

This document has lots more about how to kill health care. It says: Take this and say this will destroy the personalized doctor-patient relationship. Take this and say this will create waste, fraud and abuse, and so on and so forth; every poll-tested set of words designed to decrease support and scare people into forgoing this once-in-a-decade opportunity or pass this once-in-a-generation opportunity we have to change the health care system.

One may think I am raising this document before my colleagues—this plan for how to kill health care—and that maybe it doesn't have any bearing on the real debate, but it absolutely does. These talking points are being echoed in this very Chamber—in this very Chamber—in order to kill health care.

Let's see. Here we go: Frank Luntz's memo—that is this memo on how to kill health care that came out in April—it says: Talking point No. 5: Health care denial horror stories from Canada and other countries do resonate, but you have to humanize them. You will notice we recommend the phrase "government takeover" rather than "government-run" or "government-controlled." Why? Because government takeover sounds even scarier.

So what do we hear on the floor of this Chamber from our minority leader recently? I quote: "Americans are concerned about a government takeover of health care, and for good reason." It goes on.

So recognize that is a point that is coming from a document about how to kill health care, not a responsible debate about the plan we have in front of us.

Let's take a look at another example in Frank Luntz's memo. His memo, talking points Nos. 3 and 4: Time is a government health care killer. Nothing else turns people against a government takeover of health care than the expectation that this plan will result in delays and denied treatment. The arguments against the plan—now, note that this is about a plan that wasn't written; it is about any plan put forward. The arguments against this plan must also center around politicians, bureaucrats, and Washington. Note the emphasis on saying the plan will result in delays and denied treatment.

What have we heard on the floor of this Chamber from the minority leader? We have heard recently:

Americans don't want to be forced by bureaucrats—

That comes right out of these talking points—

to give up their private health care plan to be pushed into a Washington-run government plan.

Right out of those talking points. They don't want to wait 2 years for surgery, and they don't want to be told they are too old for surgery.

All of this straight out of this roadmap.

My friends, in the face of 50 million Americans without health care and with working Americans in every one

of our States going bankrupt as they struggle with health care expenses, it is irresponsible to utilize a roadmap of rhetoric that comes from polling about how to scare people. That is irresponsible. What we need to do is lay out a plan on how we can create affordable, accessible health care for every single American, addressing one of the biggest factors that degrades the quality of life for our citizens across this Nation.

We have a unique opportunity. We have an opportunity because small business wants help with those 26-percent increases and those 14.7-percent increases in premiums they are having to pay and they are not able to continue paying them. Large businesses are asking for help to become cost competitive so we can restore manufacturing in our Nation and put people to work and rebuild the middle class and have successful international corporations operating out of America. Families around the kitchen table are asking for help today. They know how they have struggled. They know if they have health care they might lose it next week when they lose their job. They know if they have health care, they might not be able to make the copays if they have something serious happen with their child. They know if they don't have health care, they are going to have to forgo virtually everything else or perhaps forgo the treatment itself because they won't be able to afford to make those payments to the doctor or to the hospital.

This is the moment when families and small businesses and large businesses are coming together to paint a new vision to improve the quality of life and to strengthen the foundation of our families. Let us seize this moment.

I thank the Chair. I yield the floor.

#### EXTENSION OF MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNIS. I thank the Chair.

(The remarks of Mr. JOHANNIS pertaining to the introduction of S. 1223 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JOHANNIS. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Madam President, after the close of morning business, we will return to the Family Smoking Prevention and Tobacco Control Act. This is a piece of legislation which has been in the making for two decades or more which would finally say that tobacco is going to be regulated, as it should have been a long time ago.

For the longest time, the tobacco lobbyists were the most powerful lobby on Capitol Hill, and they managed to create an exemption in virtually every law so that no Federal agency could take a look at them and regulate them and basically know what we know about every product and service offered in America. They said: Well, the Food and Drug Administration shouldn't have any authority. The tobacco lobby argued: We are not really food and we are not really a drug. So they managed to wiggle their way through the Federal statute book and at the end of the day have virtually no regulation or oversight. Unfortunately, while they have been doing that, 400,000 Americans have been dying every year of tobacco-related disease. It is the No. 1 preventable cause of death in America today. It is a product which is sold legally and a product which kills with lethality. That is a fact.

We know from experience that the tobacco industry has a tough assignment. What kind of business can survive that loses 400,000 of its customers every year, customers who die because of addiction to tobacco-related products? They needed a marketing campaign. The problem was, if you tried to market tobacco products to adults, most of them had the good sense to say: That is not a smart thing to do; I am going to stay away from tobacco. So they had to change their marketing strategy. If you couldn't market to adults, you know the kids may be vulnerable, and that is where they went, with a vengeance, with the idea of addicting children to tobacco early in life, because, of course, tobacco products, with nicotine, are addictive. To some, it is a very strong addiction. They fight for a lifetime, with patches and a doctor's care and hypnosis and anything they can think of. Some people can shake it and move away from it; others spend a lifetime addicted. So the tobacco companies went after the kids. They knew if they could get their products in the hands of children, and children would try them, they would become the next generation of smokers and ultimately a future generation of victims of tobacco. So this deadly cycle began by the tobacco companies, and the Federal Government took a hands-off attitude.

Back in the 1960s, we created a little warning label on tobacco cigarettes. You see it on billboards. It is so small,

people don't notice it. It has become so commonplace, nobody even registers with the message it delivers.

For the longest time, we have argued that tobacco should be regulated, that the products that are sold in America should have an agency with oversight keeping an eye on them. The tobacco companies fought it off year after year.

Finally, with this new President, with this new Congress, we have reached the moment where we have a chance to pass this important legislation. This is a bill that will protect children and will protect America, and it will reduce tobacco use. The House passed their version last month with a wide majority, and now it is time for the Senate to act. Every day that we don't act, 3,500 American kids—children—will light up for the first time. That is enough to fill 70 schoolbuses of kids who will try cigarettes every single day for the first time. A thousand of those 3,500 will then become regular smokers. The addiction will begin.

Tobacco companies spend nearly \$40 million every day to lure this new generation of customers with blatant deceptive advertising—promotions of candy-flavored cigarettes and advertising that is aimed directly at kids—all the while they are loading their products not just with tobacco leaf but with chemicals. They put in extra nicotine, incidentally. If there isn't enough nicotine naturally occurring in tobacco, they load it up so that your addiction becomes stronger, your craving grows, and your body demands more and more tobacco. It is time we put a stop to this marketing and give the Food and Drug Administration the authority to regulate this industry.

There are 43 million Americans who smoke today. People often say to me: Well, why don't we just ban this product? If I thought that would end smoking in America, I might consider it. But we know better. With 43 million Americans currently addicted, they are not going to quit cold turkey tomorrow. A black market would emerge, and then the next thing you know the underground economy would be sustaining tobacco. That would not be the result we are looking for.

In my home State of Illinois, about one out of five kids smokes. That means that every year 65,000 kids in Illinois try a cigarette for the first time, and almost 20,000 become regular daily smokers. These kids consume 34 million packs of cigarettes a year. There are 8.6 million people in the United States who currently suffer from tobacco-related disease. It is responsible for 90 percent of lung cancer deaths, one-third of all cancer deaths, and one in five deaths from cardiovascular disease. Approximately half of all continuing smokers will die prematurely as a result of the disease. Sadly, in Illinois, 317,000 kids alive today will eventually die from the smoking addiction which they started as kids.

Here is what the bill does. We put teeth in the law to restrict the mar-

keting and sale of tobacco products to kids. We require tobacco companies to disclose the ingredients on their products. We require the Food and Drug Administration to evaluate any health claims for scientific accuracy and public health impact. We give the FDA the power to require companies to make changes to tobacco products to protect public health. And we require larger, stronger warning health notices on tobacco products. These are common-sense reforms that will start to reduce the terrible toll tobacco has taken on families all across this Nation. The FDA is the right agency to do this. It is the only agency that can bring together science, regulatory expertise, and the public health mission to do the job. Through a user fee on tobacco companies, the bill gives the agency the money it needs to conduct its new responsibilities.

This is a strong public health bill, and it is a bipartisan bill. After more than 10 years of effort, we have never been so close to giving the FDA the authority it needs to regulate tobacco. I urge my colleagues to resist any amendments that will weaken this bill or add provisions that might stop it from becoming a law. FDA regulation of tobacco products is long overdue.

I can recall arriving on Capitol Hill as a new Congressman years and years ago. In the first orientation meeting we had as new Democratic Congressmen, one of the older Members of the House came in, closed the door, and said: I want to tell you something. When tobacco issues come up, we vote with the tobacco companies. That is for your friends in tobacco-producing States. You give them a helping hand, and someday they may give you a helping hand. That is the way it works.

Well, that was one of the first things we were told about being a Member of Congress; tobacco was that important on the political agenda. Certainly for some Members from tobacco-producing States, it may have been the most important thing that brought them to Capitol Hill. However, over the years, some of us wandered off of this agenda. I offered an amendment to ban smoking on airplanes and had the opposition of all of the leaders in the House of Representatives, Democrat and Republican. But it turned out that so many Members of the House flew in airplanes and couldn't stand this fiction of smoking section and nonsmoking section that they supported my amendment. So over 20 years ago we banned smoking on airplanes.

FRANK LAUTENBERG was my champion over here in the Senate and together we started a Federal policy that I might say kind of tipped one domino over and people started saying if secondhand smoke is dangerous on airplanes it is dangerous in other places.

That movement has grown in intensity. We have seen the kind of leadership at local and State levels that has continued to make it a potent force. But today is our chance. As I men-

tioned earlier, I am sure Senator DODD will join me saying we wish one of our colleagues were with us here today, and that is TED KENNEDY, who is home recuperating. TED KENNEDY was our champion and inspiration for years on this issue. He hung in there and fought for this when a lot of people gave up. TED never gave up. When it came to the issues in his heart and soul, he fought as long as he possibly could.

We continue that fight today and he handed the banner to Senator DODD, who has done an extraordinarily good job on this bill. He has been called into action in the Senate repeatedly. Just a few weeks ago we passed the Credit Card Reform Act after more than 20 years of trying. We finally got it done. It was a dramatic change in the law to protect consumers and families across America.

Today, with the passage of this—at least the movement of this bill forward toward passage this week—we are going to be able to protect millions of children and Americans from deadly tobacco-related disease.

I thank Senator DODD for his leadership. I commend this bill to our colleagues. This is our moment in history. Let's not miss it. Let's seize this opportunity to create protection for a lot of young people who will otherwise find you are compromised by this deadly tobacco product.

I yield the floor.

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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#### 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 bill 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.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees retirement.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, as I understand it, we are going to have a vote at 12:30. I ask unanimous consent the time between now and 12:30 be equally divided between the minority and majority.

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