

you look very closely on the floor, already destroyed is the USA. That is their intention, what they intend to do. We have to understand we take them at their word, and we have to make sure they do not have the opportunity to develop a nuclear weapon. It is time for the international community to act stronger than it has acted, maybe call their bluff. Strong words from the Iranians require a strong response from the Security Council. Iran has threatened the United States with harm because we are looking to hold them accountable for their actions or to endorse their international commitments.

In light of this situation, no sound-minded diplomat can claim the purpose of the Iranian program is benign or that it can be trusted to uphold any part of a compromise agreement. They do not want agreement. We talk about continuing the discussions with the Russian plan they laid out. We have to presume that the other side really wants an end to the crisis, but there is no rational basis to presume they want an end to the crisis. They want the crisis. They want to push it forward. They want to engage in dialog as they continue their efforts to obtain nuclear materials. So there is no incentive for us to engage in the negotiation.

If you look at proposals—some unacceptable, to flatout dangerous—all require enormous concessions to the Iranians to get their buy-in. Again, we have to say, does the other side want an end to the crisis? Do they want to do a deal? The answer is “no.”

The Iranians already rejected a Russian proposal to jointly enrich uranium on Russian soil. There has also been talk of a deal where Iran will be allowed to conduct small-scale research enrichment in exchange for postponing industrial-scale research. This is ludicrous to be talking about.

Our friends on the Security Council must recognize compromise with Iran is not an end to itself but only used when it is seeking to reach an objective, to prevent them from producing nuclear weapons. Any deal that allows Iran to retain uranium does not serve this objective.

This week, the IAEA must refer—and I use the word “refer”—Iran to the Security Council with a strongly worded IAEA resolution that will lead to robust Security Council action, not to rest on what was a weak IAEA resolution passed last month which reported Iran to the Council. Under the chart of the U.N., the Security Council is granted jurisdiction over “threats to international peace and security.” There is no more evident, obvious threat to international peace and security than the attempt of Iran to obtain nuclear materials and to develop a nuclear weapon.

The Security Council action was absolutely necessary in dealing with Iran. I am aware that several of our partners on the Council—namely, Russia and China—have yet to come to understand

the urgency of the crisis we face with Iranian’s nuclear program. For this reason, I support the administration’s efforts to build a coalition of allies who are willing to impose meaningful sanctions on Iran, should certain members of the Security Council fail to act responsibly by withholding support for sanctions. Action needs to be taken immediately. Sanctions need to be taken immediately. The international community cannot be constrained from action against imminent threat to peace and security by a few self-interested actors. We cannot be cowed and bowed by the threats of the Iranians.

We must move forward. This is a threat to peace and security of the entire world. We have to act now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

#### DUBAI

Mr. LAUTENBERG. Mr. President, the focus today, as we look at reforming lobbyist activities, is trying to show that there is an honest face within the Senate and within the Congress. We must continue with those activities.

However, at the same time, we are looking at a situation that worries more than 70 percent of the American people today. There is no doubt about it, this deal is done. Today, Dubai Ports World owns shipping terminals throughout the United States and in my home State of New Jersey.

Frankly, it is an outcome we are all trying to prevent, and we need to do whatever we can to reverse it. I am not sure it is possible, despite the positive words from colleagues across the room. That is why I am a cosponsor of this amendment.

I know the port area very well in my State of New Jersey. It is called the Port of New York and New Jersey. It is the second busiest container port on the east coast. Millions of tons of cargo pass through it. It is strictly located to be near markets. It is less than 2 miles from the Newark Airport, one of the busiest in the country, and stretches almost to the shores of New York, 2 miles of land that the FBI says is the most dangerous 2 miles of territory in America for a terrorist attack.

The reason goes beyond the confluence of all kinds of activities. It also is an area where there is lots of chemical manufacturing, chemical transportation, and warehousing of chemical materials. And it is said that if an attack were successful in that area, we could be looking at millions of deaths. And we want to transfer the operation of that terminal container, the second biggest in the harbor, to Dubai? People are saying it is good business and something that we have to do in the interests of foreign trade and international economies.

The Dubai Ports deal has been mishandled by the administration from the beginning. President Bush gave the

deal a casual “thumbs up” when it deserved the highest scrutiny. As a matter of fact, it wasn’t even brought to the attention of senior Cabinet officials. Or if it was brought to their attention, they forgot it; they did not remember it.

Instead of a real investigation, the administration issued a document called a Statement of No Objection. We have heard the President’s determination to have this go through, even suggesting that he would veto it if there were any attempt to block the transaction. It is a simple statement, the Statement of No Objection, issued by the Treasury Department that said: No problem, go ahead and take over these terminals in our country. Frankly, it was an irresponsible move.

On September 11, longshoremen, people employed on the docks at Port Newark, could see the smoke rising from the World Trade Center across the river. Indeed, throughout New Jersey, people looked to the sky in disbelief. And now, the President is telling these people, my constituents, not to worry? That is not good enough.

The Bush administration has been playing a shell game on this issue from the very beginning. First, they said no thorough investigation was necessary and approved the deal. What they were saying, basically, is “mission accomplished.” “All done.” We have heard that before, and we know the consequences that came after that. There was a public outcry.

Now the administration is supposedly conducting a thorough investigation. Frankly, it is a meaningless gesture. The deal is done. The deal is closed. Its final moments are today. So now the Ports World Company from Dubai owns those terminals. Before this new investigation even began, President Bush announced he had made up his mind. Last week he said: My position hasn’t changed. That throws out the possibility of a truly objective investigation.

This is not simply a 45-day investigation. It is a 45-day stall while the administration hopes the American people will forget about the problem and they can go ahead with the business they plan. But we will not forget what happened on September 11 and we will not forget how much energy, resources, and prayers we devoted to keeping that kind of an incident from ever happening again in America, an attack that wounded us forever. We will not forget how the administration tried to rubberstamp this deal. Our constituents are alarmed. They should be.

I don’t think Dubai is a terrible place or the people are awful people. But they consort with people with whom we do not agree. They have a terrible record in Dubai of controlling their own ports. Dubai was a key transfer point for illegal shipments of nuclear weapon components that were sent to Iran, North Korea, and Libya. The relationship with Iran and Dubai is one that is unholy. Iran’s stated purpose,

we heard our distinguished Senator from Minnesota state, the President of Iran says he will not be happy until Israel is blown off the map.

There is a constant support stream from Iran to terrorist organizations Hamas, Hezbollah, and Islamic Jihad. They all get support there. Dubai does over \$1 billion a year's worth of business with Iran and now has a trade mission there. What does that do? That helps Iran earn money, helps them to supply terrorist insurgent groups to Iraq where they are out to kill our kids, our soldiers, and the Iraqi people. Those are their friends. And we say, according to the administration, come on, these are good people, they bring money, why shouldn't we let them take over a sensitive part of our functioning?

We are saying "no," and we are going to fight it in whatever ways we can. It may take a public demonstration of support that is overwhelming to keep it from happening. But right now, the presumed opportunity for negotiation over the next 45 days is not there.

There is no opportunity, there is no compulsion to bring the truth out. I want to see the administration offer to us, in whatever protected area is necessary, what CFIUS, the Committee on Foreign Investments in the United States—I want to see what they had in front of them. And I am putting in a formal request. I want to see what they had in front of them to let them make the decision that, again, did not get the attention of Secretary Snow of the Department of Treasury, to whom the CFIUS people should have reported. It did not seem to disturb Secretary Rumsfeld. It did not seem to bother the President, certainly.

These links are there also between Dubai and Osama bin Laden and 9/11. The FBI has determined that money used for the 9/11 attacks was transferred to the hijackers primarily through the UAE's—United Arab Emirates—banking system. Further, after the 9/11 attacks, the Treasury Department complained of a lack of cooperation by the UAE as the United States was trying to track down Osama bin Laden's bank accounts.

Now, we all remember when the Taliban was harboring and protecting Osama bin Laden within its borders in Afghanistan. Civilized nations of the world were working to isolate this repressive regime. However, the UAE—the United Arab Emirates—was one of only three countries in the world that recognized the Taliban as the legitimate Government of Afghanistan.

Then there is another disturbing revelation about the UAE and Osama bin Laden. This seems impossible to conceive. The 9/11 Commission—a respected body that did a lot of hard work in trying to understand what took place on 9/11, what led up to it, and what we should do about preventing that kind of an occurrence again—the 9/11 Commission revealed, on pages 137 and 138 of its report, that

members of the UAE Royal Family were secretly meeting with Osama bin Laden—this goes back to 1999—near his camp in Afghanistan. He had already done or led terrible actions against Americans. The UAE meetings with bin Laden came after bin Laden's 1998 bombing of United States Embassies in Africa, killing over 220 people, including 12 Americans. It was also after bin Laden issued something called a fatwa, stating that all Muslims have a religious duty to "kill Americans and their allies, both civilian and military" worldwide.

The UAE may also be responsible for undoing our best chance of getting rid of bin Laden himself. Former CIA Director George Tenet told the 9/11 Commission that the United States military was prepared to launch a missile strike against bin Laden in February of 1999, but it was called off. It was called off because United States officials discovered the presence of UAE officials near the bin Laden camp. Mr. Tenet, head of the CIA, testified to the 9/11 Commission that the attack was called off when the United States realized that we—and I quote here—"might have wiped out half the royal family in the UAE in the process." Kept them alive. We have heard stories here: Oh, we know where bin Laden is. We know what is going on. Well, if we know, why don't we get him?

And this government wants to be able to control terminals in our ports? I do not think so. And more than 70 percent of Americans do not think so.

So it is time—it is time—for the Senate to stand up and say no—no, no, no—to this takeover. We see how politically sensitive it is because the American people are often smarter in their thinking than sometimes we are here or in the House of Representatives.

The Republican-led House, the Republican Appropriations Committee, yesterday said this deal with Dubai should not go through. Imagine, Republicans challenging the President, the present leader of the country, the Commander in Chief, challenging the President, their party's President, where they have a majority in the House and here in the Senate. They say to President Bush, with all respect: Say no. We do not want this deal to go through. Say no to the giant international corporations that want this deal to go through at any cost. And say yes to this amendment. Do not let this contract go any further than it is.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have sat and listened to a lot of what we have heard today. I will tell you that myself and Senator LAUTENBERG and Senator SCHUMER raised this issue some 3½ weeks ago at a press conference, in which we agreed there ought to be a timeout on this. From that day forward, there has been significant increased knowledge by the

American people. There has been significant uproar.

During all the time of that, the intention was—and I was led to believe by the Senator from New York—that the purpose was to find out what is best for the country, to find out what needs to be done, and to do it. That is not what we are doing today. That is not what this amendment does today.

I used to serve in the House, starting in 1994. The House Members do tend to reflect the current situations in the country. But a higher standard is required of us as a body. And one is to know the facts before we act. I would contend that the Senator from New York and the Senator from New Jersey do not know the facts on this deal. Several statements have been made about this being a done deal; it is a closed financial deal. It is not a closed deal that Dubai Ports will, in fact, operate these ports. As a matter of fact, the company has been very straightforward with information with my office, the communications we have had.

I do not believe we have the answer to the problem as of yet, and I do not think we have clearly identified it. What it has done is give us a wonderful chance to look at two things. The first thing we need to look at is overall port security, which we know on the Homeland Security Committee, for which myself and the Senator from New Jersey are members, we have a lot of work to do still in terms of port security, especially container inspection overseas and limiting the risk of those things that come into this country.

But it also raises another opportunity, and it is something I have been calling for since I have been in this body. It is for us to start thinking long term and not about the politics. The tendency that we see negates that which my favorite hero of the 20th century espoused, Martin Luther King. He said: Vanity asks, is it popular? And cowardice asks, is it expedient? But conscience asks, is it right?

The right thing to do right now is not to vote on this amendment. The right thing to do is to fill ourselves with the knowledge we need to have and to exert our privilege in this body to do something once we have that knowledge. I would portend to you the amendment that is attempting to be offered is a political stunt. It is not based on knowledgeable information about what are and are not the facts. It is based on what is most politically expedient. I think that is harmful to our country, and I know it is harmful to the body.

If you go to the root cause of every problem we have in this country, it is because we are looking for political expediency rather than to make the hard choices about the long-term consequences of what is best for our country. Usually, when it gets into these things, since I am not an attorney and not a lawyer, but I am on the Judiciary Committee, I use a little book. It is called the Constitution of the United

States. There are some pretty interesting things in the Constitution about where we are today on this issue.

Article I, section 10 of the U.S. Constitution provides:

No State shall, without the Consent of the Congress, . . . enter into any Agreement or Compact with another State, or with a foreign Power. . . .

It is called the Compact Clause. It has been upheld multiple times.

Article II, section 2, provides:

[The President] shall have Power, by and with the Advice . . . of the Senate, to make Treaties, provided two-thirds of the Senators present concur. . . .

In other words, for a State or a port authority to enter into a contract with a foreign government or a company wholly owned by a foreign government, they must receive permission from the Congress. That is what the Constitution says.

There is no question there needs to be CFIUS reform. But one of the ways out of this—to recognize the value of the ally we do have in Dubai, regardless of the negatives that may be associated with it, and to recognize other allies that also have negatives in terms of what we believe as parameters for faith and justice and liberty—is to do what the Constitution says, and that is recognize the Compact Clause and the treaty clause in the Constitution and to convince all those involved to take a timeout.

The Senator from New Jersey rightly states that the financial closings of DP Ports International did take over the assets of the previous owner, the British company, as of 1 o'clock yesterday or 2 o'clock yesterday. But that company has put forward that nothing has changed within the American ports. They have graciously, in the situation they find themselves, extended that period for 45 days, and probably will extend it for a longer period of time should we so desire.

But I think one of the most important points I want to make in this debate is, let's do what is right in the long run, not what is politically expedient in the short run.

For the American people to know, the real reason they want a vote is because they want to say, Who is going to vote against this so they can run a campaign commercial against you because you voted against them—not because you did not take the time to do what is right and to think and to, on the basis of knowledge and information and informed intellect, make a decision about what is best for this country. But hurry up and run a vote so we can create a politically intriguing moment.

That is not what the Senate was intended to be. It is not what we should be about. And it is not what we should be doing today.

I must express I am extremely disappointed with the Senator from New York in terms of the assurances he gave me that this stunt would not be pulled. But, in fact, he has done that. I

do not know if that is because the Appropriations Committee in the House decided to run real quick and get it done and getting beat in terms of the headlines or he has some new information none of the rest of us knows that requires the immediate passing of this today. It does not. This is a political stunt.

Our obligation to the people of this country is to secure this country and to make sure we do it in a way that creates the best interests for us, both domestically and internationally. This amendment is not going to do that. What it is going to do is slap the country of Dubai, which may or may not need to be. But we do not know that information. It is going to insult them, somebody who is very critical to us in terms of what we are doing right now in the Middle East.

It is going to set us backwards. It is going to make this a more partisan body. I would remind the Senator that what goes around comes around. I can play hardball on this. I choose not to. The Senate was not designed for that. The Senate was designed to be a collegial body through thinking, knowledge, and informed consent, and coming together; that we, in fact, try to solve the problems of this country.

This is not trying to do this. This is trying to create division in the answer of political expediency, in the answer of vanity, not in response to conscience and courage. The courageous thing now is to take the timeout and find out what is going on and what needs to be changed, both in the process of how this came about, but also in the facts of this particular case. If that is the case—what the Senators from New York and New Jersey want to do—then why do we have COSCO running the Port of Los Angeles?

Why do we have foreign governments running other ports? If this was a sincere amendment, it would be reversing all of those. It is not a sincere amendment. It is an amendment about politics.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. COBURN. I want to finish my point, if I may. Federalist No. 44 commented on the compact clause saying that it was so clearly needed, that the particulars of the clause fall within reasonings which are either so obvious or have been so fully developed that they may be passed over without remark.

Our forefathers had this figured out. All we have to do is follow the Constitution. Senator SHELBY in the Banking Committee is looking at CFIUS reform. We have plenty of time to do what we need to do. But to run off in response to a motion without the facts is a dangerous precedent for this body. This is a reasoned body. The more partisanship we have, the less reason will prevail.

In several cases, courts have said the application of the compact clause is limited to agreements that are di-

rected to the formation of any combination tending to increase a political power in States which may encroach on or interfere with the just supremacy of the United States. So we already have the power to fix this under the compact clause and the treaty clause, both under article I and article II of the Constitution. That is what we ought to be doing. We have plenty of time to address that, while the appropriate committees within Congress address the actual facts of this case.

The United States has no national port authority. Jurisdiction is shared by Federal, State, and local governments, but it does not lessen the power of the U.S. Congress to have control over this. We do need to make some changes. The CFIUS program is wrong. My fellow colleague from Oklahoma has a wonderful bill in terms of reforming that. Senator SHELBY is changing some things. The fact is, not a good job in looking at some of these things has been done, and we have shirked our responsibility as the Senate in looking at it. But to run now to an amendment on the basis of pure political expediency does a disservice to this country in the long run. We ought not to do it. We can do it, and lots of Americans would be happy, but the consequences that will follow are grave, not only the consequences with this act but the consequences of the behavior of this body in the future, if we so act that way.

I call on my colleagues to refrain from doing anything other than gathering the appropriate knowledge, the details, look at the workings of the committees that are going on. Homeland Security is looking at this. Banking is. There will be several opportunities for us to fix this so that we appropriately can take a look at it. When the time comes, if this is not appropriate for the United States, it won't go through. But it will be done on the basis of a reasoned analysis of what is both good for us domestically in terms of our security, our economic security, as well as our foreign policy. We can have all sorts of speeches that beat up the President. The fact is, he is operating under the law. He has operated under the law. There is a law that this body created and gave him. We may need to change that law, but to cavalierly criticize what has been done is inappropriate.

We have already said we want an extra 45 days. We have that. If we need additional time, we will get it. This company is more than willing to work to make sure that we assure ourselves of absolute security. If it is so that we should not have this go through, then this body will not allow it. But it will be on the basis of facts, not emotion and not political expediency and trickery.

With that, I yield the floor and 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. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LAUTENBERG. Mr. President, we just heard from the Senator from Oklahoma, someone with whom I have been working since he has been here. We have significant differences of view on issues, but there is a mutual respect. He did join Senator SCHUMER from New York and me when we announced our opposition at first to this Dubai transaction. There was also a gesture of good faith. We were not expecting to have the political difference become so sharp and so angry over these next days, but information came out about how casually the disapproval took place from CFIUS, the Committee for Foreign Investment in the United States. It is supposed to get a review and had a 30-day review.

We listened to the recall by the Senator from Oklahoma about the compact section of the first amendment and reminding us that the Senate should advise and consent on matters like treaties, other things related to international relationships. But nobody knew anything about this. That was the interesting part. Here this thing suddenly pops up on the screen. There is a deal. The Emir of Dubai, a part of the United Arab Emirates, is going to buy this facility in a very sensitive part of the New York-New Jersey Harbor, one of the biggest harbors in the country and the world, all kinds of activities there. I mentioned them in my earlier remarks, a lot of industry, chemical manufacturing, gasoline distribution facilities, all kinds of things that are potentially subject to violent aftershocks if attacked, ignited. Deaths could range in the millions.

It so happened that the World Trade Center, which is on the perimeter of this area—the FBI considers the 2-mile stretch between Newark Airport and the New York-New Jersey Harbor as the most dangerous target for terrorism in the country; the most dangerous 2-mile stretch in the country, says the FBI. The port facility is right alongside this, as is Newark Liberty Airport.

Now we are hearing that Dubai has been friendly. They have helped us. They have let us dock our ships in their harbor.

How do we ignore their association? If someone is a member of a gang, a Mafia-type gang, and we know that they are a member, do we immediately invite them to join the bank board, or do we immediately invite them to one of the more important institutions in our country? Do we invite them to the Board of the Federal Reserve, the board of the stock exchange? Absolutely not. I ran a big company. I wouldn't have invited them to join the board of my company.

Here we have Dubai in a cozy relationship with Iran. Iran pours money into the Iraqi insurgent movement.

Iran thusly kills some of our troops. Yesterday we lost a couple more. It seems endless. And Iraqi families are torn apart, children killed, mothers, fathers, brothers, sisters—all targets for attack by these insurgents supported by cashflow from Iran. Iran has plenty of cash; little moral principle—none—but plenty of cash, determined to wipe Israel off the map. They say so. That is the President of the country speaking officially to 4,000 students gathered. He said: We want to wipe Israel off the map.

That is a pretty bold threat. I wouldn't take it lightly. The Israelis shouldn't take it lightly, and America should never take it lightly.

Dubai helped them get nuclear components to build nuclear weapons. That is what this is about. Dubai helped finance the 9/11 attack through their financial system. It took money as well as madness. Dubai helped. What does that count for? Nothing?

The secret nature of the CFIUS meetings, we are to be consoled? As a matter of fact, it was even said by some that it was a victory getting this 45-day window for review. Victory? Like the devil it is a victory. The ball game is over. The deal is made. Dubai Ports World now owns the terminal in Newark and several other ports around the country. They paid \$6 billion for it. The Emir bought it out of his own cash. So the deal is done. And the 45-day declaration of victory is a hollow response. There is nothing there. We can't do anything about it.

Yes, if the Republican majority in the House or the Senate say no, Mr. President, we are not going along with this deal, as was indicated by the 60-some Members of the Appropriations Committee in the House who voted against going through with this transaction with Dubai, that has to be a pretty significant revelation. If the President loses the troops that support him so fully, he ought to hear this. This is an unacceptable transaction. It has little to do with advice and consent.

I don't think there is any way we can stop this. This transfer has been made. But why should we waste 45 days to find out? That is what I don't get. We ought to simply take the vote up here. Let's vote in the Senate. Let us do it now, or next week, and decide do we approve of this transfer—and let it be amended any way we want to—from a company that has been operating there for a number of years, a British company. The history was already in place, so we had nothing to worry about there. But we only have 5 percent of the containers that come into the country that are thoroughly examined.

The committee on which I sit, the Governmental Affairs Committee, had a review. Witnesses came from the maritime community, a representative of Dubai, the chief financial officer, and the fellow who heads the World Ports organization. Everybody was convinced there would be few, if any,

problems, with nothing to worry about. Then, suddenly, we find out there are things to worry about—a lot of things to worry about. It is said that you judge a person by the company they keep. Well, the company Dubai keeps is not very encouraging, as far as I am concerned.

Our mission and responsibility here is the safety and security of the American people. That is what this is all about. It is not hatred for Dubai, but it raises a question about the company Dubai keeps, about the actions they have taken, about the fact that they were the first to recognize the Taliban as a legitimate government in Afghanistan. That is pretty errant behavior, as far as I am concerned. So, my friends, when you get it all talked about and people start getting on their high horses, saying this can be an ad in a political election campaign, would you rather have something go awry instead of taking the extra layer of protection we have taken? Not I. If you think this transaction should be allowed to go ahead and be completed, don't worry about it, mission accomplished, then vote for permitting the action to go through. If not, then join the logic, join the examination, join the view that says these people have things to prove.

I throw out a challenge here to the Emir of Dubai, to the United Arab Emirates: Why don't you say you will remove the boycott that stops Israeli products from coming there, that wants to wipe Israel off the map—get off of that boycott team and show good faith. Do you mean you want to be a friend of ours? Then don't challenge the existence of one of our friends. Say that they are off the boycott and products can flow and passports can be honored.

I will never forget when I went to Saudi Arabia during the first gulf war. I was the first legislator to be in that country. The reason was, there was a big air base in New Jersey called McGuire Air Force Base, where troops and materiel are flown to the eastern theater very promptly. They were in Saudi Arabia and I went to visit them. When I went there, there was a question of whether my passport would be valid—a United States Senator, one of 100 in this country, an official part of the American Government—a question whether my passport would be valid entry into Saudi Arabia because I had once visited Israel on that passport, and it had a stamp that said Israel. They are so narrowminded there that they said: If you have been to Israel, you are not welcome in this country with that kind of a passport. That is how mad and crazed they are about that boycott business.

Right now, they have us by the barrels. Oil prices are going through the roof. Wealth is pouring into these countries as never before believed possible. Look at Dubai. I understand from the pictures it is beautiful—skyscrapers, and I think they even have an

indoor ski hill. They have all kinds of things from money that we send. That money is used to buy ammunition for insurgents to continue to promote terrorism by supporting Hamas and Hezbollah and all the others through Iran. And Dubai says they are our pals.

What I conclude with is we ought to play showdown here—to use the expression—and vote on whether we want this deal to go through. It is so simple. Let the American people hear those who agree say yes, and those who disagree say no. It is not political, but let's do it.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I thank the Chair. I rise to speak about the motion to invoke cloture, which will be voted on in about an hour and 20 minutes. I must say that as the ranking Democrat on the Homeland Security and Governmental Affairs Committee, from which a significant part of the lobbying reform legislation before the Senate now came, I am deeply disappointed that we have reached this point in the debate on that critically important legislation. We have a once-in-a-generation opportunity to reform our lobbying laws and, in fact, touch other parts of the ethical standards by which we govern ourselves in the Senate. The Abramoff scandal and others have created this moment.

The Rules Committee has come forward with a constructive package of reforms. Our committee, on a bipartisan basis, brought out a significant series of amendments. The Lobbying Transparency and Accountability Act—this bill—is moving forward with a good, healthy debate. I actually believe we would have been coming close to passing it tonight if the amendment of my colleague from New York had not been offered yesterday and we are now in the gridlock we are in, requiring the cloture vote.

I am going to vote against cloture. I want to explain why. I assume cloture, from what I have heard, will not necessarily be achieved, and then we are going to face a moment of decision, which will call on all of us, including particularly our leaders, to reason together so we can get back to the lobbying reform legislation and presumably find another opportunity for Senator SCHUMER and others who wish to have this Chamber vote on the Dubai Ports World acquisition of terminals in this country.

I am going to vote against cloture for two reasons. First, this bill was on the floor and open to amendment for less than a day before the motion for cloture was filed. That simply is not

enough time for the kind of debate and amendment for this bill, so critical to our institution's credibility with the American people, to be debated.

Second, there were several amendments which had not been introduced yet, awaiting discussion and debate and eventual vote, including some I wanted to offer or cosponsor that were relevant. But virtually all of these, I believe, would be ruled nongermane if cloture is granted and, thus, could not be offered.

There is one particular amendment I am focused on, joining with some colleagues to offer, that I have been informed by the Parliamentarian would not be germane if cloture were to be invoked. That is the amendment that Senators MCCAIN, COLLINS, OBAMA, and I were going to offer to strengthen enforcement of the Senate ethics rules and oversight of the Lobbying Disclosure Act.

We have some excellent provisions already in the legislation before us—disclosure, prohibitions—but there is a second step we have to take to make sure these new standards we are setting become real, and that is to provide for enforcement and oversight. These are critical elements of reform that require us to establish what we have called an independent Office of Public Integrity.

This is a proposal that Senator COLLINS and I offered in committee markup. It did draw criticism from some of our colleagues and was defeated in the committee. We said then that we would reoffer it or offer something similar to it on the floor. Senators MCCAIN and OBAMA, who have long been active in this particular area of enforcement of our lobbying disclosure and Senate ethics rules, have joined us. We are very proud they have joined us.

Since the committee vote against the amendment, Senator COLLINS and I have worked with our colleagues to address some of the concerns that were expressed in the committee. We have altered the office's oversight and limited it to the Senate so it will not now serve both the House and the Senate. It will be limited to the Senate so there will be no question about whether the House might have some effect—we didn't think so—but some effect on the right of the Senate under the Constitution to set its own rules and discipline its Members.

This proposal, we think, will increase the professionalism and credibility of the Senate's self-policing. It is in no way meant as criticism of the Senate Ethics Committee, which has served honorably and well.

We also believe, in the current situation, there is not adequate review, monitoring, and enforcement of the Lobbying Disclosure Act, and not enough personnel, not enough independence in the oversight. Since we are increasing the requirements on lobbyists for disclosure, we think we also would benefit from an independent office to carry out those requirements.

Again, if cloture is invoked, we won't get to offer these particular amendments which are critical to this once-in-a-generation moment of opportunity for lobbying reform, and that alone is reason why I will vote against cloture.

There are other amendments. There is another amendment that may be ruled nongermane that would require Members of Congress to pay fair market value for travel on private planes. That is an important amendment. I intend to support it. It is quite possible that invoking cloture will make it not germane and, therefore, we will not be able to offer it.

I want to say a final word about the amendment offered by the Senator from New York on the Dubai Ports deal. Apparently, there is such a strong feeling among the American people about this, as reflected now in the overwhelming vote in the House Appropriations Committee and the offering of this amendment, that I fear we are rushing to respond to that feeling rather than being leaders.

Here is the point I want to make. I would oppose this amendment as it has been put before us today. The most fundamental reason is this: This does something that we are not supposed to do in America, where we believe in the rule of law. We appeal to other nations around the world to follow the rule of law as a condition of a modern society. It is the underpinning of the kind of freedom and opportunity that we believe in our heart is right in this country.

I fear the rush of emotion and the anxiety, understandably, of the American people as we are involved in this war against Islamic terrorism—not against Islam, not against the Arab world—that we are forgetting that in America, we don't convict people without a trial. We don't convict people in America without a trial.

There has been a preliminary hearing in this case, if I may put it that way, using a judicial, criminal enforcement metaphor. The preliminary hearing was before the so-called CFIUS, the Committee on Foreign Investment in the United States. It reached a judgment that there was no reason, based on security concerns, to stop this acquisition from going forward.

In our Homeland Security Committee and Armed Services Committee on which I serve, I had an opportunity to question people who were involved in this review. I think the review was inadequate, and I know what was grossly inadequate is the way in which this decision to allow the acquisition of these terminals to go forward was explained to the American people. It was not explained to the American people, it was not explained to Members of Congress, and it apparently was not explained to the President of the United States. That was a terrible error. The Dubai Ports World company, after the initial furor, came back and submitted another application. There is an ongoing 45-day review. After the tremendous

public uproar over this issue, this review will be thorough. I have spoken with people involved in the review. I said to the top people in the departments: Put your hands on this one, this is critical.

To rush ahead and say, no way, before this Commission has an opportunity to reach a judgment and advise Members of Congress and the American people about what their judgment, it seems to me, to be unfair. It is not the way we handle issues of this kind in America. It raises an awful question, which I ask everybody to think about because we promised people in this country—this extraordinary, greatest country in the world—that here you can be sure you will be judged by your merits, not by your race, or nationality, or religion, or gender, or sexual orientation, or age. I worry that in the midst of the war against Islamist terrorism, we are reaching a hasty judgment based on factors that ought not to be considered in the United States of America.

I don't know how I will vote ultimately on this proposal about the acquisition by Dubai Ports World, a company controlled by the United Arab Emirates. I don't know enough to reach a judgment on that. I am waiting for that 45-day review.

I do know that the United Arab Emirates has been, since September 11, an extremely important, constructive ally of ours in the war against terrorism. I know they have put their own people on the line in very dangerous places to assist us in the war on terrorism. I know that the Dubai Port, as I understand it, sees more visits by U.S. Navy ships than any other port in the world. So obviously, the U.S. Navy has enough confidence in the security of their port to have done that.

That doesn't mean that the acquisition of these terminals by Dubai Ports World should receive a free pass, but it should mean, in addition to the basic qualities of fairness that generally characterize American life, that this proposed acquisition does deserve a fair hearing, not a rush to judgment before all the facts are in, which I say respectfully is what the committee of the other body did yesterday and what the amendment offered by my friend and colleague from New York would have us do in this Chamber.

This is one of those moments where we are tested because the emotions are high, but we are leaders. We are elected leaders, and I hope we will rise to the occasion and at least let this company and this country have a fair trial before any of us reach a judgment about whether they are guilty or not guilty.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it so ordered.

#### ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 5 minutes of the minority's time on this.

Mr. WARNER. Mr. President, I have no objection. I would like to be recognized following the Senator from New York for a period of about 10 minutes.

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

Mr. SCHUMER. Thank you, very much, Mr. President. We are approaching this cloture vote at 2 o'clock.

One thing is very clear; that is, that doing ethics reform and dealing with the Dubai issue are not mutually exclusive. We can easily do both this week, and the motion made earlier by the minority leader makes that perfectly clear. The two are not mutually exclusive.

Mr. President, the Senator from Virginia has asked that he speak before me, which I will accede to. He has always been gracious on the floor. So I ask unanimous consent that immediately following his time I be given 5 minutes of the minority's time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### PORT SECURITY

Mr. WARNER. Mr. President, I thank the courtesy of my colleague. I believe what I am going to say, since the Senator is addressing the issue of the DP World port terminal transaction, might bear on his remarks.

Mr. President, I have had the opportunity to work very closely with the White House and the administration, with our distinguished leader, BILL FRIST, and several other Senators on this question.

I have had the opportunity to meet and work with representatives of the DP World company who came to the United States for the purposes of sharing the importance of this contract and their perspective.

I shall not recount the events that have occurred here in the last few days. But I have just been contacted by Edward Bilkie, chief operating officer, of DP World. And in an effort to get this message to all interested parties as quickly as possible, I indicated a willingness to read a press release that is now being issued by DP World. It reads as follows:

Because of the strong relationship between the United Arab Emirates and the United States and to preserve this relationship, DP World has decided to transfer fully the U.S. operations of P&O Ports North America, Inc. to a United States entity. This decision is based on an understanding that DP World will have time to effect the transfer in an orderly fashion and that DP World will not suffer economic loss. We look forward to working with the Department of the Treasury to implement this decision.

His Highness Sheikh Muhammad al-Maktum, Prime Minister of UAE, has

directed the company, in the interest of the UAE and the United States, to take this action as the appropriate course to take in the future.

Mr. President, I would say that I started the day with the Secretary of Defense, the Chairman of the Joint Chiefs, and General Abizaid—discussing with them not the politics strictly—but potential security implications. It is not just the security of the United States with which we are concerned, but that of the free world, for much of the world is engaged in this war on terrorism.

It is absolutely essential that we, the United States, and our coalition partners in the region of the Persian Gulf, who are doing our best to secure the stated goals in Afghanistan and in Iraq, sustain a strong working partnership. Indeed, the relationships among the coalition of partners—most specifically the United States, the Government of UAE, the Government of Bahrain, Kuwait, Qatar—must be maintained as strong as possible because they are valued partners in this war on terror.

This is not just a matter of importance regarding the current operations at the moment in Afghanistan and Iraq, but rather in looking to the indeterminate future as to how long our coalition partners will be engaged in the war on terrorism to deter any attacks, and if necessary, to use force of arms to prevent injury to life and limb of citizens in the free nations of the world.

This has been a very interesting chapter in my 28 years of having the privilege to be a Member of the Senate. But I believe both governments have collaborated and acted in good faith, recognizing the circumstances at hand and our shared objectives from this time forward.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters addressed to me from the U.S. Marine Corps and the U.S. Army.

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

CHAIRMAN OF THE JOINT CHIEFS  
OF STAFF,

Washington, DC, March 9, 2006.

Hon. JOHN W. WARNER,  
Chairman, Committee on Armed Services, U.S.  
Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of 28 February 2006, the loss of access rights for US forces to the United Arab Emirates (UAE) would severely impact US operations in the US Central Command area of responsibility. These strategically located ports and airfields are crucial to providing timely logistical support to our military operating in the region. Beyond port and airfield access, this loss would negatively affect bilateral exercises and result in loss of support from a strong regional ally.

In particular, Jebel Ali is the premier naval refurbishment port in the region and hosts more US Navy ships than any port outside the United States. It provides a dedicated deepwater berthing space for aircraft carriers, and is the only carrier-capable port in the Arabian Gulf. Additionally, the Port