

they need to defend our country. That means, of course, that we have to ensure that our military receives adequate funding to meet today's priorities and to prepare for the threats of tomorrow. It also means we need to ensure that our military receives timely funding.

Our military doesn't just need sufficient funding to cover defense priorities; it also needs to receive that money on time, on a predictable schedule. That means passing the Defense appropriations bill before the end of each fiscal year instead of forcing the military to rely on temporary funding measures that leave the military in doubt about funding levels and unable to start important new projects.

Right now, we are almost 2 full months into the 2020 fiscal year. We should have passed the Defense appropriations bill by the end of September, but we didn't because, unfortunately, our Democratic colleagues were unable to resist the chance to pick yet another fight with the President. This wasn't supposed to happen. At the end of the summer, the congressional leaders of both parties and the President reached an agreement on funding levels for 2020 and 2021. The leaders also agreed on a number of guidelines for appropriations bills, including a ban on poison pills intended to derail appropriations legislation. The idea behind this agreement was to pave the way for the timely passage of appropriations bills and to prevent the kind of situation we are in right now—almost 2 months behind on passing defense and other funding. Unfortunately, the Democrats chose to renege on this agreement.

The Senate Democrats are currently holding up defense funding by insisting on the type of poison pills they promised to forgo just a few months ago. The leader has attempted to bring up the Defense appropriations bill twice, and both times the Senate Democrats have filibustered the legislation. It is deeply disappointing. I understand that my Democratic colleagues are looking for any opportunity to pick a fight with the President, but funding for our men and women in uniform should not be subjected to the Democrats' partisan whims.

Thanks to the Democrats, right now, our military is operating under a continuing resolution that leaves the military short of the funding it needs for the 2020 fiscal year. That has real consequences. In addition to leaving the military underfunded, a continuing resolution prevents the military from starting key projects that will help to ensure our men and women in uniform will be prepared to meet the threats of the future. The Pentagon can't start new procurement projects. New research and development initiatives that keep us a step ahead of our adversaries are put on hold. All told, under a continuing resolution, the military's purchasing power is reduced by, roughly, \$5 billion each quarter.

To put that in perspective, that is the equivalent of losing out on about 56 Joint Strike Fighter planes, depending on the variant, every 3 months. That \$5 billion the Pentagon is going without is urgently needed funding for critical military priorities. The longer the Pentagon goes without this funding, the greater the consequences for our military preparedness.

Playing politics with our national defense is unacceptable. We owe our men and women in uniform timely, reliable, and adequate defense funding, and we owe every man, woman, and child in the United States the same thing. The safety of every person in this country depends on the strength of our military. I hope that at least some of my Democratic colleagues will see their way to joining the Republicans in getting this year's Defense appropriations bill to the President's desk. It is time to get our men and women in uniform the funding that they need and that they deserve.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

E-CIGARETTES

Mr. DURBIN. Mr. President, on September 11, President Donald Trump held a press conference with the First Lady in the Oval Office. He announced that his administration would finally be taking bold action to combat our Nation's youth vaping epidemic. The epidemic is what the Food and Drug Administration characterized as the vaping that is going on in schools across America today—not just high schools, where 27 percent of the students are currently vaping, but middle schools and grade schools as well.

Seated next to the President on September 11 in the Oval Office was the First Lady. On the other side was the Secretary of the Department of Health and Human Services, Alex Azar. Directly across from the President was then-Acting Commissioner of the Food and Drug Administration, Dr. Ned Sharpless.

At the press conference, President Trump stated:

We have a problem in this country . . . and it is called "vaping"—especially vaping as it pertains to innocent children. . . . And we're going to have to do something about it.

Then Secretary Azar said:

An entire generation of children risk becoming addicted to nicotine. . . . So with the President's support, the Food and Drug Administration intends to finalize a guidance document that would . . . require that all flavors other than tobacco flavor would be removed from the market.

This would include mint and menthol flavoring, as well as candy flavors, bubblegum flavor, fruit flavor, and alcohol flavor.

Explaining why this action was necessary, the Acting FDA Commissioner, Dr. Sharpless, said:

Flavored e-cigarette products drive childhood use.

Secretary Azar and Acting Commissioner Sharpless committed to finalizing this guidance, in their own words, within "a couple of weeks." Yet here we are more than 2 months later with no e-cigarette flavor ban in place.

What is worse, now there are reports that President Trump has decided to reverse himself, to break the promise he made to American families, as a direct result of lobbying from big tobacco and big vape companies. We know whom this President is hearing from. He is hearing from JUUL, the company primarily responsible for today's youth vaping epidemic. He is hearing from Altria, the big tobacco company that just bought a major stake in JUUL. He is hearing from the Vaping Technology Association, a lobbying organization that represents vaping shops nationwide. It makes sense that these companies would want the President to reverse himself, to break his word to American families, because they make profits on the backs of our kids, just like Big Tobacco did for so many years.

Today, almost 30 percent of all high school-aged children are vaping. That is more than 5 million kids. Where did they come up with these numbers? From this administration's report to the American people. Four percent of adults are vaping and up to 30 percent of high school kids. When they show these pictures of adults walking around with buttons that say "We vape and we vote," it is a tiny sliver of America. The kids should be wearing buttons that say "We vape, and our health is at risk."

Over the last 2 years of Donald Trump's Presidency, the number of children vaping has increased by 135 percent. More than 1 in 4 high school kids are using e-cigarettes, and more than 1 in 10 middle school children are following their example. Kids are using these products because of the cool, sleek designs of devices like JUUL and because of the flavors designed to appeal to just kids. Listen to them: cotton candy, unicorn milk, cool mint, mom's sugar cookie, and, of course, menthol.

According to the Food and Drug Administration, more than 80 percent of children who vape started with flavored e-cigarettes. Does anyone believe that these vaping flavors are actually intended for a 50-year-old chain smoker looking to quit cigarettes—flavors like Farley's Gnarly Sauce, Bubble Purp by Chubby Bubble, Blue Razz by Candy King, and Cotton Candy by Zonk? Do you honestly think a 50-year-old trying to break a tobacco cigarette habit is going to buy Cotton Candy by Zonk flavoring?

Every single one of these products is on the market today without review or authorization from the Food and Drug

Administration. That is because under President Trump, the FDA decided to delay regulation of these products for years. And while the FDA dithers, children get addicted. As a result, it is the Wild Wild West out there with respect to unapproved, unregulated, dangerous, and addictive vaping products, and it is our kids who are paying the price.

Despite what Big Vape says, these products are not safe. In recent months, we have seen thousands of illnesses and 42 deaths associated with vaping, including four in Illinois.

Two weeks ago, a woman came up to me and said: You don't know me. I am a nurse. And she gave me the name of the hospital. She said: I just want to tell you, I was there when that 22-year-old man died last week from vaping. He had been in our hospital for months waiting for a lung transplant because of the damage he had done to his lungs by vaping. He couldn't find a donor, and he died.

There are other known dangers associated with e-cigarettes and nicotine. Nicotine is a toxic, highly addictive substance that raises blood pressure and spikes adrenaline, increasing the risk of heart disease. Nicotine can have short- and long-term negative health impacts on the developing brain. Kids who use e-cigarettes are more likely to transition to tobacco cigarettes, and those kill 480,000 Americans each year. There is hardly a family in this country who hasn't been touched by tobacco-related death and disease.

A Dartmouth study shows that e-cigarette use leads to 81 new smokers for every 1 smoker who quits. Don't buy the pitch from JUUL that you ought to be vaping so that you can get off of tobacco cigarettes. It is running just the opposite—kids starting on vaping and converting to tobacco cigarettes.

What do we know about e-cigarettes? They are predominately used by our children. Flavors play a major role in hooking kids on nicotine. Nicotine use harms the developing brain, and kids who vape are more likely than their peers to transition to tobacco cigarettes.

Now let's consider what we don't know about e-cigarettes. We don't know whether they are safe. We don't know whether they actually help adult smokers quit. We often don't know what the ingredients are in those devices.

E-cigarette flavors need to come off the market unless or until they can prove they have a public health benefit—and good luck to that.

The President of the United States, the Secretary of Health and Human Services, and the head of the Food and Drug Administration all told us on September 11 that they were on the side of kids and families and public health, and they promised us they were going to do something about it. Today, I am sending the President a letter asking him to keep his word, to ban e-cigarette flavors, which threaten our kids with a lifetime of nicotine addiction, illness, and, sadly, even death.

Along with families nationwide, I am hoping the President cares more about children than he does about the lobbying pressure from big tobacco and big vape companies. Just because they can buy an ad on FOX TV does not mean they are right.

For goodness' sake, Mr. President, stick with your promise of September 11. Protect our kids from this vaping epidemic.

I ask unanimous consent that my letter to the President be printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,

Washington, DC, November 19, 2019.

Hon. DONALD J. TRUMP,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As President of the United States, you have a responsibility to put the health and safety of our people—especially our nation's children—above all else. On September 11, 2019, you were poised to do just that, announcing a long-overdue plan from the Oval Office to quickly ban all non-tobacco flavored e-cigarettes, including flavors such as cotton candy, sugar cookie, fruit medley, cool mint, and menthol. Sitting alongside the First Lady, Health and Human Services (HHS) Secretary, and then-Acting Food and Drug Administration (FDA) Commissioner, it had all the trappings of a made-for-television event you seem to relish.

Along with all major public health, education, and parent organizations, I praised this move because e-cigarettes—and their accompanying kid-friendly flavors—are reversing decades of hard-fought progress our nation has made in reducing youth smoking rates. And now, along with all major public health, education, and parent organizations, I have watched in horror over the past two months as you have seemingly caved to Big Tobacco and Big Vape lobbying pressure, breaking your promise to address our nation's youth vaping epidemic.

Here is what we know about e-cigarettes:

We know that, in the past two years of your presidency, our nation has experienced a 135 percent increase in youth use of e-cigarettes.

We know that five million children are now vaping, including more than one in four high-school students and more than one in ten middle-school students.

We know that nearly 30 percent of children under the age of 18 are now vaping, compared with less than 4 percent of adults.

We know that JUUL has fueled this youth public health "epidemic," as it has been defined by every major federal health official in your Administration.

We know that e-cigarette flavors—including mint and menthol—are why children first try and become addicted to e-cigarettes.

We know that more than 2,000 Americans have recently been sickened as a result of vaping. We also know that, to date, 42 people have died—including four in my state.

We know that not a single e-cigarette product available for purchase today is on the market with authorization from the FDA.

Finally, we know that your Administration has completely abdicated its duty to protect the public health by repeatedly delaying and refusing to regulate any of these dangerous and addictive products.

Here is what we do not know about e-cigarettes:

We do not know the short- or long-term health impacts of using these products, espe-

cially in children (though we do know that use of nicotine in the developing brain has many negative and long-term health consequences).

We do not always know what ingredients—beyond nicotine—are in e-cigarettes and the accompanying flavors, nor do we know the short- or long-term health impact of the use of those ingredients. We do not if e-cigarettes and flavors actually help adult smokers quit cigarettes (though we do know that e-cigarette use leads to 80 new smokers for every one smoker who reports quitting).

We do not conclusively know why so many people who vape are getting sick and dying.

We do not have answers to these questions because the tobacco and vaping industries—shrouded in secrecy and deception—have refused to conduct the much-needed clinical trials and studies, instead preferring to keep the health consequences a secret. Perhaps even more concerning is that your FDA—the federal agency responsible for regulating tobacco products—has not required them to do so.

More than two months ago, when you announced the impending e-cigarette flavor ban, you stated, "We have a problem in our country . . . It's a problem nobody really thought about too much a few years ago, and it's called 'vaping'—especially vaping as it pertains to innocent children . . . And we're going to have to do something about it . . . We're looking at very strong rules and regulations."

You further stated, "Vaping has become a very big business, as I understand it—like a giant business in a very short period of time. But we can't allow people to get sick, and we can't have our youth be so affected."

During your September Oval Office press conference with the First Lady, you made big promises that you now appear to be breaking. Children and families nationwide are still hoping that you will reverse course and quickly implement an e-cigarette flavor ban that protects our next generation from a lifetime of nicotine addiction, illness, and death.

Sincerely,

RICHARD J. DURBIN,
U.S. Senator.

AFFORDABLE CARE ACT

Mr. DURBIN. Mr. President, thanks to the Affordable Care Act, 20 million Americans have health insurance, including more than 1 million in my State of Illinois. Why is it so important? Let me tell you the story of Stefanie from Oak Park, IL. Recently, Stefanie wrote about her son, who has a history of mental health and substance abuse issues. Because of the Affordable Care Act, her son will be able to stay on her health insurance plan until he reaches the age of 26.

The Affordable Care Act also required that all health plans cover mental health and addiction treatment. It is hard to imagine that people were selling health insurance in America that did not cover mental health and addiction.

Two Senators on the floor of the Senate—Paul Wellstone, who stood right over there, and Pete Domenici, who stood there—teamed up to require that every health insurance plan in America cover mental illness. It is so obvious. It is an issue many families face. But health insurance plans were excluding it. Why did these two Senators who were wildly different politically decide they would team up for this? Paul