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 the door.

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 harassment and harrassment of political 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 in the Capitol, 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 same crimes—aiding 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 several 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 the use of the world’s largest currency 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 in that oppressive it’s their 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—and hundreds of thousands of jobs in my State because American CEOs lobbied this House, this Senate, and lobbied the Congress down to the last day 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 Burr 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, unarmed protesters 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. 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 one of 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 a product. So, I believe 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 them. 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.

I am proud to join with Senator Hagan BURR 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.

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not give the FDA any meaningful au-
tority 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 those pro-
ducts, nonfiltered and the filtered ciga-
rettes, and retards the legislatively a-
serted change by 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 indus-
try, some old legislate and the legisla-
tion 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, be-
cause 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.
You have to ask: Why February of
2007? Why is that magic number? It is very sim-
ple. That is the last time they updated
this bill. I am sure they updated before the
markup in 2009, but they weren’t even
cautious enough to change the ef-
fective date that cut off when a prod-
uct 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 in-
cluded, and if you include U.S. smoke-
less products and filtered and nonfil-
tered, you might have the manufactu-
er 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 par-
ticipate because if they weren’t sold
before February of 2007, they can’t be
sold in the future. Because, as I dis-
cussed 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 path-
way, 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 ways that the Burr-Hagan bill
doesn’t give the FDA meaningful au-
tority 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
legislate there cannot be changes to
products sold before 2007. If the Cam-
paign 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 ciga-
rettes. Our bill goes further than the
Kennedy-Waxman legislation by ban-
ning 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 prod-
ucts and then delineate that in-
formation to the public. This preempt
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 ciga-
rettes, it is a 100-percent risk, and
unfiltered is a 90-percent risk. In the
same breath, we require the harm reduc-
tion center to an-
ually print a list of what the risks of
the products are that are tobacco re-
lated and that they regulate.
The fourth complaint by the Cam-
paign 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
containing tobacco in the Kennedy-Wax-
man 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
require the disclosure of ingredi-
ents 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 To-
bacco-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 addi-
tion, we require ingredients in
those products be listed on the pack,
which I think is beneficial to consumer
choice.
Fifth, the Burr-Hagan bill doesn’t ade-
quately protect consumers from
misleading health claims about to-
bacco products. Well, once again, our
bill requires the same rigorous stand-
ards used in H.R. 1256 for reducing the
risk of tobacco products. Furthermore,
it requires the production 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 in-
gredients.
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 elimi-
nates print advertising. There are mar-
keting prohibitions and restrictions
over and above what H.R. 1256 does.
Last, the bill gives the tobacco indus-
try undue influence and creates grid-
lock on an important scientific advi-
sory committee by giving the tobacco
industry the same number of voting
representatives as health professionals
and scientists— a 19-member board with
14 health care ex-
erts and 1 expert on illicit trade of tobacco
products. Somehow, 14 health care ex-
erts 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 sci-
entists—Mr. President, the American
people deserve an honest debate. They
deserve the information to make 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 Cam-
paign 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 the whole effort and, clearly, the
effort is not to reduce the risk of disease
or use of tobacco products.
Mr. President, how much time do I
have?
Mr. BURR. The PRESIDING OFFICER. The Sen-
ator 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 a 1-
percent risk, or an 89 percent reduction
from typical nonfiltered cigarettes. It
is an 89 percent reduction from nonfil-
tered 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
industry is passing this part of
the tobacco industry—and I am sup-
portive of it—is to reduce death and
disease, why would you exclude a prod-
uct 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 cen-
ter, 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
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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 we are going to see 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 health failure rate. Giving current smokers an alternative, and not creating a pathway to reducing the oral cleft in lung cancer incidence rates to 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 it was the new Commissioner at 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 this is 10 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 it is very difficult 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 can feel comfortable 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 its safety, 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. And to spend as much time as it took to get a substantial resource, and FDA may not be able to meet the thresholds was come to the Senate floor and to spend as much time as it took to convince the American people that 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 encompass a 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 frankly not aware how 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 already regulated and the 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 against us. And 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.
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 2 1/2 years, two Congresses? Is it because we understood, at that time, the delicacy of what we were attempting, 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 tobacco jurisdiction over tobacco. In 1996, 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 2 1/2 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 but 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 to 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 by children, and that required the New Hampshire Department of Health and Human Services to disclose harmful ingredients in 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 that what they see in this product immensely 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 Kola, 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 says the most fruit-flavored products, and by now 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. Keith is not unique. 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 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 makeover 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 Glamour 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 glamorous and cool. They tell us 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 expertise, regulatory experience, and public health mission to do the job. We want to scientifically prove anything they can to provoke us even further. President Bush, when he took North Korea off the terrorism list, said that we should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should quickly impose 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 won’t go into detail, 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 to the nuclear facilities; restarted their nuclear facilities; re-established the 50-year armistice with South Korea; detonated a second illegal nuclear bomb; launched additional short-range missiles; and launched 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. The United States has failed to try to get them into the six-party talks, vowing never to do more things and to work with us and with the world community.

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. President Kennedy made that very clear when he certified that certain conditions have been met, that North Korea is in compliance.

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 achieve a political end. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to impose sanctions that have been waived, and consider new restrictions going forward.

I urge the majority leader and those with us today to send this at least minimal message to the North Korean Government that they will not stand by and say: Yes, 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 re-list them as a terrorist state.

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.

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 Americas 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 a very unstable, very provocative situation in North Korea.

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

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

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