



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, MONDAY, FEBRUARY 27, 2006

No. 22

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 28, 2006, at 2 p.m.

Senate

MONDAY, FEBRUARY 27, 2006

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Abiding God, this is the day You created, and we rejoice. Thank You for Your unspeakable gifts and wondrous love. Lead the Members of this body with Your truth. Help them to walk faithfully according to Your precepts. Keep them near You as You teach them the power of sacrifice. Prepare them for the testing of their faith, and keep them from being intimidated by the forces of evil. Keep them from strife and division, as You give them prudent speech and a desire for unity.

Help us all to walk with obedience and living faith. And Lord, today we dedicate ourselves to You all over again.

We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today we have returned from the Presidents Day break to resume our debate on the PATRIOT Act. At 3 today, following our morning business period, we will return to consideration of S. 2271, the PATRIOT Act amendments bill. Tomorrow at 2:30, we will have a cloture vote on the underlying bill. If cloture is invoked, we will proceed to vote on passage of the bill at 10 a.m. on Wednesday. The 2:30 cloture vote on Tuesday will be the first vote of this week.

There are a number of important committee meetings going on this week, including the discussion on lobbying reform. The majority leader has stated that it is his expectation to begin consideration of that reform legislation next week. We will also have a joint meeting to hear an address from the Honorable Silvio Berlusconi, the Prime Minister of Italy. That address will be at 11 a.m. on Wednesday, and Senators should gather in the Chamber at 10:30. The Senate will proceed at 10:40 to the Hall of the House of Representatives for that address.

I yield the floor.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I see here two friends on the Republican side who

wish to speak. Senator ALEXANDER wishes to speak, I understand, as soon as morning business is announced, and Senator WARNER.

Mr. WARNER. If the Senator is asking, yes, I will take 7 or 8 minutes.

Mr. REID. When morning business is announced, Senator WARNER will be recognized for up to 10 minutes and Senator ALEXANDER—for how long?

Mr. ALEXANDER. Five minutes.

Mr. REID. And when they finish their statements, I ask that the Senator from New York be recognized after morning business is announced.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there is now a period for the transaction of morning business up to 3 o'clock, with Senators permitted to speak for up to 10 minutes each. Does that apply?

Mr. MCCONNELL. The Democratic leader is simply arranging the order; is that correct?

Mr. REID. That is right.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

PORT SALE REVIEW

Mr. WARNER. Mr. President, we awakened this morning with the news, confirmed, that major steps are going forward in connection with this very important issue of the ports. I use that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S1489

generic term, “the ports,” because it relates to a transaction that has been thus far approved by the administration whereby a company, owned by the United Arab Emirates, will be engaging in terminal operations in a half dozen or so of our terminals here in the U.S., having acquired those assets from a British firm which has been conducting those operations for some time.

I am very pleased that the leadership of the Senate—notably my distinguished majority leader, with whom I have been in conversation in the past 72 hours—is taking a leadership role. I hope the other side shortly will speak to their role in bringing into focus the importance of this issue and facilitating the several committees of the Senate to have hearings, briefings, or otherwise acquire the facts.

Last week, I believed it was imperative that a certain amount of facts get into the public domain as quickly as possible. On short notice, I held a briefing—in contrast to a full hearing—a briefing by the Senate Armed Services Committee and the principals, basically the Deputy Secretaries of the various departments and agencies which have the primary responsibility within the group of 12 of the organization known as CFIUS, or the Committee for Foreign Investment in the United States.

The manner in which the President, acting upon the recommendation of the CFIUS group, indicated that he and the administration approved of this transaction will be examined in the context of these committee hearings and also the intelligence that was a key factor because everyone is constantly concerned about the security of this Nation as it relates to the war on terrorism and most specifically the port security situation. Very legitimate concerns, very legitimate arguments, very legitimate positions, in some ways, have been stated at all levels of our society. I believe it is important, before people become rigid in their thinking, that they at least possess all of the basic facts.

My remarks today will not address the past. I am concentrating on looking forward, as I have spent a great deal of time in the past week on this situation. This particular contract, this one commercial situation, is of importance to many parties and of importance to this country, but it has ramifications across our global economy. Our Nation is daily dealing in a one-market economic market. Really it is a one-world market of diplomacy among the free nations as well. Indeed, it is a one-world market in terms of our individual and collective securities, particularly in the war on terrorism.

It has been fascinating to me, although I have visited the UAE in times past, to focus once again on this pivotal and rapidly growing nation, a nation of several emirates which have drawn together, a nation which is becoming one of the major financial mar-

kets in the world and major investors in the world.

According to the United States Trade Representative, the United States and UAE engaged in \$4.6 billion worth of trade in 2003—and that figure has doubled since then according to the *Financial Times*. More than 500 U.S. companies have regional headquarters in the Emirates. Oil and Gas are leading industries in the UAE, as the country holds approximately 8 percent of the world’s crude oil reserves and has the 5th largest natural gas reserves. In addition, at the end of 2005 Emirates purchased 42 Boeing 777 aircraft for approximately \$9.7 billion. This represents some of the vast investments by UAE in America and American investment in the UAE.

On Saturday afternoon I went to the Department of Defense. I went down to the Joint Staff, where I met with the key officers who are dealing with a variety of issues relating to this and other matters to verify that over 500 U.S. warships docked—and I use the word “docked” because they went right to the piers. Our sailors went off; others came on to work with the ships. They didn’t anchor out in the harbor and send in the lighters and the other transportation. It is the only port in that region in which we can dock our major supercarriers.

In addition, there are airfields that are supporting the ongoing operations we have in Afghanistan and Iraq.

It is important to look at security concerns. I personally went down and received the briefings—I hope others do—on the intelligence assessment that went into the first review of CFIUS negotiations. The facts speak for themselves. Ambassador Negroponte will be before the Armed Services Committee, and I will propound questions on the procedures and his own assessment. Hopefully that can be put into the public domain.

As we embark on this new voluntary 45-day investigative period—and I have some association with the company in this. They asked to come to see me, having followed with great interest the hearings at my committee, over which I presided, in which I, in a very even-handed way, I believe, we began to address these issues. I spent several hours with them. They were going to file here, within the next few days, the key documents with the Treasury Department which will trigger the 45-day time investigation.

I believe our leadership should focus on that time period. It ends up on, basically, April 15, at the very time we proceed on another recess. They, the company, hope to conclude by May 1. I am sure the leadership of both sides, working with the administration, will try to find some way so Congress can stay abreast of the proceedings, rather than receive the entire record and decision making of CFIUS on the eve of going on another recess period.

Also, we have to be extremely careful in this 45-day process because we will

be setting precedents as to how our Nation proceeds under the CFIUS process. We have to proceed with a certain amount of confidentiality because when other free enterprises come to invest in the U.S., they will go before CFIUS for review. Thousands of these cases have been handled. We have been doing it since, roughly, 1988, and even going back before that under the Defense Production Act to the 1950s. While it is important that we know more of the facts; we have to do it in a way to preserve a certain degree of confidentiality in the business world. Otherwise, there could very well be a chilling effect on foreign investment in the U.S. We don’t want companies to say we can’t come to the United States because in the course of trying to do our business—which is a private transaction so often between two companies—our proprietary information could be compromised.

This is going to pose a challenge.

My last point—I am gravely concerned about the image of America. I have checked into the press coverage of this in the Arab world, and I regret to say that it is extremely disturbing. We cannot, in the course of our responsible work in the Congress and the continuing responsible work of the administration, allow our actions to be viewed by others as being biased. Congress must look at this not only as a business deal between two companies but also consider the global diplomatic, economic, and military security issues associated with this acquisition.

It is imperative we not send a mixed message to—or impose a double standard on—our allies by expecting assistance in the global war on terror and an open door policy toward investing in their country while sending a message that they are not welcome to invest in ours. We have to show that, yes, we are concerned about security, but in doing so and working through this process, we should not be perceived as treating elements of the Arab world and governments of the Arab world as second-class citizens. It is imperative that at the conclusion of this—however it comes out, and I am hopeful it will come out positively—the U.S. is viewed by the Arab world as a reliable working partner and that recognizes the importance, particularly in the war on terrorism, of having the support of a number of Arab nations to protect our interests and those of other nations in the free world.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized.

CELL PHONE USE ON PLANES

Mr. ALEXANDER. Mr. President, I thank the leadership for allowing me these few minutes. There are a number of grave issues facing our country. The Senator from Virginia has talked about the management of ports. The governors from across America are meeting here to talk about National Guard