

around the table to secure passage of this very important and historic piece of legislation. I urge members of both political parties to study the legislation, to remember the promise we have made to America's seniors, and to vote yes for this legislation.

Thank you.

NOTE: The President spoke at 4:20 p.m. in the Cabinet Room at the White House. A tape was not available for verification of the content of these remarks.

## Message to the Senate Transmitting the Council of Europe Convention on Cybercrime *November 17, 2003*

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Council of Europe Convention on Cybercrime (the "Cybercrime Convention" or the "Convention"), which was signed by the United States on November 23, 2001. In addition, for the information of the Senate, I transmit the report of the Department of State with respect to the Convention and the Convention's official Explanatory Report.

The United States, in its capacity as an observer at the Council of Europe, participated actively in the elaboration of the Convention, which is the only multilateral treaty to address the problems of computer-related crime and electronic evidence gathering. An overview of the Convention's provisions is provided in the report of the Department of State. The report also sets forth proposed reservations and declarations that would be deposited by the United States with its instrument of ratification. With these reservations and declarations, the Convention would not require implementing legislation for the United States.

The Convention promises to be an effective tool in the global effort to combat computer-related crime. It requires Parties to criminalize, if they have not already done so, certain conduct that is committed through, against, or related to computer systems. Such substantive crimes include

offenses against the "confidentiality, integrity and availability" of computer data and systems, as well as using computer systems to engage in conduct that would be criminal if committed outside the cyber-realm, i.e., forgery, fraud, child pornography, and certain copyright-related offenses. The Convention also requires Parties to have the ability to investigate computer-related crime effectively and to obtain electronic evidence in all types of criminal investigations and proceedings.

By providing for broad international cooperation in the form of extradition and mutual legal assistance, the Cybercrime Convention would remove or minimize legal obstacles to international cooperation that delay or endanger U.S. investigations and prosecutions of computer-related crime. As such, it would help deny "safe havens" to criminals, including terrorists, who can cause damage to U.S. interests from abroad using computer systems. At the same time, the Convention contains safeguards that protect civil liberties and other legitimate interests.

I recommend that the Senate give early and favorable consideration to the Cybercrime Convention, and that it give its advice and consent to ratification, subject to the reservations, declarations, and understanding described in the accompanying report of the Department of State.

GEORGE W. BUSH

The White House,  
November 17, 2003.

Statement on the Massachusetts Supreme Judicial Court Decision on the  
State's Ban of Same Sex Marriages  
*November 18, 2003*

Marriage is a sacred institution between a man and a woman. Today's decision of the Massachusetts Supreme Judicial Court violates this important principle. I will work

with congressional leaders and others to do what is legally necessary to defend the sanctity of marriage.

Statement on House of Representatives Action on Comprehensive Energy  
Legislation  
*November 18, 2003*

I am pleased with the strong bipartisan support for a national energy policy that will use technology, conservation, renewables, and increased production of energy at home. For the past 2 years, the passage of a comprehensive national energy policy has been a top priority for my administration, and I commend the House for its vote today and urge the Senate to act expeditiously as well. America will be more

prosperous and more secure when we are less dependent on foreign sources of energy. Reliable and affordable energy is critical to our economic security, our national security, and our homeland security.

NOTE: The Office of the Press Secretary also released a Spanish language version of this statement.

Statement on Signing the Animal Drug User Fee Act of 2003  
*November 18, 2003*

Today, I have signed into law S. 313, the "Animal Drug User Fee Act of 2003." The Act is designed to expedite the animal drug development process, while continuing to ensure the safety and effectiveness of animal drugs.

Section 4(a) of the Act purports to require the Secretary of Health and Human Services to submit legislative recommendations to the Congress and to establish procedures by which the Secretary must for-

mulate such recommendations. The legislative power does not extend to requiring the Executive submit legislative recommendations to the Congress nor to specifying procedures by which the Executive must formulate any legislative recommendations that the Executive makes. The executive branch shall execute section 4(a) in a manner consistent with the Constitution's exclusive commitments to the President of the authority to submit for the