

youth usage, to reduce disease, to reduce death. If we put it in the FDA, we grandfather a tremendous amount of smoking products, but we don't allow a pathway for new, less harmful products to reach the marketplace. In our case, we allow reduced-risk products to come but under the supervision, the direction of the harm reduction center.

It requires all tobacco manufacturers of imported tobacco products to establish and maintain records, make reports, provide information as the Secretary requests, not as we prescribe. It requires premarket approval of new combustible tobacco products before entering interstate commerce. It bans the use of such descriptions as "light," "ultra-light," and "low tar" on packaging, advertising, and marketing of cigarettes. It requires testing and reporting of all tobacco product constituents, ingredients, additives, including smoke constituents and by brand styles. It creates a scientific advisory committee of 19 people. It establishes a new warning label that communicates the health risk of cigarettes, with placement for cigarettes on the front of the packaging. It requires ingredient disclosures and other information on all tobacco packaging. It has the graphic warning labels required. It establishes new warning labels that communicate the health risks of smokeless tobacco. It requires ingredient disclosure and information on tobacco products. The list goes on and on.

The authors of the base bill and the substitute that has been offered in its place suggest that they do a better job of making sure that youth don't access tobacco products. That is just wrong. Every State sets an age limit. One bill does not police the process more than the other.

The one thing this substitute does, this amendment in the nature of a substitute, is we ban print advertising except in a publication that is an industry publication. So every general print ad, every general print publication, a publication that a mom might buy but a teenager might look at, we eliminate advertising. What does the base bill do? It limits it to black-and-white advertising.

Don't come to the floor and suggest one does a better job than this substitute. When you ban advertising, you have banned the ability to market to the youth. When you ban descriptors and other items such as candy and fruit descriptors, we do that as effectively, we just do it through a harm reduction center. Why? Because it is under the same leadership of the Secretary of HHS.

I don't want to jeopardize the gold standard of the FDA. I don't want to compromise the gold standard that it has to meet the test of safety and efficacy so the American people have trust in products. We jeopardize that when we give the FDA this mission.

Some will claim the FDA is the only one that can do it. As I showed before, there is the regulatory chart for to-

bacco today in the United States. Every Federal agency is listed up here, including HHS. FDA has no current jurisdiction. They have no expertise to regulate tobacco.

It is the most regulated product sold in America today. But I am not on the floor arguing that this is enough. We can do better. We can consolidate that regulation. We can build on the strengths of all of these underneath the heads. But to add FDA is a huge mistake.

We just got faxed to us the endorsement of this substitute amendment, No. 1246, by the American Association of Public Health Physicians. The Association of Public Health Physicians endorses the Burr-Hagan amendment. All of a sudden, health care entities are looking at these two bills, and they are saying: The amendment in the nature of a substitute, No. 1246, actually does accomplish what is best for public health. And public health physicians are willing to put their name on it.

We are going to have an opportunity tomorrow to talk at length about what is in the substitute. My colleague, Senator HAGAN, cosponsor of this bill, will have an opportunity to address it either tonight or tomorrow. I look forward to the opportunity to do that.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6:30 p.m.

Thereupon, at 6 p.m., the Senate recessed until 6:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNET.)

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT—Continued

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, basic instinct in humankind directs so much attention to the well-being of our children. We do it in various ways. Now you see it creeping into better nutrition. We see it in our attention to environmental conditions, to global climate change. We see it in our attention to deal with violent behavior against children. We do whatever we can to protect our kids, to protect them and do whatever it takes to do what we can to make sure they grow up healthy, they have long lives.

One of the ways we can be effective is to protect our kids against addiction. I use the word deliberately. "Addiction" immediately conjures up a view of

drugs—prescription drugs, prohibited drugs. We are not talking about that addiction. I am talking about a serious addiction, an addiction to tobacco—to tobacco—that has such a devastating effect on the people who smoke and often on those who are around the people who smoke.

We heard from Senator DODD earlier about what happens from smoking. It kills more than 400,000 Americans each and every year. Many of them are of younger ages. In addition to the lethal dose, there is that kind of attack on health that disables people—emphysema, conditions that affect the heart, all kinds of things. We know lung cancer is among the most dangerous.

Senator DURBIN, who was a Member of the House at the time, and I decided to take up the fight against big tobacco and their powerful special interests more than 20 years ago when we wrote the law banning smoking on airplanes. We stood up to big tobacco because smoking on airplanes was so unhealthy. We learned the dangers of secondhand smoke. Many of the people who were cabin attendants were subjected to terrible respiratory discomfort and danger.

As a matter of fact, there was a study that was done, and it said even those who never smoked—people who worked in the cabin of the airplane—would show nicotine in their body fluids weeks after they had worked a trip. That is how pervasive this was. But big tobacco fought back. They fought back ferociously. They unleashed their forces. Money flowed to protect their addicted clientele and to keep them there. They brought phony science and high-paid lobbyists to squash this assault on behalf of public health. They had phony experts testify to Congress, up here on television, saying unashamedly that there was no evidence that secondhand smoke was dangerous, even though they knew in the tobacco companies. In the 1930s they learned that nicotine was so addictive and that it would continue to help them earn enormous profits. We fought back, and we succeeded in banning smoking on airplanes. It was a tough fight because of all of the misinformation that the industry spread. That then started a smoke-free revolution, and it did change the world culture on tobacco.

Some years later I authored a law that banned smoking in buildings that provided services to children, any building that had Federal funds. It could have been a library, a clinic, a daycare center; whatever it was, there was no smoking allowed in those buildings, except if it was in a separate room that ventilated directly to the outside. They fought us on that, but the people won. It is as clear to me today as it was then that this industry has not earned the trust to regulate itself. That is a plea they make, but no one believes they mean it.

Ten years ago, I was able to gather unpublished, internal reports by the tobacco industry showing that so-called