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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the giver of every good and perfect gift, help our Senators to listen clearly to Your sacred Word and find wisdom in Your guidance. May they remember Your teachings and courageously follow them.

As You guide them along the right path, keep them from stumbling. May they live such exemplary lives that they will be like sunlight at dawn, growing brighter with the passing hours.

Lord, give our lawmakers wisdom to carefully guard their thoughts, to strive to speak truthfully, and to refuse to deviate from integrity.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Iowa.

PRESCRIPTION DRUG PRICING REDUCTION ACT

Mr. GRASSLEY. Madam President, Senator WYDEN and I received a letter from the Michael J. Fox Foundation for Parkinson's Research. Their letter endorsed our bipartisan Prescription Drug Pricing Reduction Act, which tries to respond to what we are hearing from our constituents about the public outrage over the big increases in prescription drugs.

Now, it happens with Parkinson's disease that about 1 million Americans

have it, and it seems like up to now there is no way to stop it or cure it, but thanks to modern medicine, the symptoms can be treated to help patients live a much better life.

Ninety percent of all individuals diagnosed with Parkinson's disease are on Medicare. Our bill, the bill to reduce prescription drug prices, would help these seniors afford their medicine with a cap on out-of-pocket expenses. In other words, they would know at the beginning of the year that they only have to spend x number of dollars on drugs, no more.

Of course, this brings me to what Congress should be doing. Congress needs to act, not only for those with Parkinson's disease, but for all Americans who need our help.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume

consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Matthew Walden McFarland, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. The Senator from Illinois.

TOBACCO TO 21

Mr. DURBIN. Madam President, this week we are going to be voting on some appropriation bills. They are rather large. They call them minibuses. But there will be six or eight appropriations bills bunched together, and they will include things other than strictly spending measures.

One of the areas that will be addressed is the age that you must reach to purchase tobacco and vaping materials in the United States. It is known euphemistically as T-21, and I have supported it for years. The notion of raising the purchasing age to 21 for these products, to me, just makes sense.

We know that they are addictive. Both cigarette tobacco and vaping materials have nicotine in them, a highly addictive chemical. Raising the age of purchase across the United States to 21 makes sense.

But I am disappointed as well. Although I originally sponsored this bill, there have been several revelations in the last few months, which call for us to move far beyond the idea of establishing a new age for purchasing these products, and let me be specific.

One of the things we have been working on is trying to address the shocking increase in the use of vaping materials and e-cigarettes by young people across America. It has been called a public health epidemic, not by a politician but by the Commissioner of the Food and Drug Administration. That Commissioner told us, as well as the Surgeon General of the United States, that this is an issue that cannot be ignored.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Today, we estimate that nearly 30 percent of school-age children are vaping—more than 5 million kids across America.

A group of young high schoolers came in to see me from New York last week and said: Senator, you are all wrong. In our schools it is a majority.

A majority of the students are vaping, not only outside of the school, but even in the classroom. They have hooked up vaping devices to the clothing that they are wearing, and when the teacher turns his or her back on the class, they are puffing on their vaping materials—their Juuls—and blowing the white vapor into the air of the classroom.

It sounds incredible, but they told me it is true and it happens all over the school—in the restrooms, in the cafeteria, in the classrooms.

The reason it is happening is that so many students are vaping now and it is an addiction. As these students continue to vape, their appetite for the product grows.

Kids are using these products for many reasons, and I can get into the psychology of it for a minute, but let me dwell on the obvious.

The flavors that are being sold on these vaping materials are designed for them—to attract children to Juul's products, to flavors like Cotton Candy, Unicorn Milk—whatever the heck that is—Cool Mint, Mom's Sugar Cookies, and, yes, Menthol.

According to the Food and Drug Administration, more than 80 percent of children who vape start with a flavored e-cigarette.

Now, the vaping industry says: Oh, you have got it all wrong. You see, this is a non-tobacco product which people can use to get off cigarettes.

Well, that sounds pretty noble; doesn't it? We want people to move away from something more dangerous, like tobacco cigarettes.

But when you look at the incidence of people using this product, it is miniscule in terms of adults with a tobacco addiction moving to vaping products, and the number of children and young students moving from non-vaping to vaping is dramatic. As I mentioned, the official figures are 30 percent of high school students.

According to the Food and Drug Administration, one of the things that is luring young people to this behavior is the flavoring or the flavor pods. Does anyone believe these flavors are intended for some 50-year-old chain smoker who wants to give up on tobacco cigarettes—flavors like Farley's Gnarly Sauce, Bubble Purp by Chubby Bubbles, Blue Razz by Candy King, Cotton Candy by Zonk? Some 50-year-old is attracted to Cotton Candy by Zonk?

We know better. These flavor pods are made for kids—to attract kids, get them started, get them hooked, and make them lifelong customers.

Together with bipartisan colleagues, I have pressed the Food and Drug Administration and the White House for

years to put an end to these kid-friendly flavor pods.

Well, the tobacco giant Altria—it used to be Philip Morris, if I am not mistaken—stepped in and bought the lion's share of the stock of Juul, the most prolific producer of vaping devices in the United States.

Altria knows this business and how to attract kids because they used to make Marlboro cigarettes. Remember that cowboy designed to appeal across the board, particularly to young smokers?

Well, now they have a new gig. It is called vaping, e-cigarettes, and Altria has bought in in a big way.

They have been taking out ads to support raising the Federal age to purchase tobacco products to 21.

Wait a minute. A tobacco company wants to raise the age for purchasing the products?

They do. They see it as inevitable, but it is also part of their market strategy. That is the same policy I have supported, and I thank my colleagues Senator SCHATZ and Senator Kaine for joining in the effort, along with Senator ROMNEY. But what we have seen is that Altria has invested \$13 billion to acquire a 35-percent stake in Juul, which controls more than 70 percent of the vaping market. Tobacco is big in vaping.

Altria and Juul together now believe that if the only thing we do is just raise the tobacco age to 21, they will be in the clear and they can avoid the scrutiny for their targeted efforts to hook kids on e-cigarettes.

I disagree. I have made clear that any T-21, "Tobacco to 21" policy must be coupled with meaningful provisions to get rid of the e-cigarette flavors now addicting our kids, but they have turned to one of their allies, Senator McCONNELL, on this effort, who was an original sponsor on T-21. His party resisted the effort to join the banning of flavor pods for e-cigarettes as part of the T-21 bill in our appropriations bill.

I fear that the spending bill will come before us and include just the T-21 policy, and that of course doesn't address what is happening with vaping among children in America.

If we are serious about sparing Americans, particularly our kids, from addictions to nicotine, it has to reach beyond tobacco cigarettes to vaping. It is a mistake not to do so.

The public health community agrees with me on that. Any serious solution to skyrocketing rates of youth e-cigarette use must include the removal of kid-friendly flavors—not just the tobacco industry's preferred policy—and I will continue to work with Members on both sides of the aisle in pushing to do so.

Finally, let me say on this subject that on September 15, President Trump held a press conference in the Oval Office on this subject of vaping. Sitting next to him was the First Lady of the United States, Melania Trump. She doesn't often stand up on political

issues, but she is the mother of a teenager, and she decided to speak out against vaping. I thanked her. I praised her along with the President. They did the right thing, but now we are not sure where the President is on this subject. We are not sure if he is going to continue his effort to end the scourge of vaping and e-cigarettes.

I hope the President comes back to the position he announced in September. We need his help to ban these flavor pods.

The recent appointee as FDA Commissioner, Stephen Hahn, has told me personally and many of my colleagues that he thinks this is a serious issue. I believe he ought to be given the authority to exercise his legal right and power to stop these pods and stop these devices as quickly as possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

IMPEACHMENT

Mr. McCONNELL. Mr. President, all eyes today are on the House of Representatives. The country is waiting to see whether these House Democrats will give in to the temptation that every other House in modern history has managed to resist and misuse the solemn process of impeachment to blow off partisan steam. I will have more to say on this subject if House Democrats do, in fact, proceed.

Yesterday I came to the floor to discuss one initial aspect of this that concerns our Senate process. Over the weekend, my colleague the Democratic leader began asking the Senate to break from precedent, break with the unanimous template from 1999, and begin choreographing the middle of a potential trial before we have even heard opening arguments.

Back in 1999, all 100 Senators agreed on a simple pretrial resolution that set up a briefing, opening arguments, Senators' questions, and a vote on a motion to dismiss. Senators reserved all other questions, such as witnesses, until the trial was underway. That was the unanimous bipartisan precedent from 1999. Put first things first, lay the bipartisan groundwork and leave midtrial questions to the middle of the trial.

I have hoped, and still hope, that the Democratic leader and I can sit down and reproduce that unanimous bipartisan agreement this time. His decision to try to angrily negotiate through the press is unfortunate, but no amount of bluster will change the simple fact that we already have a unanimous bipartisan precedent. If 100 Senators