

generic term, “the ports,” because it relates to a transaction that has been thus far approved by the administration whereby a company, owned by the United Arab Emirates, will be engaging in terminal operations in a half dozen or so of our terminals here in the U.S., having acquired those assets from a British firm which has been conducting those operations for some time.

I am very pleased that the leadership of the Senate—notably my distinguished majority leader, with whom I have been in conversation in the past 72 hours—is taking a leadership role. I hope the other side shortly will speak to their role in bringing into focus the importance of this issue and facilitating the several committees of the Senate to have hearings, briefings, or otherwise acquire the facts.

Last week, I believed it was imperative that a certain amount of facts get into the public domain as quickly as possible. On short notice, I held a briefing—in contrast to a full hearing—a briefing by the Senate Armed Services Committee and the principals, basically the Deputy Secretaries of the various departments and agencies which have the primary responsibility within the group of 12 of the organization known as CFIUS, or the Committee for Foreign Investment in the United States.

The manner in which the President, acting upon the recommendation of the CFIUS group, indicated that he and the administration approved of this transaction will be examined in the context of these committee hearings and also the intelligence that was a key factor because everyone is constantly concerned about the security of this Nation as it relates to the war on terrorism and most specifically the port security situation. Very legitimate concerns, very legitimate arguments, very legitimate positions, in some ways, have been stated at all levels of our society. I believe it is important, before people become rigid in their thinking, that they at least possess all of the basic facts.

My remarks today will not address the past. I am concentrating on looking forward, as I have spent a great deal of time in the past week on this situation. This particular contract, this one commercial situation, is of importance to many parties and of importance to this country, but it has ramifications across our global economy. Our Nation is daily dealing in a one-market economic market. Really it is a one-world market of diplomacy among the free nations as well. Indeed, it is a one-world market in terms of our individual and collective securities, particularly in the war on terrorism.

It has been fascinating to me, although I have visited the UAE in times past, to focus once again on this pivotal and rapidly growing nation, a nation of several emirates which have drawn together, a nation which is becoming one of the major financial mar-

kets in the world and major investors in the world.

According to the United States Trade Representative, the United States and UAE engaged in \$4.6 billion worth of trade in 2003—and that figure has doubled since then according to the *Financial Times*. More than 500 U.S. companies have regional headquarters in the Emirates. Oil and Gas are leading industries in the UAE, as the country holds approximately 8 percent of the world’s crude oil reserves and has the 5th largest natural gas reserves. In addition, at the end of 2005 Emirates purchased 42 Boeing 777 aircraft for approximately \$9.7 billion. This represents some of the vast investments by UAE in America and American investment in the UAE.

On Saturday afternoon I went to the Department of Defense. I went down to the Joint Staff, where I met with the key officers who are dealing with a variety of issues relating to this and other matters to verify that over 500 U.S. warships docked—and I use the word “docked” because they went right to the piers. Our sailors went off; others came on to work with the ships. They didn’t anchor out in the harbor and send in the lighters and the other transportation. It is the only port in that region in which we can dock our major supercarriers.

In addition, there are airfields that are supporting the ongoing operations we have in Afghanistan and Iraq.

It is important to look at security concerns. I personally went down and received the briefings—I hope others do—on the intelligence assessment that went into the first review of CFIUS negotiations. The facts speak for themselves. Ambassador Negroponte will be before the Armed Services Committee, and I will propound questions on the procedures and his own assessment. Hopefully that can be put into the public domain.

As we embark on this new voluntary 45-day investigative period—and I have some association with the company in this. They asked to come to see me, having followed with great interest the hearings at my committee, over which I presided, in which I, in a very even-handed way, I believe, we began to address these issues. I spent several hours with them. They were going to file here, within the next few days, the key documents with the Treasury Department which will trigger the 45-day time investigation.

I believe our leadership should focus on that time period. It ends up on, basically, April 15, at the very time we proceed on another recess. They, the company, hope to conclude by May 1. I am sure the leadership of both sides, working with the administration, will try to find some way so Congress can stay abreast of the proceedings, rather than receive the entire record and decision making of CFIUS on the eve of going on another recess period.

Also, we have to be extremely careful in this 45-day process because we will

be setting precedents as to how our Nation proceeds under the CFIUS process. We have to proceed with a certain amount of confidentiality because when other free enterprises come to invest in the U.S., they will go before CFIUS for review. Thousands of these cases have been handled. We have been doing it since, roughly, 1988, and even going back before that under the Defense Production Act to the 1950s. While it is important that we know more of the facts; we have to do it in a way to preserve a certain degree of confidentiality in the business world. Otherwise, there could very well be a chilling effect on foreign investment in the U.S. We don’t want companies to say we can’t come to the United States because in the course of trying to do our business—which is a private transaction so often between two companies—our proprietary information could be compromised.

This is going to pose a challenge.

My last point—I am gravely concerned about the image of America. I have checked into the press coverage of this in the Arab world, and I regret to say that it is extremely disturbing. We cannot, in the course of our responsible work in the Congress and the continuing responsible work of the administration, allow our actions to be viewed by others as being biased. Congress must look at this not only as a business deal between two companies but also consider the global diplomatic, economic, and military security issues associated with this acquisition.

It is imperative we not send a mixed message to—or impose a double standard on—our allies by expecting assistance in the global war on terror and an open door policy toward investing in their country while sending a message that they are not welcome to invest in ours. We have to show that, yes, we are concerned about security, but in doing so and working through this process, we should not be perceived as treating elements of the Arab world and governments of the Arab world as second-class citizens. It is imperative that at the conclusion of this—however it comes out, and I am hopeful it will come out positively—the U.S. is viewed by the Arab world as a reliable working partner and that recognizes the importance, particularly in the war on terrorism, of having the support of a number of Arab nations to protect our interests and those of other nations in the free world.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized.

CELL PHONE USE ON PLANES

Mr. ALEXANDER. Mr. President, I thank the leadership for allowing me these few minutes. There are a number of grave issues facing our country. The Senator from Virginia has talked about the management of ports. The governors from across America are meeting here to talk about National Guard

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

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

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

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

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

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

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

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

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

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

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

(See exhibit No. 1)

EXHIBIT 1

[From USA Today, November 14, 2002]

KEEP SKIES CELLPHONE-FREE

(By Fred Graham)

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

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

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

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

No way to escape chatty seatmates.

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

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

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

One small step for sanity.

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

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

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

[From USA Today, May 31, 2005]

(By Craig Wilson)

CELL PHONE BULLIES CHANGE THE TONE AT AIRPORTS

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

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

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

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

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

And then he was gone. Poof.

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

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

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

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

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

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

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

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

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

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

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

Mr. MICA. Mr. Duncan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

RESERVATION OF LEADER TIME

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

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

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

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

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

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