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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.



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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

strength and about the rising costs of Medicare. We are all interested in those issues, but this issue I rise to speak about is one that threatens our national unity as much as any of those graver issues.

Let me put it this way: Where is Dave Barry when we really need him? As he would say, what I am about to say to you, I am not making up.

Apparently someone has discovered that it may not be true, as is now suggested at the beginning of each airline flight, that using our cellular phones will cause our planes to plunge directly to the Earth. As a result, airlines and cell phone companies, as the presiding officer, who is chairman of the relevant committee, well knows, are encouraging the Federal Communications Commission and the Federal Aviation Administration to allow the approximately 2 million Americans who fly each day to talk on their cell phones while they are traveling.

There are many issues facing our country, but as I say, I can't think of one that threatens our national unity quite so much as this proposal to turn airplanes into cacophonous, steel-sheathed missiles of Babel rocketing through the skies.

Imagine squeezing into your 17-inch middle seat between an oversized gentleman shouting into his Blackberry and an undersized teenager yapping into her cell phone, while in front of you a foreign traveler orders dinner and across the aisle a saleswoman lectures her child—all of them raising their voices to be heard. It would be 5 hours of perfect hell from Dulles to Los Angeles—a rising, deafening chorus of “Can you hear me now?” In multiple languages.

I can promise you that this noisy symphony will cost the airlines money. To begin with, passengers will demand expensive headphones to drown out the noise. These headphones will be twice as expensive to replace when passengers begin wrapping them around the throats of the yapper in the next seat. Not to mention the added cost of the medical bills that will be the result of fistfights or the cost of emergency landings to remove brawling passengers. To prevent these airplane fistfights, the airlines would need to hire three times as many air marshals. And I cannot imagine how many they would have to hire for a long flight to Alaska.

Stop and think for a moment about what we hear now in airport lobbies from those who wander aimlessly or stand next to us yelling every imaginable personal detail into a microphone dangling from one ear. We hear them babbling about last night's love life, rearranging next week's schedule, or lamenting their children's behavior. We hear them barking orders to an assistant, dictating messages, or engaging in negotiations. All of this is done, of course, in a loud, unnatural cell phone voice and completely oblivious to those of us nearby who are being forced to learn more about this person

than we would ever want to know. An airplane is a close environment, and we are assigned to one seat, strapped in, and limited in our choice of seatmates. We are also limited in the ability to walk around or walk away.

I have just one cell phone to turn off for my country, but I will assure you that there are many other airline travelers who will gladly make the same sacrifice. I offer as evidence the statement of a senior member of the House Transportation Committee and former chairman of the Aviation Subcommittee, Mr. Duncan of Tennessee, which he made on July 14 of last year; the thoughtful comment by Court Television anchor Fred Graham from USA Today, November 14, 2002; and another USA Today article, this one by Craig Wilson on June 1, 2000.

I ask unanimous consent that each of these articles be printed in the RECORD at the end of my remarks.

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

(See exhibit No. 1)

EXHIBIT 1

[From USA Today, November 14, 2002]

KEEP SKIES CELLPHONE-FREE

(By Fred Graham)

As a person who makes his living in New York, I am accustomed to an occasional hassle. But as a person who commutes weekly on the airlines from Washington to my job in New York, I can see that many more hassles may be on the way.

The reason is that the airlines' longtime ban on cellphone chatter while aloft may be lifted. Thus air passengers could be confronted with the nightmare of all cellphone annoyances: being assigned a seat next to a traveler who shouts into a cell phone for the duration of the trip.

Warning flags surfaced recently when USA TODAY reported that two electronics companies—AirCell and a unit of Verizon—are racing to develop technology that will eliminate the interference problems that led to the ban on cellphone use during flights. The troubling aspect of the article is that the statements attributed to airline and Federal Communications Commission (FCC) officials seemed to assume that if the technological problems could be solved, that would settle the matter. The bottom line: The electronics companies would make huge profits, and cell phone users would be accommodated in the air. There was no mention of the impact that this could have on the comfort and civility of traveling by air.

Airline passengers have heretofore been spared cellular unpleasanties because government regulators decreed that cellphone transmissions might interfere with airplane electronics or with cellular frequencies on the ground. This made air travel a blissful refuge from the cellphone indignities that have spoiled many a trip on a train or bus. Anyone who has used mass ground transportation in recent years has witnessed it: passengers squirming in discomfort as a nearby cell phone user prattled on about matters that no stranger would want to hear.

No way to escape chatty seatmates.

The reality is that air travel is unique in ways that would make cell phone use far more upsetting than in any other form of travel. Airline passengers in tourist class are usually tightly packed in these days. If an air passenger is offended by the cellphone excesses of his seatmate, he often cannot move to another seat, and a flight to Los Angeles

could be interminable. I have witnessed a near-fistfight over obnoxious cellphone use on an Amtrak train. That was unpleasant, but fistfights on airplanes could be dangerous.

There's good evidence that cellphone users on airplanes don't suffer grievously from the current cellular ban. Many jetliners offer their own telephones within arm's reach of every passenger, which, if used frequently, could be just as annoying as a cellphone. But fortunately these calls are very expensive, so passengers rarely use them. This suggests that very few air passengers really need to get messages to people on the ground, and that much cellular chatter, if it were allowed, would serve mostly to relieve the boredom of the flight.

One small step for sanity.

The government regulators and the airlines should take a bold step: Declare that, even if cell phone use in the air ceases to be a threat to the aircraft, it should still be banned as a threat to the peace and comfort of the passengers.

But with so much money at stake, it seems reasonable to expect that once the safety problems are solved, the regulators and airlines will permit cellphone calls from airplanes. If so, the airlines should copy the “quiet car” concept that Amtrak has crafted by designating one car of passenger trains off-limits to cellphone use.

Airliners could have a “quiet space” toward the front of each plane, and every passenger who agrees not to use a cellphone should have the right to be seated there—with the blissful assurance that the cellphone users would be chattering away in the rear.

[From USA Today, May 31, 2005]

(By Craig Wilson)

CELL PHONE BULLIES CHANGE THE TONE AT AIRPORTS

It was 6 in the morning in Las Vegas. I had not been up all night like most everyone else in town, but I felt as if I had, mainly because everything was surreal, even by Vegas standards.

I was at the airport, drinking my coffee, wondering why I had booked such an early flight home, when a man appeared out of nowhere and began screaming into his cell phone that “the fools” at the gate area would not give him the seat he was always assigned. It was his seat, after all, in the emergency exit row. He always sat there.

I know this because he was telling not only the person on the phone, but also all of us in the 702 area code.

What he had done was call the airline's customer service number. He was unhappy with the answers he was getting from the gate agent who was standing right before him.

I haven't seen anyone his age, or size, throw such a temper tantrum in a long time. In fact, I'm not sure I've ever seen anyone throw such a tantrum.

And then he was gone. Poof.

Maybe angry gods swept him away, or the security guards shuffled him out, or maybe his own two feet were embarrassed for him and carried him off, but he was gone—much to the relief of everyone waiting to board.

It could just be bad timing on my part, but I'm running into more cell phone jerks these days. They're everywhere.

Just the other day, a man regaled a boarding area at Washington's Reagan National Airport with his business of the day. It was very clear very early that he was very important. He was berating one of his underlings for all the world to hear.

Being a bit of a jerk myself, I decided to try a little experiment. Instead of fleeing, as I would usually do, I remained next to the

man. He continued his lecture—staring at me on occasion as if I shouldn't be eavesdropping!—then moved a few feet away. So I quietly moved with him. I followed for three more moves until he finally told the person on the phone he'd call back. Some jerk was following him around, he said. Actually, jerk wasn't the word he used.

I chuckled all the way to New York's LaGuardia.

A number of airlines are looking into the possibility of cell phones being allowed in flight. The Federal Communications Commission and the Federal Aviation Administration have to agree before it can happen, but reports indicate it could come to pass as early as next year. Heaven help us all.

If so, I have a couple of wishes. I want whoever votes to allow cellphones on planes to take a flight with the young man who threw the fit at sunrise in Las Vegas. And I want them to sit right next to him. But not in his emergency row. I want him to be unhappy and calling people to tell them so.

I also want them to take a flight with the businessman who was berating his colleague back at headquarters. I'm just curious about whether he has whipped the office into shape yet.

Then give me a call. I'll be home, because I doubt I'll ever fly again.

DUNCAN STATEMENT: SUBCOMMITTEE ON AVIATION HEARING CELL PHONES ON AIRCRAFT: NUISANCE OR NECESSITY?

Mr. MICA. Mr. Duncan.

Mr. DUNCAN. Thank you very, Mr. Chairman. And thank you for calling this hearing. I was one of the more than 7,000 who sent letter or comment to the Federal Communications Commission in very, very strong opposition to the lifting of this cell phone ban. And I can tell you, I come down very strongly on the nuisance side of this equation. I remember reading a couple of years ago that Amtrak tried out a cell phone free car on its Metroliner train from New York City, and so many people rushed to that car that they immediately had to add on another cell phone free car. Around that same time, I read about a restaurant in New York City that banned cell phones from one of its dining rooms, and the next day it had to double that by adding on a second dining room because so many people wanted to participate.

Among the comments to the FCC, passenger Richard Olson wrote the Commission: A fellow passenger's signal was breaking up, so his remedy was to talk loudly. The flight attendant had to ask him to quit using the phone. On the ground, we can walk away from these rude, inconsiderate jerks. In there, we are trapped.

The Boston Globe wrote about a conversation that Gail James of Shelton, Washington found on one flight. She said, quote: I was seated next to a very loud man who was explaining his next porn movie on his cell phone. Everyone on the plane was subjected to his explicit blabbering. Should cell use during flight be allowed, we had all better be prepared for a whole lot of air rage going on.

A CNN/USA Today Gallup poll found that 68 percent were opposed to lifting this ban; only 29 percent in favor.

Now, cell phone technology is, in many ways, a wonderful thing. It can be used, as we all know, to help in emergencies, to let someone know that they are going to be late for an appointment, to call for directions when you are lost. But I also wish that we had much more cell phone courtesy. I think most people do not realize that they talk much more loudly in general on a cell phone than they do in a private conversation. And almost everyone has a cell phone today. A former Knoxville city councilman told me at the first of this past school year that three young girls were in the office at Fulton High

School in Knoxville saying they could not pay a \$50 activities fee, but all three of the girls had cell phones on which they were probably \$50 a month cell phone bills. Today, cell phones are heard going off, I have heard them go off at funerals, weddings, at movie theaters, restaurants, congressional hearings. One was even answered by a reporter asking President Bush a question, and apparently it caused President Bush to get very upset as it should have. Gene Sorenson wrote recently in the Washington Post, quote: I don't mean to interrupt your phone conversation, but I thought you should know that I can hear you. I would close the door, but I can't seem to find one on the sidewalk, the path at Great Falls, in line at Hecht's, or at table 4 by the window. It is not like I'm eavesdropping. As titillating as it sounds, I am not drawn into your conversation about yoga class, tonight's dinner, or Fluffy's oozing skin rash.

Although cell phones have been around for a while, we still associate one with privacy. Put one to your ear, and you will think you are in your kitchen, office, or, what was called a phone booth. But take a moment to look around. You are in public.

On June 21, Robert McMillan wrote in The Washington Post about some of the comments to the FCC, and he quoted Steven Brown who described the perfect trajectory of what he called hell: Just imagine that ring conversation being mere inches from your head and on both sides of you while occupying the middle seat for a five-hour flight from L.A. to New York. Hideous.

In addition, I know there are security concerns and some concerns regarding possibly the effect on aircraft avionics. But I hope that we do not lift this ban, and I hope that it becomes very clear in this hearing that there is a great deal of opposition to this proposed change. And I thank you very much for calling this hearing.

Mr. MICA. I thank the gentleman. Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman. Mr. Chairman, this is not an issue of first impression for this committee. I remember a number of years ago we had a hearing on cell phones. We had a professor from Embury-Riddle who said—sorry, Mr. Chairman.

Yeah. Yeah. No, we are in this thing. Yeah. No, it will be. Yeah. Yeah. Okay. Yeah. Okay. Yeah. Sorry. I'm sorry, Mr. Chairman. Okay. Bye, yeah. Yeah. All right. See you. Bye.

Mr. MICA. You are just lucky you didn't do that with Mr. Young.

Mr. DEFAZIO. I know. I would have been in deep trouble. We are going to put Chairman Young in charge of this issue.

But that is the point. I mean, and he told us and at the time I was suspicious that we were being held captive by the industry to these air phones, you know, and their extortionate charges. But he said, convincingly, that there was a possibility, particularly in a fly-by-wire aircraft, small but possible, of a damaged cell phone or other transmitting device causing a problem. Now they are trying to deal with that with this pico technology, I guess. But I am not sure that totally addresses his problem. I think the * * *

Mr. ALEXANDER. Mr. President, each of these travelers argues for preserving one of the last refuges of privacy—the quiet of an airline cabin where one may read a book, listen to music, sleep, or be left alone. This privacy may not be enshrined in the Constitution, but surely it is enshrined in common sense.

If there must be cell phones on airplanes, common sense suggests following Fred Graham's advice: Create

soundproof conference rooms in the back of the which passengers may rent for the privilege of yelling into their cell phones. Or perhaps technology itself will rescue us. Perhaps the Federal Communications Commission or airline plane executives in a real outburst of common sense will earn the gratitude of 2 million Americans who fly each day by deciding text messages, yes, but conversations, no.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, before he leaves the Chamber, I wish to thank my colleague from Virginia. I am not sure we see exactly eye to eye on this proposal, but no one doubts the sincerity, the integrity, and the intelligence and fervor with which our chairman of the Armed Services Committee seeks to do good for following through on what he believes is necessary for this country. I hope we can work together and come to an amiable arrangement. Obviously, because of his work, our two sides are closer together today than we were a week ago.

Mr. WARNER. Mr. President, I thank my distinguished friend and colleague. I would like to stay here and have the benefit of his remarks, but I am a member of the Homeland Security Committee. We are having a hearing on this subject now.

But I say to my good friend that he is privileged to represent a State which is at the vortex of commercial transactions of world trade and the one-world market of which I just spoke. I hope, in the ensuing days as we begin to debate this and discuss it, he will avail himself of his industrial base in his State and the finances in his State to get a broader picture of the magnitude of the investment by the Government of Kuwait and, indeed, other Arab nations in the United States of America. Consequently, it is essential that we view this situation as one that is not influenced by any bias or prejudice or duality or double standards. No.

I say to my friend, just ask your businessmen why would a company such as the UAE organization be looking to acquire just the franchises to operate terminals—not own terminal. We have to get that out. The terminals will remain in State control. Why would they want to invest \$6.8 billion in projects throughout the world and in any way facilitate any individual or group to try an act of terror and be forced to jeopardize their own investment? We have to attribute to these people, even though they are beyond our shores, a tremendous business acumen, concern over their own security and their own interest.

Having the opportunity to meet with the Mr. Bilkey Saturday evening—he asked to see me, and I was happy to do that—I learned a great deal about the knowledge and level they have of how to put a greater security situation in the transit of these containers. Let us give them an opportunity.

I thank my friend for his remarks.

Mr. SCHUMER. Mr. President, I thank my colleague, and I certainly agree. I have talked to a good number of people in the business community and in the ports community of New York. The issue is a complicated one but one that is hardly clear-cut. But I will continue to pursue that.

I also will make just one other point; that is, the worry many of us have is not that the head of this company would be wanting to facilitate terrorism but, rather, that terrorists might too easily infiltrate such an organization. I will get to that in a little bit of time.

(The remarks of Mr. SCHUMER pertaining to the introduction of S. 2333 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. In my capacity as a Senator from Tennessee, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Democratic leader is recognized.

APPOINTING PENSION CONFEREES

Mr. REID. Mr. President, right before the recess, the distinguished majority leader and I had an exchange regarding the pension reform conference. Everyone acknowledges the conference is necessary. The pension reform bill is headed to conference. It is a very important piece of legislation that will affect the pensions of millions of working Americans. It has strong bipartisan support. It passed this Senate by a vote of 97 to 2.

This has boiled down to something that is fairly simple: Who will be the conferees? We have a right, of course, on our side to choose who we believe should be in the conference. The distinguished majority leader has the right to choose whom he wants to be in the conference. Arbitrarily, the majority leader said that conference would have seven Republicans and five Democrats. That is not acceptable. We have said that because of the complexity of this issue we need another Democrat. We are willing to maintain the margin of two where Republicans would have an advantage. But we believe it should be eight to six. Republicans would get another conferee. Democrats would get another conferee.

Now, certainly, we are eager to work on producing a conference report that

will protect the benefits working Americans have earned, provide certainty to employers who sponsor pensions, and strengthen the Pension Benefit Guaranty Corporation. I can see nothing harmful about having six Democrats instead of five. It is important to get the right people into the room when these issues are being discussed and decisions are being made. Remember, this conference will have jurisdictional aspects relating to the Finance and the HELP Committees.

When we had the corporate tax bill last year, there were 23 conferees—23 conferees. We are saying there should be, again, eight Republicans and six Democrats. Conferees on this legislation will need to resolve a number of important and very technical issues because we have different feelings than does the House. And when I say "we," I mean Democrats and Republicans, as indicated by the overwhelming vote to get it out of here.

I have confidence in the abilities of the two lead Senators on our side, Senators KENNEDY and BAUCUS. But this is one conference where the addition of a couple more sets of eyes is likely to lead to better legislation. So I would hope the majority leader would focus his attention on this issue and let the conference go forward. The only thing holding this up is whether this conference will have six Democrats or five in arriving at a bill that will be brought back to this body.

REMEMBERING THE ADMINISTRATION

Mr. REID. Mr. President, I rise to talk a little bit about this administration, the administration of George W. Bush. Unless there is a significant turnaround, this administration will not be remembered for its accomplishments. It, in fact, will be remembered for its incompetence. And this dangerous incompetence has made America less secure.

From Social Security to border security, the American people know that incompetence lies at the heart of this administration's failures. Ultimately, this incompetence has come with a price. It has made our country less safe and less secure.

We can talk about a lot of things, but this afternoon I will talk about a few. Let's talk about the prescription drug program. I support a Medicare drug benefit, but this administration has botched the program so badly that relatively no one has signed up for it. The President, in his Saturday address, said 25 million Americans have signed up for this program.

That is simply not true. Twenty of those twenty-five million, prior to this legislation passing, already had prescription drug benefits. And now, under this program, they have a lot less than they had before. So after all this talk, there are a few million new people who have signed up, and tens of millions of people are still left trying to figure out what to do and how to do it.

Of the seniors currently in the program, millions are paying more for their drugs than they were under the previous coverage. This includes thousands of seniors in Nevada who face more restrictions and higher costs. Millions more seniors were wrongly dropped from the system, leaving them without coverage for the life-saving drugs.

I had the opportunity, this morning, to meet with the Governors. They are terribly concerned because of this legislation being so poorly managed and, frankly, poorly written. The States have had to advance their hard-earned moneys to pay for the drug coverage of people who simply are cut off. They want to know when they are going to be reimbursed.

What about the President's incompetence in the war on terror?

In 2002, Osama bin Laden was trapped in the mountains of Afghanistan.

But instead of redoubling our resources to capture him, the President shifted to Saddam Hussein, and bin Laden was left to fight another day. As a result, the al-Qaida leader continues to plot and threaten us as we speak.

Meanwhile, terrorist attacks across the globe are up sharply over the last 5 years, and al-Qaida has morphed into a global terror franchise.

Government reform. What has the President done? President Bush promised to create a new tone in Washington. He has, but it hasn't been a pleasant tone. His incompetence has created the biggest culture of corruption our Nation has ever seen, with scandals in the House, the Senate, and the White House, and the country is paying a price for this corruption: higher gas prices, higher health care costs, and deficits year after year. Every Bush budget has broken a record of paying a higher deficit than the year before. But the problem is that he keeps breaking his own record.

It is difficult for me to comprehend how my friends on the other side of the aisle can allow this to go on. We were told by Alan Greenspan, when we were in the majority, that the deficit was the most important thing facing this country. So we did something about it—the Budget Deficit Reduction Act of 1993—and not a single Republican voted for it in the House or the Senate. Vice President Gore had to break the tie in the Senate. In the last 3 years of the Clinton administration, less money was being spent than we were taking in. We retired the debt by about a half trillion dollars. That certainly has not been the case during the Bush years.

Whether we like it or not, President George W. Bush will be President for the next 2½ years. We need him to govern competently. We cannot afford more of what we have seen since 2001. So today I offer three issues: The port security issue, Iraq, and Katrina—these are only three—where President Bush can work with us in order to turn his record into a record of progress and competence.

First, our ports. Now, the President said he would not allow any legislation to go forward; he would veto it. Of course, there has been a change of tone because even Michael Savage—I was in Reno and I wanted to listen to the news, and I flipped it on about 10 to 9 or 8—I don't remember the hour. Michael Savage was on. I never listen to him. I heard a lot about him, so listened. He spent that 10 minutes berating the President. Michael Savage does not very often do that. It is not only Michael Savage, but everybody in America is so upset about this port situation. Their decision to outsource our ports to Dubai shows they still don't understand the realities that exist in this world.

How in the world was the decision made to give another country control of our ports? It is not another company but another country that will be taking care of our ports. That is a state-owned company. The administration's decisionmaking process could not be more flawed. On the one hand, we have Secretary of Treasury Snow, who I am told from his CFX retirement got about \$100 million, being asked to rule on this. Part of his CFX responsibility was CFX's involvement in ports. He was the one who made the final signoff on this, not Chertoff. This was not a security issue; it was a business issue. I am sorry to say that any time in this administration when it is business versus security, business wins.

No effort was made to brief Congress, relevant States, or the port authorities. The decision seems to have ignored the truth about Dubai, one of the seven city states of the United Arab Emirates. Of course, we are told now that the United Arab Emirates wants to be a friend of the United States. Everybody knows we need more friends in the world, that is for sure. But we cannot ignore the historical connection of the United Arab Emirates to terrorism and the proliferation of terrorism. The United Arab Emirates was only one of three nations in the world to recognize the government of the Taliban, the government which allowed Osama bin Laden and al-Qaida development.

The 9/11 Commission found that UAE represented a persistent counterterrorism problem for the United States. Terrorism money has been laundered through UAE, and 11 of the hijackers flew from Dubai to the United States in preparation for the attacks.

Bin Laden's operatives are said to have used Dubai as a logistical hub after 9/11. In 2004, it was exposed that Dubai was the center of the world's largest nuclear weapons proliferation ring, as the AQ Khan network used Dubai to traffic nuclear weapons technology to the highest bidders.

Finally, according to Freedom House, a nonpartisan and highly respected organization often cited by the Bush administration, the United Arab Emirates is not free, not democratic, and has been found to engage in human

trafficking and forced child labor. So, of course, we need them to be our ally. I think they can be our ally on a range of issues, but right now we better stop and look at what we are doing.

There are significant national security considerations involved in this deal that have never been considered by the President. They must be considered in the post-9/11 world. That is what the law and our Nation's security require. After fumbling this process so badly, the President decided yesterday to accept the company's 45-day investigation of the port sale.

While this is a good first step, the administration's consistent involvement in this, which has not been positive, makes me skeptical. There is no indication that they will do better in 45 days than they did in 14.

The lesson of 9/11 is that we cannot leave any stone unturned. So I call upon this administration to take three steps concerning our ports and this sale, in particular. First, during the next 45 days, I urge the President to take a hard look at the national security implications of this arrangement. He cannot leave this decision to under secretaries and deputies. He needs to get involved and provide leadership.

Second, he needs to work with Congress to fix the review process. We need to make sure that all future sales of critical infrastructure go under an automatic 45-day review, and that the President personally signs off on deals such as this, and that Congress is kept informed throughout the process.

Finally, there is something else the President needs to do with our ports: Make a real commitment to port security. We have known for years how vulnerable our ports are. Only 5 percent of the containers coming into this country are inspected. For years, we have tried to make them more secure. Unfortunately, every time we bring a measure to the floor, it is defeated on a party-line vote. They have fought us every step of the way, going as far as eliminating grants to port security in next year's budget.

If the President is serious about protecting our ports, he will reconsider this decision and join with Democrats to do everything we can to keep our ports safe.

The President's second chance to turn incompetence into progress comes in Iraq. To be successful in Iraq, there must be victory on three fronts: the security front, the political front, and the economic or reconstruction front. Unfortunately, on all three fronts there is only incompetence by the administration right now.

On the security front, we have gone from having one Iraqi battalion capable of operating independently to zero. We have gone backward. Our troops and our generals are performing bravely, doing their job with honor every day. Unfortunately, they have been let down by our civilian leaders time and time again. The political leaders of this administration didn't have a plan

to win the peace. They sent our troops into battle without the equipment they needed. According to Paul Bremer, Provincial Governor of Iraq, in his book, this administration denied the military's request to put more troops on the ground so we could control Baghdad and Iraq's borders. We know that General Shinseki said we would need more than 200,000 troops. He was fired. We know Larry Lindsay, who was the President's chief economic adviser, said the war would cost us \$100 billion. He was fired.

The political front has been mired by similar incompetence. To achieve political victory, we need the Iraqi people to work together, but the raging violence between the Shia and Sunnis last week shows how far we are from that goal.

President Bush cannot fulfill his responsibilities simply by placing a periodic phone call to the Iraqi leadership. He needs to be personally involved. The job of bringing all the factions together has been delegated to our fine Ambassador on the ground. The Secretary of State was in the region last week, but she apparently didn't have time to stop in Iraq and impress upon the Iraqi leadership the importance of coming together to form a government.

On the reconstruction front, things are just as bleak. The Iraqi people still lack basic infrastructure. We don't know how many Iraqis are getting drinkable water. Their oil and electrical output continues to decline, and it is lower than before the war started. On reconstruction, only \$3 billion has been delivered. The money has been spent, mired in fraud, with teams of Justice Department lawyers investigating contractor fraud and crimes by Americans running this civil authority.

It is long past time for President Bush to come forward with a strategy to complete the mission in Iraq. We are losing ground on the three key fronts: economic, military, and political. The window of opportunity for the Iraqi people and this administration to get things right grows smaller every day.

If the President is serious about our security, he will identify a strategy for achieving the remaining objectives that must be met in Iraq. We will pay a real price if the incompetence continues in Iraq. As the New York Times reported Friday, leaders across the Middle East fear that violence could spread from Iraq across the entire region. The President must get a handle on Iraq and do it now.

On these three issues and other issues, we reach out to the President. We are willing to work with the President, but he must understand that it cannot be only his way; we have to work together. If we do this, we can have a better country.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. MURKOWSKI). Morning business is now closed.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2271, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Pending:

Frist amendment No. 2895, to establish the enactment date of the Act.

Frist amendment No. 2896 (to amendment No. 2895), of a perfecting nature.

PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, as we begin the debate and discussion on the USA PATRIOT Act, I urge my colleagues to invoke cloture to cut off debate tomorrow when the vote is scheduled at 2:30, and then proceed to pass the PATRIOT Act.

The PATRIOT Act was passed by the Congress and signed into law by the President shortly after September 11, 2001, to provide additional tools for law enforcement, and it was reviewed extensively by the Committee on the Judiciary, which I chair, last year; and the Judiciary Committee came out with a unanimous report, with all 18 members on the committee concurring in the final product.

We considered this a unique, if not remarkable event, considering that our Judiciary Committee has people at all positions on the political spectrum. So to have unanimous agreement was, we thought, quite an accomplishment. When the matter came to the floor of the Senate, it was passed by unanimous consent, which again was unique, if not remarkable, in that on a matter as complex and controversial as the PATRIOT Act all of the Senators were in agreement that it should be enacted.

We then went to conference with the House of Representatives and, as expected, the House had different views than what the Senate had in mind. But we worked through in a collegial way with Chairman SENSENBRENNER and others on the House side and came to a conference report which we submitted to the Senate.

We fell short of having enough votes to impose cloture when objections were reached to a number of provisions which had been included in the conference report.

There have since been some changes made in the legislation which is pend-

ing before the Senate. I compliment my colleagues, Senator SUNUNU, Senator CRAIG, Senator MURKOWSKI, who is presiding today, and Senator HAGEL, for a number of additions which led those four Republican Senators who had not voted for cloture to find the PATRIOT Act acceptable, taking the conference report and making these additions.

It is our expectation that there will be a number of Democrats, I think most of whom oppose cloture, so we have an expectation of receiving 60 votes tomorrow to be able to move the bill ahead.

The changes which were made as a result of these modifications provide for explicit judicial review of a section 215 nondisclosure order, a provision to remove from the conference report the requirement that a person inform the FBI of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to a national security letter, and an additional provision to clarify current law that libraries that have been functioning in their traditional roles, including providing Internet access, are not subject to section 2709 national security letters.

These changes were, in my opinion, not major but helpful in the sense they have satisfied a number of Senators, I think, and are very constructive and enable us to move forward, which I expect will enable us to obtain cloture.

With the revised bill which is now before the Senate for a cloture vote tomorrow, it is my hope my colleagues will cut off debate, invoke cloture, and let us move ahead to the passage of the PATRIOT Act. It is not a bill to my precise satisfaction, but in the Congress of the United States, we reach accommodations and we reach compromises. My preference would have been to have the Senate bill enacted, but there were significant concessions made on both sides, especially by the House of Representatives, in agreeing to a 4-year sunset provision.

What I intend to do tomorrow is to propose additional legislation in this field which would take the current bill with the improvements made by Senator SUNUNU and his group and add a number of additional safeguards on civil liberties which will improve the bill even further, in my opinion, and to consider that on additional legislation in the Senate.

In so doing, I fully realize we will have to go through the legislative process. We will have hearings in the Judiciary Committee. We will make this the subject of oversight on what the law enforcement officials, specifically the FBI, will be doing, and we will ultimately, hopefully, report out of the Judiciary Committee a bill with the provisions which I am now about to enumerate which will, if successful in conference and to be signed by the President into law, return the bill to its form which passed the Judiciary Committee unanimously last year and passed the Senate unanimously.

The provisions in the bill which I will introduce tomorrow—I wanted to give my colleagues notice of what I intend to do—would be a provision, first, on the notice on search warrants to require that the target receive notification of the execution of a delayed notice search warrant within 7 days as the Senate-passed PATRIOT Act provided. The conference report provides for notice within 30 days, which was a significant compromise when the House of Representatives moved from 180 days to 30 days and the Senate moved from 7 days to 30 days, but it continues to be my view that the 7-day requirement is the best requirement.

The bill will further provide that section 215 will have the Senate-passed three-part test which will require a statement of facts accompanying an application to show that the records sought, first, pertained to a foreign power or an agent of a foreign power, second, relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation, or three, pertain to an individual in contact with a suspected agent of a foreign power.

I will put in the RECORD a memo detailing the differences between the Senate bill and the House bill and the conference report.

This provision goes to the heart of strenuous objections raised by people who filibustered the bill who objected to a fourth provision which gave the judge discretion to allow for a court order if there were a terrorism investigation involved generally which did not have one of this three-part test.

My view is that the three-part test is decisively preferable, although I do think in the spirit of compromise on our bicameral legislation, having the discretion of the judge to authorize the order if he found it warranted in light of the terrorism investigation was acceptable. This is preferable, and this will be included in the new bill to be introduced.

A third change will provide for judicial review of national security letters to eliminate the conclusive presumption in the conference report on the national security letter provision. The bill removes the ability of the Government to prevent judicial review of the nondisclosure requirement if it certifies in good faith that "disclosure may endanger the national security of the United States or interfere with diplomatic relations."

This provision in the conference report was identical with what passed the Judiciary Committee unanimously and was adopted unanimously by the Senate. Those who have objected to this conclusive presumption say it was overlooked and that on further consideration they objected to it.

Upon additional analysis, it is my view this conclusive presumption is better out of the report, which gives the court the discretion to allow for the judicial review of these national security letters.

A fourth provision involves judicial review of the section 215 order non-disclosure requirement and it eliminates the mandatory 1-year waiting period for judicial review of nondisclosure requirement on 215 orders. The additions by Senator SUNUNU and his colleagues provide for a 1-year waiting period. My own view is it is preferable there not be a waiting period at all, that the court have the discretion to enter the orders immediately if it finds cause to do so.

The fifth provision of the legislation which I intend to introduce tomorrow adds a 4-year sunset to the national security letter with authorities created in the conference report so that the bill provides that on December 31, 2009, the law governing national security letters will be returned to what it was in February of the year 2006.

Here again we have a situation where the PATRIOT Act did not deal with national security letters, but this, again, is a tightening up of the bill to provide additional safeguards for civil liberties.

So what we have here, in essence, is the Senate bill which passed the committee unanimously and the Senate unanimously was then modified by a conference report which, to repeat—I don't like to do it, but it is worth a summary—I found acceptable; not as good as the Senate bill but acceptable. Then we have these three provisions added by Senator SUNUNU and his group—again giving them credit—which has made it acceptable to those four Republican Senators and I believe enough Democrats to get the 60 votes, perhaps additional votes, to be able to submit the bill to the House of Representatives for its consideration and, hopefully, ultimate passage to be signed by the President, which is an acceptable bill; again, not as good as the Senate bill but acceptable.

I want my colleagues who oppose the bill in the form submitted for cloture tomorrow to know that if the issue is not concluded, I will be introducing legislation which will bring back the original Senate bill with some additional improvements, and between now and tomorrow, we will be soliciting co-sponsors to see if others will choose to support this bill which, as I say, returns the essentials of the Senate bill with some improvements. The commitment is made in my capacity as chairman that we will proceed to have oversight hearings, that the Director of the FBI is due in on March 29. He will be questioned about these specific provisions, asked for justification for the more restrictive provisions which are in the conference report, plus the provisions by Senator SUNUNU and his colleagues, and there will be continuing oversight in the interim.

We will have hearings on the legislation which I intend to introduce tomorrow, looking toward the prospect of ultimately passing it, if it is passed by the Senate and if it is submitted to the House in conference and that turns out to be the bicameral will of the two bodies.

I do believe that where we are now with the conference report and the additions, we have an acceptable bill—not as good as it could be—and we will attempt to perfect it even more as I have outlined.

I ask unanimous consent that a copy of the legislation which I intend to introduce tomorrow be printed in the RECORD so my colleagues can see it, together with the memorandum which I described in the course of my discussion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. _____

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

SECTION 1. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking “30 days” and inserting “7 days”.

SEC. 2. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Subsection (f) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2)(A) A person receiving an order under this section may challenge the legality of that order, including any prohibition on disclosure, by filing a petition with the pool established by section 103(e)(1).

“(B) The presiding judge shall immediately assign a petition submitted under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1).

“(C)(i) Not later than 72 hours after the assignment of a petition under subparagraph (B), the assigned judge shall conduct an initial review of the petition.

“(ii) If the assigned judge determines under clause (i) that—

“(I) the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the order; or

“(II) the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established pursuant to section 103(e)(2).

“(D)(i) The assigned judge may modify or set aside the order only if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If the judge does not modify or set aside the order, the judge shall immediately affirm the order and order the recipient to comply therewith. The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this paragraph.

“(ii) If the judge denies a petition to modify or set aside a nondisclosure order, the recipient of such order shall be precluded for a period of 1 year from filing another such petition with respect to such nondisclosure order.

“(3) A petition for review of a decision to affirm, modify, or set aside an order, including any prohibition on disclosure, by the United States or any person receiving such order shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition of the United States or

any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.”.

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “If, at the time of the petition,” and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking “If the recertification that disclosure may” and all that follows through “made in bad faith.”.

SEC. 3. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

“(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii) either—

“(I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and”.

SEC. 4. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) is amended by adding at the end the following:

“(c) OTHER SUNSETS.—

“(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

“(A) Section 2709 of title 18, United States Code.

“(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v).

“(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

“(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.”.

SEC. 5. RULE OF CONSTRUCTION.

Amendments to provisions of law made by this Act are to such provisions, as amended by the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) and by the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (S. 2271, 109th Congress, 2d Session).

To: SENATOR SPECTER

From: SJC Crime Unit

Subject: Amendments to PATRIOT Act Authorities

Date: February 27, 2006

Per your request, your staff has drafted a stand alone bill that will address the most significant outstanding concerns of Senator Feingold, Senator Leahy and yourself (as well as the other proponents of the SAFE Act) regarding the PATRIOT Act Reauthorization Conference Report. The bill is based, in part, on the amendments that Senator Feingold attempted to introduce during the PATRIOT Act debates of the week of February 13, 2006. Your bill will accomplish the following:

Delayed Notice Search Warrants: Requires that the target receive notification of the execution of a delayed notice search warrant within 7 days, as did the Senate passed PATRIOT Act. The Conference Report provides for notice within 30 days as a compromise with the House, which passed an 180-day delay in its bill.

Section 215: Implements the Senate-passed "three-part test" to obtain a section 215 order. Thus, the bill will require the statement of facts accompanying an application to show that the records sought: (1) pertain to a foreign power or an agent of a foreign power; (2) are relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation, or (3) pertain to an individual in contact with a suspected agent of a foreign power. A memo detailing the differences between the Senate bill, the House bill, and the Conference Report is attached.

Judicial Review of National Security Letters: Eliminates the "conclusive presumption" in the Conference Report's NSL provision. The bill removes the ability of the government to prevent judicial review of the nondisclosure requirement if it certifies, in good faith, that "disclosure may endanger the national security of the United States or interfere with diplomatic relations."

Judicial Review of Section 215 order nondisclosure requirement: Eliminates the conclusive presumption and the mandatory one-year waiting period for judicial review of the non-disclosure requirement on 215 orders.

Sunsets on National Security Letters: Adds a four-year sunset to the National Security Letter authorities created in the Conference Report. Thus, the bill provides that on December 31, 2009, the law governing NSL's will be returned to what it was in February 2006.

Mr. SPECTER. Madam President, in the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I come to the floor to comment on the reauthorization of the PATRIOT Act and to voice my support for the PATRIOT Act.

I also want to take a few moments to compliment my colleagues, Senator SUNUNU and Senator CRAIG, for their very hard work over the course of these last few weeks making these amendments possible.

I also want to recognize Senators HAGEL, DURBIN, SALAZAR, and FEINGOLD for the bipartisan approach which we were able to take in addressing this issue.

I know the changes that were agreed to do not address all of the concerns of the Senator from Wisconsin before we went on recess, nor do they address all of my concerns. But I want to make sure that the Senator is aware of how much I appreciate his leadership on this issue.

There are a number of Members within this body who did not share our op-

position to the conference report when it was first reported out, and there are many, on the hand, who would have liked to have seen the conference report expand the powers granted to the executive branch under the PATRIOT Act. That is certainly their prerogative and their right to advocate that position. It is not a position I agree with, unless we have adequate safeguards that can be put in place to provide a reasonable level of judicial oversight.

I want to be clear on a couple of points regarding my earlier opposition to the conference report.

First, it is not my desire to repeal the PATRIOT Act in its entirety nor to allow the authorization provided in the 16 provisions we are considering to expire.

If that was my intent, if that is what I had hoped to do, it would have been a pretty simple task to object to any language coming out of the conference—to have objected to the language that unanimously passed the Senate in July. But that wasn't the case. Those of us who voiced objection to the earlier draft of the conference report just didn't say: No, we don't like it. We didn't say that. We didn't say that we opposed it entirely. We said we offered up the specific examples of changes to the conference report that we needed to see in order to support it. It was truly our desire to improve the conference report—not to kill it.

I commend the chairman of the Senate Judiciary Committee, Senator SPECTER, who was on the floor earlier, for his efforts to represent the views which we had expressed in conference. The senior Senator from Pennsylvania clearly hasn't had much time to take a breather lately, but he was a tough negotiator. He was able to squeeze some additional changes out of the conferees, most notably the shorter sunshine timeframe for section 216, roving wiretaps, and the lone-wolf provision.

Unfortunately, the House and the administration refused to consider our other concerns.

There have been some who have asked me: You got the sunset provisions. Wasn't that the primary issue? Why the continued opposition?

For some, the sunset provisions were the primary issue. But that was not necessarily the case for our group, and that was not necessarily my primary concern.

When we introduced the SAFE Act last April—that is the legislation which was sponsored by Senators CRAIG and DURBIN and cosponsored by many of us—the SAFE Act did not contain any sunsets. We were prepared to make permanent each of the 16 provisions in question today.

What we were seeking, instead, was language that would create a level of judicial review and public disclosure that would head off any potential abuse and unnecessary infringement on individual freedoms.

Now, it has been said by some that those seeking changes to the PATRIOT

Act have not been able to point to any case of abuse to support their cause. And that may be the case. But do we have to wait for that abuse to happen? I would prefer we put safeguards in place now, not afterwards, safeguards that continue to allow our law enforcement and intelligence officers to obtain the information they need for the security of our Nation.

Now, in particular, I was, and I remain, concerned about the presumed relevance standard under a section 215 order. With the increased power under the PATRIOT Act to obtain "any tangible item" from any entity, it would also seem appropriate that the government have a greater responsibility to demonstrate its rationale for seeking those terms. While the conference report improves upon the current statute by requiring in most cases some connection or contact with a foreign power or an agent of a foreign power, I am concerned the presumed relevance language significantly diminishes the judicial oversight the Senate-passed bill provided.

While I remain concerned about this standard, I am pleased that what has been agreed to is the explicit judicial review of a section 215 gag order—a right that previously was not clearly available to recipients. Now, this does not address all of my section 215 concerns. I do have more. But it does remain an improvement over the conference report and over current law.

I was also pleased that language was agreed to that permits a national security letter to be served on a library only if that library is acting as a wire or electronic communications service provider. I have noticed some have been critical of the language that is included in this amendments act, saying: Well, you still have the ability to go after the libraries. But, again, I will stress, it permits a national security letter to be served on a library only if that library is acting as a wire or electronic communications service provider. So the fact they may happen to offer their library patrons the use of the Internet does not make them a wire or electronic communications service provider. This language that is incorporated in the amendments act was part of legislation I had introduced in 2003 in an effort to modify the PATRIOT Act. I believe it is an important protection for our Nation's libraries.

I know this is not the last debate we will have on the PATRIOT Act, nor is it likely the last piece of legislation we will consider on the subject. Some of the provisions we see—the continued sunset provisions for section 215, the roving wiretaps, and the lone wolf provision—assure us of that. But earlier, about a half an hour ago, on the floor, the chairman of the Judiciary Committee came to the floor and spoke of legislation he will be introducing tomorrow.

As I was listening to the chairman—and I obviously have not looked at the legislation as of yet, but I understand

from his comments it is essentially his purpose with this legislation to go back to the language we had in that legislation that passed unanimously out of the Senate Judiciary Committee and passed unanimously out of this body—provisions he has detailed as they relate to search warrants, the strengthening of section 215, a 4-year sunset on NSLs, and NSL judicial review. So I will anxiously await the opportunity to review that legislation Chairman SPECTER has indicated just this afternoon will be available to us.

I am encouraged, once again, we will be able to look at those areas where I and others have been very concerned that we have not provided adequately for that balance between providing our law enforcement the tools they need while, at the same time, maintaining the individual liberties we as Americans expect and certainly deserve. So, as I indicated, I look forward to reviewing that legislation.

But the legislation we are considering today—the conference report—I believe has made improvements on the original product of the PATRIOT Act, and so with passage of the additional protections, it is my intention to vote for cloture on the PATRIOT Act reauthorization bill.

Mr. LEAHY. Mr. President, the Republican leadership has made a mistake and is abusing its power by choking off debate on this important bill. Regrettably the majority leader has chosen to prevent any effort to offer amendments to the bill and has effectively stifled open debate. While I voted to proceed to consideration of the bill, I do not condone the Republican leadership's current abuse.

I have filed an amendment that would improve the bill by correcting one of the most egregious “police state” provisions regarding gag orders. The Bush-Cheney administration used the last round of discussions with Republican Senators to make the gag order provisions worse, in my view, by forbidding any court challenge for 1 year. The conference report places no similar restriction on recipients of national security letters, and there is no justification for its inclusion here.

In addition, the bill continues and cements into law procedures that, in my view, unfairly determine legitimate challenges to gag orders. It allows the Government to ensure itself of victory by certifying that, in its view, disclosure “may” endanger national security or “may” interfere with diplomatic relations. Unless the Government is acting in bad faith, the court must accept the certification as conclusive and must rule in favor of the Government.

This is the type of provision to which I have never agreed. The conference report uses identical language in connection with NSL gag orders, and I resisted it in that context. I agreed with Senator SUNUNU, who said in December that it would prevent meaningful judicial review because NSL recipients would never be able to show bad faith

on the part of the Federal Government. Senator SPECTER has also been critical of this provision.

My amendment would have corrected these unnecessary excesses. It struck both the 1-year waiting period for challenging a gag order and the “conclusive presumption” in favor of the Government. These changes are simple but they are essential if we are to avoid creating rigged procedures where the Government always wins, regardless of the merits.

By its abuse of the rules, the Republican leadership is preventing any opportunity to correct these matters. That is wrong. The Senate may have accepted or rejected my effort to remove this un-American restraint on meaningful judicial review of gag orders, but I should have had the opportunity to offer it.

In the weeks following 9/11, some of us worked hard in cooperation with the Bush-Cheney administration on what came to be the USA PATRIOT Act. I remind the current Republican leadership that even then, in those extraordinary times, we allowed Senators to offer amendments. We took difficult votes. I would have liked to have supported some of those amendments but, in my role as the chair of the Judiciary Committee, I felt that I could not at that time. But I did not and the majority leader, Senator DASCHLE, did not fill the amendment “tree” with sham amendments. Instead, we worked out an agreement to proceed with amendments and votes on those amendments.

In 2001, I fought for time to provide some balance to Attorney General Ashcroft's demands that the Bush-Cheney administration's antiterrorism bill be enacted in a week. We worked hard for 6 weeks to make that bill better and were able to include the sunset provisions that contributed to reconsideration of several provisions over the last several months. Last year I worked with Chairman SPECTER and all the members of the Judiciary Committee and the Senate to pass a reauthorization bill in July. As we proceeded in House-Senate conference on the measure, the Bush-Cheney administration and congressional Republicans locked Democratic conferees out of their deliberations and wrote the final bill. That was wrong.

Last December, working with a bipartisan group of Senators, we were able to urge reconsideration of that final bill. Senators SUNUNU and CRAIG were able to use that opportunity to make some improvements. I commend them for what they were able to achieve and hope that my support for their efforts has been helpful. I wish that along the way the Bush-Cheney administration had shown interest in working together to get to the best law we could for the American people.

Since the House-Senate conference was hijacked, I have tried to get this measure back on the right track. We have been able to achieve some improvements. I regret that this bill is

not better and that the intransigence of the Bush-Cheney administration has prevented a better balance and better protections for the American people. Just as I worked for an opportunity for Senator SUNUNU to seek improvements to the conference report, I will now vote against these unfair efforts to forestall any amendments to this measure. I remain committed to working to provide the tools that we need to protect the American people. That includes working to provide the oversight and checks needed on the uses of Government power and to improve the reauthorization of the PATRIOT Act.

In light of the abuse being perpetrated by the Republican leadership, I will vote against their stifling of meaningful debate and their obstruction of efforts to improve the bill, the conference report and the PATRIOT Act. I will vote against cloture on the bill without any opportunity to offer amendments. I urge the Republican leadership to reconsider its actions and allow a few amendments to be offered to the bill so that we can seek to improve it before final passage by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

BLACK HISTORY MONTH

Mr. DURBIN. Today, I would like to take the opportunity to honor the contributions of African Americans, particularly since this year marks the 80th anniversary of historian and scholar Carter G. Woodson's launch of Negro History Week in 1926. Since then, the contributions of African Americans to American history have been recognized and celebrated, and February has been designated “Black History Month.”

I especially want to pay tribute to Mrs. Rosa Parks and Mrs. Coretta Scott King, the mother and the first lady, respectively, of the modern civil rights movement, who inspired ordinary African Americans to demand equal rights as American citizens. Their recent deaths remind us, during this month in particular, to take the time to reflect on the vital heritage and important contributions of African Americans.

This year also marks what would have been Dr. Martin Luther King, Jr.'s 77th birthday, and it is important that we continue to honor the values of faith, compassion, courage, truth, and justice that guided his dream for America. We have made great progress, especially in the area of racial justice, but we still haven't reached the Promised Land. If he were alive today, what would Dr. King, leader of the civil rights movement and the Poor People's Campaign, say about the fact that one in five American children are living in poverty today? What would he say about the fact that here, in the wealthiest Nation on Earth, 45 million people have no health insurance and millions more are underinsured?

What would Asa Philip Randolph, the labor leader who organized the Pullman car porters and fought against discrimination and segregation in the Armed Forces, say about the growing income inequality in America and the fact that corporate profits have increased 50 percent in the last 5 years—but low wage workers haven't had a raise in 7 years because the Congress of the United States refuses to raise the minimum wage? A parent who works 40 hours a week, 52 weeks a year for minimum wage today doesn't even earn enough to lift herself and her child out of poverty. Would Asa Randolph call that progress? Would he call that justice?

What would Fannie Lou Hamer, a civil rights activist who fought for low-income housing, school desegregation, and daycare, have said if she had seen the pictures of people stranded on rooftops in New Orleans and left homeless by Katrina in Biloxi, Pearl River, and so many other communities throughout the gulf coast? I suspect she would ask the same questions we all asked: How could this happen in America? In 2005?

This year, America lost Rosa Parks, the mother of the civil rights movement. Many others of those who marched and worked with her have passed on as well. How do those of us who believe in their dream keep it alive? We keep it alive by continuing the fight begun by them and by remembering and acting on what Dr. King said: America has no second- or third-class citizens. We should all have an equal voice, and an equal chance to succeed.

Yes, we have made progress in some areas. I think Charles Hamilton Houston, civil rights attorney who as a faculty member at Howard University prepared Thurgood Marshall to argue cases against discrimination, would be pleased to see my colleague from Illinois—the son of a Kenyan father and Kansan mother—serving in the U.S. Senate. I think he would have smiled in sad approval as he saw Rosa Parks lay in honor in the rotunda of the U.S. Capitol—one of the highest honors we can accord a person and one she so rightly deserved. I think Mr. Houston would be pleased that at least one of

the murderers of James Chaney, Michael Schwerner, and Andrew Goodman has finally been convicted of that horrible deed. Dr. King would also approve of the fact that the U.S. Senate finally, finally last year, condemned lynching.

I think another civil rights leader, John Jones, the first African American to hold elective office in Illinois, would also approve of the fact that 81 percent of African Americans aged 25 and older had at least a high school diploma, an increase from less than 1 in 5 in the 1950s. Today, African Americans own 1.2 million businesses that generate \$69.8 billion or about \$735,586 per firm. Mr. Jones would also be proud to hear that 60 percent of African Americans age 18 and older voted in the 2004 Presidential election, which equaled 14 million voters.

Yes, African Americans have made great achievements, but Dr. King would also remind us that we have further to go. One example is Georgia's new voter-identification law, which was approved over the objections of noncareer lawyers at the Department of Justice who warned that the plan would unfairly disenfranchise minority voters. Therefore, in the spirit of Dr. King's message of equality and racial justice, we need to reauthorize and strengthen the Voting Rights Act—with all of its sections—this year.

Throughout the 1950s and 1960s, those in the civil rights movement worked to secure basic civil rights and voting rights in statute. The cost for those in the movement was high: church burnings, bombings, shootings, and beatings. I walked in those same footsteps during my recent pilgrimage with U.S. Representative John Lewis to Selma and Montgomery, AL. It is important that we recognize the contributions of these extraordinary people because the legacy they left behind is an expression of important American values—equality, nondiscrimination, fairness, and ensuring the full participation of everyone in our society. Therefore, I celebrate this month with pride and reflection, knowing that although we have come a long way, we still have a great distance to go in order to fulfill our Nation's ideals of equality and equal opportunity.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, I have sought recognition to report on a trip I made to Europe and the Mideast during the holiday recess, December 22 to December 31, 2005. The trip included stops in Brussels, Belgium; Tallinn, Estonia; Amman, Jordan; Baghdad, Iraq; Tel Aviv, Israel and Frankfurt, Germany.

This trip enabled me to learn about the important transformations countries in Eastern and Western Europe are making as we enter the 20th century and away from the Cold War era. Additionally, my travels through the Mideast provided me tremendous insight into the evolving political structure of the region as well as the United States' progress on the war on terror.

Prior to my departure many interesting and significant events occurred which helped shape the focus of my travels including: the eventual extension of the PATRIOT Act, the successful elections in Iraq, the New York Times disclosure of domestic eavesdropping and the tight fiscal budget constraints placed on the Fiscal Year 2006 appropriations process. The broader implications of these events were issues which I frequently encountered in my travels.

The first full day of my trip, December 23, 2005, began in Brussels, Belgium where I met with a number of members of two of the three U.S. Missions in Belgium: the U.S. Mission to the European Union, and officials from the U.S. Embassy in Belgium. The briefing was provided by: Will Imbrie, DCM; Ted Andrews, POL; Mike McKinley, Deputy Head of the U.S. Mission to the E.U.; Lee Litzenberger, Political Minister Counselor—U.S. Mission to the E.U.; and Dale Bendler, Special Adviser to the Ambassador. The discussions focused on a number of issues including the war on terror, war crimes, NATO and perceptions of President Bush by Belgians. Ambassador Korologus's staff briefed me on his efforts to build a strong transatlantic relationship between the United States, the European Union, Belgium and NATO. I found it interesting that Belgium is the 14th largest trade partner of the United States and that the country is making a substantial contribution to the war on terror financially. I support Ambassador Korologus's efforts and look forward to working with him and his staff in the future.

Mike McKinley informed me that Belgians are unhappy with the war in Iraq and that they see a difference with the war waged in Afghanistan. It is perceived that the United Nations support of the war in Afghanistan, as opposed to Iraq, is the reason the country has sent troops to Afghanistan as well as the horrendous acts of terrorism on 9/11. Mr. McKinley also informed me that the European countries, through the EU, will make significant contributions to the rebuilding of Afghanistan—5 billion euros over a 5-year period. Mr. Imbrie stated that the perception of President Bush in Belgium has improved not as a result of his most recent speeches, but because of the clear success of elections in Iraq.

Mr. McKinley also briefed me on the strong relationship the European Union has with the North Atlantic Treaty Organization, with 19 members of the E.U. also a part of the 25 nations in NATO. Mr. Imbrie discussed the transformation which is being attempted with NATO, forcing its member countries to acknowledge that a threat within the NATO states is less likely than the threat of terrorism which exists from outside. The transformation also asks countries to be postured in such a way that deployment of support is quick and efficient. Mr. McKinley stated his strong belief

that NATO is producing positive results and is essential as a vehicle available to deploy resources throughout the region and the world.

A particular issue discussed relevant to my work on the Judiciary Committee is that of a law recently changed in Belgium which enabled the prosecution of war crimes committed anywhere in the world, at any time. The law has been reformed now to state that the person bringing the charge must be the offended individual and reside in Belgium. He cited two recent examples of the law's successful implementation.

Of particular interest to me were Mr. Bendler's descriptions of the exchange of information between Belgian officials and the U.S. He cited a recent case where a Belgian citizen suspected of being a potential terrorist was tracked and later lost, only to be found again in Iraq. The individual's intention was to be a suicide bomber and to harm U.S. forces. With the help of the information provided by Belgians, U.S. forces were able to prevent any loss of life to U.S. troops. I believe this type of cooperation between nations is an important step forward in the war on terror.

On December 24, 2005, I headed to Tallinn, Estonia, my first trip to the Baltic country. I was met by Jeff Goldstein, the Deputy Chief of the Mission, and was briefed on the country's history and its future. Estonia is a small country of approximately 1.4 million people, with nearly 400,000 individuals living in Tallinn. Tallinn is a beautiful city with much to offer both culturally and economically. Mr. Goldstein addressed a number of significant issues including the country's declining birthrate, its high tech economy, its AIDS epidemic, and the ability of its residents to receive free schooling in European Union countries.

The issue of a declining birthrate in Estonia is one of tremendous importance. With a country of only 1.4 million people, the decline is being felt and the country is forced with the prospect of having to close some of its schools. To address this problem the Estonian government is seeking an aggressive strategy to reverse this decline. Specifically, the government is offering parents 15 months of paid maternity leave—a rate not to exceed three times the national average salary. Additionally, the employer is required to hold the mother's position open for up to three years. This aggressive strategy is expected to result in nearly 300 more births from last year's total.

While in Estonia, I was fortunate to examine the country's rich cultural heritage. On December 25, 2005, I was provided a guided walking tour of Tallinn by a local guide, Stanislav Lomunov. This nearly 2-hour tour included a stop in the Alexander Nevsky Russian Orthodox Church. Following the tour, I met with Rabbi E. Shmuel Kot, the Chief Rabbi of Estonia, and

participated in the Jewish communities lighting of the first Chanukah candle. This ceremony was followed by a tour of the local Jewish Community Center and site of a new temple already under construction. I later spent the evening with the Rabbi and his family, including four beautiful children, for a candle lighting ceremony at his home accompanied with potato latkes made by his wife.

One of the most interesting aspects of Estonia is its economy. Mr. Goldstein explained to me that the economy is very focused on the high-tech sector and is one of the original producers of software allowing consumers to make phone calls over the internet, Kazza and internet gambling. The country has a tremendous tourism industry with nearly 3,000 hotel rooms to be built by 2007. Additionally, the country serves as an exit port for much of Russia's oil. What I found most interesting is the country's implementation of a 22 percent flat tax since 1996.

I departed from Estonia for Jordan on December 26, 2005, arriving nearly 1 hour late due to snow in Estonia. I was met at the airport by U.S. Ambassador David Hale and immediately proceeded to a meeting with King Abdullah at his private residence. Ambassador Hale described Jordan's reaction to the recent bombings of hotels in the country, stating the Nation had never been more unified and that the terrorist attacks caused the country to review its security measures and civil liberties. The increased security was visible with armed guards and roadblocks at hotels throughout the city.

During my meeting with King Abdullah, the focus of our discussions was on the future of Iraq and terrorism. The King expressed to me the need for the Iraqi government to be moderate and not extremist. He believes a moderate government will provide the Iraqi people something to build upon and help provide a stable country.

Regarding Iran's progress towards acquiring nuclear capabilities, the King expressed the view that the international community as a whole needs develop a plan to address the issue.

I brought up the recent Judiciary Hearing I held to examine Saudi Arabia's promotion of radical Islam. The King said that the difference comes down to ideology and the he is trying to stamp out fear. The Saudi government is not addressing the issue of ideology, and an interpretation of the Koran, that promotes the use violence. It was encouraging to learn, though, that the Saudi government is beginning to base its educational model on that of Jordan's. He stated another way to promote reform is to hold the Saudis to task and require transparency in their actions.

Immediately following my meeting with the King, I proceeded to the office of Jordan's Prime Minister Maruf al-BAKHIT, who served in Jordanian Army for 35 years and is former Jor-

danian National Security Advisor. We began our discussion with the topic of Iraq. The Prime Minister believes that it would be disastrous for Iraq if the U.S. were to pull out. He is hopeful that soon the Iraqi forces will be able to defend themselves. The elections went well in his opinion and hopefully this is a positive sign that the process is moving forward.

We discussed Jordan's judicial system. He explained to me that the country's judicial system has moved away from military courts to a civil court system with one mixed civil/military court. The system is not a jury system but a inquisitorial system where the judge may call any consultant he/she desires. Judges go through a 2-year training program before they are selected to preside over a court. Currently, the country is continuing a plan to upgrade the courts and expedite its cases. The Prime Minister believes that good progress has been made in the last 2-3 years of this plan which includes new technology.

The following morning, Tuesday, December 27, I flew into Iraq. After a 2-hour flight on a C-130 and a 10 minute flight on a helicopter, including 35 pounds of body armor and a helmet, I arrived in Baghdad. I immediately proceeded to a meeting with MG Tim Donovan, chief of staff, Multinational Force-Iraq. General Donovan explained that U.S. forces in Iraq had significantly hindered al-Qaida and other insurgents ability to operate in Iraq. Additionally, he described the hope that in 2006 the United States will serve a more supporting role than it currently does. I asked him what the U.S.'s role will be as the Iraqi security force continues to increase. General Donovan explained to me that the U.S. should serve a reduced role as Iraqi security forces increase and that they are currently working on more U.S. reductions.

The general assesses the future of Iraq's democracy as developing and expressed his view that Iraqis need to move beyond cultural divides. He emphasized that the country needs to develop a middle class to make democracy succeed.

I inquired about the status of Iraq's oil industry. He explained that the industry is old and so is its infrastructure. Currently, they are able to export 3 million barrels a day. But in order for them to expand upon their capacity there will need to be an investment in technology and infrastructure.

Following my meeting with General Donovan, I proceeded to have lunch with Brenda Zollinger, a Horsham, PA native. She described to me her work in the Army over the last 8 years. What I took away most from our conversation is her belief that the military is doing a good job taking care of our troops.

After lunch I met with officials involved in the Department of Justice's Regime Crime Liaison's Office, RCLO; Mr. Kevin Dooley, CAPT Stephen

Burris, USN, and Mr. Eric Blinderman. The RCLO was created by a National Security Presidential Directive in 2004, and serves to assist the Iraqi High Tribunal and to provide security and support for the Tribunal. In the briefing I learned that the judicial system is an inquisitorial system based on a five-judge panel which needs a simple majority to adjudicate. Additionally, the court has no burden of proof beyond a reasonable doubt.

I expressed the view that Saddam has committed so many atrocities that the trial should be very simple if the evidence was put forward in an organized and methodical way. This can not be done with Saddam controlling the microphone to make speeches. I think it is a shame that the trial could not have been held sooner.

Mr. Dooley and Captain Burris accompanied me to the courthouse and provided me a tour of both Saddam's cell and the courtroom. I also viewed the security control room where all actions of the courthouse are monitored.

Following the tour, I proceeded to meet with members of Saddam's trial including: the Presiding Judge Rizgar, the Chief Prosecutor Jafaar and the Chief Investigating Judge Ra-id.

I asked Presiding Judge Rizgar how Saddam could be controlled. He gave me the answer that a doctor deals with the patient, not the individual illness. He elaborated by stating that it is the job of every judge to respect all parties in a case. Additionally, he voiced his opinion that Iraq is on the doorstep of a new life and a careful image of its judicial system must be projected. With respect, I stated my concern to the Presiding Judge that Saddam is a vicious, evil man and that is not coming out in the trial. The Judge explained that he is following Iraqi law and judicial procedures. He explained to me that the court would decide Saddam's fate and that more testimony needed to be heard.

The chief prosecutor explained to me his work on the case, stating the prosecution of Saddam will be long and detailed. He believes that documents and evidence provided to the court and the judges should be given to the public for all to see.

I proceeded from the courthouse back to the U.S. Headquarters for a meeting with LTG Martin Dempsey, Commander, Multinational Security Training Corps—Iraq. Much of what we discussed was of a classified matter, however I can share information about the goals of the Multinational Security Training Corps. First, they are working to build and sustain the Ministries of Interior and Defense's institutional capabilities. Additionally, they are working to generate capable forces and develop those forces in a professional manner. Finally, they are working on the transition and transformation of multinational units to Iraqi security forces.

Lieutenant General Dempsey stressed to me the need for Iraqis to

demonstrate strong leadership because it is that leadership that will be the key enabler to develop the security ministries. Currently, there are 223,000 Iraqis in their security services, 75,000 of which serve as police officers in Iraq. The U.S. is currently assisting Iraq in producing 3,500 qualified police officers a month. As of March 14, 2005, 3 out of the 45 Iraqi battalions were leading the efforts to secure their nation. Presently, there are 45 of the 100 Iraqi battalions leading the efforts to secure their nation. This is a tremendous increase in only a 9-month period.

Lieutenant General Dempsey echoed the remarks of Major General Donovan in stating the Iraqis must achieve government unity by setting aside their cultural differences and uniting as a country.

Before leaving Iraq, I met with the following U.S. Embassy Officials; David Litt, Major General Harris, James Yellin, RADM Scott Van Buskirk, Tom Delare, John Smith, Michael Oreste, Don Allegro, Don Brady, Minnie Wright, Captain Stephen Burris, Kevin Dooley, Liz Colton and Eric Blinderman to discuss Iraq's future and how the Embassy was helping to create a more stable society. It was stated that the odds are good for achieving a collective party in the Iraq elections. I was informed that there are many criminal cases waiting for investigation and prosecution in the judicial system. However, the detention facilities are not adequate and the police do not have enough room for the criminals. On the economic front, the U.S. is working to set the stage for the International Monetary Fund agreement and is working to create a system which prevents corruption. The consensus view seems to be that success of an Iraqi nation depends on the strength of the Iraqis themselves.

The flight out of Iraq was identical to the flight in with the significant exception that the C-130 taking me back to Amman was once stationed at Willow Grove Air Base and was named the Spirit of Philadelphia.

I arrived in Tel Aviv, Israel on December 28, 2005. My first meeting was with Peter Vrollman, Gene Cretz, William Weinstein, Peter Hussee, Jim Beaver, and William Clark of the U.S. Embassy. The discussion began with an analysis of the state of play in Israeli politics. It is expected that Sharon, whose health does not seem to be a major concern, will win the March elections and work in some form of coalition government with the Labor party. With respect to Hamas, it is thought there is a possibility that it could win nearly 3 percent or even outright in the Palestinian elections creating complicated policy questions for Israel. Hamas is described as a sophisticated, strategic and organized while Fattah is in some disarray nor do they have the resources necessary to get votes on certain demographics. One of the reasons that Hamas is doing so well in these elections is their municipality

leaders are well respected members of the community and have done good work for those communities. If Hamas does win and Israel is forced to deal with them there are actions that can hinder Hamas economically such as revenue collected by Israel at the customs boarder which is provided to the Palestinian Authority.

It appears that the economy is improving in Israel and this may be a result of the decline in terrorist events.

I met with Ehud Barak later that afternoon; I was honored to see a copy of my book, "Passion for Truth" on his bookshelf. Barak told me that Ariel Sharon has changed the political map of Israel in a positive way for Israelis and his decisions are slowly moving Israel in the right direction. Barak described the political landscape in Israel like musical chairs, you can defeat people but everyone is still around, they do not go away. Barak asked me about the situation in the United States, particularly about NSA's wiretapping. I explained to him that the Judiciary Committee plans to hold hearings on the issue. He also asked me about the visit to Iraq the day before and my outlook for the country. I explained to him that there are a number of highly qualified men and women working there and that I am hopeful 2006 will be a year the Iraqi's take on more responsibility.

Continuing our discussion on Iraq, Barak conveyed to me his opinion that the United States should stay the course in Iraq, and not to would cause devastating consequences not only for Iraq, but also for the Middle East and the World. He did state the view that the President must continue to project a positive image because a compromised image can create problems itself. Additionally, the U.S. must focus on training Iraq security services and reducing the visibility of its own units.

Immediately following my meeting with Barak I proceeded to meet with Shimon Peres. Accompanying Peres was his friend Rishon Lezion Mayor Meir Nitzan, who was there to describe the ever changing dynamic of Israeli politics.

I asked Peres about the new party Kadima and he explained to me that the new party would be the largest party and would control the government. He went on to describe Israel's changing political dynamic by the demise of the right wing, an extremist wing. Additionally, he described the Labor party's belief that the economy is writing policy. But to him, a modern economy needs to be open to social change and not be driven by economic factors.

We went on to discuss the Palestinian Authority and he said if Hamas were to win it would be a wasted victory because Hamas is a religious based group and therefore there is no room to compromise.

Peres also believes President Bush's decision to go to war in Iraq was the

right thing to do and that the President was the victim of an intelligence mistake. This marks the third leader to support President Bush's decision to seek a regime change in Iraq. He added that Saddam accepted the U.N. resolutions following the first Gulf War but chose to ignore them.

Before the meeting ended I asked Peres if he was really smiling in the picture where he is shaking hands with Yasser Arafat. He recalled the moment and stated that without Arafat there would have been no agreement but with Arafat the agreement would never be fulfilled.

After an overnight rest stop in Frankfurt, Germany, we returned to the United States.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. JOHN BACHMAN

• Mr. GRAHAM. Mr. President, I rise today to commemorate Newberry College and its founder, Dr. John Bachman, on the occasion of the school's 150th anniversary. Since its establishment in 1856, Newberry College has become one of South Carolina's leading institutes of higher education. I am proud to recognize Newberry and honor Dr. Bachman.

Dr. Bachman originally came to South Carolina from New York in 1815. Settling in Charleston, he became pastor of St. John's Lutheran Church, where he served faithfully and honorably for 56 years. Dr. Bachman quickly became a pillar of the Charleston community. He baptized hundreds of locals into membership at St. John's during his tenure and is even known to have educated slaves as well as freemen of African descent. He helped found and served twice as president of the South Carolina Lutheran Synod from 1824 to 1833 and again from 1839 to 1840. As Synod president, Dr. Bachman took action that led to establishment in 1831 of a school to train Lutheran ministers, now known as the Lutheran Theological Southern Seminary of Columbia, SC.

A seminal and active member of the "Circle of Naturalists," Dr. Bachman had a keen interest in the natural history of South Carolina's Lowcountry. He is known to have discovered or described many birds and mammals previously unknown to science and frequently published letters and short articles about his natural history observations in local and regional publications including the South Carolina Medical Journal.

In December 1856, Dr. Bachman helped found Newberry College as a Lutheran-based liberal arts institution north of Columbia at Newberry. Dr. Bachman served as first president of the Newberry College Board of Trustees beginning in January 1857. During his tenure, he took many actions to assure the high quality of secular and religious education that has existed for 150 years.

Dr. Bachman was a true academic, devoted to his church and to God, to science and natural history, to his community and country, and to secular and religious education. He died at the age of 84 in February 1874, but Dr. Bachman's legacy is alive and well at Newberry College. On April 20, 2006, the Newberry Alumni Association will begin the school's Sesquicentennial Celebration with a major 4-day symposium entitled "Nature, God, and Social Reform in the Old South: The Life and Work of the Rev. John Bachman."

It is with great respect that I commemorate the life's work of Dr. John Bachman and recognize the rich history he inaugurated at Newberry College.●

TRIBUTE TO ERIC NAMESNIK

• Mr. LEVIN. Mr. President, I, along with my colleague Senator STABENOW, would like to take this opportunity to bring our colleagues' attention to a tragic event that took place last month in Pittsfield Township, MI. On January 11, 2006, Eric Namesnik, a two-time Olympic silver medalist and University of Michigan swimming standout, died from injuries sustained during a traffic accident on January 7. Eric was best known in the swimming community for his discipline, toughness, tremendous dedication, and many accomplishments, most notably in the 1992 and 1996 Olympic Games. During his career, Eric broke the American 400-meter Individual medley, IM, record four times. Eric, affectionately known by many as "Snik," was remembered by his family, friends and the community in a celebration of his life at Canham Natatorium at the University of Michigan on January 17.

Eric was born in Butler, PA, on August 7, 1970, and enrolled at the University of Michigan in 1988. As a Wolverine, Snik helped lead the men's swim team to four straight Big Ten Championships and enjoyed the distinction of finishing in the top six nationally during all 4 of his years at Michigan. In 1991 and 1993, Eric earned the No. 1 world ranking in the 400-meter IM. Eric won silver in the 400-meter IM in the 1992 Olympics in Barcelona and in the 1996 Olympics in Atlanta. Eric also won two silver medals at the 1991 world championships and a bronze medal at the 1994 world championships.

To give you a sense of Eric as a person, Chuck Wielgus, executive director of USA Swimming, offered these words. "The loss of Eric Namesnik is shocking for the entire swimming community. Snik represented everything great about the Olympic movement. His work ethic, toughness and dedication were the embodiment of an Olympian, and they made him one of the most admired competitors the sport of swimming has seen." His long-time coach at Michigan, Jon Urbanchek, said of Eric, "What he did for Michigan is immeasurable. It's not just how fast he swam,

but the good person he was, the character. He had his life in perspective and knew that his family was at the center of his life. Eric was an unbelievable human being."

After Eric's competitive swimming career ended, he accepted a position as an assistant swim coach at the University of Michigan. From 1997 to 2004, he helped coach 11 Olympians, and the Wolverines won three Big Ten titles. After coaching at Michigan for 7 years, Eric became the head coach of the Wolverine Aquatics Swim Club in Ann Arbor and an assistant men's swimming coach at Eastern Michigan University.

Eric's love for swimming was evidenced not only by his many accomplishments throughout his long and distinguished career in the pool, but also by his efforts to help shape the lives of many young people learning the sport. At Wolverine Aquatics, Eric served as an inspirational role model for hundreds of up-and-coming swimmers. Today, his swimmers are wearing blue wristbands inscribed "Swim 4 Snik" in his honor and swim caps with the words "Snik" and one of Eric's mantras: "D3," which stands for desire, determination and dedication.

In keeping with the kind of person Eric was, his last act was to give life to others through the gift of organ donation. He is survived by his wife Kirsten, their two young children, Austin and Madison, his mother and father, Kay and John, and his sister Leesa. Mr. President, Eric Namesnik's medals may have been silver but his heart was pure gold. He will be deeply missed.●

HONORING THE MEMORY OF CURT GOWDY

• Mr. THOMAS. Mr. President, I rise today to pay tribute to the life and memory of Curtis Edward Gowdy. Sadly, Curt passed away on February 20, at the age of 86.

Curt was born on July 31, 1919, in Green River, WY. Curt's passion for sports began early in life. He grew up in Laramie, WY, hunting and fishing in some of America's most beautiful country. When Curt began playing basketball in high school, he became Wyoming's leading high school scorer, standing only 5 feet 9 inches tall. After high school graduation, Curt enrolled at the University of Wyoming, where he played as a forward on the Cowboy basketball team, earning three varsity letters. He also lettered three times in tennis before graduating from the University in 1942 with a degree in business statistics.

With college behind him, Curt joined the Army Air Forces to serve his country as a fighter pilot in World War II. However, a ruptured disk from an earlier sports injury disqualified him from service, and he was medically discharged. While recuperating from a spinal operation in Cheyenne, a radio station asked him to announce for the eastern Wyoming high school football

championship game in November of 1943. And so began the career of one of the greatest play-by-play sports announcers our country has ever known.

Soon after covering the Wyoming high school football championship, Curt was hired by a CBS radio affiliate in Oklahoma City to call University of Oklahoma football games. In 1949, he joined Mel Allen to broadcast New York Yankee games, and 2 years later, he became the No. 1 broadcaster for the Boston Red Sox. He remained the radio voice of the Red Sox for 15 years. As Dick Vitale stated, "Gowdy had a love affair with the microphone and his fans had a love affair with him." During this time, Curt also began television broadcasting, covering college and American Football League games in addition to baseball.

When NBC picked up the AFL games in 1966, Curt Gowdy became the leading personality of NBC Sports. He covered World Series, Super Bowls, NCAA final four championships, Olympic Games and somehow found time for his "Game of the Week" broadcast. Curt also remained the host and producer of ABC's "The American Sportsman" for nearly 20 years.

In later years, Curt was the host and producer of the public television series, "The Way It Was," reminiscing of great games with a panel of players who had participated in them. Gowdy also provided historic commentary for the HBO Sports program "Inside the NFL." In 2003, Gowdy returned to Fenway Park to call a Red Sox game against the Yankees as part of an ESPN promotion that brought back great broadcasters. He also coauthored two books, "Cowboy at the Mike" and "Seasons to Remember: The Way It Was in American Sports."

For his outstanding work, Curt was recognized in many ways. In 1970, he was the first sportscaster to be awarded the Peabody Award for Outstanding Journalistic Achievement. He was named the National Sportscaster of the Year seven times, and he received several Emmy awards for his work in television, including a lifetime achievement Emmy in 1992.

Curt was also inducted into numerous sports halls of fame. These include the broadcast wing of the Baseball Hall of Fame, the Sports Writers and Broadcasters Hall of Fame, the Oklahoma Sports Hall of Fame, the American Sportscasters Hall of Fame, the International Fishing Hall of Fame, the Rose Bowl Hall of Fame, the Boston Red Sox Hall of Fame, the Wyoming Sports Hall of Fame, the Wyoming Outdoor Hall of Fame, and the University of Wyoming Athletics Hall of Fame. In 1993, he received the Pro Football Hall of Fame Pete Rozelle Award for longtime exceptional contributions to radio and television in professional football. In addition, the Basketball Hall of Fame media award was named in honor of Curt, who served as president of the Basketball Hall of Fame for seven consecutive 1-year terms.

Wyoming swells with pride for our native son. Our State declared March 27, 1972, "Curt Gowdy Day," and held a large celebration in his honor. During the festivities, the University of Wyoming awarded Curt an honorary law degree, and the State named an 11,000-acre State park after him. Most recently, Curt was selected as a Wyoming Citizen of the Century Sports Finalist.

Mr. President, Curt made a point to get back to his home State regularly. He once referred to Wyoming fondly as the place "where I grew up with a fly rod in one hand and, a little later, a radio mike in the other." Those of us who had the pleasure of knowing Curt remember him that way. He will be sorely missed.●

TRIBUTE TO PRESTON ROBERT TISCH

● Mr. LAUTENBERG. Mr. President, I wish to pay my respects to someone I knew very well, Preston Robert Tisch, who passed away last month of brain cancer. He was a distinguished American who, along with his brother, Laurence, built a giant financial enterprise. Bob was eminently successful at everything he did, particularly in his role as a husband, father, and grandfather.

I, like all who had contact with Bob Tisch, treasure my times with him. I send my deepest condolences to his wife and family. I ask to have printed in the RECORD a statement released by the New York Giants organization that so perfectly describes the life and accomplishments of Bob Tisch.

He will be long remembered for his productive life and his legacy of important leadership in all of his endeavors. We are all better off for Bob Tisch's contributions to our country.

The material follows.

PRESTON ROBERT TISCH (1926-2005)

Preston Robert "Bob" Tisch, the Giants' Chairman and Co-Chief Executive Officer, one of the nation's most respected and successful businessmen, a former United States Postmaster General, and an extremely generous philanthropist, died Tuesday night.

Tisch passed away from inoperable brain cancer, which was first diagnosed in the summer of 2004. He was 79. His death comes just three weeks after the passing of his fellow owner, Wellington Mara, who died of cancer on October 25 at the age of 89.

Tisch realized a longtime dream in 1991 when he completed negotiations with Wellington Mara's nephew, Tim Mara, and his family and paid \$75 million for a 50 percent interest in the Giants.

"I was very fortunate," Tisch said in a 2002 interview. "I got a call from (former Cleveland and Baltimore owner) Art Modell telling me that Tim Mara wanted to sell his half of the team and asking me if I would be interested in purchasing it. I met with Wellington Mara and John Mara and said I'd be very interested. There were no problems with them, and then I bought my share of the team from Tim Mara. It's been a great relationship and a great boon to me. I'm very happy to be the 50 percent owner of the New York Giants."

Tisch played an active role in the organization. As a member of the National Football

League's Finance and Super Bowl Policy Committees, he attained a prominence in the sports arena equal to his position in the world of business.

Owning the Giants was one of many careers Tisch pursued simultaneously. Forbes magazine ranks him 56th on its list of the country's 400 wealthiest people and estimates his net worth to be about \$3.9 billion.

He was the Chairman and Director of the Loews Corporation, one of the country's most successful financial companies. The company, with a 2004 net income of \$1.2 billion and assets exceeding \$74 billion, owns and operates 91 percent of CNA Financial Corporation; 100 percent of Lorillard; 100 percent of Boardwalk Pipelines, which consists of Texas Gas Transmission and Gulf South Pipelines; 52 percent of Diamond Offshore Drilling; 100 percent of Loews Hotels and 100 percent of Bulova.

Tisch served as Postmaster General of the United States from August 1986 until returning to New York in March 1988. Prior to his appointment as Postmaster, he served as President and Chief Operating Officer of Loews Corporation and its corporate predecessor, Loews Theaters, Inc., a position held from 1960 until his appointment as Co-Chairman and Co-CEO.

Tisch also served as Chairman of the New York Convention & Visitors Bureau for 19 years and currently serves as the Bureau's (now called NYC & Co.) Chairman Emeritus. He was also founding Chairman of the New York City Convention and Exhibition Center Corporation and Chairman of the Citizens Committee for the Democratic National Conventions held in New York City in 1976 and 1980.

In May 1990, Mayor David Dinkins appointed Tisch as New York City's Ambassador to Washington, D.C. Through 1993, he served as a liaison between the City of New York and his friends and colleagues in both the national government in Washington, D.C. and the business community in New York City.

From 1990-1993, Tisch served as Chairman of the New York City Partnership, Inc. and the New York Chamber of Commerce and Industry, where he was instrumental in developing a campaign to enhance New York's position as an international business center. After completing his stint as chairman, Tisch remained on the Board of Directors of both organizations, now merged.

Tisch was also a Trustee of New York University.

The Giants, however, were truly a labor of love for Tisch, a lifelong sports fan. He attended every Giants game, home and away, and spent as much time working in his stadium office as possible. His two sons are now important members of the organization: Steven as executive vice president and Jon as treasurer.

The process of going from fan to owner took at least three decades for Tisch.

"I came to New York in 1960, and a couple of propitious things happened," he said. "Our company owned a radio station at that time, WHN. During the 1950s they broadcast Giants games. The president of the radio station had ten 50-yard-line tickets at Yankee Stadium. When we sold the radio station he decided he wanted to stay with us, so he came over to Loews Theaters to become the controller. So for about seven or eight years, I had the use of these tickets.

"Also, when we came to New York we moved to Scarsdale, and I got to know Allie Sherman, who was then coach of the Giants. Actually, Allie's son Randy and my son Jon were born one day apart. So we got to know the Sherman family. Then in 1975 or '76, Pete Rozelle moved to Harrison. We lived in the city, but we have a house in Harrison, which

was a mile away from where Pete Rozelle and his family resided. We became very friendly with Pete Rozelle. So I have a history in the last 40-some odd years of being involved. I went to most of the owners meetings and all the Super Bowls with Pete Rozelle. I was chairman of a group of his friends called Rozelle's Raiders—I was responsible for getting him to the right place at the right time. He finally gave me a whistle and a sign that said 'Rozelle's Raiders.' I've been very lucky. In my own mind, I've been involved in football since 1960."

It was about that time that Tisch first began to consider buying a professional team.

"I had tried several times before (purchasing his interest in the Giants)," he said. "Steve Ross, who ended up as CEO of Time-Warner, Inc. and I tried to buy the Jets in about 1967 or '68 and it didn't work out. I looked at other things. In 1988, when I came out of the Postal Service, I decided I would try to buy a sports team. I looked at many of them, both in football and basketball. I looked at the Dallas Cowboys and a couple of other teams. But I made up my mind I was never going to buy a team that was more than one hour from New York. I was interested in becoming owner of the new franchise that was in Baltimore. We were putting together a group when the opportunity came about to become the 50 percent owner of the New York Giants, which I jumped at and dropped everything else."

He completed the negotiations with Tim Mara just a few months after the Giants won Super Bowl XXV.

Tisch's business success was but a small part of his life's achievements. His generosity and commitment to civic and charitable causes was legendary. Tisch was a tireless and influential participant in civic affairs throughout his adult life.

In February 2000, he helped found Take the Field, Inc., a non-profit organization dedicated to renovating and rebuilding the athletic fields at New York City's public high schools. Tisch, a product of those schools who graduated from Erasmus Hall High in Brooklyn, was Chairman of Take the Field, Inc. He launched the organization with a \$1 million donation, and as of earlier this year had raised more than \$147 million in public and private dollars.

Tisch and two partners in Take the Field, Tony Kiser and Richard Kahan, believed the private sector had to play a leading role in repairing sports fields at schools throughout the city that had been slowly destroyed by more than two decades of neglect. Tisch approached then-mayor Rudy Giuliani with his idea. The city agreed to match every dollar raised by Take the Field with three of its own, and the mission was to re-do every athletic field in the city that was classified as "needy."

"Take the Field is one of the most innovative and wonderful ideas of my life in the city," said New York Mets owner Fred Wilpon, one of Tisch's best friends. "And it doesn't happen without Bob. At a time in his life when he could have just sat back and enjoyed everything he had accomplished, he went to work."

That's what Tisch did throughout his life. He was a founding Co-Chairman of Citymeals-on-Wheels, President of the Board of Directors from 1993 to 2002, and later served on the Board as Honorary Chairman. He also served as chairman of Public Private Initiative, a public private partnership that raises funds for important community programs, from 1997 to 1998.

Tisch's philanthropy continued even after he became gravely ill. His family picked a physician at the Duke University Medical Center to supervise his treatment for the

brain cancer. Tisch and his family recently donated \$10 million to the Duke Comprehensive Cancer Center and the school's Brain Tumor Center.

The gift accounted for the majority of a \$16.3 million package of subsidies that Duke will use to support research into the treatment of brain tumors.

"I was very, very impressed by the program at Duke, and very taken by more than just its medical approach," said Steve Tisch. "For me, there was the intangible that became so important, of the spiritual and emotional commitment that these programs and their doctors have."

Duke officials have pledged to use \$5 million from the Tisch family to underwrite the hiring of additional researchers. The medical center is matching that with \$5 million of its own money. Another \$2.5 million from the Tisch family will finance the screening of drugs that might be useful in treating brain tumors. Duke officials are now calling the treatment center the Preston Robert Tisch Brain Tumor Center.

Given his many accomplishments and interesting ventures, Tisch was asked in that 2002 interview what was most rewarding to him.

"My brother (Laurence, who died of cancer at age 80 two years ago today on November 15, 2003) and I took the Loews Corporation from a corporation that did about \$20 million worth of business and built it up to a \$13 billion company, which is now run by the next generation," Tisch said. "Building the company and seeing it grow has been extremely gratifying. I also enjoyed my time at the Postal Service when I was appointed Postmaster General. People said, 'How can you stand a job like that?' I loved it. I made one mistake—I stayed two years when I should have stayed three years."

"Then, of course, my involvement with the New York Giants has been very rewarding. I've been very, very lucky in my life and what I've been able to achieve."

Everyone who knew him, worked with him or were touched by his generosity were just as fortunate.

Preston Robert Tisch was born on April 29, 1926 in New York City. He attended Bucknell University before entering the Army in 1944. After military service in World War II, he earned a B.A. degree in economics from the University of Michigan in 1948. Tisch is survived by his wife, the former Joan Hyman, and their three children, Steven, Laurie, and Jonathan, and nine grandchildren.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2005, the Sec-

retary of the Senate, on February 17, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4745. An act making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

Under authority of the order of the Senate of February 17, 2006, the enrolled bill was signed subsequently on Friday, February 17, 2006, by the Majority Leader (Mr. FRIST).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5772. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the intent to add Liberia to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP); to the Committee on Finance.

EC-5773. A communication from the President of the United States, transmitting, pursuant to law, a report relative to United States assistance for the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1052. A bill to improve transportation security, and for other purposes (Rept. No. 109-216).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2013. A bill to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population (Rept. No. 109-217).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 683. A bill to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. COLEMAN, Mr. MENENDEZ, Ms. SNOWE, Mrs. CLINTON, Mr. COBURN, Mr. REED, Ms. COLLINS, Mr. LAUTENBERG, Mr. DURBIN, Mrs. BOXER, Mr. SANTORUM, and Ms. MIKULSKI):

S. 2333. A bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS:

S.J. Res. 32. A joint resolution disapproving the results of the review conducted by the Committee on Foreign Investment in the United States (CFIUS) into the purchase of Peninsular and Oriental Steam Navigation (P&O) by Dubai Ports World (DP World); to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 380

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 484

At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 503

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in com-

memoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 919

At the request of Mr. DAYTON, his name was withdrawn as a cosponsor of S. 919, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1330

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1330, a bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1780

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1780, a bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

S. 1841

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1908

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1908, a bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology.

S. 2075

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2075, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 2115

At the request of Ms. STABENOW, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2115, a bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research.

S. 2165

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2165, a bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

S. 2178

At the request of Mr. SPECTER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2235

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 2237

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2237, a bill to withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2266

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of S. 2266, a bill to establish a fellowship program for the congressional hiring of disabled veterans.

S. 2284

At the request of Ms. MIKULSKI, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2318

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2318, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 313

At the request of Ms. CANTWELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 371

At the request of Mr. THOMAS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 371, a resolution designating July 22, 2006, as "National Day of the American Cowboy".

S. RES. 378

At the request of Mr. GRAHAM, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 378, a resolution designating February 25, 2006, as "National MPS Awareness Day".

S. RES. 383

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mr. COLEMAN, Mr. MENENDEZ, Ms. SNOWE, Mrs. CLINTON, Mr. COBURN, Mr. REED, Ms. COLLINS, Mr. LAUTENBERG, Mr. DURBIN, Mrs. BOXER, Mr. SANTORUM, and Ms. MIKULSKI):

S. 2333. A bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SCHUMER. Mr. President, I come to the Chamber today first to announce introduction of legislation, S. 2333, which would deal with the Dubai Ports issue. The legislation is bipartisan. It has five Democratic and five Republican sponsors, although the number is growing. The lead Republican sponsor is my friend from Minnesota, Mr. COLEMAN, who had hoped to be here today, but I believe his flight was delayed, and he is just arriving about now.

First, I would like to speak about the recent developments in Dubai Ports World's takeover of several major ports. I believe the bipartisan legislation which I and others will introduce today is the path forward with respect to this deal and securing our Nation's ports and making sure that homeland security is the No. 1 priority.

As we know, the administration and DP World executives reached an agreement yesterday to allow for a 45-day investigation of security concerns raised by this deal. That is good news. I salute the administration and President Bush for doing so.

The bottom line is that many of us have called for this 45-day investigation—many of us from both parties over the last week and a half—and the fact that the President is doing it is very good news. To dig in one's heels doesn't make much sense, particularly when it comes to homeland security. So the new agreement is a major step forward, and it is a key part of what many of us have been asking for in recent weeks. But there are still some outstanding questions. That is why we will be introducing our legislation this afternoon. The devil is in the details. It is plain and simple.

Here are some of the questions that have yet to be answered.

First, we must make sure that the CFIUS Committee conducts a full, thorough, and independent investigation. We can ask for no less, given that the security of our homeland is at stake. Reports that I and others have received have been that the previous investigation was cursory, was casual, was not as thorough as it might be. There are reports, for instance, that people simply looked in the record books to see if there was something wrong that DP World had done. That is not the kind of investigation you need

when for the first time they are going to operate the ports here in the United States. And because the committee has already taken a position, even if it is in a casual and cursory way, we have to make sure they are able to approach this with an open mind. We need real independence here.

Make no mistake about it; the CFIUS Committee in the past has too often made economic and diplomatic considerations at a greater level than homeland security consideration. That is buttressed by the fact that there are reports in the newspapers that the homeland security representative on the committee first objected and then withdrew his objection.

Again, we have to make sure there is a broader question; that is, whether the CFIUS Committee is the right committee to begin with to do this. Are they structured properly in a post-9/11 world?

When they were first set up more than 20 years ago, part of the purpose was almost to provide a security justification for economic deals that had to go through. But even in the confines of present law, we have to make sure that the investigation is thorough, complete, and independent.

Let me mention one point in this regard. I had been very perturbed when I learned that the Port Authority of New York/New Jersey, in charge of our ports, was not even consulted about this deal. Had they been consulted, they would have talked about all kinds of problems that they saw, and as a result they are now suing to block the deal. But how thorough could an investigation be if the governmental agency in charge of running the ports, in charge of security in the ports, in our largest port on the east coast, was not even consulted?

So the first question is, will the investigation be thorough, will it be complete, and will it be independent? Will those who have already brushed aside any complaints or worries be able now to have an open mind? I hope so. I am not prejudging, but it is a question that has to be asked as the investigation proceeds.

The second question is, what will happen with the report once it is completed? If the report is kept secret and only given to the President, then what good was the new 45-day investigation? After all, the President has already said he is for this, and I would like to hear the President say that if new concerns are brought up by the report, he would reconsider his support of this merger. We have not heard that yet. So at that point, we are sort of in a position where it is almost like Alice in Wonderland, where you first have the verdict and then the trial. For this 45-day investigation to have real merit, since it does go to the President by law and he gets the right to say "yes" or "no," it would help with the American people to say he has an open mind as well; he is not locked into a position.

My belief is this: I think the report should be made available to the Senate

and the House, to any Member of the Senate and House who wishes to see it, and should be made public, at least the nonclassified parts of the report. It can be done on a redacted basis.

Why? First of all, we do need independent judgment. Again, because the President has come out so firmly for this proposal, to allow the House and Senate to see the full report makes a great deal of sense and because the American people have so many concerns. Go to any street corner in any city or town or suburb in this country and you will hear questions asked about this. Every time I have been on an airplane—and I have been on airplanes in various parts of the country—people actually get out of their seats and come over to me and say: What is going on here? So making the report public, at least in a redacted way, so the classified parts are not obviously exposed, makes a great deal of sense. So that is our second question.

The third question is evaluation. It seems to me that in this particular area where there has been such concern, there ought to be, in a constitutionally and legislatively proper way, an ability for this body and the other body to disapprove the deal. And that is what our legislation calls for. It calls for a 30-day period after the report is issued before any merger is consummated so that Congress can disapprove the deal. As you know, Mr. President, there are strict laws on how Congress can approve and disapprove administrative actions, and we have consulted those documents and our disapproval is in keeping with the way you should structure such a disapproval.

So those are the three major questions that our legislation asks. The legislation, S. 2333, which 10 of us, 5 Democrats and 5 Republicans, are introducing this afternoon, deals not only with the 45-day review which the President has already agreed to but the giving of the final report to the House and Senate and to the public in a non-classified way and gives the Congress the 30-day right for disapproval.

Now, there is one other question not engaged by our legislation that has to be answered and that is this: Because this is a voluntary agreement between the administration and DP World, I have concerns about, because the merger is going to go forward, how securely walled off is the American part of this new enterprise from the rest. If you read the document that has been made public, it is sort of contradictory, in a certain sense. We want to make sure that those walls are thick, that nobody in the Dubai Ports World organization can influence decisions made here, at least while the investigation is going forward. These will be other questions that I think we should ask.

Now, what is the status, what will we do with this legislation? Well, the President's agreeing to a 45-day investigation obviates the need to ask for a vote in this Chamber immediately, al-

though I am confident that if the legislation were brought to the floor, it would receive an overwhelming vote, probably a veto-proof majority. However, we will keep this legislation at the ready as we follow the investigation. If the investigation should falter or it should not be made public, then the legislation might well be brought to the floor again. The bottom line is, those of us who have great concern about this deal are in a period of watchful waiting. We are hopeful that the bipartisan compromise we have put together will sort of spread. We are hopeful that the President's going along with the 45-day investigation is an indication that we can continue to work together. None of us relishes the occasion to bring this legislation to the floor. It would be much better if the President would agree to all of its terms. But at the moment, we will carefully watch and wait, doing our best to make sure that the investigation is complete, thorough, and independent, doing our best to make sure that Members of Congress and the public can see all the appropriate parts of the investigation and then, should the need arise, have an opportunity to disapprove of this merger.

One other point, larger point. Whatever happens with this merger, in terms of its effect on the United States and its ports, there is one bit of good that can come out of this sorry mess; namely, that this Congress, that this administration focus much more on port security. There is no question that we have not done enough in terms of port security. In the air, we have done a pretty good job. We have spent about \$8 billion, and while not all of it was spent perfectly, we are a lot safer from terrorism in the air than we were before. But in our ports, which are perhaps more vulnerable and wide open, we haven't done enough. Amendment after amendment after amendment that I and others have brought up over the last 4 years has been defeated, oftentimes on party-line votes. There is a need to do many things. There is a need to make sure that every container that comes into this country can be inspected, can be done mechanically for nuclear material. There is a need to make sure that those containers do not contain biological or chemical weapons. There is a need to make sure that the containers are far more tamperproof than they are today—not all of them are; far too many are not—so that there can't be something slipped into that container while it is on board ship or has already been loaded or checked out at the port of embarkation. There is a need to make sure that personnel both on our side of the ocean and on the other side of either ocean have been thoroughly checked out, in terms of their background, so that terrorist organizations cannot infiltrate because we all know in terrorism handbook 101, infiltration is probably the best way to smuggle some terrible weapons onto our shores.

We also have to make sure that we have greater personnel, greater machinery, greater computers and technology so that a higher percentage of containers, not just the 1 in 20, can be inspected; 1 in 20 is too great a gamble and too great a risk.

As we move forward, I hope that these will happen. And one other thing that ought to be done. We ought to take a look at the CFIUS committee, which in the past has too often taken the path of least resistance and doesn't give foreign takeovers the critical national security review they deserve.

According to a 2005 report, "The manner in which the Committee on Foreign Investment in the United States implements Exon-Florio may limit its effectiveness. For example, Treasury in its role as Chair and some others narrowly define what constitutes a threat to national security."

This week, the Banking Committee will hold hearings on CFIUS reform, and I look forward to working with Chairman SHELBY and Senator SARBANES to carefully examine the CFIUS process, something I have had trouble with in the past.

In conclusion, the last 2 weeks have been extraordinary. Rarely do we see these days a bipartisan, bicameral unity to ensure our Nation is protected, and those of us who worked hard at this, I say to my colleagues, can be proud that we have already seen some major progress. The 45-day investigation will commence. We must keep our vigilance and make sure the rest of the process is done fairly and carefully and independently because the security of our country depends upon it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2333

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Investment Security Improvement Act of 2006".

SEC. 2. INVESTIGATION UNDER DEFENSE PRODUCTION ACT OF 1950.

(a) INVESTIGATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President or the President's designee shall conduct an investigation, under section 721(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)), of the acquisition by Dubai Ports World, an entity owned or controlled by the Emirate of Dubai, of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom, with respect to which written notification was submitted to the Committee on Foreign Investment in the United States on December 15, 2005. Such investigation shall be completed not later than 45 days after the date of the enactment of this Act.

(2) SUSPENSION OF EXISTING DECISION.—The President shall suspend any decision by the President or the President's designee pursuant to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) with respect

to the acquisition described in paragraph (1) that was made before the completion of the investigation described in paragraph (1), including any such decision made before the date of the enactment of this Act.

(b) REQUIREMENTS FOR INVESTIGATION.—The investigation under subsection (a) shall include—

(1) a review of foreign port assessments conducted under section 70108 of title 46, United States Code, of ports at which Dubai Ports World carries out operations;

(2) background checks of appropriate officers and security personnel of Dubai Ports World;

(3) an evaluation of the impact on port security in the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a); and

(4) an evaluation of the impact on the national security of the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a), to be carried out in consultation with the Commandant of the Coast Guard, the Commissioner of the Bureau of Customs and Border Protection, the heads of other relevant Federal agencies, and relevant State and local officials responsible for port security at such United States ports.

(c) REPORT.—Not later than 15 days after the date on which the investigation conducted pursuant to this section is completed, the President shall submit to Congress a report that—

(1) contains the findings of the investigation, including—

(A) an analysis of the national security concerns reviewed under the investigation; and

(B) a description of any assurances provided to the Federal Government by the applicant and the effect of such assurances on the national security of the United States; and

(2) contains the determination of the President of whether or not the President will take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) pursuant to the investigation.

(d) CONGRESSIONAL BRIEFING.—

(1) IN GENERAL.—Not later than the date on which the report described in subsection (c) is submitted to Congress pursuant to such subsection, the President or the President's designee shall provide to the Members of Congress specified in paragraph (2) a detailed briefing on the contents of the report.

(2) MEMBERS OF CONGRESS.—The Members of Congress specified in this paragraph are the following:

(A) The Majority Leader and Minority Leader of the Senate.

(B) The Speaker and Minority Leader of the House of Representatives.

(C) The Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Chairman and Ranking Member of the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(E) Each Member of Congress who represents a State or district in which a United States port affected by the acquisition described in subsection (a) is located.

SEC. 3. CONGRESSIONAL ACTION.

(a) IN GENERAL.—If the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of this Act is that the President will not take action under section 721(d) of the De-

fense Production Act of 1950 (50 U.S.C. App. 2170(d)) and not later than 30 days after the date on which Congress receives the report, a joint resolution described in subsection (b) is enacted into law, then the President shall take such action under section 721(d) of the Defense Production Act of 1950 as is necessary to prohibit the acquisition described in section 2(a), including, if such acquisition has been completed, directing the Attorney General to seek divestment or other appropriate relief in the district courts of the United States.

(b) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a), the term “joint resolution” means a joint resolution of the Congress, the sole matter after the resolving clause of which is as follows: “That the Congress disapproves the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of the Foreign Investment Security Improvement Act of 2006 on _____”, with the blank space being filled with the appropriate date.

(c) COMPUTATION OF REVIEW PERIOD.—In computing the 30-day period referred to in subsection (a), there shall be excluded any day described in section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)).

By Ms. COLLINS:

S.J. Res. 32. A joint resolution disapproving the results of the review conducted by the Committee on Foreign Investment in the United States (CFIUS) into the purchase of Peninsular and Oriental Steam Navigation (P&O) by Dubai Ports World (DP World); to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr. President, I rise to introduce a joint resolution disapproving the conclusion of the Committee on Foreign Investment in the United States, CFIUS, to allow Dubai Ports World, DP World, to take over certain port operations in the United States. My colleague and good friend, Congresswoman JANE HARMAN, will be introducing this resolution in the House of Representatives.

This resolution would do the following: 1. Disapprove the CFIUS review of the transaction; 2. direct the CFIUS to conduct a 45-day investigation in order to ensure that the sale will not have an adverse effect on national security; and 3. direct CFIUS to brief Members of Congress on the findings of its investigation before the transaction is allowed to proceed if the Committee maintains that it should go forth.

The pending sale raises potential maritime security concerns. The sale would transfer control of Peninsular & Oriental, P&O, Ports North America to DP World, a foreign government-owned entity. P&O Ports has extensive terminal and stevedoring operations along the eastern seaboard and on the gulf coast. It encompasses not only terminal facility leases in six major U.S. ports, as has been reported widely in the media, but also stevedoring and terminal operations in a total of 21 U.S. ports, including my home State in Portland, ME.

We have long acknowledged the vulnerability of our ports—both as a potential target and as a conduit through which terrorists, their weapons or

other contraband may enter the U.S. coming from a State with three international cargo ports, I am keenly aware of the importance of our seaports to our national economy and to the communities in which they are located. In addition to our ports' economic significance, the link between maritime security and our national security is evident.

The attacks of 9/11 have forced us to reassess and rebuild our entire approach to security. Against an enemy determined to cause maximum harm to both the American people and the American economy, we are building a structure that, in great part, relies upon private-public partnerships. Nowhere is this more apparent than in our ports—where terminal operators, longshoremen, port authorities, importers, carriers, and others have worked with the United States Coast Guard, Customs and Border Protection, and state and local law enforcement to put security plans in place.

The foreign government in question, that owns DP World, is the government of Dubai, part of the United Arab Emirates, UAE. While UAE is an ally in the war on terrorism, it also has been used as a base of terrorist operations and financing. In fact, the 9/11 Commission reported that UAE was “both a valued counterterrorism ally of the United States and a persistent counterterrorism problem.” The attacks of 9/11 were planned in part in the UAE, and much of the financing for those operations was funneled through the UAE banking system. The facts warrant a thorough 45-day investigation by CFIUS, not a cursory review.

This incident has revealed significant shortcomings in the CFIUS process. It is not adequately transparent and does not provide for sufficient oversight reporting to appropriate committees and the leadership of Congress. The Exon-Florio provision of the Defense Production Act gives the President the authority to suspend or prohibit any foreign acquisition, merger or takeover of a U.S. corporation that is determined to threaten the national security of the U.S. Through Executive order, the President established the CFIUS to review transactions pursuant to Exon-Florio and make a recommendation regarding the exercise of his authority. It may be appropriate for the reviews, which may involve proprietary data and classified information, to be held confidential. However, once a decision has been reached by the CFIUS, it is wholly appropriate, and even necessary, that Members of Congress be briefed on the findings of the review and the basis for the decision.

I am truly troubled by the review process that was followed with respect to this purchase. The more I learn, the more questions are raised. The law requires a 45-day investigation in cases where an acquirer is controlled by a foreign government, as in the case of DP World, and the acquisition could affect the national security of the U.S.

However, the CFIUS did not conduct an investigation, as the plain language of the statute would demand.

I am pleased that, in a recent development, the administration has agreed to undertake a 45-day investigation as a result of discussions with DP World and congressional leadership. Perhaps its recommendation, once briefed to Congress, will allay concerns that have been raised. Perhaps the national security implications, apparent on the face of the deal, will be adequately addressed through a more rigorous process. Given the remaining uncertainties, however, I felt it was important to proceed with the introduction of this resolution, in conjunction with my colleague in the House, Congresswoman HARMAN.

The silver lining of recent events is that they have served to highlight the critical importance of port security to our Nation. Last November, Senator MURRAY and I introduced the GreenLane Maritime Cargo Security Act of 2005. This comprehensive legislation authorizes \$835 million annually for programs and initiatives to better secure our Nation's ports.

It would help build a coordinated approach to maritime and port security across all levels of government and with our overseas trading partners, improving our Nation's security as it expedites trade with those governments and businesses that join in this goal.

The bill addresses the problem of uncoordinated supply-chain security efforts, directing the Secretary of Homeland Security to develop a strategic plan to enhance security for all modes of transportation by which containers arrive in, depart from, or move through seaports of the United States. The strategic plan also must include protocols for the resumption of trade in the case of an incident.

This legislation recognizes that America's ports, large and small, are our partners in keeping our Nation safe and our economy strong.

I seek my colleagues support both for this resolution and for the GreenLane bill.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce a correction for the information of the Senate and the public.

The Committee on Energy and Natural Resources hearing to review the proposed Fiscal Year 2007 Forest Service budget will be held on Tuesday, February 28, 2006, at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

For further information, please contact Frank Gladics (202-224-2878), Elizabeth Abrams (202-224-0537) or Sara Zecher (202-224-8276) of the Committee staff.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that an oversight hearing has been rescheduled before the Committee on Energy and Natural Resources.

The hearing originally scheduled for Wednesday, March 1, 2006 at 10 a.m. in Room 366 of the Dirksen Senate Office Building will now be held at 9:30 a.m. on March 1, 2006, in the same room.

The purpose of the oversight hearing is to receive testimony regarding the state of the economies and fiscal affairs in the Territories of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150.

For further information, please contact Josh Johnson at 202-224-5861 or Steve Waskiewicz at 202-228-6195.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 7, 2006 at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to discuss the goal of energy independence.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150.

For further information, please contact Frank J. Macchiarola 202-224-1219 or Shannon Ewan at 202-224-7555.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the wishes to inform Members that the Committee on Small Business & Entrepreneurship will hold a public hearing to consider, "The Nomination of Eric Thorson to be the Inspector General of the Small Business Administration" on Wednesday, March 1, 2006 at 2 p.m., in room 428A Russell Senate Office Building.

The Chair urges every member to attend.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, February 27, 2006, at

2:30 p.m. for a briefing on the Dubai Ports World purchase of Peninsular & Oriental Steam Navigation Company.

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

ORDER FOR STAR PRINT

Mr. McCONNELL. Mr. President, I ask unanimous consent that S. 2300 be star printed with the changes at the desk.

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

ORDERS FOR TUESDAY, FEBRUARY 28, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow, Tuesday, February 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to an hour, with the first half under the control of the majority leader or his designee and the second half under the control of the Democratic leader or his designee. I further ask that following morning business, the Senate resume consideration of S. 2271, the PATRIOT Act amendments bill, and that the time until 12:30 p.m. be equally divided, and that the time from 2:15 to 2:30 be equally divided as well.

I further ask consent that from 12:30 until 2:15 p.m. the Senate stand in recess for the weekly policy luncheons, and that the live quorum under rule XXII be waived with respect to the 2:30 vote.

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

PROGRAM

Mr. McCONNELL. Mr. President, today the Senate resumed consideration of the PATRIOT Act amendments bill. At 2:30 tomorrow afternoon we will have a vote on the motion to invoke cloture on the bill. This will be the first vote of the week. Once cloture is invoked, we will proceed on Wednesday at 10 a.m. to the vote on the passage of that bill.

As a reminder to all of our colleagues, on Wednesday at 11 a.m., Prime Minister of Italy Berlusconi will address a joint meeting of Congress. Senators should plan their schedules accordingly.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. Mr. President, 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 5:07 p.m., adjourned until Tuesday, February 28, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 2006:

DEPARTMENT OF COMMERCE

JOHN G. EMLING, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE BRETT T. PALMER, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTED, RESIGNED.

DEPARTMENT OF JUSTICE

TIMOTHY ANTHONY JUNKER, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE JOHN EDWARD QUINN.

PATRICK CARROLL SMITH, SR., OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE GREGORY ALLYN FOREST, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED CADETS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C. SECTION 211:

To be ensign

STEPHANIE M ADAMS, 0000
 MARK P AGUILAR, 0000
 BRIAN J AHEARN, JR, 0000
 PAUL R ALEXANDER, 0000
 JUSTIN ANDREWS, 0000
 MARY E ARLINGTON, 0000
 MARY K ARVIDSON, 0000
 HOWARD B BAKER, JR, 0000
 STEVEN J BALDOVSKY, 0000
 CHARLES J BARE, 0000
 DUSTIN G BARKER, 0000
 SIMON P BARR, 0000
 NORA E BASILE, 0000
 GREG M BATCHELDER, 0000
 TODD C BATTEN, 0000
 PHILIP S BAXA, 0000
 LAUREN E BECK, 0000
 RACHEL C BECKMANN, 0000
 VICTORIA D BEIMESCHKE, 0000
 IAN R BELANGER, 0000
 MARTIN J BERG, 0000
 JASON L BERGER, 0000
 CAROLINE E BLADEN, 0000
 SAMUEL A BLASE, 0000
 KRYSTLE M BOBBINS, 0000
 REBECCA J BOICE, 0000
 JEREMIAH W BOWLES, 0000
 JOSH D BRANDT, 0000
 STEPHEN W BRICKEY, 0000
 THOMAS A BRITTINGHAM, 0000
 MARK D BRUNO, JR, 0000
 KRISTEN N BUCHER, 0000
 ERIN S BUSTIN, 0000
 THOMAS J CAREY, 0000
 MATTHEW A CARLTON, 0000
 CHRISTOPHER D CART, 0000
 DANIEL B CATHELL, 0000
 JAMES E CEPA, 0000
 BENJAMIN D CHAMBERLAIN, 0000
 JARED N CHERNI, 0000
 BRADLEY R CLEMONS, 0000
 AARON M CMIEL, 0000
 JASON D COFFEY, 0000
 JOSEPH R COFFMAN, 0000
 RICHARD C COLBY, 0000
 SOMMERS J COLE, 0000
 DAVID J CONNOR, 0000
 ADAM W CONOVALOFF, 0000
 CHAD M CONRAD, 0000
 REBECCA M CORSON, 0000
 LEE D COYLE, 0000
 RYAN T CROSE, 0000
 ASHLEY A CROUCH, 0000
 THOMAS S CROWLEY, 0000
 RACHEL S CRUZCOSA, 0000
 NOLAN J CUEVAS, 0000
 KATHRYN R CYR, 0000
 ELEANOR L DAHL, 0000
 GREGORY T DAHL, 0000
 STEVEN T DAVIES, 0000
 MEGAN A DAVISON, 0000
 AMANDA L DEIS, 0000
 CHRISTINA D DELGADO, 0000
 ANDREW B DENNELLY, 0000
 CHARITY D DREW, 0000
 REGINA R DUNN, 0000
 JARED W ENGLAND, 0000
 KYLE L ENSLEY, 0000
 ELISA K FAWCETT, 0000
 BRENDAN W FLYNN, 0000
 SHANNON T FROBEL, 0000

TRAVIS R GAGNON, 0000
 DIANNA D GARFIELD, 0000
 CHRISTIANA M GELETZKE, 0000
 BRIAN C GISMERVIK, 0000
 MOLLY Y GOTTER, 0000
 PHILIP J GRANATI, 0000
 ANDREW M GRANTHAM, 0000
 ALAN E GROSSE, 0000
 STEPHEN A HART, 0000
 BRIAN J HEDGES, 0000
 TYLER K HEFFNER, 0000
 CHERYL E HICKEY, 0000
 PRESTON J HIEB, 0000
 JEROD M HITZEL, 0000
 THOMAS E HOLLINBERGER, 0000
 JARED H HOOD, 0000
 JESSE L HOUCK, 0000
 DIANA J ISIDORE, 0000
 RYAN T JAMES, 0000
 ANDREW B JANTZEN, 0000
 MICHAEL E JARBEAU, 0000
 SARAH M JEFFERSON, 0000
 DAN N KAHN, 0000
 JOSHUA A KAPUSTA, 0000
 DANIEL J KEARNEY, JR, 0000
 AMANDA G KEITH, 0000
 DANIEL P KILCULLEN, 0000
 MOLLY E KILDUFF, 0000
 GARY G KIM, 0000
 STEPHANIE V KIMMEL, 0000
 JAY F KIRCHER, 0000
 KRISTEN M KRAEMER, 0000
 BENJAMIN J KREBS, 0000
 WALTER C KROLMAN, 0000
 KATHERINE M LAPPE, 0000
 JONATHAN M LARAIA, 0000
 KEVIN B LAUBENHEIMER, 0000
 DANIEL W LAVINDER, 0000
 BENJAMIN J LEE, 0000
 BENJAMIN S LEUTHOLD, 0000
 AARON B LEYKO, 0000
 JACOB S LONDON, 0000
 KAREN C LOVE, 0000
 GEORGE G MACDONNELL, 0000
 RYAN W MACA, 0000
 GLYNN S MACKENZIE, 0000
 ERIC R MAJESKA, 0000
 JENNIFER S MAKOWSKI, 0000
 PETER E MALONEY, 0000
 MICHAEL H MANUEL, 0000
 CORY J MCCOLLOU, 0000
 CHRISTIAN B MCGHEE, 0000
 BRENDAN J MCKINNON, 0000
 NIKKA L MCNEILL, 0000
 TIMOTHY L MCDONALD, 0000
 JOSE M MELENDEZ II, 0000
 JULIE A MILLER, 0000
 COLE R MORGAN, 0000
 SARAH E MORIN, 0000
 CHRISTOPHER G MORRIS, 0000
 LAUREN E MOSEMAN, 0000
 MATTHEW K NAKAGAWA, 0000
 BRIAN J NAUGHTON, 0000
 JASON M NELSON, 0000
 CHRISTOPHER M NICHOLS, 0000
 KRISTEN NICHOLSON, 0000
 RICHARD D NINES, 0000
 SEAN M NORRIS, 0000
 JEFFREY T NOYES, 0000
 JACOB T PAARLBERG, 0000
 MICHAEL P PANTER, 0000
 CHARLES W PARIS III, 0000
 JARRETT S PARKER, 0000
 ROBIN E PASSERO, 0000
 CHRISTOPHER J PELAR, 0000
 KRISTEN R POTTER, 0000
 ANDREW D PRITCHETT, 0000
 TRISHA A PRONOVOST, 0000
 ERIC A QUIGLEY, 0000
 EDWARD J QUINN, 0000
 RYAN R RAMOS, 0000
 SHELLEY D RAUDENBUSH, 0000
 WESTON D RED ELK, 0000
 FRANK M REED III, 0000
 AARON J RENSCHLER, 0000
 FAITH A REYNOLDS, 0000
 MATTHEW D RICHARDS, 0000
 CALLAN D ROBBINS, 0000
 MORGAN J ROY, 0000
 BRIAN C RUNION, 0000
 WILLIAM J SANDERS III, 0000
 BRIAN G SATTTLER, 0000
 KENNETH R SAUERBRUNN, 0000
 JAMES G SAVIANO, 0000
 JAMES J SCHOCK, 0000
 ANDREW C SERB, 0000
 MATTHEW J SEXTON, 0000
 DANIEL J SHEPPARD, 0000
 JOSHUA S SHIMABUKURO, 0000
 RHIANNON S SIMSER, 0000
 NICOLAS S SITES, 0000
 DAVID A SMITH, 0000
 JOSH L SMITH, 0000
 MELISSA A SMITH, 0000
 SARAH L SMITH, 0000
 WEBSTER M SMITH, 0000

JEFF J SMOLIK, 0000
 IAN M STARR, 0000
 PAUL W STEPLER, 0000
 BRIAN M STEUERWALD, 0000
 MATTHEW T STEVICK, 0000
 JESSE A STEWART, 0000
 DANIEL A TESLER, 0000
 JOHN B THOMAS, 0000
 KIET A TRAN, 0000
 CYNTHIA S TRAVERS, 0000
 JONATHAN P TSCHUDY, 0000
 PETER E VERMEER II, 0000
 ANDREW O VICKS, 0000
 DAVID R VIHONSKI, 0000
 MICHAEL A VILES, 0000
 RODERICK E WALKER II, 0000
 EDWARD J WARGO III, 0000
 STEVEN D WELCH, 0000
 JEFFREY D WEST, 0000
 BRENNAN M WHITE, 0000
 JONATHAN D WHITE, 0000
 RYAN T WHITE, 0000
 PAUL A WINDT, 0000
 NICHOLAS A WOESSNER, 0000
 JONATHAN M WOLSTENHOLME, 0000
 MICHAEL A WURSTER, 0000
 GRANT C WYMAN, 0000
 JEREMY L YANDELL, 0000
 YVONNE C YANG, 0000
 ALEXANDER T YUILLE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANKLIN L. HAGENBECK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. SNYDER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL C. BACHMANN, 0000

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL W. BROADWAY, 0000

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

To be rear admiral (lower half)

CAPT. PATRICK E. MCGRATH, 0000
 CAPT. JOHN G. MESSERSCHMIDT, 0000
 CAPT. TIMOTHY D. MOON, 0000
 CAPT. MICHAEL M. SHATYNSKI, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

EICHEL C. JOSEPH, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS SERVICE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES E. BARKER, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHANTEL NEWSOME, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CLAYTON D. CHILCOAT, 0000