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. The Obama administration has told the North Korean Government that it 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, he said that he would never do it again.

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 secure a peaceful settlement. 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.

Since President Bush said that, since Candidate Obama said that, here is what the North Korean regime has done. I want to go through this, 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; launched additional short-range missiles; announced the 50-year armistice with South Korea; detonated a second illegal nuclear bomb; launched additional short-range missiles; 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, 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 re-list them as a terrorist state. We think it would be an important vote and statement by this body: we believe that 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. I believe that 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 is that I want to vote on is have the administration place North Korea back on the terrorism list, which it rightly deserves to be and should have been all along. Of course, the amendment does allow the President to waive the requirement of re-listing 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 re-list them as a terrorist state. I would 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 bill clerk will call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. 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 some sort of possible change within the regime. It is a very unstable, very provocative situation in North Korea.
Mr. REID. Madam President, there are a number of amendments that have been filed that are at the desk. They haven’t been offered as yet. Amendments on both sides in agreement should be considered. We were close to a lot of agreement to do just that. The vast majority of the amendments will be germane postcloture. I have indicated that for those that are arguably germane, I would be willing to work with the person who offered the amendment to have a vote on it. But one Senator has held this up. That is the way things can happen around here. It is unfortunate, but it does happen. We worked for a couple of days trying to arrive at the point we are. The same part about it is the Senator who has held all this up has an amendment that isn’t remotely germane to this bill, but he has lodged an objection to this agreement that is agreed by all other Senators. I would hope that the Senator would reconsider this objection over the next few days.

In the meantime, I have had conversations with the managers of the bill. I have a lot of time with Senator Dodd. It is an important piece of legislation. I watched the Presiding Officer offer her speech today. What a sad thing, the man she spoke about. A picture is worth a thousand words. The picture that she had when she was talking about this bill and how important it is was worth more than a thousand words.

I will have more to say about this on Monday. That everyone in my family smokes. Sadly, my parents are dead. My dad’s miner’s consumption was terribly exacerbated by his smoking. So when did he start smoking? He was a kid. He started smoking as a little boy. The same with my mother. The same with my one brother started when he was in the Air Force. He was I guess 20 years old or something like that. He wasn’t very old. But the others, all of my other family members, started smoking as kids. One of my brothers chewed tobacco. I can remember I had a friend who learned that my brother chewed tobacco. He was a lobbyist for the tobacco industry and he said, Oh, I will send him a case of—what kind does he chew? I didn’t think that was such a good idea.

In Los Angeles last week I met the first lawyer who filed litigation, serious litigation against the tobacco industry—a wonderful man. He got terribly upset with the Joe Camel advertisement when they placed that little comic strip character on lunch boxes for kids. He also was upset because at that time the tobacco industry went through another one of their ideas to get kids to start smoking in stores, like a 7-Eleven store. They would have bins of cigarettes out there. You are supposed to pay for them, but they were there. Kids could steal them so easily. So he filed this lawsuit. He had the confidence to tell me he lost that lawsuit. But when all the lawyers got together to go after the tobacco companies big time, they pooled their money and went after the tobacco companies, and they used all of his pleadings. He said, even the misspelled words they used. They didn’t change anything. Ultimately, that led to the favorable ruling by the courts that tobacco companies were liable for the damages in the billions of dollars. It is important we move forward. I hope that cloture would be invoked on this Monday afternoon. It is one of the most popular pieces of legislation we could do. I am sorry we weren’t able to work anything out on the amendments, but we simply were not able to do so. No one can complain this entire Congress that we haven’t had the ability to offer amendments.

We were concerned for a lot of reasons. One is we have the supplemental appropriations bill floating around here and we don’t want any germane amendments on this, but there were no restrictions whatsoever on even non-germane amendments. We just wanted—every Republican wanted to look at ours; we wanted to look at theirs. We will have a lot of time. We will have a chance to offer amendments. But no one can complain and use it as an excuse to not vote for this bill, that we haven’t given them a chance to offer amendments.

So I hope Senators will take a look at this too. We need us to invoke cloture and complete this legislation. I have already indicated I would be happy to work out something that would be fair to dispose of the amendments that are germane to this bill that have been filed.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wanted to begin by thanking the majority leader for his efforts and those of others, including Senator Kennedy’s help, he was the one who was obligated to do this legislation. So we have done that. We have jumped through all the hoops. I repeat, I hope no one will use as an excuse to not vote for cloture that we haven’t given them a chance to offer amendments.

Madam President, I ask unanimous consent to terminate this morning business and have the bill reported.

CONCLUSION OF MORNING BUSINESS

THE PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

THE PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes.

Pending:
Dodd amendment No. 1247, in the nature of a substitute.
Burr/Hagan amendment No. 1246 to amendment No. 1247, in the nature of a substitute.
Schumer for Lieberman amendment No. 1245, in the nature of a substitute.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments considered, debated, and discussed.