

Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2—Adjustment of the Commercial Salmon Fishery from the U.S./Canada Border to Cape Falcon, Oregon" (I.D. No. 072205E) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3589. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #4—Adjustment of the Commercial Salmon Fishery from the U.S./Canada Border to Cape Falcon, Oregon" (I.D. No. 072205G) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3590. A communication from the Acting White House Liaison, Office of General Counsel, Department of Commerce, transmitting, pursuant to law, the report of action on a nomination and change in previously submitted reported information for the position of General Counsel, received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3591. A communication from the Acting White House Liaison, Office of Legislative and Intergovernmental Affairs, Department of Commerce, transmitting, pursuant to law, the report of a vacancy, designation of an acting officer, and change in previously submitted reported information for the position of Assistant Secretary for Legislative and Intergovernmental Affairs received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3592. A communication from the Acting White House Liaison, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of action on a nomination and change in previously submitted reported information for the position of Under Secretary for Export Administration, received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3593. A communication from the Acting White House Liaison, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of action on a nomination and change in previously submitted reported information for the position of Assistant Secretary for Export Enforcement, received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3594. A communication from the Acting White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of action on a nomination and change in previously submitted reported information for the position of Deputy Secretary, received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3595. A communication from the Acting White House Liaison, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of action on a nomination and change in previously submitted reported information for the position of Director, National Institute of Standards and Technology, received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3596. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Commission's Cigarette Report for 2003; to the Committee on Commerce, Science, and Transportation.

EC-3597. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commiss-

ion's Year 2004 Inventory of Commercial Activities; to the Committee on Commerce, Science, and Transportation.

EC-3598. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Intellectual Property Required Reports and Publications" (RIN2700-AD14) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3599. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Public Information Regulations" (Docket No. 2004N-0214) received on August 17, 2005; to the Committee on Health, Education, Labor, and Pensions.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1410. A bill to reauthorize the Neotropical Migratory Bird Conservation Act, and for other purposes (Rept. No. 109-132).

## EXECUTIVE REPORTS OF COMMITTEES—JULY 29, 2005

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

\*Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy.

\*Gordon England, of Texas, to be Deputy Secretary of Defense.

\*Ronald M. Sega, of Colorado, to be Under Secretary of the Air Force.

By Mr. GRASSLEY for the Committee on Finance.

\*Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Treasury.

\*Timothy D. Adams, of Virginia, to be an Under Secretary of the Treasury.

\*Randal Quarles, of Utah, to be an Under Secretary of the Treasury.

\*Kevin I. Fromer, of Virginia, to be a Deputy Under Secretary of the Treasury.

\*Robert M. Kimmitt, of Virginia, to be Deputy Secretary of the Treasury.

\*Shara L. Aranoff, of Maryland, to be a Member of the United States International Trade Commission for a term expiring December 16, 2012.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## EXECUTIVE REPORT OF COMMITTEE—AUGUST 31, 2005

The following executive report of committee was submitted:

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

Treaty Doc. 108-16 U.N. Convention Against Transnational Organized Crime (Exec. Rept. No. 109-4)

THE 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, UNDERSTANDINGS, AND DECLARATIONS

The Senate advises and consents to the ratification of the United Nations Convention Against Transnational Organized Crime (hereinafter in this resolution referred to as the "Convention") and two supplementary protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter in this resolution referred to as the "Trafficking Protocol") and the Protocol Against Smuggling of Migrants by Land, Sea and Air (hereinafter in this resolution referred to as the "Smuggling Protocol"), adopted by the United Nations General Assembly on November 15, 2000 and signed by the United States on December 13, 2000 at Palermo, Italy (T. Doc. 108-16), subject to the reservations, understandings, and declarations of sections 2, 3 and 4.

## SECTION 2. RESERVATIONS AND DECLARATION RELATIVE TO THE CONVENTION

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Convention, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as the principal legal regime within the United States for combating organized crime, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Convention.

(2) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1(b) with respect to the offenses established in the Convention. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1(b) to the extent provided for under its federal law.

(3) In accordance with Article 35, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 35, paragraph 2.

(b) DECLARATION.—The advice and consent of the Senate under section 1 is subject to the following declaration relative to the Convention:

The United States of America declares that, in view of its federalism reservation, current United States law, including the laws of the States of the United States, fulfills the obligations of the Convention for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Convention.

#### SECTION 3. RESERVATIONS, UNDERSTANDING, AND DECLARATION RELATIVE TO THE TRAFFICKING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1(b), of the United Nations Convention Against Transnational Organized Crime with respect to the offenses established in the Trafficking Protocol. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1(b) of the Convention to the extent provided for under its federal law.

(2) The United States of America reserves the right to assume obligations under this Protocol in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to conduct addressed in the Protocol. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, such as the Thirteenth Amendment's prohibition of "slavery" and "involuntary servitude," serves as the principal legal regime within the United States for combating the conduct addressed in this Protocol, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or otherwise implicate another federal interest, such as the Thirteenth Amendment. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Protocol. The United States of America therefore reserves to the obligations set forth in the Protocol to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Protocol.

(3) In accordance with Article 15, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 15, paragraph 2.

(b) UNDERSTANDING.—The advice and consent of the Senate under section 1 is subject to the following understanding relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification: The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, para-

graph 2(b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with trafficking in persons.

(c) DECLARATION.—The advice and consent of the Senate under section 1 is subject to the following declaration relative to the Trafficking Protocol: The United States of America declares that, in view of its reservations, current United States law, including the laws of the States of the United States, fulfills the obligations of the Protocol for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Protocol.

#### SECTION 4. RESERVATIONS AND UNDERSTANDING RELATIVE TO THE SMUGGLING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Smuggling Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America criminalizes most but not all forms of attempts to commit the offenses established in accordance with Article 6, paragraph 1 of this Protocol. With respect to the obligation under Article 6, Paragraph 2(a), the United States of America reserves the right to criminalize attempts to commit the conduct described in Article 6, paragraph 1(b), to the extent that under its laws such conduct relates to false or fraudulent passports and other specified identity documents, constitutes fraud or the making of a false statement, or constitutes attempted use of a false or fraudulent visa.

(2) In accordance with Article 20, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 20, paragraph 2.

(b) UNDERSTANDING.—The advice and consent of the Senate under section 1 is subject to the following understanding relative to the Smuggling Protocol, which shall be included in the United States instrument of ratification: The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2(b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with smuggling of migrants.

#### 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. NELSON of Nebraska:

S. 1610. A bill to require the Federal Trade Commission to conduct an inquiry into the retail price of gasoline; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 1611. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida:

S. 1612. A bill to amend the Homeland Security Act of 2002 to establish certain qualifi-

cations for the office of the Under Secretary for Emergency Preparedness and Response; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1613. A bill to amend the Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1614. A bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Ms. KULSKI, Mr. LAUTENBERG, and Mr. JEFFORDS):

S. 1615. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1616. A bill to modify the boundary of Lowell National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1617. A bill to suspend temporarily the duty on gemifloxacin, gemifloxacin mesylate, and gemifloxacin mesylate sesquihydrate; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself, Mr. REID, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, Mr. LOTT, Mr. SHELBY, Mr. SESSIONS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. McCAIN, Mr. McCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBAKES, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 233. A resolution expressing the condolences of the Nation to the victims of