

ports, per se. However, I do think that in any case of foreign ownership or operation of sensitive U.S. assets, we need to scrutinize these deals that could threaten our national security.

That should have happened in this case. In cases involving foreign ownership and national security, the Committee on Foreign Investment in the United States provides for a second-level 45-day security review.

Despite concerns expressed by the Department of Homeland Security and the Coast Guard, that did not occur. Only now, after this controversy has erupted, has the administration agreed to review the deal. Why are both Democrats and Republicans raising objections?

Here are the facts that give us pause: first, the United Arab Emirates honors an Arab boycott of Israel, thereby discriminating against a valued U.S. friend and ally. Second, al Qaeda used the bank system in the United Arab Emirates to execute the 9/11 and the 1998 African Embassy bombings.

Third, the United Arab Emirates was one of three countries that recognized Afghanistan's brutal Taliban regime.

Four, the 9/11 Commission reports indicated that Osama bin Laden regularly met with United Arab Emirates officials in the camps in Afghanistan. Reports suggest that bin Laden may have, in fact, been tipped off by friends in the United Arab Emirates.

Simply put, the United Arab Emirates' record on terrorism is in fact mixed at best, and serious questions need to be asked about whether this company should be allowed port management.

Let us talk about specific concerns. Last week Joseph King, a former Bush administration official at Customs, said in a Washington Post interview that people's national security fears about the deal are well grounded.

He goes on to point out that under the deal, this company would have carte blanche-like authority to obtain hundreds of visas to relocate managers and other employees to the United States. Using appeals for solidarity or even threats of violence, al Qaeda operatives could force low-level managers to provide these visas to al Qaeda sympathizers.

According to recent articles in a December 13, 2005, intelligence assessment of the company and its owners, the United Arab Emirates, by the Coast Guard warned: "There are many intelligence gaps concerning the potential for Dubai Ports World or P&O assets to support terrorist operations that preclude" the completion of a thorough threat assessment.

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"The breadth of the intelligence gaps also infer potential unknown threats against a large number of potential vulnerabilities." That should give us pause.

Additionally, the Department of Homeland Security initially objected

to this deal. What are these intelligence gaps? How big are they? Have they been resolved? All questions we cannot answer right now.

Let me say this. The administration's announcement of this deal is chillingly akin to the administration's prewar intelligence on weapons of mass destruction. There the administration selectively tailored intelligence to support the invasion that it desired from the very beginning. Here, the administration seems to be ignoring, deliberately ignoring, red flags and cherry-picking positive intelligence to support approval of a ports deal that it already wants.

Let me conclude. Thankfully, Congress has put the brakes on this deal. We will be taking a long, serious and hard look at this arrangement. Unfortunately, the Bush administration has already made up its mind to support the deal even before a serious review has begun, and that is not in the best interest of the United States.

OPPORTUNITIES FOR AMERICAN COMPANIES

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, this Dubai ports deal will probably go through even though these types of contracts should be given to American-owned companies. But the deal will probably be approved with Congress passing some meaningless, feel-good limitations or restrictions and increasing funding for port security.

The deal will probably go through because, one, it involves \$6.8 billion and it is almost unheard of to stop a deal involving big money like that.

Secondly, the President and the entire administration are pushing it as hard as they can.

Third, the columnists and commentators are all piling on using words like "overreaction, racism and bigotry." Even though this is name-calling, rather than discussing the merits, most elected officials are going to do anything possible to avoid being called a racist or bigot or even that they are overreacting.

There are legitimate national security concerns here. The United Arab Emirates may be a strong ally now, but these things change. Our government considered Saddam Hussein as an ally all through the 1980s and supported him in a big way monetarily and in other ways.

While I am concerned about national security, my main concern about this deal is economic. We have far too many foreign companies operating our ports. These are some of the best and most lucrative contracts we have. They should be going to American-owned companies. If we give all these lucrative, big-money contracts to foreign-owned businesses, most of the profits and most of

the top jobs will go to people from those countries. At some point we need to start putting our own businesses and shareholders and workers first. After all, the first obligation of the U.S. Congress should be to the American people.

It is also of some concern that this deal is not with a private company, but with an organization owned or controlled by the Government of the United Arab Emirates. Let me emphasize, I have nothing whatsoever against anyone from any foreign country. I am certainly not anti-Arab. I think it is sad that a British-owned company was running these port operations, and I am not anti-British. I think we should be friends with the Arabs and the British, and I believe we should have trade with all countries. But I would want foreign countries to be buying things from American companies and vice versa. And I would like to see American ports, which are some of the most important infrastructure assets we have, to be run and controlled by American companies and American citizens.

I do not believe the Chinese or the Japanese or many other countries would let us run their ports. And most of these contracts to operate businesses on these ports are not advertised widely at all. Most are sweetheart, insider-type deals. I believe there are many American business people who would jump at the chance to do this business if they just knew about these opportunities.

Let us start putting our own people first once again and stop giving all this port business to so many foreign companies or especially not to foreign governments.

SECURING OUR NATION'S PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN of Florida) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, let me say that in committee today we had the U.S. Coast Guard, and I want to commend them because after 9/11, they were the first agency within minutes to be on guard, guarding our bridges. And, in fact, after Katrina they were there and they did a yeoman's job. In fact, out of Homeland Security, FEMA, and the other agencies, it is the Coast Guard that really does a good job.

The administration's decision to allow the state-owned Dubai Ports to take over six major U.S. ports has bought the issue of port security to the forefront of national attention. Since September 11, in fact, I have been lobbying the Bush administration for additional security funds for our Nation's ports and other areas of our Nation's infrastructure, such as freight and passenger rail, our subway systems, buses, tunnels and bridges. They also need security.

To me, this funding is particularly needed in my State of Florida whose 14

major ports serve as a key gateway into the United States. Moreover, these ports play a crucial role in transportation of ammunition, supplies and military equipment to our men and women fighting all over the world.

The Bush administration has been telling the American public that they are checking, let us say, about 4 percent of the cargo that comes into the ports. But, in reality, they are only checking the manifests that list the inventory of the ships.

Now, I think the American people are smart enough to know that if you are reading a piece of paper provided by the shippers and what is passing for port security in this Nation, then we are all in a lot of trouble.

In addition, the administration's concentration of terrorist prevention funds in only the aviation industry has jeopardized the safety of other modes of transportation as well. For example, TSA is spending \$4.4 billion alone on aviation security while only \$36 million, let me repeat, \$36 million is spent on all surface transportation security. And with respect to our Nation's ports, which serve as the main economic engine for many of the areas in which they are found, an attack would not only be extremely dangerous for the local citizens, but economically disastrous as well.

This is absolutely the wrong time for our government to make a decision that could give the impression of vulnerability in the security of our ports or our infrastructure system as a whole.

The increased attention on our Nation's security infrastructure has come to the surface on the heels of the possible Dubai sale. I hope that the mass resistance to the sale will at least bring a discussion of the importance of increasing funding for our Nation's infrastructure security in the near future.

In other words, security discussions should serve as a "stand up" for our Nation's security. I repeat, I hope this is a "stand up" for our Nation's security.

COUNTING VOTES CORRECTLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, today I want to share material prepared by former Ambassador William B. Jones to the nation of Haiti. He is currently the Johns Professor of Political Science at Hampden-Sydney College, which is located in the Fifth District of Virginia.

It is the opinion of Ambassador Jones and of myself that citizens of foreign countries illegally in the United States should not be counted to determine congressional representation nor for the Electoral College.

The Framers of our Constitution would not have sanctioned illegality as

a basis for determining congressional representation and certainly not in fixing the numbers of Presidential electors. The extensive debates on congressional representation were focused on slavery resulting in the three-fifths of a person rationale. It is ridiculous to assume that any of the Framers, given the tenor of their debate and their dedication to establishing a rule of law, would ever have considered allowing citizens of foreign countries illegally in the United States to play a role in determining control in the Congress and the election of the President. To assume otherwise would construe the Constitution as protecting and sanctioning illegality.

It was not until the post-Civil War amendments that the issue of defining citizenship arose. The 13th, 14th, and 15th amendments were drafted to redress the inequities of slavery. They were never intended to give blanket sanctions to illegality. "Persons," as used in those amendments, clearly were intended to mean persons who were legally in the country.

It would be ridiculous to assume that the Framers of those amendments, which were intended to safeguard the rights of former slaves or who had been in the country since its founding, intended in any way, shape or form to sanction illegality. The purpose was to enshrine a legal concept of equality, not to twist that concept to sustain, support, sanction or condone illegality.

Once it is determined that the Constitution cannot be used to sanction, authorize, protect or promote illegality, the issue is, what is the remedy to correct the wrongs that have been done to our system of determining congressional representation in fixing the numbers of the Electoral College?

As every citizen has the right to fair and equitable representation and to know that his or her vote is of the same weight as that of any other citizen, then any citizen who has lost representation as a result of the counting of citizens of foreign countries illegally in the United States for the purposes of congressional and electoral representation has standing and can bring action to redress the grievance.

Also, and perhaps most important, States that have lost congressional seats and have had their electoral vote reduced as a result of the counting of citizens of foreign countries illegally in the United States may have standing to bring action to redress their grievance. It is quite possible that a fair evaluation of the results of counting citizens of foreign states illegally in the United States would actually show that in States that have had their congressional and electoral power increased, there may have actually been an outflow of U.S. citizens and the entire increase in their political power is due to the influx of citizens of foreign countries illegally in this country.

Therefore, a constitutional amendment may not be necessary to redress the inequalities caused by citizens of

the United States by counting of citizens of foreign countries illegally in the United States for purposes of apportioning congressional and electoral college members.

The Framers of our Constitution, in their great wisdom, enshrined the rule of law into our highest compact. To ignore the rule of law and to allow its subversion to shift and determine political power is totally contrary to the intent of the Framers of the Constitution and of the Framers of the Civil War amendments.

The practicality of determining accurate numbers for congressional and electoral representation is not a deterrent. Modern technology provides many ways of assessing numbers. In fact, almost on a daily basis the number of persons who are citizens of foreign countries illegally in the United States is estimated. Demographics, residential patterns, linguistic realities make it relatively simple to accurately determine numbers and redress the inequities that have resulted in accepting and even supporting illegality.

The fact that those persons may pay some taxes is not relevant and nothing in the Constitution lists payment of taxes as a guarantor of the right to be counted for the purpose of fixing congressional and electoral representation.

The Constitution does insist that political power be equitably divided among the States and no State should have advantage based on illegality.

States have an obligation to protect and defend the rights of their citizens. Those states that have lost Congressional seats and Electoral College votes should bring appropriate legal action to ensure the equitable and constitutional distribution of political power. The United States Supreme Court should be ultimate determiner of the meaning and intent of the Constitution not the Census Bureau.

RECOGNIZING THE DAY OF REMEMBRANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

Mr. HONDA. Mr. Speaker, I rise today to recognize the 64th anniversary of the Day of Remembrance, a day that commemorates the signing of Executive Order 9066 on February 19, 1942, by President Franklin D. Roosevelt.

Executive Order 9066 authorized exclusion and internment of all Japanese Americans living on the West Coast during World War II. Rather than focus on the plight of Japanese Americans in this country during World War II, I would like to place the internment experience into a broader historical context.

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Our Nation has always battled the dual sentiments of openness and freedom, on the one hand, and fear and apprehension of perceived outsiders on the other.