

today. But big tobacco knows this is true. They know the best way to create lifelong reliable customers for their deadly products is to get kids hooked as young as possible, because in general people do not take up tobacco products after the age of 21. These children are what the industry calls "replacement smokers." It is what I call children today who will suffer from tobacco addiction, disease, and death tomorrow.

The tobacco industry is working night and day to come up with new strategies to create more children as replacement smokers, to keep their industry alive. They have come up with quite a variety of strategies. I thought I would share some of them with you today.

This poster is of a product that is essentially presented as a mint. Here you have an Orb or a mint with a clever little dispenser, shaped like cell phones were shaped 6 years ago when they went in your pocket. The understanding is if kids have this in their pocket the teachers would think they have a cell phone and therefore they would not get busted at school.

It seems kind of incredible that dis-solvable tobacco has developed into mints to addict our children; that you eat them. I have one of these right here. These were marketed in Oregon as basically an experiment to see could you get young people to consume them and become addicts to tobacco.

How about toothpicks made out of tobacco, called "Sticks"? This is unbelievable. How about breath strips that you put under your tongue? How about flavors of all kinds?

I note that our time is running out. I ask the Chair for unanimous consent to speak for 3 more minutes.

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

Mr. MERKLEY. Mr. President, this is an example of the cigarillos my colleagues were talking about. This one is flavored apple. This one is flavored sweet cherry. How about this one. That is strawberry. These products are all about addicting our children.

Here is the long and short of it. In 2009, this Chamber and the House signed a bill that gave the FDA the power to regulate these products. The President signed that bill and, since then, the FDA, the Food and Drug Administration, has done nothing to utilize that power to regulate these addictive products that are going to destroy the health of our children in the years to come.

Finally, from June 2009 until October of last year—so more than 4 years—they finally sent a draft deeming regulation to GAO, the General Accounting Office, and there it sits.

To summarize, let us not accept inaction by the FDA. Let us not accept inaction by the GAO. Let's have the courage the Surgeon General had 50 years ago to take on dangerous products damaging the health of Americans so our children will live better lives.

I yield.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 4:24 p.m., recessed subject to the call of the Chair and reassembled at 7:33 p.m., when called to order by the Presiding Officer (Mr. HEINRICH).

The PRESIDING OFFICER. The majority leader.

## SPACE LAUNCH LIABILITY INDEMNIFICATION EXTENSION ACT

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3547.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House concur in the Senate amendment to the title of the bill (H.R. 3547) entitled "An Act to extend the application of certain space launch liability provisions through 2014.", and be it further

*Resolved*, That the House agree to the amendment of the Senate to the text of the aforementioned bill, with an amendment.

(The amendment is printed in the proceedings of the House of Representatives in today's RECORD.)

### MOTION TO CONCUR

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 3547.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 3547.

### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk, and I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 motion to concur in the House amendment to the Senate amendment to H.R. 3547, Space Launch Liability Indemnification Extension Act and the Omnibus Appropriations Act for Fiscal Year 2014.

Harry Reid, Barbara A. Mikulski, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Brian Schatz, Jack Reed, Tom Udall, Jeanne Shaheen, Tim Kaine, Patty Murray, Richard Blumenthal, Jeff Merkley, Mark Udall, Tom Harkin, Mark Begich, Mary L. Landrieu.

### MOTION TO CONCUR WITH AMENDMENT NO. 2655

Mr. REID. Mr. President, I move to concur in the House amendment to the

Senate amendment to H.R. 3547, with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 3547 with an amendment numbered 2655.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

### AMENDMENT NO. 2656 TO AMENDMENT NO. 2655

Mr. REID. Mr. President, I have an amendment, which I believe is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2656 to amendment No. 2655.

The amendment is as follows:

In the amendment, strike "1 day" and insert "2 days".

### MOTION TO REFER WITH AMENDMENT NO. 2657

Mr. REID. Mr. President, I move to refer the House message with respect to H.R. 3547, with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message on H.R. 3547 to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 2657.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

### AMENDMENT NO. 2658

Mr. REID. Mr. President, I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2658 to the instructions of the motion to refer H.R. 3547.

The amendment is as follows:

In the amendment, strike "3 days" and insert "4 days".

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2659 TO AMENDMENT NO. 2658

Mr. REID. Mr. President, I have a second-degree amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2659 to amendment No. 2658.

The amendment is as follows:

In the amendment, strike “4 days” and insert “5 days”.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

#### BUDGET ACT ENFORCEMENT DETAILS

Ms. MURRAY. Mr. President, the Bipartisan Budget Act of 2013, which Congress passed last month, provides relief to families and the economy from the harmful effects of sequestration, more than offsetting the costs of providing that relief with savings elsewhere in the Federal budget. In addition to those changes, the Bipartisan Budget Act also establishes a congressional budget for 2014 and, if necessary, for 2015, authorizing the Chairmen of the Senate and House Budget Committees to file allocations, aggregates, and levels in the Senate and the House for budget year 2014.

Specifically, to provide for continued enforcement in the Senate, section 111 requires the chairman of the Budget Committee to file: No. 1, an allocation for fiscal year 2014 for the Committee on Appropriations; No. 2, allocations for fiscal years 2014, 2014 through 2018, and 2014 through 2023 for committees other than the Committee on Appropriations; No. 3, aggregate spending levels for fiscal year 2014; No. 4, aggregate revenue levels for fiscal years 2014, 2014 through 2018, and 2014 through 2023; and No. 5, aggregate levels of outlays and revenue for fiscal years 2014, 2014

through 2018, and 2014 through 2023 for Social Security.

In the case of the Committee on Appropriations for 2014, the allocation shall be set consistent with the discretionary spending limits set forth in the Bipartisan Budget Act, which imposes limits on the amount of budget authority that can be provided under both the revised security category and the revised nonsecurity category.

Both the discretionary spending limits and the allocation to the Committee on Appropriations can be revised for certain adjustments specifically authorized under the Budget Control Act of 2011. H.R. 3547, the Consolidated Appropriations Act, 2014, which the Senate will soon consider, includes several such adjustments. Consistent with the funding levels included in H.R. 3547, I am incorporating into the allocation to the Committee on Appropriations adjustments for overseas contingency operations and the global war on terrorism, disaster funding, and the program integrity initiative in the area of continuing disability reviews. I am also adjusting for a change in outlays previously designated as an emergency requirement. These adjustments are authorized by section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, as modified by section 101 of the Budget Control Act, and by section 314(a) of the Congressional Budget Act.

In the case of allocations for committees other than the Committee on Appropriations and for the revenue and Social Security aggregates, the levels shall be set consistent with the Congressional Budget Office's May 2013 baseline, adjusted to account for the budgetary effects of the Bipartisan Budget Act and other legislation enacted since the release of the May 2013 baseline. In other words, in these instances, the new allocations and levels are set equal to the updated May baseline.

In the case of the spending aggregates for 2014, the levels shall be set in accordance with the allocation for the Committee on Appropriations and the allocations for committees other than the Committee on Appropriations, as described previously.

Section 114 directs the chairman of the Budget Committee also to reset the

Senate pay-as-you-go scorecard to zero for all fiscal years. Pursuant to section 114, those revisions occurred immediately upon enactment of the Bipartisan Budget Act. I am now notifying the Senate and including the revised scorecard as part of the submission on revised enforcement for budget year 2014.

Finally, section 112 of the Bipartisan Budget Act establishes a point of order in the Senate against appropriations bills that provide advance appropriations. That act includes limited exceptions to this prohibition including up to \$28.852 billion in advance appropriations for programs, projects, activities, or accounts included in a statement submitted by the chairman of the Budget Committee in the CONGRESSIONAL RECORD. Pursuant to section 112, the list of allowable advance appropriations subject to the limit is as follows.

Accounts Identified for Advance Appropriations. Labor, Health and Human Services, and Education: Employment and Training Administration; Job Corps; education for the disadvantaged; school improvement; special education; and career, technical, and adult education. Financial Services and General Government: payment to Postal Service. Transportation, Housing and Urban Development: tenant-based rental assistance and project-based rental assistance.

My counterpart, the Chairman of the House Budget Committee, Congressman RYAN, similarly is filing allocations, aggregates, and levels in the House. The two filings will allow the House and the Senate to extend budget enforcement measures for 2014, an important principle of the bipartisan deal that Chairman RYAN and I agreed to last month.

I ask unanimous consent that the following tables detailing enforcement in the Senate for budget year 2014, including new committee allocations, budgetary and Social Security aggregates, as well as adjustments to those levels, and the pay-as-you-go scorecard, be printed in the RECORD.

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

#### SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 111 OF THE BIPARTISAN BUDGET ACT OF 2013 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR 2014

[In millions of dollars]

Committee	Direct Spending Legislation		Entitlements Funded In Annual Appropriations Acts	
	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations:				
Revised Security Category Discretionary Budget Authority*	605,882	n/a		
Revised Nonsecurity Category Discretionary Budget Authority*	504,843	n/a		
General Purpose Discretionary Outlays*	n/a	1,201,186		
Memo: on-budget	1,105,600	1,196,030		
off-budget	5,125	5,156		
Mandatory	834,636	818,871		
Total	1,945,361	2,020,057		
Agriculture, Nutrition, and Forestry	12,852	11,862	122,905	107,615
Armed Services	150,201	149,986	110	107
Banking, Housing, and Urban Affairs	22,231	1,767	0	0
Commerce, Science, and Transportation	15,648	10,850	1,460	1,478
Energy and Natural Resources	2,073	4,917	62	62
Environment and Public Works	43,717	3,310	0	0