

(D) whether the persons operating or embarking in a submersible vessel or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—CIVIL PROHIBITION

SEC. 201. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) FINDING AND DECLARATION.—Section 70501 of title 46, United States Code, is amended—

(1) by inserting “(1)” after “that”; and

(2) by striking “States,” and inserting “States and (2) operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.”.

SEC. 202. OPERATION PROHIBITED.

(a) IN GENERAL.—Chapter 705 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 70508. Operation of submersible vessel or semi-submersible vessel without nationality

“(a) IN GENERAL.—An individual may not operate by any means or embark in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country, with the intent to evade detection.

“(b) EVIDENCE OF INTENT TO EVADE DETECTION.—In any civil enforcement proceeding for a violation of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

“(c) DEFENSES.—

“(1) IN GENERAL.—It is a defense in any civil enforcement proceeding for a violation of subsection (a) that the submersible vessel or semi-submersible vessel involved was, at the time of the violation—

“(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

“(B) classed by and designed in accordance with the rules of a classification society;

“(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

“(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

“(2) PRODUCTION OF DOCUMENTS.—The defenses provided by this subsection are proved conclusively by the production of—

“(A) government documents evidencing the vessel’s nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

“(B) a certificate of classification issued by the vessel’s classification society upon completion of relevant classification surveys and valid at the time of the offense; or

“(C) government documents evidencing license, regulation, or registration for research or exploration.

“(d) CIVIL PENALTY.—A person violating this section shall be liable to the United States for a civil penalty of not more than \$1,000,000.”

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 705 of title 46, United States Code, is amended by inserting after the item relating to section 70507 the following:

“70508. Operation of submersible vessel or semi-submersible vessel without nationality”.

(2) Section 70504(b) of title 46, United States Code, is amended by inserting “or 70508” after “70503”.

(3) Section 70505 of title 46, United States Code, is amended by striking “this title” and inserting “this title, or against whom a civil enforcement proceeding is brought under section 70508.”.

SEC. 203. SUBMERSIBLE VESSEL AND SEMI-SUBMERSIBLE VESSEL DEFINED.

Section 70502 of title 46, United States Code, is amended by adding at the end thereof the following:

“(f) SEMI-SUBMERSIBLE VESSEL; SUBMERSIBLE VESSEL.—In this chapter:

“(1) SEMI-SUBMERSIBLE VESSEL.—The term ‘semi-submersible vessel’ means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, including both manned and unmanned watercraft.

“(2) SUBMERSIBLE VESSEL.—The term ‘submersible vessel’ means a vessel that is capable of operating completely below the surface of the water, including both manned and unmanned watercraft.”.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED AND PLACED ON THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Agriculture Committee be discharged of PN1824, the nomination of Mark Everett Keenum, and that the nomination be placed on the calendar.

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

Mr. DURBIN. Mr. President, I ask unanimous consent the Rules Committee be discharged from the following: PN655, the nomination of Garcia M. Hillman; PN1661, the nomination of Donetta Davidson; PN1662, the nomination of Rosemary E. Rodriguez; and PN1963, the nomination of Gineen Bresso Beach, and the nominations be placed on the Executive Calendar.

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

LAND-BASED SOURCES PROTOCOL TO THE CARTAGENA CONVENTION

THE HAGUE CONVENTION

AMENDMENT TO THE CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL

INTERNATIONAL CONVENTION FOR SUSPENSION OF ACTS OF NUCLEAR TERRORISM

PROTOCOLS OF 2005 TO THE CONVENTION CONCERNING THE SAFETY OF MARITIME NAVIGATION AND TO THE PROTOCOL CONCERNING THE SAFETY OF FIXED PLATFORMS ON THE CONTINENTAL SHELF

PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF THE REPUBLIC OF ALBANIA

1998 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

2002 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

2006 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Mr. DURBIN. I ask unanimous consent the Senate consider the following treaties on the Executive Calendar, Calendar Nos. 25, 31, 34, 35, 36, 37, 38, 39, and 40, and that the treaties be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee understandings, declarations, or conditions be agreed to as applicable; that any statements be printed in the 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 on, the motions to reconsider be considered made and laid on the table, the President be immediately notified of the Senate’s action, and the Senate resume legislative session, all without intervening action or debate.

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

The treaties and protocol will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

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.

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 agreed to are as follows:

**TREATY DOC. 110-1: LAND-BASED SOURCES
PROTOCOL TO THE CARTAGENA 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 Pollution from Land-Based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, with Annexes, done at Oranjestad, Aruba, on October 6, 1999 (Treaty Doc. 110-1), subject to the declaration of section 2 and the declaration of section 3.

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 United 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:

This Protocol is not self-executing.

TREATY DOC. 106-1A: THE HAGUE CONVENTION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understandings and a Declaration.

The Senate advises and consents to the ratification of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, concluded on May 14, 1954 (Treaty Doc. 106-1(A)), subject to the understandings of section 2 and the declaration of section 3.

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 "special protection," 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 only be judged on 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 by the Convention apply only to conventional weapons, and are without prejudice to the rules of international law governing other types of weapons, including nuclear weapons.

(4) It is the understanding of the United States of America that, as is true for all civilian objects, the primary responsibility for the protection of cultural objects rests with the Party controlling that property, to ensure that it is properly identified and that it is not used for an unlawful purpose.

Section 3. Declaration.

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

With the exception of the provisions that obligate the United States to impose sanctions on persons who commit or order to be committed a breach of the Convention, this Convention is self-executing. This Convention does not confer private rights enforceable in United States courts.

TREATY DOC. 110-6: AMENDMENT TO THE CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL

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 Amendment to the Convention on the Physical Protection of Nuclear Material, adopted on July 8, 2005 (the "Amendment") (Treaty Doc. 110-6), 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:

Consistent with Article 17(3) of the Convention on the Physical Protection of Nuclear Material, the United States of America declares that it does not consider itself bound by Article 17(2) of the Convention on the Physical Protection of Nuclear Material with respect to disputes concerning the interpretation or application of the Amendment.

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 Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended) does not include 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 Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended) has the same substantive meaning as the law of war.

(3) The United States of America understands that, pursuant to Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended), the Convention on the Physical Protection of Nuclear Material, as amended, will 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; (b) civilians who direct or organize the official activities of military forces of a State; or (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.

Section 4. Declaration.

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

With the exception of the provisions that obligate 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, and signed 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 1(6), the Convention does 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; (b) civilians who direct or organize the official activities of military forces of a State; or (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 rights of persons in custody and persons charged with crimes fulfills the requirement in Article 12 of the Convention and, accordingly, the United States does not intend to enact new legislation to fulfill its obligations under this Article.

Section 4. Declaration.

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

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, this Convention 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. None of the provisions in the Convention, including Articles 10 and 12, confer private rights enforceable in United States courts.

TREATY DOC. 110-8: PROTOCOLS OF 2005 TO THE CONVENTION CONCERNING THE SAFETY OF MARITIME NAVIGATION AND TO THE PROTOCOL CONCERNING THE SAFETY OF FIXED PLATFORMS ON THE CONTINENTAL SHELF

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 Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, adopted on October 14, 2005, and signed on behalf of the United States of America on February 17, 2006 (the “2005 Fixed Platforms Protocol”) (Treaty Doc. 110-8), 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:

Consistent with Article 16(2) of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, the United States of America declares that it does not consider itself bound by Article 16(1) of the Convention and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, with respect to disputes concerning the interpretation or application of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

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” as used in paragraph 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, does not include 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,” as used in paragraphs 1 and 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, has the same substantive meaning as the “law of war.”

(3) The United States of America understands that, pursuant to paragraph 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 2005, does 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; (b) civilians who direct or organize the official activities of military forces of a State; or (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 rights of persons in custody and persons charged with crimes fulfills the requirement in paragraph 2 of Article 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, and, accordingly, the United States does not intend to enact new legislation to fulfill its obligations under this Article.

Section 4. Declaration.

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

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, the 2005 Fixed Platforms Protocol 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. None of the provisions of the 2005 Fixed Platforms Protocol, including those incorporating by reference Articles 7 and 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, confer private rights enforceable in United States courts.

TREATY DOC. 110-20: PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF THE REPUBLIC OF ALBANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania, adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States of America (the “Protocol”) (Treaty Doc. 110-20), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

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

(a) Article 10 of the North Atlantic Treaty provides that Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area to accede to the North Atlantic Treaty, and thus become a member of the North Atlantic Treaty Organization (“NATO”).

(b) The Bucharest Summit Declaration, issued by the Heads of States and Governments participating in the meeting of the

North Atlantic Council in Bucharest on April 3, 2008, states that NATO welcomes Ukraine’s and Georgia’s Euro-Atlantic aspirations for membership in NATO. The Bucharest Summit Declaration additionally states that it was “agreed today that these countries will become members of NATO.”

(c) The Senate declares that it is important that NATO keep its door open to all European democracies willing and able to assume the responsibilities and obligations of membership.

Section 3. Condition.

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

Presidential Certification

Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

1. The inclusion of the Republic of Albania in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; and

2. The inclusion of the Republic of Albania in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

TREATY DOC. 110-20: PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF THE REPUBLIC OF CROATIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Croatia, adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States of America (the “Protocol”) (Treaty Doc. 110-20), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

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

(a) Article 10 of the North Atlantic Treaty provides that Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area to accede to the North Atlantic Treaty, and thus become a member of the North Atlantic Treaty Organization (“NATO”).

(b) The Bucharest Summit Declaration, issued by the Heads of States and Governments participating in the meeting of the North Atlantic Council in Bucharest on April 3, 2008, states that NATO welcomes Ukraine’s and Georgia’s Euro-Atlantic aspirations for membership in NATO. The Bucharest Summit Declaration additionally states that it was “agreed today that these countries will become members of NATO.”

(c) The Senate declares that it is important that NATO keep its door open to all European democracies willing and able to assume the responsibilities and obligations of membership.

Section 3. Condition.

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

Presidential Certification

Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

1. The inclusion of the Republic of Croatia in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; and

2. The inclusion of the Republic of Croatia in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

TREATY DOC. 108-5: 1998 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), signed by the United States at Minneapolis on November 6, 1998, as contained in the Final Acts of the Plenipotentiary Conference (Minneapolis 1998) (the "1998 Final Acts") (Treaty Doc. 108-5), subject to declarations and reservations Nos. 90 (second paragraph), 90 (third paragraph), 101, 102, and 111 of the 1998 Final Acts and the declaration of section 2.

Section 2. Declaration.

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

This Treaty is not self-executing.

TREATY DOC. 109-11: 2002 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994) and the Plenipotentiary Conference (Minneapolis 1998), signed by the United States at Marrakesh on October 18, 2002, as contained in the Final Acts of the Plenipotentiary Conference (Marrakesh 2002) (the "2002 Final Acts") (Treaty Doc. 109-11), subject to declarations and reservations Nos. 70 (second paragraph), 70 (third paragraph), 71, 79, 80, and 101 of the 2002 Final Acts and the declaration of section 2.

Section 2. Declaration.

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

This Treaty is not self-executing.

TREATY DOC. 110-16: 2006 AMENDMENTS TO THE CONSTITUTION AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Con-

stitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), the Plenipotentiary Conference (Minneapolis 1998), and the Plenipotentiary Conference (Marrakesh 2002), signed by the United States at Antalya on November 24, 2006, as contained in the Final Acts of the Plenipotentiary Conference (Antalya 2006) (the "2006 Final Acts") (Treaty Doc. 110-16), subject to declarations and reservations Nos. 70(1)(second paragraph), 70(1)(third paragraph), 70(2), 104, and 106 of the 2006 Final Acts and the declaration of section 2.

Section 2. Declaration.

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

This Treaty is not self-executing.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Minority Leader, pursuant to Public Law 110-183, announces the appointment of the following individual as a member of the Commission on the Abolition of the Transatlantic Slave Trade: Mark Rodgers, of Virginia.

UNANIMOUS CONSENT AGREEMENT—H.R. 2638

Mr. DURBIN. Mr. President, I ask unanimous consent that with respect to the House message on H.R. 2638, that if cloture is filed on the motion to concur in the House amendment with a technical amendment on Friday, it be as if the cloture motion was filed on Thursday, September 25, with the mandatory quorum waived; and that the cloture vote occur on Saturday, at a time to be determined.

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

ORDERS FOR FRIDAY, SEPTEMBER 26, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Friday, September 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of

morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. DURBIN. We have been working on an agreement to have a vote in relation to the stimulus tomorrow morning. Senators will be notified of the timing of the vote once an agreement is reached. We would like to vote in the neighborhood of around 11:30 a.m. tomorrow.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 9:22 p.m., recessed until Friday, September 26, 2008, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Rules and Administration was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

GRACIA M. HILLMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009.

DONETTA DAVIDSON, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2011.

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2011.

GINEEN BRESSO BEACH, OF NEW YORK, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2009.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

*MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2014.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.