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.

Having the opportunity to meet with the Mr. Bilkey Saturday evening—he asked to see me, and I was happy to do that—I learned a great deal about the knowledge and level they have of how to put a greater security situation in the transit of these containers. Let us give them an opportunity.

I thank my friend for his remarks.

Mr. SCHUMER. Mr. President, I thank my colleague, and I certainly agree. I have talked to a good number of people in the business community and in the ports community of New York. The issue is a complicated one but one that is hardly clear-cut. But I will continue to pursue that.

I also will make just one other point; that is, the worry many of us have is not that the head of this company would be wanting to facilitate terrorism but, rather, that terrorists might too easily infiltrate such an organization. I will get to that in a little bit of time.

(The remarks of Mr. SCHUMER pertaining to the introduction of S. 2333 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. In my capacity as a Senator from Tennessee, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Democratic leader is recognized.

APPOINTING PENSION CONFEREES

Mr. REID. Mr. President, right before the recess, the distinguished majority leader and I had an exchange regarding the pension reform conference. Everyone acknowledges the conference is necessary. The pension reform bill is headed to conference. It is a very important piece of legislation that will affect the pensions of millions of working Americans. It has strong bipartisan support. It passed this Senate by a vote of 97 to 2.

This has boiled down to something that is fairly simple: Who will be the conferees? We have a right, of course, on our side to choose who we believe should be in the conference. The distinguished majority leader has the right to choose whom he wants to be in the conference. Arbitrarily, the majority leader said that conference would have seven Republicans and five Democrats. That is not acceptable. We have said that because of the complexity of this issue we need another Democrat. We are willing to maintain the margin of two where Republicans would have an advantage. But we believe it should be eight to six. Republicans would get another conferee. Democrats would get another conferee.

Now, certainly, we are eager to work on producing a conference report that will protect the benefits working Americans have earned, provide certainty to employers who sponsor pensions, and strengthen the Pension Benefit Guaranty Corporation. I can see nothing harmful about having six Democrats instead of five. It is important to get the right people into the room when these issues are being discussed and decisions are being made. Remember, this conference will have jurisdictional aspects relating to the Finance and the HELP Committees.

When we had the corporate tax bill last year, there were 23 conferees—23 conferees. We are saying there should be, again, eight Republicans and six Democrats. Conferees on this legislation will need to resolve a number of important and very technical issues because we have different feelings than does the House. And when I say ''we,'' I mean Democrats and Republicans, as indicated by the overwhelming vote to get it out of here.

I have confidence in the abilities of the two lead Senators on our side, Senators KENNEDY and BAUCUS. But this is one conference where the addition of a couple more sets of eyes is likely to lead to better legislation. So I would hope the majority leader would focus his attention on this issue and let the conference go forward. The only thing holding this up is whether this conference will have six Democrats or five in arriving at a bill that will be brought back to this body.

REMEMBERING THE ADMINISTRATION

Mr. REID. Mr. President, I rise to talk a little bit about this administration, the administration of George W. Bush. Unless there is a significant turnaround, this administration will not be remembered for its accomplishments. It, in fact, will be remembered for its incompetence. And this dangerous incompetence has made America less secure.

From Social Security to border security, the American people know that incompetence lies at the heart of this administration's failures. Ultimately, this incompetence has come with a price. It has made our country less safe and less secure.

We can talk about a lot of things, but this afternoon I will talk about a few. Let's talk about the prescription drug program. I support a Medicare drug benefit, but this administration has botched the program so badly that relatively no one has signed up for it. The President, in his Saturday address, said 25 million Americans have signed up for this program.

That is simply not true. Twenty of those twenty-five million, prior to this legislation passing, already had prescription drug benefits. And now, under this program, they have a lot less than they had before. So after all this talk, there are a few million new people who have signed up, and tens of millions of people are still left trying to figure out what to do and how to do it.

Of the seniors currently in the program, millions are paying more for their drugs than they were under the previous coverage. This includes thousands of seniors in Nevada who face more restrictions and higher costs. Millions more seniors were wrongly dropped from the system, leaving them without coverage for the life-saving drugs.

I had the opportunity, this morning, to meet with the Governors. They are terribly concerned because of this legislation being so poorly managed and, frankly, poorly written. The States have had to advance their hard-earned moneys to pay for the drug coverage of people who simply are cut off. They want to know when they are going to be reimbursed.

What about the President's incompetence in the war on terror?

In 2002, Osama bin Laden was trapped in the mountains of Afghanistan.

But instead of redoubling our resources to capture him, the President shifted to Saddam Hussein, and bin Laden was left to fight another day. As a result, the al-Qaida leader continues to plot and threaten us as we speak.

Meanwhile, terrorist attacks across the globe are up sharply over the last 5 years, and al-Qaida has morphed into a global terror franchise.

Government reform. What has the President done? President Bush promised to create a new tone in Washington. He has, but it hasn't been a pleasant tone. His incompetence has created the biggest culture of corruption our Nation has ever seen, with scandals in the House, the Senate, and the White House, and the country is paying a price for this corruption: higher gas prices, higher health care costs, and deficits year after year. Every Bush budget has broken a record of paying a higher deficit than the year before. But the problem is that he keeps breaking his own record.

It is difficult for me to comprehend how my friends on the other side of the aisle can allow this to go on. We were told by Alan Greenspan, when we were in the majority, that the deficit was the most important thing facing this country. So we did something about it—the Budget Deficit Reduction Act of 1993—and not a single Republican voted for it in the House or the Senate. Vice President Gore had to break the tie in the Senate. In the last 3 years of the Clinton administration, less money was being spent than we were taking in. We retired the debt by about a half trillion dollars. That certainly has not been the case during the Bush years.

Whether we like it or not, President George W. Bush will be President for the next 2½ years. We need him to govern competently. We cannot afford more of what we have seen since 2001. So today I offer three issues: The port security issue, Iraq, and Katrina—these are only three—where President Bush can work with us in order to turn his record into a record of progress and competence.