

(2) the country of origin of the immigrant investors;

(3) the localities where the immigrant investors are settling and whether those investors generally remain in the localities where they initially settle;

(4) the number of immigrant investors that have sought to become citizens of the United States;

(5) the types of commercial enterprises that the immigrant investors have established; and

(6) the types and number of jobs created by the immigrant investors.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, October 3, 2003, at 9:30 a.m., in closed session, to receive a briefing on the interim report on Iraq's weapons of mass destruction programs.

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

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 147, 308, 343, 354, 363, 379, 387, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 403, 404, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

##### INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

##### DEPARTMENT OF JUSTICE

Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General.

##### DEPARTMENT OF HOMELAND SECURITY

Penrose C. Albright, of Virginia, to be an Assistant Secretary of Homeland Security. (New Position)

##### DEPARTMENT OF JUSTICE

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

##### DEPARTMENT OF ENERGY

Rick A. Dearborn, of Oklahoma, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

##### DEPARTMENT OF JUSTICE

Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2006. (Reappointment)

John Francis Bardelli, of Connecticut, to be United States Marshal for the District of

Connecticut for the term of four years, vice John R. O'Connor.

##### DEPARTMENT OF STATE

Richard Eugene Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Pamela P. Willeford, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

James Casey Kenny, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Randall L. Tobias, of Indiana, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador.

W. Robert Pearson, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service.

William Cabaniss, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

David L. Lyon, of California, a Career Member of the Senior Foreign Service, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Roderick R. Paige, of Texas, to be Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

H. Douglas Barclay, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Robert B. Charles, of Maryland, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

##### DEPARTMENT OF JUSTICE

Karin J. Immergut, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

##### DEPARTMENT OF HOMELAND SECURITY

C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security. (New Position)

##### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### FOREIGN SERVICE

PN356-3 Foreign Service nomination of Pamela A. White, which was received by the Senate and appeared in the Congressional Record of February 25, 2003.

##### NOMINATION OF JACK LANDMAN GOLDSMITH III

Mr. LEAHY. Mr. President, we voted today on the nomination of Prof. Jack Goldsmith to head the Office of Legal Counsel at the Department of Justice. I have serious reservations about Professor Goldsmith's nomination. In particular, I am concerned about his positions as they relate to the international protection of human rights, the engagement of the United States in holding accountable those who commit crimes against humanity, the administration's use of military tribunals and, more broadly, our Nation's place in the global community.

Professor Goldsmith is a leading opponent of the use of the Alien Tort

Claims Act, ATCA. For the past 23 years, judges have interpreted the ATCA to allow victims of torture and abuse to file claims in United States courts against foreign governments, torturers, and multinational corporations. Victims have used the act to bring claims against notorious violators of human rights, such as war criminal Radovan Karadzic, the former prime minister of the Philippines, Ferdinand Marcos, and the banks and companies that profited from Nazi war crimes. Professor Goldsmith's opposition to the use of ATCA reflects a disturbing shift away from international efforts to hold human rights abusers responsible for their inhumane treatment of innocent victims throughout the world.

Professor Goldsmith is also a vocal opponent of the International Criminal Court, ICC. Over the past few months, the ICC has taken steps toward becoming an effective tool to hold accountable those accused of war crimes, genocide, and crimes against humanity. Yet Professor Goldsmith has dismissed the Court as "futile" and "unrealistic." Many believe that the ICC is the best forum to bring the world's worst criminals to justice, but Professor Goldsmith has predicted that it is headed for the grave: I am hopeful that the United States can one day play a key role in ensuring that the ICC effectively carries out its historic mandate, and I worry that Professor Goldsmith has not demonstrated a commitment to leading the administration in this important direction.

Professor Goldsmith also vigorously defended the President's authority to try suspected terrorists by military tribunal, despite the concerns raised by many Americans and our allies about the legality of these practices. Legitimate questions have been raised about the administration's inconsistency in bringing some cases in federal court while referring other similar cases to military tribunals, where the defendants' rights are fewer and the procedures less clear. I urge Professor Goldsmith to take a hard look at the administration's recent treatment of prisoners of war: I fear it may have negative implications for the treatment of our own citizens abroad.

Professor Goldsmith's positions on ATCA, the ICC, and military tribunals reflect a broader, disturbing trend in his thinking, scholarship and writings. At a time when the United States should be increasing our engagement in the international community, I am concerned that Professor Goldsmith will advocate for less engagement. At a time when the United States should be increasing our global cooperation in areas such as the war on terrorism, the environment, and international peace and security, I am concerned that Professor Goldsmith will advocate for less cooperation. At a time when the United States should be reaffirming

our commitment to protecting individual liberties, due process rights, and access to equal justice, I am concerned that Professor Goldsmith lacks a true commitment to these foundations of our democracy.

I am also alarmed by the veil of secrecy that has been drawn by Attorney General Ashcroft over the operations of the Office of Legal Counsel. I encourage Professor Goldsmith to allow the sun to shine into the Office of Legal Counsel by disclosing memoranda and opinions to the American public, insofar as such disclosure would not raise legitimate national security concerns.

I hope that, within the context of Professor Goldsmith's temporary appointment, he will look beyond his academic musings and offer the objective legal advice he promised this Senate he would provide. As he develops his legal opinions and advises the administration, I hope that he seriously considers the universally accepted international legal norms that have proven essential in protecting the rights of all members of our global community to freedom, security, and due process of law.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### AUTHORITY FOR COMMITTEES TO REPORT LEGISLATIVE OR EXECUTIVE MATTERS UNTIL 4 P.M. TODAY

Mr. FRIST. Mr. President, I ask unanimous consent that committees have until 4 p.m. today to report legislative or executive matters.

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

#### AUTHORITY FOR COMMITTEES TO REPORT LEGISLATIVE AND EXECUTIVE MATTERS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the recess, committees be allowed to report legislative and executive matters on Wednesday, October 8, between the hours of 10 a.m. and 12 noon.

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

#### AUTHORITY TO SIGN ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. I ask unanimous consent that during the adjournment period of the Senate, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

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

#### HONORING THE LIFE OF JOHNNY CASH

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 289, H. Con. Res. 282.

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

will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 282) honoring the life of Johnny Cash.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I further ask consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the matter be printed in the RECORD, all with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 282) was agreed to.

The preamble was agreed to.

#### COMMENDING NATIONAL ENDOWMENT FOR DEMOCRACY ON ITS 20TH ANNIVERSARY

#### CALLING ON PEOPLE'S REPUBLIC OF CHINA TO RELEASE REBIYA KADEER

#### COMMENDING GOVERNMENT AND PEOPLE OF KENYA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 300, S. Con. Res. 66; Calendar No. 301, S. Res. 230; and Calendar No. 302, S. Res. 231, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution and the resolutions by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 66) commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy.

A resolution (S. Res. 230) calling on the People's Republic of China immediately and unconditionally to release Rebiya Kadeer, and for other purposes.

A resolution (S. Res. 231) commending the Government and people of Kenya.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. FRIST. I further ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the matters be printed in the RECORD, all with no intervening action or debate.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

#### S. CON. RES. 66

Whereas November 22, 2003, marks the 20th anniversary of the establishment of the National Endowment for Democracy (hereinafter the "Endowment"), a bipartisan non-governmental institution that promotes democracy around the world;

Whereas through the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.), signed into law by President Ronald Reagan on November 22, 1983, Congress has made possible the funding of the Endowment's worldwide grant programs;

Whereas 2003 also marks the 20th anniversary of the National Republican Institute for International Affairs (which was subsequently renamed the International Republican Institute (IRI)), the National Democratic Institute for International Affairs (NDI), and the Center for International Private Enterprise (CIPE), all of which joined the Free Trade Union Institute (which was subsequently renamed as the American Center for International Labor Solidarity) to form the four affiliated institutions of the Endowment;

Whereas the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies;

Whereas the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world;

Whereas the Endowment, through the Journal of Democracy, the International Forum for Democratic Studies, the Reagan-Fascell Democracy Fellows Program, and the World Movement for Democracy, has served as a key center of democratic research, exchange, and networking, bringing together thousands of democracy activists, scholars, and practitioners from around the world; and

Whereas the spread of democracy throughout the world, to which the work of the Endowment has contributed significantly, has enhanced the national security interests of the United States and advanced democratic ideals and values throughout the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and

(2) endeavors to continue to support the vital work of the National Endowment for Democracy.

#### S. RES. 230

Whereas Rebiya Kadeer, a prominent businesswoman from Xinjiang Uighur Autonomous Region of the People's Republic of China, was arrested in September 1999, while trying to meet United States Congressional staff;

Whereas the Congressional staff was on an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rebiya Kadeer was convicted at a secret trial and sentenced on March 10, 2000, to 8 years in prison for "illegally giving state information across the border";

Whereas the newspapers she was carrying with her at the time of her arrest were all available to the public;