

out there. Get that spending going. Their spending binge has an unsustainable course. Complying with pay-go alone won't even come close to fixing it. Maybe Congress would benefit from being coached by the same credit card counselors who help Americans who are drowning in debt. I will bet those counselors would have some stern words.

My point is simple: This is not the right direction for our country. We must start to make spending decisions today that paint a realistic and candid picture of the impact on the middle class, and if it is the purpose of our Nation to hold them harmless, then we have to cut spending and we have to smart size our government.

Working families across our Nation and in my State deserve an honest debate. It is time for Washington to take responsibility. The people at home I believe are demanding it. I often say Nebraskans have great wisdom to convey. I couldn't agree more with a gentleman from North Platte, NE, who wrote me a letter recently and he said this:

It's important to remember that while government consumes wealth, transfers wealth and sets the ground rules for the generation of wealth, it is the private individuals that create it.

As a final note, the President today rightly acknowledged:

The reckless fiscal policies of the past have left us in a very deep hole.

I would add to that: And the present.

Digging our way out will take time, and patience, and tough choices.

Again, I could not agree more, other than I would add to that: The present.

However, instituting pay-go does nothing to cut the deficit or the debt, it simply attempts to hold the line, which the President's budget fails to do. His proposal is actually a more liberal approach than what is already in House rules. Right-sizing government and cutting spending is far from revolutionary. So while the President is saying when you find yourself in a massive hole, stop digging, the more important question might be: How are we going to start filling up this gaping hole?

Our country needs leadership, not the empty rhetoric I would suggest we heard today. The President's speech today sought to subdue the fears of many regarding our country's exploding deficits. I am sure it was targeted to those who buy that debt, who are expressing concerns about what they are purchasing. Yet people should not be fooled into thinking that pay-go is the holy grail for solving all of our spending and borrowing woes. I believe that while pay-go is a useful tool, when you look at the hard facts, you realize that President Obama's speech today, though, is simply too little and it is too late. The horse is already out of the barn, and the President is talking to us about closing the barn door.

Thank you, Mr. President.

Mr. ENZI. Mr. President, I rise today to speak in support of the Burr amend-

ment No. 1246. The Burr substitute amendment takes major steps to restrict tobacco. It creates a new office within HHS to regulate tobacco. 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.

As many of you know, I support strong tobacco regulation. I want to remind my colleagues that supporting a different approach to tobacco regulation doesn't mean being soft on tobacco.

The Burr amendment is extensive—longer and more detailed even than the underlying bill. It makes it more difficult for kids to get tobacco and start smoking, and that is the most important thing of all.

Whether we see the Burr proposal or the Kennedy proposal put in place, we still have our work cut out for us when it comes to putting out tobacco use. I am going to keep working on this issue, and I am going to keep putting forward new ideas to stop smoking. These proposals are a first step, but we have a long way to go.

I urge my colleagues to support the Burr amendment.

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

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. DODD. Mr. President, I further ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

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

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. I thank the Chair. I will try and be brief on this. I know I have spoken at some length about the bill before us, the Family Smoking Prevention and Tobacco Control Act. I wish to begin by again thanking our colleagues who voted yesterday to allow us to move forward by supporting the cloture motion. It took a bipartisan effort and I am grateful to colleagues, both in the majority and the minority, for lending their support to that effort. I am also pleased we are having an opportunity to vote on the Burr-Hagan amendment. There were some questions raised as to whether that amendment would be permissible under a postcloture environment from a parliamentary standpoint. As I told my friend from North Carolina, Senator BURR, even though I disagree with his amendment, I would vote against a point of order if one were raised against it so he would have a chance to make his case. His State is going to be

affected by this decision we are making. As I recall, I think he told me there are some 12,000 to 15,000 tobacco farmers in North Carolina, hard-working families who have been in the business for generations. This will have an impact on them. It may not be as dramatic as some suggest, but it certainly will have a negative impact if we are successful in reducing the amount of smoking and use of tobacco products by young children.

I am pleased my colleague from North Carolina has had a chance to make his case, along with his colleague from North Carolina, Senator HAGAN.

Having said I would support his right to be heard, now I wish to take a few minutes to express why I support the underlying bill. This bill has been supported over the years by a substantial number in this body, as well as in the other body, the House of Representatives—as I pointed out in the past, this matter, which has been under consideration for almost a decade, has not become law because neither House of Congress has adopted the legislation in the same Congress. We have ended up with the Senate passing a bill, the other House passing a bill, but never in the same Congress. So for all of these years, the Food and Drug Administration has not been able to regulate tobacco products.

We are about to change that if we, in fact, reject the Burr amendment and several others that are pending and give the Food and Drug Administration the power, the authority, to regulate the sale, production, and marketing of tobacco products, particularly to young children. So for the first time, the FDA will have this authority and put in place tough restrictions that for far too long have been absent. This will provide support for families when it comes to how cigarettes are marketed to their children.

I am sure my colleagues are tired of hearing me speaking over the last several weeks about the number of young people who start smoking every day. We have been at this matter now for about 2 or 3 weeks, considering the floor action, as well as the action in the HELP Committee, which is the committee of jurisdiction. You can do the math yourself: Over 20 days, 3,000 to 4,000 children every day starting to smoke while we have been deliberating this piece of legislation. Needless to say, I don't know of a single person in this country with an ounce of sense who wants that many children who begin this habit to continue. I don't know of anybody with any sense at all who believes our country is better off if day after day we allow an industry to market products designed specifically to appeal to young people, knowing what danger and harm it causes. Four hundred thousand of our fellow citizens expire, die every year because of smoking-related illnesses—400,000 people. That is more than the number of people who lose their lives as a result of automobile accidents, AIDS, alcohol

abuse, illegal drug abuse, and violent crimes with guns. All of those combined do not equal the number of deaths that occur because of people's use of tobacco and tobacco products. That does not include the number of people who lead very debilitated lives, who are stricken with emphysema or related pulmonary illnesses that fundamentally alter their lives and the lives of their families.

I apologize to my colleagues for continuing to recite these numbers, but I pray and hope these numbers may have some impact on those who wonder if every aspect of the bill makes the most sense or not. None of us should ever claim perfection, but we have spent a lot of time on this, a lot of consideration on this. There are 1,000 organizations, faith-based, State organizations—leading organizations dealing with lung cancer and related problems and they are all speaking with one voice. They are telling us to pass this bill, pass this bill, and allow finally for the FDA to be able to control the marketing, the selling, and the production of these tobacco products.

Absent any action by this Congress, more than 6 million children who are alive today will die from smoking. Mr. President, 1 out of 5 children from my State of Connecticut smokes today, and 76,000 children, we are told by health care professionals, will die prematurely because of their addiction to tobacco.

As I mentioned earlier, we are on the eve of passing major health care reform legislation. The centerpiece of that bill, as I hear my Republican friends and Democratic friends talk about it, is prevention. That is the one piece about which there is a great deal of unanimity. How can we deal with health care reform? The best way to treat a disease is to have it never happen in the first place. This bill may do more in the area of prevention, if adopted, than anything else we may include in the health care bill in the short term. The estimates are that 11 percent of young people would not begin the habit of smoking if this bill is adopted. Imagine 11 percent of the young people not smoking of that 3,000 to 4,000 every day who start. That in itself would be a major achievement.

My friend from North Carolina, Senator BURR, does not give authority to the FDA. The FDA is 100 years old. His bill creates a completely new agency, an untested agency, to oversee tobacco products. But the FDA is the right agency because it is the only agency that has the regulatory experience and scientific experience and the combination of that with a public health mission. Unlike the Kennedy bill, the underlying bill, the Burr substitute fails to provide adequate resources to do the job. In the first 3 years, if the Burr substitute is adopted, it would allocate only one-quarter of the funding allocated in Senator KENNEDY's proposal. The Burr substitute fails to give the authority to remove harmful ingredi-

ents in cigarettes, which the Kennedy bill would do. It doesn't go far enough in protecting children and has weaker and less effective health warnings as well.

I say respectfully to my friend, setting up and creating a whole new agency, providing a fraction of the funding necessary to get it done, and providing inadequate resources in order to support these efforts is not the step we ought to be taking. All of us can agree that the FDA is basically the agency we charge with the responsibility of regulating everything we consume and ingest, including the products ingested by our pets. The FDA has jurisdiction over your cat food, dog food, and what your parakeet may have, but your child's use of tobacco is not regulated by anybody. Your child's safety, in many ways, is being less protected than that of a household pet. That needs to change.

For a decade, we have debated this. We have been through countless arguments. Now we have come down to the moment as to whether this Congress, in a bipartisan fashion, as we did yesterday, will say enough is enough. We have come to the end of the debate.

Mr. President, 400,000 people are losing their lives every day, and 3,000 to 4,000 children are starting to smoke, a thousand of whom will be addicted for life, and one-third of that number will die because of the use of these products. That is over with. The marketing, the production, as well as the selling of these products has to come to an end. This is the best way to save money, if you are not impressed with the ethics and morality of the issue.

This is a self-inflicted wound we impose on ourselves as a country, knowing the damage it causes, the costs it imposes, the hardships, the horror, and the sorrow it brings to families. I don't know a single person who smokes and wants their child to begin that habit. If they could stand here collectively—the families across this country who are smokers—they would say with one voice: Pass this bill. Please do everything you can to see to it that my child doesn't begin that habit.

Ninety percent of smokers start as kids, we know that. So we need to change how we regulate these products. That is what this bill does. It has had tremendous support from our friends, both Republicans and Democrats, over the years. We have never done it together, and we are on the brink of doing that and making a significant change in our country for the better. It is long overdue.

When the vote occurs on the Burr amendment, I urge my colleagues to vote against the amendment. I want to do everything I can to help those farmers. The bill makes a difference in providing real help to the farmers. I see my friend from Kentucky. He knows I went to law school there, and he knows I have an affection for the people there. We owe it to them to provide real help so they can get back on their feet. I

say to my friend from North Carolina, and others, I know what it means to have an industry in your State face these kinds of challenges, but clearly the challenge to our Nation is to begin to reduce the number of children who smoke and to save lives every year. I say respectfully that there is no more paramount issue for our Nation as a whole.

I urge my colleagues to reject the Burr amendment.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, the ranking member of the Senate Judiciary Committee, Senator SESSIONS, Senator KYL, and I will take a few moments to discuss the pending Supreme Court nomination and the proceedings leading up to that. I have notified the Democratic floor staff that it might slightly delay the 4:20 vote. I find that not objectionable on the other side.

I would inform our colleagues that we are going to proceed as if in morning business. I ask unanimous consent that we may do so.

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

Mr. MCCONNELL. It will not cause much of a delay on the 4:20 vote.

Senator SESSIONS is up and will be first to speak.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Mr. President, I thank Senator MCCONNELL for his leadership in so many ways but in particular the concern he has shown repeatedly on the U.S. judiciary. He is on the Judiciary Committee, and he takes these issues seriously. I think it is important that we all do so.

I have to say I am disappointed that this morning we learned from media reports—I did—that the chairman of the Judiciary Committee, Senator LEAHY, announced we would begin the hearings on July 13 on Judge Sotomayor. I believe that is too early. I don't believe it is necessary. It is far more important that we do this matter right than do it quick. When the announcement was made, President Obama said the time we should look to is October 1, when the new Supreme Court term starts. I think that always was an achievable goal, and it is something I said I believe we could achieve and still do it in the right way.

The question is, Can we get all this done in this rush-rush fashion? It will be the shortest confirmation time of any recent nominee. It is a time well shorter than that of Justice Roberts—now Chief Justice—and we had a need to move that a bit because he was confirmed, as it turned out, on September 29, a couple of days before the new term began. He was going to be Chief Justice. But the last nominee, whose record was much like this nominee, Justice Alito, was coming up in late December, and the Democratic leader