

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.

By Mr. DURBIN:

S. 1981. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to rebate a portion of the tax collected back to American consumers, to fund programs under the Low-Income Home Energy Assistance Act of 1981 and tax incentives for the manufacture of energy efficient motor vehicles by using a portion of the proceeds of such tax, and to deposit the balance of the tax collected into the Highway Trust Fund to support the funding of highway projects and to aid highway users, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 1982. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit against residential heating costs; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. DEMINT, Mr. DEWINE, Mr. HAGEL, Mr. COBURN, Mr. GREGG, Mr. BROWNBACK, Mr. ENSIGN, Mr. MARTINEZ, Mr. KYL, Mr. VITTER, and Mr. BURR):

S. 1983. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself and Mr. VOINOVICH):

S. 1984. A bill to safeguard the national security and economic health of the United States by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 1985. A bill to extend the predisaster hazard mitigation program under the Stafford Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLARD:

S. 1986. A bill to provide for the coordination and use of the National Domestic Preparedness Consortium by the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED:

S. 1987. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for residential energy cost assistance and for other purposes; to the Committee on Finance.

By Mr. LUGAR:

S. 1988. A bill to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER:

S. Con. Res. 63. A concurrent resolution supporting the goals and ideals of National High School Seniors Voter Registration Day; to the Committee on Rules and Administration.

By Mr. BURNS (for himself, Mr. LEAHY, Mr. INOUE, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. NELSON of Florida, and Mrs. HUTCHISON):

S. Con. Res. 64. A concurrent resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers; to the Committee on Commerce, Science, and Transportation.

## ADDITIONAL COSPONSORS

S. 558

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 632

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1191

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1488

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1488, a bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1508, a bill to require Senate candidates

to file designations, statements, and reports in electronic form.

S. 1520

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1520, a bill to prohibit human cloning.

S. 1740

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1740, a bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1865

At the request of Mrs. DOLE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1865, a bill to establish the South-East Crescent Authority, and for other purposes.

S. 1926

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1926, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 1930

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1947

At the request of Mr. SUNUNU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1947, a bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans.

S. 1959

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1959, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

S. RES. 232

At the request of Mr. KENNEDY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. Res. 232, a resolution celebrating the 40th anniversary of the enactment of the Voting Rights Act of 1965 and reaffirming the commitment