

who profit from their investments in China—American investors, American companies—actively support a regime that is trying to become a global competitor with our Nation. Multinational corporations know no boundaries. Too often these companies leave their moral compass at home.

The United States and all democratic governments should stand up to, rather than apologize for, China's brutal regime. If China seeks to become a responsible member of the international community, its actions should match its aspirations.

Since the Tiananmen Square protest and crackdown, China has continued to deny its people basic freedoms of speech and religion and assembly. It has increased severe cultural and religious suppression of ethnic minorities such as the Tibetans, the Taiwanese, and the Uighurs in western Muslim parts of China. It has increased persecution of Chinese Christians. It has increased detention and harassment of dissidents and journalists and has maintained tight controls on freedom of speech and the Internet.

Earlier today I had the pleasure of meeting again with someone I worked with 10 years ago, Wei Jingsheng. Wei Jingsheng, who is about 60 now, has been called the "father of Chinese democracy." He spent 18 years in prison. He was an electrician at the Beijing Zoo. He spent 18 years in prison for the cause of freedom and democracy in his home country. He was jailed because the Chinese Government accused him of conspiring against it by writing about democracy. Since his release from prison for the second time, Wei Jingsheng this time was exiled to Canada. He has been a force for democratic change for his nation, founding the Overseas Chinese Democracy Coalition and the Wei Jingsheng Foundation. He has been nominated for the Nobel Peace Prize seven different times. He lives in Washington, the capital of our democracy, but he continues to fight for democracy in his home country.

The Chinese people, like Americans, are trying to live meaningful, peaceful lives and create a better world for their children. Unfortunately, they are held hostage by a brutal, one-party Communist totalitarian regime. This regime benefits from many of our country's policies, from lax trade enforcement to our lax response in the face of blatant human rights abuses. The United States, by its acquiescence, has helped to prop up the Chinese Communist party. The partner in working to prop up the Chinese Communist party is large U.S. corporations.

Wei Jingsheng told me, as we walked the halls of the House of Representatives in 1999 during the discussion and debate on the permanent normal trade relations with China, he looked me in the eye and he said the vanguard of the Communist party revolution in the United States—the vanguard of the Chinese Communist party in the United States of America—is American

CEOs. It was the American CEOs who walked the halls of Congress in 1989—our Presiding Officer remembers this—who walked the halls of Congress in 1989 lobbying on behalf of the Chinese Communist party dictatorship to get trade advantages to China. It was the CEOs of many of America's largest corporations who walked from office to office in the Senate and in the House of Representatives begging Members of the House and Senate to vote to give trade advantages to this Communist party dictatorship—this dictatorship that oppresses its people, that inflicted violence on those people in 1989, and has ever since. It was American CEOs who lobbied for trade advantages for China so that China, in the end, would take millions of jobs from the United States of America—from Galion, OH, and Toledo, OH, and Akron and Youngstown and Dayton—hundreds of thousands of jobs in my State because American CEOs lobbied this House, this Senate, and lobbied the Congress down the hall to give trade advantages to the Communist party dictatorship in China. We have paid the price. The Chinese people have paid an even more important price.

I am proud to join with Senator INHOFE to be introducing with him a resolution acknowledging the 20th anniversary of the Tiananmen Square protest and crackdown. The resolution is simple. It honors those who died in the protest. It demands that China release its political and its religious prisoners.

Today as we look back on the Tiananmen protest, we honor the lives of those who died in a struggle for freedom. Let's remember that brave, unnamed protestor in front of the tank who 20 years ago believed, like Wei Jingsheng believes, that one person can change the world through peace and nonviolence. Think what a whole nation could do.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BURR. Mr. President, I ask unanimous consent to be recognized for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. BURR. Mr. President, when I yielded the floor to allow Senator BROWN to speak, I was in the process of describing the substitute amendment to the base bill, H.R. 1256. Before I go back to that, let me share with my colleagues the response to a letter from

the Campaign For Tobacco-Free Kids. They assessed the substitute bill and they provided in a letter to the committee why they found the substitute to be wrong. I will use that word.

Let me take on some of the things they raised in that letter. One, they said that the Burr-Hagan bill would create a new bureaucracy that lacks the experience, expertise, and resources to effectively regulate tobacco products. I think I made it abundantly clear earlier today that under the current regulatory framework for tobacco, every Federal agency in the United States has jurisdiction in it, except for the Food and Drug Administration. So to suggest that the Food and Drug Administration has the experience or the expertise or the resources to effectively regulate this would be disingenuous. They have no experience, because they haven't been involved in regulation. They do have expertise, but expertise to prove safety and efficacy of products, not to come to the conclusion that a product is unsafe and kills. Yet they are not going to do anything to restrict its access or provide resources to effectively regulate tobacco products.

Incorporated in this base bill H.R. 1256 is, in fact, a surcharge on the tobacco industry of \$700 million over the first 3 years to fund—to provide the resources—for the FDA to regulate the industry. And it doesn't stop there, because they can't hire the folks, they can't set up the regulation until they have the ability to do the surcharge it requires, in putting it in the FDA, that you come up with \$200 million to fund the initial effort to set up the infrastructure to regulate this product. So, in fact, there were no resources. Within H.R. 1256, it creates the resources to create the framework, to create the personnel, to regulate a product they have never regulated before.

I remind my colleagues that in the substitute amendment, we set up a new Harm Reduction Center under the guidelines of the Secretary of Health and Human Services, within Health and Human Services, the same place that the FDA is. When we asked the Secretary of HHS how much does it take to fund that, they gave us a number of \$100 million a year; \$700 million for the baseline, H.R. 1256; \$100 million for this new Center of Harm Reduction, overseen by the same Secretary of Health and Human Services.

Granted, I will be the first to say that if we are creating a new agency, the agency for harm reduction, it does not have the experience, the expertise, or the resources yet, but it can search within the global marketplace to find the individuals, and the Secretary of HHS has already said \$100 million will permit us to do that function in a harm reduction center. So the first complaint, hopefully, I have disposed of.

The second complaint from the Campaign For Tobacco-Free Kids as to why they would not support the substitute amendment: The Burr-Hagan bill does

not give the FDA any meaningful authority to require changes in tobacco products. Well, I do hope somebody from Campaign For Tobacco-Free Kids is watching, because what the base bill, H.R. 1256, does is it locks in these products, nonfiltered and filtered cigarettes, and legislatively says to the FDA: You can't do anything with those products. They are grandfathered. As you heard me say, H.R. 1256 does not allow these reduced-risk products to come to market. So the tobacco industry, based upon how the legislation is written, would basically limit tobacco uses to these two categories, the 100 percent risky and the 95 percent risky.

I misspoke. Let me correct it, because within H.R. 1256 it does state that any product that was sold prior to February 2007 could, in fact, be sold. Some, not all, smokeless products fall into that category of having been sold prior to February of 2007.

One has to ask: Why February of 2007? Why is that magic? It is very simple. That is the last time they updated this bill. I am sure they updated before the markup in 2009, but they weren't even careful enough to change the effective date that cut off when a product could be sold. There can't be any other reason, because there is nothing magical to February of 2007, except that U.S. smokeless products were included, and if you include U.S. smokeless products and filtered and nonfiltered cigarettes, you might have one manufacturer that then controls about 70 percent of the market. And because you have grandfathered it all in and you have forbidden FDA from ever changing it, you have basically given an unbelievable market share to one company, and you have not allowed any other company in the world to participate because if they weren't sold before February of 2007, they can't be sold in the future. Because, as I discussed earlier, to bring a new product to the marketplace, you have to make the claim that no nontobacco user would use the product.

Yet how can you make that claim if the same provision disallows you from talking to a non-tobacco user about whether they would use the product? It is a catch-22. Yes, we created a pathway, but we also designed it in a way that you couldn't meet the threshold needed to have an application approved. It is very simple.

Two was that the Burr-Hagan bill doesn't give the FDA meaningful authority to require changes in tobacco products. They are 100 percent correct. Nor does H.R. 1256. As a matter of fact, not only does it not allow for changes, it legislates there cannot be changes to products sold before 2007. If the Campaign for Tobacco-Free Kids is trying to reduce the risk of death and disease and usage, it has supported the wrong bill.

Third, the Burr-Hagan bill will harm public health because it perpetuates the consumers' misconception that they can reduce their risk of disease by

switching to so-called low-tar cigarettes. Our bill goes further than the Kennedy-Waxman legislation by banning the use of terms such as "light," "ultra-light," "medium," and bans the use of candy, fruit, or alcohol descriptors on cigarettes even if not characterized in the legislation.

In addition, the risk reduction center is required to establish a relative risk ranking for tobacco and nicotine products annually and disseminate that information to the public. This preempts any unsubstantiated lower or reduced-risk consumer communications by a tobacco manufacturer. In other words, under H.R. 1256, the FDA does not have to inform the public about the relative risk of the products they regulate. So they are not going to share with the people that if you smoke filtered cigarettes, it is a 100-percent risk, and unfiltered is a 90-percent risk. In the substitute that is being offered, we require the harm reduction center to annually print a list of what the risks of the products are that are tobacco related and that they regulate.

The fourth complaint by the Campaign for Tobacco-Free Kids is that the Burr-Hagan bill doesn't strengthen warning labels in a meaningful way. Well, actually, our bill incorporates the same warning levels for cigarettes contained in the Kennedy-Waxman legislation and requires they be placed on the bottom 30 percent of a cigarette pack, including Senator ENZI's graphic warning label language. Also, our amendment goes further than H.R. 1256 by requiring the disclosure of ingredients on the back facing of a tobacco product packaging.

Let me state what the claim was: The Burr-Hagan bill doesn't strengthen warning labels. The only thing I can think is that the Campaign for Tobacco-Free Kids didn't read my bill or it doesn't know the difference between identical language in H.R. 1256 and the Burr-Hagan substitute because the wording is actually the same. In addition, we require that the ingredients in those products be listed on the pack, which I think is beneficial to consumer choice.

Fifth, the Burr-Hagan bill doesn't adequately protect consumers from misleading health claims about tobacco products. Well, once again, our bill requires the same rigorous standards used in H.R. 1256 for reducing the risk of tobacco products. Furthermore, it requires the harm reduction center to establish and publish the relative risk of tobacco and nicotine products on an annual basis. Unlike Kennedy-Waxman, this legislation also requires disclosure on individual packs of all ingredients.

The sixth complaint by the Campaign for Tobacco-Free Kids is that the Burr-Hagan bill gives the tobacco industry license to create ways to market to youth. We have covered this. Our bill is much more comprehensive. It eliminates print advertising. There are marketing prohibitions and restrictions over and above what H.R. 1256 does.

Last, the bill gives the tobacco industry undue influence and creates gridlock on an important scientific advisory committee by giving the tobacco industry the same number of voting representatives as health professionals and scientists—a 19-member board with 10 health care experts, 4 members of the general public, 2 representatives of tobacco manufacturing, 1 representative of small tobacco manufacturing, 1 representative of the tobacco growers, and 1 expert on illicit trade of tobacco products. Somehow, 14 health care experts and 1 trade expert can be depicted by the Campaign for Tobacco-Free Kids as being the same number as 4 tobacco-related members of the advisory board. So clearly, 15 without a tie to tobacco, 4 with a remote tie to tobacco, and the Campaign for Tobacco-Free Kids said that by giving the tobacco industry the same number of voting representatives as health care professionals and scientists—Mr. President, the American people deserve an honest debate. They deserve the information on one side of a bill or another to be factual. I am not sure how you can look at 15 individuals in one category and 4 in another and portray for a minute that is the same number. But that is what the Campaign for Tobacco-Free Kids does. If, in fact, they have misled in the letter to the committee about H.R. 1256 and the substitute, what else haven't they told us or what else have they told us that is not accurate? It brings into question that effort and, clearly, in 1256, the effort is not to reduce the risk of disease or use of tobacco products.

Mr. President, how much time do I have?

THE PRESIDING OFFICER. The Senator has 16 minutes.

Mr. BURR. When I ended talking about the substitute, I held up this can of Camel Orbs and I told the Members of the Senate that this was a product that currently is rated at about a 1-percent risk, or an 89 percent reduction from typical nonfiltered cigarettes. It is an 89 percent reduction from nonfiltered cigarettes. I will hold one up. It is a dissolvable tobacco. You don't get lung cancer or COPD from it, and it doesn't cause heart disease. There is a 1-percent risk. But under H.R. 1256, this product is outlawed. Why? Because it wasn't sold before February 2007.

Let me say to my colleagues, if the intent of passing Federal regulation of the tobacco industry—and I am supportive of it—is to reduce death and disease, why would you exclude a product that has a 1-percent risk but then grandfather in products with a 100-percent likelihood of killing you? Even if you are not debating whether it is in the FDA or in the harm reduction center, how in the world can a Member of the Senate say it is OK to eliminate the ability for an adult to choose to use this and to be locked into a certain death?

We are supposed to pass policy that makes sense and that works for the American people, that actually reduces

the risk of death, disease, and usage of tobacco. When you lock them into the highest risk and likelihood of death, you haven't fulfilled that. When you don't require States to use the money they were given for cessation programs, how can you expect that you are going to reduce youth usage? When you see that 48 States have a higher prevalence of marijuana use among youth than they do of tobacco, how can you conclude that by giving the FDA jurisdiction to regulate tobacco, somehow that means you are going to have a reduction in youth usage? It is just not going to happen.

The American Association of Public Health Physicians states that this product, Orbs, is the most effective way to fight death and disease associated with current tobacco use. Again, the American Association of Public Health Physicians states that these are the best tools we have to get people to quit smoking. As a matter of fact, I am proud to say that yesterday the American Association of Public Health Physicians endorsed the substitute amendment and not the base bill because they recognize that the base bill does nothing but provide a pathway to certain disease or death.

Just so I am clear, under the base bill, H.R. 1256, Marlboro is cemented on the retail shelves. Camel Orbs, which reduces death and disease associated with tobacco use, is banned, can't be sold; it wasn't on the market before January 2007, and Marlboros are on the shelf.

Snus is banned. In the past 25 years, Swedish men showed a notable reduction in smoking-related disease, a decline in lung cancer incidence rates to the lowest of any developed nation, with no detectable increase in the oral cancer rate, improvement in cardiovascular health, and the tobacco-related mortality rate in Sweden is among the lowest in the developed world. But in our infinite wisdom in this austere body, we are getting ready to pass a bill that takes a product that Sweden used to get people off cigarettes, to reduce lung cancer, to bring down cardiovascular disease, to reduce mortality by tobacco products, and we are going to eliminate it and we are going to lock them into everything Sweden is trying to get rid of. Think about this before you do it, for God's sake. Once you pass this, it is too late.

Mr. President, the current cessation programs don't work. I said earlier that those products have a 95-percent failure rate. Giving current smokers an opportunity to migrate to a less harmful product—it is a public health initiative, and not creating a pathway to reduce harmful products is not a public health bill. But those products are banned in H.R. 1256.

Senator HAGAN's and my amendment allows these products to be marketed and regulated correctly. Our amendment establishes a tobacco harm reduction center within the office of Health and Human Services. We provide the

harm reduction center with the regulatory authority to better protect our children from tobacco use and significantly increase the public health benefits of tobacco regulation. We require tobacco manufacturers to publish ingredients of products. We require the harm reduction center to rank tobacco products according to their risk of death and disease associated with each type of tobacco product in order to inform the American public more fully about the risk and harm of tobacco products.

We ban candy and fruit descriptors of cigarettes. We ban the use of the terms "light" and "low tar." We give the Harm Reduction Center the authority to review smoking articles and adjust accordingly to what is in the best interest of public health. What we don't do is give an already overburdened agency the responsibility to regulate tobacco.

We have a change in administrations. As supportive as I am of the new Commissioner of the FDA, Margaret Hamburg—she will do a wonderful job—let me turn to the former Commissioner of the FDA. Two years ago, Andy von Eschenbach gave his opinion on the FDA regulation of tobacco. You might say: Gosh, this was 2 years ago. I think I already made a credible case that most of what is in this bill was written 10 years ago. Even some of the deadlines that are in the bill have not been changed since the bill was updated 2 years ago. So I think it is very credible to use the comments of the former FDA Commissioner 2 years ago:

The provisions in this bill would require substantial resources, and FDA may not be in a position to meet all of the activities within the proposed user fee levels . . . As a consequence of this, FDA may have to divert funds from its other programs, such as addressing the safety of drugs and food, to begin implementing this program.

All of a sudden, we are right back where I started 3 days ago. Why in the world would we jeopardize the gold standard of the Food and Drug Administration, the agency that provides the confidence to every consumer in the country that when they get home at night, after having a prescription filled, they don't have to worry about whether it is safe or effective; that if they go to a doctor or hospital and they use a device on them, it wasn't something crafted in the back room and nobody reviewed that it was safe or effective; that it had the gold standard, the seal of approval of the Food and Drug Administration; that as biologics were created that did not exist 10 years ago, that we could feel certain that the FDA looked at this new product and approved it for use in humans; that when we went to buy food, our food would be safe.

Do we want to jeopardize the FDA having to divert funds from food safety right now when we have had Americans who have been killed? Do we want a reviewer at FDA, whose gold standard is to prove safety and efficacy on all the

products they regulate, except for the tobacco, to lower their guard and let something through that did not meet the threshold of safe and effective?

I am not sure that is in the best interest of America. I am not sure it is in the best interest of the American people.

My colleague from Connecticut came to the floor and said the Food and Drug Administration is the only agency that has the experience, the expertise, and the resources. The Commissioner of the Food and Drug Administration said: I don't have the resources, and if you give this to me, I might have to divert funds from other programs. As a matter of fact, they would have to divert people from reviewing the applications for new drugs, new biologics. It could be that somebody who is waiting for a new therapy dies before the therapy is available because we had to divert funds or people to take care of regulating a product that the FDA has never regulated and for which Commissioners of the FDA told us they did not have the funds.

I am not sure how clear we need this. I said when I started on Monday this was an uphill climb, the deck was stacked against me. I understood the threshold was come to the Senate floor and to spend as much time as it took to convince my colleagues—Republicans and Democrats and Independents—that this was not a bill where one party trumped the other.

Senator HAGAN is a Democrat; I am a Republican. We have come to the floor passionately with our substitute amendment because we think it trumps H.R. 1256 from a policy standpoint. The American people expect us to pass the right policy, not any policy. If the FDA is not the appropriate place to put it, the American people expect us to find something else that meets the threshold of the right regulation but does not encumber the gold standard of an agency on which we are so reliant.

I am hopeful we are going to have a vote this afternoon on the substitute. It will be next week before the base bill is voted on. I say to my colleagues, they are only going to have one opportunity to change this bill. That one opportunity is to vote for the substitute amendment. If they vote for the substitute amendment, they are going to vote for a bill that actually reduces the risk of death and disease for adults who choose to use tobacco products. If they vote for the substitute, they are actually going to vote for a bill that actually reduces youth usage in a real way. If they pass on supporting the substitute—and it will be a close vote—if they pass on supporting it, they are going to have to live with what they do to the FDA. They are going to have to live with the consequences.

When I came to the Congress, the House of Representatives, in 1995, I was given the task of modernizing the Food and Drug Administration. We opened the Food and Drug Administration in its entirety. It took 2½ years to

produce a bill. It was a bipartisan bill. As a matter of fact, I think in the Senate and in the House it passed by voice vote.

Why did it take 2½ years, two Congresses? It is because we understood, at that time, the delicacy of what we were attempting to do. We were attempting to modernize the Agency and to maintain the gold standard.

At the end of the day, no Member of the House or the Senate offered an amendment to give the FDA jurisdiction over tobacco. In 1998, that bill became law. Why didn't they? It is because every Member knew it was not worth the risk of giving them the responsibilities of tobacco when we had spent 2½ years trying to protect the gold standard.

We are not that forgetful. Don't forget our commitment to make sure the gold standard of the FDA is intact. Don't jeopardize it by giving them tobacco. Don't let our kids be sold short by producing a bill that does not do the education they need so they never pick up a tobacco product. Don't lock the adults who choose to use risky products to risky products forever. Give them an opportunity to have less harmful products. That can only be done one way. That can only be done if Members of the Senate vote to support the Hagan-Burr substitute.

It does keep kids from smoking. It does preserve the core mission of the FDA. It does reduce the risk of death and disease.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise in support of the Family Smoking Prevention and Tobacco Control Act. We all know someone who is currently a smoker or someone who has been a smoker. I know we all worry about their health. That is with good reason.

Tobacco use is the leading preventable cause of death in the United States. It kills more people each year than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined.

Let me repeat that because it is hard to believe. The fact is, tobacco use kills more people each year than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined. Tobacco-related health problems affect millions more, resulting in skyrocketing health care costs every year.

The cycle of addiction is so hard to break, and the tobacco companies work hard to attract smokers with flashy marketing campaigns and by including chemicals that are proven to be addictive. Undoubtedly, this hurts our Nation's overall health.

There is no question that one of the most important steps the Senate can take to improve health and to reduce costs is to reduce the use of tobacco. That is why this legislation is so important, why I am proud to be one of the 53 cosponsors of this legislation. Again, over half the Senate is cosponsoring this legislation.

I thank Senator KENNEDY for his leadership and work on this important issue over so many years. I thank Senator DODD for managing this bill on the floor.

Throughout my career, I have advocated for smoking prevention. We all realize the cost in lives and in health care expenses that smoking creates, not only to the consumer but also to those who are exposed to the dangerous secondhand smoke.

In New Hampshire, almost 20 percent of adults smoke cigarettes, and tobacco-related health care expenses in New Hampshire amount to \$969 million a year.

During my tenure as Governor, I was proud to sign legislation that banned the sale of tobacco products to minors, that prohibited the possession of tobacco products by children, and that required the New Hampshire Department of Health and Human Services to disclose harmful ingredients in tobacco products.

The important legislation we are considering expands on what New Hampshire has done. It will give the FDA the authority to regulate the manufacturing, marketing, and sale of tobacco products.

In New Hampshire this year alone, 6,300 children will try cigarettes for the first time. Just over a third of these children will become addicted lifelong smokers. The tobacco companies know these statistics and target much of their marketing to this vulnerable population. In fact, published research studies have found that children are three times more sensitive to tobacco advertising than adults and are more likely to be influenced to smoke by marketing than by peer pressure. This year in New Hampshire alone, the tobacco companies will spend \$128 million on marketing, much of it geared to kids.

Tobacco companies also attract children to their products by using flavors, such as Twista Lime or Kauai Kolada, which says it contains "Hawaiian hints of pineapple and coconut," or Winter Mocha Mint. It doesn't sound like we are talking about tar-filled cigarettes, does it? It sounds like we are talking about ice cream or candy. But, unfortunately, these fruit and mint flavors not only entice kids to try them but also makes the smoke less harsh, more flavorful so it is actually easier for kids to smoke.

Unfortunately, they do not make cigarettes less dangerous or less addictive. The tobacco companies do not stop at just the flavors to attract kids. They package the flavored products in colorful and fun patterns clearly aimed at attracting children to their products.

Norma Gecks of Derry, NH, reports that her youngest child is 19 and is addicted to smoking. He buys the mint- and fruit-flavored products and by now is smoking up to two packs a day. Already at age 19, he has developed a smoker's cough.

Keith Blessington of Concord is now an adult, but he is also a victim of childhood addiction. He smoked his first cigarette after a basketball game when he was only 17. Recently, he was diagnosed with advanced stomach cancer and told me he has about a year to live. Despite this awful situation, despite the fact that he has cancer, he will tell you plainly: I am addicted. He cannot quit.

We need to enact this legislation to help people in New Hampshire and across the country, people such as Keith, people such as Norma's son. Tobacco products and marketing geared to kids need to end. We cannot afford to let another generation of young people put themselves at risk by becoming addicted to tobacco products and suffering the lifelong consequences of their addiction or, even worse, dying.

For decades, tobacco companies have targeted women and girls. But in the last 2 years, the industry has significantly stepped up its marketing efforts aimed at our daughters and granddaughters, and we have a picture of one of the ads R.J. Reynolds uses. It is their new version of Camel cigarettes targeted to girls and women, and it is Camel No. 9—sort of a takeoff on some other product descriptions we have heard. This cigarette has sleek, shiny black packaging, flowery ads, and, as you can see, the enticing slogan "light and luscious." This advertisement has appeared in *Cosmopolitan*, *Glamour*, *InStyle*, *Lucky*, and *Marie Claire* magazines, and it has been effective. Today, about 17 percent of adult women and about 19 percent of high school girls are smokers. That is more than 20 million women and more than 1.5 million girls who are at increased risk for lung cancer, for heart attacks, strokes, emphysema, and other deadly diseases. These statistics are staggering, and it is important to remember they represent mothers, grandmothers, aunts, sisters, colleagues, and friends.

Seventeen-year-old Cait Steward of Dover, NH, has seen these Camel No. 9 advertisements. She saw them in *Glamour* magazine. But fortunately, she sees through the marketing campaign. She says:

Tobacco companies advertise to try and get me and my friends to smoke. They try to make young girls think that smoking is sexy, glamorous, and cool. They know that if they get us to start smoking now we will be addicted for years to come.

It is not just cigarettes that we are attempting to regulate in this legislation. The tobacco companies have also developed new products that are both smokeless and spitless. They are just as addictive as those products you smoke, however, and they are just as deadly. Like cigarettes, they do not have any FDA regulation, and the consequences are dire.

I want to show a photo of a young man named Gruen Von Behrens. He is an oral cancer survivor. He has had more than 40 surgeries to save his life,

including one radical surgery, and you can see how it left him in this picture. It removed half his neck muscles and lymph nodes and half of his tongue. Like too many teenagers, Von Behrens first tried spit tobacco at age 13 to fit in. By age 17, he was diagnosed with cancer. How can we let this happen? Tobacco companies are targeting our children, and it is our job to protect them.

This legislation is vital to our children and to our Nation's health. It will prevent the tobacco companies from marketing to children. It will require disclosure of the contents of tobacco products, authorize the FDA to require the reduction or removal of harmful ingredients, and force tobacco companies to scientifically prove any claims about reduced risk of products.

The FDA is the proper place to have this authority. It is responsible for protecting consumers from products that cause them harm. The FDA even regulates pet food. Yet it doesn't have the authority to provide oversight for tobacco—one of the most dangerous consumer products sold in the United States.

Under this legislation, the FDA will oversee tobacco products with the same objective and the same oversight with which it directs all of its activities—to promote and protect public health. It has the necessary scientific expertise, regulatory experience, and public health mission to do the job. We can't wait any longer to make the necessary changes that will impact the lives of so many people we know and love.

Again, I thank Senator KENNEDY for his outstanding leadership on this issue and join many of my colleagues in supporting this important legislation that will save lives in New Hampshire and across the country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

NORTH KOREA

Mr. BROWNBACK. Madam President, I rise to speak briefly about North Korea and what is taking place there. To put some of this in context, I think everybody knows—around the country and the world—what North Korea is doing today. Two Americans are on trial, in a crazy setting. They have a missile on a pad that can reach the United States. They have tested another nuclear device. They have tested previously a nuclear device. They are in the throes of some sort of possible change within the regime. It is a very unstable, very provocative situation in North Korea.

I raise all that because at the end of the Bush administration, they took North Korea off the terrorism list, and they did it as a way to try to negotiate, to try to get them into the six-party talks to do more things and to work with us and with the world community.

Since that period, the North Korean Government has taken the exact opposite tack. Instead of working with us, they have done everything they can to provoke us even further. President Bush, when he took North Korea off the terrorism list, said:

We will trust you only to the extent that you fulfill your promises . . . If North Korea makes the wrong choices, the United States . . . will act accordingly.

That was President Bush. He is, obviously, not President any longer. At that point in time, many of us objected to taking North Korea off the terrorism list, but he went ahead and did it anyway. Then Candidate Obama said, at roughly that same period:

Sanctions are a critical part of our leverage to pressure [North Korea] to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to reimpose sanctions that have been waived, and consider new restrictions going forward.

Since President Bush said that, since Candidate Obama said that, here is what the North Korean regime has done. I mentioned some of these, but I will go into detail. They have: launched a multistage ballistic missile over Japan; kidnapped and imprisoned two American journalists; pulled out of the six-party talks, vowing never to return; kicked out international nuclear inspectors and American monitors; restarted their nuclear facilities; renounced the 50-year armistice with South Korea; detonated a second illegal nuclear bomb; launched additional short-range missiles; are about to launch a long-range missile capable of reaching the United States; and, at this very moment, are calling the detained American journalists, Laura Ling and Euna Lee, before a North Korean court, if you could even call it that possibly, to answer for supposed crimes of illegal entry into North Korea and unexplained hostile acts. The two could face years in a North Korean labor camp. That is what has taken place since those statements.

We want to put forward an amendment on this bill or on some future bill—but I would like to do it and we should do it on this bill—to label North Korea a terrorist state again, like President Bush said we should, if they don't act right; like Candidate Obama said we should, if they don't fulfill their obligations. We think the administration should do this now, should relist them as a terrorist state. We think it would be an important vote and statement by this body if we would say the North Korean Government is a terrorist government because it is. It is one of the lead armers to provide armament to rogue regimes and individuals

around the world. Some of my colleagues may have seen the story this week about a North Korean general who was one of the lead counterfeiters in the world of United States one hundred dollar bills. They were very good quality, done on state machinery I have no doubt. He is one of the lead counterfeiters around the world.

Why, then, the State Department would say earlier today that they don't think this "meets the test" is beyond me. I think this body should vote and send a very clear signal that we believe the North Korean regime should be listed as a terrorist state and a terrorist sponsor. It has taken an incredible list of provocative acts. The Obama administration has said: Let's get the U.N. to issue sanctions against them.

Let's get the United States to do our sanctions against them for what they are doing. All this amendment does that I want to vote on is have the administration place North Korea back on the terrorism list, where it rightly deserves to be and should have been all along. Of course, the amendment does allow the President to waive the requirement of relisting so long as he certifies that certain conditions have taken place, that they have met their obligations, which they clearly are not going to.

I think it is wrong for this body not to be clear on this toward North Korea. It is wrong for this country not to be clear toward North Korea of what we believe of their provocative actions, that we will not stand by and say: Yes, you can keep doing this; yes, you can keep launching missiles; yes, you can keep detonating nuclear devices, and we will not do anything. We should be clear we are going to act. These are wrong and provocative actions, and they deserve the minimum response this is. That is why I would like to get a vote on this amendment. I would hope I would get a unanimous vote by my colleagues to relist them as a terrorist state. I would hope we could get that up on this bill. We are in negotiations now with the majority leader about this. It is time to vote. It is time to send this at least minimal message to the North Korean Government that these actions cannot stand without some response from the United States. I hope we could get a vote up on this.

I urge the majority leader and those working on coming up with an agreement to go to the next bill to allow us to vote on this North Korean amendment to provide these sanctions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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