

They are happy to see that we are moving forward on this new trade agreement. A new NAFTA—the USMCA—means the top trading partners of the State of Illinois, Mexico and Canada, will have a new lease on a relationship that can improve as we increase trade among our nations. The three nations will prosper. Our bounty, which we produce in the farmlands of Illinois, will be shared with Mexico, Canada, and many nations far beyond them. It is a step forward for us.

I am glad it was done on a bipartisan basis, and I am particularly happy to see the overwhelming majority of labor organizations in my State of Illinois and in the Nation support the USMCA. It is great to have both labor and business and farm communities together in this effort.

It is far from perfect. This is a bill that moves in the right direction, and I hope we bring it up for consideration and a vote very soon on the floor of the Senate.

E-CIGARETTES

Mr. President, for many years, I have had a battle on with the tobacco lobby. It is personal. I lost my father to lung cancer when I was 14 and he was 53. I watched and stood by his bedside for literally 100 days as he languished and ultimately died from lung cancer. He smoked two packs of cigarettes a day.

When I came to the U.S. House of Representatives, I was determined to try to do something about the deaths that were being caused by tobacco products across America. I proposed a measure, which seemed pretty modest at the time, that banned smoking on airplane flights. It was an inconvenience and a mess to get on a plane with the so-called smoking and nonsmoking sections. So I thought: Let's get rid of it once and for all.

It was quite a battle in the House of Representatives. We passed it by a handful of votes, to ban smoking on airplanes. Luckily, I found a great colleague and friend, former Senator Frank Lautenberg of New Jersey, who took up the cause on the floor of the Senate, and we banned smoking on airplanes over 25 years ago.

I didn't know that it was anything more than elimination of an inconvenience while people took airplane flights. It turned out to be much more. It turned out to be a tipping point. People across America said: If it is unhealthy to breathe in second-hand smoke on an airplane, how about trains? How about buses? How about offices? How about hospitals? How about restaurants?

At the end of the day, we know what happened. If someone walked into your home or your place of business and lit up a cigarette, you would look at them and think: Where are you from? We don't do that anymore.

We certainly don't do it without asking permission. But that is what has happened in America.

We had to fight the tobacco lobby every step of the way, and we have had

some success. The number of young people who were using tobacco cigarette products declined dramatically, from over 20 percent to around 8 percent. We were winning the battle because these tobacco companies were recruiting our kids at an early age with a nicotine addiction they couldn't shake later in life.

Guess what happened. The tobacco companies invented a new product that is called e-cigarette, or vaping. If you think I am making this connection up, take a look at the largest vendor of vaping devices, JUUL, and look at the major shareholder of JUUL. It turns out to be Altria, which also turns out to be a major tobacco company.

Now the tobacco companies have decided that since kids don't gravitate toward tobacco cigarettes, they will give them an alternative. The alternative is an e-cigarette, or a vaping device.

You know what has happened, Mr. President, in your State and in my mine? High school kids are taking up this vaping addiction in numbers unimaginable. The latest report suggests that almost 29 percent of high school students across the United States are currently vaping. What they are doing is using pods and flavor pods with nicotine included and using an electronic device to inhale this vapor and blow it out. Unfortunately, in inhaling it into their lungs, they are also inhaling nicotine and developing a terrible addiction.

Students from New York came to my office a few weeks ago, and they said: Senator, don't kid yourself. It is not 28 or 29 percent. It is over 50 percent of students who are vaping today, and they are desperate to buy these flavor pods and to buy these new JUUL devices. When the teacher in a classroom steps out, they are all vaping, right there in the classroom. They do it in the restrooms and the classrooms and the cafeterias and outside the schools. They are doing desperate things to be able to afford these devices.

On September 11 of this year, President Trump and the First Lady held a press conference in the Oval Office. Though I have been critical of this President for many things, I applauded what they said. They recognized this vaping crisis, and they said that we are going to stop it and that we are going to make the moves necessary to make sure that these flavor pods that are enticing children are finally taken from the market.

I couldn't believe my ears when I heard it. Here was President Trump stepping up to do the right thing. Perhaps he and his wife, as a father and a mother of a teenager, understand this better than some. But whatever the reason, whatever the motivation, they came forward with what I thought was the best proposal: End the flavor pods once and for all.

After they made their announcements, the vaping industry went to work. They started buying ads on

FOX—naturally, that is where the President watches television—and they started saying to the people that it was unfair to take away these flavor pods.

Sadly, these flavor pods, when you look at them very closely, are just an enticement for young people to use this product.

Now the vaping industry tries to argue: Well, wait a minute. People who want tobacco cigarettes ought to have vaping as an alternative. It is safer.

Well, marginally it may be, if that were the end of the story. But it turns out that vaping device is also becoming an enticement for young people to use flavor pods and to develop this addiction to nicotine of vaping devices. It is impossible to argue that some veteran smoker of tobacco products is going to be enticed to vaping if he can buy candy flavors, bubble gum flavors, fruit flavors, or other flavors. Can you imagine some 50-year-old who has been smoking Marlboro for years, and says: Man, if I could just get my hands on some Unicorn milk flavor pods, I would give up tobacco and move to e-cigarettes.

We know better. These pods are designed to entice children.

(Mr. ROMNEY assumed the chair.)

We waited to see what would happen after the President's September announcement. We were lucky to have one of our own colleagues, from the State of Utah, who has now taken the Chair, who was present at the meeting with the President on the issue of vaping. I salute him for his friendship and leadership on this issue.

Last week, after delays, President Trump finally announced a plan to ban some of the e-cigarette flavors that are hooking our kids on nicotine. Within 30 days, some flavored e-cigarette pods and cartridges will be removed from the market. This is an important step, but it is not nearly enough. For instance, menthol pods are exempt, so I am afraid kids are just going to move to JUUL's menthol flavor. Further, liquid e-cigarette flavors that are used in open-tank vaping shops are also exempt. The vaping shops are still in business, unaffected by this new policy of the administration. Liquid nicotine is sold in flavors like Gummy Bear, Whip Cream, Sugar Cookie, and Unicorn Milk. These flavors, definitely intended for kids, will stay under President Trump's new policy.

This week's announcement is not what the President said would happen in the Oval Office a few months ago. That is why the public health community and this Senator are so disappointed. We know the President decided to water down the e-cigarette flavor ban. Heavy lobbying by Big Tobacco and Big Vape were behind it. When announcing this new restriction, President Trump said some words that may tell the story. He said:

We have to protect our families. At the same time, it's a big industry. We want to protect the industry.

Protect the vaping industry? It makes sense why these companies

wanted the President to backtrack on his promise. They make a lot of money off our kids. They addict them, and the kids spend money because of the addiction. Why doesn't it make sense for the President to stand up to Big Tobacco and Big Vaping on behalf of our kids across America?

The fight is not over. Fewer than 4 percent of adults use e-cigarettes, while 30 percent, at least, of high school kids across America are using them. Now the FDA—with a new leader, Dr. Stephen Hahn—has to come off the sidelines and do their job to protect the kids. By court order, all e-cigarette companies will have to submit applications to the Food and Drug Administration in May if they want to keep their devices and flavors on the market. If they do not submit an application in May, they will have to come off the market immediately. The FDA must enforce this fully. For companies that do submit an application, the FDA has up to 1 year to decide whether they stay in the market. The FDA must reject the applications of any vaping products that are clearly designed to appeal to children, period. And if they are significantly used by children, they should be taken off the market.

I have told Commissioner Hahn that the FDA must evaluate these applications based on science, not anecdotes. What matters is that e-cigarette companies prove their health claims, which, to date, they have never been able to do. Do e-cigarettes actually help smokers quit cigarettes? Are they actually safe? Or are they, in fact, hooking children on nicotine? Those are the important questions that should be answered with science, not with politics.

There are ways to preserve e-cigarette access for adult smokers without allowing an entire generation of kids to be hooked on nicotine. This means getting rid of all of the flavors, taking illegal products off the market immediately, and rejecting e-cigarette applications that fail to show a strong public health benefit.

To date, the FDA has not been as active or aggressive as it should. For the sake of our children and the families who love them, it is time for the FDA to get off the sidelines and make sure that we do everything in our power, including in Congress, to make certain that this epidemic—and the FDA came up with the word—this epidemic of e-vaping and e-cigarettes comes to an end in America.

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.

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

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

NOMINATION OF ELENİ MARIA ROUMEL

Mrs. BLACKBURN. Mr. President, for 3 years now, I have been hard at work

alongside an administration that prioritizes filling vacancies on the Federal bench with smart, dedicated, constitutionalist judges. When I am at home in Tennessee, that is what people tell me they want to see—constitutionalist judges, not activist judges.

I know that I have sounded like a broken record in my reiterating just how important it is to keep these judicial nominations moving through the Committee on the Judiciary and moving to the floor, but I will tell you this: I think it is a message that needs to be repeated day in and day out because the American people and, as I said, Tennesseans know that this should be a priority, for this is how we continue to protect freedoms from generation to generation.

Since 2017, we have confirmed over 180 nominees, and even in the face of partisan bickering, we have no plans at all to slow that pace. We were in the Committee on the Judiciary today, hearing again from the nominees whom we will move forward and bring to this floor for confirmation. I want to shine light on a court that doesn't get a whole lot of attention, but let me tell you that we would be in real trouble if we did not have this one.

I have come to the floor to support President Trump's latest nominee to the U.S. Court of Federal Claims—Eleni Maria Roumel.

I first met Eleni when she joined the nonpartisan Office of General Counsel for the House of Representatives. During her 6-year tenure, Eleni advised those of us who were members of the Energy and Commerce Committee as we faced some challenging and high-profile legal matters and as we looked at laws that were going to affect the American people and how they lived their lives every single day.

The Energy and Commerce Committee in the House has wide jurisdiction. Of course, energy policy, commerce and trade, healthcare, manufacturing, pro sports, privacy, and the internet all come under that jurisdiction. So Eleni served us well in providing advice. I witnessed her commitment to bipartisanship as she served both sides of the aisle with the same quality of representation. She did it all while she was pregnant with her son, John, who is now 2 years old, and as someone who has been a working mom, I know the challenges that this presents.

From her time as a truly excellent student at Tulane Law, to her work in the private sector and beyond, Eleni's professionalism has elevated her above the rest of the pack.

She practiced intellectual property law and earned a promotion to partner as she represented both pro bono clients and publicly traded Fortune 500 companies.

She taught and mentored students as an adjunct professor at Charleston Law School.

She solidified her reputation as a lawyer committed to the rule of law in

her work handling government oversight of Federal agencies. These cases were vital to the safeguarding of the separation of powers and emphasized the supremacy of the Constitution as what it is—the law of the land.

In her 19-year career, she has appeared before 20 different Federal courts, including the U.S. Supreme Court, and just last year, she was elevated to the role of Deputy Counsel to Vice President MIKE PENCE.

I am truly honored to have supported Eleni Roumel's nomination to the Court of Federal Claims. She will be an excellent role model on the bench, especially to young women in the legal profession. I encourage my colleagues to take a look at her resume, get to know her, and then join me in wholeheartedly supporting her confirmation.

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.

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

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

MEASURE REFERRED—S. 3155

Ms. COLLINS. Mr. President, I send a bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 3155 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. YOUNG). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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