

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 24, 2006

The Honorable Alberto Gonzales  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Attorney General Gonzales:

The Bush-Cheney Administration's decision to approve the takeover by Dubai Ports World of operations at six U.S. ports is controversial. Republican and Democratic members of Congress have criticized this decision and many have called for more review, reconsideration and reversal of the President's apparent determination to allow the transaction to proceed in spite of the concerns that have been raised.

You are a member of the Committee on Foreign Investment in the United States ("CFIUS"), which expedited what review was conducted. That leads me to ask the following questions of you on behalf of Democratic Members of the Judiciary Committee:

- What role did you play in the CFIUS review of the proposed transaction?
- Who from the Department of Justice assisted you in connection with the CFIUS review?
- What role did each person play and what specifically did they do? What was Paul McNulty's involvement, if any?
- Did you on behalf of the Department of Justice raise any national security concerns about this transaction?
- What security precautions, if any, did you request?
- What led to the January 6, 2006 letter of assurances to the Department of Homeland Security in connection with this transaction?
- Why has this transaction required a special mandatory commitment by the Dubai-related companies in the Customs-Trade Partnership Against Terrorism program?
- Why are Dubai Ports World and Thunder FZE not parties to the assurances letter dated January 6, 2006?
- What security commitments have been made by Thunder FZE?
- What security commitments have been made by Dubai Ports World?
- What security commitments have been made by Ports, Customs and Free Zone Corporations?

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Who is the "responsible corporate officer" who will serve as a point of contact for DHS in each U.S. facility owned or controlled by Dubai Ports World, Ports, Customs and Free Zone Corporation, and Thunder FZE?

How has the United States ensured personal jurisdiction over the "responsible corporate officer"?

What assurances are there that relevant business records will be maintained in the U.S. and subject to United States court jurisdiction?

Are the "assurances" in the January 6, 2006 letter enforceable in United States courts?

Do United States courts have jurisdiction over Ports, Customs and Free Zone Corporation, a Dubai public corporation established by Dubai Royal Decree?

Do United States courts have jurisdiction over Thunder FZE, a Dubai corporation?

Do United States courts have jurisdiction over Dubai Ports World?

Do United States courts have jurisdiction over Sultan Ahmed Bin Sulayem?

Is Sultan Ahmed Bin Sulayem living in the United States? If not, where is he residing?

Do United States courts have jurisdiction over Sheik Mohammed bin Rashid al-Maktum?

Who are the principal officers of Thunder FZE and where do they reside?

Who are the principal officers of Dubai Ports World and where do they reside?

Who are the principal officers of Ports, Customs and Free Zone Corporation and where do they reside?

Who owns Thunder FZE?

Who owns Dubai Ports World?

Who owns Ports, Customs and Free Zone Corporation?

Who controls Thunder FZE?

Who controls Dubai Ports World?

Who controls Ports, Customs and Free Zone Corporation?

Please provide copies of the legal analysis of whether foreign sovereign immunity attaches to Ports, Customs and Free Zone Corporation, Thunder FZE, Dubai Ports World, Sultan Ahmed Bin Sulayem, Sheik Ahmed bin Rashid al-Maktum and others associated with the UAE parties to the transaction.

Please provide copies of the legal analysis of the Exon-Florio provision, the Byrd Amendment and other aspects of section 721 of the Defense Production Act of 1950. How did you determine that this transaction was exempt from the Byrd Amendment's requirement for a more thorough 45-day investigation?

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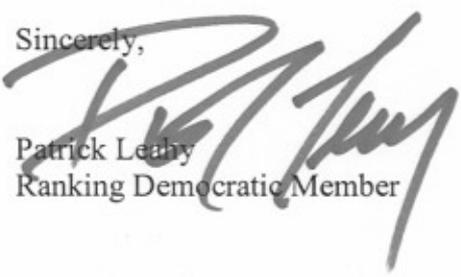
Do you view the law as requiring a full 45-day investigation if the acquirer is controlled or acting on behalf of a foreign government?

Do you view the transaction at issue as one that could result in control of a person engaged in interstate commerce in the United States?

Do you view the transaction at issue as one that could affect the national security of the United States?

At your confirmation hearing last year you testified that you would respond to our letters and you indicated that you "respect" and "understand" the oversight responsibilities of the Judiciary Committee. We would appreciate your prompt response to this inquiry.

Sincerely,



Patrick Leahy  
Ranking Democratic Member