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
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 up to this discussion in the past, to focus once again on this pivotal economic market. Really it is a one-world market in terms of this one-market economic market. Really it is the only port in the world and major investors in the world.

According to the United States Trade Representative, the United States and UAE engaged in $1.6 billion worth of trade in 2003—and that figure has doubled since then, according to the editors of 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 largest gas reserves in the world. 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 ports, and the U.S. warships docked—and I use the word “locked” 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. We dealt with the other continuing responsibility of 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 Negro-Pont 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 Congress, will be examining in the context whereby a company, owned by the UAE in America and American investment in the UAE.

My last point—I am gravely 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 so muddled 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 our 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 nationalities, 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 markets in the world and major investors in the world.

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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 President is urging us to talk 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.

Apparent someone has discovered that it may not be true, as is now suggested at the thinking 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 official, 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 his own ear. We hear the same personal detail into a microphone dangling from one ear. We hear, from those who wander aimlessly or obnoxiously, what we hear now in airport lobbies—“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. Much worse, the 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 airplanes would need to hire more personnel for all the world to hear.

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, underlings for all the world to hear.

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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 minutes, finally told the woman 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 has to give an airport cell phone 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: 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 a 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 Antrak tried out a cell phone 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, passengers overwhelmingly support the ban. 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, and we can walk away from these rude, incon siderate jerks in there, we are trapped.

The editor of the Boston Globe wrote about a conversation that Gail James of Shelton, Washington, had a conversation, but I thought you should know that there was a possibility, particularly in a fly-by-wire aircraft, small but possible, of a damaged cell phone or other transmitting device. But 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 Embry-Riddle who said—sorry, Mr. Chairman. Yeah. Yeah. No, we are in this thing. Yeah. No. It will be 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. If the pilots 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 us has different views 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 be achieved in the Constitution, but surely it is cherished 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 the Federal Aviation Administration in 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 amicable 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 just like to state that he 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 find it disturbing that I 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 our 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 this opportunity to the community.

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 I was being sobered 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 that 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 chance.

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 and six Republicans. 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 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.

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 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 denied coverage from 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 passing, already had pre-existing condition. 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 putting 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 $50 billion fraud prevention fund. Where is it?

I thank my friend for his remarks.
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, and about 9 o'clock, Michael Savage was on. I never listen to him. I heard a lot about him, so I listened. He spent that 10 minutes berating the President. Michael Savage does not very often do that. It is not only that Michael Savage, but every American knows that 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 decision-making 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 promotion 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 counter-terrorism 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 not sponsored 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. 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 undersecretaries and deputies. He needs to get personally involved first, during this period of time.

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 the sale of ports. If the President of the UAE is not a friend of the President of the United States, and the President of the UAE is not interested in security considerations involved in this deal, then we need to do the right thing for America and insist that the President accept this decision. It is a decision that the President can make.

I think it is a moment when the President can make the right decision, and make a commitment to America on a very important front.
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 clerk read as follows:

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge non-disclosure 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:

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

Prist amendment No. 2896 (to amendment No. 2896), 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 am 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 16 members on the committee concurrence 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 SENSENBERGER 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 pending 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 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 commodities, and we also 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 tradition and 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 need to find 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 reauthorization.

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 will go to the Senate in a 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 notification warrant 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 deleting 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 the fourth provision to give 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 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.
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:

SEC. 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—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).

"(3) A petition for review of a decision to modify or set aside a nondisclosure order, by filing a petition with the pool established by section 103(e)(1).

(II) 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.

(1) 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;

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

(II) If the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States or interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person, the judge shall modify or set aside the order, the judge shall immediately affirm the order and 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.

(III) 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 objection on disclosure, by the United States shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court 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.

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 order may—

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


"(D) Section 1114—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

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

"(2) A Section 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v).


"(D) Section 1114—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

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

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"(D) Section 1114—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

"(1) A Section 2709 of title 18, United States Code.
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. Conference Report provides for notice within 30 days as a compromise with the House, which passed an 180-day delay in its bill.

Section 3 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 good faith that: (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 investigation; and (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 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. Brown. 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, Durnin, 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 Senate 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 opposition 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 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 was ever voted into 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 were opposed. 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 commented to 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 hadn’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 conference, most notably the shorter sunshine timeframe for section 216, roving wiretaps, and the lone-wolf provision.

Unfortunately 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 Durnin 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 any statutory 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 the executive branch and the 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 section 215. 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 oversight language in the gap over—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 one that we have supported.

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 provision 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 on one hand to 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 that we will avail ourselves of 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 that we will avail ourselves of the strengthening of section 215, a 4-year sunset on NSLs, and NSL judicial review. So 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 chocking 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 hearings of the Senate 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 in its efforts to prevent a better balance and better protection for the American people. Their recent deaths remind us, during Black History Month, of 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.

Senator SUNUNU, who said in December it in that context. I agreed with Senator SUNUNU, who said in December it in that context. I agreed with NSL gag orders, and I re-

My amendment would have corrected these unnecessary excesses. It struck both the 1-year waiting period for challenging a gag order and the provision 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 to ensure that 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 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. We worked hard to come to 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 next 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 the amendment “tree,” thereby preventing a better balance and better protections for the American people.

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 to override the Republican leadership’s 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 must ensure progress, and we must ensure that 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 makes a year’s 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 strangled 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?

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, 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 those who marched, the sacrifice they paid, and 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 milestone 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 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 Nations’ 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 surveillance, dropping 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 efforts and perceptions of President Bush by Belgium.

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 E.U. and the success of elections in E.U.

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 is too 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 was 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. troops 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 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 two hour tour included a stop at 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 community 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. 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 wave power device since 1996. I departed from Estonia for Jordan on December 24, 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 private residence at his private residence. Ambassador Hale described Jordan’s reaction to the recent bombings of hotels in the country, stating that the Nation had never been more unified and that the terrorist attacks in the country have created a 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 to 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 in Saudi Arabia’s effort 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 Jordanian 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 will be a wonderful example of this. I view this as a positive sign that the process is moving forward.

We discussed Jordan’s judicial system. He explained to me that the country serves as an exit port from military courts to a civil court system with one mixed civil/military court. The system is not a jury system but an 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 this area.

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 with Brenda Zollinger, a Horsham, PA native. She described to me her work 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 Jordanian 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 will be a wonderful example of this. I view this as a positive sign that the process is moving forward.

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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 safety room where operations 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 Judge Van Buskirk. 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 a judge to respectively 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 Ministry of Interior and Ministry of 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 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 J. McPherson, 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 them continue their mission. He also 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 flighting 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. Barak conveyed to me his opinion that the election of Ariel Sharon is the result of the decline in terrorist events. Sharon 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 cus-
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 the in 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 the 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 into membership at St. John's during his tenure and is even known to have been 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, Bachman established in 1831 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, Bachman 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 lives on 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 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 have the 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 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 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 swimming 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 in the sport of swimming. He was a fantastic role model." His 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 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
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-seat arena in his honor. 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 they fly a little higher 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, 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 Bush, father, and grandfather.

I, like all who had contact with Bob Tisch, treasure my times with him. I send my deepest condolences to his family and friends. Bob was a one-of-a-kind person who had the pleasure of knowing Curt.

Mr. Chairman, and Co-CEO.

Tisch also served as Chairman of the New York Convention & Visitors Bureau. He held this position from 1969 until his appointment as Co-Chairman and Co-CEO. Tisch also served as Chairman of the New York Convention & Visitors Bureau and its corporate predecessor, Loews Theaters. Tisch remained on the Board of Directors of both organizations, now merged.

Tisch was also a Trustee of New York University. 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.

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 1960s 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 Ali Ski Sherman, who was then coach of the Giants. Actually, Ali's son Randy and my son Jon were born one day apart. So we got to know this wonderful family. When 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 in football 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 to him for the players 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 a bill 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, wanted 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 be 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 the opportunity, and it seemed 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 achievements. His generosity and commitment to civic and charitable causes was legendary. Tisch was a tireless and influential participant in civic affairs throughout his life.

In February 2000, he helped found Take the Field, Inc., a non-profit organization dedicated to renovating and rebuilding 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, he 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 school sports facilities in 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 “med”.

“Take the Field is one of the most innovative and wonderful ideas of my life in the city,” former Jets owner and 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 City Year, a national organization that raises funds for important community programs, from 1997 to 1998.

Tisch’s philanthropy continued even after he began his baseball career. His family philanthropic 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 funding require.”

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 corporate that was 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 no 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 President of 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 Secretary 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. 745. 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 request to the 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:


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

H.R. 681. 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, Mr. COLE, Mr. CLINTON, Mr. BREAUX, Ms. COLLINS, Mr. LAUTENBERG, Mr. DURBIN, Ms. BOXER, Mr. SANTORUM, and Ms. MIRKULISH):

S. 2383. 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.
At the request of Mr. INOUYE, 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 Scouting to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 146

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. Pryor) 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. 380

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 for retired members of the uniformed services, and for other purposes.

S. 407

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. 484

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. 503

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

S. 633

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. 919

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. Frakt) 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. 1086

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. 1112

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. 1120

At the request of Ms. 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. 1330

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. 1512

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. 1780

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. 1841

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. 1908

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) and the Senator from California (Ms. 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. 2075

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. 2115

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. 2165

At the request of Mr. SPECTER, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 2478, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2478

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. 2235

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. 2237

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. 2253

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.

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.

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.

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.

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DODD) and 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.

At the request of Ms. CANTWELL, the name of the Senator from Utah (Mr. BENNETT) 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 this dangerous narcotic.

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".

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".

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 393, 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.

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### 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.

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 the 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 cannot, however, 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 say that if they had really 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 considerations. 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 current 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 to have an open mind? 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 position of 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 independence and certitude of this independence. 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—concerns about our closest ally in every 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. And it is an 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 do this, 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 in the redacted 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 forward, how 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 that can influence decisions made here, at least while the investigation is going forward. These will be other questions that I think we should ask.

Well, one other thing, overall, 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, although 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 fails 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. And I believe 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, having the 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 news that can come out of this 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 have had 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 those containers do not contain 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. There is that sort of embar- kation. 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 our ports and slip in terror—how 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. So 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 has had the 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 Exxon-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, which 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

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S1507
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 7018 of title 46, United States Code, of ports at which Dubai Ports World carry out operations;

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

(3) an evaluation of the impact on port security of United States ports by reasserting 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 Secretaries of the 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 or the acquirer 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, each Member of Congress shall provide to 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;

(2) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a), the term “joint resolution” means a joint resolution of the Congress of the United States ordering the recommending 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 9/11, with the blank space being filled with the appropriate date.

(e) 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 acquisition of Peninsular & 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 completion of the Congress of 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 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. 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 sea-ports to our national economy and to the communities in which they are located. In addition, 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. The Congress 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 prevent terrorist plans and financing. In fact, the 9/11 Commission reported that UAE was “both a valued counterterrorism ally of the United States and a persistent counterter- orism 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 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 submitted to Congress pursuant to section 2(c) of the Defense Production Act of 1950 as is necessary to prohibit the acquisition described in section 2(c) of the Defense Production Act of 1950 after any 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 of the United States ordering the recommending 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 9/11, with the blank space being filled with the appropriate date.

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)).
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 actions 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 are 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 for the information 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 Federated States of Micronesia, the Republic of Palau, and the Trust Area of 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 202–224–7555.

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 Environmental Security.

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 at 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 and Entrepreneurship will hold a public hearing to consider, “The Nominations 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 debate 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, and that there being no objection, the Senate, at 5:07 p.m., adjourned until Tuesday, February 28, 2006, at 9:45 a.m.
The following named cadets for appointment to the grade indicated in the United States Coast Guard under title 10, U.S.C. section 211:

TRAVIS R. RAGGIONI, 0000
DIANNA D. GARFIELD, 0000
CHRISTIAN M. MCCARTER, 0000
BRIAN C. GUSHEVICH, 0000
MOLLY Y. GOTTESMAN, 0000
PHILIP J. GRANTATT, 0000
ANDREW D. GRANTHAM, 0000
ALAN S. GROSSOE, 0000
STEPHEN A. HART, 0000
BRIAN J. HENDRICKS, 0000
TYLER K. HUFFNER, 0000
CREWEL L. HUEBNER, 0000
FRISTON J. JIEBER, 0000
JEROD M. KETTEL, 0000
THOMAS E. HOLLINSHEGER, 0000
JARED B. HODGES, 0000
JESSE S. HOLLAND, 0000
VALRY S. KILDUFF, 0000
GARY J. KIM, 0000
STEFANIE Y. KIMMEL, 0000
JAY P. KIRSCHER, 0000
KRISTIN E. KREELER, 0000
BENJAMIN J. KRIBBS, 0000
WALTER C. KRILEN, 0000
KATHERINE M. LAPP, 0000
JONATHAN M. LAKEA, 0000
KEVIN B. LAUBENHEIMER, 0000
DANIEL C. LAVINSEY, 0000
BENJAMIN J. J. LEE, 0000
KRISTIN S. LEUTHEBURG, 0000
AARON B. LEVY, 0000
JACOB S. LONDON, 0000
KARIN C. LOWNSEY, 0000
GIORGIO M. MACCONNEL, 0000
RYAN W. MACA, 0000
GLYNN S. MACKENZIE, 0000
ERIK R. MAJERSKA, 0000
JOSHUA D. MAKOWSKI, 0000
PIERRE E. MALONSEY, 0000
MICHAEL R. M. MANUEL, 0000
CORY J. MCCOLLOH, 0000
CHRISTIAN B. MCHALE, 0000
BRINDAN J. MCKINNON, 0000
NEIL A. MCNEILL, 0000
TIMOTHY L. MCMAHON, 0000
JOSH M. MILLENDE, 0000
JULIE A. MILLER, 0000
COLE R. MORGAN, 0000
SARAH E. MORGAN, 0000
CHRISTOPHER G. MORRIS, 0000
LAUREN E. MOSSMAN, 0000
MATTHEW K. NAKAGAWA, 0000
BRIAN J. NAUGHTON, 0000
JASON M. NELSON, 0000
CHRISTOPHER M. NICHOLS, 0000
KRISTOFFER C. NICHOLS, 0000
RICHARD D. NINES, 0000
SEAN M. NOBERIS, 0000
JIFFREY T. NOYES, 0000
JASON T. PAAJALABERO, 0000
MICHAEL P. PANTER, 0000
CHARLES W. PARIS III, 0000
JARETT F. PASTER, 0000
ROBIN E. PASSIERO, 0000
CHRISTOPHER J. PEIRAL, 0000
KRISTIN R. POTTER, 0000
ANDREW D. PRICE, 0000
TREDA A. PROVERCOYST, 0000
ERIC A. QUIGLEY, 0000
EDWARD J. QUINN, 0000
RYAN B. RAMOS, 0000
SHERILY D. RAYBERRYSHUS, 0000
WYSTON D. RED ELK, 0000
FRANK M. REDD III, 0000
AARON J. RENDLER, 0000
PATRICK A. REYNOLDS, 0000
MATTHEW D. RICHARDS, 0000
CALLAN D. ROBERS, 0000
MOHAN J. ROTT, 0000
BRIAN C. RUSCHE, 0000
WILLIAM J. SANDERS III, 0000
BRIAN G. RUTTNER, 0000
KENNETH R. SANGERLEUNDEN, 0000
JAMES E. SAVASIOLO, 0000
JAMIES J. SCHROCK, 0000
ANDREW G. SCHARF, 0000
MATTHEW J. SEFFERTS, 0000
DANIEL J. SHEPPARD, 0000
JOSHUA S. SHEMABURKHU, 0000
BRIANNA S. SIMER, 0000
NICHOLAS A. SITES, 0000
DAVID A. SMITH, 0000
JOEL L. SMITH, 0000
MELISSA J. SMITH, 0000
SARAH L. SMITH, 0000
WEBSTER M. SMITH, 0000

The following named individuals for regular appointment in the grade indicated in the United States Army Medical Corps section 10, U.S.C. sections 811 and 3604:

JEFF J. SMOKL, 0000
IAN M. STARK, 0000
FAW B. STEPHENS, 0000
BRIAN M. STEWART, 0000
MATTHEW T. STROBER, 0000
JESSICA A. STUART, 0000
DANIEL A. TEBBE, 0000
JOHN B. THOMAS, 0000
KIRT A. TRICK, 0000
CYNTHIA S. TRUOG, 0000
JONATHAN P. TSUCHUDA, 0000
FREDERICK E. VERBEK, 0000
ANDREW V. VICKS, 0000
DAVID B. VINCIUS, 0000
MICHAEL R. VILES, 0000
ROGER R. WALKER II, 0000
EDWARD J. WARGO III, 0000
STEVEN D. WELCH, 0000
JEFFREY D. WEST, 0000
BRINA N. WHITE, 0000
JONATHAN D. WHITE, 0000
RYAN T. WHITE, 0000
PAUL A. WILLOW, 0000
NICHOLAS A. WOESSNER, 0000
JONATHAN M. WOLSTENHOLME, 0000
MICHAEL A. WURSTEL, 0000
GRANT C. WYMAN, 0000
JEREMY L. YANDELL, 0000
YVONNE E. YANG, 0000
ALEXANDER T. YUHL, 0000

The following named officer for appointment in the United States Army General Schedule Schedule Service under title 10, U.S.C., section 262:

The following named officer for promotion in the United States Navy Reserve Grade Indicated in Title 10, U.S.C. Section 2203:

To be rear admiral (lower half)

CAPT MICHAEL W. BROADWAY, 0000

The following named officers for promotion in the United States Navy Reserve Grade Indicated in Title 10, U.S.C. Section 2203:

To be rear admiral (lower half)

CAPT PATRICK R. MCGHATE, 0000
CAPT JOHN G. MESSERSCHMIDT, 0000
CAPT TIMOTHY D. MOON, 0000
CAPT MICHAEL M. SHATZINSKY, 0000

In the Army

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 811 and 3604:

To be colonel

EICHB 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 811 and 3604:

To be major

JAMES E. BARKER, 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 811 and 3604:

To be major

CHANTEL NEWSON, 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 811 and 3604:

To be major

CLAYTON D. CHIOCA, 0000
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 28, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1
9 a.m. 
Judiciary 
Immigration, Border Security and Citizenship Subcommittee 
To hold joint hearings to examine Federal strategies to end border violence. 
SD–226
9:30 a.m. 
Energy and Natural Resources 
To hold an oversight hearing to examine 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. 
SD–366
Homeland Security and Governmental Affairs 
To hold hearings to examine the President’s proposed budget request for fiscal year 2007 for the Department of Homeland Security. 
SD–342
Indian Affairs 
To hold joint hearings with the House Committee on Resources to examine the settlement of Cobelli v. Norton. 
SD–106
Appropriations 
Labor, Health and Human Services, Education, and Related Agencies Subcommittee 
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Education. 
SD–124
Armed Services 
Personnel Subcommittee 
To hold hearings to examine active component, reserve component, and civilian personnel programs in review of the defense authorization request for fiscal year 2007. 
SR–232A
10 a.m. 
Banking, Housing, and Urban Affairs 
To hold hearings to examine regulatory relief proposals. 
SD–538
Budget 
To hold hearings to examine the President’s budgetary proposals for fiscal year 2007 for the Department of Health and Human Services. 
SD–608
Health, Education, Labor, and Pensions 
Education and Early Childhood Development Subcommittee 
To continue hearings to examine S. 2198, to ensure the United States successfully competes in the 21st century global economy. 
SD–430
10:30 a.m. 
Appropriations 
Legislative Branch Subcommittee 
SD–138
2 p.m. 
Small Business and Entrepreneurship 
To hold hearings to examine the nomination of Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration. 
SR–428A
2:30 p.m. 
Armed Services 
Airland Subcommittee 
To hold hearings to examine Army Transformation and the future combat systems acquisition strategy in review of the defense authorization request for fiscal year 2007 and the future years defense program. 
SR–232A
Commerce, Science, and Transportation 
Disaster Prevention and Prediction Subcommittee 
To hold hearings to examine winter storms. 
SD–562
Environment and Public Works 
To hold hearings to examine the status of the Yucca Mountain Project. 
SD–628
Judiciary 
To hold hearings to examine judicial nominations. 
SD–226
Energy and Natural Resources 
Public Lands and Forests Subcommittee 
To hold hearings to examine the role of the Forest Service and other Federal agencies in protecting the health and welfare of foreign guest workers carrying out tree planting and other service contracts on National Health System lands, and to consider related Forest Service guidance and contract modifications issued in recent weeks. 
SD–366
Intelligence 
To receive a closed briefing to examine certain intelligence matters. 
SH–219
3 p.m. 
Health, Education, Labor, and Pensions 
To hold hearings to examine reauthorization of the Ryan White CARE Act relating to fighting the AIDS epidemic of today. 
SD–430
4 p.m. 
Armed Services 
Business meeting to consider pending military nominations. 
SR–222
MARCH 2
9 a.m. 
Foreign Relations 
To hold a closed briefing on the challenges and responses with respect to a nuclear Iran. 
S–407, Capitol
9:30 a.m. 
Armed Services 
To hold hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program. 
SH–216
Judiciary 
Business meeting to consider pending calendar business. 
SD–226
10 a.m. 
Banking, Housing, and Urban Affairs 
To hold hearings to examine implementation of the Exon-Florio Amendment, focusing on Dubai Ports World acquisition of Peninsular and Oriental Steam Navigation Company. 
SD–565
Budget 
To hold hearings to examine the President’s proposed budget for fiscal year 2007. 
SD–608
Commerce, Science, and Transportation 
To hold hearings to examine USF distribution. 
SD–562
Energy and Natural Resources 
To hold hearings to examine the President’s proposed budget request for fiscal year 2007 for the Department of the Interior. 
SD–366
Health, Education, Labor, and Pensions 
To hold hearings to examine the state of mine safety and health. 
SD–430
Homeland Security and Governmental Affairs 
To hold hearings to examine the challenges and responses with respect to lobbying activities. 
SD–342
Veterans’ Affairs 
To hold hearings to examine legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, the Gold Star Wives of America, and the Military Officers Association of America. 
SD–106
10:30 a.m. 
Foreign Relations 
To hold hearings to examine the challenges and responses with respect to a nuclear Iran. 
SD–419

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
To hold hearings to examine military installations, military construction, environmental programs, and base realignment and closure programs in review of the defense authorization request for fiscal year 2007.

To hold hearings to examine the outlines of the Global Nuclear Energy Plan and the future of nuclear power.

To hold hearings to examine the goal of energy independence.

To hold hearings to examine rural telecom.

To hold hearings to examine the legislative presentation of the Veterans of Foreign Wars.

To hold hearings to examine nuclear weapons and defense environmental cleanup activities of the Department of Energy in review of the defense authorization request for fiscal year 2007 and the future years nuclear security program.

To hold hearings to examine the Department of Defense four-year defense review; to be followed by a closed session in SH-216.

To hold hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program.

To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Secretary of the Senate, Architect of the Capitol, and the Capitol Visitor Center.

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.

To hold hearings to examine impacts on aviation regarding volcanic hazards.

To hold hearings to examine the home-five years defense program.

To hold hearings to examine fostering innovation in math and science education.

To hold hearings to examine offshore aquaculture.

To hold hearings to examine the importance of basic research to United States competitiveness.

To hold hearings to examine the future of nuclear power.

To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.

To hold hearings to examine offshore aquaculture.
MAY 17
10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24
10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

JUNE 14
10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

POSTPONEMENTS
MARCH 2
10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine voice over Internet protocol.
SD–562
**Monday, February 27, 2006**

**Daily Digest**

**Senate**

### Chamber Action

**Routine Proceedings, pages S1489–S1510**

**Measures Introduced:** One bill and one resolution were introduced, as follows: S. 2333 and S.J. Res. 32.

**Measures Reported:**
- S. 1052, to improve transportation security, with an amendment in the nature of a substitute. (S. Rept. No. 109–216)
- H.R. 683, to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment, with an amendment in the nature of a substitute.

**USA PATRIOT Act Additional Reauthorizing Amendments:** Senate resumed consideration of 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, taking action on the following amendments proposed thereto:

**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.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:45 a.m., and vote on the motion to invoke cloture on the bill at 2:30 p.m.

**Nominations Received:** Senate received the following nominations:
- John G. Emling, of Pennsylvania, to be an Assistant Secretary of Commerce.

**William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency.**

**Timothy Anthony Junker, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.**

**Patrick Carroll Smith, Sr., of Maryland, to be United States Marshal for the Western District of North Carolina for the term of four years.**

2 Army nominations in the rank of general.
6 Navy nominations in the rank of admiral.
Routine lists in the Army and U.S. Coast Guard.

**Messages From the House:**

**Executive Communications:**

**Additional Cosponsors:**

**Statements on Introduced Bills/Resolutions:**

**Additional Statements:**

**Notices of Hearings/Meetings:**

**Authorities for Committees to Meet:**

**Adjournment:** Senate convened at 2 p.m., and adjourned at 5:07 p.m., until 9:45 a.m., on Tuesday, February 28, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1509.)

### Committee Meetings

**DUBAI PORTS WORLD PURCHASE**

**Committee on Armed Services:** On Thursday, February 23, 2006, Committee met to receive a briefing to discuss the national security implications of the acquisition of Peninsular and Oriental Steamship Navigation Company by Dubai Ports World—a government-owned and controlled firm of the United Arab Emirates from Gordon England, Deputy Secretary, and Peter Flory, Assistant Secretary for International Security Policy, both of the Department of Defense, Bob Joseph, Under Secretary for Arms Control and International Security, and Tony Wayne, Assistant
Secretary of the Bureau of Economic and Business Affairs, both of the Department of State, Robert Kimmitt, Deputy Secretary, and Clay Lowery, Assistant Secretary for International Affairs, both of the Department of the Treasury, and Michael Jackson, Deputy Secretary, Rear Admiral Thomas Gilmour, U.S. Coast Guard, Assistant Commandant for Protection, Stewart Baker, Assistant Secretary for Policy, and Jayson Ahern, Assistant Commissioner, Office of Field Operation, U.S. Customs and Border Protection, all of the Department of Homeland Security, all of behalf of the Committee on Foreign Investment in the United States.

DUBAI PORTS WORLD PURCHASE

Committee on Homeland Security and Governmental Affairs: Committee met in open and closed sessions to receive a briefing to discuss Dubai Ports World purchase of Peninsular and Oriental Steam Navigation Company from Clay Lowery, Assistant Secretary of the Treasury for International Affairs; Stewart Baker, Assistant Secretary for Policy, Planning, and International Affairs, Rear Admiral Thomas Gilmour, Assistant Commandant for Marine Safety, Security, and Environmental Protection, U.S. Coast Guard, and Jay Ahern, Assistant Commissioner for Field Operations, Customs and Border Protection, all of the Department of Homeland Security; Beth McCromick, Deputy Under Secretary and Acting Director, Defense Technology Security Administration, Department of Defense; and Alan Misenheimer, Director of Arabian Peninsula and Iran Affairs, Department of State.

House of Representatives

Chamber Action

The House was not in session today. Pursuant to H. Con. Res. 345, the House is scheduled to meet at 2 p.m. on Tuesday, February 28, 2006.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 117)


CONGRESSIONAL PROGRAM AHEAD

Week of February 28 through March 4, 2006

Senate Chamber

On Tuesday, Senate will continue consideration of S. 2271, USA PATRIOT Act Additional Reauthorizing Amendments Act, with a vote on the motion to invoke cloture on the bill to occur at 2:30 p.m.

On Wednesday, at 11 a.m., Senate will meet with the House of Representatives for a joint meeting to hear an address from Silvio Berlusconi, Prime Minister of Italy. Also, Senate expects to vote on final passage of S. 2271, USA PATRIOT Act Additional Reauthorizing Amendments Act.

During the balance of the week, Senate may consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)


March 1, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Education, 9:30 a.m., SD–124.

March 1, Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Library of Congress, Open World Leadership Council, and Government Accountability Office, 10:30 a.m., SD–138.

March 2, Subcommittee on Energy and Water, to hold hearings to examine an outline of the Global Nuclear Energy Plan and the future of nuclear power, 2:30 p.m., SD–124.

Committee on Armed Services: February 28, to hold hearings to examine current and future worldwide threats to the national security of the United States; to be followed by a closed session in SH–219, 9:30 a.m., SH–216.

March 1, Subcommittee on Personnel, to hold hearings to examine active component, reserve component, and civilian personnel programs in review of the defense authorization request for fiscal year 2007, 9:30 a.m., SR–232A.

March 1, Subcommittee on Airland, to hold hearings to examine Army Transformation and the future combat
systems acquisition strategy in review of the defense authorization request for fiscal year 2007 and the future years defense program, 2:30 p.m., SR–232A.

March 1, Full Committee, business meeting to consider pending military nominations, 4 p.m., SR–222.

March 2, Full Committee, to hold hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program, 9:30 a.m., SH–216.

March 2, Subcommittee on Readiness and Management Support, to hold hearings to examine military installations, military construction, environmental programs, and base realignment and closure programs in review of the defense authorization request for fiscal year 2007, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: February 28, to hold hearings to examine the President’s proposed budget request for fiscal year 2007 for the Federal Transit Administration, Department of Transportation, 10:30 a.m., SD–538.

March 1, Full Committee, to hold hearings to examine regulatory relief proposals, 10 a.m., SD–538.

March 2, Full Committee, to hold hearings to examine implementation of the Exon-Florio Amendment, focusing on Dubai Ports World acquisition of Peninsular and Oriental Steam Navigation Company, 10 a.m., SD–G50.

Committee on the Budget: March 1, to hold hearings to examine the President’s budgetary proposals for fiscal year 2007 for the Department of Health and Human Services, 10 a.m., SD–608.

March 2, Full Committee, to hold hearings to examine the President’s proposed budget for fiscal year 2007, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: February 28, to hold hearings to examine the Universal Service Fund (USF) contribution system, 10 a.m., SD–106.

February 28, Full Committee, to hold hearings to examine the security of terminal operations at U.S. ports, 2:30 p.m., SD–106.

March 1, Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine winter storms, 2:30 p.m., SD–562.

March 2, Full Committee, to hold hearings to examine USF distribution, 10 a.m., SD–562.

Committee on Energy and Natural Resources: February 28, to hold hearings to examine the President’s proposed budget request for fiscal year 2007 for the Forest Service, 10 a.m., SD–366.

February 28, Subcommittee on Water and Power, to hold hearings to examine the Bureau of Reclamation Reuse and Recycling Program (Title XVI of Public Law 102–575), 2:30 p.m., SD–366.

March 1, Full Committee, to hold an oversight hearing to examine 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, 9:30 a.m., SD–366.

March 1, Subcommittee on Public Lands and Forests, to hold hearings to examine the role of the Forest Service and other Federal agencies in protecting the health and welfare of foreign guest workers carrying out tree planting and other service contracts on National Health Sy- tem lands, and to consider related Forest Service guidance and contract modifications issued in recent weeks, 2:30 p.m., SD–366.

March 2, Full Committee, to hold hearings to examine the President’s proposed budget request for fiscal year 2007 for the Department of the Interior, 10 a.m., SD–366.

Committee on Environment and Public Works: March 1, to hold hearings to examine the status of the Yucca Mountain Project, 2:30 p.m., SD–628.

Committee on Foreign Relations: March 2, to hold a closed briefing on the challenges and responses with respect to a nuclear Iran, 9 a.m., S–407, Capitol.

March 2, Full Committee, to hold hearings to examine the challenges and responses with respect to a nuclear Iran, 10:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: February 28, Subcommittee on Education and Early Childhood Development, to hold hearings to examine S. 2198, to ensure the United States successfully competes in the 21st century global economy, 10 a.m., SD–430.

March 1, Subcommittee on Education and Early Childhood Development, to continue hearings to examine S. 2198, to ensure the United States successfully competes in the 21st century global economy, 10 a.m., SD–430.

March 1, Full Committee, to hold hearings to examine reauthorization of the Ryan White CARE Act relating to fighting the AIDS epidemic of today, 3 p.m., SD–430.

March 2, Full Committee, to hold hearings to examine the state of mine safety and health, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: February 28, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine S. 2060, to extend the District of Columbia College Access Act of 1999 and make certain improvements, S. 1838, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and H.R. 3508, to authorize improvements in the operation of the government of the District of Columbia, 10 a.m., SD–342.

March 1, Full Committee, to hold hearings to examine the President’s proposed budget request for fiscal year 2007 for the Department of Homeland Security, 9:30 a.m., SD–342.

March 2, Full Committee, business meeting to consider S. 2128, to provide greater transparency with respect to lobbying activities, 10 a.m., SD–342.

Committee on Indian Affairs: February 28, to hold oversight hearings to examine Indian gaming activities, 9:30 a.m., SR–485.

March 1, Full Committee, to hold joint hearings with the House Committee on Resources to examine the settlement of Cobell v. Norton, 9:30 a.m., SD–106.

Committee on the Judiciary: February 28, to resume hearings to examine issues relating to wartime executive power and the NSA’s surveillance authority, 9:30 a.m., SD–226.
March 1, Subcommittee on Immigration, Border Security and Citizenship, with the Subcommittee on Terrorism, Technology and Homeland Security, to hold joint hearings to examine Federal strategies to end border violence, 9 a.m., SD–226.

March 1, Full Committee, to hold hearings to examine judicial nominations, 2:30 p.m., SD–226.

March 2, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Committee on Rules and Administration: February 28, business meeting to markup an original bill to make the legislative process more transparent, 9:30 a.m., SR–301.

Committee on Small Business and Entrepreneurship: March 1, to hold hearings to examine the nomination of Eric M. Thorsen, of Virginia, to be Inspector General, Small Business Administration, 2 p.m., SR–428A.

Committee on Veterans’ Affairs: February 28, to hold hearings to examine legislative presentation of the Disabled American Veterans, 2 p.m., SH–216.

March 2, Full Committee, to hold hearings to examine legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, the Gold Star Wives of America, and the Military Officers Association of America, 10 a.m., SD–106.

Select Committee on Intelligence: March 1, to receive a closed briefing to examine certain intelligence matters, 2:30 p.m., SH–219.

March 2, Full Committee, to receive a closed briefing to examine certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Appropriations, March 1, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Office of Inspector General, 9:30 a.m., 2362A Rayburn.

March 1, Subcommittee on Interior, Environment, and Related Agencies, on Secretary of the Interior, 9 a.m., B–308 Rayburn.

March 1, Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies, on public witnesses, 10 a.m., H–143 Capitol.

March 1, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on FCC, 2 p.m., H–309 Capitol.

March 2, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Rural Development, 9:30 a.m., 2362A Rayburn.

March 2, Subcommittee on Energy and Water, and Related Agencies, on U.S. Army Corps of Engineers, 2 p.m., 2362B Rayburn.

March 2, Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Avian Influenza-International Response, 10 a.m., 2359 Rayburn.

March 2, Subcommittee on Interior, Environment, and Related Agencies, on Administrator of EPA, 10 a.m., B–308 Rayburn.

March 2, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on American Competitiveness Initiative, 10 a.m., 2358 Rayburn.

March 2, Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies, on U.S. Court of Appeals for Veterans Claims, 9:30 a.m., on American Battle Monuments Commission, 10 a.m., on Arlington National Cemetery, 10:30 a.m., and on Armed Forces Retirement Home, 11 a.m., H–143 Capitol.

March 2, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on NSF, 10 a.m., H–309 Capitol.

Committee on Armed Services, February 28, Subcommittee on Protection Forces, hearing on the U.S. Air Force on Aerial Refueling Recapitalization Requirements, 6 p.m., 2212 Rayburn.

March 1, full Committee, hearing on the Fiscal Year 2007 National Defense Authorization Budget Request for the Department of the Air Force, 10 a.m., and to hold a hearing on the Fiscal Year 2007 National Defense Authorization Budget Request for the Department of the Navy, 2 p.m., 2118 Rayburn.

March 1, full Committee, to mark up the following resolutions: H. Res. 645, Requesting the President and directing the Secretary of Defense to transmit to the House of Representatives all information in the possession of the President or the Secretary of Defense relating to the collection of information pertaining to persons inside the United States without obtaining court-ordered warrants authorizing the collection of such information and relating to the policy of the United States with respect to the gathering of counterterrorism intelligence within the United States; and H. Res. 685, Requesting the President and directing the Secretary of State and the Secretary of Defense provide to the House of Representatives certain documents in their possession relating to any entity with which the United States has contracted for public relations purposes concerning Iraq, 6:30 p.m., 2118 Rayburn.

March 1, Subcommittee on Strategic Forces, hearing on the Fiscal Year 2007 National Defense Authorization Budget Request for the Department of Energy’s Atomic Energy Defense Activities, 4:30 p.m., 2212 Rayburn.

March 2, full Committee, hearing on the National Security Implications of the Dubai Ports World Deal to Take over Management of U.S. Ports, 1 p.m., 2118 Rayburn.

Committee on the Budget, March 1, hearing on the Department of Defense Budget Priorities Fiscal Year 2007, 9:30 a.m., 210 Cannon.

Committee on Education and the Workforce, March 1, Subcommittee on Workforce Protections, hearing entitled “Evaluating Health and Safety Regulations in the American Mining Industry,” 12 p.m., 2175 Rayburn.

March 1, Subcommittee on Health, hearing entitled "Medicare Part D; Implementation of the New Drug Benefit," 2 p.m., 2123 Rayburn.

March 2, Subcommittee on Environment and Hazardous Materials, hearing entitled "Legislation to Implement the POPs, PIC, and LRTAP POPs Agreements," 10 a.m., 2123 Rayburn.

Committee on Financial Services, February 28, Subcommittee on Housing and Community Opportunity, hearing entitled "Fair Housing Issues in the Gulf Coast in the Aftermath of Hurricane Katrina and Rita," 11 a.m., 2128 Rayburn.

March 1, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Foreign Investment, Jobs and National Security: The CFIUS Process," 2 p.m., 2128 Rayburn.


March 1, Subcommittee on Federalism and the Census, hearing entitled "Apportionment in the Balance: A Look into the Progress of the 2010 Decennial Census," 10 a.m., 2154 Rayburn.


March 1, Subcommittee on Regulatory Affairs, hearing entitled "Plain English Regulations: Helping the American Public Understand the Rules," 10 a.m., 2247 Rayburn.

Committee on Homeland Security, March 1, executive briefing on the acquisition of terminal operations in six United States ports by Dubai Port World, 5:30 p.m., H2–176 Ford Building.


Committee on International Relations, February 28, Subcommittee on Africa, Global Human Rights and International Operations, to mark up the following measures: H.R. 4423, Ethiopia Consolidation Act of 2005; H.R. 3189, Central Asia Democracy and Human Rights Act of 2005; H. Con. Res. 320, Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience; and H. Res. 578, Concerning the Government of Romania’s ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania, 5 p.m., 2172 Rayburn.

March 2, full Committee, hearing on United States Policy Toward the Palestinians in the Aftermath of Parliamentary Elections, 10:30 a.m., 2172 Rayburn.

March 2, Subcommittee on International Terrorism and Nonproliferation, oversight hearing on Assessing Rights under the Nuclear Nonproliferation Treaty, 2 p.m., 2200 Rayburn.

March 2, Subcommittee on Western Hemisphere, oversight hearing on Western Hemisphere Energy Security, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, February 28, Subcommittee on Crime, Terrorism, and Homeland Security, to continue oversight hearings on The Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) Part 2: Gun Show Enforcement, 2 p.m., 2141 Rayburn.


March 1, Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled "The Energy Employees Occupational Illness Compensation Program Act—Are We Fulfilling the Promise We Made to these Veterans of the Cold War When We Created the Program," 4 p.m., 2141 Rayburn.


Committee on Resources, March 1, Subcommittee on Water and Power, oversight hearing entitled "How the Federal Marketing Administrations are Implementing the Energy Policy Act of 2005 and an Assessment of the Proposed Fiscal Year Budgets for these Agencies," 2 p.m., 1324 Longworth.

March 2, Subcommittee on National Parks, oversight hearing on the National Park Service's Fiscal Year 2007 Budget, 10 a.m., 1334 Longworth.

March 2, Subcommittee on Water and Power, oversight hearing entitled "The President's Fiscal Year 2007 Budget Requests for the Bureau of Reclamation and the Water Division of the U.S. Geological Survey," 10 a.m., 1324 Longworth.

Committee on Rules, March 1, to consider H.R. 4167, National Uniformity for Food Act of 2005, 2:30 p.m., H–313 Capitol.

March 2, hearing entitled "Lobbying Reform: Accountability through Transparency," 10 a.m., H–313 Capitol.
Committee on Science, March 2, hearing on NASA Science Mission Directorate: Impacts of the Fiscal Year 2007 Budget Proposal, 10 a.m., 2318 Rayburn.

Committee on Small Business, March 2, Subcommittee on Workforce, Empowerment and Government Programs, oversight hearing on the SBA’s Entrepreneurial Development Programs, 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 1, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on the United States Coast Guard and the Federal Maritime Commission Fiscal Year Budget Requests, 10 a.m., 2167 Rayburn.

March 1, Subcommittee on Water Resources and Environment, oversight hearing on Agency Budgets and Priorities for Fiscal Year 2007 for the following Agencies: The U.S. Army Corps of Engineers, The Natural Resources Conservation Service and the Saint Lawrence Seaway Development Corporation, 2 p.m., 2167 Rayburn.

March 2, Subcommittee on Highways, Transit and Pipelines, oversight hearing on Curbside Operations: Bus Safety and ADA Regulatory Compliance, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, March 2, Subcommittee on Oversight and Investigations, oversight hearing regarding the Department of Veterans Affairs’ Fiscal Year 2007 information technology budget, 10 a.m., 340 Cannon.

Committee on Ways and Means, March 1, Subcommittee on Health, hearing on MedPAC’s March Report on Medicare Payment Policies, 3 p.m., 1100 Longworth.

March 2, Subcommittee on Social Security, to continue hearings on Social Security Number High-Risk Issues, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, February 28, executive, hearing in Accordance with the Framework Agreement, 10 a.m., H–405 Capitol.

February 28, executive, hearing on the Department of Defense’s Intelligence Budget, 1 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: March 1, Senate Committee on Indian Affairs, to hold joint hearings with the House Committee on Resources to examine the settlement of Cobell v. Norton, 9:30 a.m., SD–106.
Next Meeting of the SENATE
9:45 a.m., Tuesday, February 28

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 1 hour), Senate will continue consideration of S. 2271, USA PATRIOT Act Additional Reauthorizing Amendments Act, with a vote on the motion to invoke cloture on the bill to occur thereon at 2:30 p.m.
(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, February 28

House Chamber

Program for Tuesday: To be announced.