

to order the industry to remove especially hazardous ingredients.

The bottom line is: FDA authority will protect kids and save lives.

The 1998 legal settlement between the States and the tobacco companies prohibited the companies from taking "any action, directly or indirectly, to target youth . . . in the advertising, promotion or marketing of tobacco products."

But the tobacco companies are ignoring these promises.

Since the settlement, the tobacco companies have actually increased their marketing expenditures by 66 percent. According to the Federal Trade Commission, the tobacco industry spends more than \$11.2 billion per year—over \$30.7 million a day—marketing its deadly products just in the United States alone, often targeting youth.

For example, in 2002, Brown & Williamson unveiled a new marketing promotion for their Kool brand of cigarettes called Kool Mixx. This advertising campaign was designed with one simple goal: target young African-Americans and addict them to nicotine.

The "Kool Mixx" campaign included new cigarette packages with images of young DJs and dancers:

It is an outrageous attempt to addict youth.

Brown & Williamson doesn't even bother to be subtle when it comes to targeting African-American youth in this campaign.

The press release from Brown & Williamson announcing the campaign contained almost comical sentences revealing their racial targeting.

This is what the company's press release said:

Kool understands the vibrant urban world of the trendsetting, multicultural smoker.

It goes on to say:

Kool keeps it real and remains linked to the latest urban trends.

This campaign to addict young African-Americans to cigarettes doesn't stop at product packaging and slick ads. Kool is sponsoring a nationwide "DJ Competition" in cities such as New York, Atlanta, Washington, St. Louis, and Chicago.

It seems that "Kool Mixx" is the new "Joe Camel" for minority teenagers.

This overt racial targeting of youth shows that the tobacco industry has not really changed its ways since its settlement with the State attorneys general.

The big tobacco companies have reverted back to the same atrocious behavior we all saw before they promised they would become good "corporate citizens."

Here is something even more outrageous difficult as that is to believe: one of the tobacco industry's new tactics is the introduction of candy-flavored cigarettes and other sweet-flavored tobacco products.

R.J. Reynolds—the same company that once marketed cigarettes to kids

with the infamous cartoon character, Joe Camel has launched a series of flavored cigarettes,

One flavor is a pineapple and coconut cigarette called "Kauai Kolada"; another is a citrus-flavored cigarette called "Twista Lime."

These names sound more like bubble gum flavors than deadly cigarettes—which is the point.

These new marketing techniques aimed at kids are especially troubling, given that over 550,000 children will become regular smokers this year alone.

FDA regulation is critical for many reasons. One reason—as we see with these candy-flavored cigarettes—is to keep kids away from these deadly products. Another reason we need FDA regulation is to make sure that preventable dangers in cigarettes are removed.

There are thousands of products for sale in America that people consume, but tobacco products are the only ones—the only ones—which don't have their ingredients disclosed.

That is amazing when you consider that cigarettes are by far the most deadly product you can buy in a grocery store.

Right now, the FDA can regulate a box of macaroni and cheese, but not a pack of cigarettes. If you wanted to know the ingredients of macaroni and cheese, they're listed on the package. But for cigarettes, there is no information whatsoever on the ingredients, toxins, chemicals, etc. It makes no sense.

When a smoker lights a cigarette, the burning ingredients create other chemicals. Some of these are carcinogenic. But tobacco manufacturers are not required by law to disclose the ingredients of their products to the public, including the toxic and cancer-causing ingredients.

A Surgeon General's report in 1989 reported that cigarettes contain 43 known carcinogens.

I wonder how many smokers realize that one of these chemicals is arsenic. I bet most smokers don't know that.

It boils down to this: by stripping out the FDA regulatory authority over tobacco products, we are failing our children. We are putting their health in jeopardy.

This conference report provides billions of dollars to tobacco farmers and boosts tobacco industry profits, but it does absolutely nothing nothing to reduce tobacco's terrible human and economic toll.

I don't know how any Member of this body who is truly concerned about children's health can, in good conscience, support this bill without the FDA provision.

We had a deal; everyone knew it; the tobacco buyout in exchange for FDA regulation. The Republican leadership broke that deal.

I urge my colleagues to oppose this conference report until we give the FDA the authority it needs to regulate tobacco as it does other products.

Mr. FRIST. Mr. President, it has been a long day, and I thank those Sen-

ators who have been here, and especially the presiders who we have had throughout the evening. We now have two appropriations conference reports at the desk ready for consideration. They are military construction appropriations and the homeland security appropriations, obviously two enormously important pieces of legislation, especially given the disaster relief package that is part of the military construction legislation.

It had been my hope to act on these as quickly as possible. I understand there are objections to these and that we will need to file cloture motions to bring these to a vote. I understand there is an issue relating to the military construction bill, but I am unaware of any issue with the appropriations bill relating to homeland security.

Homeland security clearly has important resources that address just what the title says; that is, the safety and security of the American people. I believe the American people, indeed, deserve that we act on this bill in a timely way and in an expeditious way, but it looks like we are being stopped from doing so.

I will file the cloture motions on both of these measures, but I would ask my colleagues on the other side of the aisle who are objecting to proceeding to please consider their objections overnight and allow us to proceed. I urge them, do not force a cloture vote on the homeland security bill, which addresses the security and safety of the American people. I ask that they consider allowing us to vitiate this cloture and move forward tomorrow.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005—CONFERENCE REPORT

Mr. FRIST. Mr. President, I move to proceed to the conference report to accompany H.R. 4837, the military construction appropriations bill.

The PRESIDING OFFICER. Without objection, the motion is agreed to. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4837), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of today, October 9, 2004.)

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 4837, a bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

Bill Frist, Kay Bailey Hutchison, Ted Stevens, Thad Cochran, Wayne Allard, Chuck Grassley, Norm Coleman, Lamar Alexander, Pat Roberts, Sam Brownback, Mitch McConnell, George Allen, Craig Thomas, Orrin Hatch, Richard Lugar, Mike DeWine, Gordon Smith.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005—CONFERENCE REPORT

Mr. FRIST. Mr. President, I now move to proceed to the conference report to accompany H.R. 4567, the homeland security appropriations bill.

The PRESIDING OFFICER. Without objection, the motion is agreed to. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4567), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of today, October 9, 2004.)

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

Bill Frist, Thad Cochran, Ted Stevens, Kay Bailey Hutchison, Wayne Allard, Chuck Grassley, Norm Coleman, Lamar Alexander, Pat Roberts, Sam Brownback, Mitch McConnell, George Allen, Craig Thomas, Orrin Hatch, Richard Lugar, Mike DeWine, Gordon Smith.

Mr. FRIST. Mr. President, I now ask unanimous consent that the two live

quorums with respect to these conference reports be waived.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate begin a period of morning business, with Senators permitted to speak for up to 5 minutes each.

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

HONORING OUR ARMED FORCES

ARMY SPECIALIST ALLEN JEFFREY "A.J." VANDAYBURG

Mr. DEWINE. Mr. President, I rise this evening to say thank you to the men and women serving in our Armed Forces. Too often, we don't take the time to show our appreciation and tell them what their service means to us. They are there for us each day, dedicated to protecting all that we hold dear. They are there for us, making our world more secure. They are there for us, making our world a better place—a safer place. They are there for us, protecting our freedom.

That freedom, though, as we know so well, does not come without a price. It does not come without sacrifice. As General Douglas MacArthur once said:

The soldier, above all other men, is required to perform the highest act of religious teaching—sacrifice. . . . The soldier who is called upon to offer and to give his life for his country is the noblest development of mankind.

This evening, I rise to honor a Mansfield, OH, serviceman who selflessly gave his life while saving those of his comrades. Army SP Allen Jeffrey Vandayburg—"A.J." to his family and friends—earned the Bronze Star Medal with Valor for his final act of bravery—an act that ultimately saved the lives of the men and women serving with him.

On April 9, 2004, in Barez, Iraq, A.J. and other members of the Army's 1st Infantry Division—the "Big Red One"—found themselves in the middle of a fierce firefight with Iraqi insurgents. A.J. was manning the gunner position of his Bradley fighting vehicle when his unit was fired upon. According to an official Army report, A.J. fought valiantly, drawing enemy fire to himself. The report detailed the following:

Vandayburg's unparalleled reflexes allowed him to destroy an [enemy] who was attempting to fire a rocket propelled grenade within 50 meters of his vehicle. Vandayburg had to swivel the entire turret, acquire the target, and destroy the enemy before the rocket-propelled grenade could be fired.

A.J. prevented that grenade from hitting his convoy. He saved many lives that day—an act that ultimately took his own life. His valiant efforts prompted the insurgents to focus their fire on his vehicle. A.J. was killed in the onslaught. He was just 20 years old.

A.J. was truly a great soldier—a courageous young man who put the safety of others above his own. We will never be able to repay A.J. for what he has done, and we will never be able to honor him the way he truly deserves. We can, however, remember this American hero as he was—as a strong, independent young man who did a great deal of good in this world.

In his all too brief 20 years, A.J. touched many lives. His mother, Chantil, fondly recalls that "everybody loved him." It was his smile; it was hard to stay mad at him." A.J.'s father, Allen, remembers that he was the kind of kid who could walk into a room and just light it up.

A.J. loved his family very much. In the summers, A.J. always looked forward to their family vacation to Myrtle Beach, SC. A.J. loved kids. Family friend, Kim Loveland, recalled that she would pay A.J. to watch her children, only to have him turn around and use the money to buy the kids candy.

A.J. went to Mansfield High School, where he played golf and baseball. He was known as a "good guy" who had a lot of good friends. After graduation in 2001, A.J. enlisted in the Army. He would eventually serve in Kosovo, Germany, Kuwait, and Iraq. Allen and Chantil Vandayburg treasure the picture they have of their son with children in Kosovo. Allen likes to call A.J. "a warrior who also had a soft side."

A.J. was a lot like his father. Allen is a 25-year veteran of the Mansfield Police Department. A.J. learned from his dad the value of public service and how to trust your comrades—lessons he would bring with him overseas. A.J.'s parents knew that their son believed in what he was doing in Iraq. A.J. e-mailed them as often as he could and would tell them not to worry—that he trusted his fellow soldiers and knew they would look out for him. In his final battle, it was A.J. who paid the ultimate sacrifice for his comrades and for Iraqis he did not know.

A friend of A.J.'s, Nathan Pival, who is serving in Afghanistan, posted the following message on a Web site honoring A.J.:

A.J.—I found out what happened to you my first week in Afghanistan. To say the least, I felt like a piece of me died, too. I mean, who would have thought that you and me would end up in the Army after high school? I know you didn't find out I was in the service until you tried to call my cell when I was in Basic, but I want you to know that you were the person that helped to convince me that the military would help me out. It has helped me. . . . You are a hero, and you did the right thing, and that is what matters. I believe in a higher purpose, so I know I will see you again some day, but I'm still pretty upset that I am going to have to wait so long to tell my Army stories to my buddy who motivated me to join. If it wasn't for you, I'd probably . . . be going nowhere. I'm sorry I couldn't be there for you man. See you again someday.

A.J.'s family found solace in the final act of devotion from one brother to another. Though he described it as "the hardest thing I've ever had to do,"