

not believe there is any ambiguity on these points and thus no need for clarification through understandings in the resolution of ratification. You and other members of the Senate can be confident that the Administration shares your concerns about the ICC and is fully satisfied that none of those concerns are implicated in these treaties.

We have consulted with the Department of State, which concurs fully in these views, and hope with this letter you and your colleagues will be able to vote in favor of these two important treaties today.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

SENATE STEERING COMMITTEE,
UNITED STATES SENATE,
Washington, DC, October 6, 2005.

Hon. ALBERTO R. GONZALES,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: I am writing regarding two critical treaties that the Senate is considering. As a former prosecutor, I believe these treaties could provide important new tools to law enforcement. However, before we ratify them, I seek your assistance in addressing several concerns.

1. *Article 16 of the United Nations Convention Against Transnational Organized Crime.* I am interested in learning whether or not the extradition provisions of this treaty would strengthen our current bilateral arrangements to address problems we have had with nations such as Mexico who refuse to extradite dangerous criminals to the United States. Further, it would appear that our moral position for extradition would be undermined if we explicitly acquiesce in allowing the nation to consider penalties as a basis for denying extradition.

2. *International Criminal Court.* The ICC is mentioned in neither treaty, and the Department of Justice attorneys have maintained that the ICC would have no jurisdiction over matters addressed in them. However, the main reason that the United States rejects the Rome Statute is that the ICC has one prosecutor who initiates investigations with virtually unchecked discretion. I seek further clarification from the Department on whether we can be absolutely certain that these treaties would not provide a vehicle for a case to be brought to the ICC by an overzealous prosecutor. Absent such certainty, it would be my desire to include an understanding to the resolution of ratification that clarifies the United States's position that the ICC may not try cases under the Convention or avail itself of the Convention's extradition or judicial assistance provisions. We could also add an explicit understanding to the resolution that ASPA shall govern application of the Convention by the Executive branch.

Thank you for your assistance.

Sincerely,

JEFF SESSIONS.

Mr. STEVENS. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolutions will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. STEVENS. Mr. President, I am delighted to represent two-thirds of the Senate.

The PRESIDING OFFICER. The Chair recognizes the power of the Senator from Alaska.

LEGISLATIVE SESSION

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

ORDERS FOR MONDAY, OCTOBER 17, 2005

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in adjournment until 2 p.m. on Monday, October 17, contingent upon the Senate's action on the adjournment resolution from the House; that if we do not agree to the adjournment resolution, the Senate reconvene at 12 noon on Tuesday, October 11. I further ask that following the prayer and pledge on October 17, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there be a period for morning business until 3 p.m. equally divided. I further ask that the Senate then proceed to consideration of H.R. 3058, the Transportation-Treasury appropriations bill, under the previous order.

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

PROGRAM

Mr. STEVENS. Mr. President, when the Senate reconvenes on Monday, October 17, we will begin consideration of the Transportation-Treasury appropriations bill. As we consider the bill, I remind my colleagues to work with Senators Bond and Murray, the bill managers, and to offer amendments early in the week. I alert my colleagues that the first vote during Monday's session will occur at 5:30 p.m.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 11, 2005, OR 2 P.M., MONDAY, OCTOBER 17, 2005

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:11 p.m., adjourned until Tuesday, October 11, 2005, at 12 noon, or Monday, October 17, 2005, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate October 7, 2005:

SUPREME COURT OF THE UNITED STATES

HARRIET ELLAN MIERS, OF TEXAS, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE SANDRA DAY O'CONNOR, RETIRING.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, October 7, 2005:

FEDERAL LABOR RELATIONS AUTHORITY

COLLEEN DUFFY KIKO, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

DEPARTMENT OF HOMELAND SECURITY

STEWART A. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KIM KENDRICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KEITH A. NELSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DARLENE F. WILLIAMS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KEITH E. GOTTFRIED, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF COMMERCE

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

DEPARTMENT OF THE TREASURY

PATRICK M. O'BRIEN, OF MINNESOTA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY.

DEPARTMENT OF COMMERCE

ISRAEL HERNANDEZ, OF TEXAS, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

DARRYL W. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

EMIL W. HENRY, JR., OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF STATE

THOMAS A. SHANNON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS).

INTER-AMERICAN DEVELOPMENT BANK

JAN E. BOYER, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT A. MOSBACHER, OF TEXAS, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

MILLENNIUM CHALLENGE CORPORATION

JOHN J. DANLOVICH, OF CALIFORNIA, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION.

DEPARTMENT OF STATE

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

JACQUELINE ELLEN SCHAFER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

JOHN HILLEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).

BARRY F. LOWENKRON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

AFRICAN DEVELOPMENT FOUNDATION

JENDAYI ELIZABETH FRAZER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2009.

DEPARTMENT OF STATE

FRANCIS ROONEY, OF FLORIDA, TO BE AMBASSADOR TO THE HOLY SEE.

ALFRED HOFFMAN, OF FLORIDA, TO BE AMBASSADOR TO THE REPUBLIC OF PORTUGAL.

CHARLES A. FORD, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF HONDURAS.

MARK LANGDALE, OF TEXAS, TO BE AMBASSADOR TO THE REPUBLIC OF COSTA RICA.

BRENDA LAGRANGE JOHNSON, OF NEW YORK, TO BE AMBASSADOR TO JAMAICA.

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF KOREA.

PATRICIA LOUISE HERBOLD, OF WASHINGTON, TO BE AMBASSADOR TO THE REPUBLIC OF SINGAPORE.

WILLIAM PAUL MCCORMICK, OF OREGON, TO BE AMBASSADOR TO NEW ZEALAND, AND SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO SAMOA.

DEPARTMENT OF THE INTERIOR

H. DALE HALL, OF NEW MEXICO, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2010.

ENVIRONMENTAL PROTECTION AGENCY

GEORGE M. GRAY, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

LYONS GRAY, OF NORTH CAROLINA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

JULIET JOANN MCKENNA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JOHN R. FISHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF ROBERT S. CONNAN.

WITHDRAWALS

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON OCTOBER 7, 2005 WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATIONS:

PHILIP D. MORRISON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, WHICH WAS SENT TO THE SENATE ON MAY 26, 2005.

TIMOTHY ELLIOTT FLANIGAN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, WHICH WAS SENT TO THE SENATE ON JUNE 20, 2005.