

leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with amendments, as follows:

[Strike the parts shown in boldface brackets and insert the parts shown in italic.]

S. 3421

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.**

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed **[\$675,000,000]** *\$636,000,000. The Secretary is authorized to carry out the project as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.*

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed \$310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed \$52,000,000.

**SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS AUTHORIZED UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.**

Notwithstanding subsection (d) of section 221 of the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 (Public Law 108-170; 117 Stat. 2050), the Secretary of Veterans Affairs may enter into contracts before September 30, 2009, to carry out each major medical facility project, as originally authorized by such section 221, as follows with each project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed \$75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center in Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed \$102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center in Des Moines, Iowa, in an amount not to exceed \$25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center in Durham, North Carolina, in an amount not to exceed \$9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed \$85,200,000.

(6) 7th and 8th Floor Wards Modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed \$27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Af-

fairs Medical Center, Las Vegas, Nevada, in an amount not to exceed \$406,000,000.

(8) Construction of an Ambulatory Surgery/Outpatient Diagnostic Support Center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed \$65,100,000.

(9) Seismic Corrections-Buildings 7 & 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed \$107,845,000.

(10) Seismic Corrections-Buildings 500 & 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed \$79,900,000.

(11) Construction of a New Medical Center facility in the Orlando, Florida, area in an amount not to exceed \$377,700,000.

(12) Consolidation of Campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed \$189,205,000.

(13) Ward Upgrades and Expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed \$19,100,000.

(14) Seismic Corrections-Building 1, Phase 1 Design at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed \$15,000,000.

(15) Construction of a Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed \$53,900,000.

(16) Upgrade Essential Electrical Distribution Systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed \$49,000,000.

(17) Expansion of the Spinal Cord Injury Center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed \$7,100,000.

(18) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed \$56,000,000.

**SEC. 3. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.**

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, \$10,908,000.

(2) For an outpatient clinic, Evansville, Illinois, \$8,989,000.

(3) For an outpatient clinic, Smith County, Texas, \$5,093,000.

**SEC. 4. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.**

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, \$6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, \$2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, \$4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, \$8,518,000.

(5) For an outpatient clinic, Parma, Ohio, \$5,032,000.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction,

Major Projects, account, **[\$1,606,000,000]** *\$998,000,000* for the projects authorized in section 1.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, \$1,750,120,000 for the projects whose authorization is extended by section 2.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, \$24,990,000 for the leases authorized in section 4.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, \$26,642,000 for the leases authorized in section 5.

(d) LIMITATION.—The projects authorized in sections 1 and 2 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Craig substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The amendment (No. 5074) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 3421), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

**AMENDING THE JOHN F. KENNEDY CENTER ACT**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 627, H.R. 5187.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5187) to amend the John F. Kennedy Center Act to authorize additional

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