

S. 259. A bill to authorize funding the Department of Energy to enhance its mission areas through Technology Transfer and Partnerships for fiscal years 2002 through 2006, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. DODD):

S. 260. A bill to authorize the President to provide international disaster assistance for the construction or reconstruction of permanent single family housing for those who are homeless as a result of the effects of the earthquake in El Salvador on January 13, 2001; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. 261. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decisionmaking at the National Cancer Institute; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND (for himself and Ms. LANDRIEU):

S. 262. A bill to provide for teaching excellence in America's classrooms and homes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. TORRICELLI):

S. 263. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself and Mr. TORRICELLI):

S. 264. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the medicare program to all individuals at clinical risk for osteoporosis; to the Committee on Governmental Affairs.

By Mr. FITZGERALD (for himself, Mr. BAYH, Mr. BROWNBACK, Mr. KOHL, and Mr. DURBIN):

S. 265. A bill to prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether; to the Committee on Environment and Public Works.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 266. A bill regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; to the Committee on Indian Affairs.

By Mr. AKAKA (for himself, Mr. REID, Mr. LEVIN, Mr. SCHUMER, Mr. GRAHAM, Mr. GREGG, Mr. TORRICELLI, Mrs. BOXER, and Mr. SMITH of New Hampshire):

S. 267. A bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LINCOLN (for herself, Mr. LUGAR, Mr. BREAUX, Mr. KYL, Ms. LANDRIEU, Mr. COCHRAN, and Mr. BAYH):

S. 268. A bill to amend the Internal Revenue Code of 1986 to allow nonrefundable personal credits, the standard deduction, and personal exemptions in computing alternative minimum tax liability, to increase the amount of the individual exemption from such tax, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. TORRICELLI):

S. Res. 17. A resolution congratulating President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 53 years of independence; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself and Mr. DODD):

S. Res. 18. A resolution expressing sympathy for the victims of the devastating earthquake that struck El Salvador on January 13, 2001; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. L. CHAFEE, Mr. GRAHAM, Mr. BINGAMAN, and Mr. JOHNSON):

S. 247. A bill to provide for the protection of children from tobacco; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, just under 3 years ago, on March 31, 1998, Senators HARKIN, John Chafee and GRAHAM teamed up to introduce the first comprehensive bipartisan legislation to reduce teen smoking. Today, I am pleased to announce that Senators HARKIN, LINCOLN CHAFEE and GRAHAM are teaming up again with the same goal. We are re-introducing the first bipartisan Senate bill to restore the Food and Drug Administration's authority to protect our kids from tobacco.

We hope the introduction of this bill is the beginning of a bipartisan push to get this type of common sense legislation passed. The need is clear. As Supreme Court Justice Sandra Day O'Connor recognized, tobacco use among children and adolescents is probably the single most significant threat to public health in the United States. Study after study has shown how the tobacco industry continues to successfully target our children. In a survey done by the Campaign for Tobacco Free Kids, seventy-three percent of teens reported seeing tobacco advertising in the previous two weeks, compared to only 33 percent of adults. And 77 percent of teens say it is easy for kids to buy cigarettes.

This is why every day another 3000 kids in this country become regular smokers. And that is why cigarette smoking among high school seniors is at a 19-year high.

There is no question. Nicotine is an addictive product and cigarettes kill. Even the tobacco companies are starting to admit it. In fact, Big Tobacco has known this for so long, they deliberately manipulate the nicotine in cigarettes to get more people addicted.

The FDA regulations, struck down by the Supreme Court last year, were about stopping kids from smoking.

These regulations were an investment in the future of our kids. They also provided consumers with critical protections against false advertising and health claims by tobacco manufacturers.

Tobacco companies are making harm reduction claims about new products with no real independent examination or oversight. This deceptive, self-interested behavior is not part of a new pattern. The history of tobacco companies is rife with examples of deceptive practices designed to addict both adults and children with their harmful products. Our bill will ensure that this type of behavior is stopped.

Our legislation re-affirms the FDA's authority over tobacco products. It classifies nicotine as a drug and tobacco products as drug delivery devices. It allows FDA to implement a "public health" standard in its review and regulation of tobacco products. Companies will be prevented from making claims of reduced risk unless they can show scientific evidence their product is actually safer.

By codifying FDA's regulation of 1996, our legislation also allows for continuation of the critically important youth ID checks. It provides needed youth access restrictions such as requiring tobacco products to be kept behind store counters and ban vending machines. It also includes sensible advertising limits to reduce teen access to tobacco.

I urge my colleagues to join us in supporting this legislation. I hope we can work with Senators on both sides of the aisle to move this important issue forward.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Kids Deserve Freedom from Tobacco Act of 2001" or the "KIDS Act".

### TITLE I—PROTECTION OF CHILDREN FROM TOBACCO

#### Subtitle A—Food and Drug Administration Jurisdiction and General Authority

##### SEC. 101. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

##### SEC. 102. STATEMENT OF GENERAL AUTHORITY.

The regulations promulgated by the Secretary of Health and Human Services in the rule dated August 28, 1996 (Vol. 61, No. 168 C.F.R.), adding part 897 to title 21, Code of Federal Regulations, shall be deemed to have been lawfully promulgated under the Food, Drug, and Cosmetic Act as amended by this title. Such regulations shall apply to all tobacco products.