

a strong, strategic funding package that fully addresses the scale and seriousness of this public health crisis.

Let's hope the President follows our lead.

#### RECOGNIZING NATIONAL PROTEIN DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize National Protein Day. Protein is one of the most important elements of a healthy diet.

In turn, I would also like to recognize one of the most important sources of protein in the American diet. I am talking about milk.

We know that the protein in milk helps build and repair muscle tissue in active bodies. Additionally, dairy products like milk contain nine essential nutrients that help reduce the risk of high blood pressure, osteoporosis, and certain cancers. Milk also supports strong bones and a healthy immune system.

Despite all these positive qualities, milk consumption in the United States has been on the decline. In an effort to reverse this trend, I introduced the Whole Milk for Healthy Kids Act last year, a bipartisan bill, to once again allow whole milk in our Nation's schools.

Milk is part of a nutritious and healthy diet, packed with protein and flavor. This National Protein Day, I would like to remind us all of the nutrients and health benefits that whole milk provides.

#### PHILADELPHIA'S MOST DISTINGUISHED WARD LEADERS

(Mr. BRENDAN F. BOYLE of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, in commemoration of Black History Month, I am honored to be joined by six of Philadelphia's most distinguished ward leaders and want to ensure that their contributions to our city remain enshrined in our historical CONGRESSIONAL RECORD for future generations to recognize.

Ms. El Amor M. Brawne Ali of Ward 37, Mr. Arthur Green of Ward 14, Shirley Gregory of Ward 49, Peter Lyde of Ward 61, Renee McNear of Ward 20, and Sharon Vaughn of Ward 42 all take after the long lineage of Philadelphians who advanced our democracy towards an increasingly inclusive system.

Mr. Speaker, I extend to them our most sincere gratitude for their leadership on behalf of our shared constituencies and look forward to honoring them here at the Capitol later this afternoon.

□ 1215

#### COMBATING THE SUBSTANCE ABUSE EPIDEMIC

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Mr. Speaker, the opioid crisis has had a devastating impact on communities throughout our country. In my conversations with members of law enforcement, public safety officials, and public health experts, it has become clear that serious reforms are necessary to ensure our criminal justice system effectively contributes to efforts to combat the substance abuse epidemic.

The 2018 National Institute on Drug Abuse data shows that every day, 128 people in the United States die from an overdose of opioids. The misuse of and addiction to opioids, including prescription pain relievers, heroin, and synthetic opioids such as fentanyl is a severe national crisis that affects public health, as well as social and economic welfare.

Next month, I am going to hold a roundtable discussion on this issue in my district to learn best practices and ensure that our stakeholders stem the tide before it becomes a crisis in our community. I am going to use the measures that my Democratic colleagues instituted to bring that to our community to make sure that it does not happen in the Virgin Islands.

#### HONORING DENNIS HOOD

(Mr. DANNY K. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a friend of mine who passed away a few days ago. His name is Dennis Hood.

Dennis lived in public housing and has been a fierce advocate for implementation of the Section 3 program. Despite the many illnesses that Dennis had, he developed himself a small contracting business, worked it well, but unfortunately passed away.

Mr. Speaker, I salute Dennis for his efforts to advocate for those low-income residents who live in public housing.

#### HONORING DR. MOHAMMAD KHALID

(Mr. ROSE of New York asked and was given permission to address the House for 1 minute.)

Mr. ROSE of New York. Mr. Speaker, I rise today to honor my constituent, Dr. Mohammad Khalid, a man who truly embodies the American Dream.

Dr. Khalid came here from Pakistan and settled on Staten Island in 1975 where he opened his dental practice and worked hard to provide for his children, both of whom are now successful attorneys.

Dr. Khalid says he considers it his moral and ethical duty to help, and he shows that every single day, not just in his professional life, but in all of his extraordinary community service. Dr. Khalid is a cultural ambassador on Staten Island, serving as the president of the Iron Hills Civic Association and the Pakistani Civic Association.

After the tragic events of 9/11, Dr. Khalid and the Pakistani Civic Association worked to bring Staten Islanders together. Now doing this for 15 years, they have served meals and shared their culture all for the betterment of our community.

I am proud to represent such a diverse and inclusive community full of leaders like Dr. Khalid, who exemplify the hard work, grit, and determination that make this country so great.

#### PROVIDING FOR CONSIDERATION OF H.R. 2339, REVERSING THE YOUTH TOBACCO EPIDEMIC ACT OF 2019

Ms. SHALALA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 866

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2339) to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale and marketing of tobacco products, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-51, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ROSE of New York). The gentlewoman from Florida is recognized for 1 hour.

Ms. SHALALA. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. BURGESS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. SHALALA. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. SHALALA. Mr. Speaker, on Wednesday, the Rules Committee met and reported a rule, House Resolution 866, providing for the consideration of H.R. 2339, Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020 under a closed rule.

The rule provides 90 minutes of debate equally divided and controlled by the chair and the ranking member of the Committee on Energy and Commerce and the chair and ranking member of the Committee on Ways and Means. The rule self-executes a manager's amendment to make technical corrections and provides one motion to recommit.

Mr. Speaker, I rise in strong support of the bill in this rule.

Mr. Speaker, as our Nation anticipates the probability of a pandemic, here today in the people's House we have the opportunity to save almost six million young lives that would be cut short by nicotine if we fail to act.

I am not exaggerating. The CDC has predicted that if the children of our country continue to use tobacco products at the current rate, 5.6 million children will have premature deaths.

This is a test of our courage. Let's look at the facts:

In 1997, 24.6 percent of all 12th graders reported daily use of cigarettes, and 36.5 percent reported some use in the past 30 days. Thanks to smart, tough policies and a national commitment to reduce cigarette use by children, those numbers dropped to 3.6 percent and 7.6 percent by 2018.

Nearly 90 percent of adult smokers began smoking before the age of 18. If you do not start smoking as a child, it is very unlikely you will smoke as an adult. This is not a secret. Public health officials know this, and tobacco companies know this, too. They also know that nicotine is a highly addictive substance.

This dramatic reduction in cigarette use by children put tobacco companies in a bind. If children and teenagers have stopped using cigarettes, and 90 percent of all adult smokers began smoking as children, how can they maintain their pipeline of customers?

Their answer arrived in the form of a new technology, e-cigarettes and vaping products. Companies knew that the pipeline of lifetime smokers was dwindling, so they started marketing new vaping products to young people through Instagram ads and influencers and other social media platforms. They also handed out free vaping products at music events and movies. They clearly targeted children, our children, and their strategy worked.

Today, 26.7 percent of 12th graders vaped in the last month. This rate has more than doubled in the last 2 years alone. In 2010, only 1.5 percent of 12th graders reported vaping.

We banned flavored cigarettes in 2009 because they appealed to children and

encouraged them to take up smoking. Tobacco companies switched to flavored vape products and flavored cigarillos because these products are not held to the same standard, even though they are tobacco products and contain nicotine.

In 2018, 67 percent of high school students and 49 percent of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product.

So while kids can't buy cotton candy or banana smash cigarettes, they can buy those flavors in vaping products or in cigarillos.

For the record, nicotine has health effects beyond addiction. Nicotine exposure damages adolescent brain development, and brains are not fully done developing until the mid-20s. Nicotine also contributes to the hardening of arterial walls, which in turn, may lead to a cardiac event.

It is time, Mr. Speaker, to ensure our children do not face a lifetime of nicotine addiction. It is time to finally pass a bill that protects their health, and that is what the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act will do.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Florida (Ms. SHALALA) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to the rule providing for the consideration of H.R. 2339, the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2019. This bill is a misnomer. It is not aimed at curbing youth tobacco or e-cigarette use, it is aimed at tobacco generally.

Both parties in the House and Senate agreed that we needed to act in order to prevent youth access to these products. In December, we fulfilled that commitment by sending a bill to the President's desk, which he signed, that raised the legal age to purchase all tobacco products to 21 years of age. President Trump signed what has been termed "T21" into law on December 20 of 2019.

This policy will break down youth access through social networks in schools where 18-year olds could purchase tobacco products legally and then disseminate those products to younger students.

Other significant efforts such as the flavor ban by the Trump administration will help limit youth tobacco use. The Food and Drug Administration has issued a ban on flavored e-cigarette products that appeal to children, including fruit and mint flavors. This ban will help deter youth use in the future and prevent companies from targeting children with appealing flavors.

When we first held a hearing on the vaping lung injury at the start of the outbreak back in October, the cause of this lung injury was unclear, however, these lung injuries were disproportion-

ately affecting the young population. After diligent efforts by the Centers for Disease Control and Prevention and State health departments, we have since found that the vast majority of these lung injuries were caused by tetrahydrocannabinol and the vaping products containing vitamin E acetate, an additive.

□ 1230

Let me point out that none of these products are legal, and children are buying them on the black market.

An article from National Public Radio, published September 27, 2019, titled "Many Vaping Illnesses Linked to Black Market 'Dank Vapes' or Other THC Products," walks through how two brothers in Wisconsin were arrested for running a THC vape ring. Captain Mike Martin of the Waynesboro Police Department in Virginia said that these products are labeled "Dank Vapes" and "appear commercially packaged, and there are a variety of different flavors." His police department has recovered \$35,000 worth of vaping products.

At this point, Madam Speaker, I think it is worthwhile to point out it is probably not a good idea for anyone to take into their lungs something that is labeled "Dank Vapes."

According to the CDC, "Dank Vapes appears to be the most prominent in a class of largely counterfeit brands, with common packaging that is easily available online and that is used by distributors to market THC-containing cartridges."

H.R. 2339 does absolutely nothing to crack down on that black market. These deliciously named vaping products, with flavors such as lemon slushie, bubble gum, and sour diesel, will likely continue to be sold illegally, especially online.

The Trump administration has already released guidance to ban flavors. The Food and Drug Administration is requiring companies to stop the manufacture, distribution, and sale of certain unauthorized flavored e-cigarette products within 30 days of their published guidance. This guidance took effect on February 6, 2020, and is now in effect and enforceable.

This bill takes the flavor ban further and bans all flavored tobacco products, including menthol. This will take flavored cigarettes, cigars, and smokeless tobacco away from law-abiding adults, who must now, by law, be 21 years of age to purchase any tobacco product.

Additionally, this bill contains a potential infringement on the First Amendment by requiring health warnings on cigarette labels and advertising. There are other ways to educate individuals, particularly our young population, of the harmful effects of smoking without impinging on freedom of speech.

Congress has already taken steps to protect our young people from a future of tobacco addiction when we passed Tobacco 21, and the Trump administration has stepped up and banned flavored e-cigarette products. The House

also passed H.R. 3942, the Preventing Online Sales of E-Cigarettes to Children Act, which requires age verification by all retailers at the time of sale and delivery.

These policies will prevent young people from accessing e-cigarettes and will deter future use. On the other hand, H.R. 2339 does not address youth tobacco use. This bill would ban all flavored tobacco products from all ages, taking away choices for law-abiding adult Americans.

So, let's be clear. Tobacco is not healthy; however, law-abiding adults are capable of making these decisions for themselves.

Traditional cigarettes remain the leading cause of preventable death in the United States, claiming an estimated 480,000 lives or more each year. This is a personal issue for me, as I lost both parents to tobacco-related disease.

Now, according to the CDC, an estimated 34 million adults in the United States currently smoke cigarettes, and more than 16 million Americans live with a smoking-related disease.

While I am certainly concerned about the effect of e-cigarettes on our young people, we do need to remember that there is a large adult population with a whole host of health problems related to tobacco. Some early studies show that current adult tobacco users may benefit from the less harmful alternative that e-cigarettes pose.

Additionally, the adult population will seek out alternatives if their tobacco product of choice is eliminated from the legal market. A bill like this that makes illegal the products used by many Americans could contribute to an already existing and thriving black market for tobacco products.

As we saw last year, the outbreak of lung injuries was linked to counterfeit and black market products. There were reports of illicit operations by individuals taking THC vape cartridges and cutting the product with other oils to maximize their profit.

If H.R. 2339 becomes law, it could inspire similar black market operations to create products that law-abiding Americans currently enjoy.

This bill is not about youth use of vaping products. It is about eliminating all adult use of tobacco products.

We have seen a surge of lung injuries in the United States, an issue that is not adequately addressed in this bill. The Centers for Disease Control has linked these injuries to THC products, not tobacco.

Protecting our youth from tobacco is an important priority. However, H.R. 2339 does not do that, and it goes too far. Therefore, I cannot support it.

Madam Speaker, I urge Members to oppose the bill, oppose the rule that delivers the bill, and oppose this assault on free choice for the American people.

Madam Speaker, with opposition to the rule, I reserve the balance of my time.

Ms. SHALALA. Madam Speaker, I yield myself such time as I may consume, and let me simply say we can never go too far when we are protecting our children.

Madam Speaker, I include in the RECORD a February 5 NBC News article titled "Federal flavor ban goes into effect Thursday, but many flavored vape products will still be available."

[From NBC News, Feb. 5, 2020]

FEDERAL FLAVOR BAN GOES INTO EFFECT THURSDAY, BUT MANY FLAVORED VAPE PRODUCTS WILL STILL BE AVAILABLE

(By Erika Edwards)

A nationwide ban on many flavored e-cigarette products goes into effect Thursday, but teenagers will still have access to nicotine vapes, experts say.

The ban covers a number of kid-friendly flavorings, such as mint and fruit, though menthol and tobacco flavorings will remain legal. However, the ban only applies to specific types of devices: cartridge or pre-filled pod devices, like the ones made popular by Juul. All other devices will be left on the market.

But limiting access to Juul, which stopped selling all non-menthol and tobacco flavored pods in November, is unlikely to have much of an effect on teens already addicted to nicotine.

"Kids have moved on," Meredith Berkman, co-founder of Parents Against Vaping E-cigarettes, or PAVE, told NBC News.

Teenagers know that teachers are now educated about how to detect vaping in classrooms, she said. So they're getting their nicotine fix in other ways, including products not covered by the looming ban.

"Kids are sucking on flavored nicotine pouches to get through the day until they can get home to their device," Berkman said. The pouches are reminiscent of chewing tobacco, but are advertised as being "tobacco-free."

Experts in teen addiction also said there's plenty of evidence that teens now favor highly concentrated, refillable nicotine vape products called Smok and Suorin Drops as well as cheaper, disposable vape pods called Puff Bars—also to be left on the market after Thursday.

"I'm not very optimistic," Bonnie Halpern-Felsher, a professor at Stanford University who studies teen vaping, said. "We really do need to have enforcement of the law across all tobacco products, regardless of these loopholes."

"The new policy does not solve the problem," Matthew Myers, president of the Campaign for Tobacco-Free Kids, said, adding parents need to keep their guard up and educate their teenagers about the harms of nicotine addiction. "Millions of flavored products will remain available."

Plans for restricting e-cigarette flavors on a federal level first came up in September, when key national data on teen vaping was released. It was revealed that from 2017 to 2019, rates of vaping had more than doubled among 8th, 10th and 12th grade students.

New cases of those lung illnesses have declined considerably since then. As of Jan. 21 (the latest data available), the Centers for Disease Control and Prevention reports that there have been 2,711 cases of people who've been hospitalized with EVALI, or e-cigarette, or vaping, product use-associated lung injury.

All 50 states, plus Washington, D.C., have reported EVALI cases. Sixty people have died. Many others were left with lasting lung damage.

Investigations suggested most cases were not associated with vaping nicotine, but in-

stead THC, the psychoactive ingredient found in marijuana. Most of those THC vapes came from drug dealers or friends. Vitamin E oil has been the leading culprit in the lung damage, though other chemicals and additives can't be ruled out, according to the CDC.

After Thursday, companies that make any vape products—including those covered in the ban—will have to meet a May 12 deadline to apply to the Food and Drug Administration to continue selling their products.

It will take one year for the FDA to review those applications, during which time products can, and likely will, remain on the market.

"It's not a 'forever' ban," Halpern-Felsher said. "We have a long way to go."

Ms. SHALALA. Madam Speaker, many teens today have moved from using flavored e-cigarettes to other flavored nicotine-laced products. That includes things like flavored pouches, drops, and pods.

These products are still on the market today. The recent national ban, which my distinguished colleague referred to, didn't take them off the shelves. Something more is needed to make sure our children don't go from one bad addictive product to the next.

The products might be different, but the impacts are the same. It is a distinction without a difference, Madam Speaker.

That is why we have to pass this bill to keep life-threatening products out of the hands of our children.

Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, I rise to support the rule and this comprehensive legislation, which prohibits all flavored tobacco products.

Madam Speaker, I commend Chairman FRANK PALLONE and Congresswoman DONNA SHALALA for their leadership.

The youth vaping epidemic is a public health emergency that threatens our youngsters. According to the Centers for Disease Control and Prevention, one in four high schoolers are using e-cigarettes, and not just occasionally. More than a third of users in high school said that they were smoking e-cigarettes at least 20 days a month.

My granddaughter, who is a high schooler, when I asked her about this, she said it is everywhere, that everyone is smoking e-cigarettes.

Last year, I hosted a hearing on the youth vaping crisis in the Labor, Health and Human Services, and Education Subcommittee. As experts have said, the flavors are a key factor in this. Seven out of 10 current youth e-cigarette users said that they used e-cigarettes because "they come in flavors I like."

Nearly all, or 97 percent, had used a flavored e-cigarette in the past month. Mango, mint, cotton candy, and gummy bears are just some of the 15,000 flavors still available, thanks to the loophole-laden action the Trump administration took in January.

The President made a promise in the Oval Office to American families to

ban flavors, which are hooking our youngsters. They are becoming addicted. But special interests appear to be more important. He allowed popular flavors like menthol to remain for products like the popular Juul device. He allowed disposable vapes of all flavors to remain on the market.

It is unacceptable. The health of our children must be our priority. So, the Democratic majority of the United States House of Representatives is stepping up for our children by voting for this bill and this rule. We can ban flavors and take comprehensive action to defend our kids.

Madam Speaker, I urge my colleagues to vote for the rule and the bill.

Mr. BURGESS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I include in the RECORD an article from The Hill today, written by YVETTE CLARKE, making a point about the unintended consequences of this legislation.

The bill carves out an exemption for certain cigar products, but it also creates a ban on menthol products, which would have the unintended consequence of adversely and selectively affecting individuals, tobacco users, in communities of color.

[From The Hill, Feb. 27, 2020]

YOUTH TOBACCO USE LEGISLATION WOULD HAVE UNINTENDED LIFE-OR-DEATH CONSEQUENCES FOR BLACK TOBACCO USERS

(By Rep. Yvette D. Clarke)

This week marks a critical, life-changing moment for the black community, specifically for black tobacco users. The Reversing the Youth Tobacco Epidemic Act (H.R. 2339) is set for a vote this week in the House of Representatives, and while this bill seemingly makes a lot of sense in curbing youth tobacco use, there are some glaring unintended dire consequences for communities of color with this legislation.

H.R. 2339 does many things with the goal to reduce youth tobacco use, like providing resources for a substantive public awareness campaign to educate about the dangers of tobacco use and reducing access to online purchases of flavored tobacco products. However, this legislation does not treat all tobacco products equally, carving out an exemption for one flavored product, premium cigars preferred by white smokers. A ban that makes an exception for one flavor—premium cigars—while banning menthol puts black lives at risk. Let me explain.

Considering the fact that 90 percent of black smokers use menthol products, menthol tobacco users would live in fear of new stop and frisk opportunities under this legislation, because menthol would now be considered an illegal flavor. A ban that targets menthol products but ignores other premium tobacco products unduly burdens the black community. This asymmetrical ban feels more like a targeted attack than a value-neutral health care policy decision. In effect, white adult smokers would see little difference in their lives after this ban while black smokers could face even more sweeping harassment from law enforcement if the hint of menthol smoke can justify a stop.

Make no mistake, banning all electronic and combustible tobacco products would save lives and while the premise of this legislation to address the uptick in youth tobacco use is positive, we cannot support an asymmetrical ban that disproportionately endangers the black community.

While the debate has not made this clear, we are unfortunately not currently considering a ban on all tobacco products. In fact, we are not even debating a uniform ban on vaping products or combustible cigarettes. Instead, the ban would focus solely on flavored tobacco products, including menthol. Considering how often teenagers develop smoking habits after starting with flavored products, I understand why the Energy and Commerce Committee has focused on this issue. However, including menthol in the flavored products ban will disproportionately imperil the black community putting them at increased risk of additional over-policing.

I do not take this position lightly, but as an elected official I must make the hard decisions—not the easy ones. I have a responsibility, to my constituents and the Constitution, to be the voice of the marginalized among us. To do so, I worked with the committee to find solutions to the criminal justice concerns of my community but was ultimately rebuffed. Nonetheless, I introduced an amendment promoting an education program to increase awareness about the dangers of tobacco use and the implications of this legislation. Constructive efforts like this will make considerable headway towards reducing tobacco use without laying the foundation for disparate enforcement of a ban.

While I would love to assume the best intentions of all involved parties and hope for the best in regard to enforcement, lived experience demands caution. In the world created by this asymmetrical ban where menthol tobacco products provide justification for police stops, I fear that we would have handed law enforcement another excuse to harass, detain and otherwise endanger marginalized communities. Despite the clear health benefits of this ban, I cannot in good conscious expose already vulnerable communities to this risk.

As a duly elected representative of Brooklyn, it would be an abdication of duty to disregard our painful history of over-policing or to ignore the very real potential of this history repeating itself. While no one would enjoy the political pressure this has exposed, I cannot ignore my nightmares of a jumped turnstile and a loogie turning into a far more serious matter of life and death potentially creating an additional health crisis. As Eric Garner's mother knows all too well, and relayed in a letter to the New York delegation regarding this ban, in New York a single cigarette can become a death sentence.

If the committee decides to improve this bill by making it a categorical ban on tobacco products, I will throw my full support behind the effort. When I asked for a carve out for menthol products, similar to the carve out that was granted for the on line sales of premium tobacco products like the Cuban cigars favored by Wall Street executives, I was soundly rebuffed. I would proudly support a categorical tobacco ban, but the committee so far has denied this opportunity. Nonetheless, and regardless of the political pressures, I will continue to do everything in my power to protect the people of the 9th District of New York and all black tobacco users across America.

Mr. BURGESS. Madam Speaker, I reserve the balance of my time.

Ms. SHALALA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to clarify some misunderstandings related to the bill that I have just heard.

Some have suggested that H.R. 2339 allows certain cigars to be exempt from the flavor prohibition.

I want to be very clear. Under this legislation, all tobacco products are subject to the flavor prohibition, including cigars. In fact, the text of the definition of cigar product explicitly states that these cigars cannot contain a characterizing flavor. Under the legislation, menthol is a characterizing flavor.

The only way to tackle the youth tobacco epidemic is to prohibit all flavors in all products, which is exactly what H.R. 2339 does.

Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DESAULNIER), a distinguished member of the Rules Committee.

Mr. DESAULNIER. Madam Speaker, I thank the gentlewoman for yielding and for her leadership on issues of public health, particularly this bill.

I rise in support of the Reversing the Youth Tobacco Epidemic Act.

I am proud of the long history in the San Francisco Bay Area, which I have been privileged to represent and live in for many years, starting in the 1980s with the amazing work by Stan Glantz, a researcher in San Francisco who discovered the tobacco industry was pathologically lying to the American public and hiding the effects of their products.

We responded to that by trying to pass laws here in Congress, but we were unable to because of the tobacco lobby. We tried State legislative opportunities but failed to do that. But in local government, we passed hundreds of local ordinances banning secondhand smoke to protect employees and to protect customers.

At the time, I was a member of the California Restaurant Association and a restaurant owner. Many of my colleagues were part of the same arguments we hear today, that you will put retailers out of business, that this is all legal product.

We listened to those, and we enacted these laws, and we worked with people who were affected by it. The economic impacts were positive, not negative. Restaurants are more successful than they have ever been in the bay area. We lead the country in many ways.

When we passed these ordinances, public health people came together with labor and others to make sure that the truth came out.

In the early 1990s, as the mayor of a city of 130,000 people, Concord, California, I authored one of the first efforts in the Nation to curb secondhand smoke. In fact, it has been illegal to smoke in bars, restaurants, and other public places in California entirely since 1998.

We worked together then to stop Big Tobacco's hold over millions of addicted Americans, and we won.

Unfortunately, Big Tobacco has a new partner, the vaping industry. Companies like Juul, unfortunately headquartered in San Francisco, in my view, represent the very worst of the bay area business culture. They don't ask for permission. They apologize

after they have addicted millions of Americans, particularly young people. They deceptively and illegally marketed their poisonous products to children, much like Big Tobacco did decades ago.

Our efforts led to an almost 70 percent decrease in the use of tobacco products across the country, according to the Centers for Disease Control.

In 2016 alone, on the other hand, 7 out of 10 U.S. middle and high school students saw e-cigarette ads on TV, in stores, and online.

With marketing campaigns that make vaping look safe and fun, they use flavors like cotton candy to attract young people to try vaping and get hooked on nicotine.

But we know better. We have a long history of this. These products are not safe. They are not smoking-cessation devices. And we need to take action to protect our children, just as we did years ago.

□ 1245

In local government in the bay area, we have started to do what we did in the 1990s: passing bans on these products. So, if we won't do it here, we will do it at a local level; but we should do it here, and we should pass this bill.

The longer we wait, millions are addicted, and millions more are being targeted. The Reversing the Youth Tobacco Epidemic Act will help save lives and keep widespread nicotine addiction in the past in the United States.

We beat Big Tobacco once before, and we can do it again. I urge my colleagues to support this bill.

Mr. BURGESS. Madam Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CURTIS).

Mr. CURTIS. Madam Speaker, I rise in opposition to the rule underlying the bill.

Reducing the alarming rate of youth e-cigarette use is and must remain a top priority for public health officials and lawmakers. Our children are the future of our country, and my greatest joy in this life has been watching my children grow into the men and women that they are today.

Protecting their health and safety and of that their children in order to ensure their future success is, personally, a top priority of mine in Congress. However, H.R. 2339, the bill before us today, is concerning for numerous reasons.

First, this one-size-fits-all bill was drafted without Republican input. The committee of jurisdiction passed the legislation virtually along partisan lines.

This legislation was finalized just Monday night but is receiving a vote this week, with details negotiated outside of public view. A bill of this magnitude, which includes over \$100 million in new taxes, deserves a lengthy public debate.

Second, Congress recently passed needed legislation to raise the minimum age to purchase tobacco products from 18 to 21 on a bipartisan basis.

Additionally, the Food and Drug Administration already has the ability to regulate flavored e-cigarette products, and this bill would permanently undermine ongoing efforts to combat youth vaping by the FDA.

Most importantly, this bill would undercut ongoing efforts by the State of Utah to combat youth vaping. The Utah Legislature and Governor's office acted decisively to keep these products out of the hands of our youth and are considering additional steps to protect the welfare of our kids. The State of Utah is a great example of what we can accomplish when partisanship is put aside for the greater good.

In closing, I want to reiterate the importance of keeping these products out of the hands of children. But we can't do that without a lengthier, bipartisan conversation, and especially if we are ignoring the work State and local governments have been doing to keep our children safe.

Ms. SHALALA. Madam Speaker, I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I will include in the RECORD a letter from Mothers of the Movement. They state, in part: "We ask that, at the same time you consider health issues, you look carefully at the criminal justice impact of such a change in health policy. Our community has had plenty of experience living under laws passed with the best of intentions. Under your bill, cigarettes preferred by African Americans would be illegal; cigarettes preferred by non-African Americans would be legal."

MOTHERS OF THE MOVEMENT,

*Miami Gardens, FL, October 11, 2019.*

Hon. FRANK PALLONE,

*Chairman, House Committee on Energy and Commerce, Washington, DC.*

DEAR CHAIRMAN PALLONE: We appreciate your focus on reviewing the health effects of tobacco and e-cigarettes in young people. We urge you to pay very close attention to the unintended effects of a ban on menthol cigarettes and what it would mean in the Urban community.

We both strive hard to do our best and set examples in our community amongst the black youth. Our focus is within various cities throughout the country. We have witnessed encounters with law enforcement and negative policing which has been spread throughout our community.

H.R. 2339, the Reversing the Youth Tobacco Epidemic Act, contains a provision that bans menthol cigarettes. We are concerned of the rising numbers of Black Americans who prefer menthol cigarettes. We are alarmed that 80% Black Americans in Urban communities invest in purchasing of these good. As a result of this ban, we recognize the effects which may happen within the Urban community and the justice system.

We do not encourage, support, or promote smoking especially in our Urban communities. We are concerned that this ban in many cases will reintroduce another version of stop-and-frisk in black low socio-economic communities. We experience and are forced to tolerate aggressive behaviors from law enforcement. This is our reality and is displayed throughout different levels of government, locally and nationally daily. This ban will introduce or replay many hard to em-

ploy young black Americans to the criminal justice system. We do not want to take parents, sons, and daughters out of households for small infractions that carry financial obligations. We ask that, at the same time you consider health issues, you look carefully at the criminal justice impact of such a change in health policy. Our community has had plenty of experience living under laws passed with the best of intentions. Under your bill, cigarettes preferred by African-Americans would be illegal; cigarettes preferred by non-African-Americans would be legal.

Small violations can quickly escalate to consequential events. We refuse to witness another mother join us in death of a loved one because of readily available products and decisions available in our Black communities

Best Regards,

GWENDOLYN CARR,

*Mother of Eric Garner.*

SYBRINA FULTON,

*Mother of Trayvon Martin.*

Mr. BURGESS. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to immediately bring up a resolution condemning the comments of Democratic Socialist Presidential candidate BERNARD SANDERS.

Madam Speaker, I ask unanimous consent to insert the text of this amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Ms. DEGETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Madam Speaker, to explain this amendment, I yield 5 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Madam Speaker, I urge defeat of the previous question so that we can amend, as the gentleman just explained the rule, to immediately consider my resolution condemning Senator SANDERS' blatantly false comment regarding the racist, terrorist, murderous Castro regime in Cuba.

I have said this before: If anybody wants to know the devastation of socialism and the tyranny that so often accompanies it, I invite you to speak to some of my constituents, including thousands of former political prisoners now in exile. Let me just mention some of those.

Jorge Luis Garcia Perez, "Antunez"; Angel de Fana; and Roberto Martin Perez. There are so many others who are in south Florida who have suffered in the prisons of Cuba just because they have asked for and fought for freedom.

But there are also former political prisoners who are still on the island, and I can mention many of them. Let me just mention Dr. Oscar Elias Biscet, who just recently was arrested, harassed, and then it looks like potentially released; and the relatives of current political prisoners such as: Jose Daniel Ferrer, Mitzael Diaz Paseiro, Miguel Diaz Bauza, and Yanet Perez Quevedo. You can't speak to

them because they are in prison currently, but you can speak to their relatives.

All of them have witnessed firsthand the destruction that socialism causes. All of these political prisoners have to be released at once. That is what we should be demanding.

Now, unfortunately, this is not new coming from the Progressive movement. But I remind Senator SANDERS and the Progressive movement that the Castro regime is not only a threat to the national security interests of the United States, but also to the democracies in our hemisphere.

I want to remind Senator SANDERS of the Cuba regime's close relationship with some of the world's worst thugs, such as Iran. Iran and the Cuban regime held the first Iran-Cuban business forum in Tehran in August of 2019 and have signed memorandums of understanding affirming their commitment to expanded trade and coordination. There were, just recently, two high-profile visits of the Iranian so-called Foreign Minister and also the so-called President of Iran to Cuba in 2016.

For years, the Cuban regime has been on the list of State Sponsors of Terrorism for their support of other terrorist states, terrorist organizations, and violence around the world and in this hemisphere.

In 2013, the Cuban regime, I remind folks, was caught smuggling weapons to North Korea in the largest violation of international sanctions against that rogue regime.

It has been propping up the Maduro regime with thousands of intelligence operatives to oppose the Venezuelan people and, in some cases, to kill the Venezuelan people.

The Cuban regime has been harboring fugitives from U.S. justice, including FBI's most wanted terrorist Joanne Chesimard and terrorist bomb maker William Morales. That is just to name a few.

So that is why, Madam Speaker, I filed the resolution that condemns the blatantly false comments of Democratic Socialist candidate for President Senator BERNIE SANDERS.

This resolution also rejects the false claims that Cuba's healthcare, education, and literacy rate have improved as a result of the Castro regime, the Castro dictatorship. Those claims have been debunked by numerous sources.

Let me just go over a couple of facts.

According to a State Department report, Cuba's infant mortality rate was 32 of 1,000 live births, one of the best in the Western Hemisphere. But, Madam Speaker, this was not Castro. This is in the 1950s, pre-Castro.

Cuba's life expectancy was also one of the highest in Latin America in the 1950s, pre-Castro. No, it wasn't Castro. This was pre-Castro.

Cuba's literacy rate was one of the highest in the Western Hemisphere, pre-Castro in the 1950s.

Those are the facts, Madam Speaker, the realities of Cuba.

In Cuba now, over 1 million people—in a country of just 11 million—have risked everything to try to find freedom, to try to get away from that socialist tyranny. Many have perished on rafts as they place themselves and their children at risk in shark-infested waters for just a chance at freedom.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURGESS. Madam Speaker, I yield the gentleman from Florida an additional 3 minutes.

Mr. DIAZ-BALART. Madam Speaker, why would they do this if things in Cuba are just not all that bad?

Again, in contrast, during the pre-Castro Cuba, more Americans were traveling to Cuba and going to Cuba than Cubans coming to the United States.

Today, now, Madam Speaker, here we have an opportunity to condemn Senator BERNIE SANDERS' blatantly false and hurtful comments regarding the racist, terrorist Castro regime. Join me in standing in solidarity with the Cuban people and, by extension, also solidarity with the Venezuelan people who are working to regain their freedom against what the OAS Secretary General has called the Cuban army of occupation in Venezuela.

So join me in standing in solidarity with the people and not with the regime that oppresses them.

Ms. SHALALA. Madam Speaker, I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this bill claims to curb youth tobacco use, including vaping. The reality is it bans many types of tobacco products that are legally and voluntarily used by adults.

While I do not support any form of tobacco use, it is a choice for law-abiding adults to make. The unintended consequences of suddenly making legal tobacco products illegal will likely push people to the black market to seek the same products—or worse. If we really want to address vaping, we need to target products containing tetrahydrocannabinol, THC.

As I previously stated, we just recently made tobacco use illegal for those under the age of 21, and the Trump administration has banned certain flavored e-cigarette products.

This is a problem that requires a multilayered approach. Unfortunately, the provisions in this bill will not produce the desired result, and could even create more harm than good for some populations.

Republicans do stand ready to work on bipartisan solutions to increase the health of our population and to protect our young people, but I need to urge a “no” vote on the previous question, a “no” vote on the rule, and a “no” vote on the underlying measure.

Madam Speaker, I yield back the balance of my time.

Ms. SHALALA. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I am a little confused. I may be a freshman, but I know

that my good friend, MARIO DIAZ-BALART, usually gives me a little advanced notice before he presents something.

My Republican colleagues are promising that, if we defeat the previous question, they will bring up a resolution to condemn the terrible comments Senator SANDERS made regarding the dictator Fidel Castro.

But let me be clear: Defeating the previous question means that Republicans can bring up any germane bill or amendment they want. The key word here being “germane.”

The resolution is not germane to the rule. That means, under the House rules, rules that have been in place since the founding of this institution, Republicans cannot bring to the floor the resolution they are promising to because it is not germane to the rule.

The vote on the previous question is not a vote on the Diaz-Balart resolution. It is a vote to end debate on the rule and proceed to consideration of the legislation at hand, a bill to help prevent kids from taking up smoking.

I am not disputing the merits of the resolution that my distinguished Republican colleague is offering as the previous question. In fact, I support this resolution; and to be very clear, I have requested to be added as a cosponsor. I was the first Democratic Member of Congress to speak out against these misguided, ill-informed, hurtful, and unacceptable comments made by Senator SANDERS from Vermont.

□ 1300

Over the last six decades, hundreds of thousands of Cubans have risked their lives to escape the tyranny of the Castro regime, a regime of fear, paranoia, and oppression that regularly abuses human rights in order to stifle free thought and democracy in Cuba to this very day.

Yesterday, my good friend and south Florida colleague, Mr. DIAZ-BALART, spoke about the horrors of Castro's Cuba. He so eloquently explained: “If anybody wants to know the devastation of socialism and the tyranny that often is accompanied by socialism, I invite you to come and speak to some of my constituents, including the thousands—thousands—of former political prisoners.”

This is a joint invitation. Please, come to my south Florida community and meet Mr. DIAZ-BALART's constituents and meet my constituents who will make it clear the Cuban regime and other similar authoritarian regimes across Latin America are instruments of evil and are not worthy of praise.

I would like to close again by quoting my good friend, Mr. DIAZ-BALART: “The Castro regime is a threat, not only to the national security of the United States but also to all the democracies in this hemisphere.”

He is absolutely correct, and I stand with him. I have always stood with him and alongside our constituents in south



Florida to denounce the evil Cuban regime.

But today we are here to debate a bill that protects our children from the dangers of tobacco and nicotine use. I hope my Republican colleagues will join us in voting “yes” on the previous question and “yes” on this rule, so we can move on to consideration of a bill to reverse the youth tobacco epidemic.

The minority is claiming that they will do something that has been against the Rules of the House since the very first Congress in 1789. Clause 7 of rule XVI clearly states: “No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.”

It doesn't matter whether or not a Member would support my colleague's resolution, which I have not had the opportunity to fully read since it was introduced just minutes ago. It is completely unrelated to the public health bill we are discussing right now and could not actually be offered. The right way to do this would have been to consult with all of us who have spoken out on this issue and build support in the traditional way.

I have always joined my colleague, Mr. DIAZ-BALART, to consult with other Members and to join together to denounce tyranny wherever it may exist.

Madam Speaker, I will close by saying that I have worked on tobacco issues for years. When I was Secretary of Health and Human Services, we knew we were facing a problem with youth usage of tobacco products, particularly e-cigarettes. Thanks to smart and tough policies and comprehensive outreach campaigns, we succeeded in dramatically reducing youth cigarette use.

It was an extraordinary public-health achievement.

But here we are again with flavored e-cigarettes and vape products. Tobacco companies will not give up, but we will not either.

Nicotine exposure during youth and young adulthood is particularly dangerous. The children who are using flavored e-cigarettes and vaping products are people who likely wouldn't have taken up smoking otherwise. This is the public health crisis of the 21st century.

Children don't vote or contribute to our campaigns, but they are our future. In fairy tales, children are saved by caring adults. We must save them from disease and death. We are the caring adults of this generation. We must save them from an industry that would trade their lives for profit.

It is important to acknowledge that we have made a lot of bipartisan progress on this public health issue. We have raised the age to buy tobacco products to 21. But the administration has enacted a very narrow flavor ban. It is too narrow. It only restricts flavors in closed pod products like Juul. Further, disposable flavored e-cigarette products like Puff Bar will still be available in flavors like mango, ba-

nana ice, or lychee. There is clear evidence that teens are already switching to use these products.

We need a comprehensive policy, and that is what this bill does. H.R. 2339 prohibits the sale of all flavored tobacco products and bans the marketing of e-cigarettes to people under 21 years of age. This is a comprehensive solution. We need to curb this epidemic now. It is our responsibility to protect our children's future.

Madam Speaker, I urge a “yes” vote on the rule and on the previous question.

The material previously referred to by Mr. BURGESS is as follows:

AMENDMENT TO HOUSE RESOLUTION 866

At the end of the resolution, add the following:

SEC. 2. That immediately upon adoption of this resolution, the House shall resolve into the Committee of the Whole House on the state of the Union for consideration of the resolution (H. Res. 866) condemning the comments of Senator and Democratic Socialist Presidential candidate, Bernie Sanders (I-VT), disregarding the history of systemic human rights abuses, forced indoctrination, and authoritarian actions of the literacy and education policies of the Communist Castro dictatorship in Cuba. The first reading of the resolution shall be dispensed with. All points of order against consideration of the resolution are waived. General debate shall be confined to the resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the resolution shall be considered for amendment under the five-minute rule. All points of order against provisions in the resolution are waived. When the committee rises and reports the resolution back to the House with a recommendation that the resolution be adopted, the previous question shall be considered as ordered on the resolution and preamble and amendments thereto to adoption without intervening motion. If the Committee of the Whole rises and reports that it has come to no resolution on the resolution, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the resolution.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H. Res. 866.

Ms. SHALALA. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURGESS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1402

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. SCHRIER) at 2 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 866;

Adoption of House Resolution 866, if ordered; and

Agreeing to the Speaker's approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 2339, REVERSING THE YOUTH TOBACCO EPIDEMIC ACT OF 2019

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 866) providing for consideration of the bill (H.R. 2339) to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale and marketing of tobacco products, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 224, nays 189, not voting 16, as follows:

[Roll No. 74]

YEAS—224

Adams	Castor (FL)	Dean
Aguilar	Castro (TX)	DeFazio
Allred	Chu, Judy	DeGette
Axne	Cicilline	DeLauro
Barragán	Cisneros	DeBene
Bass	Clark (MA)	Delgado
Beatty	Clarke (NY)	Demings
Bera	Clay	DeSaulnier
Bishop (GA)	Cleaver	Deutch
Blumenauer	Clyburn	Dingell
Blunt Rochester	Cohen	Doggett
Bonamici	Connolly	Doyle, Michael F.
Boyle, Brendan F.	Cooper	Engel
Brindisi	Correa	Escobar
Brown (MD)	Costa	Eshoo
Brownley (CA)	Courtney	Espallat
Bustos	Cox (CA)	Evans
Butterfield	Craig	Finkenauer
Carbajal	Crist	Fletcher
Cárdenas	Crow	Foster
Carson (IN)	Cuellar	Frankel
Cartwright	Cunningham	Fudge
Case	Davids (KS)	Gabbard
Casten (IL)	Davis (CA)	Gallego
	Davis, Danny K.	