

S. 3836

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Advisory Commission on Public Diplomacy Reauthorization Act of 2006”.

SEC. 2. REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553), as amended by section 410 of the Department of State and Related Agency Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2327), is amended by striking “October 1, 2006” and inserting “October 1, 2009”.

EXECUTIVE SESSION**CONVENTION ON SUPPLEMENTARY COMPENSATION ON NUCLEAR DAMAGE**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today’s Executive Calendar: No. 15. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any committee conditions, declarations, or reservations be agreed to, as applicable; that any statements be printed in the CONGRESSIONAL RECORD, as if read; further, that when the resolution of ratification is voted on, the motion to reconsider be laid upon the table, and the President be notified of the Senate’s action.

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

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

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

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATION AND CONDITION.

The Senate advises and consents to the ratification of the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997 (Treaty Doc. 107-21), subject to the declaration in section 2, and the condition in 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 United States instrument of ratification:

As provided for in paragraph 3 of Article XVI, the United States of America declares that it does not consider itself bound by either of the dispute settlement procedures

provided for in paragraph 2 of that Article, but reserves the right in a particular case to agree to follow the dispute settlement procedures of the Convention or any other procedures.

SECTION 3. CONDITION.

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

Not later than 180 days after entry into force of the Convention for the United States, and annually thereafter for four additional years, the Secretary of State shall submit a report to the Committees on Energy and Natural Resources and Foreign Relations of the Senate, and the Committees on Energy and Commerce and International Relations of the House of Representatives that includes the following:

(a) **RATIFICATION.**—A list of countries that have become a Contracting Party to the Convention and the dates of entry into force for each country.

(b) **DOMESTIC LEGISLATION.**—A description of the domestic laws enacted by each Contracting Party to the Convention that implement the obligations under Article III of the Convention.

(c) **U.S. DIPLOMACY.**—A description of United States diplomatic efforts to encourage other nations to become Contracting Parties to the Convention, particularly those nations that have signed it.

COUNCIL OF EUROPE CONVENTION ON CYBERCRIME

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following treaty on today’s Executive Calendar: No. 5. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any committee conditions, declarations, or reservations be agreed to, as applicable; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, that when the resolution of ratification is voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate’s action, and that following disposition of the treaty, the Senate return to legislative session.

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

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

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 paragraph (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