

the Korean war over 50 years ago. It has announced its intention to launch a ballistic missile capable of hitting the Western United States.

In response to these threats, I and seven of my colleagues wrote Secretary Clinton asking that she relist North Korea as a state sponsor of terrorism. In addition, Senator BROWNBACK and I authored amendments that have been endorsed by 15 Senators directing Secretary Clinton to redesignate North Korea. The response thus far has fallen short. Secretary Clinton says relisting is being considered but as part of an ongoing diplomatic process. President Obama has offered strong words, but we have yet to see action.

North Korea has proven that it is immune to talk, whether that talk be sweet or tough. The President gave a speech last week saying that good relationships require speaking "clearly and . . . plainly" about international controversies. Relisting North Korea will speak clearly and plainly about the true nature of North Korea's regime. It will send a strong signal to our allies in the Pacific.

It is now clear that President Bush's diplomatic gamble, which many opposed last year, has failed. North Korea has exploited its newfound flexibility and respectability and used it to threaten Asia and the United States. They have tapped unfrozen assets to fund their mischief, and they remain a supplier to both Hezbollah in Lebanon and the Iranian Revolutionary Guard.

Secretary Clinton's statement over the weekend that she wants "to see recent evidence of [North Korea's] support for international terrorism" misses the point. North Korea was not delisted because it ceased assisting in sponsoring terror. If a convicted arsonist is released on parole, he does not have to burn down a house to go back to prison. Any crime will do. That is where we are with North Korea today. They are not operating in the spirit or letter of their agreements, and without a shred of good faith. They have not reformed and cannot be trusted. They are a state sponsor of terror and should be recognized for it.

Once relisted, North Korea will suffer consequences for its aggressive provocations. There will be trade restrictions, there will be sanctions and the refreezing of assets to limit North Korea's ability to fund its weapons program. Relisting North Korea as a state sponsor of terrorism will let them and the world know that the United States is serious—something this administration has yet to do.

I yield the floor, and 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. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ENZI. Madam President, I ask unanimous consent that the time in the quorum call be equally divided between the two sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. Madam President, I further ask—and this has been cleared on both sides—unanimous consent that the vote occur at 5:35 instead of at 5:30.

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

Mr. DODD. I thank the Presiding Officer.

Madam President, I wish to take a few minutes to first thank my colleague from Wyoming, Senator ENZI. We have had a very productive couple of weeks. We had a good markup in our committee. We were able to accommodate some of the concerns that Senator ENZI has had. He has been involved with this issue for a long time. I am filling in for my colleague from Massachusetts who obviously would be standing where I am at this moment and managing this proposal. As we all know, Senator KENNEDY is dealing with a health issue himself and would love to have been here to manage this bill, but I am confident we can get this matter done.

Let me say to my colleagues, I know we ended up in sort of a little bit of a knot here as we finished business last week. Having spoken with the majority leader—and I always hesitate to speak for him, but he told me that we want to inform our colleagues that there are a number of amendments that are either germane or close to being germane that the majority leader wishes to accommodate, including I believe the substitute offered by our colleague from North Carolina—both of our colleagues from North Carolina, the Presiding Officer as well as Senator BURR—and our hope is to be able to do that as well. I am told they might not be quite germane, but the majority leader wishes to do that. They have offered an amendment in committee. A case has been made for it and they ought to have the ability to make the case here as well. So our hope would be to get cloture and then deal with the germane and close-to-germane amendments as well so we can have a full debate on this issue, the substance of this debate and issue, which has been about 10 years, I think 10 years—my colleague may correct me—8 or 10 years that this matter has been kicking around.

This is a matter of substantial import. I know I have said this repeatedly over the last several weeks, but maybe the significance of it can't be repeated often enough. That is the number of children every day who start smoking, somewhere between 3,000 and 4,000 a day, and 400,000 people who perish every year as a result of smoking-related illnesses. Thousands more live very debilitated lives as a result of their use of tobacco, cigarettes, or other tobacco products.

This is a matter for which it is absolutely essential to have Food and Drug Administration regulation. We know the Food and Drug Administration has the ability to regulate virtually every product we consume, including the irony of every product our pets consume, and yet does not have the power or the right to regulate tobacco products. This is the 21st century. With 400,000 people a year losing their lives, millions more in jeopardy of grave illness or death as a result of this self-inflicted health hazard, this must be addressed. It will give them the ability to deal with sales and marketing, as well as the production of cigarettes, particularly to children. Ninety percent of the adults in this country who smoke started as child smokers. Of the 3,000 to 4,000, as I mentioned a moment ago, 1,000 become addicted and about one-third of that number end up dying as a result of that addiction. Those are numbers that are unacceptable. They ought to be, particularly on the eve of a health care debate, in talking about how to prevent illness, how to make sure we don't end up with more people in hospitals and doctors' offices in dealing with these issues. What stronger step could this body take with a strong bipartisan vote?

The reason this legislation has been around 10 years is because every time this body has acted, the other body has not or when they have acted, we have not. So we have had these ships passing in the night for 10 years. The House has now acted and we have an opportunity to join them in that action for the first time since the court ruled that tobacco products did not have to be regulated by a court order, and clearly, congressional action was necessary. Well, here is the action. We urge our colleagues to support cloture. To accommodate our colleagues on matters they still wish to raise in debate as part of this bill, I will support them in doing that. I may disagree with the substance they are offering, but they ought to have the right to do that and I will do everything I can to see that those opportunities are available.

At any rate, I thank my colleague from Wyoming, who cares deeply about this issue as well. We end up disagreeing on this matter, but no one brings more passion than the Senator from Wyoming, Senator ENZI. So I thank him and his staff for the terrific work they have done on this matter.

I yield the floor to my colleague from Wyoming, and then we will see if others wish to be heard.

Mr. ENZI. Madam President, I thank the Chair, and I thank the chairman, but from the speeches, one can tell that the Senator from Connecticut has more passion than I do. Nobody is more passionate than the Senator from Connecticut, and I appreciate his passion, particularly on this issue.

I am very hopeful we can get something done. It has been at least 10 years—I know I have worked on this all the time I have been here, and it is true in the Senator's explanation that sometimes it makes it through the House and sometimes it makes it through the Senate but it never makes it through both Houses at the same time. I think to get it done, though, it is going to take a little bit longer. I appreciate the offer the leader is making that he wishes to have votes on the relevant and arguably germane amendments that are before us, but there isn't any assurance of that if there is cloture on the bill, and that is the difficulty.

It seems to me as though we ought to be able to work out some kind of an agreement so we can quickly get into the couple of amendments that have already been debated and debated extensively, and that we would be assured of at least those two, but we haven't had a vote on anything.

I appreciate the cooperation we have had from Chairman DODD in working out a couple of the provisions, but there are some other people who have some provisions they think ought to be debated and brought up and perhaps included, but if we invoke cloture, there is no assurance they get to do that. So I have been asked to suggest that we not invoke cloture at this point in time and then do it quickly another time if it can be brought up again.

One of the amendments is Senator BURR's alternative. Even though he represents a tobacco State, he has a substitute amendment that takes major steps to restrict tobacco. It takes a tougher stance than some of the things we have in the bill. It creates a new office within HHS to regulate tobacco. I spoke about the difficulties of having the FDA do it, as they are supposed to take poisonous materials and get them off the market. Instead of giving that kind of a seal of approval, this new office would regulate the tobacco industry. It puts in place a realistic, science-based standard for the approval of new and reduced risk products. It also requires States to do more on tobacco control—something we can all support. The Burr amendment makes it more difficult for kids to get tobacco and start smoking, and that is the most important thing of all, and that is what Senator DODD has concentrated on in his remarks.

But we won't be considering that amendment, nor will we consider my amendment to ensure that the FDA continues to have the resources to carry out this program, or any amendments on smoking cessation. We won't have an opportunity to improve the

bill and attack the root of the problem, which is tobacco use.

For example, I had an amendment to reduce smoking by 1 percent a year. That is a 100-year phaseout that ought to be fairly reasonable, but we aren't going to get to debate that at all or have a vote on that amendment if we invoke cloture. So I hope we can find a way to give germane amendments serious consideration over a short period of time.

I have to oppose cloture at this point in time, and I urge my colleagues to do the same.

I yield the floor, reserve the remainder of the time, and suggest the absence of a quorum, with the time to be divided equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, there has been some misunderstanding. I announced this on Thursday, and Senator DODD followed me and also said the same thing. Right now, there is a question with the minority on whether there would be a vote on Burr on the substitute. We said Thursday, and we say today, we are happy to allow Senator BURR to have a vote on that amendment. We have never said anything to the contrary. We still believe that should be the way it is. It is important to him, it is important to Senator HAGAN, and we are going to allow a vote on that unless there is some objection from the minority. Over here, even though cloture is invoked and technically it may not be in order, we would be happy to arrange a vote on that. We have said it for the last many hours we have been on this legislation. My point is, anybody who is not going to vote for cloture because of that is misguided and doesn't understand the facts.

#### 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, and 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.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dodd substitute amendment No. 1247 to Calendar No. 47, H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Christopher J. Dodd, Robert P. Casey, Jr., Benjamin L. Cardin, Blanche L. Lincoln, Patty Murray, Ron Wyden, Jack Reed, Sheldon Whitehouse, Maria Cantwell, Roland W. Burris, Tom Harkin, Sherrod Brown, Debbie Stabenow, Richard Durbin, Mark Udall, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1247 offered by the Senator from Connecticut, Mr. DODD, to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. GILLIBRAND), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—61

Akaka	Cardin	Feingold
Baucus	Carper	Feinstein
Bayh	Casey	Grassley
Begich	Cochran	Harkin
Bennet	Collins	Inouye
Bingaman	Conrad	Johnson
Boxer	Cornyn	Kaufman
Brown	Dodd	Kerry
Burris	Dorgan	Klobuchar
Cantwell	Durbin	Kohl