

Secretary of Transportation, coming from the White House, I guess. But I still think it is a setback for the country. I hope others know it as well.

NATALEE HOLLOWAY

Mr. SHELBY. Mr. President, I rise today to discuss an issue that has troubled me for many months, and that is the disappearance of an Alabama teenager, Natalee Holloway, from the island of Aruba. Most people have heard about this. It has been in the news for months.

More than 5 months ago, on the early morning of May 30, Natalee Holloway disappeared from the island of Aruba. Since the start of the investigation into Natalee's disappearance, I, along with others, have been deeply troubled by the process that has taken place in Aruba. From the outset, there has been miscommunication and misinformation from the Aruban Government. The investigation has been plagued by inconsistencies and conflicting information, calling the integrity of the investigation itself into question. Since Natalee's disappearance, a number of suspects have been arrested, detained, and released without the benefit of any substantive information regarding her disappearance.

I have made no secret of my concern regarding the handling of this case and the careless and inappropriate manner in which it appears the evidence has been handled. Nevertheless, I continue to believe that without the will of Natalee Holloway's mother, Beth Twitty, Natalee's disappearance would not have received the level of scrutiny in Aruba and around the world we have witnessed.

It is disturbing that so many months have passed with no clear answers regarding the circumstances surrounding Natalee's disappearance. To that end, I joined Alabama GOV Bob Riley and others yesterday to call for a boycott of Aruba. Today, I call upon my colleagues to join me in that call.

I understand this is a drastic measure, but I believe that we as Americans, along with others around the world, should carefully weigh our travel options until the Government of Aruba exhibits a good-faith effort to solve this case.

For the safety, security, and well-being of our citizens, I do not believe we can trust that we will be protected while in Aruba. Quite frankly, if this can happen to Natalee Holloway, a teenager from my home State of Alabama, it could happen to any of us. That is why I believe a boycott is the answer. I hope the American people, when they think of traveling to the Caribbean this winter, will look at other options.

HONORING OUR ARMED FORCES

STAFF SERGEANT JASON A. FEGLER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of

U.S. Army SSG Jason A. Fegler. Staff Sergeant Fegler died November 4 in Baghdad, Iraq. He was 24 years old.

Staff Sergeant Fegler grew up in rural Banner County, NE, and graduated from Banner County High School in 1999. He served more than 4 years in the U.S. Marine Corps before recently transferring to the U.S. Army. He had hopes of joining the Army's Special Forces. Staff Sergeant Fegler was a member of Company C, 1st Battalion, 502nd Infantry Regiment, 101st Airborne Division, Fort Campbell, KY. Staff Sergeant Fegler will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Staff Sergeant Jason Fegler are currently serving in Iraq.

Staff Sergeant Fegler is survived by his wife, Shianne, who is in the U.S. Navy, and their son, Aiden, 2, of Virginia Beach, VA. He is also survived by his mother and stepfather, Rita and Eugene Snyder of Harrisburg, NE; and father, Jim Fegler of Sierra Vista, AZ. Our thoughts and prayers are with them at this difficult time. America is proud of Staff Sergeant Fegler's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SSG Jason A. Fegler.

CAPTAIN JOEL CAHILL

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army CPT Joel Cahill. Captain Cahill died of wounds suffered on November 6, while on patrol in Ad Dawr, Iraq. He was 34 years old.

Captain Cahill graduated in 1989 from Papillion-La Vista High School in Nebraska. Captain Cahill graduated magna cum laude in 1999 from the University of Nebraska-Omaha, where he was a member of the ROTC program. He was a 15-year military veteran and in the midst of his fourth tour of combat duty, having served one tour in Iraq and two tours in Afghanistan. In 1998, he was awarded the Soldier's Medal for selfless action in a noncombat situation. A live grenade accidentally landed next to Captain Cahill's men during training at Fort A.P. Hill, VA. Captain Cahill grabbed the grenade and hurled it out of harm's way, saving the lives of his fellow soldiers. Captain Cahill was a member of Company B, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA. Captain Cahill will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like CPT Joel Cahill are currently serving in Iraq.

Captain Cahill is survived by his wife, Mary, a U.S. Army nurse, and their two children, Faith, 4, and Brenna, 3, of Columbus, GA. He is also survived by his mother and father, Barbara and Larry Cahill of Gretna, NE; sister, Erin Christensen; and brothers Larry Jr., Randy and Jason. Our thoughts and prayers are with them at this difficult time. America is proud of

Captain Cahill's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring CPT Joel Cahill.

FOREIGN RELATIONS COMMITTEE BUSINESS MEETING

Mr. BIDEN. Mr. President, on November 1, the Committee on Foreign Relations conducted a business meeting to consider several matters.

The motion to report the nomination of Roland Arnall to be U.S. Ambassador to the Netherlands failed on a 9-to-9 tie. The chairman then ruled that the nomination was ordered reported by an 8-to-2 vote, which reflected the vote of those physically present.

With all respect to my friend and chairman, Senator LUGAR, I disagree with his ruling, which negated the proxy votes cast by me and several of my colleagues; I believe it to be inconsistent with the rules of the Committee on Foreign Relations. So that the record of the proceedings at the meeting will be available to all members, I ask unanimous consent that the relevant portion of the transcript of that meeting be printed in the RECORD.

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

BUSINESS MEETING OF THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE NOVEMBER 1, 2005

The committee met, pursuant to notice, at 2:32 p.m. in Room S-116, The Capitol, Hon. RICHARD G. LUGAR [chairman] presiding.

Present: Senators LUGAR [presiding], HAGEL, CHAFEE, ALLEN, COLEMAN, VOINOVICH, ALEXANDER, SUNUNU, MURKOWSKI, and SARBANES.

Senator SARBANES. First of all, on the point about filing lawsuits to delay the nomination, there are a number of individual suits that have been brought regarding some of these matters. I don't premise the position I'm taking on that.

I think in effect a screening process has been done by the State attorneys general, and therefore I think it raises the issue to a much higher level, that these State attorney generals are considering bringing charges in this instance.

Mr. Arnall asserts that his motto is to do the right thing. That's what we're trying to get him to do in this instance. He owns this company. It's privately held. We had testimony from people that were at the company telling about how intimately he was in its activities, how much he's essential to the sort of direction and the drive, the vitality of the company.

He does have an impressive life story and I alluded to that in the course of the hearing and said as much.

But you've got a real problem here in terms of these practices, and Mr. Arnall ought to resolve this matter in my opinion before he goes off to the Netherlands in order to assume this ambassadorship.

The CHAIRMAN. Well, the committee will now vote on the nomination. I will ask the Clerk to call the roll.

Ms. OURSLER. Mr. Hagel.
Senator HAGEL. No.
Ms. OURSLER. Mr. Chafee.
Senator CHAFEE. Aye.
Ms. OURSLER. Mr. Allen.
Senator CHAFEE. Aye.

Ms. OURSLER. Mr. Coleman.
 Senator COLEMAN. Aye.
 Ms. OURSLER. Mr. Voinovich.
 Senator VOINOVICH. Aye.
 Ms. OURSLER. Mr. Alexander.
 Senator ALEXANDER. Aye.
 Ms. OURSLER. Mr. Sununu.
 Senator SUNUNU. Aye.
 Ms. OURSLER. Ms. Murkowski.
 Senator MURKOWSKI. Aye.
 Ms. OURSLER. Mr. Martinez.
 The CHAIRMAN. Votes aye by proxy.
 Ms. OURSLER. Mr. Biden.
 Senator SARBANES. No by proxy.
 Ms. OURSLER. Mr. Sarbanes.
 Senator SARBANES. No.
 Ms. OURSLER. Mr. Dodd.
 Senator SARBANES. No by proxy.
 Ms. OURSLER. Mr. Kerry.
 Senator SARBANES. No by proxy.
 Ms. OURSLER. Mr. Feingold.
 Senator SARBANES. No by proxy.
 Ms. OURSLER. Mrs. Boxer.
 Senator SARBANES. No by—I'll pass for the moment.

Ms. OURSLER. Mr. Nelson.
 Senator SARBANES. No by proxy.
 Ms. OURSLER. Mr. Obama.
 Senator SARBANES. No by proxy.
 Ms. OURSLER. Mr. Chairman.
 The CHAIRMAN. Aye.
 Senator SARBANES. Boxer, no by proxy.
 The CHAIRMAN. The Clerk will please report the vote.

Ms. OURSLER. The vote is nine to nine.
 The CHAIRMAN. Now let me make certain that the committee knows what the reporting requirement is, because I'll ask the Clerk then to give the report on members physically present. Our rule says "No nomination can be reported unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken."

Now, what is the vote among those who are physically present?

Ms. OURSLER. Of those physically present, eight voted in favor of the nomination and two voted against.

The CHAIRMAN. Now, the chair believes that Rule 4(c) on reporting would indicate that in this particular instance the nomination be forwarded to the full Senate. But that is—I ask those who may have question about that to refer to Rule 4 on quorums and (c) on reporting.

Senator SARBANES. Mr. Chairman, as I read this rule, in order to report it out you will need a majority physically present, but that doesn't vitiate the proxies voted against. The rule makes no reference to that and those proxies are valid, and therefore we wouldn't—the vote is not carried. This applies of you to try to use proxies to constitute the majority for reporting it out, but it doesn't apply to the use of proxies to negate reporting it out, I respectfully submit to you, and I think that's a fair reading of the rule. And that's the way we've done it here in the past.

The CHAIRMAN. Well, that is an important reading, but the chair believes that the reading at least gives credence at least to my interpretation, which is that a majority of those voting and physically present, given the fact a majority was here to create the quorum, would lead to a favorable decision.

Senator SARBANES. Well, I think we need to sort this out. I make the point of order a quorum is not present.

The CHAIRMAN. Well, a quorum is not present, but the quorum was present at the time of the vote and that is what is required, and the chair declared that the vote was in favor of reporting this nomination to the Senate floor.

Senator SARBANES. On what basis is the chairman reaching that conclusion?

The CHAIRMAN. On the basis that we had a quorum and that a majority of those physically present voted in favor of the nominee.

Senator SARBANES. But the majority of the committee didn't do that. In fact the vote here was a tie vote.

The CHAIRMAN. Counting in the proxies.

Senator SARBANES. It was a tie vote. Yes, it was a tie vote.

You can't bring it out with proxies. The chairman—what this rule is designed to do is the chairman can't come in with a bunch of proxies in his hands and then on the basis of that bring a measure out of the committee. You can be called on that in terms of having a majority.

The CHAIRMAN. I appreciate the point the chair is making—rather, the Senator is making. I believe that my interpretation is correct and I would just indicate that that at least is what is going to occur. Now, the member may think of a means for appealing that in some fashion.

Senator SARBANES. Think what?

The CHAIRMAN. Of a means of appealing my decision. But for the time being, my decision is that we had a vote and we have reported the nominee.

Senator SARBANES. Well, I think it's an abuse of the rules and I want to state that to the chairman.

The CHAIRMAN. I understand.

Senator SARBANES. Absolutely.

The CHAIRMAN. I thank the members of the committee.

[Whereupon, at 3:07 p.m., the committee was adjourned.]

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January, 2, 2004, in Madison, WI, Matt Collins and Shawn Wiese went to the Dry Bean Restaurant to meet a friend. After the restaurant closed, an altercation between two men and Collins and Wiese occurred. A woman later testified that one of the men told her that night that he should beat up Collins and Wiese for being gay.

Mr. Collins, who had no health insurance, was hospitalized for 2 days with multiple broken bones in his right wrist that required a plate and seven screws.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE INTELLIGENCE AUTHORIZATION BILL

Mr. WYDEN. Mr. President, This year's intelligence authorization bill is

a key piece of legislation for all Americans and one that I hope to be able to support. But, as written, the bill is marred by the presence of provisions that pose serious concerns for Americans' privacy rights. Among them is one provision that would permit military intelligence officials to conduct covert interviews of U.S. persons on U.S. soil to assess them as potential intelligence sources without disclosing their government affiliation. With this provision in the legislation, I am compelled to announce my intention to object to any unanimous consent request to bring S. 1803, the intelligence reauthorization bill, to the Senate floor for approval without the opportunity for debate and consideration of amendments.

This legislation has been considered by three different Committees: The Senate Intelligence committee, the Senate Committee on Armed Services, and the Senate Committee on Homeland Security and Governmental Affairs. Three different committees have reviewed the legislation, but there has not been a single hearing on the expanded power the administration is seeking to enable DOD personnel to demand information of law-abiding U.S. citizens without having to disclose to them who they are, on whose behalf they are seeking personal and other information or what they intend to do with this information.

The CIA already possesses the statutory authority to engage in such surreptitious interrogations of U.S. citizens, and the Department of Defense has not in my mind made the case for gaining this new authority as well. In fact, the DOD has not provided any evidence that the failure to have this authority has resulted in damage to U.S. national security.

According to recent press reports, the FBI has gained access to tens of thousands of pieces of information about U.S. citizens through national security letters. This information reportedly ranges from where a person makes and spends money and who they live with to where they travel and who they email. All of this information has been deposited in government data banks, and according to press reports, this personal information is shared widely, without restriction. The same press reports say that tomorrow not only will such information be shared within the Federal bureaucracy but it will be made available to State, local and tribal entities, and "appropriate private sector entities."

I remain steadfast in my belief that you can protect national security without gutting civil liberties; and this legislation, as it currently is written, is out of balance. A debate on something as important as protecting the rights of our constituents to their privacy and shielding against the surreptitious shakedown of law-abiding citizens is one instance when Americans can and must be invited into the process.

Shining sunlight on intelligence information for the benefit of Americans