

to offer his amendment, was prepared to accept a short time agreement, so we could have had a vote early in the afternoon. But in that particular instance, the problem was on the side of my good friend, the majority leader. We were unable to get a time agreement on Senator DEMINT's amendment until almost the end of the afternoon because there was someone on that side of the aisle who wanted to offer a side-by-side. This has been sort of a bipartisan problem both the majority leader and myself have in getting this legislation going and getting votes up and handled. Yesterday, the dilemma was basically on his side. On our side, our hands are not entirely clean, either. We are trying to get amendments up.

I happen to agree with the majority leader, we ought to have a full day with plenty of amendments. We are working hard to get that done on our side.

Mr. REID. Mr. President, I repeat, I have had a number of people come to me and say: You have announced there are going to be votes Friday afternoon. We are not having votes Wednesday afternoon; why worry about Friday afternoon?

I say to everyone, if they have things to do this weekend—and I am sure they do—we are going to be out of here around noon tomorrow as far as votes. I leave the door open. If Members want to offer amendments, they can still come and do so. The managers will be here, if necessary, until sundown tomorrow night, when Chairman LIEBERMAN's Sabbath begins.

We want to move forward. For the information of Members, today at 3 p.m., the Chairman of the Joint Chiefs of Staff, General Pace, will be in 407 to brief Members who wish to be briefed.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority.

The Senator from Wyoming.

#### TSA

Mr. THOMAS. Mr. President, I wanted to make a few remarks relative to the TSA legislation the Senate is considering. I do hope we can get it finished. I am a little confused about what we are trying to achieve with the measure that is before us. We have already been through this. We have

passed a great many of the recommendations that were made by the 9/11 Commission—actually, most of them, as a matter of fact. It is of concern to me that we have a 300-page bill here on what is left in the Commission's report.

We are going through a number of the bills that relate to portions of the report that really have nothing to do with enhancing homeland security. For example, the 9/11 Commission didn't have anything to do with collective bargaining rights for labor unions. Here we probably had a good reason not to do that. In fact, we had this extended debate back in 2002. We found that it was not in the interest of national security to provide collective bargaining rights in this instance. Here we are dealing with it again.

I guess I am just a little impatient in that we need to move on. I don't think homeland security ought to have the approval of labor unions to move forward. The policy would also greatly hinder TSA's flexibility to respond to terrorist threats, fresh intelligence, and other emergencies, if we did it that way. We need to have the ability to move screeners around as schedules are necessary and threats change. Obviously, in a security bill of this kind, there needs to be the kind of flexibility, the kind of management that can be there for the agencies that are responsible. The real focus is on the capability to deal with homeland security.

Another concern I have, frankly, is a provision relative to the distribution of funding. I understand that urban areas, large areas—New York and so on—have more concerns about security and threats, perhaps, but rural areas do as well. We have energy production and those kinds of things. Wyoming originally had \$20 million involved. It has dropped to \$9 million. We do have military bases there. Large sums of money have been unused, and we need to evaluate that distribution somewhat.

As we debate the bill, I look forward to supporting amendments that would actually make America safer and that we don't get into areas that really are not directly associated with security. That is what this legislation is about. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, we are debating S. 4, dealing with the TSA employees, the Transportation Security Agency. The most controversial aspect of that has to do with the unionization of those employees. We have had this debate before. We had it when the Department of Homeland Security was created. It was a very vigorous debate. Quite frankly, it held up the bill for a considerable period of time.

Ultimately, the Senate and the House decided, with the concurrence of the President, that it would not be a good idea to have these workers unionized. But they are Federal workers and they should have the same rights as

every other Federal worker was the argument in favor of unionization. The argument against has to do with the peculiar nature of their assignment. They are not Federal workers in the same sense that people working in the Federal Highway Administration, building highways, might be Federal workers. They are not Federal workers in the same sense that people dealing with normal routines are Federal workers.

They appear to be, as we see them day to day—as all of us go through the security procedures at airports and we take off our shoes and our belts and we forget our boarding pass because it is in the bin with the computer and they have to help us recover it and so on—we all have the sense that these are fairly routine operations they are going through. Therefore, why not allow them to form a union and engage in collective bargaining, because this is, in fact, fairly routine work—very important work, to be sure, but fairly routine. In fact, it is not fairly routine, as we have seen during the time this force has been in place.

Let me take my colleagues back to the situation before the TSA was created. Screening was done airport by airport, contractor by contractor, because it was viewed as a routine kind of thing. Like all Senators, I travel in and out of enough airports to know that each airport is different. In the days before TSA, one never quite knew what they were going to get. You would go through one airport very rapidly, you would go to another and they would be sticklers for detail.

These people were contracted by the airlines, and they had a wide range of skills and a wide range of training. One of the reasons we decided after 9/11 we would have a single Federal force to deal with this was we wanted a single level of training, accountability, and competence to cover the entire American system anywhere in the country.

I have found that is now basically true. If I go through the airport in Philadelphia, I get treated pretty much the same way as if I go through the airport in Salt Lake City. This, however, has a security component that is over and above the screening component.

We are in a war with an enemy unlike any we have ever had before, and the primary tool in protecting us in this war is intelligence. This is an intelligence war rather than a war between tanks and aircraft carriers and infantry battalions. So when the intelligence turns up a key piece of information in this war, the TSA must be flexible and responsive to its leadership.

If we had a series of organized unions, one different in each of the 450 airports that operate in the United States, we would not have the flexibility nor the capacity to respond that we currently have in this situation.

Let me give you a few case studies to illustrate what I mean.

The most dramatic, of course, was that which occurred when the British

intelligence operations discovered there was a plot to blow airplanes up over the Atlantic through the device of taking innocent-looking liquids onboard the airplane and then combining them to create an explosive bomb on the airplane.

I remember a study being done at the University of Utah after this was over, by some of the professors there who looked at it and said: It is possible, it can be done, and it can be done fairly simply. They outlined how it would be done—something that, frankly, had not occurred to anybody as they were setting up TSA in the first place.

The terrorists in Great Britain were inventive enough to come up with the idea. As we contemplate the possibility of it being carried out, it is truly diabolical. They would have gotten on the airplane, passing all screening, gotten together back in the coach cabin—they would not have had to storm the cockpit or try to take over the airplane the way the terrorists on 9/11 did—mixed their chemicals together and had the airplane blow up over the Atlantic.

That means there would be no black box to recover. The entire wreckage of the airplane would be at the bottom of the Atlantic, far beyond any discovery, and the airplane would simply have disappeared off the radar scope, with no explanation, no commentary in the cockpit. The pilot would be reporting, if anybody was listening, that everything was fine, everything was normal and, suddenly, the airplane would have disappeared.

The terrorists were scheduled to blow up not one plane, but three or four. Can we imagine what kind of uncertainty that would have created in the air traffic system worldwide if that plot had succeeded? Fortunately, the British intelligence agencies discovered it, interrupted it, and prevented it. In the process, naturally, they notified the American intelligence agencies. What did those agencies do? They went to TSA. They went to the TSA leadership and explained what had happened. The TSA leadership had a security clearance to get all the information about the intelligence involved, and TSA swung into action immediately.

Let me give you some of the details. At 4 o'clock in the morning, transportation security officers arriving at the east coast airports, where the first flights would take off, were informed there were new procedures. They were instructed in the procedures. They were trained very quickly. Immediately, seamlessly, through the entire TSA system, everyone was brought up to speed.

The difference between what happened in Great Britain and what happened in America is fairly dramatic. Let me read a commentary that describes that: "Passengers in the United States and the United Kingdom saw two completely different effects of the changes. In the UK, dozens of flights were canceled, scores delayed, and a

nightmare of travel backups ensued and lasted for days. By contrast, no cancellations occurred in the United States as a result of this change." None.

That is because TSA was nimble; TSA could act quickly. There was no concern about revealing the intelligence source of this information to the leaders of TSA because they were all Government employees, and they were all responsive to the Secretary of Homeland Security.

If collective bargaining had been in place and a requirement for union approval of change of routines, a clearance by shop stewards of change of patterns, to make sure it fit in with the collective bargaining requirement—a different series of requirements at different airports, as the union would organize Philadelphia but not Baltimore, as the union would organize Kennedy but not LaGuardia, as the union would organize Miami but not New Orleans or wherever you might want to go—the patchwork that would occur, if passage of S. 4 goes forward in its present form, would create all kinds of chaos in the United States.

Fear of disclosing the British information might have caused U.S. officials to say: Let's think twice before we describe what is going on and why we are doing what we are doing because it might reveal sources and methods to people who are not cleared for that and inadvertently they could leak it back to al-Qaida. None of those fears occurred. None of those problems arose because TSA was structured from the very beginning to be the kind of agency it is.

Another example of what could happen if we allow S. 4 to go forward in its present form occurred in Canada. Quoting from a description of that:

Consider a recent incident in Canada, a nation whose air security system does not have the flexibility like that granted to the TSA. Last Thanksgiving, as part of a labor dispute, "passenger luggage was not properly screened—and sometimes not screened at all" as airport screeners engaged in a work-to-rule campaign, creating long lines at Toronto's Pearson International Airport.

OK, that is the kind of thing we expect. Unions organize for the ability to do slowdowns or strikes or whatever as pressure on management to get what they want. That is what happened.

What was the consequence with respect to security?

A government report found that to clear the lines, about 250,000 passengers were rushed through with minimal or no screening whatsoever. One Canadian security expert was quoted as saying that "if terrorists had known that in those three days that their baggage wasn't going to be searched, that would have been bad."

I think it would have been more than bad. If the terrorists had had any advance indication there would be that kind of breakdown in the screening activities in Canada as a result of union activity, they would have said: All right, that is the time we go to the airport, we go to the airport in some num-

bers, we carry liquids with us in our baggage, and we put explosives in our checked baggage because it is all going to go through without proper screening. The pressures from the Thanksgiving Day travelers are going to be so high that people are going to say: Well, just let it go through this once.

For the terrorists to strike a significant blow at the United States, all we need to do is "let it go through just this once" and have them have advance notice of when it would go through.

You cannot organize a strike, you cannot organize a work action without people knowing about it. I am not suggesting, in any sense, that anyone in TSA—unionized or not—would ever be complicit in notifying al-Qaida of the fact that a work action was coming. But al-Qaida, in a unionized situation, would say: Here is something we want to monitor. Here is something we want to pay attention to. Some innocent, inadvertent remark on the part of a unionized member of TSA could easily get back to al-Qaida, and they would say: We are ready for this. Let's go. Here is the opportunity. It is going to come up at Thanksgiving. It is going to come up at New Years. It is going to come up at the Super Bowl or some other situation.

Unions look for those kinds of situations where they can get maximum leverage for their work actions. It is not hard to figure out where that kind of thing might occur. So if a union is dissatisfied with working conditions at an airport that services the Super Bowl city on Super Bowl Sunday and says: We are going to have a slowdown here unless we get this, that or the other, and the slowdown occurs, it would not take a genius on al-Qaida's part to say: That is where we probe. That is where we do our best to get into the system.

Once again, if the plot in Britain had borne fruit and three airplanes had disappeared off the radar screen, with no advance warning and no way to find out what actually happened, worldwide travel would have been disrupted everywhere. The economy not only of our country but many others would have been seriously devastated. The consequences, tragic as they would have been for the families of those on those three airplanes, would have multiplied across the world.

I do not want to take that chance. I intend to support the administration's position, which says: If this provision relating to unionization of TSA employees does not come out of the bill, we will oppose the bill. The President has indicated he might very well veto the bill if this provision does not come out. I hope we do not have to go that far. I will oppose this provision. I will oppose the bill if the provision stays in. If it does go that far and gets to the President's desk, I will vote to uphold the President's veto.

I think the war on terror has taught us we are dealing with an entirely different kind of enemy, one who is very patient, one who is very intelligent,

and one who is very inventive. For us to treat security matters such as airport security as a routine kind of task that can be dealt with in routine kinds of training and, therefore, is eligible for routine kinds of labor relations between management—in this case, our leading security agencies—and labor—in this case, those who are on the frontline of security for our Nation—would be foolish.

For that reason, again, Mr. President, I would oppose this bill if this provision does not come out.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I yield myself 8 minutes of the Democratic time.

#### FDA REGULATION OF TOBACCO

Mr. BROWN. Mr. President, every year, 450,000 Americans die from smoking-related illnesses. That means tobacco companies have to find 450,000 new customers every year. Here is how they do it.

There is a new ad campaign from Camel that targets young girls. This is part of a mailer that Camel sent to young women around the country, especially aimed at young women, calling Camel cigarettes “light and luscious.” You will notice the resemblance of this mailing to a popular perfume. This is Camel No. 9. Inside this box—this is inside the mailing—is something that looks like a cigarette box. These are not actually cigarettes. They are not allowed to do that under law. But if you open this, you will see Camel is offering two for one, two packs of cigarettes for the price of one.

In Ohio, 20 percent or 134,000 high school students smoke, and each year more than 18,000 children under the age of 18 become daily smokers. The Centers for Disease Control and Prevention estimates that almost 300,000 Ohio children under the age of 18 who start smoking now will die prematurely as a result. Almost 300,000 children who start smoking now will die prematurely as a result.

Our Nation’s youth, frankly, are almost certainly not aware of these staggering statistics when they try their first cigarette, but we are aware of it. If we are not, we should be. It is our responsibility to make sure our children are safe and don’t fall victim to these unhealthy addictions—addictions with deadly outcomes. It is our responsibility to make sure our children are safe and don’t fall victim to unhealthy addictions.

FDA regulation of tobacco products, legislation introduced by Senator KEN-

NEDY, is not only necessary to protect our kids, it will improve the overall health of our Nation and save countless lives. FDA regulation is necessary because most cigarette manufacturers have proved time and again they have no desire to take the course of responsible action. Instead, in an act of morally reprehensible profiteering that contravenes a multistate tobacco agreement struck in 1998, cigarette manufacturers are once again using advertising campaigns to lure teenagers into a deadly habit.

These unscrupulous business practices especially prey on girls in particular. As a father of three daughters, I take personal offense to this kind of advertising that glamorizes cigarettes. Their latest gimmick, again, as I said, is a mailing of a takeoff on a popular perfume. They are sending these out, I presume, to hundreds of thousands of young women.

It strains the imagination that this ad campaign and these kinds of two-for-one coupons—it strains the imagination to think that this is aimed at anyone other than 15- and 16- and 17-year-old girls. These images make their way into millions of homes across the country through these mailers, and they reveal, as I said, a prize of two-for-one coupons, even though cigarettes are legal only for 18-year-olds and older. Cigarette manufacturers are literally investing in the premature deaths of our daughters.

It is up to Congress to put a stop to it. Lung-related cancers are the fastest growing and now the leading cause of cancer death among women. As elected officials, we have an obligation to ensure the health and safety of those who sent us to the Senate. As parents, we have a moral imperative to ensure our children are afforded the best chance for a bright start. There is nothing “light” or “luscious” about dying from lung cancer.

Every year, smoking costs our Nation more than \$96 billion in health care costs. The real costs, of course, are the 450,000 lives lost every single year to smoking-related illnesses.

In my home State of Ohio, health care costs directly caused by smoking topped \$4.3 billion, \$1.5 billion of which is covered by our State Medicaid Program—the taxpayers. This is a drain on our health care system. It is a drain on our local communities. It is a drain on our Federal and State budgets. Congress must grant, under the Kennedy proposal, the FDA authority to regulate tobacco products.

We have a responsibility to our Nation to ensure that children are safer and they are not the victims of suggestive marketing by tobacco companies. Congress has debated the issue of FDA authority over tobacco for nearly a decade. It is time to finish the debate and take action to protect children, protect young women, girls, from this kind of advertising, from these kinds of campaigns because if we take the right kinds of action, it will save literally hundreds of thousands of lives.

The PRESIDING OFFICER. The Republican leader is recognized.

#### HONORING OUR ARMED FORCES

LANCE CORPORAL DESHON E. OTEY

Mr. MCCONNELL. Mr. President, like every one of my colleagues, I stand in awe of the brave men and women who have volunteered to take up arms and defend our country. Some are called to make the ultimate sacrifice. And so today I ask the Senate to pause in loving memory of LCpl DeShon E. Otey of Radcliff, KY. He was 24 years old.

Lance Corporal Otey, a marine, died on June 21, 2004, while serving with an elite sniper team sent on a crucial mission in Ramadi, Iraq. Otey and three other marines entered the town to target the dangerous terrorists who had turned it into one of the most hostile in the country.

To this day we can not be sure how tragedy struck Otey on this final mission. After headquarters could not make contact with his team, other marines were sent to find out what happened.

Lance Corporal Otey was found killed, shot in the torso. The other three soldiers had met the same fate, and their weapons had been taken by the enemy.

Just 3 months before his death, Lance Corporal Otey had survived a particularly brutal attack by the terrorists—again, in Ramadi, the site of many difficult battles. Then, Otey was the sole survivor out of all the men in his humvee.

For his actions as a marine, Lance Corporal Otey earned numerous medals and awards, including the Purple Heart and the Combat Action Ribbon.

Mr. President, though we mourn the loss of this hero’s life, we would not mourn how he lived it. Lance Corporal Otey’s mother Robin Mays tells us he wanted to join the Marines for about as long as she could remember. “All he ever dreamed about was being a marine,” she says. “He was the consummate marine—reserved, soft-spoken, would only speak when spoken to. He lived for the Marines.”

As a student at North Hardin High School, in Hardin County, KY, DeShon was an amateur boxer who had several bouts in nearby Louisville, KY. He was also a lineman for the North Hardin High football team.

But even as a high-school student, DeShon was preparing for the rigorous life of a marine. He tested for both the Marine Corps and the Air Force, earning high scores. He worked with a Marine recruiter, and sometimes the two would go off to participate in war games.

DeShon proved to have great prowess with a weapon. He was eventually selected to be a sniper, a highly respected position that comes with a lot of responsibility and a lot of training. He went on to earn the Rifle Marksman Badge and the Pistol Marksman Badge.

Of course, DeShon had other interests as well. His mother remembers