

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;

Whereas from 1993 to 1998, Rebiya Kadeer was elected as a member of the Provincial People's Political Consultative Conference in Xinjiang;

Whereas in 1995, Rebiya Kadeer was a delegate to the United Nations Fourth World Conference on Women in Beijing;

Whereas Rebiya Kadeer's health is deteriorating in prison and she is finding it difficult to perform her prison labor due to sickness;

Whereas Rebiya Kadeer is the mother of 10 children;

Whereas the United States Department of State has repeatedly expressed concerns about the continued imprisonment of Rebiya Kadeer;

Whereas United States Assistant Secretary of State for Democracy, Human Rights, and Labor, Lorne Craner, visited Xinjiang in December 2002 with the expectation that she would soon be released;

Whereas the day before Secretary Craner's visit to Xinjiang, 3 of Rebiya Kadeer's children were taken into custody and were released later with strict instructions not to talk to anyone about their mother's case;

Whereas Rebiya Kadeer's case was brought up before a hearing of the Senate Foreign Relations Committee on September 11, 2003, by T. Kumar of Amnesty International USA;

Whereas Chinese authorities are ignoring repeated requests from the United States Congress to release her; and

Whereas President Bush is planning to attend the APEC Conference in October 2003, in Thailand and is planning to have meetings with the Chinese President, Hu Jintao, at the Conference; Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns and deplores the detention of Rebiya Kadeer and calls for her immediate and unconditional release;

(2) urges President Bush to take urgent steps to secure the release of Rebiya Kadeer as soon as possible; and

(3) urges President Bush to demand Rebiya Kadeer's immediate release when he meets with Chinese President Hu Jintao at the APEC Conference.

S. RES. 231

Whereas on December 27, 2002, the Republic of Kenya successfully held presidential, parliamentary, and local elections;

Whereas the elections were widely praised by objective international observers as free and fair;

Whereas the elections signal a major step forward for democracy in Kenya, particularly when compared with other elections held in Kenya since Kenya became an independent state in 1963;

Whereas the transition of power started by the elections culminated on December 30, 2002, when former President Daniel Toroitich arap Moi peaceably transferred the Kenyan presidency to President Mwai Kibaki;

Whereas the people of Kenya have manifested a strong desire to combat the endemic corruption that has crippled Kenyan society for years; and

Whereas the Government of Kenya has responded to this desire with concrete initiatives aimed at fostering transparency and accountability in Kenya: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the people of the Republic of Kenya for conducting free and fair elections;

(2) commends the Government of Kenya for the successful completion of a peaceful and orderly transition of power;

(3) expresses its desire to see this new democracy in Kenya thrive;

(4) acknowledges the suffering inflicted on the people of Kenya as a result of terrorist activity and appreciates the assistance and cooperation of Kenya to the global fight against terrorism;

(5) reaffirms the friendship that exists between the people of the United States and the people of Kenya, as 2 nations bound together by the shared values of democracy;

(6) applauds the regional peacemaking efforts of Kenya and the contributions of Kenya to international peacekeeping;

(7) commends the commitment and concrete steps taken by the Government and people of Kenya—

(A) to strengthen democracy, human rights, and the rule of law;

(B) to combat corruption, including through the passage by the Kenyan Parliament of the Public Officer Ethics Bill and the Anti-Corruption and Economic Crimes Bill;

(C) to improve access to education; and

(D) to prevent the transmission of HIV/AIDS;

(8) commits to working with the people of Kenya to continue making progress in combating corruption, encouraging development, fighting HIV/AIDS, and fostering respect for the rule of law and a climate of transparency; and

(9) welcomes the October 2003 visit of Kenyan President Mwai Kibaki to the United States.

#### EXTENDING THE DURATION OF THE IMMIGRANT INVESTOR REGIONAL CENTER PILOT PROGRAM

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1642, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1642) to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes.

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

Mr. LEAHY. Mr. President, I urge the Senate to pass S. 1642, a bill to extend for 5 years the EB-5 immigrant investor visa regional center pilot program, which lapsed at the end of the fiscal year on Tuesday. I am pleased that Senators BROWBACK and DASCHLE have joined me in sponsoring this bill. There are more than 25 regions in the Nation that have qualified as a "regional center" under this program, including in my State of Vermont. This designation allows them to attract foreign investment by adjusting the standard that investors must meet to obtain legal permanent resident status. The entrepreneurs must still meet a heavy burden, however, showing that their investment will create 10 or more jobs in these relatively depressed areas.

The pilot program is narrowly tailored to avoid fraud. An area seeking regional center status must provide, among other things, detailed information regarding how the center will promote economic growth through improved regional productivity, job creation, and increased domestic capital investment. The applicant must also provide a detailed explanation of why

the regional center will have a positive impact on the regional or national economy in general.

The Judiciary Committee approved the language in this bill unanimously, as part of a substitute amendment to S. 1580, the Religious Workers Act of 2003. I am pleased to include an amendment from Senator FEINGOLD that the Judiciary Committee also unanimously approved, calling for a GAO study on the EB-5 program as a whole. Such a study will give us a better idea of how the program is working and what improvements may be needed.

This is an important program for my State and many other regions of the country, and I ask for the support of all Senators in extending it for an additional 5 years.

Mr. FRIST. I ask unanimous consent that the Feingold amendment, which is at the desk, be considered, agreed to, the bill as amended be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 1827) was agreed to, as follows:

AMENDMENT NO. 1827

(Purpose: To require the General Accounting Office to report to Congress on the immigrant investor program)

At the end, add the following:

#### SEC. 2. GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall report to Congress on the immigrant investor program created under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)).

(b) CONTENTS.—The report described in subsection (a) shall include information regarding—

(1) the number of immigrant investors that have received visas under the immigrant investor program in each year since the inception of the program;

(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.

The bill (S. 1642), as amended, was read the third time and passed, as follows:

S. 1642

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

#### SECTION 1. PILOT IMMIGRATION PROGRAM.

(a) PROCESSING PRIORITY UNDER PILOT IMMIGRATION PROGRAM FOR REGIONAL CENTERS TO PROMOTE ECONOMIC GROWTH.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—