENT UNTIL 9:30
TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Wednesday, September 27, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 2006:

DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY.

DEPARTMENT OF ENERGY

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY), VICE JOHN S. SHAW, RESIGNED.

DEPARTMENT OF THE TREASURY

PHILLIP L. SWAGEL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MARK J. WARSHAWSKY, RESIGNED.

UNITED STATES POSTAL SERVICE

THURGOOD MARSHALL, JR., OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2011, VICE NED R. MCWHERTER, TERM EXPIRED.