

Mr. BOUCHER, and Mr. NADLER: Provided, That Mr. SCOTT of Virginia is appointed in lieu of Mr. NADLER for consideration of sections 105, 109, 111–114, 120, 121, 124, 131, and title II of the House bill, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of sections 102, 103, 106, 107, 109, and 132 of the House bill, and sections 2, 3, 6, 7, 9, and 10 of the Senate amendment, and modifications committed to conference: Mr. HOEKSTRA, Mrs. WILSON of New Mexico, and Ms. HARMAN.

From the Committee on Energy and Commerce, for consideration of sections 124 and 231 of the House bill, and modifications committed to conference: Mr. NORWOOD, Mr. SHADEGG, and Mr. DINGELL.

From the Committee on Financial Services, for consideration of section 117 of the House bill, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, and Mr. FRANK of Massachusetts.

From the Committee on Homeland Security, for consideration of sections 127–129 of the House bill, and modifications committed to conference: Mr. KING of New York, Mr. WELDON of Pennsylvania, and Ms. ZOE LOFGREN of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office"; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 9, 2005, she had presented to the President of the United States the following enrolled bill:

S. 1285. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-4603. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2005 through September 30, 2005; ordered to lie on the table.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Council of Europe Convention on Cybercrime (Treaty Doc. 108-11) with 6 reservations and 5 declarations (Ex. Rept. 109-6).]

TEXT OF THE RESOLUTION OF RATIFICATION AS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS:

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 Council of Europe Convention on Cybercrime ("the Convention"), signed by the United States on November 23, 2001 (T. Doc. 108 11), subject to the reservations of section 2, and the declarations of section 3.

Section 2. Reservations

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

(1) The United States of America, pursuant to Articles 4 and 42, reserves the right to require that the conduct result in serious harm, which shall be determined in accordance with applicable United States federal law.

(2) The United States of America, pursuant to Articles 6 and 42, reserves the right not to apply paragraphs (1)(a)(i) and (1)(b) of Article 6 ("Misuse of devices") with respect to devices designed or adapted primarily for the purpose of committing the offenses established in Article 4 ("Data interference") and Article 5 ("System interference").

(3) The United States of America, pursuant to Articles 9 and 42, reserves the right to apply paragraphs (2)(b) and (c) of Article 9 only to the extent consistent with the Constitution of the United States as interpreted by the United States and as provided for under its federal law, which includes, for example, crimes of distribution of material considered to be obscene under applicable United States standards.

(4) The United States of America, pursuant to Articles 10 and 42, reserves the right to impose other effective remedies in lieu of criminal liability under paragraphs 1 and 2 of Article 10 ("Offenses related to infringement of copyright and related rights") with respect to infringements of certain rental rights to the extent the criminalization of such infringements is not required pursuant to the obligations the United States has undertaken under the agreements referenced in paragraphs 1 and 2.

(5) The United States of America, pursuant to Articles 22 and 42, reserves the right not to apply in part paragraphs (1)(b), (c) and (d) of Article 22 ("Jurisdiction"). The United States does not provide for plenary jurisdiction over offenses that are committed outside its territory by its citizens or on board ships flying its flag or aircraft registered under its laws. However, United States law does provide for jurisdiction over a number of offenses to be established under the Convention that are committed abroad by United States nationals in circumstances

implicating particular federal interests, as well as over a number of such offenses committed on board United States-flagged ships or aircraft registered under United States law. Accordingly, the United States will implement paragraphs (1)(b), (c) and (d) to the extent provided for under its federal law.

(6) The United States of America, pursuant to Articles 41 and 42, reserves the right to assume obligations under Chapter II of the Convention in a manner consistent with its fundamental principles of federalism.

Section 3. Declarations

(1) The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(a) The United States of America declares, pursuant to Articles 2 and 40, that under United States law, the offense set forth in Article 2 ("Illegal access") includes an additional requirement of intent to obtain computer data.

(b) The United States of America declares, pursuant to Articles 6 and 40, that under United States law, the offense set forth in paragraph (1)(b) of Article 6 ("Misuse of devices") includes a requirement that a minimum number of items be possessed. The minimum number shall be the same as that provided for by applicable United States federal law.

(c) The United States of America declares, pursuant to Articles 7 and 40, that under United States law, the offense set forth in Article 7 ("Computer-related forgery") includes a requirement of intent to defraud.

(d) The United States of America declares, pursuant to Articles 27 and 40, that requests made to the United States of America under paragraph 9(e) of Article 27 ("Procedures pertaining to mutual assistance requests in the absence of applicable international agreements") are to be addressed to its central authority for mutual assistance.

(2) The advice and consent of the Senate under section 1 is also subject to the following declaration: The United States of America declares that, in view of its reservation pursuant to Article 41 of the Convention, current United States federal law fulfills the obligations of Chapter II of the Convention for the United States. Accordingly, the United States does not intend to enact new legislation to fulfill its obligations under Chapter II.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1978. A bill to amend the Federal Food, Drug, and Cosmetic Act to increase criminal penalties for the sale or trade of prescription drugs knowingly caused to be adulterated or misbranded, to modify requirements for maintaining records of the chain-of-custody of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL:

S. 1979. A bill to provide for the establishment of a strategic refinery reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 1980. A bill to provide habitable living quarters for teachers, administrators, and other school staff, and their households, in rural areas of Alaska located in or near Alaska Native villages; to the Committee on Indian Affairs.