

Health Risks, dated 2007, “The magnitude of the overall reduction in hazard,” meaning switching from cigarettes to smokeless, “is difficult to estimate.” But as outlined in their paper, for cardiovascular disease, it is at least a 50 percent reduction; for pancreatic cancer, it is at least 30 percent; for oral and other GI cancer, it is at least 50 percent reduction and probably more; and for lung cancer and chronic obstructive pulmonary disease, it’s possibly even 100 percent.

Now, what I’m hopeful is that at some point, I’m going to make this quest that Mr. WAXMAN and I can somehow come together, because according to CBO the reduction in the rates of smoking in the Waxman bill is two-tenths of 1 percent per year. So we’re going to take over \$6 billion to reduce smoking rates under Mr. WAXMAN’s approach by two-tenths of 1 percent per year. Which means over a 10-year time frame, the total that we’re going to reduce for smoking in the entire country is 2 percent. We are going to reduce smoking rates in the country under Mr. WAXMAN by 2 percent.

We can do much better than that, and that’s why we have this substitute is that we want to move people from smoking down the continuum of risk to eventually quitting, and I think that’s exactly what the chairman embraces.

Please support the substitute.

The SPEAKER pro tempore. The gentleman’s time has expired.

Mr. WAXMAN. Mr. Speaker, I strongly oppose this substitute amendment offered by Mr. BUYER.

The bill before us, the Waxman-Platts bill, has been carefully crafted over more than a decade, in close consultation with the public health community. It’s been endorsed by over 1,000 different public health, scientific, medical, faith, and community organizations. It is also supported by a prestigious and bipartisan group of former public health officials, including former Secretaries of Health and Human Services, Tommy Thompson and Donna Shalala; former Surgeons General, David Satcher and Richard Carmona; former CDC Director, Julie Gerberding; and former FDA Commissioner, David Kessler. It reflects a strong, reasonable, and comprehensive approach to addressing the tobacco epidemic.

Now, this Buyer substitute is deeply flawed. It represents an inadequate response for the greatest preventable cause of death and disease in the United States.

One of the biggest problems in this substitute is that it places oversight of tobacco under a totally new, untested agency. They create a new government agency that lacks any experience in protecting the public health. FDA is our Nation’s primary protector of the public health, and it has both the regulatory and scientific expertise to handle the complex task of regulating tobacco. The agency devoted 10 years to investigating tobacco in the 1990s. It

has over 100 years of experience in setting science-based standards to protect and promote the public health.

Mr. BUYER’s substitute would ignore all of this expertise, would ignore the whole record of all of the public health organizations, and set up a new agency. And the premise of his new agency would be tobacco harm reduction, and he showed us a chart. That chart in effect said that what we should do is try to encourage people to reduce the harm from tobacco by using other tobacco products.

There’s no evidence to support his approach. He is basing his assumption that current smokers will use smokeless tobacco to quit, but there’s no evidence to support this assumption. In fact, the U.S. Public Health Service’s clinical practice guidelines finds no evidence to suggest that smokeless tobacco is effective in helping smokers quit. Rather than have smokers quit, it’s just as likely that smokeless tobacco can be used to introduce youth to tobacco use and to discourage smokers from quitting. I would submit that what his proposal would do would be to do everything but get smokers to quit, and it does not focus on getting people not to start smoking in the first place. The only evidence one can cite for using smokeless tobacco to quit is inadequate. It’s not based on science, and I’m sure it will be a tremendous boon to the smokeless tobacco industry.

A second major problem with the substitute is that it fails to provide any dedicated funding for tobacco regulation. Instead, it relies on a future appropriation that may or may not ever come along, and then this new agency is supposed to do something to reduce smoking in this country.

It fails to create effective Federal enforcement to prevent tobacco sales to minors. The Buyer amendment would not punish individual retail clerks. Instead, it would fine kids for possession rather than making sure that they don’t have access to cigarettes in the first place. The Waxman-Platts bill would instead create a strong Federal enforcement system to ensure that retailers do not sell to minors, while providing adequate procedural protections for retailers.

Another flaw, it allows tobacco companies to keep targeting the kids. One of the most critical goals of our bill is to stop tobacco industry targeting of our children. This bill that’s being offered as a substitute does nothing to address the problem. It leaves companies free to continue pushing their products on kids and teenagers, and I would submit that that is not a good substitute for the bill that is before us.

I’m also extremely concerned that it effectively exempts smokeless tobacco products such as chewing tobacco from any oversight. It assumes that those products are safe. Well, there’s no evidence for that. It ignores the range of harm-reduction options that pose far less risk such as nicotine replacement therapies, which, by the way, are al-

ready being approved as safe by the FDA, and instead, he wants to substitute smokeless tobacco for smoking cigarettes.

The substitute fails to protect consumers from false and misleading claims about reduced harm. It would allow tobacco companies to market products as safer or posing less risk without providing scientific evidence that those claims are actually true. This means that consumers would still be vulnerable to false and misleading claims, and we know those claims: cigarettes are light, cigarettes are low tar. Those are the claims we’ve heard over the years, and they’re wrong, they’re dangerous, they’re misleading, and nothing would be done to stop those kinds of claims under this substitute. Our bill would allow products to be marketed as less hazardous only when those claims are based on sound science and only when the health of the entire population is considered.

And finally, the substitute gives the tobacco industry a vote in advising the agency on scientific decisions. This flies in the face of everything we know about the industry. Big Tobacco has shown repeatedly that it will distort and discard scientific evidence in service of its business objectives without regard to the public health. We don’t give drug or device manufacturers a vote in advising the FDA, and we shouldn’t do that here. Giving the tobacco industry voting representation on a scientific advisory committee has no precedent.

I would submit you can choose between a substitute that’s just been offered only in the last month or so or you can vote for a bill that has been reviewed by and approved by the Heart Association, the Lung Association, the Cancer Society, the Campaign for Tobacco-Free Kids, the American Public Health Association, the American Academy of Pediatrics, the New England Journal of Medicine, and the AARP, just to mention a few of the thousand groups that oppose the Buyer amendment and support the underlying bill.

This tobacco harm-reduction act proposal is no substitute. In fact, it seems to me that the only harm it reduces is harm to the tobacco industry.

I urge a “no” vote on the Buyer substitute.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further proceedings on this measure are postponed.

□ 2045

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas

and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

#### PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BUYER. Why was I not given the opportunity to ask for the yeas and nays and it's reserved for tomorrow?

Do I have to be present tomorrow to ask for the yeas and nays? I know you said further proceedings are extended.

The SPEAKER pro tempore. Further proceedings on that measure are postponed.

Mr. BUYER. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BUYER. Isn't it normally a custom at the end of the bill for me now to ask for the yeas and nays?

The SPEAKER pro tempore. The Chair has the discretion to postpone further consideration of the measure under clause 1 of rule XIX.

Mr. BUYER. Further inquiry.

You will then place the House on notice as to when we could then ask for the recorded vote for tomorrow, not only on the substitute, but also on Mr. WAXMAN's bill?

The SPEAKER pro tempore. The gentleman should consult with the leadership about scheduling decisions.

#### CONGRATULATING THE ON-PREMISE SIGN INDUSTRY

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 298) congratulating the on-premise sign industry for its contributions to the success of small businesses.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 298

Whereas safe, creative, and effective on-premise signage has served as a primary catalyst to successful small businesses in America since the establishment of the Nation;

Whereas most of the companies that manufacture on-premise signs in the United States are in and of themselves small businesses as described by the Small Business Act and generate thousands of manufacturing jobs that stimulate the economy and support the local, State, and Federal tax bases;

Whereas the on-premise sign industry in turn sustains millions of additional entities covered under the Small Business Act by providing to retail businesses across the country an affordable and effective advertising medium through which they can communicate to potential customers about goods and services they offer, direct those customers to their small business sites, and reinforce the memory of existing customers about the locations and the nature of these small businesses;

Whereas the Small Business Act empowers the Small Business Administration to take actions to relieve the competitive disadvantages that small businesses face;

Whereas one such competitive disadvantage for small businesses is a lack of marketing research and advertising budgets to attract and retain customers;

Whereas the Small Business Administration has recognized the value of on-premise signage as a remedy to these competitive disadvantages and has taken action to remediate this disadvantage by collaborating with the sign industry to collect educational information about signs and to publish that information on its website that is free of charge and easily accessible to all small businesses; and

Whereas the on-premise sign industry will play a critical role in supporting the Nation's small businesses during the current economic downturn: Now, therefore, be it

*Resolved*, That the House of Representatives (1) applauds the United States Small Business Administration for educating small business owners on the benefits of using well-placed, well-designed on-premise signs to overcome competitive disadvantages in the areas of marketing and advertising, and (2) encourages the on-premise sign industry to continue its efforts to produce a new and greater understanding of how to develop safer, more effective, and more affordable signage products so as to alleviate small businesses' competitive disadvantages in marketing and advertising.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

##### GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. Mr. Speaker, I yield myself such time as I may consume.

The resolution we are voting on today would recognize the contributions of the on-premise sign industry to American commerce. The designers and manufacturers of signs are themselves small businesses that employ thousands of Americans.

But this industry's economic effect extends beyond those Americans that it employs directly. On-premise signs are an effective and affordable advertising medium, helping small businesses communicate with potential customers.

Many small businesses do not have the resources to invest in expensive advertising or costly marketing campaigns. This is especially true in tough economic times like right now. This industry provides an affordable advertising option for small business on Main Street USA.

Mr. Speaker, this resolution acknowledges the contributions of the on-premise sign industry to American small business. I urge my colleagues to vote "yes" on the resolution.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. This resolution is about the on-premise sign industry. They say that a business without a sign is a sign of no business. This commonsense truism is proof that a well-designed, on-premise sign can help small businesses succeed.

According to the U.S. Small Business Administration, on-premise signs are the "most effective, yet least expensive form of advertising for small businesses."

Small businesses need all the help they can get during these difficult economic times that we are currently experiencing, which would allow them with the signage help, to use effective advertising as a good start.

I say this as someone who brings over 35 years of small business experience to the table, which would include 8 years on the House Small Business Committee, from which this resolution comes.

Just to touch some of the high spots on the on-premise sign industry, we have small businesses in particular that are at a competitive disadvantage with the large industries in the country today. One of the things that helps them compete is the effectiveness of being able to place signs in proper locations.

When I think about driving down the road and often we're looking for the signage that directs us on where we turn off—the right turn for gas, food, or clothing, or whatever it might be—it wouldn't be America if it weren't for the on-premise signs. It helps direct customers to the small business sites.

I want to also add, Mr. Speaker, that the Small Business Act empowers the Small Business Administration to take actions to relieve the competitive disadvantage that small businesses face. The Small Business Administration has recognized the value of on-premise signage, as we recognize in this resolution tonight.

I will say that it's a sign of the entrepreneurs in this country. It's a sign of their success. And lack of a sign is an indication of a potential business failure. We simply cannot find these businesses to do business with them if it were not for signage, Mr. Speaker. That's what brings this resolution here.

I'd also address that small business feels this pressure of this downward economic spiral as much as or more than any other sector of this economy. They are pressured by their customers' lack of revenue, they're pressured by budgets being squeezed, by large corporations, the pressure by the demands of an economy that has shrunk dramatically and that continues to stagnate in the bottom of the trough. They're pressured by taxation and regulation more so than large businesses are.