

FAMILY SMOKING PREVENTION
AND TOBACCO CONTROL ACT

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 very close on working out an 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 sad 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 agreeable 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 spent 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, but 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 brothers. 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 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 advertisements, 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 that 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 didn't want a lot of nongermane amendments on this, but there were no restrictions whatsoever on even nongermane amendments. We just wanted—every Republican wanted to look at ours; we wanted to look at theirs. We used to do that a lot. We can still do that. 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 to move forward. Let us 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, and to agree with him. We are prepared to debate these germane amendments, or amendments that are arguably germane, and it is regrettable we couldn't do that. This bill has enjoyed overwhelming support in both Chambers in previous Congresses. Our colleague from Massachusetts has been the leading champion of this effort for more than a decade, if not longer. As I pointed out, every single day we fail to act on this legislation, the statistics are that 3,000 to 4,000 children will begin to smoke every day; 400,000 of our fellow citizens will die this year, not to mention thousands who will live very, very debilitated lives as a result of being contaminated by cigarette smoke and tobacco products. Here we are on the eve of a national health care debate where a major part of that will be about prevention, and what better way to begin that debate than the Congress taking a step in this area which could make such a difference.

So I thank the majority leader for his efforts. I am still hopeful we can get this done. I believe we can. People such as Senator BURR and Senator

HAGAN who have legitimate interests and concerns about the legislation before us deserve to have their amendments considered, debated, and discussed. In fairness to other Members, it is regrettable that one single Member of this body, on a totally nongermane proposal, can cause us to delay or avoid meeting the obligation of the issues and concerns about tobacco and the effects on our citizenry.

So I thank the majority leader for his efforts. We will be here next week to debate those amendments and hopefully our colleagues will invoke cloture so we can get to this matter.

Mr. REID. Madam President, let me say, while the distinguished Senator from Connecticut is on the floor, the chairman of the Banking Committee and the manager of this bill, Senator ENZI has been a real partner in what we have done here. He asked that we do a committee hearing on this bill. We could have brought it to the floor under rule XIV. This bill has had lots of hearings in the past, but because Senator ENZI is such a gentleman and he thought it would be the right thing to do, we went ahead, in spite of a very difficult schedule that we had and the schedule that especially Senator DODD had, of all of the things that we were doing under the jurisdiction of that Banking Committee, but with 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 have been unfair in moving forward on this bill, because it would be unfair for them to say that we have been unfair.

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

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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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. 1256 to amendment No. 1247, to modify provisions relating to Federal employees retirement.