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Senate

The Senate was not in session today. Its next meeting will be held on Monday, March 2, 2020, at 3 p.m.

House of Representatives

FRIDAY, FEBRUARY 28, 2020

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. MCBATH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 28, 2020.

I hereby appoint the Honorable LUCY MCBATH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of healing and mercy, we give You thanks for giving us another day.

We pray that You bless this country we love with all our hearts. We thank You for those who founded this Republic upon faith, respect for law, and constitutional rights of individuals and the common good of the Nation.

Fan the flames of freedom in hearts of all Americans, and especially those who serve in the Armed Forces. Strengthen the resolve of all Members of this people's House, that they be attentive to Your commands, follow their consciences, and always do what is right as they wrestle with the complex issues of the day.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. DEAN. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Ms. DEAN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Mrs. BEATTY) come forward and lead the House in the Pledge of Allegiance.

Mrs. BEATTY 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

OBSERVING BLACK HISTORY MONTH

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. Madam Speaker, I rise today to observe Black History Month, remembering a few legends whom we lost this past year—for them, we unite and celebrate our shared history—to build a more perfect Union for all Americans. Standing on the shoulders of:

Ohio's Toni Morrison, poet laureate, who voiced the struggle for justice and equality for all Americans;

Congressman Elijah Cummings, sharecroppers' son, friend, mentor, civil rights giant, and first African American male to have a committee room named after him;

Katherine Johnson, the famed NASA "Hidden Figure," who was behind Ohio's John Glenn's orbit of the Earth and putting a man on the Moon.

Standing on their shoulders, I empower the next generation of leaders, like this third grader, Paris, who dressed up as me for her Black History project.

Madam Speaker, we thank Paris. We fight every day for her future. Paris is brave and talented. She is our future.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H1255

She embodies why Black History is American history.

Thank you, giants; thank you, America; and God bless America for Black History Month—American history.

RECOGNIZING THE WINNERS OF THE HELEN RUFFIN READING BOWL COMPETITION

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

Mr. CARTER of Georgia. Madam Speaker, I rise today to honor schools from Georgia's First Congressional District—Lyman Hall Elementary, Midway Middle School, and Savannah Arts Academy—for winning the regional Helen Ruffin Reading Bowl competition in Valdosta.

With their hard-fought victory, they now move on to compete in divisional competition in Statesboro on March 7. The competition started more than 30 years ago when Helen Ruffin, a librarian from Georgia, wanted to find a way to make reading more exciting for students at her school.

The Reading Bowl gained traction, and now it is a statewide tournament. In the competition, participants from each school answer questions prepared by the committee for points. Teams of students that answer the most questions correctly about certain award-winning children's books win the competition.

These three schools from the First Congressional District of Georgia beat over 40 teams to make it to the next level. I am proud we have this degree of passion for reading in Georgia, and I am thankful these schools are working hard to teach their students the value of reading.

Madam Speaker, I congratulate them on their accomplishments this year, and best of luck to them in Statesboro at divisional competition.

ACKNOWLEDGING LOCAL NAACP LEADERS

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

Ms. DEAN. Madam Speaker, as Black History Month comes to an end, I would like to acknowledge some of my local NAACP leaders:

Ms. Val Ward of Willow Grove; Mr. Craig Brown of Cheltenham; Shaykh Anwar Muhammad of Ambler; Mr. John Milligan of Norristown; Ms. Diana Robertson of the Main Line; Mr. Johnny Corson of Pottstown, whose ancestral farm in Plymouth Meeting was a key stop on the Underground Railway.

Madam Speaker, I want to thank these and other local leaders for their tireless efforts toward racial equality.

Today, I am pleased to stand here to tell you about a roundtable that we held on Monday with Black business

owners. As one constituent expressed to me, they need allies; and so I stand here today as an ally for the Montgomery County and Berks County communities in pursuit of a world free from divides of race, ethnicity, gender, and nationality.

Yes, Black History Month is ending tomorrow. May we never stop celebrating Black History Month. It is our American history, and it is the pathway to equality for all.

CONGRATULATING TERESA HALEY

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

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I rise today to congratulate Teresa Haley, who was honored as the Activist of the Year at the NAACP Image Awards last week.

Teresa is the president of her local NAACP branch in Springfield, Illinois, as well as the first female president of the NAACP Illinois State Conference. She has worked tirelessly to advocate for the Black community in Springfield and issues critical to NAACP members nationwide.

I have had the pleasure of working closely with Teresa in an effort to bring national recognition to the 1908 race riot site in Springfield by declaring the site a national monument. Ultimately, the riots that occurred at that site played an integral role in the formation of the NAACP in 1909, just a year after the race riots in Springfield.

I am proud to recognize Teresa's fearless leadership, and I look forward to continuing to work with her to bring this national recognition to Springfield, Illinois.

Madam Speaker, I congratulate Teresa on this prestigious honor. I am very proud of her.

STRENGTHENING PUBLIC SCHOOLS

(Ms. BONAMICI asked and was given permission to address the House for 1 minute.)

Ms. BONAMICI. Madam Speaker, Benjamin Franklin said: "An investment in knowledge pays the best interest." I agree.

I am proud to lead the Public Schools Week resolution with my colleagues, Representatives POCAN, GRAVES, and THOMPSON. This resolution recognizes the importance of and contributions of our public schools to the country and to our Nation's young people.

I came to Congress to strengthen public education and to make sure that all students, regardless of their race, color, national origin, ZIP Code, or family wealth, have an equal opportunity to obtain a high-quality, well-rounded public education.

At the State of the Union, I was disappointed to hear the President dismiss public schools as failing government schools. Public schools are not disconnected from the communities

around them. They are our schools, our children, our students in our communities; and it is our collective responsibility to do all we can to strengthen, not weaken, our system of public education.

I will continue to fight for public schools every day, and I am proud to honor them this week.

CELEBRATING THE LIFE AND SERVICE OF ARLEIGH BIRK

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

Mr. STAUBER. Madam Speaker, this week we said good-bye to a brave member of the Greatest Generation. Arleigh Birk, Minnesota's last known survivor of the horrific attack on Pearl Harbor, passed away just 2 days before his 100th birthday.

Arleigh Birk was born and raised on a farm in North Dakota and joined the Navy when he was 19 years old. He was a 21-year-old Navy gun director stationed aboard the USS *Honolulu* when Pearl Harbor was attacked on Sunday, December 7, 1941.

As enemy forces dropped bombs, Arleigh courageously returned fire. His ship suffered damage during the attack, and Arleigh was transferred to the USS *Denver*, where he fought numerous battles throughout the Pacific theater.

After that war, he was honorably discharged and married the love of his life, Marion. Together, they had five children.

On Minnesota's Iron Range, Arleigh became a local legend, known for his kindness and record of service.

Over the years, he kept in touch with many of his fellow veterans through the Pearl Harbor Survivors Association and often attended local events to honor the Americans lost on that infamous day.

Madam Speaker, Arleigh lived an inspiring life, and I am proud to honor him here today. While he may be gone, Arleigh's legacy of service, sacrifice, and courage will live on in our hearts and our minds forever.

RECOGNIZING THE SHIPES FAMILY OF BAKERSFIELD, CALIFORNIA

(Mr. COX of California asked and was given permission to address the House for 1 minute.)

Mr. COX of California. Madam Speaker, I rise in honor of Black History Month to recognize the Shipes family of Bakersfield, California, who have served as a pillar of the African American community for over 70 years.

In southeast Bakersfield, the Shipes' family business, Mr. Discount Plus store, has stood the test of time. First opened in the 1940s, the store is one of the last original Black-owned businesses in the Cottonwood neighborhood of Bakersfield, and it remains a beacon of Black entrepreneurship.

Mr. Discount Plus store has become a gathering space for African American communities as local leaders drive forward plans to revitalize and transform the Cottonwood neighborhood for future generations to enjoy.

I am proud to recognize the Shipes family and their business for serving their community for over 70 years, and we look forward to another 70 years.

Madam Speaker, I urge my colleagues to join me in recognizing Black History Month and honoring the Shipes family for their service and dedication to southeast Bakersfield, their community, the Central Valley, and our great Nation.

Madam Speaker, I thank Mr. and Mrs. Shipes.

CORONAVIRUS IS A CAUSE OF GREAT CONCERN

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

Mr. LAMALFA. Madam Speaker, coronavirus obviously is a cause of great concern for our citizens' well-being and impact on our health system in its ability to deliver service in this country.

What is disappointing in the last few days, it is once again being turned into a political football by those who oppose everything that this President does, even this morning before a briefing we had to educate us Members.

Can we please just stop on the bashing and focus on what Americans expect—solutions?

There is much we don't know. It is a moving target. China hasn't been very forthcoming with information.

So, in order to provide an abundance of caution, we need to have a deliberate process, and that is what our health officials are trying to provide.

We don't want an over-panic, but we don't want an under-response either. We need to assure our citizens that proper steps are being taken—and I believe they are—in containing it in this country.

Working together for solutions and leaving the politics to the Presidential debates and the talk shows and all that is what we need to be doing. It will help us best serve the needs and provide assurances as we learn and understand the breadth of this virus and its reach into our lives in this country.

It is not Democrat. It is not Republican. It is just answers and assurances our citizens expect us to do.

□ 0915

CONGRESS MUST PROTECT AMERICA'S CHILDREN FROM THE SCOURGE OF NICOTINE ADDICTION

(Ms. ADAMS asked and was given permission to address the House for 1 minute.)

Ms. ADAMS. Madam Speaker, I rise today in support of H.R. 2339, the Pro-

tecting American Lungs and Reversing the Youth Tobacco Epidemic Act.

In 1999, I was tapped to serve as one of the founding members of the American Legacy Foundation whose mission was to create a world where young people reject tobacco, and anyone can quit. For 7 years I served as vice chair of Legacy as we fought to help create a tobacco-free generation. That organization is known today as the Truth Initiative.

We helped air the first advertisements that curtailed teen cigarette use and started us toward the end of an epidemic, but our work is not yet done. We have a new epidemic on our hands, one we cannot ignore.

In 2019, over 5 million middle and high school students used e-cigarettes. That is up almost two million students from 2018. H.R. 2339 tackles this problem. By prohibiting the sale of all flavored tobacco products, we protect our children from the scourge of nicotine addiction.

To be blunt, this legislation puts health before profit, and that is the truth.

RECOGNIZING SCOTTSBLUFF/GERING, NEBRASKA

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

Mr. SMITH of Nebraska. Madam Speaker, I rise today to recognize my home community of Gering-Scottsbluff, Nebraska for being honored as one of the top western towns by True West Magazine.

As executive director Bob Boze Bell said in the article, "There's so much history, so many stories that are told in the places, the events, the attitude of the people who live there. Scottsbluff and Gering, together, is truly a top western town."

Now in our sixth generation as Scotts Bluff County natives, my family would have to agree. Sharing this honor with famous western towns such as Tombstone, Arizona; Deadwood, South Dakota; and Sheridan, Wyoming, Scottsbluff and Gering have their own important part of American history and the role it played in our westward migration.

Home to one of the most famous Oregon Trail landmarks, the Scotts Bluff National Monument, this area was known as one of the most breathtaking sights on the journey west.

Community support and involvement has led us to this recognition. There truly is no place like Nebraska, and I am proud to call the Gering and Scottsbluff area my home.

I thank Brenda Leisy and Karla Neidan-Streeks for their work in promoting our community. I also thank the people of Gering-Scottsbluff, who, together, make our community a great place to live.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 2020.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 27, 2020, at 5:41 p.m.:

That the Senate passed without amendment H.R. 4998.

With best wishes, I am
Sincerely,

CHERYL L. JOHNSON.

REVERSING THE YOUTH TOBACCO EPIDEMIC ACT OF 2019

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material on H.R. 2339, the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2019.

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

There was no objection.

Mr. PALLONE. Madam Speaker, pursuant to House Resolution 866, I call up 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 866, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce 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 House Report 116-409, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FOOD AND DRUG ADMINISTRATION

Sec. 101. Cigarette graphic health warnings.

Sec. 102. Advertising and sales parity for all deemed tobacco products.

Sec. 103. Reducing child and adolescent nicotine addiction.
 Sec. 104. Prohibition against remote retail sales.
 Sec. 105. Fees applicable to all tobacco products.
 Sec. 106. Regulation of products containing alternative nicotine.
 Sec. 107. Update to youth tobacco prevention public awareness campaigns.
 Sec. 108. Exemption from premarket review of certain tobacco products.
 Sec. 109. Public education.
 Sec. 110. Regulations for recordkeeping concerning tracking and tracing.

TITLE II—FEDERAL TRADE COMMISSION

Sec. 201. Advertising of tobacco products.

TITLE III—PUBLIC HEALTH PROGRAMS

Sec. 301. Outreach to medically underserved communities.
 Sec. 302. Demonstration grant program to develop strategies for smoking cessation in medically underserved communities.
 Sec. 303. Public awareness, education, and prevention campaign.
 Sec. 304. Tobacco cessation treatment grants to health centers.
 Sec. 305. Grants for research.

TITLE IV—NICOTINE OR VAPING ACCESS PROTECTION AND ENFORCEMENT

Sec. 401. Increasing civil penalties applicable to certain violations of restrictions on sale and distribution of tobacco products.

Sec. 402. Study and report on e-cigarettes.

TITLE V—EXCISE TAX ON NICOTINE USED IN VAPING, ETC.

Sec. 501. Imposition of tax on nicotine for use in vaping, etc.

TITLE VI—FURTHER HEALTH INVESTMENTS

Sec. 601. Waiving Medicare coinsurance for colorectal cancer screening tests.
 Sec. 602. Safe harbor for high deductible health plans without deductible for certain inhalers.

TITLE I—FOOD AND DRUG ADMINISTRATION

SEC. 101. CIGARETTE GRAPHIC HEALTH WARNINGS.

(a) **ISSUANCE DEADLINES.**—Not later than March 15, 2020, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall publish a final rule pursuant to section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(d)). If the Secretary fails to promulgate such final rule by March 15, 2020, then the proposed rule titled “Tobacco Products; Required Warnings for Cigarette Packages and Advertisements” published by the Food and Drug Administration on August 16, 2019 (84 Fed. Reg. 42754) shall be treated as a final rule beginning on March 16, 2020.

(b) **CONFORMING CHANGE.**—The first section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(d)) (relating to graphic labeling statements) is amended by striking “Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary” and inserting “The Secretary”.

SEC. 102. ADVERTISING AND SALES PARITY FOR ALL DEEMED TOBACCO PRODUCTS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall promulgate a final rule amending part 1140 of subchapter K of title 21, Code of Federal Regulations, to apply the provisions of such part 1140 to all tobacco products, as applicable, to which chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387a et seq.) applies pursuant to section 901(b) of such Act (21 U.S.C.

387a(b)), as amended by section 103(a) of this Act.

(b) **EFFECTIVE DATE.**—The final rule required by subsection (a) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 103. REDUCING CHILD AND ADOLESCENT NICOTINE ADDICTION.

(a) **APPLICABILITY TO ALL TOBACCO PRODUCTS.**—

(1) **IN GENERAL.**—Subsection (b) of section 901 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387a) is amended to read as follows:

“(b) **APPLICABILITY.**—This chapter shall apply to all tobacco products.”

(2) **RULE OF CONSTRUCTION.**—Paragraph (1) and the amendment made thereby shall not be construed to limit the applicability of chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387a et seq.) to—

(A) products that were listed in section 901(b) of such Act as in effect on the day before the date of enactment of this Act; and

(B) products that were deemed by regulation to be subject to such chapter pursuant to section 901(b) of such Act as in effect on the day before the date of enactment of this Act.

(b) **PROHIBITING FLAVORING OF TOBACCO PRODUCTS.**—

(1) **PROHIBITION.**—

(A) **IN GENERAL.**—Subparagraph (A) of section 907(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387g(a)(1)) is amended to read as follows:

“(A) **SPECIAL RULES.**—

“(i) **IN GENERAL.**—Beginning on the date that is 1 year after the date of enactment of the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020, a tobacco product (including its components, parts, and accessories, including the tobacco, filter, or paper) that is not an electronic nicotine delivery system shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco) that is a characterizing flavor of the tobacco product or tobacco smoke or an herb or spice, including menthol, mint, mango, strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee.

“(ii) **RULE OF CONSTRUCTION.**—Nothing in this subparagraph shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act applicable to any artificial or natural flavor, herb, or spice.

“(iii) **APPLICABILITY TO CERTAIN INDIVIDUALS.**—Notwithstanding any provision of this Act, no individual who purchases for individual consumption, possesses for individual consumption, or consumes, a tobacco product that is in violation of the prohibition under this subparagraph, including a tobacco product that contains a characterizing flavor of menthol, shall be subject to any criminal penalty under this Act for such purchase, possession, or consumption, nor shall such purchase, possession, or consumption be used as a justification to stop, search, or conduct any other investigative measure against any individual.”

(B) **SAVINGS PROVISION.**—Section 907(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387g(a)(1)), as in effect on the date of enactment of this Act, shall remain in effect until the amendment made to such section 907(a)(1) by this paragraph takes effect.

(2) **FLAVORED ELECTRONIC NICOTINE DELIVERY SYSTEM.**—Section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j) is amended by inserting at the end the following:

“(h) **FLAVORED ELECTRONIC NICOTINE DELIVERY SYSTEMS.**—

“(1) **RESTRICTION.**—Beginning on the date that is 30 days after the date of enactment of the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020, any flavored electronic nicotine delivery system that is a new tobacco product, including any solu-

tion or other component or part (such as a liquid or its aerosol) shall not contain an artificial or natural flavor (other than tobacco) that is a characterizing flavor, including menthol, mint, mango, strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, unless the Secretary has issued a marketing order as described in paragraph (2). Nothing in this paragraph shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act applicable to any artificial or natural flavor, herb, or spice.

“(2) **REVIEW.**—The Secretary shall not issue a marketing order under subsection (c)(1)(A)(i) or a substantial equivalence order under subsection (a)(2)(A)(i) for any electronic nicotine delivery system, including any liquid, solution, or other component or part or its aerosol, that contains an artificial or natural flavor (other than tobacco) that is a characterizing flavor, unless the Secretary issues an order finding that the manufacturer has demonstrated that—

“(A) use of the characterizing flavor—

“(i) will significantly increase the likelihood of smoking cessation among current users of tobacco products; and

“(ii) will not increase the likelihood that individuals who do not use tobacco products, including youth, will start using any tobacco product, including an electronic nicotine delivery system; and

“(B) such electronic nicotine delivery system is not more harmful to users than an electronic nicotine delivery system that does not contain any characterizing flavors.”

(3) **DEFINITION OF ELECTRONIC NICOTINE DELIVERY SYSTEM.**—Section 900 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387) is amended—

(A) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(B) by inserting after paragraph (7) the following new paragraph:

“(8) **ELECTRONIC NICOTINE DELIVERY SYSTEM.**—The term ‘electronic nicotine delivery system’ means a tobacco product that is an electronic device that delivers nicotine, flavor, or another substance via an aerosolized solution to the user inhaling from the device (including e-cigarettes, e-hookah, e-cigs, vape pens, advanced refillable personal vaporizers, and electronic pipes) and any component, liquid, part, or accessory of such a device, whether or not sold separately.”

(4) **LIMITATION ON ENFORCEMENT.**—A law enforcement officer of a State or political subdivision thereof may not enforce (including by making any stop, search, seizure, or arrest or by pursuing any prosecution, trial, or punishment) any provision of section 907(a)(1)(A) or 910(h) of the Federal Food, Drug, and Cosmetic Act, as amended and added by this subsection.

SEC. 104. PROHIBITION AGAINST REMOTE RETAIL SALES.

(a) **IN GENERAL.**—Paragraph (4) of section 906(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387f(d)) is amended to read as follows:

“(4) **PROHIBITION AGAINST REMOTE RETAIL SALES.**—

“(A) **PROHIBITION.**—Not later than 18 months after the date of enactment of the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020, the Secretary shall promulgate a final regulation prohibiting the retail sale of all tobacco products other than retail sales through a direct, face-to-face exchange between a retailer and a consumer.

“(B) **EXCEPTION FOR CERTAIN CIGAR TOBACCO PRODUCTS.**—

“(i) **EXCEPTION.**—The regulation required by subparagraph (A) shall not apply to tobacco products described in section 910(a)(2)(A)(iii).

“(ii) **APPLICABLE REQUIREMENTS.**—Not later than 18 months after the date of enactment of the Protecting American Lungs and Reversing

the Youth Tobacco Epidemic Act of 2020, the Secretary shall promulgate regulations regarding the sale and distribution of tobacco products described in section 910(a)(2)(A)(iii) that occur through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products described in section 910(a)(2)(A)(iii) to individuals who have not attained the minimum age established by applicable law for the purchase of such products, including requirements for age verification.

“(C) RELATION TO OTHER AUTHORITY.—Nothing in this paragraph—

“(i) limits the authority of the Secretary to take additional actions under other provisions of this Act; or

“(ii) preempts the authority of a State or local government to establish restrictions on the retail sale of tobacco products that are in addition to, or more stringent than, the prohibition under subparagraph (A).”.

(b) APPLICABILITY.—Section 906(d)(4) of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of enactment of this Act, shall continue to apply until the effective date of the regulations required by section 906(d)(4) of such Act, as amended by subsection (a).

SEC. 105. FEES APPLICABLE TO ALL TOBACCO PRODUCTS.

(a) INCREASE IN TOTAL AMOUNT.—Section 919(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387s(b)(1)) is amended by striking subparagraph (K) and inserting the following subparagraphs:

“(K) For fiscal years 2019 and 2020, \$712,000,000.

“(L) For fiscal year 2021, \$812,000,000.

“(M) For each subsequent fiscal year, the amount that was applicable for the previous fiscal year, increased by the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year.”.

(b) APPLICABILITY.—

(1) FISCAL YEARS 2020 AND 2021.—Except as amended by subsection (a), for fiscal years 2020 and 2021, section 919 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387s) shall apply as in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—The amendments made by subsections (c) through (f) apply beginning with fiscal year 2022.

(c) ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—Paragraph (2) of section 919(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387s(b)) is amended to read as follows:

“(2) ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

“(A) IN GENERAL.—The total user fees assessed and collected under subsection (a) each fiscal year (beginning with fiscal year 2022) with respect to each class of tobacco products to which this chapter applies shall be an amount that is equal to the applicable percentage of each class for the fiscal year multiplied by the amount specified in paragraph (1) for the fiscal year.

“(B) APPLICABLE PERCENTAGE.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the applicable percentage for a fiscal year for each class of tobacco product shall be the percentage determined by dividing—

“(I) the product of the gross domestic volume of the class multiplied by the tax rate applicable to the class under section 5701 of the Internal Revenue Code of 1986; and

“(II) the sum of the products determined under subclause (I) for all classes of tobacco products.

“(ii) DEFINITION.—For purposes of clause (i), the term ‘gross domestic volume’ means the volume of tobacco products—

“(I) removed (as defined by section 5702 of the Internal Revenue Code of 1986); and

“(II) not exempt from tax under chapter 52 of the Internal Revenue Code of 1986 at the time of their removal under that chapter or the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).”.

(d) ALLOCATION OF ASSESSMENT WITHIN EACH CLASS OF TOBACCO PRODUCT.—Section 919(b)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387s(b)(4)) is amended by striking “shall be the percentage determined for purposes of allocations under subsections (e) through (h) of section 625 of Public Law 108–357” and inserting “shall be allocated on a pro rata basis among the manufacturers and importers of each class of tobacco products to which this chapter applies based on the percentage share of each manufacturer’s or importer’s share of gross domestic volume within such class on a quarterly basis, based on data for the second preceding quarter”.

(e) OTHER AMENDMENTS.—Section 919(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387s(b)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(3) by amending paragraph (6), as redesignated, to read as follows:

“(6) MEMORANDUM OF UNDERSTANDING; REPORTING.—

“(A) TRANSFER OF INFORMATION.—The Secretary shall request the appropriate Federal agency to enter into a memorandum of understanding that provides for the regular and timely transfer from the head of such agency to the Secretary of all necessary information regarding all tobacco product manufacturers and importers required to pay user fees. The Secretary shall maintain all disclosure restrictions established by the head of such agency regarding the information provided under the memorandum of understanding.

“(B) REPORTING.—

“(i) MANUFACTURER REPORTING.—The Secretary may require the manufacturers and importers of each class of tobacco products to which this chapter applies to submit such information, by such time, and in such manner, as the Secretary determines to be necessary to implement this section.

“(ii) REPORTS TO CONGRESS.—For fiscal year 2020 and each subsequent fiscal year for which fees are collected under this section, the Secretary shall, not later than 120 days after the end of the respective fiscal year, submit to the Congress financial and performance reports with respect to such fees.”.

(f) PROHIBITED ACT.—Section 301(q)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(q)(1)(B)) is amended by inserting “919(b)(6)(B),” before “or 920”.

SEC. 106. REGULATION OF PRODUCTS CONTAINING ALTERNATIVE NICOTINE.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall—

(1) not later than 1 year after the date of enactment of this Act, issue an interim final rule providing for the regulation of products containing alternative nicotine under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(2) not later than 2 years after such date of enactment, issue a final rule providing for such regulation.

(b) ALTERNATIVE NICOTINE.—In this section, the term “alternative nicotine” means nicotine that is not made or derived from tobacco plants and may include nicotine that is chemically synthesized, synthesized from recombinant genetic technology, or extracted from non-tobacco plants.

SEC. 107. UPDATE TO YOUTH TOBACCO PREVENTION PUBLIC AWARENESS CAMPAIGNS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall—

(1) review all public health awareness campaigns of the Department of Health and Human

Services designed to educate at-risk individuals about the harmful effects of tobacco use, including the use of e-cigarettes and other electronic nicotine delivery systems; and

(2) as applicable, modify such campaigns to include awareness and education materials designed for individuals who are 18 to 21 years of age.

(b) CONSULTATION.—In carrying out subsection (a), the Secretary of Health and Human Services may consult with medical and public health associations and nonprofit organizations.

SEC. 108. EXEMPTION FROM PREMARKET REVIEW OF CERTAIN TOBACCO PRODUCTS.

(a) IN GENERAL.—Section 910(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking “or”;

(B) in clause (ii), by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(iii) subject to subparagraph (C), for the period beginning on the date of the enactment of the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020 and ending on September 30, 2028, the tobacco product is a cigar and—

“(I) is wrapped in whole tobacco leaf;

“(II) contains a 100-percent leaf tobacco binder;

“(III) contains primarily long filler tobacco;

“(IV) does not have a characterizing flavor other than tobacco;

“(V) weighs more than 6 pounds per 1000 units;

“(VI) has no filter, tip, or non-tobacco mouthpiece;

“(VII)(aa) is made by combining manually the wrapper, filler, and binder and is capped by hand; or

“(bb) has a homogenized tobacco leaf binder and is made in the United States using human hands to lay the 100-percent leaf tobacco binder onto only one machine that bunches, wraps, and caps each individual cigar; and

“(VIII) has a retail price (after discounts or coupons) per cigar of no less than—

“(aa) for calendar years 2019 and 2020, \$12; and

“(bb) for each subsequent calendar year, \$12 multiplied by any percent increase in the Consumer Price Index for all urban consumers (all items; U.S. city average) since calendar year 2020.”; and

(2) by adding at the end the following:

“(C) DETERMINATION OF APPLICABILITY.—

“(i) IN GENERAL.—The Secretary shall, notwithstanding subparagraph (A)(iii) or any determination of substantial equivalence, if any of the conditions specified in clause (ii) are met—

“(I) withdraw any exemption applicable to a tobacco product or products described in such subparagraph;

“(II) require that applications for review under this section be submitted with respect to such product or products; and

“(III) require that manufacturers may only market such tobacco product after the issuance of an order under subsection (c)(1)(A)(i) with respect to such product or products.

“(ii) CONDITIONS.—The conditions specified in this clause are that—

“(I) the Secretary determines that the use of a tobacco product or products described in subparagraph (A)(iii) has resulted in an emerging public health threat;

“(II) data from a National Youth Tobacco Survey (or successor survey) conducted after the date of the enactment of the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020 identifies a rise in youth usage of tobacco products described in section 910(a)(2)(A)(iii); or

“(III) the Secretary determines that a tobacco product or products no longer meets the criteria specified in such subparagraph.”.

(b) NATIONAL ACADEMIES STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies shall conduct a study on—

(A) the public health impact of having tobacco products described in subsection (a)(2)(A)(iii) of section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j), as amended by subsection (a), exempt from premarket review under such section;

(B) the youth usage of such tobacco products; and

(C) the market share of such products.

(2) REPORT.—The agreement under paragraph (1) shall include a requirement that the National Academies of Sciences, Engineering, and Medicine submit to Congress, not later than December 31, 2026, a report on the findings of the study conducted under such paragraph.

SEC. 109. PUBLIC EDUCATION.

Section 906 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387f) is amended by adding at the end the following:

“(g) EDUCATION ON TOBACCO PRODUCTS.—

“(1) IN GENERAL.—Beginning not later than 6 months after the date of the enactment of the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs and in consultation with the Surgeon General of the Public Health Service, shall provide educational materials for health care providers, members of the public, and law enforcement officials, regarding—

“(A) the authority of the Food and Drug Administration with respect to the regulation of tobacco products (including enforcement of such regulation);

“(B) the general processes of the Food and Drug Administration for enforcing restrictions on the manufacture and sale of tobacco products;

“(C) the general enforcement actions the Food and Drug Administration may take to implement the prohibition on characterizing flavors in tobacco products under section 907(a)(1);

“(D) the public health impact of tobacco products with characterizing flavors; and

“(E) other information as the Secretary determines appropriate.

“(2) CONTENT.—Educational materials provided under paragraph (1) may include—

“(A) explanations of key statutory and regulatory terms, including the terms ‘tobacco product’, ‘component parts’, ‘accessories’, ‘constituent’, ‘additive’, ‘tobacco product manufacturer’, and ‘characterizing flavor’;

“(B) an explanation of the Food and Drug Administration’s jurisdiction to regulate tobacco products, including tobacco products with characterizing flavors under section 907(a)(1);

“(C) general educational information related to enforcement tools and processes used by the Food and Drug Administration for violations of the prohibition specified in section 907(a)(1);

“(D) information on the health effects of using tobacco products, including those with the characterizing flavors referred to in section 907(a)(1); and

“(E) information on resources available related to smoking cessation.

“(3) FORMAT.—Educational materials provided under paragraph (1) may be—

“(A) published in any format, including an internet website, video, fact sheet, infographic, webinar, or other format, as the Secretary determines is appropriate and applicable; and

“(B) tailored for the unique needs of health care providers, members of the public, law enforcement officers, and other audiences, as the Secretary determines appropriate.

“(4) FUNDING.—To carry out this subsection, there is authorized to be appropriated, and there is appropriated, out of any funds in the Treasury not otherwise appropriated, \$5,000,000 for each of fiscal years 2021 through 2025. Funds made available by the preceding sentence to carry out this subsection shall be in addition to funds that are derived from fees under section 919 and are otherwise made available to carry out this chapter.”.

SEC. 110. REGULATIONS FOR RECORDKEEPING CONCERNING TRACKING AND TRACING.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall promulgate the regulations required by section 920(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387t) in accordance with the following schedule:

(1) Not later than 1 year after the date of enactment of this Act, the Secretary shall issue proposed regulations.

(2) Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate final regulations.

TITLE II—FEDERAL TRADE COMMISSION

SEC. 201. ADVERTISING OF TOBACCO PRODUCTS.

(a) ADVERTISING OF ELECTRONIC NICOTINE DELIVERY SYSTEMS.—

(1) IN GENERAL.—It shall be unlawful—

(A) to market, advertise, or promote any electronic nicotine delivery system in a manner that appeals to an individual under 21 years of age; or

(B) to market, advertise, promote, or endorse, or to compensate any person for the marketing, advertising, promotion, or endorsement of, any electronic nicotine delivery system without clearly disclosing that the communication is an advertisement, unless the communication is unambiguously identifiable as an advertisement.

(2) ENFORCEMENT BY COMMISSION.—

(A) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of paragraph (1) shall be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(B) POWERS OF COMMISSION.—The Commission shall enforce paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such paragraph shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(3) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(A) IN GENERAL.—If the attorney general of a State has reason to believe a violation of paragraph (1) has occurred or is occurring, the attorney general, in addition to any authority the attorney general may have to bring an action in State court under the law of the State, may bring a civil action in any court of competent jurisdiction to—

(i) enjoin further such violation by the defendant;

(ii) enforce compliance with such paragraph;

(iii) obtain civil penalties in the same amount as may be obtained by the Commission in a civil action under section 5(m) of the Federal Trade Commission Act (15 U.S.C. 45(m)); or

(iv) obtain damages, restitution, or other compensation on behalf of residents of the State.

(B) NOTICE.—Before filing an action under subparagraph (A), the attorney general of a State shall provide to the Commission a written notice of such action and a copy of the complaint for such action. If the attorney general determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action, the attorney general shall provide written notice of the action and a copy

of the complaint to the Commission immediately upon the filing of the action.

(C) AUTHORITY OF FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—On receiving notice under subparagraph (B) of an action under subparagraph (A), the Commission shall have the right—

(I) to intervene in the action;

(II) upon so intervening, to be heard on all matters arising therein; and

(III) to file petitions for appeal.

(ii) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of paragraph (1) (referred to in this clause as the “Federal action”), no attorney general of a State may bring an action under subparagraph (A) during the pendency of the Federal action against any defendant named in the complaint in the Federal action for any violation of such paragraph alleged in such complaint.

(D) RELATIONSHIP WITH STATE-LAW CLAIMS.—

(i) PRESERVATION OF STATE-LAW CLAIMS.—Nothing in this section shall prevent the attorney general of a State from bringing an action under State law for acts or practices that also violate paragraph (1).

(ii) ASSERTION IN SAME CIVIL ACTION.—If the attorney general of a State has authority to bring an action under State law for acts or practices that also violate paragraph (1), the attorney general may assert the State-law claim and the claim for violation of such paragraph in the same civil action.

(E) ACTIONS BY OTHER STATE OFFICIALS.—In addition to civil actions brought by attorneys general under subparagraph (A), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under such subparagraph, subject to the same requirements and limitations that apply under this paragraph to civil actions brought by attorneys general.

(4) RULEMAKING AUTHORITY.—The Commission may promulgate regulations under section 553 of title 5, United States Code, to implement paragraph (1).

(b) REPORT TO CONGRESS ON TOBACCO PRODUCT ADVERTISING.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Commission shall submit to Congress a report relating to each category of products described in paragraph (2) (or a single report a portion of which relates to each such category) that contains the following:

(A) Information on domestic sales and advertising and promotional activity by the manufacturers that have the largest market shares of the product category.

(B) Such recommendations for legislation as the Commission may consider appropriate.

(2) PRODUCT CATEGORIES DESCRIBED.—The categories of products described in this paragraph are the following:

(A) Cigarettes.

(B) Cigars.

(C) Smokeless tobacco.

(D) Electronic nicotine delivery systems.

(c) PRESERVATION OF AUTHORITY.—Nothing in this section may be construed in any way to limit the Commission’s authority under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) CIGAR.—The term “cigar” means a tobacco product that—

(A) is not a cigarette; and

(B) is a roll of tobacco wrapped in leaf tobacco or any substance containing tobacco.

(2) CIGARETTE.—The term “cigarette” has the meaning given such term in section 900 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387).

(3) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(4) ELECTRONIC NICOTINE DELIVERY SYSTEM.—The term “electronic nicotine delivery system”

means a tobacco product that is an electronic device that delivers nicotine, flavor, or another substance via an aerosolized solution to the user inhaling from the device (including e-cigarettes, e-hookah, e-cigars, vape pens, advanced refillable personal vaporizers, and electronic pipes) and any component, liquid, part, or accessory of such a device, whether or not sold separately.

(5) **ENDORSE.**—The term “endorse” means to communicate an advertising message (including a verbal statement, demonstration, or depiction of the name, signature, likeness, or other identifying personal characteristics of an individual or the name or seal of an organization) that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by such party are identical to those of the sponsoring advertiser.

(6) **NICOTINE.**—The term “nicotine” has the meaning given such term in section 900 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387).

(7) **SMOKELESS TOBACCO.**—The term “smokeless tobacco” has the meaning given such term in section 900 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387).

(8) **TOBACCO PRODUCT.**—The term “tobacco product” has the meaning given such term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

TITLE III—PUBLIC HEALTH PROGRAMS

SEC. 301. OUTREACH TO MEDICALLY UNDERSERVED COMMUNITIES.

Section 399V of the Public Health Service Act (42 U.S.C. 280g–11) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) to educate and provide guidance to medically underserved communities, particularly racial and ethnic minority populations, regarding effective evidence-based strategies—

“(A) to prevent tobacco, e-cigarette, and nicotine addiction, including among youth; and

“(B) for smoking cessation, including cessation of the use of menthol-flavored tobacco products, and the cessation of the use of e-cigarettes and electronic nicotine delivery systems;”;

(2) in subsection (d)(1)(B), by inserting “, including chronic diseases related to and caused by tobacco use” after “diseases”; and

(3) in subsection (j), by striking “are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2014” and inserting “is authorized to be appropriated, and there is appropriated, out of any funds in the Treasury not otherwise appropriated, \$75,000,000 to carry out this section for each of fiscal years 2021 through 2025”.

SEC. 302. DEMONSTRATION GRANT PROGRAM TO DEVELOP STRATEGIES FOR SMOKING CESSATION IN MEDICALLY UNDERSERVED COMMUNITIES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317U (42 U.S.C. 247b–23) the following:

“SEC. 317V. DEMONSTRATION GRANT PROGRAM TO DEVELOP STRATEGIES FOR SMOKING CESSATION IN MEDICALLY UNDERSERVED COMMUNITIES.

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a demonstration program to award grants to, or contract with, State, local, or Tribal public health departments to support—

“(1) the development of improved evidence-based strategies for smoking cessation, including cessation of the use of menthol-flavored tobacco products, and the cessation of the use of e-cigarettes and electronic nicotine delivery systems, for populations in medically underserved com-

munities, particularly racial and ethnic minority populations;

“(2) the development of improved communication and outreach tools to reach populations in medically underserved communities, particularly racial and ethnic minority populations, addicted to tobacco products, including e-cigarettes and menthol-flavored tobacco products; and

“(3) improved coordination, access, and referrals to services for tobacco cessation and the cessation of the use of e-cigarettes and electronic nicotine delivery systems, including tobacco cessation products approved by the Food and Drug Administration and mental health and counseling services.

“(b) **APPLICATION.**—To be eligible to receive a grant under subsection (a), a State, local, or Tribal public health department shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there is authorized to be appropriated, and there is appropriated, out of any funds in the Treasury not otherwise appropriated, \$75,000,000 for each of fiscal years 2021 through 2025.”.

SEC. 303. PUBLIC AWARENESS, EDUCATION, AND PREVENTION CAMPAIGN.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 302, is further amended by inserting after section 317V the following new section:

“SEC. 317W. PUBLIC AWARENESS, EDUCATION, AND PREVENTION CAMPAIGN REGARDING TOBACCO.

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Surgeon General of the Public Health Service, shall develop and implement a national campaign to educate youth and young adults, parents, clinicians, health professionals, and others about the harms associated with the use by youth and young adults of tobacco products, including e-cigarettes.

“(b) **REQUIREMENTS.**—The campaign under this section shall—

“(1) be an evidence-based media and public engagement initiative;

“(2) be carried out through competitively bid contracts;

“(3) include the development of culturally and linguistically competent resources that may be tailored for communities with high rates of youth tobacco use;

“(4) be complementary to, and coordinated with, any other Federal efforts; and

“(5) include message testing to identify culturally and linguistically competent and effective messages for behavioral change.

“(c) **OPTIONAL COMPONENTS.**—The campaign under this section may include—

“(1) the use of—

“(A) television, radio, print, the internet, and other commercial marketing venues; and

“(B) in-person public communications; and

“(2) the award of grants to State, local, and Tribal public health departments to encourage partnerships with community organizations and health care providers to develop and deliver evidence-based strategies to prevent youth tobacco use.

“(d) **FUNDING.**—To carry out this section, there is authorized to be appropriated, and there is appropriated, out of any funds in the Treasury not otherwise appropriated, \$45,000,000 for each of fiscal years 2021 through 2025.”.

SEC. 304. TOBACCO CESSATION TREATMENT GRANTS TO HEALTH CENTERS.

(a) **IN GENERAL.**—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) by redesignating subsections (k) through (r) as subsections (l) through (s), respectively; and

(2) by adding after subsection (j) the following new subsection:

“(k) **TOBACCO CESSATION GRANTS.**—

“(1) **IN GENERAL.**—The Secretary may award grants to health centers to provide comprehensive tobacco cessation treatment, including counseling and tobacco cessation therapies.

“(2) **FUNDING.**—For the purpose of carrying out this subsection, in addition to other amounts available for such purpose, there is authorized to be appropriated, and there is appropriated, out of funds in the Treasury not otherwise appropriated, \$125,000,000 for each of fiscal years 2021 through 2025.”.

(b) **CONFORMING CHANGES.**—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (c)(3)(B), by striking “(k)(3)(J)” and inserting “(l)(3)(J)”;

(2) in subsection (e)(1)(B), by striking “(k)(3)” each place it appears and inserting “(l)(3)”;

(3) in subsection (l)(3)(H), as redesignated, by striking “or (p)” and inserting “or (q)”;

(4) in subsection (m), as redesignated—

(A) by striking “(k)(3)” and inserting “(l)(3)”;

and

(B) by striking “(m)” and inserting “(n)”;

(5) in subsection (q), as redesignated, by striking “(k)(3)(G)” and inserting “(l)(3)(G)”;

(6) in subsection (s)(2)(A), as redesignated—

(A) by striking “(k)(3)” and inserting “(l)(3)”;

and

(B) by striking “(k)(3)(H)” and inserting “(l)(3)(H)”;

“(1)(3)(H)”;

(7) in subsection (s)(3)(I), as redesignated, by striking “(q)(4)” and inserting “(r)(4)”.

(c) **TECHNICAL CORRECTIONS.**—

(1) Section 330(h)(5)(B) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(B)) is amended by striking “substance abuse” each place it appears and inserting “substance use disorder”.

(2) Subclause (II) of subsection (l)(3)(E)(i), as redesignated, of section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended by moving the indentation 2 ems to the left.

SEC. 305. GRANTS FOR RESEARCH.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

“SEC. 399V–7. GRANTS FOR RESEARCH ON PREVENTION, AND CESSATION, OF THE USE OF TOBACCO PRODUCTS.

“(a) **IN GENERAL.**—The Secretary shall award grants to support—

“(1) research to develop and improve effective strategies for prevention, and cessation, of the use of tobacco products, including—

“(A) cessation of the use of flavored combustible cigarettes, including menthol-flavored cigarettes;

“(B) cessation of the use of e-cigarette products; and

“(C) prevention and cessation strategies targeted toward youth; and

“(2) research to aid in the development of safe and effective tobacco cessation therapies, including therapies appropriate for populations under the age of 18.

“(b) **FUNDING.**—To carry out this section, there is authorized to be appropriated, and there is appropriated, out of any funds in the Treasury not otherwise appropriated, \$75,000,000 for each of fiscal years 2021 through 2025.”.

TITLE IV—NICOTINE OR VAPING ACCESS PROTECTION AND ENFORCEMENT

SEC. 401. INCREASING CIVIL PENALTIES APPLICABLE TO CERTAIN VIOLATIONS OF RESTRICTIONS ON SALE AND DISTRIBUTION OF TOBACCO PRODUCTS.

(a) **PENALTIES.**—Subparagraph (A) of section 103(q)(2) of the Family Smoking Prevention and Tobacco Control Act (21 U.S.C. 333 note) is amended to read as follows:

“(A) **IN GENERAL.**—The amount of the civil penalty to be applied for violations of restrictions promulgated under section 906(d), as described in paragraph (1), shall be as follows:

“(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

“(I) in the case of the first violation, \$0, together with the issuance of a warning letter to the retailer;

“(II) in the case of a second violation within a 12-month period, \$500;

“(III) in the case of a third violation within a 24-month period, \$1,000;

“(IV) in the case of a fourth violation within a 24-month period, \$4,000;

“(V) in the case of a fifth violation within a 36-month period, \$10,000; and

“(VI) in the case of a sixth or subsequent violation within a 48-month period, \$20,000 as determined by the Secretary on a case-by-case basis.

“(ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed—

“(I) in the case of the first violation, \$500;

“(II) in the case of a second violation within a 12-month period, \$1,000;

“(III) in the case of a third violation within a 24-month period, \$2,000;

“(IV) in the case of a fourth violation within a 24-month period, \$4,000;

“(V) in the case of a fifth violation within a 36-month period, \$10,000; and

“(VI) in the case of a sixth or subsequent violation within a 48-month period, \$20,000 as determined by the Secretary on a case-by-case basis.”

(b) **APPLICABILITY.**—The amendment made by subsection (a) applies with respect to a violation of a restriction promulgated under section 906(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387f(d)(1)), as described in section 103(q)(1) of the Family Smoking Prevention and Tobacco Control Act (21 U.S.C. 333 note), occurring on or after the day that is 6 months after the date of enactment of this Act. The penalties specified in section 103(q)(2)(A) of the Family Smoking Prevention and Tobacco Control Act (21 U.S.C. 333 note), as in effect on the day before the date of enactment of this Act, shall continue to apply to violations occurring before the day specified in the preceding sentence.

SEC. 402. STUDY AND REPORT ON E-CIGARETTES.

Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) complete a study on—

(A) the relationship of e-cigarettes to tobacco cessation;

(B) the perception of the harmful effects of e-cigarettes; and

(C) the effects of secondhand exposure to smoke from e-cigarettes; and

(2) submit to the Congress a report on the results of such study, including recommendations based on such results.

TITLE V—EXCISE TAX ON NICOTINE USED IN VAPING, ETC.

SEC. 501. IMPOSITION OF TAX ON NICOTINE FOR USE IN VAPING, ETC.

(a) **IN GENERAL.**—Section 5701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) **NICOTINE.**—On taxable nicotine, manufactured in or imported into the United States, there shall be imposed a tax equal to the dollar amount specified in section 5701(b)(1) (or, if greater, \$50.33) per 1,810 milligrams of nicotine (and a proportionate tax at the like rate on any fractional part thereof).”

(b) **TAXABLE NICOTINE.**—Section 5702 of such Code is amended by adding at the end the following new subsection:

“(g) **TAXABLE NICOTINE.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the term ‘taxable nicotine’ means any nicotine which has been extracted, concentrated, or synthesized.

“(2) **EXCEPTION FOR PRODUCTS APPROVED BY FOOD AND DRUG ADMINISTRATION.**—Such term

shall not include any nicotine if the manufacturer or importer thereof demonstrates to the satisfaction of the Secretary of Health and Human Services that such nicotine will be used in—

“(A) a drug—

“(i) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act; or

“(ii) for which an investigational use exemption has been authorized under section 505(i) of the Federal Food, Drug, and Cosmetic Act or under section 351(a) of the Public Health Service Act; or

“(B) a combination product (as described in section 503(g) of the Federal Food, Drug, and Cosmetic Act), the constituent parts of which were approved or cleared under section 505, 510(k), or 515 of such Act.

(3) **COORDINATION WITH TAXATION OF OTHER TOBACCO PRODUCTS.**—Cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco shall not be treated as containing taxable nicotine solely because the nicotine naturally occurring in the tobacco from which such product is manufactured has been concentrated during the ordinary course of manufacturing.”

(c) **TAXABLE NICOTINE TREATED AS A TOBACCO PRODUCT.**—Section 5702(c) of such Code is amended by striking “and roll-your-own tobacco” and inserting “roll-your-own tobacco, and taxable nicotine”.

(d) **MANUFACTURER OF TAXABLE NICOTINE.**—Section 5702 of such Code, as amended by subsection (b), is further amended by adding at the end the following new subsection:

“(r) **MANUFACTURER OF TAXABLE NICOTINE.**—

“(1) **IN GENERAL.**—Any person who extracts, concentrates, or synthesizes nicotine shall be treated as a manufacturer of taxable nicotine (and as manufacturing such taxable nicotine).

“(2) **APPLICATION OF RULES RELATED TO MANUFACTURERS OF TOBACCO PRODUCTS.**—Any reference to a manufacturer of tobacco products, or to manufacturing tobacco products, shall be treated as including a reference to a manufacturer of taxable nicotine, or to manufacturing taxable nicotine, respectively.”

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to articles manufactured or imported in calendar quarters beginning more than 90 days after the date of the enactment of this Act.

(2) **TRANSITION RULE FOR PERMIT AND BOND REQUIREMENTS.**—A person which is lawfully engaged in business as a manufacturer or importer of taxable nicotine (within the meaning of subchapter A of chapter 52 of the Internal Revenue Code of 1986, as amended by this section) on the date of the enactment of this Act, first becomes subject to the requirements of subchapter B of chapter 52 of such Code by reason of the amendments made by this section, and submits an application under such subchapter B to engage in such business not later than 90 days after the date of the enactment of this Act, shall not be denied the right to carry on such business by reason of such requirements before final action on such application.

TITLE VI—FURTHER HEALTH INVESTMENTS

SEC. 601. WAIVING MEDICARE COINSURANCE FOR COLORECTAL CANCER SCREENING TESTS.

Section 1833(a) of the Social Security Act (42 U.S.C. 1395(a)) is amended—

(1) in the second sentence, by striking “section 1834(0)” and inserting “section 1834(o)”;

(2) by moving such second sentence 2 ems to the left; and

(3) by inserting the following third sentence following such second sentence: “For services furnished on or after January 1, 2024, paragraph (1)(Y) shall apply with respect to a colorectal cancer screening test regardless of the

code that is billed for the establishment of a diagnosis as a result of the test, or for the removal of tissue or other matter or other procedure that is furnished in connection with, as a result of, and in the same clinical encounter as the screening test.”

SEC. 602. SAFE HARBOR FOR HIGH DEDUCTIBLE HEALTH PLANS WITHOUT DEDUCTIBLE FOR CERTAIN INHALERS.

(a) **IN GENERAL.**—Section 223(c)(2)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking “for preventive care” and inserting “for one or more of the following:

“(i) Preventive care”, and

(2) by adding at the end the following new clause:

“(ii) Inhalers or nebulizers for treatment of any chronic lung disease (and any medicine or drug which is delivered through such inhaler or nebulizer for treatment of such disease).”

(b) **CONFORMING AMENDMENT.**—The heading for section 223(c)(2)(C) of such Code is amended by striking “PREVENTIVE CARE DEDUCTIBLE” and inserting “CERTAIN DEDUCTIBLES”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 90 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Energy and Commerce and the Committee on Ways and Means.

The gentleman from New Jersey (Mr. PALLONE), the gentleman from Oregon (Mr. WALDEN), the gentleman from Massachusetts (Mr. NEAL), and the gentleman from Texas (Mr. BRADY) each will control 22½ minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to speak in support of H.R. 2339. This bill provides a comprehensive approach to address the youth tobacco epidemic that has unfolded before our eyes in recent years.

The numbers are disturbing. About 6.2 million American middle and high school students used some type of tobacco product last year, and one in every three high school students have used a tobacco product in the last 30 days. These numbers should alarm us all, especially as we have worked so hard and invested so much to ensure the next generation doesn't face the same type of tobacco-related disease and death as those that have preceded them.

It is clear the tobacco industry has employed the same tactics that they have used for decades to hook young people on new versions of their products in order to generate new customers that will be addicted for life. E-cigarette manufacturers like Juul have used slick product designs, glossy advertisements, and sweet flavors to appeal to kids. The rapid rise of products like these have reversed the progress we have made in slowing youth tobacco use.

In fact, the Centers for Disease Control and Prevention found that e-cigarette use by high school students has increased by 78 percent between 2017

and 2018. Young people have said that kid-friendly flavors like bubble gum, chocolate, cotton candy, and mango are the driving force behind why they say they began using e-cigarettes in the first place.

There is also evidence that kids perceive flavored tobacco products to be less harmful than nonflavored alternatives. And flavors mask the harshness and flavor of the tobacco, causing young and adult smokers to smoke more, not less.

But e-cigarettes are not the only contributor to the youth tobacco epidemic. Research has shown that menthol-flavored cigarettes have contributed to the increased number of young people smoking. In 2019, nearly half of middle and high school students who were currently smoking used menthol cigarettes.

Congressional action is necessary today because President Trump broke his promise to clear the market of flavored e-cigarettes. The administration's proposal created giant loopholes, leaving a myriad of disposable and open tank e-cigarette systems on the market that continue to attract kids, as well as menthol-flavored products.

While it is important for us to increase the minimum age to purchase tobacco products from age 18 to 21, which we did, the surge in youth tobacco usage cannot be reversed just by increasing the age alone. In order to fully combat this crisis, we need a multipronged approach that tackles all of the reasons and ways that kids are using these products, and H.R. 2339 is the solution that we need.

This bill prohibits all flavors that are so popular among kids. It updates and extends existing marketing and advertising restrictions for combustible tobacco products to all tobacco products, including e-cigarettes. It restricts the purchase of most tobacco products to only face-to-face settings and makes it explicitly unlawful to market, advertise, or promote any e-cigarette product to individuals under the age of 21. It also invests \$2 billion in Federal resources in cessation support prevention in medically underserved populations, including racial and ethnic minorities, supplying tobacco cessation therapies and counseling in community health centers, and funding new strategies for cessation of menthol tobacco products.

We are proud to have the support of more than 100 organizations, including the Campaign for Tobacco-Free Kids, the American Lung Association, the American Academy of Pediatrics, the American Heart Association, the American Cancer Society, the NAACP, and the National Medical Association.

Madam Speaker, we have to take decisive action in order to prevent losing the next generation of our kids to a lifetime of nicotine addiction. We have to pass this bill, and I urge all of my colleagues to join us in supporting the legislation.

Madam Speaker, I reserve the balance of my time

Mr. WALDEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my colleague from the Energy and Commerce Committee and I do disagree on this bill.

Every Member in this Chamber is concerned, and rightfully so, about the rise in youth tobacco use. We all know this: Smoking is harmful, and we must do what we can to prevent use by children and adolescents.

This is a goal that we share as Republicans and Democrats and with President Trump, which is why we have worked together to address the increase in youth tobacco use by making it illegal for anybody under the age of 21 to buy these products. We have done that together. We have passed that. It is now law.

The use of traditional tobacco products by children has actually declined over the last decade. In fact, the surge in tobacco use in recent years has been caused by one thing, and that is the emerging popularity of e-cigarettes, vaping. The use of e-cigarettes increased from 3.6 million youth users in 2018 to 5.4 million last year. That increase is truly alarming. But that is not what this bill addresses.

We addressed youth vaping when we raised the age to 21 to be able to buy these tobacco products. Most children were acquiring e-cigarettes through social sourcing. So, what does that mean? This occurs in high schools where kids who are over 18 at that time would acquire the products and then resell them to kids who were under 18. That is what was going on. By moving the legal age to 21, we have closed that loophole.

We unanimously passed legislation requiring online retailers to verify age at the time of sale and delivery. That bill is still awaiting the Senate's action, but I think it demonstrates that we did come together in a bipartisan way to address this problem.

Now the legislation before us goes much further than most of us can support, because what it does is make legal products for adults illegal. Now, I am not a smoker, I am not a chewer, I don't do any of that stuff, but I know a lot of people who do. And they use these products as adults, and these flavored products will be banned under this law. So if you do chew, if you do smoke, if you use these menthol cigarettes or menthol chew or something, and you are an adult, this legal product today will be illegal if this bill were to become law.

Now, meanwhile, the majority Democrats have refused to address another issue that is a big problem in my communities and my schools. Marijuana-based products can still be flavored, and they are not covered by this legislation. Now, they will say, oh, that is illegal in America anyway. Well, we all know states like Oregon and others that have passed these rules, nobody is enforcing the law against marijuana, it is Federal.

But what we do have is literally products named CannaKids grape flavor. Another one over here CannaKids. This is what is happening. They are using these products mixed with acetate vitamin E oil to cut it with cannabis products, THC products, and they are vaping those. That is left out of this legislation. So you can't go to the store and get your snuff and chew that or whatever you do with it if it is menthol, but you can still go to the pot store and get this. That makes no sense to me.

Madam Speaker, I reserve the balance of my time

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Ms. CLARKE), the vice chair of our committee.

Ms. CLARKE of New York. Madam Speaker, I thank the gentleman for yielding me time to address this very important issue.

I rise today in the best interests of the American people, the African American community, and my constituents.

I include in the RECORD this letter from the ACLU about the concerns of H.R. 2339, Reversing the Youth and Tobacco Epidemic Act.

FEBRUARY 27, 2020.

Re Coalition Concerns with Blanket Prohibition on Menthol and Other Flavored Tobacco within H.R. 2339, Reversing the Youth Tobacco Epidemic Act.

Hon. FRANK PALLONE,
Chairman, House Committee on Energy and Commerce, Washington, DC.

The undersigned civil rights and civil liberties organizations write to express concerns with a broad prohibition on menthol and other flavored tobacco products within H.R. 2339, the Reversing the Youth Tobacco Epidemic Act of 2019. While this legislation is a well-intended effort to address health issues associated with tobacco use among youth, we have concerns that a blanket prohibition on menthol and other flavored tobacco products, which will apply to adults, will (1) disproportionately impact people and communities of color; (2) trigger criminal penalties, prioritizing criminalization over public health and harm reduction; and (3) instigate unconstitutional policing and other negative interactions with local law enforcement.

I. H.R. 2339 DISPROPORTIONATELY IMPACTS PEOPLE AND COMMUNITIES OF COLOR

Of adults, approximately 80 percent of Blacks and 35 percent of Latinx who choose to smoke prefer menthol cigarettes. Thus, any ban on menthol cigarettes will disproportionately affect people of color. While H.R. 2339 and similar legislation are often motivated by the desire to decrease and eliminate smoking among certain populations, Blacks and other people of color should not disproportionately bear the brunt of enforcement of such prohibitions, which a menthol ban would ensure.

Similarly, enforcement of a ban on flavored cigars will also disproportionately impact people of color given cigar preferences. Black adults are 60% of cigarillo and nonpremium cigar smokers, with these products often flavored. Additionally, at Committee markup, H.R. 2339 was amended to exempt certain traditional, expensive cigars from a prohibition of online tobacco sales. There is no justification for differentiating a La Palina from a Black and Mild. Making this

distinction undermines the public health arguments made for this bill and suggests that some tobacco preferences, within certain communities, will be prioritized and protected over others.

II. H.R. 2339 INCREASES CRIMINAL PENALTIES OVER PUBLIC HEALTH

H.R. 2339 prohibits menthol and other flavored tobacco products under the Food, Drug, and Cosmetic Act (FD&C Act). This prohibition criminalizes the manufacturing, importing, distributing, or selling of menthol and other flavored tobacco products under the FD&C Act, imposing up to three years of imprisonment. Violating a menthol and flavored tobacco ban would implicate other federal criminal penalties as well. For example, the Federal Cigarette Contraband Trafficking Act would be implicated, allowing up to five years of imprisonment.

With a criminal legal system that incarcerates Blacks at nearly six times the rate of white Americans and a prison population that is 67 percent Black and Latinx, any prohibition on menthol and flavored tobacco products promises continued overcriminalization and mass incarceration of people of color. A ban on menthol and flavored tobacco products could reintroduce many of the harms imposed by the failed war on drugs as lawmakers work to legalize cannabis and take a public health approach to opioids. A bill criminalizing tobacco is contrary to those efforts. Righting the wrongs of earlier failed drug policy requires consideration of the unintended consequences of well-intentioned policies, especially on the most vulnerable communities. It also requires us to remember that harm reduction, including education and counseling, are what work to reduce usage and harm in our society, not prohibition.

III. H.R. 2339 ENCOURAGES HARMFUL POLICE PRACTICES

Recent history shows us that drug prohibitions and bans increase negative interactions between law enforcement and people of color. The New York Police Department's (NYPD) stop and frisk program resulted in nearly 700,000 stops in 2011, with drugs serving as the alleged pretext for most of those stops. Ninety percent of those stops were of Black and Latinx people. We are concerned that law enforcement's attempts to enforce a menthol and flavored tobacco ban will undoubtedly lead to fines, arrests, and eventual incarceration for those who continue to use and sell menthol and flavored tobacco products. While the legislation was amended at Committee to try to minimize law enforcement practices here, it only applies in the context of federal enforcement of the FD&C Act; it does not govern local enforcement around any state and city prohibition policies that will follow.

The death of Eric Garner in 2014 generated national attention not only for the brutality he experienced at the hands of NYPD police, but for the reason that led to the encounter with law enforcement. Mr. Garner died from an illegal chokehold having been stopped by police for selling single cigarettes in violation of state law. Gwendolyn Carr, Eric Garner's mother, cautions: "When you ban a product sold mostly in Black communities, you must consider the reality of what will happen to that very same overrepresented community in the criminal justice system." With a federal prohibition on menthol and flavored tobacco products, states will develop their own prohibition and enforcement policies that could result in harmful police practices like that witnessed with Mr. Garner.

Based on our concerns, we urge you to not impose a blanket ban on menthol and related tobacco products. A prohibition on all men-

thol and flavored tobacco products will not achieve a public health goal of reducing smoking among Black people, young people, or others. We hope we can work together to avoid repetitions of policies that are intended to protect youth and communities of color, but instead only further engrain systemic criminalization and racism.

Sincerely,

American Civil Liberties Union, Center for Popular Democracy, Drug Policy Alliance, Friends Committee on National Legislation, Law Enforcement Action Partnership, National Action Network, National Association of Criminal Defense Lawyers.

□ 0930

Ms. CLARKE of New York. While it is indeed a health imperative to reduce and eliminate the use of tobacco products in our society, I would like to recognize the inequity, potential harm, and unintended consequences of a ban on menthol combustible products within the Reversing the Youth Tobacco Epidemic Act.

This bill's purpose is to curb youth tobacco usage by banning flavored tobacco products, more specifically ending the scourge of youth vaping in our Nation and the flavored products used to attract young people to its use.

However, this legislation has dire, unintended consequences for African American users, the overwhelming majority of which are over the age of 21.

It does not treat all flavored tobacco products equally, exempting premium cigars preferred by White smokers, yet banning menthol cigarettes. Menthol is the preferred flavor of African American tobacco users, used by 90 percent of Black tobacco users.

While I would love to assume the best intentions of all parties of this legislation and hope for the best in regard to law enforcement, lived experiences demand caution.

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

Mr. PALLONE. Madam Speaker, I yield an additional 30 seconds to the gentlewoman.

Ms. CLARKE of New York. Madam Speaker, as a result of this asymmetric ban, law enforcement would have an additional reason to stop and frisk menthol tobacco users because menthol would be considered illegal under this ban.

Having said that, I cannot support H.R. 2339 due to the potentially dire consequences that would create additional stop and frisk opportunities of African Americans and the constituents I took an oath to protect.

I really believe that this is a health imperative, and if that is the case, the ban should be on all tobacco products and would be the best answer. Unfortunately, this bill does not do that.

Mr. WALDEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend my colleague for her comments and putting this letter into the RECORD. She is absolutely right, according to the ACLU, the National Association of Social Workers, the Law Enforcement Action

Partnership. They say in this letter: "Any ban on menthol cigarettes will disproportionately affect people of color."

They go on to talk about how other criminal laws will be affected under this act, including those that could lead, their concern, to the sort of stop and frisk that occurred in New York in the Eric Garner case that they cite in this letter.

Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FLORES).

Mr. FLORES. Madam Speaker, I thank Mr. WALDEN for yielding.

Madam Speaker, I rise in strong opposition to H.R. 2339, a bill that bans all flavors of all tobacco products while imposing a new excise tax on vaping products.

Let me start by saying this: I don't smoke. I don't chew. I don't vape. And I don't dip. But I do represent adult constituents who do.

Bills like this make it clear that House Democrats are more interested in placing partisan politics over real solutions.

Since 2011, the share of high school students who say they have smoked cigarettes recently has fallen from 16 percent to 6 percent. More than 2.5 million U.S. adult smokers have quit smoking by switching to e-cigarettes, and many rely on flavored e-liquids.

If flavored e-cigarettes are outright banned and e-cigarettes have increased taxes, as this bill does, many of these ex-smokers will return to traditional cigarettes while others will be forced into the dangerous e-cigarette black market that this legislation creates.

Let's be clear: Science proves that e-cigarettes are safer than traditional smoking.

Both Congress and President Trump have taken important steps to address the youth vaping epidemic. Unfortunately, today's legislation has nothing to do with the youth vaping epidemic and would instead eliminate consumer choice for millions of law-abiding adults.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. CRAIG).

Ms. CRAIG. Madam Speaker, I thank the chairman for his time and especially for his leadership on this issue.

The tobacco industry has targeted our kids for too long, and we have a moral responsibility to act. E-cigarette usage among middle and high school students is a public health crisis. The industry's targeting of our children has resulted in the highest rate of tobacco usage in 20 years as a new generation is addicted to nicotine.

It is all disguised by the 15,000 flavors, like mint, mango, and cotton candy, developed to cover up the unpleasant harshness affiliated with tobacco use.

This is absolutely unacceptable. As a mother, I have survived middle school four times with four sons, and three have now finished high school. I have

seen how rampant and widespread vaping has become in our Nation's schools. Parents and schools need our help.

Madam Speaker, my colleagues and I must stand up to the industries responsible for this epidemic. Public health—more importantly, our children's health—depends on it.

Madam Speaker, I strongly support and urge my colleagues to support this bill.

Mr. WALDEN. Madam Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. HUDSON), a distinguished member of the Energy and Commerce Committee.

Mr. HUDSON. Madam Speaker, we have a crisis of youth vaping, and we have seen a disturbing number of lung injuries and deaths tied to the oil used in marijuana vaping, but this bill does nothing to impact either. In fact, Republicans offered an amendment in committee to ban flavored marijuana vaping, the root cause of lung injuries and deaths, and every single Democrat voted "no."

The fact is, working with President Trump, this Congress has already taken major bipartisan actions to combat the youth vaping epidemic. We have already raised the age to purchase tobacco products to 21; the President banned flavors in e-cigarettes; and the House passed legislation to require an ID check at every tobacco point of sale. Clearly, there is bipartisan support on this issue. Unfortunately, this is not what we are voting on today.

The bill before us today is a partisan publicity stunt. This bill is not about youth vaping. This bill is the worst example of Big Brother, liberal elites telling the rest of us how to live our lives.

They say tobacco vaping, a safer alternative to smoking, is bad, but marijuana vaping, the root cause of injury and death, is okay.

The \$100 cigars that their liberal elite campaign donors smoke, those are okay, but cheaper cigars and menthol cigarettes smoked by working men and women in this country, those would be banned.

You can vape flavored marijuana in San Francisco, but they are going to take away your flavored dip in Scranton.

Let's set aside this partisan overreach and continue to work together to solve this crisis, to deal with the real root causes.

This is not a public health response to an epidemic. It is Big Government, liberal elites telling adults what they can and cannot do.

Madam Speaker, I urge my colleagues to vote "no."

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who chairs our Consumer Protection and Commerce Subcommittee.

Ms. SCHAKOWSKY. Madam Speaker, I thank the chairman for yielding.

This certainly is an issue of consumer protection.

I rise in support of this bill so that we can take action to end the youth tobacco epidemic before it claims any more lives.

Prohibiting flavors that attract youngsters across the board, we need to eliminate these flavors that are really the thing that attracts them the most. We can take that step to ensure that more youth do not get addicted to nicotine and tobacco.

In addition to fruity flavors, menthol plays a significant role in attracting kids to cigarettes. By cooling and numbing the throat, menthol makes it easier to hook kids on smoking. Over half of all youth who smoke cigarettes smoke menthol cigarettes, compared to less than one-third of adult smokers.

The NAACP, the National Medical Association, the Black Women's Health Imperative, and many other organizations are supporting this legislation and voicing their approval of the legislation.

There is no public health justification for removing menthol tobacco products from the flavor prohibition in this bill.

Big Tobacco is trying to divert our attention from that by raising questions of criminal justice that we have gone above and beyond to protect against in this bill.

We don't want to create a whole new generation of people addicted to nicotine; that is the intention of the tobacco industry.

Let's keep our focus and pass this legislation for our kids.

Mr. WALDEN. Madam Speaker, I yield myself such time as I may consume.

I want to point out again that if you want to do something about kids, if you want to do something about lung disease, then we need to do something about marijuana and the oils it gets mixed with that this bill does not address.

These are literally named CannaKids—CannaKids, flavors. What does this one say? Liquid Black Cherry, DOPE.

They voted that down when we tried to put this in the bill to ban it. If you are going to ban something, let's ban something kids are using. But, no, we let the marijuana products go forward.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, we all agree that the current youth vaping trend is cause for concern, and we must evaluate strategies to prevent young people from using e-cigarettes and tobacco products. But this bill does nothing to address the youth vaping epidemic or the use of illicit products that have been linked to the outbreak of lung illnesses as just described by our ranking member.

That is why this body has taken steps to address this issue, including passing legislation to raise the minimum age to buy tobacco products from 18 to 21.

But the flavored tobacco ban and excise tax increase act is a textbook example of Federal overreach. H.R. 2339 would instead ban all flavors for all tobacco products and impose a new excise tax on nicotine used in vaping.

I find it confusing that many of my colleagues who support banning these tobacco products also support legalizing marijuana. Where is the common sense in this House?

Instead of putting a partisan, overreaching bill on the floor, Democrats should work with Republicans on bipartisan solutions that actually address the youth vaping epidemic that we are going to talk about here probably the entire time we are debating this issue.

Mr. WALDEN. Madam Speaker, I would inquire how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Oregon (Mr. WALDEN) has 13 minutes remaining. The gentleman from New Jersey (Mr. PALLONE) has 14 minutes remaining.

Mr. PALLONE. Madam Speaker, I want to say that Ms. PELOSI has been so much out front on trying to move this bill and always thinks of herself as a mom or, as she says, a grandmother first, and that is why she so cares about the children.

Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), our Speaker.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding, for his kind words about calling me a mom, as that is the greatest thrill of my life, now grandmother as well.

I very much thank the chairman, Mr. PALLONE, for his leadership in bringing this legislation to the floor. It is so important for our children.

Madam Speaker, to Mr. RICHARD NEAL, I thank him for the role that the Ways and Means Committee played in this as well. I want to acknowledge and thank Mr. TOM SUOZZI for the work that he did on the tax piece in here, and also DONNA SHALALA, who knows so much about this subject in so many capacities that she has served our government and our children, as well as KAREN BASS, the chair of the Congressional Black Caucus.

When people ask me what are the three most important issues facing Congress, now for 30 years or so in Congress, I have always said the same thing: our children, our children, our children; their health; their education; the economic security of their families; a safe, clean environment in which they can thrive; a world at peace in which they can reach their fulfillment.

□ 0945

It is all about the children. It is all about their future.

Today, I rise to join my colleagues to take urgently needed action to confront the growing youth tobacco crisis, which is, in the words of the U.S. Surgeon General, an "epidemic."

This is legislation to protect our children, and I thank Mr. PALLONE and Mr. NEAL for their leadership here.

Today, corporations are waging a brazen special interest campaign to addict our children to e-cigarettes. Last year, more than 5 million middle school and high school students were using e-cigarettes, up from 3.6 million just last year, and more than 3 million more than 2 years ago, according to the Centers for Disease Control. Nearly 1 million children are using e-cigarettes every day.

Earlier today, we all met Abby, a high school student from Kentucky, and several other students, parents, and teachers who shared their stories. Abby spoke about how she was just a freshman—she is 15 now, but she was just a freshman when her friends offered her an e-cigarette at her first high school football game.

She quickly became addicted and started spending birthday money and babysitting cash to pay for e-cigarettes that older friends in high school would buy. She tried to quit, but headaches and other painful symptoms of withdrawal prevented her. Only when her supply was cut off was she able to stop.

Abby said that she never would have tried a traditional cigarette, which she and her peers considered “harmful and disgusting,” but they just did not know the facts about e-cigarettes, which Big Tobacco had designed to specifically target and addict millions of young people like her.

Youth tobacco use is a serious public health crisis that is endangering young people like Abby.

Today, I also met with the pediatrician Dr. Falusi, representing 67,000 pediatricians, members of the American Academy of Pediatrics. This is what Dr. Falusi said: “The teenage brain is still developing, and symptoms of dependence can appear within days of first use. These products quickly deliver high levels of nicotine, so addiction can happen fast. Adolescents often have no idea how much nicotine they’re getting from each hit.

“In the short term, we’ve seen compromised lung function and asthma exacerbations as well as seizures and respiratory distress, but we still don’t know the long-term health effects of e-cigarette use. That should alarm us all.”

Dr. Falusi went on to say: “Pediatricians have seen this addiction in our own patients. We receive frantic calls from parents whose children don’t know how to stop using. We’ve even heard of teens who sleep with the e-cigarette under their pillow at night because they want to use them as soon as they wake up to vape.

We also heard from our distinguished colleague, Mr. RUIZ, who will be speaking—so I won’t quote him—and Dr. SCHRIER, the Congresswoman from Washington State, a pediatrician, speaking on this subject.

With this bill, we are protecting the health of millions of young people who are at risk from Big Tobacco’s deadly products.

Most importantly, this bill blocks the manufacture and sale of all fla-

vored tobacco products, including flavored e-cigarettes. Studies show that 7 out of 10 users of e-cigarettes do so because they come in flavors like gummy bear and mango.

This ban also covers menthol cigarettes—which more than half of youth smokers and 7 in 10 African American youth smokers smoke.

This bill, therefore, helps ensure justice and reduces health disparities. The National Medical Association, the association for African American doctors; NAACP; National Black Nurses Association; African American Tobacco Control Leadership Council; Association of Black Cardiologists; Black Women’s Health Imperative; and many other associations have put out this call for action from this Congress.

They said: “Today, the tobacco industry is using e-cigarettes to hook a new generation with flavors like bubble gum, mint, mango—and menthol. It’s a public health crisis affecting over 5.3 million kids.”

“Congress,” it says, “End the sale of all flavored tobacco products, including menthol cigarettes and flavored e-cigarettes. Support H.R. 2339 to protect our kids.”

Again, that is from the NAACP, National Black Nurses Association, National Medical Association, Black Women’s Health Imperative, Association of Black Cardiologists, and the African American Tobacco Control Leadership Council.

Madam Speaker, they joined scores of other organizations who are representing communities of color and otherwise.

I include in the RECORD a flyer from the Tobacco-Free Kids Action Fund.

BIG TOBACCO HAS NO PROBLEM TARGETING
AFRICAN AMERICAN COMMUNITIES
BUT CONGRESS SHOULD HAVE A PROBLEM WITH
IT

For decades, Big Tobacco has targeted African Americans with menthol cigarettes, with devastating consequences. Menthol cigarettes have addicted generations of African Americans, resulting in high death rates from lung cancer, heart disease, stroke and other smoking-related illnesses. Seven out of ten African American youth smokers smoke menthol, making them more likely to become addicted smokers.

Today, the tobacco industry is using e-cigarettes to hook a new generation with flavors like bubble gum, mint, mango—and menthol. It’s a public health crisis affecting over 5.3 million kids.

Congress: End the sale of all flavored tobacco products, including menthol cigarettes and flavored e-cigarettes. Support H.R. 2339 to protect our kids.

Paid for by Tobacco-Free Kids Action Fund
Ms. PELOSI. Madam Speaker, the bill protects our communities with other strong steps, including prohibiting companies from marketing e-cigarettes to youth under age 21. Ninety-five percent of adult smokers start before age 21, and those who do not begin smoking by their early twenties are unlikely to start.

Group after group is demanding action. More than 75 organizations—from the American Academy of Pediatrics to

the American Federation of Teachers, to the National Association of School Nurses, to the Society of Thoracic Surgeons—recently wrote: “This legislation will address the current youth e-cigarette epidemic that is undermining the progress made in reducing youth tobacco use.”

We had all of the tobacco-free kids there lined up in their T-shirts. These little children know better than some of us in this Chamber how dangerous these e-cigarettes are to our young children, especially those in middle school who are so very young and that we see evidence of.

Now, let me just say, in our own community in San Francisco, Juul came in with a proposal, and they were selling it as if this is the way we are going to stop young children from smoking. We are going to have them smoke e-cigarettes, and we are going to do this and that. It was a total fraudulent campaign. Some of us just stepped forward and said: This is wrong.

But I wish some of you could see the ads that they sent to our homes, as if they were the saviors of children instead of the addicts of children, putting them on a path to tobacco use.

So there is a lot of money involved here from the tobacco industry, and we have to weigh the equities in favor of children and not in favor of profits for the tobacco industry for a long time to come.

Madam Speaker, I urge our colleagues to vote for this legislation. We cannot stand by while tobacco companies entice a new generation of young people into a lifetime of nicotine addiction and preventable death.

Congress must act for young people like Abby and millions of others exposed to the scourge of tobacco. I urge a strong bipartisan vote. I thank so many of our Members who have taken the lead on protecting our children, our children, our children.

Mr. WALDEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to point out the administration, in their opposition to this legislation, reminds us that, in January of 2020, the administration issued guidance to prioritize enforcement against the unauthorized marketing of certain vaping products to youth.

The FDA is conducting regular surveillance and, when appropriate, taking enforcement measures against websites, social media, and other publications that advertise regulated tobacco products.

And the Speaker knows, the President signed into law the ban against these products being sold to anyone 21 and under. So we agree that it is about the children. We believe Congress has acted in this measure. This bill is about adults.

Madam Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Ms. FOXX), the top Republican on the Education and Labor Committee.

Ms. FOXX of North Carolina. Madam Speaker, I thank my colleague for yielding.

Madam Speaker, I rise in opposition to H.R. 2339. While I don't doubt the majority's sincere interest in reducing nicotine use among minors, this bill is a premature and poorly thought-out attempt to do so.

Instead of building on bipartisan efforts to address teenage smoking, such as raising the age to purchase tobacco to 21, H.R. 2339 broadly overreaches and contains provisions that would unacceptably restrict the choice of adult consumers. It would have a negligible impact on teenage tobacco use and, instead, could actually increase the use of illicit and more dangerous tobacco products.

As my colleagues have pointed out this morning, most on the other side of the aisle favor legalizing marijuana, which has proven to be harmful and leads to worse drugs, but will vote for this bad bill. If one is concerned about teenagers, don't push marijuana.

This bill does nothing to address the actual injuries we do see from vaping products, which are typically associated with illegal THC vapor products and not the products covered under H.R. 2339.

This is a bad bill, and I urge my colleagues to vote "no."

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. RUIZ), a member of our committee.

Mr. RUIZ. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I am an emergency physician trained in humanitarian disaster aid and a public health expert, and I represent California's 36th Congressional District.

As a doctor, I am all too familiar with the devastation that addiction to nicotine can cause, devastation such as strokes, heart attack, COPD, and patients coming in with 100 percent oxygen because they can't breathe without it. I have seen, firsthand, the health decline in patients who tried nicotine as teenagers, who got addicted and never quit.

When we talk about vaping, we need to make sure we identify three different problems:

One is the problem of the acute respiratory distress syndrome, that caused by open containers where they can mix different types of chemicals, including THC, that have the vitamin E oils that can cause severe lung damage that requires lung transplant. That is one issue.

Another issue is whether or not there is a public benefit or whether or not vaping is safe. It is not. That is a general conversation.

This bill addresses the third issue, which is that kids using these products are getting addicted at an alarming rate. The number of kids using these products is disturbing to me as a Member of Congress, as a physician, and as a parent of two young kids.

From 2017 to 2019, e-cigarette use doubled among high school students and tripled among middle school students. There are 5 million kids using e-cigarettes today, an increase of 3 million in just 2 years, and the health effects of these are real and dangerous.

Cigarettes, no doubt, are the deadliest form of tobacco. No tobacco product, however, is safe. Vape aerosol contains some of the same chemicals found in cigarette smoke: chromium, formaldehyde, lead, nickel, and tin.

Nicotine use changes an adolescent's brain cell activity affecting attention, learning, behavior, and memory function.

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

Mr. PALLONE. Madam Speaker, I yield the gentleman from California an additional 1 minute.

Mr. RUIZ. Madam Speaker, research shows that you are more likely to start smoking cigarettes if you vape, and using nicotine at an early age means you are more likely to be addicted for life.

So we need to address and pass H.R. 2339, the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2019, because it will help us reach the objective of reducing the youth vaping epidemic.

This bill also contains my bill, the NO VAPE Act, which will crack down on retailers who sell these products to underaged youth.

It is my job as a public health expert and it is our job as Members of Congress to ensure measures are put in place to prevent more Americans from getting hooked on nicotine at an early age. So I urge a vote on H.R. 2339, Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2019, for the sake of our children and our public's health.

Mr. WALDEN. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BISHOP).

Mr. BISHOP of North Carolina. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, H.R. 2339 will hurt farmers in North Carolina, disrespect the free choice of Americans—especially African Americans—and do nothing to advance public health.

The uncertainty this bill will create serves no legitimate purpose and will hurt 1,300 hard-pressed, hardworking farmers all across North Carolina.

Why are Democrats so dismissive of the interest of farmers and the challenges they face?

Consider this: Nearly 30 percent of adult tobacco users report flavored tobacco use.

□ 1000

Almost nine in ten adult African American smokers choose menthol. This bill would ban them all.

How can you not only dismiss but discriminate against their adult choices?

Do you really expect that no black market will emerge to cater to those choices?

Have you considered the harms that will result from that?

Kids shouldn't use tobacco, nor, in my opinion, should adults, but more bureaucracy, trampling arbitrarily on adult free choice, and destroying family farmers are nowhere close to the solution.

Mr. PALLONE. Madam Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO), who chairs our Health Subcommittee.

Ms. ESHOO. Madam Speaker, I thank the chair of our committee, and I rise in support of this legislation that is so important for the next generation of Americans, H.R. 2339.

Very sadly, there has been a reversal of our country's great progress on tobacco use, and it is because of flavored products and a tobacco industry that preys on our Nation's youth.

From 2017 to 2019 e-cigarette use more than doubled among high school students and more than tripled among middle schoolers—even younger. These are kids. They are not even young adults yet. By 2019, last year, 5.3 million middle and high school students were current users, already using some type of tobacco product or e-cigarettes.

Over 80 percent of kids who have used tobacco started with a flavored product. That is the hook. According to the surgeon general, they begin using and become addicted to these products because e-cigarette manufacturers have targeted extensive advertising campaigns to kids and to young adults. So this didn't just come out of the ether. This is very purposeful. It is directed, and it is targeted to middle schoolers and high schoolers.

Last year Congress raised the legal age to purchase tobacco to 21, but in January the President walked back his promise to address the youth tobacco epidemic by taking only some flavored e-cigarette products off the market. But as we heard from witnesses during our subcommittee hearing last October, those actions are not enough.

The single most important action to reduce youth e-cigarette use is to crack down on the flavors because that is what addicts our kids. If any flavored products are still available, kids are going to find a way to get them. All flavors must be removed from the market including menthol, because this, again, is what hooks kids on smoking, and this legislation addresses that.

We also have to address how tobacco companies target their advertisements to our kids. This bill ensures that e-cigarettes have the same strict marketing prohibitions as other tobacco products.

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

Mr. PALLONE. Madam Speaker, I yield the gentlewoman from California an additional 30 seconds.

Ms. ESHOO. Madam Speaker, I think it is eminently clear that Congress must pass strong legislation to reduce the attractiveness and availability of flavored tobacco products to adolescents and teens to save this generation

from lifetime addiction. There are costs to addiction, and our healthcare system has to absorb that.

So why not prevent it and stop it in its tracks today?

That is why I urge my colleagues to vote for H.R. 2339 to accomplish all of this.

Mr. WALDEN. Madam Speaker, may I inquire as to the time available on both sides.

The SPEAKER pro tempore. The gentleman from Oregon has 9½ minutes remaining. The gentleman from New Jersey has 7 minutes remaining.

Mr. WALDEN. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Madam Speaker, few would deny that we are facing a dangerous epidemic of youth vaping.

But the bill before us today is not about youth vaping. Instead, this legislation seeks to eliminate consumer choice of flavored tobacco products for law-abiding adults over the age of 21.

With this bill Democrats are seeking to play politics with a crisis and ram through an extreme, partisan measure that is government overreach at its finest.

We should be focused on reducing youth consumption and removing counterfeit products from the market. That is what this debate should focus on, not reducing the freedoms of law-abiding adults. Unfortunately, Democrats are making clear that they are uninterested in further action to reduce youth tobacco use. By banning flavored tobacco products and the sale of menthol cigarettes for adults, they are seeking to destroy consumer freedom in this country.

Thankfully, if this bill were to pass today, this anti-consumer choice overreach will be stopped in its tracks in the Senate.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH), who is the chairman of our Energy Subcommittee.

Mr. RUSH. Madam Speaker, I want to thank the gentleman for yielding.

Madam Speaker, I am proud to rise today in support of H.R. 2339, the Reversing the Youth Tobacco Epidemic Act.

This bill would ban menthol products which are primarily used because of decades of predatory advertising by tobacco companies in the African American community and on the African American community, particularly, Madam Speaker, African American males, the so-called Kool generation, spelled with a K and not a C.

Smoking cigarettes, especially menthol-flavored cigarettes, has resulted in approximately 45,000 African American deaths each and every year. Lung cancer, COPD, and heart disease are the leading preventable causes of death for African Americans. Smoking menthol-flavored cigarettes is the primary culprit.

Earlier this week, Madam Speaker, I wrote an op-ed with Nancy Brown, the

CEO of the American Heart Association, on the importance of this bill and the ban on menthol flavoring for our kids' health. I am pleased to report that our op-ed was published in *The Hill* on last Wednesday.

Madam Speaker, I include in the RECORD my op-ed.

[From *The Hill*, Feb. 26, 2020]

NO EXCEPTIONS WHEN IT COMES TO KIDS' HEALTH

(By Rep. Bobby L. Rush (D-IL) and Nancy Brown)

Imagine a world in which our children are not using tobacco or addicted to nicotine—a world in which tobacco products that appeal to youth cannot be sold, the tobacco industry is prohibited from preying upon youth with their deceptive marketing, and tobacco no longer represents a grave health threat to children.

With tobacco and nicotine use among youth at epidemic levels in this country, we must address this public health crisis. The House of Representatives has an historic opportunity to do just that this week by passing the Reversing the Youth Tobacco Epidemic Act, a bill that takes bold action to remove all flavored e-cigarettes and other tobacco products, including menthol, from the market.

Until recently, the goal of a tobacco- and nicotine-free generation seemed within reach. Youth smoking rates, which were at 28 percent in 1997, fell to just 5 percent in 2018. But this hard-fought public health success against youth tobacco use is threatened by the skyrocketing popularity of e-cigarettes. More than 1 in 4 high-school students and more than 5 million youth nationwide now report using e-cigarettes, which pose serious health risks to users and could increase the likelihood of traditional cigarette use. An American Heart Association study released last year found that kids who use e-cigarettes are more likely to start smoking traditional cigarettes.

The reasons for this surge in youth e-cigarette use is clear. Tobacco companies introduced thousands of products with fruit, candy, mint, and menthol flavors specifically intended to appeal to youth. The companies then designed sophisticated and well-funded marketing campaigns that relentlessly target youth on social media. While the Trump administration pledged last fall to halt the sale of all flavored e-cigarettes, the policy it released last month fell far short of that goal. Urgent action is still needed to stem the youth e-cigarette epidemic given menthol products, disposable e-cigarettes, and flavored liquid nicotine used in open tank systems are being allowed to remain on the market.

Congress took an important first step in December by raising the national minimum legal sales age for tobacco products from 18 to 21. But we know that just raising the sales age for these products is not enough to counteract the actions of an industry intent on addicting another generation of youth. The industry has known for decades that cigarettes and other tobacco products flavored with menthol are less harsh and more appealing to users—especially youth smokers. Tobacco companies have been especially aggressive with retail advertising and price promotions for menthol products in minority communities. As a result, more than 70 percent of adolescent African-American smokers and more than half of adolescent Latino smokers use menthol.

Where existing policies have fallen short, the Reversing the Youth Tobacco Epidemic Act will fill the gaps. The bipartisan legislation, first introduced by Reps. Frank Pallone

(D-N.J.) and Donna Shalala (D-Fla.), will remove all flavored tobacco products from the market within a year and subject all tobacco products, including e-cigarettes, to the same advertising restrictions that currently apply to cigarettes. It will also require e-cigarette companies to stop selling any flavored product without pre-market authorization from the Food and Drug Administration (FDA) within 30 days. Additionally, the bill directs the FDA to prohibit online sales of most tobacco products, cutting off a way many youth access these products.

We are at a pivotal moment in the fight to protect our children from tobacco-caused addiction and disease. We urge lawmakers to listen to and stand with parents and health advocates to support this important legislation.

Mr. RUSH. Madam Speaker, I encourage my colleagues to join me in supporting this very, very worthwhile legislation.

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

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. KELLY), who is a member of our committee.

Ms. KELLY of Illinois. Madam Speaker, as chair of the Congressional Black Caucus Health Braintrust, I rise to express my support for H.R. 2339, the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2019.

This critical legislation will protect young people, especially young people of color, from a lifetime of nicotine addiction. Simply put, prohibiting menthol and other flavored tobacco products will save lives, especially Black lives.

Opponents of the legislation assert that because 85 percent of the African American smokers use menthol products that it would disproportionately harm communities of color. This logic only perpetuates the cycle in which many members of the African American community are already trapped. Tobacco companies specifically marketed menthol cigarettes to Black communities because they are more addictive. Opposing this bill only continues this shameful past.

We must pass H.R. 2339 and ensure the tobacco industry can no longer target minority communities to the detriment of public health.

Mr. WALDEN. I continue to reserve the balance of my time, Madam Speaker.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, today we finally comprehensively address America's resurgent youth nicotine epidemic.

In 2019 more than 5.3 million middle and high school students used e-cigarettes, double the number who reported vaping just 2 years before. It is no surprise when flavors like gummy bear and cotton candy are used to lure children to e-cigarettes. And the aggressive digital marketing aimed at minors, like the campaigns Juul admitted to running, obviously work.

But this Republican administration failed to holistically address this issue. Worse, they caved to Big Tobacco by embracing a woefully inadequate flavor ban. So this bill does just what this administration refused to; it bans flavors and proactively combats this epidemic.

I am grateful to Chairman PALLONE for including language from my legislation, the PROTECT Act, that directs the CDC to implement a successful—like the anti-tobacco youth campaign was—youth anti-vaping education and prevention campaign. That is vital because if a child never starts vaping, we keep them off this perilous path to nicotine addiction.

Madam Speaker, I urge a “yes” vote on this bill to stand up to Big Tobacco and to protect the health of young people.

Mr. WALDEN. Madam Speaker, I yield myself such time as I may consume.

I just want to follow up on my friend from Florida’s comments. Let me remind the body that it was the Obama administration that failed to take enforcement action against e-cigarette manufacturers while these products grew in popularity among our children.

In contrast, it is the Trump administration that is actually taking significant action to curb youth use of tobacco and e-cigarettes. The Food and Drug Administration under President Trump has already removed most flavored e-cigarettes from the market and stated they will take additional action against any products found to be targeting children.

My friends will say the administration left open a giant loophole by not targeting all these cigarette products. I reiterate: FDA has stated they will “take action against any product, regardless of whether a product is cartridge-based, disposable, or flavored, if it is targeted to minors, its marketing is likely to promote youth use, or if the manufacturer has failed to take, or is failing to take, adequate measures to prevent minors’ access.”

The FDA has that authority to regulate e-cigarettes. It has taken action to remove those products that are targeted to kids from the market. In addition, any product wishing to come back on the market will need to receive marketing authorization from the FDA beginning later this year making the actions of this bill actually unnecessary.

But remember this bill deals with adults because we already, in a bipartisan way, passed a law to prohibit these products from being sold to people under 21 years of age. That was a huge problem. There was a big loophole. As I said, the Obama administration let all this unfold before their eyes.

We passed a bill. It is now law. Nobody under 21 has access to these products.

Madam Speaker, the bill doesn’t address this issue; this is literally called CannaKids. This is literally DOPE e-

Liquid, Black Cherry. Marijuana-flavored vaping products are not covered under this legislation.

But this legislation goes so far as to take legal products that adults may use—I don’t use any of this stuff. I am not a big fan of it at all. But they have their choice. These are adult products. Adults will no longer have access to these products. They are gone. They are banned under this bill.

Madam Speaker, you are going to set up a whole new criminal enforcement effort that some, including the ACLU, believe will target people of color more than others.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, may I inquire about the amount of time remaining on both sides.

The SPEAKER pro tempore (Ms. PINGREE). The gentleman from New Jersey has 3 minutes remaining. The gentleman from Oregon has 5½ minutes remaining.

□ 1015

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I am not here to target people of color. I am here to save lives.

I support this legislation because it closes an effective tax loophole for e-cigarettes and taxes them just accordingly as tobacco.

It prohibits the manufacture of flavored tobacco and, more importantly, actually prohibits companies from marketing or promoting e-cigarettes to youth under the age of 21. That is an important element.

It makes sure that the grants that are gotten from those dollars are utilized for outreach and education, for evidence-based smoking-cessation programs. It awards grants to make tobacco-cessation therapies and counseling available to community health centers.

We have to save lives. People of color die disproportionately through tobacco products, including these flavored cigarettes.

The NAACP says flavored cigarettes, e-cigarettes, have driven the youth epidemic and more than half of youth smokers. Organizations like the National Black Nurses Association, African American Tobacco Control Leadership Council, Black Women’s Health Imperative, and National Hispanic Medical Association all support this.

Madam Speaker, I am here to save lives. That is why I am supporting this legislation.

Madam Speaker, I rise in support of H.R. 2339, the “Protecting American Lungs and Reversing Youth Tobacco Epidemic Act.”

I support this important lifesaving and life-extending legislation because it:

1. Closes a tax loophole for e-cigarettes by establishing tax parity with current tobacco taxes, which is a highly effective way to reduce youth smoking.

2. Prohibits the manufacture and sale of all flavored tobacco products, including menthol

cigarettes, within one year, and removes all flavored e-cigarettes from the market within 30 days.

3. Prohibits companies from marketing or promoting e-cigarettes to youth under age 21.

4. Directs the Food and Drug Administration (FDA) to prohibit non-face-to-face (online) sales of most tobacco products, including e-cigarettes, thereby blocking a key path for high schoolers to obtain tobacco products, many of which are sold online with limited or no age verification requirements.

5. Provides FDA with the authority to collect user fees from all classes of tobacco products, including e-cigarettes, and increases the annual user fees collected for tobacco products by \$100 million.

6. Requires the Federal Trade Commission to issue an annual report to Congress on the domestic sales, advertising, and promotional activities of cigarette, cigar, smokeless tobacco, and e-cigarette manufacturers.

7. Invests in grants for outreach and education for evidence-based smoking cessation programs for individuals in medically underserved communities, including racial and ethnic minorities.

8. Awards grants to make tobacco cessation therapies and counseling available at Community Health Centers.

This critical legislation provides a comprehensive approach to address the youth tobacco epidemic, which has surged in recent years with the introduction of such new tobacco products as e-cigarettes.

I support H.R. 2339 because it will help prevent the loss of an entirely new generation to a lifetime of nicotine addiction.

Madam Speaker, one of the most effective ways to reduce youth use of a tobacco product is to increase taxes on that product.

This legislation closes the tax loophole for e-cigarettes by establishing tax parity with current tobacco taxes—significantly increasing the cost of e-cigarettes.

Currently, there is no federal excise tax on the nicotine contained in e-cigarettes, which could result, for example, in up to a 75 percent increase in the cost of some brands of e-cigarettes.

As the Campaign for Tobacco-Free Kids points out, “The Surgeon General has called raising prices on cigarettes ‘one of the most effective tobacco control interventions.’”

The tobacco industry has targeted kids through social media advertisements, glossy marketing campaigns, and other kid-friendly platforms.

Banning the marketing and promotion of e-cigarettes to young people will have a salutary effect because about 95 percent of adult smokers start before age 21 and young people who do not begin smoking by their early 20s are unlikely to ever start.

The legislation also includes numerous other provisions to address the youth tobacco epidemic, including prohibiting the manufacturer and sale of all flavored tobacco products, prohibiting companies from marketing or promoting e-cigarettes to youth under age 21, and directing the FDA to prohibit non-face-to-face (online) sales of most tobacco products, including e-cigarettes.

Madam Speaker, it is gratifying to know that this legislation is supported by nearly 100 groups, including the Campaign for Tobacco-Free Kids, American Lung Association, American Heart Association, American Cancer Society Cancer Action Network, American Academy of Pediatrics, African American Tobacco

Control Leadership Council, Black Women's Health Imperative, National Black Nurses Association, National Hispanic Medical Association, Catholic Health Association of the United States, American Public Health Association, National Education Association, Parents Against Vaping e-cigarettes (PAVe), First Focus, Children's Defense Fund, and American College of Physicians.

In support this legislation, the NAACP, the nation's oldest civil rights organization, has stated that: "Flavored e-cigarettes have driven the youth epidemic, and more than half of youth smokers—including seven out of ten African American youth smokers—smoke menthol cigarettes, so it's time to take these products off the market once and for all."

Madam Speaker, over the last few years, the use of e-cigarettes has skyrocketed among American middle school and high school students.

More than 5.3 million middle school and high school students used e-cigarettes in 2019, an alarming increase of more than 3 million in two years.

The recent dramatic rise in the number of middle and high school students using e-cigarettes has reversed the progress that had been made in previous years in the use of tobacco by kids and teenagers.

The U.S. Surgeon General has labeled the skyrocketing growth in youth use of e-cigarettes an "epidemic."

The Surgeon General has also concluded that youth use of nicotine in any form, including e-cigarettes, is unsafe, causes addiction, and can harm brain development, which impacts attention, memory, and learning.

The Surgeon General also found that using nicotine in adolescence increases the risk of future addiction to other drugs.

E-cigarettes have very high levels of nicotine, placing young people at significant risk for developing nicotine addiction.

Studies have shown that one brand of e-cigarette cartridge can contain as much nicotine as a full pack of traditional cigarettes.

In 2009, Congress enacted a federal law prohibiting the manufacture and sale of traditional cigarettes that had flavors (other than the flavors of menthol or tobacco), since the tobacco industry had begun targeting young people by offering flavored cigarettes, including candy and fruit flavors.

However, that 2009 flavor prohibition has not applied to tobacco products other than traditional cigarettes.

Now, the legislation being considered this week would broaden that 2009 prohibition—blocking the manufacture and sale of all flavored tobacco products, including e-cigarettes and menthol cigarettes.

In recent years, tobacco companies have significantly stepped up the introduction and marketing of flavored tobacco products, especially e-cigarettes, with more than 15,000 flavors now available on the market.

The widespread availability and appeal of kid-friendly flavors has significantly contributed to the rapid rise in e-cigarette use by young people—with the tobacco industry targeting and addicting kids with enticing flavors such as gummy bear and cotton candy.

Flavors mask the harsh taste of tobacco and make it easier for kids to start to use a tobacco product and to become addicted.

More than 9 out of 10 young persons using e-cigarettes use flavored the e-cigarettes, with 7

out of 10 current youth e-cigarette users saying they used them "because they come in flavors I like."

The bill's prohibition on menthol cigarettes will also help protect kids.

More than half of youth smokers—and seven in ten African American youth smokers—smoke menthol cigarettes.

A 2013 FDA analysis concluded that menthol cigarettes soothe the harshness of tobacco, increase youth initiation, increase nicotine addiction, and make it harder for smokers to quit.

Madam Speaker, the National Medical Association, the voice of America's African American physicians, supports this legislation, stating:

As the collective voice of African American physicians, we know that banning menthol cigarettes will save lives in our community. Smoking-related illnesses are the number one cause of death in the African American community and approximately 45,000 African Americans die each year from smoking-related diseases. Further, more than 85 percent of African American smokers use menthols cigarettes. . . . For years, the tobacco industry has aggressively promoted menthol cigarettes and other flavored tobacco products in African American communities. Taking action to ban menthol cigarettes is long overdue and the NMA requests that Congress move swiftly to take up this bill and save lives.

Madam Speaker, I do not agree with opponents of the legislation who assert that because 85% of African American smokers use menthol products, that it would disproportionately harm communities of color.

H.R. 2339 is not intended to disproportionately impact people and communities of color; instead it treats all tobacco products the same by prohibiting flavoring in all tobacco products.

Further, the legislation prohibits the sale, but not the possession, of the banned products and expressly prohibits law enforcement from using abusive practices, such as stop and frisk, to enforce the ban.

In 2009, President Obama signed into law the Family Smoking Prevention and Tobacco Control Act which prohibited all flavored cigarettes, other than menthol, after the tobacco industry used these products to target kids.

H.R. 2339 merely extends the same enforcement authorities enacted under the Tobacco Control Act to prohibit all flavored tobacco products and ensure that the tobacco industry is no longer manufacturing or importing any flavored products.

Finally, instead of imposing criminal penalties, should the U.S. Food and Drug Administration find a manufacturer or retailer in violation of the law, the FDA most commonly utilizes warning letters, no-tobacco sale orders, and civil monetary penalties.

Thus, it is simply untrue that H.R. 2339 increases criminal penalties or "criminalizes tobacco."

Before concluding, it is noteworthy that H.R. 2339 makes critical investments to medically underserved communities to enhance smoking cessation, particularly among racial and ethnic minority populations.

In order to ensure there are necessary resources for current smokers to quit and transition off flavored tobacco products, the bill provides significant resources to Community Health Centers to provide for the availability of counseling and tobacco cessation therapies,

as well as other grant programs to enhance the availability of smoking cessation, in particular for menthol products, in medically underserved communities.

In sum, H.R. 2339 will help ensure the tobacco industry can no longer target minority communities to the detriment of public health.

I strongly support this legislation and urge all Members to join me in voting for its passage.

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

Mr. PALLONE. Madam Speaker, I am prepared to close the Committee on Energy and Commerce's portion, and I reserve the balance of my time.

Mr. WALDEN. Madam Speaker, I think we have had a good debate here today, and we understand the differences between the proponents and opponents. I want to close with a couple of comments.

Marijuana and THC-laced products are illegal at the Federal level under the Controlled Substances Act. Nobody disputes that. Yet, we have seen how easy it is for individuals, including children, to get their hands on these products.

They are marketed all over the internet in kid-friendly flavors. Not only are these illegal products easy to access, but they caused an outbreak of serious illnesses known as e-cigarette, or vaping, product use-associated lung injury—it is known as EVALI—and resulted in the deaths of 68 Americans. Centers for Disease Control confirmed this outbreak was linked to vitamin E acetate used in THC-containing e-cigarettes.

The point is, though, as more people are pushed away from flavored tobacco products that are currently legal—again, we already made all this illegal for anybody under 21, so we are talking about adults here—they will start pushing products through illicit markets.

We all hope that in the face of the tobacco prohibition, tobacco users would simply quit using these products, but the fact is, these products are addictive. They are designed so users cannot simply quit.

Without accounting for this reality, this legislation will simply push individuals to more dangerous and unregulated products. Illicit markets are already thriving, as is evidenced by the cannabis marketplace and the existing illicit tobacco trade.

Madam Speaker, I include in the RECORD a letter from the National Association of Black Law Enforcement Executives. They say:

Organized criminal groups are already increasingly active in selling illicit cigarettes from low tax states to high tax states. A new market—menthol cigarettes—will only fuel those criminal enterprises and everything that comes with them from money laundering of shell companies that are funding gang and terrorist activities.

NATIONAL ORGANIZATION OF
BLACK LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, June 11, 2019.

Re H.R. 2339: Reversing the Youth Tobacco
Epidemic of 2019, Bill introduced by: U.S.
Congressman Frank Pallone.

Hon. FRANK PALLONE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MOORE: The National Organization of Black Law Enforcement Executives (NOBLE) serves as the conscience of law enforcement in America by being committed to Justice by Action. Founded in 1976, NOBLE is committed to ensure equity in the administration of justice and its unyielding commitment is to work toward the elimination of racism and bias of any type within the law enforcement field.

NOBLE has nearly 60 chapters and represents over 3,000 members worldwide that represent chief executive officers and command-level law enforcement officials from federal, state, county, municipal law enforcement agencies, and criminal justice practitioners.

As an organization, NOBLE has no stance on the scientific and medical issues regarding the impact of the use of menthol cigarettes aside from saying that we believe any governmental decision—especially one that could ban a previously legal product—should be rooted on rigorous science.

Historically, NOBLE has expressed concerns over the ban of menthol cigarettes for adults due to the unintended consequences that occur when said products are made available through a illicit market. The result can be the increased encounters between the consumer (in this case African Americans) and law enforcement officials who are enforcing the ban.

NOBLE applauds the legislation to increase the minimum age to consume tobacco products from 18 to 21. We currently are launching a program aimed at educating and informing young people to the dangers of consuming tobacco products and their derivatives. However, we are concerned over the inclusion of menthol flavored products in H.R. 2339 that may encourage a ban of these products in the adult market. Research data shows that menthol cigarettes constitute one-third of the U.S. market and is the preferred cigarette of more than 80% of African Americans who choose to smoke. Our goal is to reduce policies and legislative actions that may increase unintended enforcement interaction between police and people of color.

Organized criminal groups are already increasingly active in selling illicit cigarettes from low tax states to high tax states. A new market—menthol cigarettes—will only fuel those criminal enterprises and everything that comes with them from money laundering or shell companies that funding gang and terrorist activities. A ban on menthol cigarettes would be exploited by criminal organizations to finance their activities.

We urge you to consider the real-world evidence of the ramifications of the unintended consequences of a ban on the sale of menthol cigarettes and the disproportionate impact of a menthol ban in African American communities.

Given all of these concerns, NOBLE respectfully requests that this legislation remove menthol from the list of flavors being considered for a ban on retail sales.

Thank you for your consideration.

Sincerely,

VERA BUMPERS,
National President.

Mr. WALDEN. Those aren't my words. Those are the words of the National Organization of Black Law En-

forcement Executives, which opposes this legislation.

This bill is making an additional set of products illegal that will further encourage illegal behavior that is already occurring and difficult to combat.

Madam Speaker, where does this stop? We are all for stopping children from having access to these products. We did that with T21. It is now law. We have legislation—bipartisanly passed in the House, pending in the Senate—to require age verification at point of sale and delivery of tobacco products so that we really get boundaries around these products getting into the hands of youth.

But if you are going to ban flavored tobacco products but not flavored marijuana products, are you going to ban flavored alcohol products?

We know childhood obesity is an epidemic. Are we going to go down that path as well and ban products adults use but tell kids they can't have a candy bar?

I mean, where does this end?

I led an effort when I was student body president in high school to get smoking out of the bathrooms. I went to the school board, and we actually created a smoking area outside that required parental permission, a permit, and a fee. That was the 1970s. It was an amazing, revolutionary thing. Thankfully, a few years later, they got rid of the whole thing, but I got tired of using the bathroom only to find my friends smoking in there and lighting fires in the trash cans.

I have been an advocate for getting smoking and smoking products away from kids my entire life. That is why I supported T21 to ban the sale of tobacco products to anybody under 21, the age verification issue, and all that. But we are talking here about now telling adults in America that you can no longer have access to these legal products.

Now, I am not a fan of these legal products. Don't get me wrong. But I represent people who do use them, and I am going to go home, and they are going say: "What do you mean you took away my Grizzly or Kodiak or Snuffs?" I don't even know what you do with those products, but we are going to take them away. We are going to ban them for good under your law, and we are going to have our law enforcement go enforce that.

Now, they will tell you that it is just the FDA, but what they won't tell you is, in the bill, it only relates to the FDA, but there are criminal penalties in this bill. It probably should have gone to the Committee on the Judiciary.

There are other laws on the books that law enforcement can enforce, and that is why the ACLU and others sent us this letter concerned about the stop and frisk tactics. Remember, Eric Garner was selling illegal cigarettes on the streets, individual cigarettes. That is what led to the law enforcement action that tragically ended up in his death with the illegal choke hold.

They reference all that in their letter in opposition to this legislation. We are not making this up on our side. It is all right here.

I include in the RECORD this letter, along with a Statement of Administration Policy in opposition to H.R. 2339.

MONDAY, FEBRUARY 24, 2020.

Re Coalition Concerns with Blanket Prohibition on Menthol and Other Flavored Tobacco within H.R. 2339, Reversing the Youth Tobacco Epidemic Act.

Hon. FRANK PALLONE,
Chairman, House Committee on Energy and
Commerce, Washington, DC.

The undersigned civil rights and civil liberties organizations write to express concerns with a broad prohibition on menthol and other flavored tobacco products within H.R. 2339, the Reversing the Youth Tobacco Epidemic Act of 2019. While this legislation is a well-intended effort to address health issues associated with tobacco use among youth, we have concerns that a blanket prohibition on menthol and other flavored tobacco products, which will apply to adults, will (1) disproportionately impact people and communities of color; (2) trigger criminal penalties, prioritizing criminalization over public health and harm reduction; and (3) instigate unconstitutional policing and other negative interactions with local law enforcement.

I. H.R. 2339 DISPROPORTIONATELY IMPACTS PEOPLE AND COMMUNITIES OF COLOR

Of adults, approximately 80 percent of Blacks and 35 percent of Latinx who choose to smoke prefer menthol cigarettes. Thus, any ban on menthol cigarettes will disproportionately affect people of color. While H.R. 2339 and similar legislation are often motivated by the desire to decrease and eliminate smoking among certain populations, Blacks and other people of color should not disproportionately bear the brunt of enforcement of such prohibitions, which a menthol ban would ensure.

Similarly, enforcement of a ban on flavored cigars will also disproportionately impact people of color given cigar preferences. Black adults are 60% of cigarillo and non-premium cigar smokers, with these products often flavored. Additionally, at Committee markup, H.R. 2339 was amended to exempt certain traditional, expensive cigars from a prohibition of online tobacco sales. There is no justification for differentiating a La Palina from a Black and Mild. Making this distinction undermines the public health arguments made for this bill and suggests that some tobacco preferences, within certain communities, will be prioritized and protected over others.

II. H.R. 2339 INCREASES CRIMINAL PENALTIES OVER PUBLIC HEALTH

H.R. 2339 prohibits menthol and other flavored tobacco products under the Food, Drug, and Cosmetic Act (FD&C Act). This prohibition criminalizes the manufacturing, importing, distributing, or selling of menthol and other flavored tobacco products under the FD&C Act, imposing up to three years of imprisonment. Violating a menthol and flavored tobacco ban would implicate other federal criminal penalties as well. For example, the Federal Cigarette Contraband Trafficking Act would be implicated, allowing up to five years of imprisonment.

With a criminal legal system that incarcerates Blacks at nearly six times the rate of white Americans and a prison population that is 67 percent Black and Latinx, any prohibition on menthol and flavored tobacco products promises continued over-criminalization and mass incarceration of people of color. A ban on menthol and flavored tobacco products could reintroduce many of

the harms imposed by the failed war on drugs as lawmakers work to legalize cannabis and take a public health approach to opioids. A bill criminalizing tobacco is contrary to those efforts. Righting the wrongs of earlier failed drug policy requires consideration of the unintended consequences of well-intentioned policies, especially on the most vulnerable communities. It also requires us to remember that harm reduction, including education and counseling, are what work to reduce usage and harm in our society, not prohibition.

III. H.R. 2339 ENCOURAGES HARMFUL POLICE PRACTICES

Recent history shows us that drug prohibitions and bans increase negative interactions between law enforcement and people of color. The New York Police Department's (NYPD) stop and frisk program resulted in nearly 700,000 stops in 2011, with drugs serving as the alleged pretext for most of those stops. Ninety percent of those stops were of Black and Latinx people. We are concerned that law enforcement's attempts to enforce a menthol and flavored tobacco ban will undoubtedly lead to fines, arrests, and eventual incarceration for those who continue to use and sell menthol and flavored tobacco products. While the legislation was amended at Committee to try to minimize law enforcement practices here, it only applies in the context of federal enforcement of the FD&C Act; it does not govern local enforcement around any state and city prohibition policies that will follow.

The death of Eric Garner in 2014 generated national attention not only for the brutality he experienced at the hands of NYPD police, but for the reason that led to the encounter with law enforcement. Mr. Garner died from an illegal chokehold having been stopped by police for selling single cigarettes in violation of state law. Gwendolyn Carr, Eric Garner's mother, cautions: "When you ban a product sold mostly in Black communities, you must consider the reality of what will happen to that very same overrepresented community in the criminal justice system." With a federal prohibition on menthol and flavored tobacco products, states will develop their own prohibition and enforcement policies that could result in harmful police practices like that witnessed with Mr. Garner.

Based on our concerns, we urge you to not impose a blanket ban on menthol and related tobacco products. A prohibition on all menthol and flavored tobacco products will not achieve a public health goal of reducing smoking among Black people, young people, or others. We hope we can work together to avoid repetitions of policies that are intended to protect youth and communities of color, but instead only further engrain systemic criminalization and racism.

Sincerely,

American Civil Liberties Union, Drug Policy Alliance, Law Enforcement Action Partnership, National Action Network, National Association of Criminal Defense Lawyers, National Association of Social Workers, The Center for Popular Democracy.

STATEMENT OF ADMINISTRATION POLICY H.R. 2339—REVERSING THE YOUTH TOBACCO EPIDEMIC ACT OF 2019

(Rep. Pallone, D-NJ, and 126 cosponsors)

The Administration opposes H.R. 2339. The Administration is encouraged by legislative efforts to protect American youth from the harms of addiction and unsafe tobacco products, and it also acknowledges that H.R. 2339 exempts premium cigars, which have comparatively lower youth usage rates, from certain regulatory burdens. Unfortunately,

however, this bill contains provisions that are unsupported by the available evidence regarding harm reduction and American tobacco use habits and another provision that raises constitutional concerns. Accordingly, the Administration cannot support H.R. 2339 in its current form.

The Administration cannot support H.R. 2339's counterproductive efforts to restrict access to products that may provide a less harmful alternative to millions of adults who smoke combustible cigarettes. This includes the bill's prohibition of menthol e-liquids, which available evidence indicates are used relatively rarely by youth. It also includes the bill's approach to remote retail sales. At this time, problems surrounding such sales should be addressed through the application of age verification technologies rather than, as this bill would do, prohibiting such sales entirely.

The Administration is also concerned about the constitutionality of a provision in the bill that prohibits certain advertising practices with respect to electronic nicotine delivery system (ENDS) products. The bill would prohibit marketing and advertising that "appeals to an individual under 21 years of age." This standard may not satisfy the stringent vagueness test applied to regulations of speech under the Constitution's Due Process Clause.

The Administration is committed to protecting the Nation's youth from the harms of tobacco and has already taken several steps to do so. This includes signing legislation to raise the minimum age of sale for tobacco products to 21. In January 2020, moreover, the Administration issued guidance to prioritize enforcement against the unauthorized marketing of certain ENDS products to youth. And the Food and Drug Administration (FDA) is conducting regular surveillance of—and, when appropriate, taking enforcement measures against—websites, social media, and other publications that advertise regulated tobacco products.

The bill takes the wrong approach to tobacco regulation. Rather than continuing to focus on the FDA's Center for Tobacco Products, Congress should implement President Trump's Budget proposal to create a new, more directly accountable agency within the Department of Health and Human Services to focus on tobacco regulation. This new agency would be led by a Senate-confirmed Director and would have greater capacity to respond to the growing complexity of tobacco products and respond effectively to tobacco-related public health concerns.

If presented to the President in its current form, the President's senior advisors would recommend that he veto the bill.

Mr. WALDEN. Meanwhile, marijuana products are not covered by the bill. Go figure. I urge my colleagues to vote against this legislation.

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

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

Madam Speaker, I respect the ranking member, but I have to say this: The notion that somehow the Trump administration is doing anything significant to deal with this youth vaping epidemic or tobacco epidemic is simply not the case. They are weak-kneed proposals that are not going to do anything significant.

The problem that we have and what this bill is trying to address is this: The tobacco companies know that vaping or e-cigarettes are basically exempted from most of the restrictions

that exist now for regular cigarettes. So what do they do? They go and advertise these products on TV. They try to convince young people and adults that vaping and e-cigarettes are a cessation device, which is simply not true.

The CDC says they are not cessation devices. They hook people; they addict people; they contain large amounts of nicotine.

The flavors that they promote—whether it be menthol, mango, whatever it is—make the kids and adults think that these are not tobacco products or that these are not products that contain nicotine.

Then what do the kids do? Sure, we have legislation now, a statute that says you can't sell these products to kids under 21, but they go online. They buy them online. They don't need an ID for that. Or they get some adult to go to the store and buy the e-cigarettes or cigarettes for them.

So, we need this legislation. We need to say that e-cigarettes are deemed a tobacco product. They come under the same restrictions for advertising and warnings as regular cigarettes. We need to ban online sales so that kids cannot go online and buy these things without having an ID. We need to ban flavors across-the-board because that is what masks the nicotine and makes people think it is okay, that somehow these are cessation devices, or even that if you smoke a menthol or mango cigarette, somehow that does not contain nicotine and does not become addictive.

Madam Speaker, I urge my colleagues to please vote for this legislation. Vote for the kids. It is that important.

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

REQUEST TO ADD COSPONSORS TO H.R. 2339

Mr. PALLONE. Madam Speaker, I ask unanimous consent to add Congressman MICHAEL SAN NICOLAS, the Delegate from Guam, and Congressman GREG STANTON of Arizona, to be added as cosponsors of the legislation.

The SPEAKER pro tempore. The Chair cannot entertain the request of the gentleman from New Jersey.

The gentleman from New York (Mr. SUOZZI) and the gentleman from Nebraska (Mr. SMITH) each will control 22½ minutes.

The Chair recognizes the gentleman from New York.

Mr. SUOZZI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, every Democrat and every Republican in this Chamber recognizes there is a youth vaping epidemic in the United States of America. I am sure that every Member of Congress has heard stories about millions of middle school and high school students using addictive vaping products.

I became focused on this issue last year when a group of mothers from Parents Against Vaping e-cigarettes told me about the stories of schools filled with student vaping. I actually spoke to my 16-year-old son, and I

learned just how prevalent vaping has become in the school districts in my community and how they are throughout the country.

We have to act, and we must act now.

Madam Speaker, this important bipartisan legislation we are considering today includes my bipartisan bill, the Protecting American Lungs Act, which passed out of the Committee on Ways and Means with bipartisan support.

This bill will establish much-needed tax parity between vaping products and cigarettes. It will tax nicotine, a harmful and addictive substance, at approximately the same rate, whether you get it from an e-cigarette or from traditional cigarettes.

Importantly, this bill includes an exception for FDA-approved nicotine replacement therapies, which means that if a company can prove that its product is a legitimate cessation device, then the nicotine will not be taxed.

This bill has the support of over 50 public health, medical, and educational organizations, including the American Academy of Nursing, the American Academy of Pediatrics, the Cancer Action Network, the American Heart Association, the American Lung Association, the American Medical Association, and the Campaign for Tobacco-Free Kids.

These groups agree that one of the best ways we can stop people from using vaping products is to tax them. For young people especially, who have less money and higher price sensitivity, taxes on these products are an effective way to decrease usage. It is proven.

In fact, according to the Campaign for Tobacco-Free Kids, every 10 percent increase in the cost of cigarettes leads to a 4 percent overall smoking reduction and 7 percent less youth smoking.

I know that some people raised their voices against this effort. We have heard it all before when we fought to raise cigarette taxes in my State of New York. Some will say the science is not conclusive yet. Some will advocate for free choice. Others will say this is typical taxing Big Government.

When it is all said and done, however, the opposition will come from those who put their lucrative nicotine interests ahead of our children's health and proven public policy.

In my home State of New York, despite intense industry opposition, we raised cigarette taxes. Because of that, we have some of the Nation's lowest rates of smoking and smoking-related illnesses.

We can save lives with this bill by raising the prices of harmful vaping products and decreasing their usage among teenagers. The opportunity to stop the youth vaping epidemic is one that we must not pass up.

Madam Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we know that smoking is bad for us. We all agree we don't want kids using tobacco or vaping, which is why we came together on a bipartisan basis last year to make it hard for kids to access these products by raising the legal age to buy them to 21.

I cosponsored last year's bill to raise the age. Mr. SUOZZI was also a cosponsor of that bill, and I am glad we got that done.

The questions we are addressing today from the Committee on Ways and Means' perspective, however, are whether we should tax vaping products and by how much.

□ 1030

I am going to vote "no" today because we don't have a good answer.

I will give the sponsor of this proposal credit. They endeavored to tax liquid nicotine at a per-unit level comparable to the tax-to-nicotine ratio of cigarettes, and they appear to have come very close to that goal.

However, tobacco isn't taxed because it contains nicotine. It is taxed because we understand the serious health consequences which come with smoking or chewing tobacco itself, and those health consequences create vast costs for programs like Medicare and Medicaid.

If we are going to consider taxing vaped nicotine, we first need to address the underlying issues, such as the value of vaping as a smoking-cessation tool, the relative safety of vaped nicotine versus cigarette smoking and what really caused the spate of vaping-related illnesses we have seen in the past year. I will start with the easiest one first.

According to the CDC, the vaping-related illnesses can be tied back to vitamin E acetate, an oil used in THC vaping, not to the ingredients used to vape nicotine. Taxing nicotine does nothing to address vitamin E acetate.

Second, how safe is vaping compared to smoking, and what is its value as a smoking-cessation tool?

The British Journal of Family Medicine found e-cigarettes are 95 percent safer than traditional smoking, based on the fact most harmful chemicals from smoking are not present, and those which are present pose a limited amount of danger.

Another study from Britain's NHS found e-cigarettes were nearly twice as likely as nicotine gum or lozenges to help quit long term.

At the same time, a study from the nonpartisan National Bureau of Economic Research found the State of Minnesota's efforts to bring parity to the taxation of cigarettes and e-cigarettes actually flatlined the State's smoking-cessation trend, while other States which didn't raise taxes continued to see smoking decrease.

Let me say that again. The State of Minnesota's efforts to bring parity to the taxation of cigarettes and e-cigarettes actually flatlined the State's

smoking-cessation trend, while other States which did not raise taxes continued to see smoking decrease.

At the same time, JCT's economists tell us increasing the cost of e-cigarettes with taxes will cause some people to choose cigarettes over e-cigarettes. That is not a choice we should be encouraging people to make.

These are all factors which we could have considered in a bipartisan fashion before the Ways and Means Committee marked up this bill had we had any hearings whatsoever on vaping or this proposal itself.

Madam Speaker, we should be open to a conversation about the best way to ensure the tax code treats tobacco and e-cigarettes appropriately. Rushing this bill through is not the solution.

I reserve the balance of my time.

Mr. SUOZZI. Madam Speaker, before I yield to the chairman of our committee, I just want to note again that the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act has an exception for FDA-approved nicotine replacement therapies and has over 50 public health, medical, and educational organizations supporting it.

Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL), the chairman of the Ways and Means Committee who is just a fantastic chairman.

Mr. NEAL. Madam Speaker, I support H.R. 2339, which will address the epidemic of rising youth smoking across the country.

Importantly, the bill before us today incorporates a proposal reported by the Ways and Means Committee that would establish a Federal excise tax on nicotine products, including vaping products.

I thank TOM SUOZZI, who has really done a great job on this, in a bipartisan effort, to ensure that e-cigarette products are taxed the same as traditional tobacco.

Studies show that excise taxes reduce both adult and underage smoking. In general, every 10 percent increase in the real price of cigarettes reduces the number of kids who smoke by 6 to 7 percent and reduces overall cigarette consumption by 3 to 5 percent.

In recognition of the effort that we are making this morning, measured by the effectiveness of excise taxes as they reduce youth smoking, the World Health Organization recommends that e-cigarettes be treated and regulated in the same way as traditional tobacco products.

The Surgeon General has said that raising prices on cigarettes is "one of the most effective tobacco control interventions" because it reduces smoking, particularly among kids.

With this legislation, we are simply building on what we already know works. We are ensuring that nicotine will be taxed at approximately the same rate, whether you get it from e-cigarettes or traditional cigarettes.

The revenue that we raise by creating parity here will be reinvested

into important public health work such as smoking cessation, colorectal screening, and increasing access to treatment for people with chronic lung disease. Specifically, we will provide needed financial protection for Medicare beneficiaries undergoing important colorectal cancer screenings.

I want to thank Representative PAYNE for leading efforts on this commonsense policy that would reduce out-of-pocket costs for seniors to access this effective preventative care.

In addition, H.R. 2339 allows high-deductible health plans to cover inhalers and nebulizers for treatment of chronic lung disease. Under this provision, patients will receive coverage before reaching their deductible and remain eligible for health savings accounts. For patients with chronic lung disease, lower cost and easier access to these treatments reduces the use of more expensive medical care, including hospitalization.

I thank Mr. COX and Ms. SEWELL for leading on these provisions.

This legislation will protect our children from significant health consequences that come with nicotine addiction, while helping seniors and patients with chronic lung disease.

Madam Speaker, I urge my colleagues to step up this morning and vote for this very important measure.

Mr. SMITH of Nebraska. Madam Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. FERGUSON).

Mr. FERGUSON. Madam Speaker, as we stand here today, I look at this bill with mixed emotions.

Like the gentleman from New York, from the Ways and Means Committee, I, too, have a 16-year-old son, and we have had discussions about the youth vaping epidemic and a real desire to curb—not only curb, but to end youth vaping. It is a public health crisis, and we must address it.

We have done some very important things in this body.

I heard one speaker, a few minutes ago, say that the President has done nothing to address this issue. I think signing into law T21 is a very important piece of legislation and a very big step.

Doing all that we can to end youth vaping and youth use of tobacco is important. As a healthcare provider for 25 years, I understand this. More importantly, as a father of a teenager, I understand it.

I have learned in Congress that many times I don't get to vote on the bill that I want; I have to vote on the bill that is in front of me, and that is just the way it goes here.

But I will tell you what. This bill makes it almost impossible—as a matter of fact, it makes it impossible to do the one thing that we all agree on, which is that we need to end youth vaping, because let me tell you what this bill does. It goes way beyond that.

I would be willing to bet that most Americans in the districts of the sponsors of these bills don't know every-

thing that these folks are about to vote on. I would be willing to bet, as they should, that they have communicated to the constituents back home that they are attacking youth vaping. That is a solid, solid thing to do. But what I bet that they haven't done is tell them what else they are about to do.

The gentleman from Oregon, the ranking member on the Committee on Energy and Commerce, in the previous section of this debate held up a poster with many of the products that are about to be banned. I bet most Americans don't know that that is coming, and I think that they should know. I think it should be part of this discussion.

I think it is outrageous that this body, once again, is going to try to tell the American people what they can have and what they can't have.

They are not banning tobacco; they are only banning choices.

They are not taxing high-end tobacco; they are taxing low-end tobacco.

They are not taxing high-end cigars; they are taxing the cigars that the working class, the men and women out there that are on the lines every day, the ones that they are using.

What I find that is just absolutely remarkable on this is that they are not even looking at this in a comprehensive fashion to deal with another important part of vaping, and that is with marijuana and vitamin E acetate.

I think that if we are going to go down this road and have the discussion about youth vaping, why are we not including flavored marijuana in this bill? It is a real question.

Look at where the lung damage is occurring—not the addiction, but let's look at where the actual tissue damage occurs. It is coming from the vitamin E acetate that is associated with THC in these pods, and yet we are not touching that piece of it.

As a matter of fact, the chairman of the Energy and Commerce Committee, in the Rules Committee the other night, actually indicated that this was not necessarily a youth vaping bill but, in fact, a tobacco bill. Well, I was proud that he, at least at that point, told the truth on that part.

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

Mr. SMITH of Nebraska. Madam Speaker, I yield the gentleman from Georgia an additional 2 minutes.

Mr. FERGUSON. Again, what this bill does is it goes after Americans' choice. You may not think that they should use tobacco—we can acknowledge the health risk associated with it—but it is not Congress' job to make that decision for adults, for the American voter.

We have seen a consistent pattern of this. We have seen it time and time again, whether it was from a mayor in a large city like New York telling Americans what size Coke or soft drink they could have to something as outrageous as my friends on the other side of the aisle trying to tell the American

voter who the President should be through the impeachment process. Now they are going to tell them what kind of tobacco they can use. It goes on and on and on and on.

And do you know what? If we continue down this path, it really does start to look and smell and sound just like socialism. I don't think that is right for this country, and we should fight back against it.

Mr. SUOZZI. Madam Speaker, I just want to point out to my good friend from Georgia that the tax does not exempt premium cigars in any way whatsoever.

Madam Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a senior member of the Ways and Means Committee and chair of the Trade Subcommittee.

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy, and I appreciate his leadership on this issue.

I have listened to my friends on the other side of the aisle, and I am saddened that they somehow feel that this is boiling down to some sort of notion of choice, discrimination against African Americans.

Let's get a grip here. The cigarette is the only product which, if used as directed, will kill you. That is why Big Tobacco has become a genius at marketing. They have to replace their customers that they kill every day by the thousands.

That is why they are looking at being able to hook, especially, young people who are more impressionable, and they will smoke longer if they are addicted.

That is how they hooked my father. He was part of the GIs in the Pacific who got free cigarettes and became addicted. It killed him.

This is the latest chapter in this insidious marketing juggernaut.

I am sorry, it is not discrimination against African Americans who somehow have a genetic predisposition toward menthol flavoring. That is the result of tactics by Big Tobacco, by using advertising, politics, culture to target this population, and it has been successful. Their use is much higher than the general population.

Dealing with vaping and e-cigarettes is the latest chapter in that recruitment that they have to replace the customers who die.

Well, I would suggest that, first and foremost, it is widely understood that taxation is the single most effective mechanism to discourage use, especially for young people. We are doing it in this legislation, and it is important.

Now, I have heard my friends on the other side of the aisle, my good friend from Oregon, holding up two charts, products that will be illegal, that are widely available now, and then talking about cannabis products and that there is no regulation.

□ 1045

Well, that is because we have failed to actually deal with regulating cannabis. That is like regulating flavored

heroin. When we tax and regulate cannabis—and we have legislation that has passed out of the Judiciary Committee that would enable us to have regulation. The Commerce Committee is looking at being able to research, but we are prohibited by outmoded Federal law from actually being able to research this.

The challenge that we have now is to be able to move forward, to be able to protect young people and the public.

Cannabis is a red herring. If we tax and regulate it, then we can deal with the products they are talking about. But unless and until, as two-thirds of the States have done, we actually tax and regulate it, we can't deal with that. That doesn't matter.

But today we can do something. Today, we can move this legislation forward to protect young people, to have a reasonable tax mechanism, to be able to finally strike a blow against the Big Tobacco marketing juggernaut that is e-cigarettes and flavored tobacco.

I strongly urge support of this legislation. I appreciate what has been done going forward. We should not fall for the phony argument that somehow because we haven't regulated cannabis, we haven't solved the problem.

Mr. SMITH of Nebraska. Madam Speaker, I yield 2 minutes to the gentleman from West Virginia (Mrs. MILLER).

Mrs. MILLER. Madam Speaker, I rise in opposition to the legislation before us, because today my colleagues across the aisle are trying to tax people who want to quit smoking. It is cut and dried. That is the issue, and it is just plain wrong.

I commend this House for the advances we have made this year when it comes to addressing youth nicotine use. Up until this point, we have already raised the purchasing age of tobacco products to 21 years old. We have already increased age verification standards for the online sales of e-cigarettes, and we are continuously performing oversight over vaping-associated lung injuries. These are serious actions to address serious problems.

But this bill before us today completely misses the mark and punishes the very people who should be supported. Give me a break.

Studies show that taxing vaping products increases cigarette use, not inhibits it. And further, this doesn't even address the root of vaping-related lung injuries, because the supporters of this bill remain silent—silent—on black market THC products.

Federal health officials recently reported a case study that found 95 percent of vaping-related injuries were caused by using these illicit products. This is the real problem.

Instead of overregulating this industry and overburdening taxpayers trying to take control of their healthcare, I request that my colleagues vote against H.R. 2339.

Mr. SUOZZI. Madam Speaker, I just want to note again that the bipartisan

Protecting American Lungs Act, again, has over 50 public health, medical, and educational organizations supporting it.

Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DANNY K. DAVIS), another senior member of the Ways and Means Committee, the chairman of the Subcommittee on Worker and Family Support, and my good friend.

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman from New York for yielding and for his leadership on this issue.

You know, I have never appreciated being discriminated against, but I have always been told that if you fool me once, shame on you; fool me twice, shame on me.

And there is one thing that we do know. We know from evidence-based research that tobacco products that are smoked, inhaled, or chewed, have no measurable health benefits. Tobacco product usage is still one of the leading causes of preventable death in the United States, resulting in an estimated 480,000 lives each year.

Cigarette usage is still declining in the United States. Some analysts have reported that 34 million American adults smoke cigarettes on a regular basis, and there are 1.2 million American middle and high school students who smoked cigarettes in the last 30 days. According to the Centers for Disease Control and Prevention, 8.1 million American adults used e-cigarettes every day or some days in 2018, and about 5.4 million American middle and high school students have used an e-cigarette in the last 30 days.

I support H.R. 2339, Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020. This bill would stop the manufacturing and use of fruity and flavored tobacco products in all electronic nicotine delivery systems that are battery operated containing nicotine and other chemicals.

In addition, this legislation would provide grants to community health workers and educational awareness to cessation programs for tobacco.

Madam Speaker, I urge my colleagues to vote for this bill.

Mr. SMITH of Nebraska. Madam Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. ESTES).

Mr. ESTES. Madam Speaker, I rise today in opposition to H.R. 2339.

I want to be clear from the outset, we need to find ways to keep vaping and tobacco products out of the hands of children and teenagers, including legal products that contain nicotine, as well as the black market products that contain THC and which have contributed to an alarming number of health concerns and deaths, including two in my home State of Kansas.

In recent months, these deaths have rightly attracted national attention and scrutiny, but the bill before us today is not the right solution to address this troubling situation.

Instead of following regular order, the tax title of this legislation did not

have a hearing prior to markup in the Ways and Means Committee. I believe our constituents deserve to know about the impacts of vaping and the direct causes of recent deaths before we consider a \$10 billion tax hike.

In addition, the substance of this legislation is technically flawed. While the bill is titled the "Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act," it does nothing to address youth access to tobacco.

Congress has already raised the legal age of tobacco and nicotine consumption to 21 in December of last year. Because of this action, it seems that the only purpose of this legislation is to eliminate choice of millions of law-abiding adults.

The tax chapter of this legislation defines "taxable nicotine," not vaping. This targets other legal nicotine products that are unrelated to vaping. A better solution would have been to use the FDA's definition of Electronic Nicotine Delivery Systems, or ENDS.

Additionally, this legislation taxes nicotine on the basis of weight. It would have been more appropriate and technically easier to tax vaping on the basis of milliliters, just as Kansas has done, as vaping products are sold as liquids.

Instead of targeting black market products, the bill levies a nearly \$10 billion tax on American consumers of these legal products, which medical journals have found to be 95 percent safer than cigarettes.

This nicotine tax does not reflect the harm of vapor products related to traditional tobacco products. Instead it taxes vaping at a higher level per unit than traditional combustible tobacco products, which may encourage adults to transition back to cigarettes.

Both the CDC and the FDA have acknowledged that the outbreak of lung illnesses and deaths are mostly attributable to illicit marijuana and THC in vaping, which are not addressed at all in this bill.

The bill appears to be primarily a massive money grab and another step towards an outright tobacco ban rather than a solution to a very real health crisis.

I look forward to working to address the crisis, but I urge my colleagues today to vote against this bill.

Mr. SUOZZI. Madam Speaker, I include in the RECORD an analysis by the Campaign for Tobacco Free Kids, showing that e-cigarette use is dramatically higher among high school and middle school students than amongst adults.

ACTION NEEDED: E-CIGARETTES

Since their introduction in 2008, e-cigarettes have become both ubiquitous and an increasing source of public policy concern and debate. This concern stems primarily from drastic increases in youth e-cigarette use. The most recent data show that 27.5% of high schoolers are using these products—a rate of youth tobacco product use not seen in nearly two decades. The public health community, parents and educators are shocked and worried to find their children and students using these products at home and even

in class. Young people are reporting severe signs of dependence, including using e-cigarettes when they first wake up, inability to concentrate in the classroom without using an e-cigarette, and even waking in the night to get a nicotine fix.

We have known for decades that youth in particular should not be exposed to nicotine because it changes brain chemistry to create a stronger addiction, can lead to memory and concentration problems, and can make youth who use it more susceptible to addiction to other substances. Research also suggests that young people who use e-cigarettes are four times more likely to go on to smoke combustible cigarettes.

E-cigarettes are now threatening to undo all the progress that the public health community and government have made over decades to reduce cigarette smoking. Indeed, the surgeon general raised the alarm by issuing an advisory declaring a youth e-cigarette epidemic in December 2018. Since then, data show that more and more youth continue to use e-cigarettes. And this isn't just experimental or occasional use—it's regular use likely driven by addiction. The most recent National Youth Tobacco Survey data show that 34.2% of current high school e-cigarette users use them on 20 days or more per month.

Conversely, as the youth e-cigarette epidemic has continued unabated, we have seen adults, and especially older smokers, simply reject the product. In 2014, the first year that the National Health Interview Survey measured adult use of e-cigarettes, 3.7% of adults used the product in the last 30 days. In 2018, the adult usage remained low, at 3.2%, and was largely driven by young adult users (7.6%), who have matured during the youth e-cigarette epidemic. While some adults have switched completely to e-cigarettes from combustible cigarettes, the predominant pattern among adult users continues to be e-cigarette use in conjunction with smoking. This "dual use," however, provides no reduction in the harms associated with smoking.

As youth use continues to rise, the science around the potential harms of e-cigarettes has grown. Studies show that e-cigarettes produce lower amounts, but are not free from the toxins found in cigarettes. At the same time, flavoring compounds and other ingredients may be producing their own unique harms. Recent studies demonstrate the harms e-cigarettes pose to the respiratory system. Similarly, new studies show e-cigarettes may present unique threats to cardiovascular health. It continues to be nearly impossible to make generalized statements about the potential harms and benefits of the overall category of e-cigarettes due to the incredible variation in hardware design and ingredients. Moreover, as industry executives themselves have acknowledged, we simply do not know the long-term health impacts of e-cigarette use. It took us many decades to understand the toxicity of cigarettes, and, even today, we are discovering new ways in which they harm health.

Simply put, the data show that e-cigarettes as they are currently sold and regulated in the United States are overwhelmingly a vehicle for youth initiation, not adult cessation. E-cigarettes expose kids—who otherwise never would have been—to nicotine and put them at risk for both long- and short-term health consequences.

THE POSITION OF TRUTH INITIATIVE®

Truth Initiative has maintained that there may be some possible public health benefit from properly regulated e-cigarettes, provided manufacturers can demonstrate that the products can help adults quit smoking combustible cigarettes safely and completely. However, no e-cigarette has been ap-

proved for smoking cessation and no e-cigarette has gone through the rigorous scientific review necessary to determine whether it actually does help smokers to quit. Furthermore, any public health benefit from e-cigarettes for smokers must be weighed against the incredibly high youth use of e-cigarettes and the fact that there are currently no significant marketing restrictions on these products. Without a significant change in regulatory approach, it is unlikely that e-cigarettes will contribute to the overall benefit of public health.

Mr. SUOZZI. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. COX), a good friend and leader on this important issue to reduce cost for Americans with chronic lung disease and asthma.

Mr. COX of California. Madam Speaker, I rise today to applaud the inclusion of my bipartisan bill, the Inhaler Coverage and Access Now Act, the I CAN Act, into H.R. 2339, the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020.

The I CAN Act is about commonsense prevention and investing in consistent treatment to avoid expensive care later down the road. Moms and dads shouldn't have to choose between paying their mortgage or paying their rent or buying an inhaler for their kids. No one should have to make that choice. The I CAN Act allows you to access inhalers, whether or not you have reached your deductible. For so many families, this removes a critical cost barrier for the care they need and deserve.

Like so many preventive medicines and procedures, inhalers actually save patients, hospitals, and insurers money by cutting down on hospitalizations and medical emergencies before they start. As we all know, an ounce of prevention is worth a pound of cure.

Today, the annual cost of asthma in the United States is more than \$56 billion. Why is that? That is because of the 1.8 million emergency room visits which could have been avoided if people had the inhalers they needed.

But worse yet are the 3,300 deaths from asthma each year. And these deaths were preventable. Let me say that again: These deaths were preventable. And in the richest country in the world, it is an outrage that anyone dies because they cannot get the medicine they need. We need to make treatment accessible, and this bill does just that.

For so many families, our friends and our coworkers, asthma medicine is life-saving, and many will pay whatever it takes to get the drugs they need.

Naturally, Big Pharma knows this, and they have taken advantage of that. For example, albuterol, one of the oldest asthma medicines, typically costs \$50 to \$100 per inhaler in the U.S. Less than a decade ago, it was \$15. Then the manufacturer made some small changes, repatented it, and raised the price by 600 percent. That is price gouging. And while it might be good for the drug company's bottom lines, it is bad medicine for America.

I represent California's 21st Congressional District in the San Joaquin Valley, which has the worst air basin in the Nation. And to make matters worse, many of our rural communities have faced extreme challenges when accessing asthma care.

For my constituents and for patients across the country with asthma, it was a major priority for me to introduce the I CAN Act, to remove barriers and increase access to inhalers by providing patients with the coverage for inhaler medication.

I want to thank the Ways and Means Committee and the Energy and Commerce Committee for taking the necessary action to protect the health of America's children.

We can pass the I CAN Act to make inhalers available to everyone. We can prevent youth tobacco use. We can address the youth e-cigarette epidemic. We can, with our vote today, show we care, and we can act to improve the health of our young people.

I urge my colleagues to support H.R. 2339.

Mr. SMITH of Nebraska. Madam Speaker, I include in the RECORD 10 letters in opposition to H.R. 2339.

The first letter is from a group of letter-writers that would include the Drug Policy Alliance, the Law Enforcement Action Partnership, the National Action Network, the National Association of Criminal Defense Lawyers, the National Association of Social Workers, the Center for Popular Democracy, and the American Civil Liberties Union.

Other letters come from the National Taxpayers Union, Freedom Works, R Street Institute, Citizens Against Government Waste, and the National Association of Convenience Stores.

MONDAY, FEBRUARY 24, 2020.

Re Coalition Concerns with Blanket Prohibition on Menthol and Other Flavored Tobacco within H.R. 2339, Reversing the Youth Tobacco Epidemic Act.

Hon. FRANK PALLONE,
Chairman, House Committee on Energy and Commerce, Washington, DC.

The undersigned civil rights and civil liberties organizations write to express concerns with a broad prohibition on menthol and other flavored tobacco products within H.R. 2339, the Reversing the Youth Tobacco Epidemic Act of 2019. While this legislation is a well-intended effort to address health issues associated with tobacco use among youth, we have concerns that a blanket prohibition on menthol and other flavored tobacco products, which will apply to adults, will (1) disproportionately impact people and communities of color; (2) trigger criminal penalties, prioritizing criminalization over public health and harm reduction; and (3) instigate unconstitutional policing and other negative interactions with local law enforcement.

I. H.R. 2339 DISPROPORTIONATELY IMPACTS PEOPLE AND COMMUNITIES OF COLOR

Of adults, approximately 80 percent of Blacks and 35 percent of Latinx who choose to smoke prefer menthol cigarettes. Thus, any ban on menthol cigarettes will disproportionately affect people of color. While H.R. 2339 and similar legislation are often motivated by the desire to decrease and

eliminate smoking among certain populations, Blacks and other people of color should not disproportionately bear the brunt of enforcement of such prohibitions, which a menthol ban would ensure.

Similarly, enforcement of a ban on flavored cigars will also disproportionately impact people of color given cigar preferences. Black adults are 60% of cigarillo and non-premium cigar smokers, with these products often flavored. Additionally, at Committee markup, H.R. 2339 was amended to exempt certain traditional, expensive cigars from a prohibition of online tobacco sales. There is no justification for differentiating a La Palina from a Black and Mild. Making this distinction undermines the public health arguments made for this bill and suggests that some tobacco preferences, within certain communities, will be prioritized and protected over others.

II. H.R. 2339 INCREASES CRIMINAL PENALTIES OVER PUBLIC HEALTH

H.R. 2339 prohibits menthol and other flavored tobacco products under the Food, Drug, and Cosmetic Act (FD&C Act). This prohibition criminalizes the manufacturing, importing, distributing, or selling of menthol and other flavored tobacco products under the FD&C Act, imposing up to three years of imprisonment. Violating a menthol and flavored tobacco ban would implicate other federal criminal penalties as well. For example, the Federal Cigarette Contraband Trafficking Act would be implicated, allowing up to five years of imprisonment.

With a criminal legal system that incarcerates Blacks at nearly six times the rate of white Americans and a prison population that is 67 percent Black and Latinx, any prohibition on menthol and flavored tobacco products promises continued overcriminalization and mass incarceration of people of color. A ban on menthol and flavored tobacco products could reintroduce many of the harms imposed by the failed war on drugs as lawmakers work to legalize cannabis and take a public health approach to opioids. A bill criminalizing tobacco is contrary to those efforts. Righting the wrongs of earlier failed drug policy requires consideration of the unintended consequences of well-intentioned policies, especially on the most vulnerable communities. It also requires us to remember that harm reduction, including education and counseling, are what work to reduce usage and harm in our society, not prohibition.

III. H.R. 2339 ENCOURAGES HARMFUL POLICE PRACTICES

Recent history shows us that drug prohibitions and bans increase negative interactions between law enforcement and people of color. The New York Police Department's (NYPD) stop and frisk program resulted in nearly 700,000 stops in 2011, with drugs serving as the alleged pretext for most of those stops. Ninety percent of those stops were of Black and Latinx people. We are concerned that law enforcement's attempts to enforce a menthol and flavored tobacco ban will undoubtedly lead to fines, arrests, and eventual incarceration for those who continue to use and sell menthol and flavored tobacco products. While the legislation was amended at Committee to try to minimize law enforcement practices here, it only applies in the context of federal enforcement of the FD&C Act; it does not govern local enforcement around any state and city prohibition policies that will follow.

The death of Eric Garner in 2014 generated national attention not only for the brutality he experienced at the hands of NYPD police, but for the reason that led to the encounter with law enforcement. Mr. Garner died from an illegal chokehold having been stopped by

police for selling single cigarettes in violation of state law. Gwendolyn Carr, Eric Garner's mother, cautions: "When you ban a product sold mostly in Black communities, you must consider the reality of what will happen to that very same overrepresented community in the criminal justice system." With a federal prohibition on menthol and flavored tobacco products, states will develop their own prohibition and enforcement policies that could result in harmful police practices like that witnessed with Mr. Garner.

Based on our concerns, we urge you to not impose a blanket ban on menthol and related tobacco products. A prohibition on all menthol and flavored tobacco products will not achieve a public health goal of reducing smoking among Black people, young people, or others. We hope we can work together to avoid repetitions of policies that are intended to protect youth and communities of color, but instead only further engrain systemic criminalization and racism.

Sincerely,

American Civil Liberties Union, Drug Policy Alliance, Law Enforcement Action Partnership, National Action Network, National Association of Criminal Defense Lawyers, National Association of Social Workers, The Center for Popular Democracy.

NATIONAL TAXPAYERS UNION,

February 25, 2020.

National Taxpayers Union urges all Representatives to vote "NO" on H.R. 2339, the "Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act" of 2020. This disastrous legislation would significantly raise taxes and limit the ability for cigarette smokers to transition to less harmful vapor and e-cigarette products.

As written, H.R. 2339 contains one of the largest tax increases considered by the 116th Congress to date. This legislation would levy a new excise tax on nicotine contained in vaping products to match the rate of the federal cigarette excise tax and could raise nearly \$10 billion, according to CBO. It's a significant tax hike that will severely harm consumers and small business owners. While there is likely to be harm to the economic health of the country, there would also be damage to the health of adults transitioning away from deadly cigarettes. According to a study published by the National Bureau of Economic Research, taxing vapor products at the same rate as traditional cigarettes would deter approximately 2.75 million Americans from kicking their habit. In other words, tax policy alone could make it less likely that millions of Americans make choices that would improve their health.

It is particularly concerning that this legislation prohibits all flavors of tobacco products, including menthol. In their attempts to quit, adult tobacco smokers typically start with tobacco-flavored e-liquid, but research indicates many end up switching to other flavors that this legislation would prohibit. Cracking down on legal-age buyers of flavored e-cigarettes will limit access to less harmful alternatives that could potentially save hundreds of thousands of lives each year. Blanket prohibitions are seldom successful and often lead consumers to untaxed and unregulated black markets to access products.

These devastating provisions completely disregard the benefits vapor products have as an important cigarette cessation tool. Vapor products still allow users to consume nicotine, but avoid the traditional combustion of cigarettes, which contain toxins and other dangerous chemicals. Some government studies have found that e-cigarettes are 95 percent safer than traditional tobacco products and can be as much as twice as effective

as gum or patches to help users quit. Smoking is a high-risk activity and providing smokers with a way to consume nicotine in a safer way is a large public health benefit, increasing life expectancy and reducing mortality.

Roll call votes on H.R. 2339 will be heavily-weighted in NTU's annual Rating of Congress and a "NO" vote will be considered the pro-taxpayer position.

FREEDOMWORKS,

February 26, 2020.

KEY VOTE NO ON THE QUIT OR DIE ACT, H.R. 2339

On behalf of FreedomWorks' activist community, I urge you to contact your representative and ask him or her to vote NO on the "Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act," H.R. 2339. This bill is nothing short of an assault on the vaping industry, which provides smokers with a method of harm reduction that is 95 percent safer than traditional, combustible cigarettes. The message House Democrats are sending with H.R. 2339 is that Americans who want to kick the habit through vaping should either "quit or die."

H.R. 2339 would outright ban online sales of flavored vaping products, and ban the flavors themselves. The bill would also require graphic health warnings on tobacco packaging. This is nanny state governance at its worst.

Despite the bill's wildly misleading short title, it will not, in fact, do anything to combat youth usage of tobacco products. What it will do is make it more difficult for adult smokers to quit on their own terms. This bill prohibits the use of any and all characterizing flavors of tobacco products, including menthol. It's important to note this is not limited to e-cigarettes. Traditional menthol cigarettes would become illegal if this bill were made law.

The sponsors of H.R. 2339, Reps. Frank Pallone (D-N.J.) and Donna Shalala (D-Fla.), have put a stark choice before smokers in the United States: quit or die. Studies have shown that e-cigarettes are both 95 percent less harmful than traditional cigarettes and a more effective means of quitting. H.R. 2339 takes that option entirely off the table. Under this legislation, if smokers cannot quit cold turkey, they are left to suffer the crippling medical consequences on their own.

This bill also presents a variety of First Amendment concerns. It would require tobacco companies to provide graphic health warnings on their packaging. This is compelled commercial speech by the government, something that's been ruled unconstitutional a number of times. The late Supreme Court Justice Lewis Powell set forth a test for government regulation of commercial speech. The two prongs were that in order to be regulated, the existing labeling must actively be misleading and there must be a substantial government interest involved. The Pallone-Shalala bill fails both tests.

Furthermore, this bill greatly increases the Food and Drug Administration's (FDA) authority to regulate this space. The FDA would have the ability to hand down even more stringent regulations on the sale of existing products and collect fees or taxes on them. This is an unacceptable growth of an unelected bureaucratic agency.

Amusingly, this package contains a provision that would require a study to be conducted on the effects of e-cigarettes. This is a clear admission by the drafters of this legislation that they not only ignored the medical research surrounding vaping but that they also have no intention of doing so before they wholesale ban an entire category of products.

H.R. 2339 also includes the text of H.R. 4742. This aspect of the bill would impose a new excise tax on nicotine used in vaping, at a rate of \$50.33 per 1,810 milligrams or at a proportional rate. The Congressional Budget Office projects that H.R. 4742 would increase tax revenues by nearly \$10 billion over ten years. Obviously, this bill is aimed at deterring people from vaping by increasing the costs, which will be passed along to the consumer at the point of sale.

This kind of excise tax typically impacts lower-income individuals. The National Center for Biotechnological Information notes, "In 2013, the prevalence of smoking among US adults living at or below the US Census poverty threshold was 80% greater than that of those living above the poverty line (33.8% compared to 18.7%). This elevated prevalence is in part due to the reality that compared to more advantaged smokers, over time disadvantaged smokers have a lesser likelihood of quitting."

We find it peculiar that House Democrats, who have so frequently relied on class warfare rhetoric to push a socialist agenda, have sought to protect the state and local tax (SALT) deduction—which overwhelmingly benefits higher-income earners in high-tax states like California, New Jersey, and New York—but are so willing to hit lower-income individuals with such a regressive tax. We find the hypocrisy palpable.

Because H.R. 2339 creates new prohibitions on certain activities—including banning menthol and other flavors—it opens up the possibility of criminal penalties under the Food, Drug, and Cosmetic Act (21 U.S.C. 333) and the Federal Cigarette Contraband Trafficking Act (18 U.S.C. 2344). In short, individuals who participate in this behavior could be exposed to fines and prison time.

FreedomWorks will count the vote on H.R. 2339 on our 2020 Congressional Scorecard and reserves the right to score any related votes. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of the House and Senate who consistently vote to support economic freedom and individual liberty.

Sincerely,

ADAM BRANDON,
President, FreedomWorks.

R STREET,

Washington, DC, February 25, 2020.

DEAR SPEAKER PELOSI, MINORITY LEADER MCCARTHY AND MEMBERS OF THE HOUSE OF REPRESENTATIVES: The R Street Institute—a nonprofit, nonpartisan public policy research organization focused on pragmatic solutions to policy challenges—has a number of concerns with H.R. 2339, the "Reversing the Youth Tobacco Epidemic Act of 2019." We recognize that preventing non-smoking young people from establishing both e-cigarette and combustible cigarette use is vital to the future health of the population. However, it is important to recognize that smoking is the leading cause of preventable death in the United States, and we must continually evaluate the available strategies for decreasing tobacco-related morbidity and mortality. E-cigarettes provide such a strategy.

Undoubtedly, the youth use trend is cause for concern and continued investigation. However, this cannot be the only measure of the effect of e-cigarettes on population health. Based on the body of research as a whole, we urge the committee to consider pursuing policies that reflect the short- and long-term population health impact of e-cigarettes relative to the known harms of combustible cigarettes.

E-CIGARETTES ARE A HARM REDUCTION AND SMOKING CESSATION TOOL

The best available science indicates e-cigarettes are not likely to exceed 5 percent of

the harm associated with combustible cigarettes, a conclusion supported by both Public Health England and recently the National Academies of Sciences, Engineering and Medicine. Also, like traditional nicotine replacement therapies, e-cigarettes do not produce environmental tobacco smoke that harms bystanders. It is estimated that e-cigarettes have the potential to save up to 6 million lives by 2100 if only 10 percent of current smokers switch to e-cigarettes in the next 10 years.

Many experts recognize that e-cigarettes present a reduced risk because they do not employ the traditional cigarette combustion process that releases around 7,000 chemicals—some of which are highly carcinogenic. For this reason, one such expert, former FDA commissioner Scott Gottlieb, has made reduced-risk products like e-cigarettes central to the FDA's roadmap:

While it's the addiction to nicotine that keeps people smoking, it's primarily the combustion, which releases thousands of harmful constituents into the body at dangerous levels that kills people. This fact represents both the biggest challenge to curtailing cigarette addiction—and also holds the seeds of an opportunity that's a central construct for our actions. E-cigarettes may present an important opportunity for adult smokers to transition off combustible tobacco products.

Although there are a number of pharmaceutical products that can help smokers quit, it is important to remember that it is not only nicotine dependence that makes quitting combustible cigarettes difficult. For some, smoking offers stress relief, comradery or other psycho-social pleasure, and some even consider it a component of their identity. This often makes the physical act of smoking just as difficult to quit as the nicotine. Unlike the FDA-approved methods of smoking cessation, e-cigarettes do not force a smoker to forgo the secondary pleasure they get from the act of smoking while they are adjusting to the physiological effects of decreased nicotine.

Indeed, e-cigarettes have quickly become the number one quit tool in many parts of the world, allowing an untold number of smokers to quit cigarettes. Public health modeling has suggested that e-cigarettes are contributing to more rapid declines in smoking rates than were seen in previous years. In the United States and the United Kingdom e-cigarettes have outpaced traditional quit methods (varenicline, nicotine replacement therapies and counseling) and demonstrate a higher degree of success. Furthermore, in a randomized trial, smokers who used e-cigarettes as a cessation device achieved sustained abstinence at roughly twice the rate of smokers who used nicotine replacement therapy.

FLAVORS HELP SMOKERS TRANSITION AWAY FROM COMBUSTIBLE CIGARETTES

The availability of non-tobacco flavors also assists smokers with the transition away from combustible cigarettes. The International Journal of Environmental Research and Public Health reports that limitations in flavor choices negatively impact user experience. About 40 percent of former and current adult smokers predict that removing their ability to choose flavors would make them less likely to remain abstinent or attempt to quit. In fact, data suggests that current smokers are partial to the flavor of traditional tobacco, while fruit and sweet flavors are preferred by former smokers, indicating a correlation between flavors and sustained abstinence from combustible cigarettes.

Moreover, it has recently been demonstrated that e-cigarette users who use

non-tobacco flavors, including menthol and non-menthol (fruit, sweet, dessert) flavors are more likely to completely switch from combustible cigarettes than those who choose tobacco flavors. Flavored e-liquids are yet another way that e-cigarettes can help smokers disassociate combustible cigarettes—and the characteristic flavor—from their pleasurable effects.

Although many organizations and leaders suggest flavors attract young people to e-cigarettes, the 2019 National Youth Tobacco Survey casts doubt on that assertion. Among middle school and high school students, the most commonly endorsed reason for using e-cigarettes was "I was curious about them." Overall, 53 percent of students surveyed indicated curiosity as a reason they use e-cigarettes. The second most common reason for use was if a student's friend or family member used e-cigarettes. With just 22 percent of students endorsing availability of flavors as a reason for vaping, it is clear that social factors, not flavors, are the driving force behind youth e-cigarette use.

R STREET APPLAUDS RAISING THE AGE OF PURCHASE OF ALL TOBACCO PRODUCTS TO 21

Of course, smokers are not the only population impacted by e-cigarettes, and addressing youth use is important. Our organization, the R Street Institute, endorsed raising the minimum age of purchase for all tobacco products to 21, which was signed into law Dec. 20, 2019. This change will help prevent youth access in high school by limiting opportunities for younger students to buy from peers who, prior to the federal minimum-age-to-purchase increase, obtained the products legally. In combination with more stringent point-of-sale age verification and meaningful penalties for merchants who violate minimum-age-to-purchase laws, this change will significantly limit youth access.

The impact of nationwide 21-to-purchase legislation is yet to be evaluated; however, evidence from areas that raised the minimum age to purchase prior to the federal legislation suggests that this change will be highly effective at decreasing youth tobacco use. Following implementation of a 21-to-purchase law in Needham, Massachusetts, there was an unprecedented 47 percent reduction (from 13 to 7 percent) in past 30-day smoking rates among high schoolers over four years (2008–2012).

R STREET DOES NOT SUPPORT BANNING NON-FACE-TO-FACE SALES OF E-CIGARETTES

It is imperative that the availability of reduced-risk alternatives remains in place for people who use e-cigarettes as a cessation tool. According to the 2016 Surgeon General's Report, in 2014, 20 percent of all e-cigarette sales occurred online. It is estimated that in 2018, 32 percent of all e-cigarette sales occurred online. As more proposals arise to limit what kinds of brick and mortar establishments are able to sell e-cigarettes or other reduced-risk products—all while protecting combustible sales—online sales may be the only point of access for people who, for many reasons, cannot reach specialty stores. It should not be a surprise to the committee that people who live with disabilities, are economically disadvantaged or live in rural areas are overrepresented in the smoking population. These particular factors represent true barriers to face-to-face access to specialty products. Online sales and delivery may be the only way that smokers have access to safer products.

Furthermore, there is a misperception that online sales of e-cigarettes are more vulnerable to underage access. Legal retailers that sell their products online have strict FDA-mandated age verification systems that are successful in preventing underage access to their products. Unverified underage sales

largely occur on eBay or other websites where age verification is not vital. Banning non-face-to-face sales will not stop illegitimate online sales to underage persons from occurring, as these sales are already illegal.

THE FDA'S ROLE IN PROTECTING PUBLIC HEALTH

Finally, it is important to recognize that the FDA has developed a regulatory pathway to evaluate the safety and public health impact of all new tobacco products, including considerations of flavors. This is a process that has been carefully designed over several years to ensure new tobacco products, like e-cigarettes, will not have a negative impact on the health of the population as a whole. Given that manufacturers must file their Premarket Tobacco Applications for all deemed tobacco products, which includes virtually all e-cigarettes, by May 12, 2020 or risk removal from the market, it makes sense to delay enacting any federal bans. Allowing the safety and regulatory experts at the FDA to lead the way in authorizing the sale of these products is the most appropriate way forward, something acknowledged by §103(d.2) of this bill.

Policies that treat e-cigarettes the same as combustible cigarettes encourage current smokers to continue doing enormous harm to their health by discouraging a switch from combustible products. Conversely, policies that reflect the lesser harm of e-cigarettes can significantly reduce the enormous burden of disease that combustible cigarettes impose on society.

One thing is certain: We are all striving to improve and protect the nation's health. To do so, we must recognize the potential for e-cigarettes to mitigate risks associated with combustible cigarettes if we wish to encourage a healthful populace. We encourage you to consider policies that reflect the reduced risk of e-cigarettes compared to combustible cigarettes as we work towards creating a healthier population.

Thank you for your time and consideration.

Respectfully submitted,

CARRIE WADE, PH.D.,
M.P.H.,

Director of Harm Reduction Policy, R Street Institute.

CHELSEA BOYD, M.S.,
Research Associate in Harm Reduction Policy, R Street Institute.

FEBRUARY 14, 2020.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On November 19, 2019, H.R. 2339, the Reversing the Youth Tobacco Epidemic Act of 2019, was reported out of the Energy and Commerce Committee. It is likely you will vote on this legislation before the end of February.

The Council for Citizens Against Government Waste (CCAGW) understands the concerns Congress has with youth use of tobacco products, particularly electronic nicotine delivery systems (ENDS) and vaping, but legislation was passed in December 2019 that raised the age from 18 to 21 for the legal use of any tobacco product. It would seem obvious that Congress should allow that new law to take hold before H.R. 2339, a far more drastic measure, is even considered. If this bill should become law, it would create a black market that will cause great harm to our citizens. On behalf of the more than 1 million members and supporters of CCAGW, I ask that you oppose H.R. 2339.

The legislation would make it illegal to sell any flavored ENDS product and ban flavors in other tobacco products, including

menthol, mint, and spice flavors found in combustible cigarettes and non-combustible products like flavored cigars and chewing tobacco. Only natural tobacco flavor would be allowed.

Adults use ENDS and other non-combustible harm-reduction tobacco products to quit smoking because they enjoy the sweet and fruity flavors, finding them essential in moving away from smoking. Banning menthol and other flavors, like spices and herbs found in combustible cigarettes and other products like chewing tobacco, will encourage many current users to find other sources of these flavors. Menthol crystals can easily be bought and enterprising street vendors will be eager to sell a variety of flavorings for all tobacco users.

Much of the impetus behind H.R. 2339 was based on reports that youth use of e-cigarettes had climbed significantly. The 2019 National Youth Tobacco Survey data showed that 64.8 percent of youth had never tried an e-cigarette and 6.7 percent had used an e-cigarette in their entire life for more than 100 days. The largest percent of youth purchased their e-cigarette from a friend, not a store. Certainly, 6.7 percent is a number to be concerned about but whether that should be considered an epidemic and warrant passing such radical legislation that will hurt adults who are using harm reduction tobacco products to quit smoking is questionable.

For example, according to 2017 Centers for Disease Control (CDC) statistics, it was found that among high school students, during the past 30 days, 30 percent drank some amount of alcohol; 14 percent binge drank; 6 percent drove after drinking alcohol; and, 17 percent rode with a driver who had been drinking alcohol. Yet despite these numbers, Congress is not calling for a ban on alcohol. That was tried before with disastrous results.

In late summer and into the early fall, there were reports of severe illnesses and death due to a national outbreak of "e-cigarette, or vaping, product use-associated lung injury" or EVALI. The CDC admits that as of February 11, 2020 the data shows tetrahydrocannabinol (THC)-containing e-cigarette, or vaping products, which were obtained from "informal sources like friends, family, or in-person or online dealers, are linked to most EVALI cases and play a major role in the outbreak" and that "Vitamin E acetate is strongly linked to the EVALI outbreak."

In other words, it was the illicit market that caused the problem, not the legitimate ENDS market that produces thousands of jobs and helps millions of ex-smokers stay away from combustible cigarettes that Congress and the Food and Drug Administration are so keen to destroy.

Fortunately, the EVALI cases have dropped significantly, so Congress and health officials should take heed. Tobacco is a legal product in the U.S. and even if Congress could ban it, there should be little doubt that China would step in and flood an illicit market as it is the leading producer of tobacco in the world. The same result will occur if flavors are banned, especially with ENDS products. Current adult users will either go back to combustible cigarettes, which are deadly, or take the chance and purchase illegal products. Congress will have created a real health crisis that could have been avoided.

Again, I urge you to vote no on H.R. 2339. All votes on this legislation will be among those considered for CCAGW's 2020 Congressional Ratings.

Sincerely,

TOM SCHATZ,
President, CCAGW.

NACS,

Alexandria, VA, February 24, 2020.

Re Key Vote Alert: Oppose the Reversing the Youth Tobacco Epidemic Act of 2019 (H.R. 2339).

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER MCCARTHY: The National Association of Convenience Stores (NACS) represents the convenience industry, which has approximately 153,000 stores in the United States and employees over 2.36 million workers. In 2018, the convenience industry generated \$654.3 billion in total sales. Convenience stores serve about 165 million people per day—around half of the U.S. population—and the industry processes nearly 75 billion payment transactions per year. Yet, the industry is truly an industry of small businesses—approximately 62 percent of convenience store owners operate a single store, and approximately 74 percent of NACS' membership is composed of companies that operate ten stores or fewer.

The industry has devoted a substantial amount of time and resources to ensuring that convenience store operators are equipped to comply with federal, state, and local tobacco regulations. NACS shares Congress's concern with the number of underage users of e-cigarettes and supports legislative efforts to curb underage use of tobacco products.

NACS, however, opposes certain provisions in the Reversing the Youth Tobacco Epidemic Act of 2019 (H.R. 2339). H.R. 2339 would ban all flavored tobacco products—including menthol cigarettes, flavored smokeless tobacco, and flavored cigars—which in turn would create an illicit market for these flavored tobacco products.

It's important for lawmakers to understand the impact that banning flavored tobacco products would have on the market. Today, the menthol market accounts for roughly 30 percent of cigarette sales and the flavored market accounts for roughly 50 percent of cigar sales. What's more, nearly 86 percent of smokeless tobacco sales are for flavored products. It is unreasonable to assume that consumers will simply transition away from these flavored products to unflavored tobacco alternatives.

Instead, a ban on menthol cigarettes, flavored smokeless tobacco, and flavored cigars will undoubtedly lead to a black market for these products because of the broad consumer base that exists among adult users. When that happens, the illicit purveyors of menthol cigarettes, flavored smokeless tobacco, and flavored cigars, operating outside of the law, will not discriminate among their customers based on age. We already see this problem in the large illicit tobacco market that exists today.

Moreover, growth in the illicit market for tobacco increases health concerns. Congress, when it passed the Tobacco Control Act in 2009, granted the Food and Drug Administration (FDA) the authority to regulate tobacco products, including oversight into how tobacco products are manufactured. Tobacco manufacturers create products that are fully scrutinized and regulated by FDA; black market suppliers may ignore those regulations. Banning menthol cigarettes, flavored smokeless tobacco, and flavored cigars will eliminate FDA's oversight of these products, an important public health safeguard that Congress intended in the Tobacco Control Act.

A ban of menthol cigarettes, flavored smokeless tobacco, and flavored cigars also will create a “grey” market. Without a domestic source for these products, adult users will purchase them over the Internet, when they travel abroad, and through bulk importers/distributors. Again, these products will be unregulated by the FDA, therefore losing whatever health protections that Congress intended in the Tobacco Control Act.

The FDA needs to have a plan and demonstrated ability to deal with the problems of the illicit market for tobacco products before anyone considers a ban on menthol cigarettes, flavored smokeless tobacco, and flavored cigars. If a ban comes first, children and public health will be negatively impacted by the resulting illicit market.

Because of these concerns, NACS is key voting the bill and urges you to vote against H.R. 2339.

Respectfully,

LYLE BECKWITH,

Senior Vice President, Government Relations.

Mr. SMITH of Nebraska. Madam Speaker, I will include letters from Americans for Tax Reform, Altria, Taxpayer Protection Alliance, and the Tax Foundation.

I reserve the balance of my time.

Mr. SUOZZI. Madam Speaker, I just want to mention again that the Protecting American Lungs Act had over 50 public health, medical, and educational organizations sponsoring it.

Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. SHALALA), a very good friend, a real leader on health issues, and the former Secretary of Health and Human Services in the United States of America.

Ms. SHALALA. Madam Speaker, I would like to submit for the RECORD a letter from the leading voice of African American physicians, Dr. Louis Sullivan, in support of the legislation.

Dr. Sullivan was my predecessor at HHS. He served as Secretary from 1989 to 1993 under President Bush and is the president emeritus of Morehouse School of Medicine.

LOUIS W. SULLIVAN, MD,
Atlanta, GA, February 26, 2020.

Hon. FRANK PALLONE,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN PALLONE: I write to you today to express my strong support for H.R. 2339, Reversing the Youth Tobacco Epidemic, and I urge its passage by the House of Representatives.

There is an urgent need for action to protect the health of Americans—including the health of our young minority citizens—from the adverse health consequences of tobacco, including menthol-flavored cigarettes. For too many years, the tobacco industry has used menthol cigarettes—and now flavored cigars—to prey on minority youth and addict them to deadly tobacco products.

In 2011, the Food and Drug Administration’s Tobacco Products Scientific Advisory Committee found that removing menthol cigarettes from the marketplace “would benefit public health in the United States.” It concluded that menthol cigarettes have been disproportionately targeted at African Americans and have been disproportionately smoked by African Americans. Yet, the Food and Drug Administration failed to act to remove these products from the marketplace.

A number of localities prohibit the sale of all flavored products, including menthol cigarettes. Local action is important but

local policies will not protect millions of African Americans: Congress must remove all flavored products from store shelves in order to protect minority populations. A nationwide policy will also help end inconsistent enforcement.

Removing all flavored tobacco products, including menthol cigarettes will save lives—especially the lives of our minority citizens. I urge you and the House to move forward with removing all flavored tobacco products, including menthol cigarettes and flavored cigars.

Sincerely yours,

LOUIS W. SULLIVAN, MD,
President Emeritus,
Morehouse School of
Medicine, U.S. Sec-
retary of Health and
Human Services,
1989–1993.

□ 1100

Madam Speaker, as our Nation anticipates the probability of a pandemic, here today in this House, the people’s House, we have the opportunity to save millions of young lives that would be cut short by nicotine if we fail to act.

I am not exaggerating. The CDC predicted that, if the children of our country continue to use tobacco products at the current rate, 5.6 million 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. Thanks to smart, tough policies and a national commitment to reducing cigarette use, those numbers dropped to 3.6 percent by 2018.

Nearly 90 percent of adult smokers began smoking before the age of 18. If you don’t start smoking as a child, it is very unlikely you will smoke as an adult. This isn’t a secret. Public health officials know this, and tobacco companies know this, too. They also know 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 a 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 to market new vaping products to young people.

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

Mr. SUOZZI. Madam Speaker, I yield an additional 30 seconds to the gentlewoman from Florida.

Ms. SHALALA. They started marketing new vaping products to young people through Instagram ads and influencers and other social media platforms. They handed out free vaping products. They clearly targeted our children, and the strategy worked.

It is time to ensure that 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 this bill does. I strongly support it.

Mr. SMITH of Nebraska. Madam Speaker, I yield myself such time as I may consume.

It is important to note that I previously asked for some letters to be entered into the RECORD, and I think it is important to note some of the points that these organizations raise back to the ACLU and the Association of Social Workers and other groups.

They talk about this bill leading to overcriminalization and mass incarceration of people of color. It talks about the bill disproportionately impacting people in communities of color.

I think our country has had some, I think, very constructive conversations of late relating to these issues of mass incarceration and overcriminalization, and I think this bill sets us back in terms of those conversations that we have been having.

Madam Speaker, I reserve the balance of my time.

Mr. SUOZZI. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE), the chairman of the Energy and Commerce Committee, a good friend and a leader on this issue.

Mr. PALLONE. Madam Speaker, I want to thank my colleague from New York for yielding me this time.

Madam Speaker, I include in the RECORD the following letters of support for H.R. 2339:

First, a letter from 76 leading public health organizations; second, a letter from the NAACP; third, a letter from the National Medical Association; and fourth, a letter from public health organizations specifically supporting the menthol prohibition.

FEBRUARY 4, 2020.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: We are writing to express our strong support for H.R. 2339, the Reversing the Youth Tobacco Epidemic Act of 2019. This legislation will address the current youth e-cigarette epidemic that is undermining the progress made in reducing youth tobacco use.

Use of e-cigarettes by youth has escalated rapidly in recent years, placing a new generation at risk of nicotine addiction and tobacco use. Between 2017 and 2019, e-cigarette use more than doubled among high school students (from 11.7% to 27.5%) and tripled among middle school students (from 3.3% to 10.5%). More than 5.3 million middle and high school students used e-cigarettes in 2019, an alarming increase of more than 3 million in two years. Use of other tobacco products, including cigarettes, cigars and hookah, is also a serious problem. Tobacco use remains the leading preventable cause of death in the United States and is responsible for approximately \$170 billion in health care costs each year.

The Reversing the Youth Tobacco Epidemic Act provides a much-needed response to this serious public health problem. Its prohibition on flavored tobacco products, including flavored e-cigarettes, flavored cigars, and menthol cigarettes, is needed to stop tobacco companies from targeting and addicting kids with enticing flavors, such as gummy bear and cotton candy. Flavors mask the harsh taste of tobacco and make it easier for kids to start to use a tobacco product and to become addicted.

The bill's prohibition on flavored e-cigarettes is all the more important because the Administration's recently released policy on flavored e-cigarettes will leave thousands of flavored e-liquids and devices on the market. Flavors are a key reason for widespread youth use of e-cigarettes. Ninety-seven percent of current youth e-cigarette users have used a flavored e-cigarette in the past month, and seven out of ten said they used e-cigarettes "because they come in flavors I like."

The bill's prohibition on menthol cigarettes, flavored cigars, and other flavored tobacco products will also help protect kids and public health. More than half of youth smokers—and seven in ten African American youth smokers—smoke menthol cigarettes. As a result of decades of pervasive tobacco industry marketing, 85 percent of African-American smokers smoke menthol cigarettes, and menthol is a likely contributor to the higher rates of tobacco-caused death and disease experienced by African Americans. A 2013 Food and Drug Administration (FDA) analysis concluded that menthol cigarettes increase youth initiation, increase nicotine addiction, and make it harder for smokers to quit. Cigars are also available in a wide variety of flavors that make them more attractive to kids. More than one million high school students smoke cigars.

In addition to its prohibition on flavored tobacco products, the Reversing the Youth Tobacco Epidemic Act includes a number of other provisions that will help to reduce youth use of e-cigarettes and use of other tobacco products, including prohibiting online sales of most tobacco products, addressing inappropriate marketing and advertising, and ensuring that FDA will promptly implement the graphic health warnings on cigarette packs and advertising that are required under the 2009 Tobacco Control Act.

Youth use of e-cigarettes and other tobacco products is a problem that will not resolve itself. It will require action by Congress. The Reversing the Youth Tobacco Epidemic Act provides the comprehensive response that is needed. We urge you to support this important legislation when it comes to the House floor.

Sincerely,

AASA, The School Superintendents Association; Academy of General Dentistry; Action on Smoking & Health; African American Tobacco Control Leadership Council; American Academy of Oral and Maxillofacial Pathology; American Academy of Oral and Maxillofacial Radiology; American Academy of Otolaryngology-Head and Neck Surgery; American Academy of Pediatrics; American Association for Cancer Research.

American Association for Dental Research; American Association for Respiratory Care; American Cancer Society Cancer Action Network; American College Health Association; American College of Cardiology; American College of Occupational and Environmental Medicine; American Dental Association; American Federation of School Administrators; American Federation of Teachers; American Heart Association.

American Lung Association; American Medical Association; American Public Health Association; American School Health Association (ASHA); American Society of Addiction Medicine; American Thoracic Society; Americans for Nonsmokers' Rights; Association of Educational Service Agencies; Association of Maternal & Child Health Programs.

Association of School Business Officials International; Association of Schools and Programs of Public Health; Association of State and Territorial Health Officials (ASTHO); Association of Women's Health,

Obstetric and Neonatal Nurses; Asthma and Allergy Foundation of America; Big Cities Health Coalition; Campaign for Tobacco-Free Kids; Catholic Health Association of the United States; Children's Wisconsin; ClearWay Minnesota.

Common Sense Media; Community Anti-Drug Coalitions of America's (CADCA); Eta Sigma Gamma—National Health Education Honorary; First Focus Campaign for Children; International Association for the Study of Lung Cancer; March of Dimes; Mesothelioma Applied Research Foundation; NAACP; National African American Tobacco Prevention Network; National Association of County and City Health Officials.

National Association of Elementary School Principals; National Association of Pediatric Nurse Practitioners; National Association of School Nurses; National Association of Secondary School Principals; National Association of Social Workers; National Black Nurses Association; National Center for Health Research; National Coalition for Cancer Survivorship; National Education Association; National Hispanic Medical Association.

National Medical Association; National Network of Public Health Institutes; National Rural Education Advocacy Collaborative; National Rural Education Association; Oncology Nursing Society; Parents Against Vaping e-cigarettes (PAVe); Prevent Cancer Foundation.

Public Health Solutions; SHAPE America; Society for Cardiovascular Angiography and Interventions; Society for Public Health Education; Students Against Destructive Decisions; The Society of State Leaders of Health and Physical Education; The Society of Thoracic Surgeons; Trinity Health; Trust for America's Health; U.S. PIRG.

NAACP,

WASHINGTON BUREAU,

Washington, DC, October 16, 2019.

Re NAACP Support for H.R. 2339, the "Reversing the Youth Tobacco Epidemic Act of 2019".

Hon. FRANK PALLONE,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN PALLONE: On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I would like to thank you for your leadership in introducing H.R. 2339, the "Reversing the Youth Tobacco Epidemic Act of 2019." Nearly all tobacco use begins during youth and young adulthood—which is a crucial period for the development of the human brain. Your legislation would help put a stop to tobacco use by including a ban on all characterizing flavors of tobacco products, which are often created to appeal to the younger market.

As was noted in our 2016 NAACP resolution, "Support State and Local Restrictions on the Sale of Flavored Tobacco Products," "the tobacco industry has a well-documented history of developing and marketing brands targeted to African Americans and their youth" and further that "the tobacco industry manipulated the manufacturing of cigarettes to ensure the uptake and continued use of tobacco, especially by African American young people and other vulnerable populations for many years." Your legislation makes clear that the proliferation of slick new products purposefully designed to appeal to young people to get them addicted to nicotine and tobacco should not, and will not, be tolerated.

The use of tobacco and nicotine has evolved since that first Surgeon General's report. A quick Google search will lead you to an array of products online, including cigarettes, cigars, smoking pipes, and the most

recent addition—e-cigarettes. These e-cigarettes are now available in many flavors and studies show that flavor choices like mint, candy, fruit, or chocolate draw the interest of teens in middle school and high school. Unfortunately, while combustible cigarette use among teens has declined over the past two decades, there is a widespread—and false—perception that e-cigarettes are safe.

This false belief threatens any progress we have made in combatting this controllable public health threat. Recent data shows that over 3.6 million youth used e-cigarettes in 2018, making this product the most commonly used tobacco product on the market.

Flavored e-cigarettes have driven the youth epidemic, and more than half of youth smokers—including seven out of ten African-American youth smokers—smoke menthol cigarettes, so it's time to take these products off the market once and for all. States and cities are standing up and taking action, and we believe our federal government should do the same.

Thank you again for your leadership on this important issue, and for your concern for the health and well-being of future generations.

Sincerely,

HILARY O. SHELTON,
Director, NAACP
Washington Bureau
& Senior Vice President for Policy and Advocacy.

NATIONAL MEDICAL ASSOCIATION,

Silver Spring, MD, April 16, 2019.

NMA Applauds the Introduction of Legislation to Ban the Sale of All Flavored Tobacco Products, including Menthol Cigarettes and Flavored Cigars

The National Medical Association strongly supports the Reversing the Youth Tobacco Epidemic Act of 2019 legislation introduced today. This would prohibit the sale of all flavored tobacco products, including menthol cigarettes and flavored cigars. We applaud Representative Frank Pallone (D-NJ) for introducing the bill and taking this important step forward.

As the collective voice of African-American physicians, we know that banning menthol cigarettes will save lives in our community. Smoking-related illnesses are the number one cause of death in the African-American community and approximately 45,000 African Americans die each year from smoking-related diseases. Further, more than 85 percent of African-American smokers use menthol cigarettes. According to a 2013 report by the U.S. Food and Drug Administration (FDA), when compared to non-mentholated cigarette use, the "cooling and anesthetic properties" of mentholated cigarette use increases smoking initiation and the likelihood of becoming addicted in children and adults and decreases success in quitting smoking.

As reported by the Surgeon General in a 1994 report by the U.S. Department of Health and Human Services, 90 percent of smokers first started smoking by age 18. Also, as reported by B. K. Ambrose in a 2015 article of The Journal of the American Medical Association (JAMA), a majority of the youth ages 12-17 first tried flavored tobacco products and that flavoring was the leading reason for their tobacco use.

For years the tobacco industry has aggressively promoted menthol cigarettes and other flavored tobacco products in African-American communities. Taking action to ban menthol cigarettes is long overdue and the NMA requests that Congress move swiftly to take up this bill and save lives. To that end, increased funding should be earmarked to increase smoking-cessation initiatives

and increased promotion of same in African American communities. Our support of this legislation is for the betterment of the public health.

The National Medical Association is the collective voice of African American physicians and the leading force for parity and justice in medicine. The NMA is the oldest organization of African American professionals in America representing the over 50,000 African American physicians and the patients we serve in the United States and its territories.

NIVA LUBIN-JOHNSON, M.D., FACP,
President.

OCTOBER 16, 2019.

Hon. FRANK PALLONE,
*Chairman, Committee on Energy & Commerce,
House of Representatives, Washington, DC.*

Hon. GREG WALDEN,
*Ranking Member, Committee on Energy & Commerce,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN PALLONE AND RANKING MEMBER WALDEN: We write in support of prohibiting menthol cigarettes, which is a key part of the Reversing the Youth Tobacco Epidemic Act (H.R. 2339). There is overwhelming scientific evidence that menthol cigarettes have had a profound adverse effect on public health. Removing them from the market would drive down tobacco use and the death and disease it causes, particularly among youth and African Americans.

Menthol cigarettes are popular with youth. Over half of youth smokers—and seven in ten African American youth smokers—smoke menthol cigarettes. Menthol cools and numbs the throat and reduces the harshness of tobacco, making it easier and more appealing for youth to start smoking. In 2013, the U.S. Food and Drug Administration (FDA) released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking. An FDA scientific advisory committee concluded, “Removal of menthol cigarettes from the marketplace would benefit public health in the United States.”

Smoking-related illnesses are the number-one cause of death in the African American community and claim the lives of approximately 45,000 African Americans each year. Menthol cigarettes are a major reason why. Eighty-five percent of all African American smokers smoke menthol cigarettes, which is a direct result of a decades-long marketing campaign by the tobacco industry aimed at the African American community. African Americans generally have higher levels of nicotine dependence as a consequence of their preference for mentholated cigarettes.

Estimates of the harm menthol cigarettes cause to African Americans are alarming. The FDA advisory committee found that the marketing and availability of menthol cigarettes increases the overall prevalence of smoking and reduces smoking cessation among African Americans. In 2011, it estimated that by 2020, 4,700 excess deaths in the African-American community will be attributable to menthol cigarettes, and over 460,000 African Americans will have started smoking because of menthol cigarettes.

Our organizations fully support the menthol prohibition in the Reversing the Youth Tobacco Epidemic Act. It will protect public health and save lives. We look forward to working with you to advance this bill.

Sincerely,

Action on Smoking & Health, African American Tobacco Control Leadership Council, American Academy of Oral and Maxillofacial Pathology, American Academy of Pediatrics, American Association for Dental Research, American Association for Res-

piratory Care, American Cancer Society Cancer Action Network, American College of Physicians, American College of Preventive Medicine, American Dental Education Association, American Heart Association.

American Lung Association, American Medical Association, American Public Health Association, American Society of Addiction Medicine, American Society of Clinical Oncology, American Thoracic Society, Americans for Nonsmokers' Rights, Association of Schools and Programs of Public Health, Association of Women's Health, Obstetric and Neonatal Nurses, Big Cities Health Coalition, Black Lives/ Black Lungs, Campaign for Tobacco-Free Kids, CATCH Global Foundation, Inc.

Catholic Health Association of the United States, Clearway Minnesota, Community Anti-Drug Coalitions of America, Counter Tools, Eta Sigma Gamma—National Health Education Honorary, LUNGevity Foundation, March of Dimes, National African American Tobacco Prevention Network, National Association of County & City Health Officials.

National Association of Pediatric Nurse Practitioners, National Association of School Nurses, National Center for Health Research, National Medical Association, National Network of Public Health Institutes, Oncology Nursing Society, Prevent Cancer Foundation, Respiratory Health Association, Society for Public Health Education, Society for Research on Nicotine & Tobacco, Students Against Destructive Decisions.

Mr. PALLONE. Madam Speaker, supporters have emphasized that this bill is urgently needed to combat the youth e-cigarette epidemic that is getting worse every day and is being driven by flavored products. I am proud of the broad coalition of support that this legislation has engendered, and I agree with these organizations that the time is now to ensure we protect our kids and the next generation.

Madam Speaker, if we don't pass this bill today, all of the gains we have made in the past to prevent tobacco use and nicotine addiction will simply be wiped out—will be wiped out.

I urge my colleagues, support this legislation. This is the best thing we can do to prevent this youth epidemic.

Mr. SMITH of Nebraska. Madam Speaker, as we have this exchange here, it is interesting to dig a little deeper here and certainly realize that there is a carve-out. I think we heard earlier there is a carve-out, actually, that would exempt the high-end cigars that would not have to be subject to this tax. And I guess I struggle to think why that would be if there are revenue concerns here and, you know, looking at a balance and so forth.

I just hope that we can end up with good public policy, but certainly this is not the vehicle to do that.

Madam Speaker, I reserve the balance of my time.

Mr. SUOZZI. Madam Speaker, I just want to clarify, again, that premium cigars are already subject to a Federal excise tax, and there is no carve-out for the taxes on premium cigars.

Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), a good friend, the chairwoman of the Committee on Oversight and Reform.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I rise in strong support, and I thank Chairman PALLONE for his incredible leadership on this.

Madam Speaker, I also want to thank Congressman KRISHNAMOORTHY, who has been a leader on the youth vaping epidemic as the chair of the Subcommittee on Economic and Consumer Policy on the Oversight Committee. He has led a months' long investigation into e-cigarette companies, which revealed mountains of evidence that these companies are illegally targeting children in advertising campaigns.

And the way they target children is by selling flavored tobacco products with kid-friendly flavors like mango and mint. This is despicable and will cause long-term damage to countless children's lives.

This bill is very important because it will ban the manufacture and sale of all flavored tobacco products, which will make it much more difficult for companies to target children. This is extremely important. It will save lives.

I strongly support the bill and urge my colleagues for a “yes” vote.

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

As we wrap up this discussion, I think perhaps both sides have good intentions. This would not be the first time that both sides would have good intentions, and the outcome would accomplish the exact opposite from what we would want.

We want youth to not vape, to not smoke. It is dangerous. And, certainly, I think we should also respect law-abiding adults exercising the choices that they wish to make in a reasonable context.

Madam Speaker, I think that this bill would actually set us back in many ways. As I mentioned earlier, the National Bureau of Economic Research found that Minnesota's efforts to bring so-called parity to the taxation of cigarettes and e-cigarettes actually flatlined the State's smoking-cessation trend, while other States that didn't raise taxes continue to see smoking decrease. That is very telling. And I think it is very instructive for all of us here as we formulate policy and, hopefully, keep future generations in mind with good public policy along the way.

Madam Speaker, I certainly urge a vote “no” on this bill, and I yield back the balance of my time.

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

Madam Speaker, every Democrat, every Republican in this House knows there is a problem with youth vaping in the United States of America. Every single one of us recognizes that something must be done, and today we are taking important action.

I want to point out that this is not a new debate. It is pretty much the same debate we went through with smoking years ago.

I used to serve as the Nassau County Executive in New York State when the

smoking issue was a massive debate in this country, and we heard the same arguments about Big Government. We heard the same arguments about taxing. We heard the same arguments about choice. And we can't fall for it again.

We saw it happen in this country with smoking, that for so many years we ignored the fact that smoking was the number one killer in this country, and it took us decades to act.

Now that we see youth vaping growing in this country every single day, efforts that are being made to market specifically to young children every single day, we must act to try and protect our families and to try and protect our children.

Again, I want to point out that the Protecting American Lungs Act, which is part of this bill, has the support of over 50 public health, medical, and education organizations, including the American Academy of Nursing, the American Academy of Pediatrics, the American Cancer Society Cancer Action Network, the American Heart Association, the American Lung Association, the American Medical Association, and the Campaign for Tobacco-Free Kids.

Madam Speaker, I want to thank Chairman NEAL. I want to thank Chairman PALLONE. I want to thank all of the leaders, such as DONNA SHALALA, former-Secretary SHALALA, and RAJA KRISHNAMOORTHY and all of my colleagues who have spoken here today.

I urge my colleagues, both Democrats and Republicans, to act now on behalf of the children of our country.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 866, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2339 is postponed.

Mr. SMITH of Nebraska. Madam Speaker, I include in the RECORD these additional letters in opposition to H.R. 2339.

6 REASONS TO OPPOSE HR 2339 (PALLONE)
TOTAL FLAVORED TOBACCO PRODUCT PROHIBITION

1. This bill bans all flavored tobacco products.

That means menthol cigarettes (36% of market), flavored moist smokeless tobacco (60% of market), flavored cigars (26% of market), and most pipe tobacco.

2. The age for tobacco was just raised to 21 nationwide.

Teen vapor trends need to be reversed. That's why Congress just raised the minimum age for all tobacco products to 21. Also, the FDA is now taking concrete steps to remove child-friendly vapor products from the market. We should give these policies time to work.

3. Adults 21 + can choose flavors in alcohol and cannabis (where legal), and they should be able to choose flavors in tobacco.

Adults 21 and older buy alcohol (and cannabis where it's legal). They are taxpayers, voters, and can serve in the military. Taking this decision away from adults 21 and over won't stop the behavior—it will just move it into the illegal market. We should respect adults and let them make these decisions.

4. Prohibition doesn't work. It never has. This bill would criminalize the sale and distribution of these products for adults. That's Prohibition. In the 1920s, Alcohol Prohibition created an illegal market, increased crime, burdened law enforcement, and endangered the public.

5. Youth use of traditional products is DOWN. Underage vapor rates are too high. But underage use of traditional tobacco products is at historic lows. Longstanding public health efforts are working—so why take the risk of criminalizing these products and moving them into an illegal market where there is no regulation?

6. Banning large segments of the tobacco market guts government revenues.

Banning the sale of flavored tobacco products to adults would impact over a third of the industry, devastating jobs and the economy:

Over 250,000 retail and other jobs at risk
Over \$13.6 billion in federal, state, and local tax revenues at risk annually (see states detail below)

AMERICANS FOR TAX REFORM

Today, Americans for Tax Reform issued a Key Vote Alert in opposition to H.R. 2339.

Here are the top 6 key facts you need to know before the vote on the full House floor vote on H.R. 2339 (Reversing the Youth Tobacco Epidemic Act) this week:

1. Prohibition Never Works, But it Does Create Profitable Criminal Enterprises.

2. Congress Just Passed Tobacco 21 to Address Youth Use of Tobacco Products.

3. A Flavored Tobacco Product Ban Would Kill Over 400,000 Jobs.

4. State, Local, and Federal Government Would Lose over \$130 Billion in Tobacco Tax Revenue Over 10 Years.

5. Criminalizing The Sale of Some Tobacco Products Would Reverse Progress on Criminal Justice Reform.

6. This Bill is a Tax Increase.

Rep. Frank Pallone's flavored tobacco product ban bill is opposed by Americans for Tax Reform, Citizens Against Government Waste, FreedomWorks, Heritage Action, Taxpayers Protection Alliance, Independent Women's Forum, the Competitive Enterprise Institute, the Consumer Choice Center, and Reason, among others.

But it's also opposed by the American Civil Liberties Union, the Center for Popular Democracy, the Law Enforcement Action Partnership, the Drug Policy Alliance, the National Association of Social Workers, the National Association of Criminal Defense Lawyers, and Al Sharpton's National Action Network. You can read their letter here.

Here's what you need to know regarding the inclusion of a new national tax on nicotine e-cigarettes and vapor products (Section 501 of the bill):

The tax imposed by this bill would result in a \$.01 tax on an average 30 milliliter bottle of refillable vapor product liquid that contains 6 milligrams of nicotine, the type of products many smokers purchase in thousands of vape shops in America. For multi-packs of "closed-system" products sold in 150,000 convenience stores, the tax would be range between \$3-5 per pack. Compare that to the federal excise tax on combustible tobacco cigarettes, which is \$1.01 per pack. Taxing reduced risk electronic cigarettes at a significantly higher rate than cigarettes works at cross purposes with both the gov-

ernment and free market's ongoing effort to reduce the harm associated with cigarette use. That's what this bill does.

Note: because this language was previously a stand-alone bill (H.R. 4742), the impact on taxpayers has changed since it was first scored. Banning products that +80% of adult consumers use diminishes the likelihood of collecting much money. This bill is still a net tax hike and will be scored as such.

Americans for Tax Reform urges you to reject H.R. 2339, which would create the biggest black market in America since the 1920's, fueling criminal enterprises without any good reason for doing so. This bill is a tax increase and represents a moral crusade against disfavored consumer choices without respect to the tools that already exist that could address some of the concerns of proponents.

TAXPAYERS PROTECTION ALLIANCE,

Washington, DC, February 12, 2020.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of millions of taxpayers and consumers across the United States, the Taxpayers Protection Alliance (TPA) urges you to vote against the Reversing the Youth Tobacco Epidemic Act (H.R. 2339), which would, amongst other things, impose a full ban on the sale of flavored e-cigarette products throughout the U.S. H.R. 2339 would also ban menthol-flavored conventional tobacco. These deeply misguided proposals would lead to the demise of millions of Americans by forcing smokers across the country to continue using deadly combustible cigarettes.

The scientific evidence is overwhelming and incontrovertible that vaping saves lives. Flavors provide an effective exit ramp for adults to quit smoking but have no impact upon teen uptake. Smoking rates are at their lowest in history and dropping dramatically. Furthermore, there is no gateway from vaping to smoking, and menthol cigarettes have no demonstrable impact on youth uptake.

Countless studies conclude that e-cigarettes are a proven and safe way for people to quit smoking. A recent U.S. National Academies of Sciences, Engineering and Medicine report on e-cigarettes found that, based on the available evidence, "e-cigarettes are likely to be far less harmful than combustible tobacco cigarettes." The United Kingdom (UK) Government and all major medical bodies now "encourage" smokers to use e-cigarettes as a quit-smoking aid. This is not surprising because of the overwhelming evidence on the effectiveness of a product that is "around 95 percent less harmful than smoking," a figure confirmed by Public Health England (part of the U.K. government) and reaffirmed every year since 2015. Similarly, air quality studies have found that e-cigarettes pose no threat to bystanders via "passive smoking." Hundreds of studies have been published in the course of the last few years, measuring everything from cardiovascular health to lung capacity and regeneration. In fact, the only study to have found any negative impact of vaping on heart health has been thoroughly debunked; it was discovered that the heart attacks it claimed were correlated to vaping happened ten years prior to the individuals taking up vaping.

So powerful is the life-saving potential of these products that, according to the most comprehensive peer-reviewed research on the effects of switching coordinated by the George Washington University Medical Center, 6.6 million lives could be saved over the next ten years if a majority of U.S. smokers quit smoking through the use of e-cigarettes.

In addition, numerous studies have shown that e-cigarettes are considerably more effective than traditional nicotine replacement therapies. In January 2019, the *New England Journal of Medicine* reported the results of the largest and most comprehensive of these, finding unequivocally that e-cigarettes are nearly twice as effective as conventional nicotine replacement products (such as patches and gum) for quitting smoking.

As a result of the introduction of vaping products, smoking rates in the United States have plummeted in recent years. In 2018, 13.7 percent of U.S. adults smoked, a sharp decline from 20.9 percent in 2005. Most of this decline has occurred since the introduction of e-cigarettes, as smokers now have more options than ever to kick their deadly habit. In particular, 5.8 percent of high school students smoke, down from more than 15 percent in 2011.

Contrary to anti-vaping arguments, there is no evidence that e-cigarettes provide a “gateway” to smoking for youths as they enter adulthood. This has been demonstrated through numerous studies which instead find that vaporized nicotine has almost exclusively been taken up by smokers attempting to quit or lower their intake, therefore acting as a “gateway” away from tobacco smoking. Only 1 percent of daily users of e-cigarettes were not previous smokers or tobacco users. A 2015 survey of nonsmoking teens aged 13–17 found interest levels in flavored e-cigarettes of 0.4 out of a possible score of 10. An April 2019 study funded by the UK’s National Institute for Health Research and led by Cardiff University concluded that “fears over a resurgence in youth tobacco smoking because of the rise in e-cigarette use are largely unfounded to date” and that there is “no evidence” that e-cigarettes are causing young persons to commence smoking traditional combustible tobacco. In October 2019 the prestigious medical journal *Nicotine and Tobacco Research* found that, “E-cigarette use does not appear to be associated with current, continued smoking.” As such, e-cigarettes are a gateway away from smoking and give teens who were already smokers a safer alternative.

While flavors may be helping conventional smokers quit smoking, the evidence shows that flavors play little to no role in inducing middle-and-high school students to use e-cigarettes. A 2016 study published in *Tobacco Control* used a national phone survey to ascertain teenage usage and interest in e-cigarettes and attempted to gauge the role of flavor in increasing interest in these products. The researchers found that, of teenagers that

have never smoked, only 3.3 percent expressed interest in trying e-cigarettes and that there was no evidence for flavors driving e-cigarette uptake. Fewer than a third of high school students self-report to care about flavors, while academic studies have found that teenage non-smokers’ “willingness to try plain versus flavored varieties did not differ.”

Advocates of greater vaping restrictions continue to ignore the evidence and cite instances of e-cigarettes allegedly inducing lung illnesses. But, as confirmed by the Centers for Disease Control and Prevention and corroborated by numerous peer-reviewed academic publications such as the *New England Journal of Medicine*, every case of illness and tragic death has been as a result of illicit, black-market THC vaping devices bought on the streets and laced with substances such as Vitamin E acetone.

There is no evidence whatsoever that menthol cigarettes are in any way more harmful or dangerous than conventional combustible cigarettes. There is similarly no evidence that menthol cigarettes are in any way more likely to be a contributing factor to people taking up smoking. A recent analysis of data from the National Survey on Drug Use and Health found that states with more menthol cigarette consumption relative to all cigarettes actually have lower rates of child smoking. In addition, econometric analysis consistently shows consistent nonpredictive relationships between relative menthol cigarette consumption rates and use of any age group. Youth menthol smoking has already become less popular than non-menthol smoking, and on the current trend line, youth usage of menthol cigarettes will be at a rate of near-zero within the next few years. Curtailing menthol cigarettes will only succeed in damaging already-fraught race relations. More than 80 percent of black smokers prefer menthol cigarettes, compared to less than 30 percent of white smokers. As the tragic case of Eric Garner shows, tobacco prohibition can easily escalate into deadly encounters with law enforcement. Policymakers must consider racial disparities in the consumption of tobacco products, and refrain from restrictive policies with myriad unintended consequences.

Illicit tobacco is lucrative source of funding for terrorism, with the U.S. State Department having described international tobacco smuggling as a “threat to national security.” Their report detailed how “we know that 15 of the world’s leading terrorist groups regularly rely on illicit cigarettes for funding, including al Qaeda, the Taliban, Hezbollah, and Hamas. Illicit cigarettes are

now second only to the heroin trade in helping fund some of the Taliban militias.”

TPA urges you to carefully examine the facts and science attesting toe-cigarettes’ efficacy as a powerful quit-smoking aid and reject this grossly irresponsible bill.

Regards,

TIM ANDREWS,
Director.

[From Tax Foundation, Feb. 12, 2020]

BANNING FLAVORED TOBACCO COULD HAVE UNINTENDED CONSEQUENCES

(By Ulrik Boesen)

Several states have considered bans on flavored tobacco and nicotine products this legislative session, spurred by increased vaping by minors. Among them are California, Maine, Maryland, New York, Vermont, and Virginia. There is also a federal proposal to ban flavors in tobacco products. While youth uptake is a very real concern which deserves the public’s attention, outright bans could impede historically high smoking cessation rates. Lawmakers must thread the needle between protecting adult smoker’s ability to switch and barring minor’s access to nicotine products.

Aside from public health concerns, a ban on flavored tobacco, especially when including cigarettes, would have significant tax implications and result in unintended consequences such as increased smuggling. Tobacco excise taxes are already an unstable source of tax revenue. Further narrowing the tobacco tax base by banning a portion of tobacco sales altogether could worsen the instability of this revenue source while driving up the costs of administration and law enforcement associated with the ban, especially if the lost revenue is made up by raising the tax rate on the remaining tobacco tax base.

Cigarettes make up about 82.5 percent of the total tobacco market and even more of the excise tax revenue due to higher rates on cigarettes versus other tobacco products. According to sales data, about 35 percent of the U.S. cigarette market is flavored, which means that 35 percent of the revenue collected would be affected by a ban. The flavor used in cigarettes is almost exclusively menthol.

Below is a calculation of implicated revenue in the states that are considering a ban. The numbers are based on tax collections and sales of menthol cigarettes. On top of this number one could add reduced revenues from chewing tobacco, cigars, cigarillos, and in some states flavored vapor liquid.

STATE REVENUE FROM CIGARETTE EXCISE TAXES ON MENTHOL CIGARETTES

State	Menthol Smokers As % of Smokers (FY2018)	Revenue from Menthol Cigarettes (FY2018)	Total Cigarette Excise Revenue (FY2018)
California	28.1%	\$528,848,463	\$1,882,023,000
New York	38.6%	\$414,418,000	\$1,073,0622,000
Maine	17.5%	\$20,851,000	\$119,146,000
Maryland	54.3%	\$180,080,000	\$331,639,000
Vermont	17.6%	\$10,839,000	\$61,584,000
Virginia	42.7%	\$59,350,000	\$138,992,000
Federal*	35.2%	\$4,268,355,168	\$12,126,009,000

* Implicated revenue for the federal government if menthol cigarettes were federally banned. Source: Nielsen Consumer Data; Orzechowski and Walker, “The Tax Burden on Tobacco,” Volume 53, 2018; Tax Foundation calculations.

The figures indicating revenue from menthol cigarettes reflect the loss of revenue if all current consumers of menthol cigarettes were to quit. That is almost certainly not going to happen. In reality, some will quit, some will substitute to other nicotine products, and some will access the products illegally. The last option is the most fiscally problematic because states will not only incur lost revenue, they will also take on increased costs related to enforcement of the ban. While it is impossible to estimate the

exact revenue effect, it is clear that revenues will decline.

The impact differs significantly from state to state with Maryland and Virginia seeing the largest effect. This is likely due to larger minority populations in those states. In a national survey in 2015, 76.8 percent of non-Hispanic black adult smokers reported smoking menthol products.

As I argue in my latest publication, there are several problems with bans. The Pigouvian concept of internalizing

externalities suggests that inefficient market outcomes can be addressed by an excise tax equal to the negative externality. In other words, using taxes to price in societal cost related to a product, such as increased governmental medical expenses from cancers caused by tobacco smoke. This is part of the idea behind levying excise taxes on tobacco products. However, flavored nicotine products are helping adult smokers quit cigarettes and switch to less harmful products.

Several states seem to have had this in mind and have taken a lighter approach to the taxation of vaping products to keep an incentive for smokers to move towards less harmful vaping. Thus, on the one hand there is an argument for lower taxation on vaping to move people away from smoking. On the other hand a ban on flavored products would push users away from vaping and back towards more harmful traditional tobacco products or into the illegal market.

In fact, a recent publication found that 32,400 smokers in Minnesota were deterred from quitting cigarettes after the state implemented a 95 percent excise tax on vapor products.

Another study concluded that vapor products are highly elastic and “for every one standard e-cigarette pod (a device that contains liquid nicotine in e-cigarettes) of 0.7 ml no longer purchased as a result of an e-cigarette tax, the same tax increases traditional cigarettes purchased by 6.2 extra packs.”

In the same way that exceptionally high tax rates on products can create the incentives for illicit activities, a ban certainly opens the door to contraband and bootleg activities. Thus, bans are likely to hurt public health by limiting adult smokers’ ability to quit cigarettes and fuel black market activity similar to when states levy heavy taxation on cigarettes. Local bans in particular invite smuggling activity in the same way that occurs when localities have high cigarette excise taxes.

Cigarettes are already being smuggled into and around the country in large quantities, and nicotine-containing liquid is coming into the U.S. from questionable sources. Black market liquids and cigarettes have the problem of being extremely unsafe and cost governments billions in lost taxes. The recent serious pulmonary diseases have prompted the FDA to publish a warning about black market THC-containing liquid. Other reports of illicit products containing dangerous chemicals resulting in serious conditions have been released over the last months.

On top of the dangers to consumers, the legal market would suffer, as untaxed and unregulated products have significant competitive advantages over high-priced legal products. This would impact not only the large number of small business owners operating over 10,000 vape shops around the country but also convenience stores and gas stations relying heavily on vapors as well as tobacco sales. Policymakers should not lose sight of the law of unintended consequences as they set tax rates and regulatory regimes for nicotine products.

These unintended consequences have a real cost which the taxpayers would have to cover, while the ban would result in less revenue from the legal and regulated market. In states like California, where tobacco tax revenue is earmarked to certain government programs, the impact on revenue could lead to underfunded programs which will need funding from other sources.

The prospect of a ban on flavored tobacco and nicotine products highlights the complications of contradictory tax and regulatory policy, the instability of excise taxes that go beyond pricing in the cost of externalities, and the public risks of driving consumers into the black market through excessive taxation or regulation.

Ms. CASTOR of Florida. Madam Speaker, I rise today in support of H.R. 2339, the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2019 and the efforts by the House to curb the youth e-cigarette and vaping epidemic.

Congress must take strong action to stop the marketing of tobacco products to children

and end the e-cigarette epidemic among our youth. In 2009, Congress passed the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), which provided the Food and Drug Administration (FDA) with authority to regulate certain tobacco products marketed towards children. And today, the House is passing the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act introduced by Representatives PALLONE and SHALALA, which will strengthen the FDA’s authority to regulate tobacco products marketed towards children, particularly the insidious e-cigarettes that have swept the country in the decade since we passed the Tobacco Control Act. The legislative intent is rooted in the important objective of preventing youth access to tobacco products and stopping big tobacco and others from preying on our children by developing a new generation of nicotine-addicted smokers.

For years, many of my colleagues and I have worked with FDA and stakeholders to ensure that traditional, handcrafted premium cigars that are not used by or marketed to children are not swept up in an overbroad regulation. We introduced bipartisan legislation this Congress, as we have in last four Congresses, that reinforces the legislative intent of the Tobacco Control Act and narrowly defines traditional non-flavored handcrafted premium cigars not marketed to children. Our bill currently has 78 bipartisan cosponsors, and last Congress, our legislation H.R. 564 had 149 bipartisan cosponsors.

I would like to thank Chairman PALLONE for working with me and others to address what I believe could have been unintended consequences of H.R. 2339 of subjecting traditional large and premium cigars not marketed to children to overbroad regulation. The bill as amended in the Energy and Commerce Committee correctly exempts from certain regulations this small subset of traditional, handcrafted cigars that are not marketed to children. The FDA would continue to have the authority to subject traditional and large premium cigars to important FDA regulations like minimum age requirements; prohibition of adulterated and misbranded products; requirements to register and report products and ingredients; FDA inspections every two years; good manufacturing practices and tobacco product standards; user fees; and the FDA should have enforcement powers for these.

While it was appropriate to provide exemption from certain provisions for traditional large and premium cigars in the bill, the definition of traditional large and premium cigars contained in H.R. 2339 should be updated to conform with the definition in H.R. 1854, to wit:

A traditional large and premium cigar should be defined as any roll of tobacco that is wrapped in 100 percent leaf tobacco, bunched with 100 percent tobacco filler, contains no filter, tip, flavor additive, or non-tobacco mouthpiece, and weighs at least 6 pounds per 1,000 count. It also must either have a 100 percent leaf tobacco binder and be handrolled, or have a homogenized tobacco leaf binder and be made in the United States using human hands to lay the 100 percent leaf tobacco wrapper onto only one machine that bunches, wraps, and caps each individual cigar. And, it should explicitly exclude cigarettes or little cigars, as defined by the FDA.

The above definition is essentially the definition from H.R. 2339 but without the single

cigar retail price provision. The price point included in the bill has no rational basis for inclusion and a cigar made consistent with the definition above meets the test of the type of cigar not consumed by our youth. Had I had the opportunity to offer an amendment, I would have proposed striking this arbitrary provision from the legislation to ensure that the family cigar producers in my district, across Florida and small business owners across the country including the many mom and pop retail shops are not subjected to this unnecessary job-killing arbitrary price that lacks a rational basis.

I look forward to continuing to work with the Senate, the FDA and to press my own bill in the House, H.R. 1854, to ensure that any laws or regulations that deal with traditional large and premium cigars are consistent with our shared goals of preventing youth tobacco use, stopping arbitrary or unintended regulation and protecting American jobs.

Ms. JOHNSON of Texas. Madam Speaker, today, I rise in support of H.R. 2339 the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2019. This critical legislation provides a comprehensive approach to address the youth tobacco epidemic, which has surged in recent years with the introduction of such new tobacco products as e-cigarettes. The bill will prevent the loss of an entirely new generation to a lifetime of nicotine addiction.

Tobacco use is the leading cause of preventable death, disability, and disease in the United States, and it is attributed to more than 480,000 deaths in the United States each year. Even more concerning is the rapid escalation in youth e-cigarette use, as youth use of nicotine in any form is unsafe and can seriously harm brain development and lead to other forms of addiction. In 2019, 5.3 million middle and high school students have reported to have used e-cigarettes. According to the Centers for Disease Control and Prevention, these recent increases have erased the decline in any tobacco product use that occurred in previous years.

As the first registered nurse elected to Congress, I am proud to support the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act. Particularly, I am pleased to be joined by the American Public Health Association, American Academy of Pediatrics, National Medical Association, NAACP, and the National Black Nurses Association, who have all shown their support for this critical legislation.

As representatives of Americans from all corners of our country, we have a responsibility to protect the health and well-being of our communities and especially our children. On behalf of my home state of Texas, I urge my colleagues to support H.R. 2339.

Mr. RESCHENTHALER. Madam Speaker, I commend the House Energy and Commerce Committee for including language in the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2019 (H.R. 2339) to more appropriately treat premium cigars, which are marketed to and enjoyed by adult consumers. However, a \$12 per cigar price requirement is arbitrary, impossible to enforce, and puts states like Pennsylvania at a significant disadvantage.

Pennsylvania is home to small business premium cigar retailers, importers, distributors, and farmers who grow tobacco used in hand-

made cigars. The history of cigar tobacco farming in Pennsylvania dates to the 1700s, and today, farmers in the Commonwealth produce the coveted cigar leaf. Numerous premium cigar mail order companies are based in Pennsylvania, due to the state's favorable business climate. In fact, Pennsylvania is second in the nation in premium cigar industry jobs, and my district is home to small businesses who proudly serve their adult consumers.

The Commonwealth is also one of few states without an additional tax on premium cigars. When I was in the Pennsylvania State Senate, I fought against proposals to impose such a tax, which would have crippled small businesses and hurt consumers. If a price requirement like the one proposed in this bill were enacted, small businesses in my district and across Pennsylvania would be disproportionately impacted, as more products in their humidors would fall below \$12 than products in other states that are subject to higher taxes.

Madam Speaker, while I am grateful this bill acknowledges that premium cigars are marketed and enjoyed solely by adults, a \$12 price requirement will devastate Pennsylvania's cigar industry. As Congress and the Trump Administration continue to work to address important issues related to regulation of tobacco products, I urge removal of an arbitrary price point that picks winners and losers.

GOLD STAR MOTHERS FAMILIES NATIONAL MONUMENT EXTENSION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2819) to extend the authority for the establishment of a commemorative work in honor of Gold Star Families, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. NEGUSE) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 22, as follows:

[Roll No. 76]
YEAS—407

Abraham
Adams
Aderholt
Aguilar
Allen
Allred
Amash
Amodel
Armstrong
Arrington
Axne
Babin
Bacon
Baird
Balderson
Banks
Barr
Barragán
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan
Brindisi
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Bustos
Butterfield
Calvert
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cline
Cloud
Cohen
Cole
Collins (GA)
Comer

Conaway
Connolly
Cook
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crawford
Crenshaw
Crist
Crow
Cunningham
Curtis
Davids (KS)
Davidson (OH)
Davis (CA)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
DesJarlais
Deutsch
Diaz-Balart
Dingell
Doggett
Doyle, Michael
Duncan
Emmer
Engel
Escobar
Eshoo
Español
Estes
Evans
Ferguson
Finkenauer
Fitzpatrick
Fleischmann
Fletcher
Flores
Fortenberry
Foster
Fox (NC)
Frankel
Fudge
Fulcher
Gaetz
Gallagher
Gallego
Garamendi
García (IL)
García (TX)
Gianforte
Gibbs
Golden
Gomez
Gonzalez (OH)
Gonzalez (TX)
Gooden
Gosar
Gottheimer
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al (TX)
Griffith
Grothman
Guest
Guthrie
Haaland
Hagedorn
Harder (CA)
Harris
Hartzler
Hastings
Hayes
Heck
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Higgins (NY)
Hill (AR)
Himes
Hollingsworth
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Hudson
Huffman
Huizenga
Hurd (TX)
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jordan
Joyce (OH)
Joyce (PA)
Kaptur
Katko
Keating
Keller
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
King (IA)
King (NY)
Kinzinger
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Lesko
Levin (CA)
Levin (MI)
Lieu, Ted
Lipinski
Loebach
Lofgren
Lowenthal
Lowe
Lucas
Luetkemeyer
Luján
Luria
Lynch
Malinowski
Maloney,
Carolyn B.
Maloney, Sean
Marshall
Mast
Matsui
McAdams
McBath
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McNerney
Meadows
Meeks
Meng
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Murphy (NC)
Nadler
Napolitano
Neal
Neguse
Newhouse
Norcross
Norman
Nunes

O'Halleran
Ocasio-Cortez
Olson
Omar
Palazzo
Pallone
Palmer
Panetta
Pappas
Pascarella
Payne
Pence
Perlmutter
Perry
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Posey
Pressley
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reschenthaler
Rice (NY)
Rice (SC)
Richmond
Riggleman
Roby
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose (NY)
Rose, John W.
Rouda
Rouzer
Roy
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan
Sánchez
Sarbanes
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Schradler
Schrier
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Shimkus
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Spanberger
Spano
Speier
Stanton
Staubert
Stefanik
Steil
Steube
Stevens
Stewart
Stivers
Suozi
Swalwell (CA)
Takano
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Timmons
Tipton
Titus
Tlaib

Tonko
Torres (CA)
Torres Small
(NM)
Trahan
Trone
Turner
Underwood
Upton
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Wasserman
Schultz
Waters
Watkins
Watson Coleman
Weber (TX)
Welch
Wenstrup
Westerman
Wexton
Wild
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yarmuth
Yoho
Young
Zeldin

NOT VOTING—22

Bishop (GA)
Brady
Byrne
Clyburn
Cuellar
Dunn
Gabbard
Gohmert
Granger
Green (TN)
Grijalva
Holding
Kirkpatrick
Lewis
Long
Loudermilk
Marchant
Massie
Mullin
Rooney (FL)
Sires
Webster (FL)

□ 1140

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to extend the authority for the establishment of a commemorative work in honor of Gold Star Mothers Families, and for other purposes."

A motion to reconsider was laid on the table.

REVERSING THE YOUTH TOBACCO EPIDEMIC ACT OF 2019

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further 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, will now resume.

The Clerk will report the title of the bill.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. WALDEN. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALDEN. In its present form, oh, yes, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walden moves to recommit the bill H.R. 2339 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, insert the following new title:

TITLE VII—BORN-ALIVE ABORTION SURVIVORS PROTECTION

SEC. 701. BORN-ALIVE INFANTS PROTECTION.

(a) REQUIREMENTS PERTAINING TO BORN-ALIVE ABORTION SURVIVORS.—Chapter 74 of title 18, United States Code, is amended by inserting after section 1531 the following:

“§ 1532. Requirements pertaining to born-alive abortion survivors

“(a) REQUIREMENTS FOR HEALTH CARE PRACTITIONERS.—In the case of an abortion

or attempted abortion that results in a child born alive (as defined in section 8 of title 1, United States Code (commonly known as the 'Born-Alive Infants Protection Act')):

“(1) DEGREE OF CARE REQUIRED; IMMEDIATE ADMISSION TO A HOSPITAL.—Any health care practitioner present at the time the child is born alive shall—

“(A) exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age; and

“(B) following the exercise of skill, care, and diligence required under subparagraph (A), ensure that the child born alive is immediately transported and admitted to a hospital.

“(2) MANDATORY REPORTING OF VIOLATIONS.—A health care practitioner or any employee of a hospital, a physician's office, or an abortion clinic who has knowledge of a failure to comply with the requirements of paragraph (1) shall immediately report the failure to an appropriate State or Federal law enforcement agency, or to both.

“(b) PENALTIES.—

“(1) IN GENERAL.—Whoever violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

“(2) INTENTIONAL KILLING OF CHILD BORN ALIVE.—Whoever intentionally performs or attempts to perform an overt act that kills a child born alive described under subsection (a), shall be punished as under section 1111 of this title for intentionally killing or attempting to kill a human being.

“(c) BAR TO PROSECUTION.—The mother of a child born alive described under subsection (a) may not be prosecuted under this section, for conspiracy to violate this section, or for an offense under section 3 or 4 of this title based on such a violation.

“(d) CIVIL REMEDIES.—

“(1) CIVIL ACTION BY A WOMAN ON WHOM AN ABORTION IS PERFORMED.—If a child is born alive and there is a violation of subsection (a), the woman upon whom the abortion was performed or attempted may, in a civil action against any person who committed the violation, obtain appropriate relief.

“(2) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—

“(A) objectively verifiable money damage for all injuries, psychological and physical, occasioned by the violation of subsection (a);

“(B) statutory damages equal to 3 times the cost of the abortion or attempted abortion; and

“(C) punitive damages.

“(3) ATTORNEY'S FEE FOR PLAINTIFF.—The court shall award a reasonable attorney's fee to a prevailing plaintiff in a civil action under this subsection.

“(4) ATTORNEY'S FEE FOR DEFENDANT.—If a defendant in a civil action under this subsection prevails and the court finds that the plaintiff's suit was frivolous, the court shall award a reasonable attorney's fee in favor of the defendant against the plaintiff.

“(e) DEFINITIONS.—In this section the following definitions apply:

“(1) ABORTION.—The term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device—

“(A) to intentionally kill the unborn child of a woman known to be pregnant; or

“(B) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than—

“(i) after viability, to produce a live birth and preserve the life and health of the child born alive; or

“(ii) to remove a dead unborn child.

“(2) ATTEMPT.—The term 'attempt', with respect to an abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in performing an abortion.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 74 of title 18, United States Code, is amended by inserting after the item pertaining to section 1531 the following:

“1532. Requirements pertaining to born-alive abortion survivors.”.

(c) CHAPTER HEADING AMENDMENTS.—

(1) CHAPTER HEADING IN CHAPTER.—The chapter heading for chapter 74 of title 18, United States Code, is amended by striking “**Partial-Birth Abortions**” and inserting “**Abortions**”.

(2) TABLE OF CHAPTERS FOR PART I.—The item relating to chapter 74 in the table of chapters at the beginning of part I of title 18, United States Code, is amended by striking “**Partial-Birth Abortions**” and inserting “**Abortions**”.

Mr. WALDEN (during the reading). Madam Speaker, I ask unanimous consent that the Clerk dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon is recognized for 5 minutes in support of his motion.

Mr. WALDEN. Madam Speaker, Congress has already passed and President Trump has already signed into law a ban on tobacco product sales, including vaping product sales to children under the age of 21. We did that. It is now law. Those are banned.

The Food and Drug Administration is aggressively going after companies that still try to target kids and has the authority to stop them—and will.

But we all care deeply about the health of our children. Taking care to protect the health and welfare of children is a common cause.

We know that the younger the child, the more vulnerable and defenseless they are, the more these children need our help. That is why we are offering a final amendment to the bill that literally would save the lives of the youngest children, the babies.

I would hope we could agree to end the ghastly practice of letting children die without medical help when they are born alive after an abortion. Providing, literally, lifesaving medical care to these babies is something on which we should all find common ground and support.

It is the right thing to do. It is the right thing to do for the children. These are not fetuses that are born. These are tiny little babies that are struggling to live.

Madam Speaker, I yield to the gentlewoman from Missouri (Mrs. WAGNER), author of the Born-Alive Abortion Survivors Protection Act, a mother and a grandmother herself, who always puts the lives of children first.

Mrs. WAGNER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today in support of this motion to recommit to protect newborn babies who survive abortions.

Congress has an opportunity to ensure that no baby is denied lifesaving care simply because he or she is allegedly unwanted. We can and we must act.

But Democratic leadership has refused to put my lifesaving legislation, the Born-Alive Survivors Protection Act, on the floor 80 times this Congress. I am grateful that the U.S. Senate voted on the born-alive bill this week and the House must follow suit.

Our constituents must know where we stand. Over 70 percent of Americans who identify as Democrats support this legislation, but their Representatives ignore their voices.

We have learned from medical professionals, including former abortion providers, just how essential born-alive protections are. It breaks my heart to find that we must defend lifesaving care for newborn babies.

This is an incredibly urgent moment for our Nation, Madam Speaker. Over the course of the past year, radical legislators from New York to Illinois to Virginia have moved to strip protections for babies who survive abortions.

I am appalled and saddened that there are prominent American politicians who want to deny babies lifesaving medical care. Thankfully, a similar born-alive bill in Missouri recently advanced just last week, a sign there is broad support for this measure.

Denying lifesaving medical care to America's infants is a violation of our Constitution and an egregious offense against basic human dignity.

Supporting this motion to recommit—which, I will say, the National Right to Life, Susan B. Anthony List, March for Life, Family Research Council, and Concerned Women for America, all are key voting—is the simplest choice any Member of Congress can make.

Do you support babies receiving lifesaving care after they are born, or would you deny these innocent children that care and allow them to be discarded and left to die?

The tragedy of infanticide across our country requires serious and effective legal safeguards, and I thank those who fight on behalf of the most vulnerable who cannot protect themselves.

I implore my colleagues to support this motion to recommit and ensure that no baby is denied lifesaving care.

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

Ms. BASS. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. BASS. Madam Speaker, I am here to rise in support of the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act and to speak in opposition to the motion to recommit.

I am concerned that some of my colleagues on the other side of the aisle are confused about what the discussion is about today, so I rise in opposition.

The real issue here is about a dying industry that is in need of a new market, a new generation of smokers, because the national movement that fought to protect the health of the public from the adverse consequences of tobacco has successfully reduced smoking and driven the industry overseas to sell its product.

In 1988, California was one of the first States that voted to raise taxes on cigarettes and dedicated some of the revenue to creating statewide antismoking programs and campaigns to help people break addiction to tobacco.

Public health researchers correctly identified the correlation between the marketing practices of the industry, accessibility of product, and levels of addiction.

Some of you might remember Joe Camel, a cartoon character that made smoking look fun and innocent. Why would an industry whose product was only for adult use use a cartoon character to market its product? After lawsuits, the industry agreed to stop using cartoon imagery.

Before Joe Camel, depending on how old you are, you might remember candy cigarettes. When I was a child, I could buy candy in a package that looked like cigarettes with 20 pieces of candy shaped exactly like a cigarette that we pretended to puff.

California continued to raise taxes on tobacco and passed numerous ordinances to prohibit smoking. You can't smoke in government buildings. You can't smoke even directly outside of government buildings. You can't smoke in restaurants, in parks, or on the beach. You can't even smoke in bars.

Each time when taxes were raised or smoking was prohibited, the industry paid millions of dollars to frighten people. Businesses were going to close; businesses were going to leave California, and we would face a recession.

But what happened? People stopped smoking. Smoking rates in California declined by 55 percent. States and communities around the Nation joined the effort to protect the public's health by taxing cigarettes and reducing where people could smoke.

When smoking rates began to decline in specific populations—more affluent, more middle-class populations—the industry intensified marketing strategies and campaigns in low-income communities of color.

In the 1990s, I ran a community-based program that was funded by tax dollars from cigarette sales. We fought to remove billboards and other advertisements near schools and recreation centers because we understood the industry because we understood the industry was losing customers and they needed new smokers. The industry offered to sponsor community events, supported community organizations,

even handed out free cigarettes, all in order to generate goodwill and to undermine the community organizing efforts aimed at reducing the negative health consequences.

Now, there is an entire generation that never experienced a smoking section on an airplane or in a restaurant or, for that matter, ever sat in a committee hearing while Members smoked. The very idea of this seems outrageous today, but like other examples of great change in society, the change in social norms regarding smoking took an organized movement. The legislation we are voting on today is in response to that movement's success.

The industry is greatly diminished and is in search of new markets. The industry is just working on getting a new generation prepared to be addicted to their product, and they found a path in modernistic e-cigarettes and tantalizing flavors like circus and twisted berry.

Young people are being led to believe that smoking e-cigarettes is a safer way to smoke, just like smokers in the 1980s were led to believe that smoking light cigarettes were safer—Marlboro Lights were safer than regular Marlboros.

After years of a decline in smoking, with heavy marketing the last 3 years, high school e-cigarette usage increased 135 percent, and 7 out of 10 youth e-cigarette smokers say they use them because “they come in flavors I like.” In fact, e-cigarettes are available in thousands of different flavors.

Cigars are right behind e-cigarettes as the second most popular tobacco product among high school students.

E-cigarettes come in 250 different flavors, including banana smash, strawberry kiwi, and watermelon. There is just no reason that an industry that claims to be for adults would market flavors like bubble gum and cotton candy. The marketing of cigarette flavors is the 2020 version of candy cigarettes and Joe Camel. There is nothing new about this strategy. We cannot and should not be ignorant to history.

While Republicans might use this MTR, for some strange reason, to drive a wedge between our Caucus, we are trying to save lives by passing this bill. I ask my colleagues on both sides of the aisle to oppose this senseless motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recom-

mit will be followed by 5-minute votes on:

Passage of the bill, if ordered; and Agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 187, nays 220, not voting 22, as follows:

[Roll No. 77]

YEAS—187

Abraham	Graves (GA)	Perry
Aderholt	Graves (LA)	Peterson
Allen	Graves (MO)	Posey
Amash	Griffith	Ratcliffe
Amodel	Grothman	Reed
Armstrong	Guest	Reschenthaler
Arrington	Guthrie	Rice (SC)
Babin	Hagedorn	Riggleman
Bacon	Harris	Roby
Baird	Hartzler	Rodgers (WA)
Balderson	Hern, Kevin	Roe, David P.
Banks	Herrera Beutler	Rogers (AL)
Barr	Hice (GA)	Rogers (KY)
Bergman	Higgins (LA)	Rose, John W.
Biggs	Hill (AR)	Rouzer
Billirakis	Hollingsworth	Roy
Bishop (NC)	Hudson	Rutherford
Bishop (UT)	Huizenga	Scalise
Bost	Hurd (TX)	Schweikert
Brooks (AL)	Johnson (LA)	Scott, Austin
Brooks (IN)	Johnson (OH)	Sensenbrenner
Buchanan	Johnson (SD)	Shimkus
Buck	Jordan	Simpson
Bucshon	Joyce (OH)	Smith (MO)
Budd	Joyce (PA)	Smith (NE)
Burchett	Katko	Smith (NJ)
Burgess	Keller	Smucker
Calvert	Kelly (MS)	Spano
Carter (GA)	Kelly (PA)	Stauber
Carter (TX)	King (IA)	Stefanik
Chabot	King (NY)	Steil
Cheney	Kinzinger	Steube
Cline	Kustoff (TN)	Stewart
Cloud	LaHood	Stivers
Cole	LaMalfa	Taylor
Collins (GA)	Lamborn	Thompson (PA)
Comer	Latta	Thornberry
Conaway	Lesko	Timmons
Cook	Lipinski	Tipton
Crawford	Lucas	Turner
Crenshaw	Luetkemeyer	Upton
Curtis	Marshall	Van Drew
Davidson (OH)	Mast	Wagner
Davis, Rodney	McAdams	Walberg
DesJarlais	McCarthy	Walden
Diaz-Balart	McCaull	Walker
Duncan	McClintock	Walorski
Emmer	McHenry	Waltz
Estes	McKinley	Watkins
Ferguson	Meadows	Weber (TX)
Fitzpatrick	Meuser	Wenstrup
Fleischmann	Miller	Westerman
Flores	Mitchell	Williams
Fortenberry	Moolenaar	Wilson (SC)
Fox (NC)	Mooney (WV)	Wittman
Fulcher	Murphy (NC)	Womack
Gaetz	Newhouse	Woodall
Gallagher	Norman	Wright
Gianforte	Nunes	Yoho
Gibbs	Olson	Young
Gonzalez (OH)	Palazzo	Zeldin
Gooden	Palmer	
Gosar	Pence	

NAYS—220

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

Espallat	Levin (MI)	Ruiz	Beatty	Harder (CA)	Payne	Herrera Beutler	McEachin	Simpson
Evans	Lieu, Ted	Ruppertsberger	Bera	Hastings	Pelosi	Hice (GA)	McHenry	Smith (MO)
Finkenauer	Loebsack	Rush	Beyer	Hayes	Perlmutter	Higgins (LA)	McKinley	Smith (NE)
Fletcher	Lofgren	Ryan	Blumenauer	Heck	Peters	Hill (AR)	Meadows	Smucker
Foster	Lowenthal	Sánchez	Blunt Rochester	Higgins (NY)	Phillips	Hollingsworth	Meuser	Spanberger
Frankel	Lowey	Sarbanes	Bonamici	Himes	Pingree	Horn, Kendra S.	Miller	Spano
Fudge	Lujan	Scanlon	Boyle, Brendan F.	Horsford	Pocan	Hudson	Mitchell	Stauber
Gallego	Luria	Schakowsky	Brown (MD)	Houlahan	Porter	Huizenga	Moolenaar	Stefanik
Garamendi	Lynch	Schiff	Brownley (CA)	Hoyer	Pressley	Hurd (TX)	Mooney (WV)	Steil
Garcia (IL)	Malinowski	Schneider	Buchanan	Huffman	Price (NC)	Johnson (GA)	Newhouse	Steube
Garcia (TX)	Maloney,	Schrader	Bustos	Jackson Lee	Quigley	Johnson (LA)	Norman	Stewart
Golden	Carolyn B.	Schrier	Carbajal	Jayapal	Raskin	Johnson (OH)	Nunes	Stivers
Gomez	Maloney, Sean	Scott (VA)	Cárdenas	Jeffries	Rice (NY)	Johnson (SD)	Olson	Taylor
Gonzalez (TX)	Matsui	Scott, David	Carson (IN)	Rose (NY)	Rose (NY)	Jordan	Palazzo	Thompson (MS)
Gottheimer	McBath	Serrano	Cartwright	Rouda	Rouda	Joyce (OH)	Palmer	Thompson (PA)
Green, Al (TX)	McCollum	Sewell (AL)	Case	Roybal-Allard	Roybal-Allard	Joyce (PA)	Pence	Thornberry
Haaland	McEachin	Shalala	Casten (IL)	Ruiz	Ruiz	Katko	Perry	Timmons
Harder (CA)	McGovern	Sherman	Castor (FL)	Ruppertsberger	Ruppertsberger	Keller	Peterson	Tipton
Hastings	McNerney	Sherman	Castro (TX)	Rush	Rush	Kelly (MS)	Posey	Turner
Hayes	Meeks	Sherman	Chu, Judy	Ryan	Ryan	Kelly (PA)	Ratcliffe	Van Drew
Heck	Meng	Smith (WA)	Cicilline	Sánchez	Sánchez	King (IA)	Reed	Wagner
Higgins (NY)	Moore	Soto	Cisneros	Sarbanes	Sarbanes	Kinzing	Reschenthaler	Walberg
Himes	Morelle	Spanberger	Speier	Scanlon	Scanlon	Kustoff (TN)	Rice (SC)	Walden
Horn, Kendra S.	Moulton	Stanton	Stanton	Schakowsky	Schakowsky	Richmond	Richmond	Walker
Horsford	Mucarsel-Powell	Stevens	Stevens	Schiff	Schiff	LaMalfa	Riggleman	Walorski
Houlahan	Murphy (FL)	Suozi	Cleaver	Schneider	Schneider	Lamb	Roby	Waltz
Hoyer	Nadler	Swalwell (CA)	Cohen	Schrader	Schrader	Lamborn	Rodgers (WA)	Watkins
Huffman	Napolitano	Takano	Connellly	Schrier	Schrier	Latta	Roe, David P.	Weber (TX)
Jackson Lee	Neal	Thompson (CA)	Cooper	Schrier	Schrier	Lawson (FL)	Rogers (AL)	Westrup
Jayapal	Neguse	Thompson (MS)	Correa	Scott (VA)	Scott (VA)	Lesko	Rogers (KY)	Westerman
Jeffries	Norcross	Titus	Costa	Scott, David	Scott, David	Lucas	Rose, John W.	Williams
Johnson (GA)	O'Halleran	Tlaib	Courtney	Serrano	Serrano	Luetkemeyer	Rouzer	Wilson (SC)
Johnson (TX)	Ocasio-Cortez	Tonko	Cox (CA)	Sewell (AL)	Sewell (AL)	Luria	Roy	Wittman
Kaptur	Pallone	Torres (CA)	Craig	Shalala	Shalala	Marshall	Rutherford	Womack
Keating	Panetta	Torres Small	Crist	Sherman	Sherman	Mast	Scalise	Woodall
Kelly (IL)	Pappas	(NM)	Crow	Sherman	Sherman	McAdams	Schweikert	Wright
Kennedy	Pascrell	Trahan	Cunningham	Slotkin	Slotkin	McCarthy	Scott, Austin	Yoho
Khanna	Payne	Trone	David (KS)	Smith (NJ)	Smith (NJ)	McCaul	Sensenbrenner	Young
Kildee	Perlmutter	Underwood	Davis (CA)	Smith (WA)	Smith (WA)	McClintock	Shimkus	Zeldin
Kilmer	Peters	Vargas	Davis, Danny K.	Soto	Soto			
Kim	Phillips	Veasey	Dean	Speier	Speier			
Kind	Pingree	Vela	DeFazio	Stanton	Stanton			
Kirkpatrick	Pocan	Velázquez	DeGette	Stevens	Stevens	Bishop (GA)	Granger	Massie
Krishnamoorthi	Pocan	Visclosky	DeLauro	Suozi	Suozi	Brady	Green (TN)	Mullin
Kuster (NH)	Porter	Wasserman	DelBene	Swalwell (CA)	Swalwell (CA)	Byrne	Grijalva	Murphy (NC)
Lamb	Pressley	Schultz	Delgado	Takano	Takano	Clyburn	Holding	Rooney (FL)
Langevin	Price (NC)	Waters	Demings	Cuellar	Cuellar	Cuellar	Lewis	Sires
Larsen (WA)	Quigley	Watson Coleman	DeSaulnier	Dunn	Dunn	Dunn	Long	Webster (FL)
Larson (CT)	Raskin	Welch	Deutch	Gabbard	Gabbard	Gabbard	Loudermilk	
Lawrence	Rice (NY)	Wexton	Dingell	Gohmert	Gohmert	Gohmert	Marchant	
Lawson (FL)	Richmond	Wild	Doggett					
Lee (CA)	Rose (NY)	Wilson (FL)	Doyle, Michael F.					
Lee (NV)	Rouda	Yarmuth	Engel					
Levin (CA)	Roybal-Allard		Escobar					

NOT VOTING—22

Bishop (GA)	Gohmert	Marchant
Brady	Granger	Brassie
Byrne	Green (TN)	Mullin
Clyburn	Grijalva	Rooney (FL)
Cuellar	Holding	Sires
Doggett	Lewis	Webster (FL)
Dunn	Long	
Gabbard	Loudermilk	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1201

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.
The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 213, nays 195, not voting 22, as follows:

[Roll No. 78]

YEAS—213

Adams	Allred	Barragán
Aguilar	Axne	Bass

NAYS—195

Abraham	Burgess	Fleischmann
Aderholt	Butterfield	Fletcher
Allen	Calvert	Flores
Amash	Carter (GA)	Fortenberry
Amodei	Carter (TX)	Fox (NC)
Armstrong	Chabot	Fudge
Arrington	Cheney	Fulcher
Babin	Clarke (NY)	Gaetz
Bacon	Cline	Gallagher
Baird	Cloud	Gianforte
Balderson	Cole	Gibbs
Banks	Collins (GA)	Golden
Barr	Comer	Gonzalez (OH)
Bergman	Conaway	Gooden
Biggs	Cook	Gosar
Bilirakis	Crawford	Graves (GA)
Bishop (NC)	Crenshaw	Graves (LA)
Bishop (UT)	Curtis	Graves (MO)
Bost	Davidson (OH)	Griffith
Brindisi	Davis, Rodney	Grothman
Brooks (AL)	DesJarlais	Guest
Brooks (IN)	Diaz-Balart	Guthrie
Buck	Duncan	Hagedorn
Bucshon	Emmer	Harris
Budd	Estes	Hartzler
Burchett	Ferguson	Hern, Kevin

NOT VOTING—22

Bishop (GA)	Granger	Massie
Brady	Green (TN)	Mullin
Byrne	Grijalva	Murphy (NC)
Clyburn	Holding	Rooney (FL)
Cuellar	Lewis	Sires
Dunn	Long	Webster (FL)
Gabbard	Loudermilk	
Gohmert	Marchant	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1208

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 497

Mr. KINZINGER. Madam Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 497, a bill originally introduced by Representative DUNCAN HUNTER of California, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

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

There was no objection.

MOMENT OF SILENCE FOR EMPLOYEES AT MOLSON COORS

(Ms. MOORE asked and was given permission to address the House for 1 minute.)

Ms. MOORE. Madam Speaker, I want to thank the members of the Wisconsin delegation for joining me at this very difficult moment.

Madam Speaker, I really wish that I did not have to make the request that I am about to make, but I am asking Members to join me and indulge me in this undertaking.

Two days ago, the employees at Molson Coors in Milwaukee, Wisconsin, went to work in my district, and, unfortunately, five of them did not go home. Now their families are gathering to put them to rest.

I want my colleagues to know their names:

Jesus Valle Jr. of Milwaukee was an employee since 2014 and was only 33 years old.

Gennady "Gene" Levshetz, 61, of Mequon, was an employee since 2008. I have known Gene personally since 1992, and his wonderful wife, Alina; his daughters, Tanya and Becca.

I was so inspired by his story of having emigrated from the former Soviet Union to Mequon in the early 1990s. He worked like a dog.

Gene will be remembered for being the best husband, the best dad, and the best grandfather. I can attest to that.

Trevor Wetselaar, 33, of Milwaukee was married and a 2009 graduate of the University of Wisconsin-Madison. He was an employee since 2018.

Mr. Dana Walk of Delafield was an employee since 2004. He had been married to Dori for 35 years. His three children, Andy, Melanie, and Michelle are left to grieve his loss. He was a graduate of Kettle Moraine High School.

Dale "Huddy" Hudson of Waukesha was an employee since 2008.

Madam Speaker, I would ask that all Members and guests in the gallery rise for a moment of silence and reflect on these souls.

□ 1215

SUPPORT DEMOCRATS' INFRASTRUCTURE PLAN

(Ms. JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. JOHNSON of Texas. Madam Speaker, I rise to highlight the critical need to rebuild and strengthen our infrastructure in the United States.

This is why I support the Democrats' Moving Forward Infrastructure Plan to create an estimated 10 million jobs by investing \$760 billion over 5 years in the Nation's roads, bridges, transit systems, railways, airports, ports, inland

waterways, wastewater and drinking water systems, brownfields, and broadband.

Building our Nation's 21st century infrastructure also presents a unique opportunity for us to create a more inclusive technical workforce. The high-skilled jobs of the future can be accessed by our communities if support is provided for technical training and learning skills. A skilled technical workforce that reflects the diversity of our Nation is critical to our continued growth and advancement.

It is no secret that our basic infrastructure is in crisis. This framework would bolster the Federal role in order to help communities around the country undertake transformative projects that are smarter, safer, and made to last.

COMMEMORATING CENTENNIAL OF ADVANCE CTE

(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. Madam Speaker, as co-chair of the bipartisan House Career and Technical Education Caucus, I rise to commemorate the 100th Anniversary of Advance CTE: State Leaders Connecting Learning to Work.

Advance CTE was founded in 1920 and is the longest standing national non-profit that represents State career and technical education directors and leaders responsible for secondary, postsecondary, and adult career and technical education across the Nation.

Each year, CTE provides 12 million learners with the tools to succeed in a skills-based career of their choice. With more than 7 million jobs available in the United States, CTE learners are helping close our Nation's skills gap.

Advance CTE is committed to supporting States for another 100 years to ensure high-quality CTE programs are available to all individuals, no matter their age, background, or ZIP Code.

Earlier this week, I introduced a resolution with my friend and colleague, JIM LANGEVIN, to recognize February as CTE month. In the same spirit, I ask my colleagues to please join me in celebrating 100 years of Advance CTE and all that they do to promote skills-based education and opportunity in life.

ADJOURNMENT FROM FRIDAY, FEBRUARY 28, 2020, TO MONDAY, MARCH 2, 2020

Mr. PAYNE. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Ms. DAVIDS of Kansas). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HONORING HENRY HAMILTON

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

Mr. PAYNE. Madam Speaker, I rise today to honor Henry Hamilton to close Black History Month.

Mr. Hamilton is the principal of the Whitney E. Houston Academy in East Orange, New Jersey. He has been a teacher, administrator, and principal at the school for 50 years of his 57 years in education.

His dedication to his students is shown every single day. He chats with them in the halls. He eats meals with them during lunch. He encourages them when they are having a bad day. He even carries peppermint treats to reward students for good grades.

He loves teaching so much that he never missed a day of work for his first 33 years of service.

Madam Speaker, I celebrated his work and legacy during my special Black History Month celebration on February 21. He is an asset to my district, a revered public servant, and a great, great man. He deserves all these accolades and many more.

HONORING JOHN HAROLD JOHNSON

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

Mr. HILL of Arkansas. Madam Speaker, I rise today to honor an American icon and celebrated Arkansan, John Harold Johnson.

Born in Arkansas City, Arkansas, in 1918, Mr. Johnson persevered through poverty and graduated high school with honors before attending the University of Chicago and Northwestern University.

In 1942, he founded the Johnson Publishing Company, which published *Ebony* and *Jet*, two of the defining magazines of the late 20th century. Mr. Johnson's *Ebony* coverage of the Little Rock Nine in 1957 projected the crisis into the public eye, making him a critical figure in the civil rights movement.

A member of the Forbes 400, Mr. Johnson was a terrific entrepreneur and executive. In 1996, he received the Presidential Medal of Freedom from President Bill Clinton for his work toward achieving equality.

This Black History Month, I am proud to honor Mr. Johnson's enduring legacy and indelible impact on the State of Arkansas.

RECOGNIZING MERCY-DOUGLASS NURSES

(Ms. SCANLON asked and was given permission to address the House for 1 minute.)

Ms. SCANLON. Madam Speaker, I rise today to pay tribute to the Mercy-Douglass nurses, who led the way to integrate Pennsylvania's healthcare system.

In the 1940s and 1950s, there were few nursing programs available to Black women. At that time, two West Philadelphia hospitals founded by Black doctors merged and created the Mercy-Douglass Hospital School of Nursing.

Mercy-Douglass trained young, Black women for professional careers at a time when few nursing schools would enroll them, and most hospitals in Philadelphia or across the Commonwealth had few, if any, Black nurses on staff.

Early graduates of Mercy-Douglass were often the first Black nurses in a facility and had to deal with doctors and White nurses who questioned their qualifications or refused to be supervised by them, no matter their training or seniority.

Nevertheless, Mercy-Douglass nurses, like Susan Blake from my hometown, persisted to break barriers and emerge as leaders in their communities.

Today, we celebrate the legacy and commitment of the trailblazing nurses of Mercy-Douglass Hospital Nursing School to improve the lives of those in need of care and for the women who followed.

RECOGNIZING CHILDREN'S DENTAL HEALTH MONTH

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

Mr. GOSAR. Madam Speaker, I rise today in honor of National Children's Dental Health Month.

Each February, the American Dental Association unifies members of our healthcare community to recognize the importance of good oral health for our children and many others.

As a former dentist, I know that quality dental healthcare impacts your overall well-being. Proper oral health starts with the very first tooth, as baby teeth are the building blocks to a healthy smile.

According to the Centers for Disease Control and Prevention, about 20 percent of children ages 5 to 11 suffer from tooth decay. When a child suffers from dental pain, the impact is far-reaching and can affect critical developmental stages, including speaking, eating, and learning.

Although tooth decay is widespread, it is preventable. Tooth decay is the number one chronic infectious disease among children in the U.S., and programs like Give Kids a Smile Day enable thousands of dentist volunteers to give their time and efforts to make a difference in the health of children.

Since this program has started, volunteers have treated over 6 million children across the country, in all 50 States and the District of Columbia. They have truly made a huge impact in

their communities and improved the oral health of so many children.

CONGRESS SHOULD FIGHT FOR AMERICANS WITH RARE DISEASES

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

Mr. DEUTCH. Madam Speaker, we can't let disputes over dollars and cents diminish the hope for more smiles and laughter from sweet children like Jordan Ogman.

This week, I visited 4-year-old Jordan to bring attention to the fight to save his life from a rare genetic disorder, TECPR2.

Jordan's parents, David and Stacey, refused to view his diagnosis as a tragedy. They are inspired by his laugh, by his beautiful smile, and by his love for his family—especially his sister, Kira. They are ready to fight for him.

The Ogman family is counting on Congress to do what is right. This Rare Disease Week, the 30 million Americans living with 1 of over 7,000 rare diseases are counting on Congress to invest in the research that can give them hope.

Jordan's mom says: "He is a warrior. He is resilient and bright, and we are fighting every minute to save his life."

Congress needs to be there to fight alongside the Ogman family and every American family battling a rare disease.

Jordan, you keep fighting.

My colleagues, let's join this fight together.

RECOGNIZING ROBERT WILSON'S EAGLE SCOUT ACHIEVEMENT

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

Mr. VAN DREW. Madam Speaker, I recognize Robert Wilson on his achievement of the rank of Eagle Scout.

Robert is with Troop 4 in Millville in southern New Jersey.

Eagle Scout is the highest rank attainable in the Boy Scouts of America. It is a prestigious honor bestowed upon only the most worthy and the most qualified individuals. Only 4 percent of all Boy Scouts ever achieve this prestigious recognition. Eagle Scouts are likely to dedicate their lives to service, becoming future leaders in industry, politics, the military.

My office was proud to be at Robert's ceremony to celebrate his achievement earlier this week with his scout leader, Lou Charlesworth.

I am proud of your accomplishments, Robert, and I am looking forward to big things in the future from you.

Some people look for heroes with celebrities, God help them. Some look in Washington, God help them, too. My hero is Robert.

God bless you and your family, Robert.

HAPPY 105TH BIRTHDAY, ERMA HELEN ROSENHAN

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

Mr. MCADAMS. Madam Speaker, Erma Helen Rosenhan turns 105 years old today. Erma was born at home in 1915, in Salt Lake City, the seventh of nine children born to German immigrant parents.

During Erma's lifetime, she has witnessed such developments as electricity, radio, television, telephones, computers, cellphones, automobiles, and airplanes.

These are all things that she did without for much of her young life, and she has said that she was better off without them. Erma loves simplicity.

Most of Erma's life has been dedicated to genealogy research of her German ancestors. She has researched over 450,000 family names, going back to the year 1150 AD.

Erma has also lived a very simple life, living very modestly and saving her money. She once debated whether or not to extend her grocery list to include a loaf of banana bread. After a minute of thought, she said: "Oh, what the heck. I feel reckless today."

Because of her frugality, Erma has been able to donate tens of thousands of dollars to humanitarian needs over the many years she has been living.

At 105, Erma says: "One person can make a difference, no matter how old they are, so don't ever give up. I tell the Lord, I know I am old, but I will do what You would have me do if You will help me, and He always does."

Erma's faith has influenced many, and she is not afraid to tell people when they ought to shape up. Erma's 105 years has been exemplary, a life full of selflessness and sacrifice.

From the United States Capitol, happy 105th birthday to Erma Helen Rosenhan.

□ 1230

CONGRATULATING THOMAS EDISON MIDDLE SCHOOL OF MERIDEN, CONNECTICUT

(Mrs. HAYES asked and was given permission to address the House for 1 minute.)

Mrs. HAYES. Madam Speaker, I rise to congratulate Thomas Edison Middle School of Meriden, Connecticut, for being named a National Magnet School of Distinction by Magnet Schools of America.

Thomas Edison is one of 12 schools in Connecticut and one of only 142 schools in the country to be given this prestigious distinction. Its challenging curriculum, full engineering program, innovative technical supports, and strong family and community partnerships have resulted in high student achievement at the school.

Thomas Edison started an innovative program that provided every student

with a laptop to take home. This kind of investment in all students and commitment to reducing disparity pays dividends in student success.

Even with plentiful resources, success takes staff buy-in, strong leadership, and tireless work. I commend the staff at Thomas Edison for their commitment to their craft and dedication to students.

But it also takes a community, parents devoted to their children's learning, and students empowered and motivated to go the extra mile. Thomas Edison has implemented a family and community partnership. It has also partnered with the Community Health Center to provide behavioral health and dental health to all students.

This comprehensive approach to supporting students with wrap-around service makes a difference. Every school in America has the potential to be a school of distinction; we just need to prioritize education.

Again, I congratulate the Thomas Edison Middle School community for this award and honor.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, February 27, 2020.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: On February 26, 2020, pursuant to section 3307 of Title 40, United States Code, the Committee on Transportation and Infrastructure met in open session to consider twenty-four resolutions included in the General Services Administration's Capital Investment and Leasing Programs.

I have enclosed copies of the resolutions adopted.

Sincerely,

PETER A. DEFazio,
Chair.

Enclosures.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 180,000 rentable square feet of space, including 10 official parking spaces, for the Federal Bureau of Investigation currently located at 375 E Street SW in Washington, DC, at a proposed total annual cost of \$9,000,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 174 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 174 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall

provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, DC**

Prospectus Number: PDC-03-WA19

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 180,000 rentable square feet (RSF) for the Department of Justice, Federal Bureau of Investigation (FBI), currently located at 375 E Street SW, in Washington, DC. The FBI has occupied this space in the building since April 14, 2011, under a lease that expires on April 1, 2021. GSA is proposing to continue leasing space for FBI at the current location pending the results of a cost-benefit analysis, including relocation and duplication costs of real and personal property needed for FBI to accomplish its mission.

The lease will provide continued housing for FBI, and will maintain the office and overall space utilization rates at 109 and 174 usable square feet (USF) per person, respectively.

Description

Occupant:	FBI
Current Rentable Square Feet	180,000 (Current RSF/USF = 1.13)
Estimated/Proposed Maximum RSF:	180,000 (Proposed RSF/USF = 1.13)
Expansion/Reduction RSF:	None
Current USF/Person:	174
Estimated/Proposed USF/Person:	174
Expiration Dates of Current Lease(s):	04/01/2021
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	Washington, DC, CEA
Number of Official Parking Spaces ¹ :	10
Scoring:	Operating Lease
Current Total Annual Cost:	\$7,396,997 (lease effective 04/14/2011)
Estimated Rental Rate ² :	\$50.00/ RSF
Estimated Total Annual Cost ³ :	\$9,000,000

¹Security requirements may necessitate control of parking at the leased location in addition to the official parking spaces identified in the prospectus. If the additional parking resulting from security requirements is included in the leasehold interest in the building, the proposed total annual cost and maximum proposed rental rate may exceed the amounts indicated above.

²This estimate is for fiscal year 2021 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

³New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, DC**

Prospectus Number: PDC-03-WA19

Background

The mission of FBI is to protect and defend the United States against terrorist and foreign intelligence threats; to uphold and enforce the criminal laws of the United States; to provide leadership and criminal justice services to Federal, State, municipal, and international agencies and partners; and to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

The primary occupant of this location is FBI's Security Division. The offices housed within this facility support security services, including background checks, financial and strategic planning, information security and general security services.

Justification

The FBI is currently housed in a leased building located at 375 E Street SW in Washington, DC, and has been in this location since 2011. The current lease expires on April 1, 2021. FBI requires continued housing to carry out its mission and anticipates a need for housing beyond the term of the current lease to continue to support the security needs of FBI.

This location is one of the locations that are proposed to consolidate as part of the FBI headquarters consolidation proposal. Once consolidated, this location will be backfilled with other Federal agency tenants with like space requirements, minimizing any necessary changes to the leased location.

GSA will consider whether the continued housing needs should be satisfied in the existing location based on an analysis of other potential locations within the delineated area. If other potential locations are identified, GSA will conduct a cost-benefit analysis to determine whether the Government can expect to recover the relocation and duplication costs of real and personal property needed for FBI to accomplish its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, DC**

Prospectus Number: PDC-03-WA19

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 21, 2018.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Housing Plan
Federal Bureau of Investigation

PDC-03-WA19
Washington, DC

Leased Locations	CURRENT						ESTIMATED/PROPOSED					
	Personnel			Usable Square Feet (USF) ¹			Personnel			Usable Square Feet (USF)		
	Office	Total	914	Office	Storage	Special	Total	Office	Storage ⁵	Special ⁶	Total	
375 E Street, SW, Washington, DC	914	914	-	127,978	5,304	25,751	159,033	-	-	-	-	
Estimated/Proposed Lease	-	-	-	-	-	-	914	127,978	5,304	25,751	159,033	
Total	914	914	914	127,978	5,304	25,751	159,033	127,978	5,304	25,751	159,033	

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	109	109

UR = average amount of office space per person
 Current UR excludes 28,155 usf of office support space
 Proposed UR excludes 28,155 usf of office support space

Overall UR ³		
Rate	Current	Proposed
	174	174

R/U Factor ⁴			
	Total USF	RSF/USF	Max RSF
Current	159,033	1.13	180,000
Estimated/Proposed	159,033	1.13	180,000

Special Space ⁶	
Mailroom	2,369
Conference/Auditorium	8,189
Training Room	2,347
IT Equipment Storage	1,434
Fitness/Locker	7,841
Records Storage	3,571
Total	25,751

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel.
- ⁴ R/U Factor (RU) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—U.S. DEPARTMENT OF VETERANS
AFFAIRS, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 217,000 rentable square feet of space, including 1 official parking space, for the U.S. Department of Veterans Affairs currently located in three leases at 1800 G Street NW in Washington, DC, at a proposed total annual cost of \$10,850,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 153 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 153 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or

under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC**

Prospectus Number: PDC-11-WA19

Executive Summary

The U.S. General Services Administration (GSA) proposes a lease of up to 217,000 rentable square feet (RSF) for the U.S. Department of Veterans Affairs (VA), currently housed in three leases at 1800 G Street NW in Washington, DC. VA has occupied space in the building since 5/1/1994.

The lease will provide continued housing for VA and will maintain VA's efficient office and overall space utilization at 105 and 153 usable square feet (USF) per person respectively.

Description

Occupant:	VA
Current RSF:	208,311 (Current RSF/USF = 1.16)
Proposed Maximum RSF ¹ :	217,000 (Proposed RSF/USF = 1.2)
Expansion/Reduction RSF:	8,689 Expansion
Current USF/Person:	153
Estimated USF/Person:	153
Expiration Dates of Current Lease(s):	4/30/2019 (Holdover), 4/30/2024, 4/30/2027
Proposed Maximum Leasing Authority	20 Years
Delineated Area:	Washington, DC, Central Employment Area
Number of Official Parking Spaces:	1
Scoring:	Operating Lease
Current Total Annual Cost:	\$ 9,793,428 [leases effective 5/1/1994 (2) and 5/1/2012]
Estimated Rental Rate ² :	\$50.00 / RSF
Estimated Total Annual Cost ³ :	\$10,850,000

¹ The RSF/USF at the current location is approximately 1.16; however, to maximize competition a RSF/USF ratio of 1.2 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² This estimate is for fiscal year 2019 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC**

Prospectus Number: PDC-11-WA19

Background

This prospectus is for the Veterans Benefits Administration (VBA). VBA provides a variety of benefits and services to service members, veterans, and their families. VBA has been undergoing a major transformation that is people-centric and results-oriented, and that provides a forward-looking integration of solutions that will ensure total lifelong engagement with service members, veterans, and their families.

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for the VA, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Justification

One of the current leases at 1800 G Street NW is in holdover, and the others expire on 4/30/2024 and 4/30/2027. VA requires continued housing for 1,181 personnel currently working in the 1800 G Street NW location. The lease will maintain VA’s efficient office and overall space utilization at 105 and 153 USF per person respectively.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC**

Prospectus Number: PDC-11-WA19

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.


Submitted at Washington, DC, on November 25, 2019

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF) ¹	
	Office	Total	Office	Total	Office	Total	Office	Total
1800 G St NW	1,181	1,181	138,545	180,145	1,181	1,181	138,545	180,145
Estimated/Proposed Lease								
Total	1,181	1,181	138,545	180,145	1,181	1,181	138,545	180,145

Office Utilization Rate (UR) ²		
Current	105	Proposed
Rate	105	105

UR = average amount of office space per person
 Current UR excludes 34,880 usf of office support space
 Proposed UR excludes 34,880 usf of office support space

Overall UR ³	153	153
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R/U Factor ⁴		
Total USF	RSF/USF	Max RSF
Current	180,145	208,311
Estimated/Proposed	180,145	217,000

Special Space ⁶		USF
Conference / Training		17,250
Health Unit		1,350
Telecommunications		1,500
Total		20,100

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes the judiciary, Congress, and agencies with fewer than 10 people.
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—U.S. DEPARTMENT OF VETERANS
AFFAIRS, DAYTONA BEACH, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 106,826 net usable square feet of space, and 750 official parking spaces, for the Department of Veterans Affairs to replace and consolidate two existing leases in Daytona Beach, FL, at a proposed unserviced annual cost of \$4,111,733 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not

be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the lease shall contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corpora-

tion or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
DAYTONA BEACH, FL**

Prospectus Number: PFL-01-VA19
Congressional District: 6

Executive Summary

The General Services Administration (GSA) proposes an outpatient clinic lease of approximately 106,826 net usable square feet (NUSF) for the U.S. Department of Veterans Affairs (VA), currently located in two leases totaling 74,013 NUSF in Daytona Beach, FL.

The lease will be delegated to VA, provide continued services for the Daytona Beach veteran community, and provide the necessary expansion services to meet current and projected service delivery gaps for healthcare in the local market.

Description

Occupant:	Veterans Affairs
Current NUSF:	74,013
Estimated Maximum NUSF:	106,826
Expansion/Reduction NUSF:	32,813 (expansion)
Estimated Maximum Rentable Square Feet:	144,215
Expiration Dates of Current Lease(s):	64,149 NUSF – 10/3/2021 9,864 NUSF – 10/14/2022
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	<u>North:</u> W. Granada Blvd. <u>South:</u> Dunlawton Ave. to Taylor Rd. <u>East:</u> N. Ridgewood Ave. <u>West:</u> S. Tymber Creek Rd., a line connecting to LPGA Blvd., W. International Speedway Blvd., then east on US-4 to Tomoka Farms Rd.
Number of Official Parking Spaces:	750
Scoring:	Operating Lease
Current Total Annual Cost:	\$1,217,653
Current Total Unserviced Annual Cost:	\$791,474
Estimated Unserviced Rental Rate ¹ :	\$38.49 per NUSF
Estimated Total Unserviced Annual Cost ² :	\$4,111,733

¹ This estimate is for fiscal year 2019 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is unserviced (taxes, insurance, management, and maintenance and repair reserves included); however, the lease contract may include operating expenses paid by the lessor.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
DAYTONA BEACH, FL**

Prospectus Number: PFL-01-VA19
Congressional District: 6

Justification

A new 106,826 NUSF lease in Daytona Beach will replace and consolidate the two existing leases in the Daytona Beach market, including the 64,149 NUSF William V. Chappell Veterans Multi-Specialty Outpatient Clinic and the 9,864 NUSF Westside Pavilion Uniform Mental Health Services Annex.

The current space in these facilities is insufficient to meet the projected needs of the veteran community. Space limitations and an increase in workload limit veterans' access to services in a timely manner. Additionally, the existing locations have safety and security deficiencies.

The new facility will enhance VA outpatient services by closing space and utilization gaps identified in VA's Strategic Capital Investment Planning process and will provide a single location in the Daytona Beach area to serve the outpatient care needs of veterans and their families. The new lease will allow VA to provide primary care, mental health, specialty care, laboratory and pathology, pharmacy, and radiology and imaging services to veterans in a rightsized, state-of-the-art, and energy-efficient healthcare facility. It will also provide increased access to care for veterans living in the Daytona Beach market who are currently seen in the existing two Community-Based Outpatient Clinics or commute more than 1 hour to a facility in Orlando, FL.

Additionally, a new lease also will provide future flexibility by allowing VA to resize, replace, or exit the proposed clinic lease based on changes in veteran demographics, workload patterns, and emergent healthcare delivery practices.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required net usable area.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
DAYTONA BEACH, FL**

Prospectus Number: PFL-01-VA19
Congressional District: 6


Interim Leasing

The Government will execute such interim leasing actions as are necessary to ensure continued housing prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on November 7, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

COMMITTEE RESOLUTION

LEASE—U.S. DEPARTMENT OF VETERANS
AFFAIRS, JACKSONVILLE, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 164,054 net usable square feet of space, and 1,150 official parking spaces, for the Department of Veterans Affairs currently located in four leases in Jacksonville, FL, at a proposed unserviced annual cost of \$5,139,812 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not

be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the lease shall contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corpora-

tion or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
JACKSONVILLE, FL**

Prospectus Number: PFL-02-VA19
Congressional District(s): 4, 5

Executive Summary

The General Services Administration (GSA) proposes an outpatient clinic lease of approximately 164,054 net usable square feet (NUSF) for the U.S. Department of Veterans Affairs (VA), currently located in four leases totaling 49,895 NUSF in Jacksonville, FL.

The lease will be delegated to VA, provide continued services for the Jacksonville veteran community, and provide the necessary expansion services to meet current and projected service delivery gaps for healthcare in the local market.

Description

Occupant:	Veterans Affairs
Current NUSF:	49,895
Estimated Maximum NUSF:	164,054
Expansion/Reduction NUSF:	114,159 (expansion)
Estimated Maximum Rentable Square Feet:	221,473
Expiration Dates of Current Lease(s):	19,750 NUSF – 9/8/2021 30,145 NUSF – 2/28/2023
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	<u>North</u> : Duval County Line <u>South</u> : Duval County Line <u>East</u> : Duval County Line <u>West</u> : Duval County Line
Number of Official Parking Spaces:	1,150
Scoring:	Operating Lease
Current Total Annual Cost:	\$1,334,795
Current Total Unserviced Annual Cost:	\$937,444
Estimated Unserviced Rental Rate ¹ :	\$31.33 per NUSF
Estimated Total Unserviced Annual Cost ² :	\$5,139,812

Justification

A new 164,054 NUSF lease in Jacksonville will replace and consolidate four existing leases in the Jacksonville market, including the interim outpatient clinic, the primary care clinic, and the mental health clinic.

¹ This estimate is for fiscal year 2019 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is unserviced (taxes, insurance, management, and maintenance and repair reserves included); however, the lease contract may include operating expenses paid by the lessor.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
JACKSONVILLE, FL**

Prospectus Number: PFL-02-VA19
Congressional District(s): 4, 5

The current space in these facilities is insufficient to meet the projected needs of the veteran community. Space limitations and an increase in workload limit veterans' timely access to services. Additionally, the existing locations have safety and security deficiencies.

The new facility will enhance VA outpatient services by closing space and utilization gaps identified in VA's Strategic Capital Investment Planning process and will provide a single location in the Jacksonville area to serve the outpatient care needs of veterans and their families. The new lease will allow VA to provide comprehensive primary care, mental health, and specialty care services to the rapidly growing veteran population in the Jacksonville area in a rightsized and state-of-the-art healthcare facility. The new lease will also include domiciliary space to accommodate the growing need for inpatient mental health space in the Jacksonville market.

Additionally, a new lease will also provide future flexibility by allowing VA to resize, replace, or exit the proposed clinic lease based on changes in veteran demographics, workload patterns, and emergent healthcare delivery practices.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required net usable area.

Interim Leasing

The Government will execute such interim leasing actions as are necessary to ensure continued housing prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
JACKSONVILLE, FL**

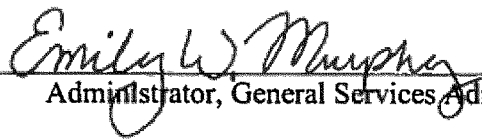
Prospectus Number: PFL-02-VA19
Congressional District(s): 4, 5

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on November 7, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

COMMITTEE RESOLUTION

LEASE—U.S. DEPARTMENT OF VETERANS
AFFAIRS, RALEIGH, NC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for a lease of up to 185,271 net usable square feet of space, and 1,300 official parking spaces, for the Department of Veterans Affairs currently located in three leases in Raleigh, NC, at a proposed unserviced annual cost of \$7,833,258 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included

in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the lease shall contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corpora-

tion or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
RALEIGH, NC**

Prospectus Number: PNC-01-VA19
Congressional District(s): 2, 4

Executive Summary

The General Services Administration (GSA) proposes an outpatient clinic lease of approximately 185,271 net usable square feet (NUSF) for the U.S. Department of Veterans Affairs (VA), currently located in three leases totaling 33,473 NUSF in Raleigh, NC.

The lease will be delegated to VA, provide continued services for the Raleigh veteran community, and provide the necessary expansion services to meet current and projected service delivery gaps for healthcare in the local market.

Description

Occupant:	Veterans Affairs
Current NUSF:	33,473
Estimated Maximum NUSF:	185,271
Expansion/Reduction NUSF:	151,798 (expansion)
Estimated Maximum Rentable Square Feet:	250,116
Expiration Dates of Current Lease(s):	13,500 NUSF – 9/30/2023 9,973 NUSF – 6/14/2020 10,000 NUSF – 5/11/2021
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	<u>North</u> : Western Blvd. at Gorman St. to Martin Luther King Jr. Blvd. at Rock Quarry Rd. <u>South</u> : Ten-Ten Rd. at Blaney Franks Rd. to Ten-Ten Rd. at Benson Rd. <u>East</u> : Rock Quarry Road at Martin Luther King Jr. Blvd. to Sanderford Rd. to Creech Rd. to E. Garner Rd. to Benson Rd. <u>West</u> : Gorman St. at Western Blvd. to Avent Ferry Rd. to Tryon Rd. to Yates Mill Pond Rd. to Olde South Rd. to Penny Rd. to Blaney Franks Rd. at Ten-Ten Rd.
Number of Official Parking Spaces:	1,300
Scoring:	Operating Lease
Current Total Annual Cost:	\$761,862
Current Total Unserviced Annual Cost:	\$495,210

GSA

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**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
RALEIGH, NC**

Prospectus Number: PNC-01-VA19
Congressional District(s): 2, 4

Estimated Unserviced Rental Rate ¹ :	\$42.28 per NUSF
Estimated Total Unserviced Annual Cost ² :	\$7,833,258

Justification

A new 185,271 NUSF lease in Raleigh will replace and consolidate the three existing leases in the Raleigh market, including a 9,973 NUSF Intensive Outpatient Program lease as well as two Community Based Outpatient Clinics—one consisting of 13,500 NUSF and one consisting of 10,000 NUSF.

The current space in these facilities is insufficient to meet the projected needs of the veteran community. Space limitations and an increase in workload limit veterans' access to services in a timely manner. Additionally, the existing locations have safety and security deficiencies.

The new facility will enhance VA outpatient services by closing space and utilization gaps identified in VA's Strategic Capital Investment Planning process and will provide a single location in the Raleigh area to serve the outpatient care needs of veterans and their families. The new lease will allow VA to consolidate and enhance the primary care, mental health, dialysis, and limited specialty care services it currently provides in the three existing leases, and will also allow for the offering of new specialty care services, women's health, ambulatory surgery, and imaging to veterans in a rightsized and state-of-the-art healthcare facility.

The proposed lease will provide veterans in the Raleigh area better access to high-quality, reliable healthcare. A new lease will also provide future flexibility by allowing VA to resize, replace, or exit the proposed clinic lease based on changes in veteran demographics, workload patterns, and emergent healthcare delivery practices.

With this new lease, sufficient space will be available to provide the necessary primary care capacity to help ensure veterans have timely access to high-quality care. As part of the proposed comprehensive outpatient care offering, the facility will include a fully staffed administrative medicine department for compensation and pension examinations to assist in eliminating the Veteran Benefits Administration's claims backlog. This facility will also have a strong focus on mental health, the reduction of veteran homelessness, and women's health services.

¹ This estimate is for fiscal year 2019 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is unserviced (taxes, insurance, management, and maintenance and repair reserves excluded); however, the lease contract may include operating expenses paid by the lessor.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
RALEIGH, NC**

Prospectus Number: PNC-01-VA19
Congressional District(s): 2, 4

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required net usable area.


Interim Leasing

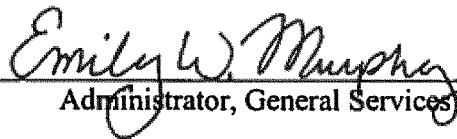
The Government will execute such interim leasing actions as are necessary to ensure continued housing prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on November 7, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

COMMITTEE RESOLUTION

LEASE—UNITED STATES SECRET SERVICE,
BROOKLYN, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 94,000 rentable square feet of space for the Department of Homeland Security, United States Secret Service currently located in two leases at 335 Adams Street in Brooklyn, NY, at a proposed total annual cost of \$6,110,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 207 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 207 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or

under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
UNITED STATES SECRET SERVICE
BROOKLYN, NY**

Prospectus Number: PNY-02-BR20
Congressional District: 7,8,9

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 94,000 rentable square feet (RSF) for the Department of Homeland Security (DHS), United States Secret Service (USSS), currently located in two leases at 335 Adams Street, Brooklyn, New York. USSS has occupied space in the building since October and November 2001 under leases that both expire on October 30, 2023.

The lease will provide continued housing for USSS, and will improve the office and overall space utilization from 118 and 214 to 74 and 207 usable square feet (USF) per person, respectively.

Description

Occupant:	USSS
Current Rentable Square Feet (RSF)	92,930 RSF (Current RSF/USF = 1.37)
Estimated/Proposed Maximum RSF ¹ :	94,000 RSF (Proposed RSF/USF = 1.37)
Expansion/Reduction RSF:	1,070 RSF Expansion
Current USF/Person:	214
Estimated/Proposed USF/Person:	207
Expiration Dates of Current Lease(s):	10/30/2023
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	<u>North</u> : Intersection of Adams St. and John St., John St. to Hudson Ave., Hudson Ave. to Navy St., Navy St. to Flushing Ave., Flushing Ave. to Vanderbilt Ave.; <u>East</u> : Vanderbilt Ave. to Flatbush Ave.; <u>South</u> : Flatbush Ave. to Atlantic Ave., Atlantic Ave. to the Brooklyn Queens Expressway (BQE)/278; <u>West</u> : BQE/278 to Pearl St., Pearl St. to Anchorage Pl., Anchorage Pl. to Adams St.
Number of Official Parking Spaces:	0
Scoring:	Operating
Current Total Annual Cost:	\$5,561,381 including electric
Estimated Rental Rate ² :	\$65.00 / RSF

¹ The RSF/USF at the current location is approximately 1.37 and to maximize competition the same RSF/USF ratio of 1.37 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² This estimate is for fiscal year 2023 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA

PBS

**PROSPECTUS – LEASE
UNITED STATES SECRET SERVICE
BROOKLYN, NY**

Prospectus Number: PNY-02-BR20
Congressional District: 7,8,9

Estimated Total Annual Cost³: \$6,110,000

Background

USSS has two missions—criminal investigations and protection. Criminal investigation activities encompass financial crimes, identity theft, counterfeiting, computer fraud, and computer-based attacks on the Nation’s financial, banking, and telecommunications infrastructure.

The protection mission is the more publicly visible of the two, covering the President, Vice President, their families, ex-Presidents, and major candidates for those offices, along with the White House and the Vice President’s residence (through USSS’s Uniformed Division). Protective duties of USSS also extend to foreign missions in the District of Columbia and visiting heads of foreign states or governments, other distinguished foreign visitors to the United States, and other individuals as designated per Executive order.

Separate from these specific mandated assignments, USSS is responsible for certain security activities such as National Special Security Events, which include Presidential inaugurations, the major party quadrennial national conventions, as well as international conferences and events held in the United States.

The current lease became effective on October 5, 2001—shortly after the September 11, 2001, attacks destroyed the USSS’s Regional Headquarters Office at 7 World Trade Center. The lease was executed under an emergency blanket authorization. It expired on October 30, 2018, and authorization to extend was provided under prospectus number PNY-04-BR18.

Justification

USSS has housed its Regional Headquarters in Brooklyn since 2001. The delineated area identified in the prospectus affords USSS easy accessibility to major highways, facilitating transportation connections in and out of the borough as well as access to all three New York major metropolitan airports.

The Regional Headquarters supports approximately 1,000 protective visits to New York City annually, and thus close proximity to Manhattan is critical to the operation of this office. Additionally, the strategic geographic placement in Brooklyn allows the USSS

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
UNITED STATES SECRET SERVICE
BROOKLYN, NY**

Prospectus Number: PNY-02-BR20
Congressional District: 7,8,9

critical response time to threat-based activity, as well as convenient access to the USSS’s law enforcement partners in lower Manhattan such as the FBI, NYPD Headquarters Office, and FEMA. Proximity to the U.S. Attorneys Office (both the Eastern and Southern Districts of New York) is also integral to the USSS mission.

The current extended leases at 335 Adams Street in Brooklyn, NY, expire on October 30, 2023. USSS requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS


**PROSPECTUS – LEASE
UNITED STATES SECRET SERVICE
BROOKLYN, NY**

Prospectus Number: PNY-02-BR20
Congressional District: 7,8,9

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 13, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Housing Plan
United States Secret Service

PNY-02-BR20
Brooklyn, NY

Leased Locations	CURRENT			ESTIMATED/PROPOSED		
	Personnel		Usable Square Feet (USF) ¹	Personnel		Usable Square Feet (USF)
	Office	Total		Office	Total	
335 Adams St., Brooklyn, NY	317	47,611	2,060	17,620	67,291	
335 Adams St., Brooklyn, NY	1	626		626		
Proposed Lease						
Total	318	48,237	2,060	17,620	67,917	36,193

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	118	74

UR = average amount of office space per person
Current UR excludes 10,612 usf of office support space
Proposed UR excludes 6,871 usf of office support space

Overall UR ³		
Rate	Current	Proposed
	214	207

R/U Factor ⁴			
Total USF	RSF/USF	Max RSF	
Current	67,917	1.37	92,930
Estimated/Proposed	68,054	1.37	94,000

NOTES:

¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

² Calculation excludes Judiciary, Congress and agencies with less than 10 people

³ USF/Person = housing plan total USF divided by total personnel.

⁴ R/U Factor (R/U) = Max RSF divided by total USF

⁵ Storage excludes warehouse, which is part of Special Space.

⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

Special Space ⁶	USF
Break Room	1,400
Bunk Room	210
Case Management Room	1,260
Conference/Training	5,838
Copy/Storage	420
Equipment Storage	1,820
Evidence Storage	2,660
Field Equipment Repair	1,260
File Room	1,134
Firearms Storage	420
Fitness	4,130
Holding Cells	2,649
Investigative Dark Room	420
Lab	2,520
Locker Rooms	2,058
Mail Screening Room	1,092
Prisoner Processing	112
SCIF	560
Secure Interview Room	952
Secure Waiting Area	630
Special Equipment Storage	2,128
Standard Support Space	2,520
Total	36,193

COMMITTEE RESOLUTION

LEASE—SOCIAL SECURITY ADMINISTRATION,
ALBUQUERQUE, NM

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 168,000 rentable square feet of space, including 689 official parking spaces, for the Social Security Administration currently located at 500 Lead Avenue and 410 Lead Avenue in Albuquerque, NM, at a proposed total annual cost of \$4,704,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 187 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 187 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or

under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
SOCIAL SECURITY ADMINISTRATION
ALBUQUERQUE, NM**

Prospectus Number: PNM-01-AL20
Congressional District: 1,3

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 168,000 rentable square feet (RSF) and 689 parking spaces for the Social Security Administration (SSA), currently located at 500 Lead Avenue SW and 410 Lead Avenue SW (parking only) in Albuquerque, NM. SSA has occupied space in the buildings since 2001 under leases that expire on October 15, 2021, and September 13, 2021, respectively.

The lease will provide continued housing for SSA, improving the office utilization rate from 146 to 119 usable square feet (USF) per person and maintaining the overall space utilization rate at 187.

Description

Occupant:	SSA
Current RSF:	153,465 (Current RSF/USF = 1.05)
Estimated/Proposed Maximum RSF ¹ :	168,000 (Proposed RSF/USF = 1.15)
Expansion/Reduction RSF:	14,535 Expansion
Current USF/Person:	187
Estimated/Proposed USF/Person:	187
Expiration Dates of Current Lease(s):	10/15/2021, 9/13/2021
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	The CBD bounded by: North: Mountain Rd. NW/Mountain Rd. NE; East: I-25; South: Coal Ave. SW; West: 12 th St. SW/Park Ave. SW;10 th St. SW/Central Ave. SW/12 th St. NW
Number of Official Parking Spaces:	689
Scoring:	Operating Lease
Current Total Annual Cost:	\$3,198,226 (leases effective 10/16/2001, 9/14/2001)
Proposed Total Annual Rental Cost:	\$4,124,440
Proposed Total Annual Parking Cost:	\$ 579,560
Estimated Rental Rate ² :	\$28.00 / RSF
Estimated Total Annual Cost ³ :	\$4,704,000

¹ The RSF/USF at the current location is approximately 1.05; however, to maximize competition, an RSF:USF ratio of 1.15 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² This estimate is for fiscal year 2022 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA

PBS

**PROSPECTUS – LEASE
SOCIAL SECURITY ADMINISTRATION
ALBUQUERQUE, NM**

Prospectus Number: PNM-01-AL20
Congressional District: 1,3

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for SSA, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Background

SSA's mission is to promote the economic security of the Nation's people through compassionate and vigilant leadership in shaping and managing America's Social Security programs. Three programs are administered under the Social Security Act: Old-Age and Survivors Insurance; Disability Insurance; and Supplemental Security Income.

SSA's programs and services are administered through a network of more than 1,200 field offices and a national 800 number that handles over 30 million calls each year.

Justification

In 2015, the local SSA field office was consolidated into the existing footprint of the Albuquerque Teleservice Center. As part of the program of requirements for continued space needs that will deliver Social Security services to meet the changing needs of the public, SSA will continue to perform both functions in a single location.

The current leases at 500 Lead Ave. SW and 410 Lead Ave. SW (parking only) expire on October 15, 2021, and September 13, 2021, respectively. SSA requires continued housing to carry out its mission in Albuquerque.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
SOCIAL SECURITY ADMINISTRATION
ALBUQUERQUE, NM**

Prospectus Number: PNM-01-AL20
Congressional District: 1,3

constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

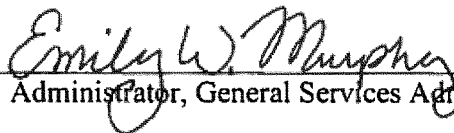
Submitted at Washington, DC, on August 30, 2019

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Special	Office	Total	Storage ⁵	Special ⁶
500 LEAD AVE, SW	781	781	145,692					
Estimated/Proposed Lease					781	781	4,664	22,015
Total	781	781	145,692		781	781	4,664	22,015

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	146	119

UR = average amount of office space per person
 Current UR excludes 32,052 USF of office support space
 Proposed UR excludes 26,183 USF of office support space

Overall UR ³		
Rate	Current	Proposed
	187	187

R/U Factor ⁴			
	Total USF	RSF/USF	Max RSF
Current	145,692	1.05	153,465
Estimated/Proposed	145,692	1.15	168,000

Special Space ⁶		USF
Conference/Training		10,127
Physical Fitness		3,280
ADP		2,764
Reception Area		1,985
Cafeteria/Food Service		3,400
Studio		459
Total		22,015

NOTES:

- USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- Calculation excludes the judiciary, Congress, and agencies with fewer than 10 people.
- USF/Person = housing plan total USF divided by total personnel
- R/U Factor (R/U) = Max RSF divided by total USF
- Storage excludes warehouse, which is part of Special Space.
- Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposals (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—U.S. DEPARTMENT OF EDUCATION, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 65,796 rentable square feet of space, including 7 official parking spaces, for the Department of Education currently located at 32 Old Slip in New York, NY, at a proposed total annual cost of \$4,342,536 for a lease term of up to 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 391 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in

an overall utilization rate of 391 square feet or higher per person.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is

found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA**PBS**

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF EDUCATION
NEW YORK, NY**

Prospectus Number: PNY-02-NY20
Congressional District: 12

Executive Summary

The General Services Administration (GSA) proposes a lease extension of up to 5 years for approximately 65,796 rentable square feet (RSF) for the U.S. Department of Education (ED), currently located at 32 Old Slip, New York, NY. ED has occupied space in the building since May 5, 2005, under a lease that expires on May 4, 2020.

Extension of the current leases will enable ED to provide continued housing for current personnel and meet its current mission requirements. ED will maintain the office and overall utilization rates at 281 and 391 usable square feet (USF) per person, respectively.

Description

Occupant:	Education
Current RSF:	65,796 (Current RSF/USF = 1.44)
Estimated/Proposed Maximum RSF:	65,796 (Proposed RSF/USF = 1.44)
Expansion/Reduction RSF:	None
Current USF/Person:	391
Estimated/Proposed USF/Person:	391
Expiration Dates of Current Lease(s):	05/04/2020
Proposed Maximum Leasing Authority:	5 years
Delineated Area:	North: Vesey Street to Ann Street to Gold Street to Fulton Street; East: South Street; South: Whitehall Street to State Street to Battery Place; West: Greenwich Street to Trinity Place to Edgar Street to Greenwich Street.
Number of Official Parking Spaces:	7
Scoring:	Operating
Current Total Annual Cost:	\$3,055,565 (lease effective 5/5/05)
Estimated Rental Rate ¹ :	\$66.00 / RSF
Estimated Total Annual Cost ² :	\$4,342,536

¹ This estimate is for fiscal year 2020 and may be escalated by 2 percent per year to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSAPBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF EDUCATION
NEW YORK, NY**

Prospectus Number: PNY-02-NY20
Congressional District: 12

Background

ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

ED was created in 1980 by combining offices from several Federal agencies and is dedicated to:

- establishing policies on Federal financial aid for education, and distributing as well as monitoring those funds;
- collecting data on America's schools and disseminating research;
- focusing national attention on key educational issues; and
- prohibiting discrimination and ensuring equal access to education.

Justification

This location houses the ED Office of Inspector General (OIG), the regional ED training facility, and the ED Office for Civil Rights. Maintaining operations at this location is essential for the agency to carry out its mission.

The current lease at 32 Old Slip expires on May 4, 2020, and ED requires continued housing at this location until GSA and the Department can carry out a long-term plan to relocate ED to federally owned space that will reduce costs to the taxpayer. A 5-year lease extension will provide the Department and the ED OIG with sufficient time to budget for the costs necessary for tenant improvement, furniture, and the physical move. The Department will relocate into renovated space in the Javits Federal Building.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS


**PROSPECTUS – LEASE
U.S. DEPARTMENT OF EDUCATION
NEW YORK, NY**

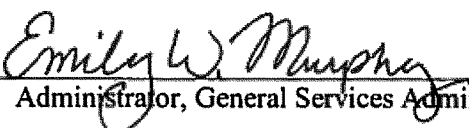
Prospectus Number: PNY-02-NY20
Congressional District: 12

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 9, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Housing Plan
Department of Education

PNY-02-NY20
New York, NY

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Total	Office	Total	Office	Total
32 Old Slip, New York, NY	117	117	42,149	45,776				
Estimated/Proposed Lease					117	117	42,149	45,776
Total	117	117	42,149	45,776	117	117	42,149	45,776

Office Utilization Rate (UR) ²	Current	Proposed
Rate	281	281

UR = average amount of office space per person
Current UR excludes 9,273 usf of office support space
Proposed UR excludes 9,273 usf of office support space

Rate	Current	Proposed
	391	391

R/U Factor ⁴			
	Total USF	RSF/USF	Max RSF
Current	45,776	1.44	65,796
Estimated/Proposed	45,776	1.44	65,796

Special Space ⁶	USF
Conference/Training	2,456
OIG Interview Room	206
File Room	237
Weapons Storage	168
Lactation Room	218
Total	3,285

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes the judiciary, Congress, and agencies with fewer than 10 people.
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max.RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF VETERANS AFFAIRS
VETERANS BENEFITS ADMINISTRATION, SAN
DIEGO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 164,000 rentable square feet of space, including 100 official parking spaces, for the Department of Veterans Affairs, Veterans Benefits Administration currently located at 8808, 8810, 8880, and 8898 Rio San Diego Drive and 5715 Kearny Villa Road in San Diego, CA, at a proposed total annual cost of \$7,052,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 175 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in

an overall utilization rate of 175 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease,

to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS-LEASE
DEPARTMENT OF VETERANS AFFAIRS
VETERANS BENEFITS ADMINISTRATION
SAN DIEGO, CA**

Prospectus Number: PCA-01-SD20
Congressional District: CA52 & CA53

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 164,000 rentable square feet (RSF) for the Department of Veterans Affairs, Veterans Benefits Administration (VBA), currently located at 8808, 8810, 8880, and 8898 Rio San Diego Drive and 5715 Kearny Villa Road in San Diego, California. VBA has occupied space in the buildings since 2008 under leases that expire on September 30, 2023.

The lease will provide continued housing for VBA and will improve the office space utilization from 110 to 80 usable square feet (USF) per person while maintaining the overall space utilization at 175 USF per person.

Description

Occupant:	Veterans Benefits Administration
Current RSF:	152,369 (Current RSF/USF = 1.12)
Estimated/Proposed Maximum RSF ¹ :	164,000 (Proposed RSF/USF = 1.20)
Expansion/Reduction RSF:	11,631 Expansion
Current USF/Person:	175
Estimated/Proposed USF/Person:	175
Expiration Dates of Current Lease(s):	09/30/2023 (all leases coterminous)
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	North: Highway 52; South: I-8; East: I-15; West: I-5
Number of Official Parking Spaces:	100
Scoring:	Operating
Current Total Annual Cost:	\$5,738,583 (leases effective 10/1/13, 4/15/16, 10/8/08, 9/24/08, 7/1/17)
Estimated Rental Rate ² :	\$43.00 / RSF
Estimated Total Annual Cost ³ :	\$7,052,000

¹ The overall RSF/USF at the current locations is approximately 1.12; however, to maximize competition a RSF/USF ratio of 1.20 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² This estimate is for fiscal year 2024 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced, including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS—LEASE
DEPARTMENT OF VETERANS AFFAIRS
VETERANS BENEFITS ADMINISTRATION
SAN DIEGO, CA**

Prospectus Number: PCA-01-SD20
Congressional District: CA52 & CA53

Background

VBA's mission is to provide benefits and services to veterans and their families and survivors in a responsive, timely, and compassionate manner in recognition of their service to the Nation.

Justification

VBA's San Diego Veterans Affairs Regional Office (VARO) administers a wide array of benefits to our Nation's veterans in San Diego, Riverside, Imperial, and Orange Counties, as well as assisting with claims nationally. San Diego VARO currently houses the Mission Valley Veterans Health Administration Outpatient Clinic, the Office of Information and Technology Area Manager and End User Operation Center, Regional Counsel, as well as out-based locations for Education Service, Office of Performance Analysis and Integrity, and 10 Veterans Service Organizations. In addition, veterans can access San Diego VARO services at 13 out-based locations spread throughout Southern California.

The current leases expire on September 30, 2023. VBA requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

GSA

PBS

**PROSPECTUS-LEASE
DEPARTMENT OF VETERANS AFFAIRS
VETERANS BENEFITS ADMINISTRATION
SAN DIEGO, CA**

Prospectus Number: PCA-01-SD20
Congressional District: CA52 & CA53


Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

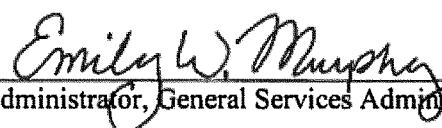
Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 9, 2019.

Recommended: 

Commissioner, Public Buildings Service

Approved: 

Administrator, General Services Administration

October 2018

Housing Plan
Veterans Benefit Administration

PCA-01-SD20
San Diego, CA

Leased Locations	CURRENT			ESTIMATED/PROPOSED		
	Personnel		Usable Square Feet (USF) ¹	Personnel		Usable Square Feet (USF)
	Office	Total		Office	Total	
8810 Rio San Diego Drive	401	401	55,943	1,920	17,222	73,085
8880 Rio San Diego Drive	247	247	33,419	360	4,639	38,418
8808 Rio San Diego Drive	71	71	10,421	310	310	10,731
8898 Rio San Diego Drive	62	62	10,674	294	310	11,278
5715 Kearny Villa Road				1,140	1,140	1,140
Estimated/Proposed Lease						
Total	781	781	110,457	2,574	23,621	136,652

Office Utilization Rate (UR) ²	
Current	110
Proposed	80

UR = average amount of office space per person
 Current UR excludes 24,301 usf of office support space
 Proposed UR excludes 17,675 usf of office support space

Overall UR ³	
Current	175
Proposed	175

R/U Factor ⁴		
Total USF	RSF/USF	Max RSF
Total Current	136,652	1.12
Estimated/Proposed	136,575	1.20

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress, and agencies with fewer than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel.
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

Special Space ⁶	
ADP	650
Conference & Training	35,490
Food Service & Break Room	2,886
Physical Fitness	2,145
Lactation Room	215
Reception & Waiting Use	5,850
Imaging Work Room	325
Warehouse	1,265
Total	48,826

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF COMMERCE, AND FEDERAL HOUSING FINANCE AGENCY, CHICAGO, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 184,042 rentable square feet of space, including 32 official parking spaces, for the Department of Health and Human Services, the Department of Commerce—International Trade Administration, and the Federal Housing Finance Agency currently located at 233 N. Michigan Avenue in Chicago, IL, at a proposed total annual cost of \$7,166,595 for a lease term of up to 3 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 328 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any

of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 328 square feet or higher per person.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that

such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
DEPARTMENT OF COMMERCE,
AND
FEDERAL HOUSING FINANCE AGENCY
CHICAGO, IL**

Prospectus Number: PIL-01-CH20
Congressional District: IL-07

Executive Summary

The General Services Administration (GSA) proposes a lease extension of up to 3 years for 184,042 rentable square feet (RSF) for the U.S. Department of Health and Human Services (HHS), U.S. Department of Commerce–International Trade Administration (ITA), and Federal Housing Finance Agency (FHFA), currently located at 233 N. Michigan Avenue, Chicago, IL. HHS has occupied space in the building since 12/1/2010 under a lease that expires on 11/30/2020. ITA and FHFA moved to this location after the lease commenced.

Extension of the current leases will enable HHS, ITA, and FHFA to provide continued housing for current personnel and meet their current mission requirements. The agencies will maintain the office and overall utilization rates at 176 and 328 usable square feet (USF) per person respectively.

Description

Occupant:	HHS, ITA, and FHFA
Lease Type:	Lease Extension
Current RSF:	184,042 (Current RSF/USF = 1.18)
Estimated/Proposed Maximum RSF:	184,042 (Proposed RSF/USF = 1.18)
Expansion/Reduction RSF:	None
Current USF/Person:	328
Estimated/Proposed USF/Person:	328
Expiration Dates of Current Lease(s):	11/30/2020
Proposed Maximum Leasing Authority:	3 years
Delineated Area:	Chicago Central Business District
Number of Official Parking Spaces:	32
Scoring:	Operating
Current Total Annual Cost:	\$6,016,078 (lease effective 12/01/2010)
Estimated Rental Rate ¹ :	\$38.94 / RSF
Estimated Total Annual Cost:	\$7,166,595

¹ This estimate is for fiscal year 2021 and may be escalated by 2.0 percent per year to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA**PBS**

**PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
DEPARTMENT OF COMMERCE,
AND
FEDERAL HOUSING FINANCE AGENCY
CHICAGO, IL**

Prospectus Number: PIL-01-CH20
Congressional District: IL-07

Background

HHS's mission is to enhance the health and well-being of all Americans by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services. ITA's mission is to create prosperity by strengthening the international competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements. FHFA was established by the Housing and Economic Recovery Act of 2008 and is responsible for the effective supervision, regulation, and housing mission oversight of Fannie Mae, Freddie Mac, and the Federal Home Loan Bank System.

Justification

The current lease expires on 11/30/2020, and the agencies require continued housing at this location to carry out their missions until the long-term action is completed. HHS will relocate to a lease at a significantly reduced footprint and below the prospectus threshold. GSA is working with both ITA and FHFA to relocate these agencies to federally owned space at a reduced square footage.

A 3-year lease extension will provide HHS, ITA, and FHFA sufficient time to accomplish their relocation plans and budget for move costs accordingly. GSA will attempt to negotiate a flexible lease term of 3 years with termination rights after the first year to provide flexibility for future plans.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
DEPARTMENT OF COMMERCE,
AND
FEDERAL HOUSING FINANCE AGENCY
CHICAGO, IL**

Prospectus Number: PIL-01-CH20
Congressional District: IL-07

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 12, 2019.

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration

Housing Plan
Department of Health and Human Services

Leased Locations	CURRENT				ESTIMATED/PROPOSED					
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Office	Total	Storage ⁵	Special ⁶		
233 N. Michigan Avenue										
Department of Health and Human Services	444	444	100,544	9,676	36,791	147,011				
Commerce Dept International Trade Administration	28	28	3,558	217	835	4,610				
Federal Housing Finance Agency - OIG	4	4	3,512		976	4,488				
Estimated/Proposed Lease							476	476	107,614	38,602
Total	476	476	107,614	9,893	38,602	156,109	476	476	107,614	38,602

Office Utilization Rate (UR) ²	Current	Proposed
Rate	176	176

UR = average amount of office space per person
Current UR excludes 23,675 usf of office support space
Proposed UR excludes 23,675 usf of office support space

Overall UR ³	Current	Proposed
Rate	328	328

R/U Factor ⁴	Total USF	RSF/USF	Max RSF
Current	156,109	1.18	184,042
Estimated/Proposed	156,109	1.18	184,042

Special Space ⁶	USF
Conference/Training	23,429
Evidence Room	8,087
Food Service	2,935
ADP	2,886
Mail Room	696
Health Unit	469
Interview Room	100
Total	38,602

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel.
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION, CHICAGO
O'HARE AREA, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 122,000 rentable square feet of space, including 679 official parking spaces, for the Department of Transportation, Federal Aviation Administration currently located at 2300 E. Devon Avenue in Des Plaines, IL, at a proposed total annual cost of \$4,593,300 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 170 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 170 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that

such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CHICAGO O’HARE AREA, IL**

Prospectus Number: PIL-01-OH20
Congressional District: 09

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 122,000 rentable square feet (RSF) for the Department of Transportation, Federal Aviation Administration (FAA), currently located at 2300 E. Devon Avenue in Des Plaines, IL. FAA has occupied space in the building since 1971. The current lease became effective on October 21, 2000, and expires on October 20, 2020.

The lease will provide continued housing for FAA and will improve the office and overall space utilization rates from 112 to 90 and 264 to 170 usable square feet (USF) per person, respectively.

Description

Occupant:	Federal Aviation Administration
Current RSF:	196,481 (Current RSF/USF = 1.19)
Estimated/Proposed Maximum RSF ¹ :	122,000 (Proposed RSF/USF = 1.15)
Expansion/Reduction RSF:	74,481 Reduction
Current USF/Person:	264
Estimated/Proposed USF/Person:	170
Expiration Dates of Current Lease(s):	10/20/2020
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	North: West Palatine Rd. to Willow Rd.; East: I-94 E to I-90 E to West Addison St. to North Pulaski Rd. to West Diversey Ave.; South: West Diversey Ave. to Route 43 to Grand Ave. to Route 20; West: I-355 W to I-290 W to Route 53 to West Palatine Rd.
Number of Official Parking Spaces:	679
Scoring:	Operating
Current Total Annual Cost:	\$5,104,351 (lease effective 10/21/2000)
Estimated Rental Rate ² :	\$37.65 / RSF

¹ The RSF/USF at the current location is approximately 1.19; however, to maximize competition a RSF/USF ratio of 1.15 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² This estimate is for fiscal year 2021 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CHICAGO O’HARE AREA, IL**

Prospectus Number: PIL-01-OH20
Congressional District: 09

Estimated Total Annual Cost ³ :	\$4,593,300
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Background

FAA’s mission is to provide the safest, most efficient aerospace system in the world. FAA’s Great Lakes Region is responsible for the FAA’s aviation-related work in the States of Illinois, Indiana, Michigan, Ohio, Wisconsin, Minnesota, North Dakota, and South Dakota. This Regional Office serves as the primary liaison regarding aviation issues and activities within the Great Lakes Region.

GSA will consider whether FAA’s continued housing needs should be satisfied in the existing location based on an analysis of other potential locations within the delineated area. If other potential locations are identified, GSA will conduct a cost-benefit analysis to determine whether the Government can expect to recover the relocation and duplication costs of real and personal property needed for FAA to accomplish its mission.

Justification

FAA currently occupies 185,754 RSF of Class B space in the current lease at 2300 East Devon Avenue in Des Plaines, IL, under a 20-year agreement that expires October 20, 2020. There is also vacant space and space outleased that will not be replicated in the new lease.

FAA requires continued housing to carry out its mission. The new lease will provide FAA with efficient, modern office space at an all-in utilization rate of 170 USF per person, a significant reduction from FAA’s current utilization rate. It will allow FAA to more efficiently house personnel and strategically co-locate lines of business and staff offices, resulting in increased productivity.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CHICAGO O’HARE AREA, IL**

Prospectus Number: PIL-01-OH20
Congressional District: 09

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 19, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

PHL-01-OH20
Chicago O'Hare Area, IL

Housing Plan
Department of Transportation
Federal Aviation Administration

April 2019

Leased Locations	CURRENT						ESTIMATED/PROPOSED							
	Personnel		Usable Square Feet (USF)		Total		Personnel		Usable Square Feet (USF)		Total			
	Office	Total	Office	Storage	Special	Total	Office	Storage	Special ⁶	Total	Office	Storage	Special ⁶	Total
2300 East Devon Avenue, Des Plaines, IL	624	624	87,974	20,935	46,703	155,612								
DOT - Federal Aviation Administration			1,895		7,091	1,895								
VACANT														
Child Care Center Outlease														
Estimated/Proposed Lease	624	624	89,869	20,935	53,794	164,598	624	2,316	31,659	31,659	72,105	2,316	31,659	106,080
Total							624	2,316	31,659	31,659	72,105	2,316	31,659	106,080

Office Utilization Rate (UR) ¹		
Rate	Current	Proposed
	112	90

UR = average amount of office space per person.
Current UR excludes 19,771 usf of office support space.
Proposed UR excludes 15,863 usf of office support space.

Overall UR ²		
Rate	Current	Proposed
	264	170

RU Factor ³			
	Total USF	RSF/USF	Max RSF
Current	164,598	1.19	196,481
Estimated/Proposed	106,080	1.15	122,000

NOTES:

¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

² Calculation excludes Judiciary, Congress and agencies with less than 10 people.

³ USF/Person = housing plan total USF divided by total personnel.

⁴ RU Factor (RU) = Max RSF divided by total USF.

⁵ Storage excludes warehouse, which is part of Special Space.

⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

Special Space ⁶	USF
Conference	10,371
File Rooms	6,153
Copy/Scanner Rooms	2,923
Fitness Center	2,846
Foodservice/Break Rooms	2,314
Technical Space - Air Traffic Control	1,916
ADP	2,239
Health Unit/Medical	1,315
Mainroom	896
Secure Work Room	462
SCIF	224
Total	31,659

COMMITTEE RESOLUTION

LEASE—BUREAU OF ENGRAVING AND PRINTING,
LANDOVER, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for a lease of up to 265,000 rentable square feet of space, including 8 official parking spaces, for the Department of Treasury, Bureau of Engraving and Printing currently located at 3201 Pennsy Drive in Landover, MD, at a proposed total annual cost of \$4,505,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that,

if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not

apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSAPBS

**PROSPECTUS – LEASE
BUREAU OF ENGRAVING AND PRINTING
SUBURBAN, MD**

Prospectus Number: PMD-01-WA20
Congressional District: 4,5,6,8

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 265,000 rentable square feet (RSF) of space for the Department of the Treasury, Bureau of Engraving and Printing (BEP), currently located in federally leased space at 3201 Pennsy Drive, Landover, MD, under a lease that expires on 3/17/2022.

The lease will provide continued housing for BEP and will maintain the office space utilization rate at 58 usable square feet (USF) per person. The requirement is for warehouse space; the overall space utilization rate is not applicable.

Description

Occupant:	Bureau of Engraving and Printing
Current RSF:	265,000 (Current RSF/USF = 1.00)
Estimated/Proposed Maximum RSF:	265,000 (Proposed RSF/USF = 1.00)
Expansion/Reduction RSF:	None
Current USF/Person:	N/A
Proposed USF/Person:	N/A
Proposed Maximum Lease Term:	10 Years
Expiration Dates of Current Leases:	3/17/2022
Delineated Area:	Suburban MD, including Montgomery and Prince George's Counties
Number of Official Parking Spaces:	8
Scoring:	Operating lease
Current Total Annual Cost:	\$2,871,092 (Leases effective 01/18/2002)
Estimated Rental Rate ¹ :	\$17.00 / RSF
Estimated Total Annual Cost ² :	\$4,505,000

¹ This estimate is for fiscal year 2022 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA**PBS**

**PROSPECTUS – LEASE
BUREAU OF ENGRAVING AND PRINTING
SUBURBAN, MD**

Prospectus Number: PMD-01-WA20
Congressional District: 4,5,6,8

Background

BEP's mission is to develop and produce United States currency notes, trusted worldwide. The Bureau began printing currency in 1862. The Bureau operates on the basis of authority conferred upon the Secretary of the Treasury to engrave and print currency and other security documents.

Justification

BEP, with the Department of the Treasury, operates and maintains this warehouse for systems, equipment, and inventory that are critical to the Nation's financial infrastructure. The current lease at 3201 Pennsy Drive, Landover, MD, expires on 3/17/2022. The functions housed at this facility will be relocated in the future to the new BEP currency facility in the National Capital Region.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

GSA

PBS

**PROSPECTUS – LEASE
BUREAU OF ENGRAVING AND PRINTING
SUBURBAN, MD**

Prospectus Number: PMD-01-WA20
Congressional District: 4,5,6,8


Interim Leasing

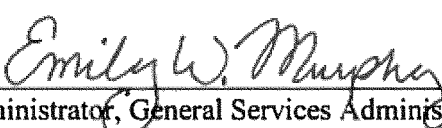
GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed lease is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 7, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Leased Locations	CURRENT						ESTIMATED/PROPOSED					
	Personnel			Usable Square Feet (USF) ¹			Personnel			Usable Square Feet (USF)		
	Office	Total	9	Office	Storage	Special	Office	Total	Storage ⁵	Special	Total	
3201 Pennsv. Drive				672		264,328						
Estimated/Proposed Lease				672		264,328						
Total			9	672		264,328			9	672	264,328	
			9	672		264,328			9	672	264,328	
											265,000	
											265,000	

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	58	58

UR = average amount of office space per person
Current UR excludes 148 usf of office support space
Proposed UR excludes 148 usf of office support space

Overall UR ³		
Rate	Current	Proposed
	N/A	N/A

CAF ⁴			
	Total USF	RSF/USF	Max RSF
Current	265,000	1.00	265,000
Estimated/Proposed	265,000	1.00	265,000

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

Special Space ⁶		USF
Warehouse		263,048
Security		48
Breakroom		448
Lockers/Showers		784
Total		264,328

COMMITTEE RESOLUTION

LEASE—VETERANS HEALTH ADMINISTRATION,
TAMPA, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 158,000 rentable square feet of space, including 800 official parking spaces, for the Veterans Health Administration currently located in three separate locations—10770 North 46th Street, 14517 Bruce B. Downs Blvd, and 4700 N. Habana Street in Tampa, FL, to replace and consolidate the existing leases in Tampa at a proposed total annual cost of \$6,794,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the de-

lineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a pub-

licly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
TAMPA, FL**

Prospectus Number: PFL-01-TA20
Congressional District: 14, 15

Executive Summary

The General Services Administration (GSA) proposes a mental health facility lease of approximately 158,000 rentable square feet (RSF) for the Department of Veterans Affairs (VA), Veterans Health Administration (VHA), currently located in three separate locations in Tampa, FL: 10770 North 46th Street; 14517 Bruce B. Downs Blvd.; and 4700 N. Habana Street.

The consolidated lease will replace the three existing leases and allow VA to enhance and expand mental health services as well as provide a 60-bed domiciliary. VA will also gain operational efficiencies from consolidating these services in a single facility.

Description

Occupant:	Veterans Health Administration
Current RSF:	49,766 (Current RSF/Usable SF = 1.15)
Estimated/Proposed Maximum RSF:	158,000 (Proposed RSF/USF = 1.15)
Expansion/Reduction RSF:	108,234 Expansion
Expiration Dates of Current Lease(s):	6/2/2023; 1/6/2019; 1/27/2021
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	North: W. County Line Rd./Willow Bend Pkwy./Collier Pkwy./E. County Line Rd.; County Line Road; South: E. Martin Luther King, Jr. Blvd./W. Martin Luther King, Jr. Blvd.; East: I-75; West: SR-597 and N. Dale Mabry Highway/SR-597
Number of Official Parking Spaces:	800
Scoring:	Operating
Current Total Annual Cost:	\$1,349,949 (leases effective 6/3/13, 1/7/07, and 1/28/08)
Estimated Rental Rate ¹ :	\$43.00/RSF
Estimated Total Annual Cost ² :	\$6,794,000

¹ This estimate is for fiscal year 2023 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
TAMPA, FL**

Prospectus Number: PFL-01-TA20
Congressional District: 14, 15

Background

VHA’s mission is to honor America’s veterans by providing exceptional healthcare that improves their health and well-being. To make access to healthcare easier, VHA utilizes a network of medical centers, clinics, and domiciliaries to provide more efficient mental healthcare and easier access to veterans. Domiciliaries provide a variety of care to veterans who suffer from a wide range of medical, psychiatric, vocational, educational, or social problems and illnesses in a safe, secure, homelike environment.

The existing facilities in the north Tampa area consist of three facilities and a total size of approximately 50,000 RSF. The facilities are inadequately sized for the existing patient load and cannot accommodate the anticipated growth of the veteran population and service needs. The proposed lease will allow VHA to significantly expand its mental healthcare access in the area, providing much needed medical services to the veteran population.

Justification

The proposed lease would provide modern, efficient space for mental health services and address identified space and utilization gaps. The new lease will allow VHA to adapt to a growing veteran population and increased workload as well as address the lack of adequate space at the existing facilities that continues to limit the scope of services that can be provided to the veteran community in and around Tampa.

This project is essential to ensure that veterans are able to access mental health services in a timely manner. The expansion of such services—including mental health screenings—by hiring additional mental health staff to provide behavioral therapy, family counseling, and substance abuse therapy on site, would support VA’s goal of eliminating veteran homelessness.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will

GSA

PBS

**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
TAMPA, FL**

Prospectus Number: PFL-01-TA20
Congressional District: 14, 15

constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing

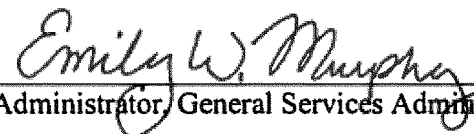
The Government will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 7, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Special	Office	Total	Storage ⁵	Special ⁶
10770 North 46th Street, Tampa, FL	150	150	25,172					
14517 Bruce B. Downs Blvd., Tampa, FL	10	10	8,134					
4700 N. Habana Street, Tampa, FL	23	23	9,970					
Estimated/Proposed Lease					299	40,324	4,069	92,525
Total	183	183	43,276		299	40,324	4,069	92,525

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	184	105

UR = average amount of office space per person
 Current UR excludes 9,521 usf of office support space
 Proposed UR excludes 8,871 usf of office support space

Overall UR ³		
Rate	Current	Proposed
	236	438

R/U Factor ⁴			
Total USF	RSF/USF	Max RSF	
Current	43,276	1.15	49,766
Estimated/Proposed	136,918	1.15	158,000

Special Space ⁶		USF
Exam/Clinic		23,282
Medical Intake		25,878
Pharmacy		203
Dormitory		13,562
Hazardous Storage		338
Secure Storage		136
Break Area/Lounge		2,588
Conference/Training		6,616
Food Service		7,708
Lactation Room		338
Locker Room		6,962
Mail Room		372
Private Toilets		4,264
Refrigerated Storage		338
Total		92,525

NOTES:

- USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- Calculation excludes Judiciary, Congress and agencies with less than 10 people
- USF/Person = housing plan total USF divided by total personnel.
- R/U Factor (R/U) = Max RSF divided by total USF
- Storage excludes warehouse, which is part of Special Space.
- Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION
LEASE—ARCHITECT OF THE CAPITOL,
WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for a lease of up to 121,000 rentable square feet of space for the Architect of the Capitol located at 2 Massachusetts Avenue NE in Washington, DC, at a proposed total annual cost of \$6,050,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 244 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 244 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include

in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is

found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSAPBS

**PROSPECTUS— LEASE
ARCHITECT OF THE CAPITOL
WASHINGTON, DC**

Prospectus Number: PDC-02-WA20

Executive Summary

The General Services Administration (GSA) proposes a lease for approximately 121,000 rentable square feet (RSF) for the Architect of the Capitol (AOC) to house the U.S. Senate, Sergeant at Arms, currently housed at 2 Massachusetts Avenue NE in Washington, DC, under a lease that expires May 14, 2022.

The lease will provide continued housing for AOC and will improve its office and overall utilization rates from 131 and 257 to 125 and 244 usable square feet (USF) per person, respectively.

Description

Occupant:	Architect of the Capitol: U.S. Senate, Sergeant at Arms
Current RSF:	120,911 (Current RSF/USF= 1.40)
Estimated/Proposed Maximum RSF:	121,000 (Proposed RSF/USF= 1.40)
Expansion/Reduction RSF:	None
Current USF/Person:	257
Estimated/Proposed USF/Person:	244
Expiration Dates of Current Lease(s):	05/14/2022
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	Washington, DC, bounded by: North: M Street NW/NE; South: D Street SW/SE; East: 8 th Street NE/SE; West: 10 th Street NW
Number of Official Parking Spaces:	0
Scoring:	Operating
Current Total Annual Cost:	\$ 6,316,158 (Lease effective 05/15/1992)
Estimated Rental Rate ¹ :	\$50.00 / RSF
Estimated Total Annual Cost ² :	\$6,050,000

¹ This estimate is for fiscal year 2022 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including standard operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA**PBS**

**PROSPECTUS – LEASE
ARCHITECT OF THE CAPITOL
WASHINGTON, DC**

Prospectus Number: PDC-02-WA20

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for AOC, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Background

AOC manages over 18.4 million square feet of facilities and 570 acres of grounds as well as thousands of pieces of artwork. The Sergeant at Arms duties to the Senate include the following mission-critical support: provide physical security for the Senate and information technology support to Senators and their offices, such as cybersecurity, troubleshooting, installing new programs, and providing key fobs for remote access to their servers and data. Additionally, the Sergeant at Arms' finance department works directly with the Senate Rules Committee in obligating funds. The Sergeant at Arms is also responsible for maintenance of the Senate's facilities and must be able to respond immediately in the event of any problem with facility conditions. Finally, the office is responsible for the Senate moves.

Justification

This AOC office is currently housed at 2 Massachusetts Avenue NE in Washington, DC. The current lease expires May 14, 2022. AOC requires continued housing for 355 personnel to carry out its mission. The agency's personnel will increase by 18 due to its new "Office of Member Outreach and Security Coordination." The mission and duties of the new office will be to conduct direct outreach in order to create better awareness, with Senators' offices, of Senators' activities off of the Capitol campus; to seek tools, such as technology, that may improve and accelerate such awareness; to educate and train staff, including schedulers, regional representatives, and Chief Clerks, to identify and alert AOC personnel of events or activities that may warrant a threat assessment; and to facilitate threat assessments and security coordination with the U.S. Capitol Police as well as other Federal and local law enforcement.

This AOC office is required to be within approximately a 0.5 mile radius of the Senate Office Buildings in order to respond to Senate offices within 10 minutes or less. GSA will consider whether AOC's continued housing needs should be satisfied in the existing location based on an analysis of other potential locations within the delineated area. If other potential locations are identified, GSA will conduct a cost-benefit analysis to determine whether the Government can expect to recover the relocation and duplication costs of real and personal property needed for AOC to accomplish its mission.

GSA

PBS

**PROSPECTUS – LEASE
ARCHITECT OF THE CAPITOL
WASHINGTON, DC**

Prospectus Number: PDC-02-WA20

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing


GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 16, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Special	Office	Total	Office	Special ⁶
2 Massachusetts Ave NE	337	337	56,775	1,059	355	86,598	28,764	
Estimated/Proposed Lease					355	86,598	28,764	
Total	337	337	56,775	1,059	355	86,598	28,764	86,598

Office Utilization Rate (UR) ²	Rate	
	Current	Proposed
	131	125

UR = average amount of office space per person
 Current UR excludes 12,491 usf of office support space
 Proposed UR excludes 12,491 usf of office support space

Overall UR ³	Rate	
	Current	Proposed
	257	244

R/U Factor ⁴	R/U Factor	
	Total USF	Max RSF
Current	86,598	120,911
Estimated/Proposed	86,598	121,000

Special Space ⁶	USF
Conference/Training	4,373
Health	505
Laboratory	21,317
Copy Center	738
Breakroom	1,831
Total	28,764

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max. RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—VETERANS HEALTH ADMINISTRATION,
LAKELAND, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 127,900 rentable square feet of space, including 650 official parking spaces, for the Veterans Health Administration currently located at 4237 and 4235 South Pipkin Road in Lakeland, FL, at a proposed total annual cost of \$4,732,300 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included

in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity

for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
LAKELAND, FL**

Prospectus Number: PFL-01-LA20
Congressional District: 15

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 127,900 rentable square feet (RSF) for the Department of Veterans Affairs, Veterans Health Administration (VHA), currently located at 4237 and 4235 South Pipkin Road in Lakeland, FL.

The new facility would replace and consolidate the existing Lakeland Community Based Outpatient Clinic (CBOC) and Lakeland Mental Health Clinic leases. VHA has occupied space in the James A. Haley Veterans’ Hospital since 2008 and 2009 under two leases that expire on August 31, 2018, and December 31, 2018.

Description

Occupant:	Veterans Health Administration
Current RSF:	23,000 (Current RSF/Usable SF = 1.15)
Estimated/Proposed Maximum RSF:	127,900 (Proposed RSF/USF = 1.15)
Expansion/Reduction RSF:	104,900 Expansion
Expiration Dates of Current Lease(s):	8/31/2018 and 12/31/2018
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	North: I-4; South: SR-570 and Drane Field Rd; East: SR-570; West: County Line Road
Number of Official Parking Spaces:	650
Scoring:	Operating
Current Total Annual Cost:	\$1,008,367 (leases effective 8/1/2008 and 1/1/2009)
Estimated Rental Rate ¹ :	\$37.00/RSF
Estimated Total Annual Cost ² :	\$4,732,300

Background

VHA’s mission is to honor America’s veterans by providing exceptional healthcare that improves their health and well-being. To make access to healthcare easier, VHA utilizes CBOCs across the country. These clinics provide the most common outpatient services,

¹ This estimate is for fiscal year 2019 may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
LAKELAND, FL**

Prospectus Number: PFL-01-LA20
Congressional District: 15

including health and wellness visits. VHA continues to expand the network of CBOCs to include more rural locations, putting access to care closer to home.

The existing facilities in the Lakeland area consist of two facilities of approximately 23,000 RSF in size. They are inadequately sized for the existing patient load and cannot accommodate the anticipated growth of the veteran population and service needs. The proposed lease will allow VHA to significantly expand healthcare access in the area, providing much needed medical services to the veteran population.

Justification

The proposed lease would ensure that there is sufficient space to meet the current and projected demand in the market. Additionally, consolidation of services and care into one facility would generate operational efficiencies and improve veteran satisfaction by offering services under one roof, providing a veteran-centered healthcare solution for the Lakeland area.

The current leases at 4237 and 4235 South Pipkin Road expire August 31, 2018, and December 31, 2018, respectively. VHA requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

The Government will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS


**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
LAKELAND, FL**

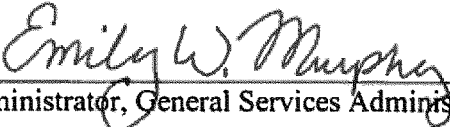
Prospectus Number: PFL-01-LA20
Congressional District: 15

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 23, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Housing Plan
Veterans Health Administration

Leased Locations	CURRENT			ESTIMATED/PROPOSED		
	Personnel		Usable Square Feet (USF) ¹		Personnel	
	Office	Total	Office	Storage	Special	Total
4237 South Pipkin Road (CBOC)	45	45	2,121	7,879		
4235 South Pipkin Road (Mental Health)	25	25	2,352	7,648		
Estimated/Proposed Lease						
Total	70	70	4,473	15,527	20,000	287

Office Utilization Rate (UR) ²		
Current	50	Proposed
Rate		58

UR = average amount of office space per person
Current UR excludes 984 usf of office support space
Proposed UR excludes 4,706 usf of office support space

Overall UR ³		
Current	286	Proposed
Rate		388

R/U Factor ⁴		
Current	20,000	RSF/USF
Estimated/Proposed	111,217	Max RSF
		23,000
		127,900

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes the judiciary, Congress, and agencies with fewer than 10 people.
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposals (R/LP) is issued to meet specific agency requirements.

Special Space ⁶	USF
Exam / Clinic	47,132
Medical Intake	145
Private Restroom	6,136
Radiology	4,878
Conference / Training	4,054
Pharmacy	4,036
Food Service / Cafeteria	2,335
Laboratory	1,376
Locker Room	760
Loading Dock	543
Break Room	462
Mail Room	362
Specialized Storage (Hazardous, Secure, Refrigerated)	653
Infusion	9,119
Lactation Room	181
Total	82,172

COMMITTEE RESOLUTION

LEASE—U.S. DEPARTMENT OF VETERANS
AFFAIRS, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 309,000 rentable square feet of space for the Department of Veterans Affairs currently located at 425 I Street NW in Washington, DC, at a proposed total annual cost of \$15,450,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 183 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 183 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include

in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is

found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC**

Prospectus Number: PDC-04-WA20

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 309,000 rentable square feet (RSF) for the Department of Veterans Affairs (VA), currently located at 425 I Street NW, in Washington, DC. VA has occupied space in the building since 2011 under a lease that expires on June 6, 2021.

The lease will provide continued housing for VA and will maintain the office and overall space utilization at 122 and 183 usable square feet (USF) per person, respectively.

Description

Occupant:	Department of Veterans Affairs
Current RSF:	296,138 (Current RSF/USF = 1.15)
Estimated/Proposed Maximum RSF ¹ :	309,000 (Proposed RSF/USF = 1.20)
Expansion/Reduction RSF:	12,862 Expansion
Current USF/Person:	183
Estimated/Proposed USF/Person:	183
Expiration Dates of Current Lease(s):	6/6/2021
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	Washington DC CEA
Number of Official Parking Spaces:	0
Scoring:	Operating
Current Total Annual Cost:	\$12,982,186 (lease effective 6/7/2011)
Estimated Rental Rate ² :	\$50.00 / RSF
Estimated Total Annual Cost ³ :	\$15,450,000

¹ The RSF/USF at the current location is approximately 1.15; however, to maximize competition a RSF/USF ratio of 1.20 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² This estimate is for fiscal year 2021 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC**

Prospectus Number: PDC-04-WA20

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for VA, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Background

VA is a Cabinet-level agency that provides healthcare services to eligible military veterans at VA medical centers and outpatient clinics located throughout the country; several non-healthcare benefits including disability compensation, vocational rehabilitation, education assistance, home loans, and life insurance; and burial and memorial benefits to eligible veterans and family members at 135 national cemeteries.

Justification

The three VA tenants that occupy 425 I Street NW include the Board of Veterans Appeals, which makes final decisions on appeals on behalf of the Secretary of Veterans Affairs; the National Cemetery Administration, which honors veterans with final resting places; and the Office of Acquisition, Logistics, and Construction, which provides a full range of services tailored to meet the needs of VA staff in their supports of veterans.

The current lease at 425 Eye Street NW expires on June 6, 2021. The VA requires continued housing to carry out the mission of these three components.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

GSA

PBS

**PROSPECTUS – LEASE
U.S. DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC**

Prospectus Number: PDC-04-WA20

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

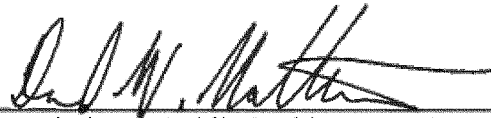
Interim Leasing

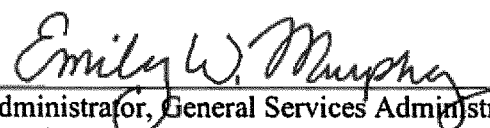
GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 23, 2019.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

PDC-04-WA20
Washington, DC

Housing Plan
Veteran Affairs

October 2018

Leased Locations	Personnel			Usable Square Feet (USF) ¹			ESTIMATED/PROPOSED			
	Office	Total		Storage	Special	Total	Office	Storage ²	Special ³	Total
425 Eye St NW Washington, DC	1,407	1,407		8,322	28,691	257,269				
Estimated/Proposed Lease							1,407	8,322	28,691	257,269
Total	1,407	1,407		8,322	28,691	257,269	1,407	8,322	28,691	257,269

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	122	122

UR = average amount of office space per person
 Current UR excludes 48,456 usf of office support space
 Proposed UR excludes 48,456 usf of office support space

Overall UR ³		
Rate	183	183

R/U Factor ⁴		
Total USF	RSF/USF	Max RSF
Current	257,269	296,138
Proposed	257,269	309,000

Special Space ⁵		USF
Conference Rooms		13,730
Training Rooms		5,096
Hearing Rooms		1,277
High Density File Rooms		1,651
File Transport Elevator Room		979
Computer Server Rooms		1,880
Mail Rooms		1,951
Security Locker Rooms		200
Fitness Center		1,927
Total		28,691

NOTES:
¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
² Calculation excludes Judiciary, Congress and agencies with less than 10 people
³ USF/Person = housing plan total USF divided by total personnel
⁴ R/U Factor (R/U) = Max RSF divided by total USF
⁵ Storage excludes warehouse, which is part of Special Space
⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, JACKSON AND CLAY COUNTIES, MO; AND JOHNSON COUNTY, KS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 983,000 rentable square feet of space, including 114 official parking spaces, for the National Archives and Records Administration, Federal Records Center currently located at 17501 West 98th Street in Lenexa, KS, at a proposed total annual cost of \$5,406,500 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an office utilization rate of 215 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an office utilization rate of 215 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that

such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
 JACKSON AND CLAY COUNTIES, MISSOURI; AND JOHNSON
 COUNTY, KANSAS**

Prospectus Number: PKS-01-LE20
 Congressional District: MO 05,06, KS 3

Executive Summary

The General Services Administration (GSA) proposes a lease for approximately 983,000 rentable square feet (RSF) for the National Archives and Records Administration (NARA), Federal Records Center. NARA is currently housed at 17501 West 98th Street in Lenexa, Kansas, under a lease that expires on February 14, 2023.

The lease will provide continued housing for NARA and will improve the office utilization rate from 425 to 215 usable square feet (USF) per person.

Description

Occupant:	NARA
Current RSF:	982,642 (Current RSF/USF = 1.00)
Estimated/Proposed Maximum RSF:	983,000 (Proposed RSF/USF = 1.00)
Expansion/Reduction RSF:	None
Current Office USF/Person:	425
Estimated/Proposed Office USF/Person:	215
Expiration Date of Current Lease:	02/14/2023
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	Jackson and Clay Counties, Missouri; and Johnson County, Kansas
Number of Official Parking Spaces:	114
Scoring:	Operating
Current Total Annual Cost:	\$3,049,257 (lease effective 2/15/2003)
Estimated Rental Rate ¹ :	\$5.50/RSF
Estimated Total Annual Cost ² :	\$5,406,500

¹ This estimate is for fiscal year 2023 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSAPBS

**PROSPECTUS – LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
JACKSON AND CLAY COUNTIES, MISSOURI; AND JOHNSON
COUNTY, KANSAS**

Prospectus Number: PKS-01-LE20
Congressional District: MO 05,06, KS 3

Background

NARA is the Nation’s record keeper. Its mission is to provide public access to Federal Government records in its custody and control. Public access to Government records strengthens our Nation’s democracy by allowing Americans to claim their rights of citizenship, hold their Government accountable, and understand their history so they can participate more effectively in their Government.

NARA is currently located in subterranean space. In this procurement, GSA will consider whether NARA’s continued housing needs should be satisfied in the existing location based on an analysis of other potential locations within the delineated area. If other potential locations are identified, whether above ground or subterranean, a cost-benefit analysis will be conducted to determine whether the Government can expect to recover the relocation and duplication costs of the real and personal property needed for NARA to accomplish its mission. All offers must provide space consistent with the delineated area defined by this prospectus.

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for NARA, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Justification

The NARA Lenexa facility is one of 18 Federal Records Centers across the Nation used by Federal agencies for records-related services. The current location provides storage conditions that meet permanent or archival requirements and temporary storage requirements. This facility also has one of only two extra-cold, “Ice Cube” storage areas in the Nation. This cold storage is required to preserve films and other special materials.

NARA requires space to accommodate the movement, processing, and retrieving of large quantities of client record boxes in a storage environment that meets regulations for Federal records storage (36 CFR 1234). Ample circulation space is required to maneuver the large retrieving carts. To satisfy NARA’s requirements, the total storage capacity of the facility will hold approximately 3,730,000 cubic feet (CF) of records. The required CF does not include circulation. Although Federal agencies are attempting to convert to electronic storage, certain Federal records are required to remain in paper form based on their classification. NARA plans to establish a specialized document scanning mission at

GSA**PBS**

**PROSPECTUS – LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
JACKSON AND CLAY COUNTIES, MISSOURI; AND JOHNSON
COUNTY, KANSAS**

Prospectus Number: PKS-01-LE20
Congressional District: MO 05,06, KS 3

this location in the coming months, adding employees and specialized equipment to accomplish the mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS


**PROSPECTUS – LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
JACKSON AND CLAY COUNTIES, MISSOURI; AND JOHNSON
COUNTY, KANSAS**

Prospectus Number: PKS-01-LE20
Congressional District: MO 05,06, KS 3

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 25, 2019

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Special	Office	Total	Storage ⁵	Special ⁶
17501 W 98th St	52	52	28,333	6,219	103	103	6,219	948,090
Estimated/Proposed Lease					103	103	28,333	948,090
Total	52	52	28,333	6,219	103	103	28,333	948,090

Office Utilization Rate (UR) ²	Current	Proposed
Rate	425	215

UR = average amount of office space per person
 Current UR excludes 6,233 usf of office support space
 Proposed UR excludes 6,233 usf of office support space

Overall UR ³	Current	Proposed
Rate	n/a	n/a

R/U Factor ⁴	Total USF	RSF/USF	Max RSF
Current	982,642	1.00	982,642
Estimated/Proposed	982,642	1.00	983,090

Special Space ⁶	USF
Conference/Training	1,971
ADP	348
Electrical Room	119
Laboratory	198
Mail Room	616
Breakroom	3,339
Janitorial Room	252
Telecom Room	258
Restrooms	2,624
Dock	15,105
Warehouse	923,260
Total	948,090

- NOTES:
¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
² Calculation excludes Judiciary, Congress and agencies with less than 10 people. Circulation requirement of 40% for movement/processing of client storage above the normal 22%.
³ USF/Person = housing plan total USF divided by total personnel. Majority of space used for client box records and shelving.
⁴ R/U Factor (R/U) = Max RSF divided by total USF.
⁵ Storage excludes warehouse, which is part of Special Space. This represents extra circulation required for processing and moving of client records in office space.
⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF VETERANS AFFAIRS,
AUSTIN, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 151,000 rentable square feet of space, including 802 official parking spaces, for the Department of Veterans Affairs, currently located at 7600 Metropolis Drive in Austin, TX, at a proposed total annual cost of \$6,644,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 105 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 105 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or

under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF VETERANS AFFAIRS
AUSTIN, TX**

Prospectus Number: PTX-01-AU20
Congressional District: 35

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 151,000 rentable square feet (RSF) for the Department of Veterans Affairs (VA), Financial Services Center (FSC) and Office of Internal Controls (OIC), currently located at 7600 Metropolis Drive in Austin, Texas. VA has occupied space in the building since July 2009 under two leases that expire on May 23, 2022. VA will also locate new hires for its Debt Management Center (DMC) in the proposed lease.

The lease will provide continued housing for VA and will improve the office and overall space utilization rate from 101 to 71 and 129 to 105 usable square feet (USF) per person, respectively.

Description

Occupant:	VA FSC, VA OIC, and VA DMC
Current RSF:	150,300 (Current RSF/USF = 1.15)
Estimated/Proposed Maximum RSF	151,000 (Proposed RSF/USF = 1.15)
Expansion/Reduction RSF:	700 (Expansion)
Current USF/Person:	129
Estimated/Proposed USF/Person:	105
Expiration Dates of Current Lease(s):	5/23/2022 (both expirations)
Proposed Maximum Leasing Authority:	15 years
Delineated Area:	North: Montopolis Dr. north to TX-71; East: TX-71 East to E. Riverside Dr., E. Riverside Dr. south to Metro Center Dr., continue south on Metlink Dr.; South: Metropolis Dr. south to Burleson Rd.; Burleson Rd. to Montopolis Dr.; West: Burleson Rd. to Montopolis Dr.
Number of Official Parking Spaces:	802
Scoring:	Operating
Current Total Annual Cost:	\$5,784,273 (leases effective 5/24/2002 and 7/1/2009)
Estimated Rental Rate ¹ :	\$44.00 / RSF

¹ This estimate is for fiscal year 2022 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF VETERANS AFFAIRS
AUSTIN, TX**

Prospectus Number: PTX-01-AU20
Congressional District: 35

Estimated Total Annual Cost²: \$6,644,000

Background

The mission of FSC is to offer financial services on a fee-for-service basis and provide support to VA's financial operations by processing nationwide payments and claims. FSC currently occupies 130,694 USF of office and related space under two leases at 7600 Metropolis Drive in Austin, TX.

VA has also moved OIC to 7600 Metropolis Drive. OIC's mission is to perform assessments of VA's internal controls over financial reporting and remediation activities.

Additionally, due to the similar nature of DMC's work, along with the operational efficiencies and synergies that come with being co-located with FSC and OIC, VA plans to establish a DMC presence in Austin. DMC is responsible for the accounts receivable services and is experiencing growth in both workload and employees. DMC will remain at its current location in St. Paul, MN, but will locate new hires at the proposed leased location.

VA has a continuing need for space in the Austin market to fulfill its mission. The proposed lease will meet the agency's space needs and allow for co-location between work units to improve performance.

Justification

VA is committed to consolidating administrative and support functions to obtain improved performance and efficiencies where practicable. The proposed lease will satisfy VA's space needs and consolidation goals. The current leases at 7600 Metropolis Drive expire on May 23, 2022. VA requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

² New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF VETERANS AFFAIRS
AUSTIN, TX**

Prospectus Number: PTX-01-AU20
Congressional District: 35

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 25, 2019

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Leased Locations	CURRENT				ESTIMATED/PROPOSED				
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)		
	Office	Total	Office	Storage	Office	Total	Office	Storage	
7600 Metropolis Drive	909	909	78,521						
7600 Metropolis Drive	104	104	52,173						
Estimated/Proposed Lease					1,245	1,245	113,000		18,000
Total	1,013	1,013	130,694		1,245	1,245	113,000		18,000

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	101	71

UR = average amount of office space per person
 Current UR excludes 28,753 usf of office support space
 Proposed UR excludes 24,860 usf of office support space

Overall UR ³		
Rate	Current	Proposed
	129	105

R/U Factor ⁴			
	Total USF	RSF/USF	Max RSF
Current	130,694	1.15	150,300
Estimated/Proposed	131,000	1.15	151,000

Special Space ⁶		USF
Mailroom		2,200
Food Service		4,000
Conference & Training		3,800
ADP		1,600
Private Toilet		750
Lockers/Showers		150
Secured Office		1,500
Warehouse		4,000
Total		18,000

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes judiciary, Congress, and agencies with fewer than 10 people.
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HEALTH AND HUMAN SERVICES, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 172,000 rentable square feet of space, including 25 official parking spaces, for the Department of Health and Human Services, currently located in the O'Neill Building at 200 C Street SW in Washington, DC, at a proposed total annual cost of \$8,600,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 175 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 175 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that

such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
WASHINGTON, DC**

Prospectus Number: PDC-08-WA20

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 172,000 rentable square feet (RSF) for the Department of Health and Human Services, Assistant Secretary for Preparedness and Response (ASPR), currently located in the O’Neill Building at 200 C Street SW in Washington, DC. ASPR has occupied space in the building since 2013 and since 2017 under an agreement between the Architect of the Capitol (AOC) and the Department of Health and Human Services that expires on December 31, 2021.

The lease will provide continued housing for ASPR after relocation from the O’Neill Building, and will improve the office and overall space utilization from 147 to 110 and 189 to 175 usable square feet (USF) per person, respectively.

Description

Occupant:	Assistant Secretary for Preparedness and Response
Current RSF:	194,105 (Current RSF/USF 1.29)
Estimated/Proposed Maximum RSF ¹ :	172,000 (Proposed RSF/USF 1.20)
Expansion/Reduction RSF:	22,105 Reduction
Current USF/Person:	189
Estimated/Proposed USF/Person:	175
Expiration Dates of Current Lease(s):	12/31/2021
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	Washington, DC, Central Employment Area
Number of Official Parking Spaces:	25
Scoring:	Operating
Current Total Annual Cost:	\$11,862,000 (MOU effective 2013)
Estimated Rental Rate ² :	\$50.00 / RSF
Estimated Total Annual Cost ³ :	\$8,600,000

¹ The RSF/USF at the current location is approximately 1.29; however, to maximize competition a RSF/USF ratio of 1.20 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² This estimate is for fiscal year 2022 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including standard operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
WASHINGTON, DC**

Prospectus Number: PDC-08-WA20

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for the ASPR, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Background

The mission of ASPR is to protect Americans from 21st century health security threats. ASPR leads the Nation's medical and public health preparedness for, response to, and recovery from disasters and public health emergencies. ASPR collaborates with hospitals; healthcare coalitions; biotech firms; community members; State, local, Tribal, and territorial governments; and other partners across the country to improve readiness and response capabilities.

Justification

The O'Neil Building came into the GSA inventory in the mid-1960s. Pursuant to Section 176 of the Further Continuing and Security Assistance Appropriations Act of 2017 (Public Law 114-254), the O'Neill Building was transferred to AOC by GSA on June 8, 2017. Subsequently, AOC and the Department of Health and Human Services entered into an agreement dated November, 6, 2017, regarding ASPR's tenancy in this space. The agreement states that it "... will remain in effect for a period ending December 31, 2021. An extension through December 31, 2022, may be provided in writing from the AOC."

A long-term housing solution is required to accommodate ASPR's headquarters operations, currently located in the O'Neill Building at 200 C Street SW in Washington, DC. ASPR's headquarters operations are made up of three major program offices: Biomedical Advanced Research and Development Authority, Principal Deputy Assistant Secretary, and Incident Command and Control. This prospectus seeks authority to house current and planned headquarters employees. ASPR requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
WASHINGTON, DC**

Prospectus Number: PDC-08-WA20

forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on November 15, 2019

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Housing Plan
Health and Human Services

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Special	Office	Total	Storage ⁵	Special ⁶
Thomas P. O'Neill, Jr. House Office Building	796	796	150,139					
Estimated/Proposed Lease	796	796	150,139		815	114,965	27,785	142,750
Total					815	114,965	27,785	142,750

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	147	110

UR = average amount of office space per person
Current UR excludes 33,031 usf of office support space

Overall UR ³		
Rate	Current	Proposed
	189	175

R/U Factor ⁴			
	Total USF	RSF/USF	Max RSF
Current	150,139	1.29	194,105
Estimated/Proposed	142,750	1.20	172,000

Special Space ⁶		USF
Conference/Training		16,095
ADP (ASPR Secured Facility)		7,490
SCIF (currently CAA)		4,200
Total		27,785

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—CITIZENSHIP AND IMMIGRATION
SERVICES SUBURBAN, KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for a lease of up to 317,000 rentable square feet of space, including 26 official parking spaces, for the Department of Homeland Security, Citizenship and Immigration Services—National Benefits Center currently located at 850 NW Chipman Road in Lee's Summit, MO, at a proposed total annual cost of \$8,400,500 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 151 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 151 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that

such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
CITIZENSHIP AND IMMIGRATION SERVICES
SUBURBAN KANSAS CITY, MO**

Prospectus Number: PMO-01-KC20
Congressional District: 05, 06

Executive Summary

The General Services Administration (GSA) proposes a lease for approximately 317,000 rentable square feet (RSF) for the Department of Homeland Security, Citizenship and Immigration Services–National Benefits Center (NBC). NBC is currently housed at 850 NW Chipman Road in Lee’s Summit, Missouri, under two existing leases that expire February 19, 2022, and April 30, 2022.

The proposed lease will provide continued housing for NBC and will maintain the office and overall utilization at 76 and 151 usable square feet (USF) per person respectively.

Description

Occupant:	NBC
Current RSF:	313,209 (Current RSF/USF = 1.13)
Estimated/Proposed Maximum RSF ¹ :	317,000 (Proposed RSF/USF = 1.14)
Expansion/Reduction RSF:	None
Current USF/Person:	151
Estimated/Proposed USF/Person:	151
Expiration Dates of Current Lease(s):	02/19/2022; 04/30/2022
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	North: Missouri River, Highway 291 and Highway 24 East: Highway 7 South: Highway 150 West: Stateline and I-435
Number of Official Parking Spaces:	26
Scoring:	Operating
Current Total Annual Cost:	\$7,037,417 (leases effective 02/20/2012; 05/01/2017)
Estimated Rental Rate ² :	\$26.50 / RSF
Estimated Total Annual Cost ³ :	\$8,400,500

¹ The RSF/USF at the current location is approximately 1.13 accounting for two leases with different RSF/USF ratios; however, consolidation will result in a RSF/USF ratio of 1.14 as indicated in the housing plan.

² This estimate is for fiscal year 2022 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSAPBS

**PROSPECTUS – LEASE
CITIZENSHIP AND IMMIGRATION SERVICES
SUBURBAN KANSAS CITY, MO**

Prospectus Number: PMO-01-KC20
Congressional District: 05, 06

Background

The NBC's mission is to process and adjudicate over 30 different immigration forms, including the family-based application for adjustment of status (I-485) and applications for naturalization (N-400), military naturalization, and all international adoptions. The CIS-NBC also serves as the central processing center for applications that require an interview at a domestic Citizenship and Immigration Services Field Office.

GSA will consider whether NBC's continued housing needs should be satisfied in the existing location based on an analysis of other potential locations within the delineated area. If other potential locations are identified, a cost-benefit analysis will be conducted to determine whether the Government can expect to recover the relocation and duplication costs of real and personal property needed for NBC to accomplish its mission.

Justification

NBC has a long-term need for space in the Kansas City area to meet the agency's mission. In FY 2018, NBC adjudicated 2.3 million cases, and close to 3.5 million files flowed through the facility.

The current leases at 850 NW Chipman Road expire February 19, 2022, and April 30, 2022. NBC requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA

PBS

**PROSPECTUS – LEASE
CITIZENSHIP AND IMMIGRATION SERVICES
SUBURBAN KANSAS CITY, MO**


Prospectus Number: PMO-01-KC20
Congressional District: 05, 06

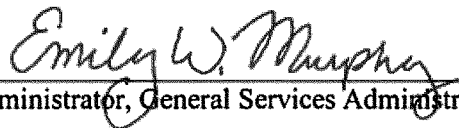
GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on November 25, 2019

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Leased Locations	CURRENT						ESTIMATED/PROPOSED					
	Personnel			Usable Square Feet (USF) ¹			Personnel			Usable Square Feet (USF)		
	Office	Total	Rate	Office	Storage	Special	Office	Total	Rate	Storage	Special ⁶	Total
850 NW Chipman Road	496	496	71,368	1,949	42,309	115,626						
850 NW Chipman Road	1,343	1,343	107,574	2,565	51,707	161,846						
Estimated/Proposed Lease	1,839	1,839	178,942	4,514	94,016	277,472	1,839	1,839	178,942	4,514	94,016	277,472
Total	1,839	1,839	178,942	4,514	94,016	277,472	1,839	1,839	178,942	4,514	94,016	277,472

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	76	76

UR = average amount of office space per person
 Current UR excludes 39,367 usf of office support space
 Proposed UR excludes 39,367 usf of office support space

Overall UR ³		
Rate	Current	Proposed
	151	151

R/U Factor ⁴			
	Total USF	RSF/USF	Max RSF
Current	277,472	1.13	313,209
Estimated/Proposed	277,472	1.14	317,000

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

Special Space ⁶		USF
Conference/Training		14,126
Physical Fitness		902
ADP		4,178
Copy Center		887
Breakroom		2,420
Lockers/Showers		872
Warehouse		14,043
File		44,888
Mail Receiving		4,136
Security		1,345
Health Unit		299
Mechanical/Electrical		1,442
Restrooms		4,107
Custodial		371
Total		94,016

COMMITTEE RESOLUTION

LEASE—VETERANS HEALTH ADMINISTRATION,
DENVER, CO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 210,000 rentable square feet of space, including 3 official parking spaces, for the Veterans Health Administration currently located at 3773 Cherry Creek North Drive in Denver, CO, at a proposed total annual cost of \$8,400,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 100 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 100 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the

foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
DENVER, CO**

Prospectus Number: PCO-01-DE20
Congressional District: 1st, 6th, and 7th

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 210,000 rentable square feet (RSF) for the Veterans Health Administration (VHA), currently located at 3773 Cherry Creek North Drive in Denver, CO. VHA has occupied space in the building since 2016 under delegated leases that expire on February 28, 2023; April 30, 2023; and April 30, 2024.

The lease will provide continued housing for VHA and will improve the office and overall space utilization from 80 to 66 usable square feet (USF) per person and 115 to 100 USF per person, respectively.

Description

Occupant:	Veterans Health Administration
Current RSF:	181,510 (Current RSF/USF = 1.14)
Estimated/Proposed Maximum RSF ¹ :	210,000 (Proposed RSF/USF = 1.15)
Expansion/Reduction RSF:	28,490 Expansion
Current USF/Person:	115
Estimated/Proposed USF/Person:	100
Expiration Dates of Current Lease(s):	2/28/2023, 4/30/2023, and 4/30/2024
Proposed Maximum Leasing Authority:	15 years
Delineated Area:	North – I-70; South – C-470, I-25, E Lincoln Ave., S Peoria St, C-470; East – C-83, E Hampden Ave., S Airport Blvd., Pena Blvd.; West – I-70, C-470
Number of Official Parking Spaces:	3
Scoring:	Operating
Current Total Annual Cost:	\$ 6,242,400 (leases effective 3/1/2016, 4/17/2016, and 5/1/2016)
Estimated Rental Rate ² :	\$40.00 / RSF
Estimated Total Annual Cost ³ :	\$8,400,000

¹ The RSF/USF at the current location is approximately 1.14; however, to maximize competition a RSF/USF ratio of 1.15 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² This estimate is for fiscal year 2020 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

³ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
DENVER, CO**

Prospectus Number: PCO-01-DE20
Congressional District: 1st, 6th, and 7th

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for the VHA, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Background

VHA’s mission is to honor America’s veterans by providing exceptional healthcare that improves their health and well-being. VHA is the largest integrated healthcare system in the United States, providing care at 1,243 healthcare facilities, including 172 U.S. Department of Veterans Affairs (VA) Medical Centers and 1,062 outpatient sites. These installations provide care of varying complexity to over 9 million veterans enrolled in the VA healthcare program.

Justification

The proposed lease would house all VHA Office of Community Care–Delivery Operations (OCC/DO) Claims Processing functions in a single, right-sized, and efficient facility. The lease would allow VHA OCC/DO Claims Processing services, which process claims for all fee-basis programs for VA to provide consistent and uninterrupted services to veterans and their families. This lease is essential as the workload for claims processing continues to grow.

VHA has been in the Denver area for over 25 years, and the Denver market provides a balance of workforce and space capacity to continue to support the VHA mission. The current leases at 3773 Cherry Creek North Drive expire February 28, 2023; April 30, 2023; and April 30, 2024. VHA requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

GSA

PBS

**PROSPECTUS – LEASE
VETERANS HEALTH ADMINISTRATION
DENVER, CO**

Prospectus Number: PCO-01-DE20
Congressional District: 1st, 6th, and 7th

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing

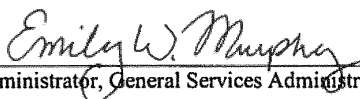
The Government will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 19, 2019

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

October 2018

Housing Plan
Veteran Health Administration

PCO-01-DE20
Denver, CO

Leased Locations	CURRENT			ESTIMATED/PROPOSED		
	Personnel Office	Leasable Square Feet (USF) ¹ Storage	Special	Personnel Office	Leasable Square Feet (USF) ¹ Storage	Special
3775 Cherry Creek North Drive, Denver, CO	1,374	140,228	18,366	1,821	153,171	28,886
Estimated/Proposed Lease	1,374	140,228	18,366	1,821	153,171	28,886
Total	1,374	140,228	18,366	1,821	153,171	28,886

Office Utilization Rate (UR) ²	Current	Proposed
Rate	80	66

UR = average amount of office space per person
 Current UR excludes 30,850 usf of office support space
 Proposed UR excludes 33,698 usf of office support space

Overall UR ³	Current	Proposed
Rate	115	100

R/U Factor ⁴	Total USF	RSF/USF	Max RSF
Current	158,594	114	181,510
Estimated/Proposed	182,057	115	210,000

Special Space ⁵	USF
Conference/Training	14,836
Kitchen/Break Room	6,600
ADP	3,850
Mail Room	1,500
Locker Room	1,000
Receiving Desk	600
Copy Center	500
Total	28,886

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (R/LP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE DEPARTMENT OF STATE, ARLINGTON, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 252,000 rentable square feet of space, including 5 official parking spaces, for the Department of State currently located at 1800 North Kent Street in Arlington, VA, at a proposed total annual cost of \$9,828,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 147 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 147 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include

in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is

found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF STATE
ARLINGTON, VA**

Prospectus Number: PVA-05-WA20
Congressional District: 8, 10, 11

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 252,000 rentable square feet (RSF) for the Department of State (DOS), currently located at 1800 North Kent Street in Arlington, VA. DOS has occupied space in the building since May 1, 2010, under a lease that expires on November 30, 2020.

The lease will provide continued housing for DOS, and will maintain the office and overall space utilization of 103 and 147 usable square feet (USF) per person, respectively.

Description

Occupant:	DOS
Current RSF:	246,771 (Current RSF/USF = 1.18)
Estimated/Proposed Maximum RSF ¹ :	252,000 (Proposed RSF/USF = 1.2)
Expansion/Reduction RSF:	None
Current USF/Person:	147
Estimated/Proposed USF/Person:	147
Expiration Dates of Current Lease(s):	11/30/2020
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	Northern Virginia
Number of Official Parking Spaces ² :	5
Scoring:	Operating
Current Total Annual Cost:	\$9,590,697 (leases effective 05/01/2010)
Estimated Rental Rate ³ :	\$39.00 / RSF
Estimated Total Annual Cost ⁴ :	\$9,828,000

¹ The RSF/USF at the current location is approximately 1.18; however, to maximize competition a RSF/USF ratio of 1.20 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² Security requirements may necessitate control of parking at the leased location in addition to the official parking spaces identified in the prospectus. If the additional parking resulting from security requirements is included in the leasehold interest in the building, the proposed total annual cost and maximum proposed rental rate may exceed the amounts indicated above.

³ This estimate is for fiscal year 2021 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including standard operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

⁴ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF STATE
ARLINGTON, VA**

Prospectus Number: PVA-05-WA20
Congressional District: 8, 10, 11

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for the DOS, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Background

DOS's mission is to lead America's foreign policy through diplomacy, advocacy, and assistance by advancing the interests of the American people, their safety and economic prosperity.

This requirement will provide housing for the Diplomatic Security Service (DSS). DSS is the Federal law enforcement and security bureau of DOS. Tasked with securing diplomacy and protecting the integrity of U.S. travel documents, DSS has the largest global reach of any U.S. Federal law enforcement agency, with offices in 29 U.S. cities and in more than 270 locations around the world.

Justification

This location supports key DSS functions, and the current lease at 1800 North Kent Street in Arlington, VA, expires on November 30, 2020.

GSA will consider whether DOS's continued housing needs should be satisfied in the existing location based on an analysis of other potential locations within the delineated area. If other potential locations are identified, GSA will conduct a cost-benefit analysis to determine whether the Government can expect to recover the relocation and duplication costs of the real and personal property needed for DOS to accomplish its mission. DOS requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

GSA

PBS

**PROSPECTUS - LEASE
DEPARTMENT OF STATE
ARLINGTON, VA**

Prospectus Number: PVA-05-WA20
Congressional District: 8, 10, 11

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing

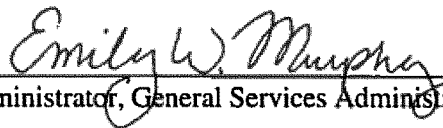
GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on January 15, 2020.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)	
	Office	Total	Storage	Special	Office	Total	Storage ⁵	Special ⁶
1800 North Kent Street	1,428	1,428	8,703	13,055		209,711		
Estimated/Proposed Lease					1,428	1,428	8,703	13,055
Total	1,428	1,428	8,703	13,055	1,428	1,428	8,703	13,055

Office Utilization Rate (UR) ²		
Rate	Current	Proposed
	103	103

UR = average amount of office space per person
 Current UR excludes 41,350 usf of office support space
 Proposed UR excludes 41,350 usf of office support space

Overall UR ³		
Rate	Current	Proposed
	147	147

R/U Factor ⁴			
	Total USF	RSF/USF	Max RSF
Current	209,711	1.18	246,771
Estimated/Proposed	209,711	1.20	252,000

Special Space ⁶		USF
Conference/Training		2,611
Physical Fitness		5,222
ADP		5,222
Total		13,055

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max. RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF STATE, ARLINGTON, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 116,000 rentable square feet of space, including 22 official parking spaces, for the Department of State currently located at 1400 Wilson Boulevard in Arlington, VA, at a proposed total annual cost of \$4,524,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agency(ies) agree to apply an overall utilization rate of 175 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 175 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include

in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

Provided further, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is

found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

Provided further, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

Provided that, to the maximum extent practicable, the Administrator of General Services shall require that the lease procurement consider the availability of public transportation consistent with agency mission requirements and that the space to be leased be renovated for all cost effective improvements, including renewable energy upgrades, water efficiency improvements, and indoor air quality optimization, that reduce greenhouse gas emissions.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF STATE
ARLINGTON, VA**

Prospectus Number: PVA-07-WA20
Congressional District: 8, 10, 11

Executive Summary

The General Services Administration (GSA) proposes a lease of approximately 116,000 rentable square feet (RSF) for the Department of State (DOS), currently located at 1400 Wilson Boulevard in Arlington, VA. DOS has occupied space in the building since April 18, 2010, under a lease that expires on March 31, 2021.

The lease will provide continued housing for DOS, and will maintain the office and overall space utilization of 122 and 175 usable square feet (USF) per person, respectively.

Description

Occupant:	Department of State
Current RSF:	108,296 (Current RSF/USF = 1.13)
Estimated/Proposed Maximum RSF ¹ :	116,000 (Proposed RSF/USF = 1.20)
Expansion/Reduction RSF:	7,704 Expansion
Current USF/Person:	175
Estimated/Proposed USF/Person:	175
Expiration Dates of Current Lease(s):	03/31/2021
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	Northern Virginia
Number of Official Parking Spaces ² :	22
Scoring:	Operating Lease
Current Total Annual Cost:	\$4,071,445 (leases effective 04/18/2010)
Estimated Rental Rate ³ :	\$39.00 / RSF
Estimated Total Annual Cost ⁴ :	\$4,524,000

¹ The RSF/USF at the current location is approximately 1.13; however, to maximize competition a RSF/USF ratio of 1.20 is used for the estimated proposed maximum RSF as indicated in the housing plan.

² Security requirements may necessitate control of parking at the leased location in addition to the official parking spaces identified in the prospectus. If the additional parking resulting from security requirements is included in the leasehold interest in the building, the proposed total annual cost and maximum proposed rental rate may exceed the amounts indicated above.

³ This estimate is for fiscal year 2021 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including standard operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

⁴ New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF STATE
ARLINGTON, VA**

Prospectus Number: PVA-07-WA20
Congressional District: 8, 10, 11

Acquisition Strategy

In order to maximize the flexibility and competition in acquiring space for DOS, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Background

DOS's mission is to lead America's foreign policy through diplomacy, advocacy, and assistance by advancing the interests of the American people, their safety and economic prosperity.

This requirement will provide housing for the Diplomatic Security Service (DSS). DSS is the Federal law enforcement and security bureau of DOS. Tasked with securing diplomacy and protecting the integrity of U.S. travel documents, DSS has the largest global reach of any U.S. Federal law enforcement agency, with offices in 29 U.S. cities and in more than 270 locations around the world.

Justification

This location supports key DSS functions and the current lease at 1400 Wilson Boulevard in Arlington, VA, expires March 31, 2021. DOS requires continued housing to carry out its mission.

GSA will consider whether DOS's continued housing needs should be satisfied in the existing location based on an analysis of other potential locations within the delineated area. If other potential locations are identified, GSA will conduct a cost-benefit analysis to determine whether the Government can expect to recover the relocation and duplication costs of the real and personal property needed for DOS to accomplish its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF STATE
ARLINGTON, VA**

Prospectus Number: PVA-07-WA20
Congressional District: 8, 10, 11

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.


Interim Leasing

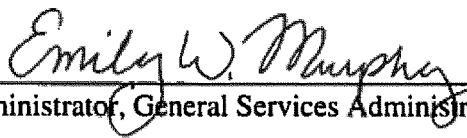
GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on January 15, 2020.

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration

Leased Locations	CURRENT				ESTIMATED/PROPOSED			
	Personnel		Usable Square Feet (USF) ¹		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Storage	Office	Total	Storage ³	Special ⁶
1400 Wilson Boulevard	548	548	86,058	3,928		95,878		
Estimated/Proposed Lease					548	548	3,928	5,892
Total	548	548	86,058	3,928	548	95,878	3,928	5,892

Office Utilization Rate (UR) ²	Current	Proposed
Rate	122	122

UR = average amount of office space per person
 Current UR excludes 18,933 usf of office support space
 Proposed UR excludes 18,933 usf of office support space

Overall UR ⁴	Current	Proposed
Rate	175	175

R/U Factor ⁴	Total USF	RSF/USF	Max RSF
Current	95,878	1.13	108,296
Estimated/Proposed	95,878	1.20	116,000

Special Space ⁶	USF
Conference/Training	5,092
Physical Fitness	800
Total	5,892

NOTES:

- ¹ USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
- ² Calculation excludes Judiciary, Congress and agencies with less than 10 people
- ³ USF/Person = housing plan total USF divided by total personnel
- ⁴ R/U Factor (R/U) = Max RSF divided by total USF
- ⁵ Storage excludes warehouse, which is part of Special Space.
- ⁶ Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

COMMITTEE RESOLUTION

ALTERATION—NEW U.S. COURTHOUSE,
HUNTSVILLE, AL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, the resolution passed by the Committee on

Transportation and Infrastructure dated December 12, 2018, is amended;

Provided, that the Administrator of General Services shall ensure that construction of the new courthouse complies, at a minimum, with courtroom sharing requirements adopted by the Judicial Conference of the United States.

The proviso “Provided further, that the design of the new courthouse shall not deviate from the U.S. Courts Design Guide” is amended to read “Provided further, that, except for deviations from the U.S. Courts Design Guide approved by the Judicial Conference prior to the date of this resolution, the design of the new courthouse shall not deviate from the U.S. Courts Design Guide.”

GSAPBS

**FACTSHEET
NEW U.S. COURTHOUSE
HUNTSVILLE, AL**

Project Summary

Public Law 115-141, the 2018 Consolidated Appropriations Act, passed on March 24, 2018, appropriated \$110,000,000 to Courthouse Construction in Huntsville, AL. Of that \$110,000,000, GSA determined that \$86,463,000 would be needed to construct the new courthouse and the balance of the appropriation would be used to renovate and backfill the existing building.

On September 24, 2018, the General Services Administration (GSA) submitted a prospectus (PAL-CTC-HU18) to the House Committee on Transportation and Infrastructure and Senate Committee on Environment and Public works that proposed the design and construction of a new U.S. Courthouse of approximately 123,100 gross square feet, including 26 parking spaces, in Huntsville, AL that would meet the 10-year space needs of the court and court-related agencies and the site could accommodate the anticipated 30-year needs of the court. At that time, part I of the Federal Judiciary's Courthouse Project Priorities list (approved by the Judicial Conference of the United States on September 12, 2017) included a courthouse project in Huntsville, AL. At the time that the original requirements were developed, no exceptions to the U.S. Courts Design Guide were expected and the prospectus noted the same.

At its September 2019 meeting, the Judicial Conference of the United States approved an exception to the U.S. Courts Design Guide to include a special proceedings courtroom and additional clerk space in the program of requirements for the new courthouse in Huntsville, Alabama. The special proceedings courtroom and clerk space is approximately 825 usable square feet larger than a district courtroom and will replace one of the two district courtrooms previously identified within the approved prospectus. Additionally, the Judiciary has reduced other programmed space to offset the difference between a district courtroom and larger special proceedings courtroom and additional clerk space so the total GSF of the project does not change. The total number of courtrooms and chambers identified in the original prospectus, five and six respectively, will remain the same.

The Judiciary will provide the funds to support this request and no appropriations of Federal Buildings Funds are required. In accordance with the existing prospectus and resolutions, GSA has not included a special proceedings courtroom as recently requested by the Judiciary in the design of the new courthouse. The House Committee on Transportation and Infrastructure resolution passed on December 12, 2018 included the following provision:

- *Provided Further*, that the design of the new courthouse shall not deviate from the U.S. Courts Design Guide.

GSA**PBS**

**FACTSHEET
NEW U.S. COURTHOUSE
HUNTSVILLE, AL**

Other resolutions passed at the same time, such as the resolution approving the construction of a new courthouse in Fort Lauderdale, Florida address exceptions to the U.S. Courts Design Guide. The Fort Lauderdale Courthouse project had an approved special proceedings courtroom listed in the prospectus as an exception and the subsequent resolution from the House Committee on Transportation and Infrastructure states:

- *Provided Further*, that, except as provided in the prospectus, the design of the new courthouse shall not deviate from the U.S. Courts Design Guide.

In order for GSA to proceed with the design of the courthouse with a special proceedings courtroom, the Committee would need to remove or modify the existing restriction.

Justification

The Judicial Conference of the United States approved a request from the 11th Circuit for a special proceedings courtroom in lieu of a standard district courtroom during its September 2019 meeting. The special proceedings courtroom was justified due to the anticipated multi-attorney civil cases, multi-defendant criminal cases, and naturalization ceremonies.

There was no objection.

ISSUES OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, it is my honor to be recognized by you to address you here on the floor of the United States House of Representatives. Recognizing the centuries of debate that have taken place before our Speakers over the years, every time that anyone has this privilege to address you and be heard by the Members of this House of Representatives and by, today, with our technology, all the people of the United States of America, it is an honor. And it is an honor that goes along with the vote card and with the endorsement of a majority of our constituents back in our various districts.

I would say, Madam Speaker, that too often we don't think about how this mix works out; how our Founding Fathers had so much wisdom to put this together when it was 13 original colonies and there were far fewer seats in this House of Representatives than there are today; and yet, to put the mix together here so it is a voice from every corner of America.

We started out with 13 original colonies—and I should have probably memorized how many House seats there were in the beginning—but it grew to 435 and then they capped it, because as the country got bigger if we had used that population balance, we would have many more seats here in the House of Representatives.

Some would say that 435 is unmanageable; in fact, all of us would have said that on one day or another.

But the wisdom of it, the beauty of it, the genius of it is this: That 435 Congressional districts in America, every corner of America is represented here, Madam Speaker, in front of you in the House of Representatives.

Whether you go up to Alaska and you hear from the dean of the delegation, in fact, the dean of the House, DON YOUNG, who has been here longer than anybody else, and the wisdom that he brings from way up in the northwest country; or whether you go down into the southern tip of Florida, or up into Maine, or down into, let's say, San Diego, right across the border from Tijuana, or out to Hawaii, or even Guam, for that matter, and the Marianas, you hear the voice of America here.

I have listened to the debate here on this floor and in our committees for a long time; and what I hear, when I hear that debate come, you will hear geographical identifications going on. People will stand up for—a lot of times it is “ag” products that you can determine. We don't do too many pineapples in Iowa. When I hear about that, I think, well, are we talking Hawaii? Yes, usually.

When we are talking about cotton, that is the South. When it is corn, that is the Corn Belt. That is the “ag” side of this.

But also, we have different weather circumstances. If you want to do a little research, or if you want to find out what is going on in America, you walk down here on the floor, Madam Speaker, and go find somebody that represents the area that is affected.

Whether it is weather; whether it is crops; whether it is current events; whether it is a natural disaster or a human-caused disaster, we get straight to it here. The quickest way you can find an expert is here in the House of Representatives.

So I congratulate all of my colleagues for doing that job; for bringing the values of their constituents here and putting together that jigsaw puzzle of 435 voices with many, many, many more ideas than those voices.

But I came here this afternoon, Madam Speaker, to address a couple of topics; and one of them I want to address is the life and the contribution of Philip Haney. Philip Haney was a friend of mine. He was a friend of Mr. GOHMERT and others.

Philip Haney was one of the originals to be hired on for the Department of Homeland Security. He became an analyst. He taught himself the Arabic language, and he began tracking the flow of people into the United States out of those countries that, from which came those 19 who bombed us on September 11 of 2001.

Philip Haney's expertise built a database. That database tracks something—this is by my memory, Madam Speaker, so that is my disclaimer—about 800 individuals who were at least on the suspect list of those who might be positioning themselves to bring forth another attack on America.

If we can remember what that was like in 2001, and think what it was like for Phil Haney, stepping up in a way that he had to educate himself in the Arabic language; he had to understand the culture; he had to understand the history; and then he had to track logistics and other characteristics.

He built a database, a database that was an indicator database on whether and if there might be another attack that was rooted in the ideology that took down the Twin Towers, and bombed the Pentagon, and put the plane down in Pennsylvania. Phil Haney was a patriot.

When I first met Phil Haney, it was in a quiet, careful room over here just off the Capitol a little ways. I knew a little about his story, but when I first heard his story, he was concerned then that he would be a target by people. And he had a thumb drive with a lot of data on it—I don't know how many gigs it was—hanging on a lanyard around his neck. He kept that with him.

I understood that that information was also deposited in a remote location or two or more, so there was a redun-

dancy. If anything happened to Phil Haney, that data would be accessible to the people whom he trusted, I imagine, the most. So that was his insurance policy that he wouldn't be killed.

Then, over the years, Phil Haney—and I am going to say 7 or 8 years of this very active—Phil Haney wrote a book called, “See Something, Say Nothing.” Those were the orders he got out of the administration at the time, Madam Speaker.

Yet, Phil Haney had developed the research and the database that he said, in the last few years of his life, might have, could have—and I will say, those were the words he used—might have and could have prevented the mass killings, the one in San Bernardino and the one in Orlando that were perpetrated by, I will say, Islamic radical hatred.

But that information was scrubbed. It was scrubbed from the Department of Homeland Security by order from on high; how high up in the administration, at this point I don't know that we do know. We do know that the former director of the FBI, Robert Mueller, ordered that also to be the case for all of the documents in the FBI, so that there was nothing derogatory about Islam anywhere in all those research documents.

That is part of the work that Phil Haney was doing. Phil Haney was then tracking people with his access to the database, but also his ability to track credit card numbers, phone calls, and those things, so that he could see who was talking to whom; where they were traveling; where they were gathering; and that data informed him. But the order came down, scrub all of that out of your database.

He never said publicly that he downloaded that information before the scrub came down, but he didn't deny it either. He was a directly honest man, and whatever Phil Haney said, you could always believe.

But the administration came in, his bosses, and essentially, took over his computer and scrubbed the hard drive of the records that they said he should not be following, because, I guess, it is under a presumption that if you follow people that are, I will say, associated with criminals, that somehow that reflects a prejudice against their religion.

We know that the people that bombed the Twin Towers, and the Pentagon, and put that plane down in Pennsylvania were all of the same religion. But they were a sect of the religion. They were radical Islamists, and Phil Haney was the bulwark against that.

Madam Speaker, I say this because a week ago today, Phil Haney died. He was found dead along the road out in a rural area in California, with a gunshot wound in his chest which, I imagine, was very close to where that thumb drive hung from the lanyard around his neck. That was how he kept that data with him at all times.

Phil Haney did carry for his own defense. When there were people that would come and talk to him just one-on-one, he often said to them, you are taking a risk talking to me because you could become a target too.

He had said to friends as recently as 2 weeks before his death, if there is an announcement, if I am dead and there is a suicide letter, it will be a fake. And he often said, I would never commit suicide.

I think the law enforcement people regret that within the first 24 hours the story came out that it was a suicide. That has been retracted since then. And I am talking with people that are in direct contact with the investigators, and that includes the FBI and local sheriff's department.

They tell me that the investigation and the death of our friend, Phil Haney, our patriotic friend, that investigation, Madam Speaker, starts with the presumption that it is a homicide and works its way through looking for everything. And it will be a very deep and careful investigation, forensics of all kinds.

I wrote a whole series of questions down, and the response I got back was, you will have answers to all of these and many more. Well, I expect those answers. We insist that we get those answers and I do expect that we will get them.

But I can't be convinced that Phil Haney committed suicide. I knew him too well. I have talked to at least a dozen of his close friends since that period of time that also said the same thing. The instant the news hit them, they knew that Phil had already—he had already prepared us to know that he would never commit suicide.

He was a very deep and devoted Christian man. He had lost his wife a little over a year ago, found a new love, and was scheduled—I call it scheduled—to be married in April of this year, just a little over a month from now.

He had everything to live for. He was finishing another book. The information, the data didn't get a complete dump at all in his first book, which I said was "See Something, Say Nothing." And the second book was close to being finished.

He was preparing for his wedding. He had joy in his heart. He had energy. He had ambition. And even those that speculated that he might have gotten a health notice that was discouraging, Phil Haney would have used—if he had a terminal notice, if the doctor had said you have got 2 weeks to live, or a month to live, or 6 months to live, or a day to live, Phil Haney would have used every moment he could to complete his work, and finish the book, and make sure that all of that information and data was in the right hands, and that the people that had it in their hands would know what it meant and what to do with it, and who would best put their eyes on it to continue the work that he had dedicated and, I believe, now gave his life for.

□ 1245

I want to, while I am standing here on the floor, Madam Speaker, say that I don't believe Phil Haney committed suicide.

I expect we are going to get a thorough investigation. The evidence that is coming to me indicates that he was murdered. We don't know that yet. But the next step along the way is, if so, we need to find his killer.

So I honor Phil Haney and his life. He was a noble, noble patriot. He knew that he was using the days of his life—he didn't know if it was going to be the last days, but he was concerned it would be, and it turned out to be the last days of his life—stepping up to defend America, to defend the rule of law, to protect our 330 million people here. And that is what cost him his life, in my view, Madam Speaker.

So I honor Phil Haney. And to honor his memory, we also need to follow through on a full and thorough investigation, and then if the evidence warrants it, and I expect it will, the investigation that turns up the killer or killers.

My prayers are for the family of Phil Haney, for his daughter, for his fiancée, and for all of those who loved a man who was a noble individual, a noble, patriotic American.

Speaking of those folks who really do step up and make a difference in the world—Phil Haney is one of them that is on my heart this week. There is another one who stepped up to make a great big difference that is on my mind this week also, and that is Nigel Farage of the United Kingdom.

He joined us for a breakfast yesterday morning at the Conservative Opportunity Society. I host that breakfast usually every Wednesday morning at 8 o'clock over in the Capitol Hill Club.

It is off the record, Madam Speaker, so I am going to be careful about what I say. I will only repeat the things that I have already heard Nigel Farage say out publicly, but there is nothing that he would be embarrassed about at all. It was a terrific delivery.

But the background of Nigel Farage is this: He started out in the trading business—I will say commodities trading business—worked his way through there for a number of years. He got involved in politics, and he was elected to go to the European Parliament. He went there with the belief that the United Kingdom needed to pull out of the European Union.

He formed a party called the UKIP. The UKIP party was the most conservative party over in the United Kingdom, and their objective was to pull the United Kingdom out of the European Union.

Some of the discussions that we had was what percentage of the GDP of the United Kingdom went to the European Union and how much say they had in the laws that were being passed.

What it comes down to is, the European Union will pass a law, impose it

back on its member states, the U.K. being one of them, one of the lead member states, and they don't have the ability to ever repeal that.

Once they are subjected to the rule of Brussels, they are stuck with the rule of Brussels. The only way out of that is to pull out of the EU altogether, the way I understand this.

So I have in front of me here my notes from almost 5 years ago when I invited Nigel Farage to come before the Conservative Opportunity Society. That was July 15, 2015.

He gave a tremendous presentation. I was already convinced, which was why I invited him, but I believe everybody around that table was convinced that it is in the best interests of the United Kingdom, the best interests of the United States, for the United Kingdom to pull out of the European Union.

Some of the frustrations I have had in trying to negotiate in trade with the European Union come up against the barriers that they have. Most of those barriers do have to do with agriculture, Madam Speaker.

For example, we have come a long way with our technology and the genetically modified organisms that we have. We have, for years and years, raised Roundup Ready soybeans. When I grew up, we had walking beans, and we would try to put a little water at each end of the field and go through there and pull the weeds most of the time. Sometimes we cut them with a hook, but most of the time, we pulled them. So we went down, and we would weed our rows to one end, pivot around, weed the rows back to the other end.

About every young kid that was there, all the way up to whoever could walk, was in the field pulling weeds out of the beans until a Ph.D. scientist discovered that there was a genetic characteristic that was resistant to Roundup, and Roundup being a better—I will say an environmentally better product to kill weeds with than the 2,4-D that we had been using at the time.

So they spliced this gene from another plant into the soybean plant and came up with a plant called Roundup Ready soybeans. That meant that you could plant your beans across the field, your soybeans, and go through and spray a light dusting of Roundup across that.

It would kill all the weeds, and the beans would thrive. You would see vast fields without a single weed in them, and nobody had to walk and pull those weeds.

They got a little more sophisticated, I might add. After a while, when they got tired of walking, they put a bar across in the front of the tractor with seats on it, and then—my wife has done a lot of this—sat there in the Sun with a spray gun and just spray each weed that comes along in the rows that you are responsible for. That was another way.

Well, we know they got a lot of spray on their feet and on their legs. And it seems to be healthy enough in my

neighborhood, but it never was really comfortable with that.

In any case, that all went away when we came up with a genetically modified organism, Roundup Ready soybeans. Now, that has gone into other crops as well.

Well, the folks in the European Union think that somehow that could be a carcinogen. I have argued with them over there, over and over again, show me your evidence on how it could be a carcinogen; show me some science; explain to me, at least your theory, on how it could be a carcinogen. And they say: Well, you have to prove to us it is not.

How do you prove a negative? That is one of those age-old questions that philosophers have kicked back and forth for a long time: How to you prove a negative?

I put that pressure back on them, and I said: Well, you have to have 60 years of humans, and they have to be controlled specimens so that the only variable is one set of humans are eating Roundup Ready soybeans and the other set are not. And otherwise, their diets, their exercise, their environment are all the same. After 60 years of that, we can evaluate their medical records, see who is dead, who is alive, who has cancer, and who doesn't. Then, we can determine if it is safe—60 years.

That is an unwinnable argument, with that standard put up, and I said so. This was a 4.5-hour debate with a Dutch scientist, by the way. Then I said: There has to be a better way, another way. You are locking our product out of your countries, the entire European Union, 500 million people locking our agriculture products out and locking them out from the rest of the world, too, with trade protectionism.

His answer was: Well, just label it, then, so that everybody knows what is there.

I said: I am happy. Let's label it. We have a deal.

He said: No, we will label it. We will label it for you.

I said: I know your label. It is skull and crossbones. You want to label it as something that nobody should eat.

We have been consuming this product for a long, long time, and I don't know that we could feed the world if we didn't use the science.

I have long had a couple of ears of corn in my man cave. One of them is an ear of corn that came from an 1848 open-pollinated variety that came over across the prairie in a covered wagon that was planted there. No sophisticated hybrid of any kind; it was the old corn. And that ear is pretty nice. It is about that long, and it has 24 rows of kernels around it. The next ear that is stabbed above it is one from the 2015 crop that has 18 rows of kernels around it.

The old one, from 1848, that looks even better than the one from 2015, yielded only between 15 and 25 bushels to the acre. The newer ear of corn, stabbed above it, yielded 232 bushels to

the acre, 10 times the production because of the science that we brought to this.

It isn't just the genetics. It is the technology, the mechanical technology, too, and it is management. But you put that all together—and, of course, fertilization as well and weed control—we have gone 10 times—we have multiplied the corn yield by a factor of 10.

Science has been a great big part of that, and the European Union is locking out a lot of the science that is feeding a lot of the rest of the world.

So, I want into that marketplace. I want to tear down those trade protection barriers and let our American producers market into the European Union. That is one of the biggest reasons that I have been a strong supporter of Brexit. I promoted it wherever I could go, dropped into the U.K. a few times to do so as well.

Another one of the barriers is geographic indicators, like parmesan cheese. We are not supposed to label anything parmesan cheese because there is a place in Italy called Parma where they started making cheese that is or is similar to that which we call parmesan cheese. That is one of the geographic indicators. There are many, all put up, in my view, to protect the producers in the European Union from the trade competition outside.

Nigel Farage sees that. He has seen that for a long time, not so much for the interest in our agriculture, but the interest of the constraints that come down on the member states of the European Union and how their sovereignty is sacrificed to Brussels and how Brussels then lords it over the members of the European Union. Nigel Farage started that effort, and he has been at it nearly 30 years.

When he came to the United States and gave the speech on July 15, 2015, he made some excellent and strong points. He is far more versed on it than I am, and he always will be.

But here is just a current piece of it then in 2015. We have a referendum in 18 months. He says that UKIP has completely changed the debate. UKIP will either be—this is just so important, I think, to contemplate, Madam Speaker. He said UKIP—meaning the vote, the Brexit vote—will either be a footnote in history, or we will have done something the schoolchildren will read about.

I wrote that down in red ink in that time nearly 5 years ago: We will have done something that will either be a footnote in history, or we will have done something that the schoolchildren will read about.

Something happened that the schoolchildren will read about. That is certain. That was the Brexit vote that took place 3.5 years ago on June 23, 2016.

I happened to be in London at that time. I didn't go there for that purpose. It was happenstance. I actually had a meeting scheduled on June 24 with

Theresa May, who was then Home Secretary. I went into that meeting with her. It lasted probably 30 minutes or a little more.

They had just gotten the vote in, actually, at 3 o'clock in the morning, June 24, which is the time that they concluded that the Brexit vote was all in, all done, and the British had voted to pull themselves out of the European Union. I am there maybe 12 hours later, maybe a little less.

Theresa May was a very nice lady, but I will say she seemed a little distracted. She didn't know that she was a candidate or was going to be a candidate for Prime Minister. She didn't know in about 3 weeks she would be the Prime Minister.

But we talked about trade. We talked about the things of common interest. We went to the agenda that I came there to talk about, and I walked out of there thinking I knew that she had a chance to become the Prime Minister. I was very impressed with her. I know that I said to people at the time: I hope she can become another Margaret Thatcher.

I tried to help. I also know, Madam Speaker, that then-President Barack Obama at that time, on, say, June 24, 2016, had said that prior to the Brexit vote—and I believe in an attempt to alter the results that may otherwise come—said if the British vote to pull out of the EU, if they vote Brexit, they will go to the back of the queue in trade negotiations.

That day, June 24, 2016, I said to Theresa May: You voted to pull out of EU. I want to see you go to the front of the queue on trade negotiations.

She agreed with me. At that point—you know, often you talk to people, and you think maybe they are not listening or something more important replaces that piece in their memory. The following February, then-Prime Minister Theresa May came to the United States, and I believe we met in Philadelphia. She walked across the room over to me and reminded me of what I had said that day, the day after the Brexit vote—actually, technically, the day of the Brexit conclusion. She said: Do you remember what you said to me?

I said: Yes. I said that I want to see the United Kingdom go to the front of the queue on trade negotiations, not the back of the queue.

She said: Yes, and we want to go to the front of the queue.

Well, the 2016 election had taken place by then. Donald Trump had been inaugurated as President just the month before, so we were able to start that discussion but not able to have formal trade negotiations because the U.K. was still in that constellation of European Union nation-states.

They didn't formally get themselves out. It was just a vote that said to get out. I don't believe that Theresa May ever believed that it was the right thing to do, for the U.K. to pull out of the EU.

Three years went by, more than 3 years went by, 3.5 years went by. Through that period of time, it looked like Nigel Farage had won at the beginning, when the vote came down. They more or less just packaged up the UKIP party, because it had served its function.

Wouldn't that be a great thing to see here in the United States? We have these nongovernment organizations that came to work here to get certain things done, and once they accomplished them, if they would just sack up their bats and go home and say we got done what we came here to do? They tend to find another mission in order to keep themselves viable.

Nigel Farage didn't do that. He said: Okay, we are going home. We got the job done. We voted; we won the election; and we are coming out of the European Union.

□ 1300

But it didn't work that way because Theresa May kept trying to bring a proposal for a conclusion that satisfied all of the parties involved. That meant you had to satisfy Jean-Paul Jonker; you had to satisfy the majority vote in the European Union Parliament; and you had to satisfy a majority of the people in the United Kingdom.

They got kicked back and forth, back and forth, several proposals, and they were rejected time and again; but, in the end, the frustration grew, and Nigel Farage concluded that he had to go back to work again.

So he went back to work and, this time, formed another party, and that is called the Brexit Party. They elected people again to office in the United Kingdom and brought the votes up to the point where they could be successful, and they swept in and they were successful. Nigel Farage put his support behind Boris Johnson because Boris' commitment was to complete the departure of the U.K. from the EU.

So, with all of that, it actually did happen, Madam Speaker, and it happened on the last day of January this year. So it is just about a month ago today that the U.K. was formally severed from the European Union.

And I will say that, just observing this, Nigel Farage was the key player in actually removing two British Prime Ministers from office. The second one, of course, was Theresa May, whom I personally like but I just don't believe was committed enough or strong enough to accomplish that which Boris Johnson did accomplish just about a month ago today.

So now we are at a place where we can get serious about trade negotiations with the United Kingdom. I am one who favors a strong trade agreement with them that perhaps has benefits that are leaning toward the United Kingdom so that they can get a good jump start in the severing that has taken place in their relationship with Brussels and something that would phase down, perhaps, over 5 years.

And whenever there is a trade agreement, like any business transaction, it has to be beneficial to both parties. If we trade dollars, Madam Speaker, I would hope that you would have a reason to do that that pleases and benefits you, and I would have a reason to do that that pleases and benefits me. That is business. And if it is billions of dollars, if it is even trillions of dollars, those exchanges need to be profitable to both parties.

But I am happy if we can help the United Kingdom have a smooth glide path out of the European Union and ascend in a successful economy.

I just cannot congratulate Nigel Farage enough for the personal accomplishment that he has led. And he has said carefully and, I will say, repetitively: But you are only leading is all you are doing. You have got to have the people. You got to have the workers. You have got to have the volunteers.

And they came to the streets of the United Kingdom, and they walked the streets, and they put door hangers on, and they made phone calls, and they mobilized that country. In mobilizing the country, they were able to bring forth the vote that separated the United Kingdom.

So when I look at extraordinary figures in history, extraordinary figures like, let's say, Winston Churchill or Franklin Delano Roosevelt, who was a terrific wartime President, and then also Dwight Eisenhower, who was also a terrific wartime general—we could go through Patton. We could go on and on about the leaders.

But how many people in civilian life start on a mission because they have a conviction, and that conviction drives them through three decades, three decades of being humiliated or being joked about, being snickered about behind his back, but standing up always and delivering the clarity of the facts and the patriotism that is necessary for that success with the departure from the EU by the U.K.?

Nigel Farage is an extraordinary individual in history. I have had the privilege of meeting some extraordinary individuals in history, and Margaret Thatcher is among them. I am extraordinarily impressed with her, Ronald Reagan, Pope John Paul, and, to a lesser degree, Gorbachev. But that network brought about the fall of the wall, and this is the beginning of how a rearrangement across Europe is taking place.

I will say, also, it is tough for Poland to be under the yoke of the European Union. It is tough for Hungary to be under the yoke of the European Union. It is tough for Italy. It is tough for Greece to try to match up and be compatible with Germany, for example.

When I see these small countries that need a trade agreement and they have to get all the other countries to agree on that trade agreement and the mentality is "we are going to have protectionism," then you are not going to get

to a trade agreement if you have protectionism.

Also, a couple of days ago, I sat down with just an extraordinary group of conservative leaders within the European Parliament, scattered across eight or nine or so of the countries out of the European Union, and I see the vision that they see, and it is a vision that moves toward they want governments that represent we, the people.

They are tired of elitists. They are tired of globalists. They are tired of being constrained by regulators and taxers that are just, I will say, taking care of expanding their empires. They want we, the people to have the say, and they want government to benefit we, the people. And, boy, does that fit with me, Madam Speaker.

I am quite pleased that we get to celebrate a tremendous victory for an individual that, for over the course of three decades, kept the ideal in place and, when they got to the vote 3½ years ago and they more or less mothballed the part of the UKIP party because they accomplished what they set about doing, then they found out afterwards, a year-and-a-half or so later, came to the conclusion that it wasn't going to happen under Theresa May, started up a new party, the Brexit Party, won the elections necessary there, and threw the support behind Boris Johnson because Boris Johnson said, months ago: I will get the U.K. out by January 31 of 2020.

He followed through on his word. Nigel Farage followed through on his word. And I would say that we have brethren now across the Atlantic Ocean that have raised their head up now for freedom and for the voice of we, the people.

And I remarked in our private conversation, as we were talking about Winston Churchill, the breadth around the world that the English language has gone.

Madam Speaker, years and years ago, when I read Winston Churchill's book, "A History of the English-Speaking Peoples," I read through that book carefully, kind of forward and back and studied it, and I would think about what I had read the night before at my work during the day.

You have to understand, I had a job that wasn't intellectually stimulating at the time. So I would digest what Churchill had written and thought about about what it meant.

But when I finally finished the book, I remember laying it on my chest and looking up at the ceiling and thinking—Churchill didn't write this in "A History of the English-Speaking Peoples," but the conclusion is clearly there if you think about it when you read though the book.

The English language traveled all around the world, and wherever the English language went, it was accompanied by freedom. And it was also accompanied by free enterprise and a structure of government and a rule of

law; and with all of that came an organization that brought about a work ethic.

The British were able to take their language around the world and bring with it the values that came out of that island that has contributed so much to the well-being of this planet. We are the little brothers, so to speak, of that.

And so, because America was founded on those values, founded on that language and founded on free enterprise capitalism, Judeo-Christian values, the rule of law, old English common law, it was like a giant petri dish just laid here waiting to spring forth this God-given liberty that we enjoy in this country today.

When I go down to Jamestown and walk into that church right on the shore where they landed there in 1607, you walk inside that old church—it is actually built a little bit outside of the original foundation that was put in place then—there is a sign, a plaque on the wall. If you stand and look at that wall, you are looking out—if there had been a window instead of a plaque, you would be looking across the Atlantic Ocean toward England. And it says: Here, on this land, in 1607, English common law came to the New World.

That common law exists within our country today. That foundation of common law is not only rooted in our Constitution and our Declaration, it is traceable back to England. It is traceable back to the Magna Carta. It is traceable back to Rome and traced back to Greece, and it is traced back to Moses himself.

That is the legacy that was brought to this country: Judeo-Christian values rooted in the rule of law. And, in fact, some of that that came out of Roman law is the right to face your accusers and the principle that you are innocent until proven guilty.

And there is another principle, too. If they don't have a law to prosecute you under, then you have made no violation. They must cite the law. And, in some of my Biblical readings, I reflect upon that.

When Jesus stood before Caiaphas, the high priest, and he was asked: Did you really say these things—I will paraphrase here a little bit, Madam Speaker. Did you say these things? Did you preach these things?

And Jesus said: I taught openly in the synagogue. Everybody was there. All they had to do was listen to me. Ask them. They were there. They can tell you.

And he pointed over at the Jews who were accusing him. And when that happened, the guards struck Jesus, and Jesus said—well, first, when he pointed over to the Jews, that was Jesus asserting his right to face his accusers.

We all have that right in this country today to face our accusers. There is no anonymous accuser out there that has any validity, unless, of course, you are a hidden whistleblower that is lined up to try to remove the President of the United States.

And there are a few other, I will say, unknown accusers. Some of them didn't come forward very well when they were making accusations against Brett Kavanaugh.

But, in the end, we have a principle in this country: Bring those people forward. If you can't stand up and, under oath, make an assertion, an allegation that is credible, that is supported by evidence, there is no charge that can be brought against an individual based on an anonymous assertion.

Jesus had a right to face his accusers. He asserted that right. And when he did, the guards struck Jesus because they believed his response was insulant, disrespectful. And Jesus said: If I have spoken wrongly, you must prove the wrong. But if I have spoken rightly, why do you punish me? Why do you strike me?

That was Jesus asserting his right that he is innocent until proven guilty: If I have spoken wrongly, you must prove the wrong.

That is America, too. The legacy goes back all the way from, actually, before Jesus into Roman law and all the way up to our times today, through English common law that landed just down the coastline here in 1607 with the pioneers that came in at that time, with the settlers that came in at that time.

That is two of the principles.

And the third one is the requirement that a violation must be cited in law, and that was St. Paul. He stood before Festus, the governor, and said: If I have offended thee for any reason for which I should be put to death, tell me what that is. Show me your rule. Show me your law. And if you have no law, you have no way to punish me for some law that doesn't exist.

Those principles are in our law today. They are not, Madam Speaker, necessarily in the rules of the Republican Conference, I can tell you that, as none of those things were allowed for me. I wasn't presented any right to face my accusers. In fact, I don't have an accuser, not one out of 330 million people. And there is no rule that I have been cited as violating or even thinking about circumventing, let alone violate a law.

It turns out that there have been four Members of Congress in all of history since 1789 that have been removed from their committees. Three of them are convicted Federal felons, and then there is me—no rule.

□ 1315

Simply, it was an orchestrated media firestorm that got the political lynch mobs' blood up, and they decided the best way to do that was to do what they did. And it has got to be rectified, Madam Speaker. We cannot have a standard in this country that says that one person in leadership, or even if that one person can demagogue the rest of them, can diminish or deny the representation of a duly-elected member of Congress. But that is what has

happened, and it must be rectified, and it must be rectified soon.

Madam Speaker, I honor the life of Phil Haney. I honor the accomplishments and the continuing life of Nigel Farage. I honor the rule of law, the history, and the legacy that we are as a country, and the values that must be protected, preserved, and maintained. It is so important that we identify, recognize, and refurbish the pillars of American exceptionalism, the legacy that comes from Western civilization rooted clear back to Moses and Mosaic Law through the Greeks and their age of reason and their rationale that laid the foundation for science and ultimately for technology.

I thank the Romans, as I said, for their rule of law but also the Republican form of government, which is guaranteed in our Constitution, that representative form of government because we the people can't all get into one gathering like a Greek city-state and argue this out. We have to have people that speak for us. And the wisdom of this construction of our Constitution puts this all together in the best balance that can be contrived.

They always knew that there would be tension between the three branches of government, but they wrote that in such a way that that gray area would be struggled over, and if the executive branch got too powerful, then the House of Representatives starts all spending bills, so we constrain the executive branch through the appropriation process.

Then if we are too hot-blooded here in the House, which that hot-bloodedness is one of the reasons I am here today, the Senate with 6-year terms cools that in that saucer. So that wisdom is there.

And if the judicial branch gets out of hand, then the confirmation process in the United States Senate slowly ratchets that back.

They had that balance put together in a beautiful way knowing that we are human beings and we are not always going to honor the intention that is in the Constitution, because we each have our political and our personal desires that distort that gray area in between the three branches of government.

By the way, they didn't see the judicial branch of government as the most powerful branch of government; they saw it as the weakest of the three branches of government. And now has asserted itself—and this Congress has allowed them and so has the executive, to a degree, to be stronger than they were designed to be.

But in the end, in these difficulties, when there is tension between these three branches of government between the executive and the legislative and the judicial branch of government, our Founding Fathers constructed it in such a way that the election changes things. The election changes we the people, and we the people change the course.

For example, if the President gets out of hand, the executive branch gets

out of hand, the House of Representatives reacts quickly. When they passed ObamaCare through the House of Representatives and through the Senate, and some of it was admitted, even by those who voted for it, as by hook, crook, and legislative shenanigans, but when that happened, the American people rose up. And in that 2010 election, they removed 62 seats over here and put 62 new seats over here with a new majority and a mandate to repeal ObamaCare. And the first steps that needed to be taken were to cut off all funding to implement or enforce ObamaCare. I led on that. I advocated for that. I fought for that for a decade, and now it is back before the court, the remnants of what is left.

I offered, Madam Speaker, the full repeal of ObamaCare almost immediately. I was writing that repeal while Barack Obama was signing the bill, and I brought the discharge petition nearly immediately as well, and we got almost every Republican to sign on it in 2010. Since that time, at least four times, the full 100 percent rip-it-out-by-the-roots repeal of ObamaCare has passed the House of Representatives. And some 80 to 84 times parts of ObamaCare that are part of the bill that I drafted has passed the House of Representatives. Multiple times it has been passed through the Senate and signed by the President that has gotten rid of the individual mandate, for example, and a number of other components of a bad bill.

The American people rose up. They changed the majorities here in the House of Representatives. They gave the authority to put the brakes on ObamaCare over here to the House. We didn't put the brakes on it well enough. We should have shut off all funding to implement or enforce ObamaCare and done that in January or February of 2011, and when we didn't, people began to wonder if we were really serious about repealing ObamaCare.

Over time there were struggles and, I will say, plenty of them. We had a government shutdown in October of 2013 that was also rooted in trying to shut off the funding to implement or enforce ObamaCare. That failed. Subsequent to that, we had Speaker Ryan write a bill that was a replacement for ObamaCare and a partial repeal, which was advertised as a full repeal of ObamaCare. Repeal and replace. It was a tactical error in my view, Madam Speaker. We should have simply repealed ObamaCare as a standalone piece of legislation and then went to work to put the fixes in, not with a complicated bill that today nobody can explain from memory. I mean, nobody. Not even the author can explain it from memory without having to go back to the paperwork and get boned up on it. But we needed to bring those changes in healthcare and health insurance policy that were logical, that were clear, that were like rifle shots.

For example, sell insurance across State lines. Make those amendments to

the McCarran-Ferguson Act so that the States would not be able to set up quasi-monopolies with insurance companies at the behest of those companies within their own States. So that in Iowa I could buy a health insurance policy from Arizona, or Kentucky, or Mississippi, or wherever it might be. Insurance across State lines.

The reimportation of prescription drugs, Madam Speaker, to cut the cost of drugs by simply bringing them back into the United States at the prices that they are being sold for in our neighboring Canada, for example. That is two things.

The third one is full, 100 percent deductibility of everybody's health insurance premium. That is an essential piece. When we had the mandate in place, there were 20.9 million people in this country that were compelled to buy health insurance by law with after-tax dollars, which is roughly double the cost of what you are going to pay with before-tax dollars.

And so employers could write off the health insurance policies. If you are a corporation, you can write that off. If you are a sole proprietorship and you hadn't incorporated, you were buying your health insurance with after-tax dollars.

So let's say you make \$100,000 a year, and you pay your taxes, and now you have got \$50,000 left. That adds sales tax, property tax, gas tax, and income tax, State and Federal. Those kind of taxes and more adds up to roughly 50 percent. So you make \$100,000 a year, you have got \$50,000 left over, and you have got a \$24,000 premium that you have to pay on your health insurance mandated in the past by ObamaCare. So there is \$24,000 gone. And we know what is left if you are doing the math, Madam Speaker. You have \$26,000 left to feed your family, send your kids to college, buy a new car, pay the mortgage, and all of the bills that come in. That took too much money out of people's pocket. They needed to be able to deduct that so that it could be a business expense to them as it is to the competition that the sole proprietorships had.

So the family farm, the mom-and-pop operations, the little restaurant run by mom, dad, and the kids, they were punished. And if you look back over the last decade or a little more, we are hard-pressed to go find those little mom-and-pop restaurants anymore, those little gas stations anymore, those family farms. The acres have grown, the numbers of farms have shrunk, and the mom and dad that are on the farm working together as a family and raising their kids with a work ethic and a faith ethic and a family unity ethic don't exist very much either, because one of those two almost has to go to town and get a job where the health insurance for the family is provided. They can't afford to pay it out of the proceeds sitting out on the farm because it is not deductible. The premiums are not deductible under

normal business structure unless you incorporate and become a chapter S or a C corporation.

So those are some of the things that went wrong here. But the drive to get it right is set up for the balance between the three branches of government. The House of Representatives didn't get as far as we should have gone, but the American people gave us a mandate to do that. We didn't do all that they called upon us to do. And so they called some of us back home again, replaced those seats, and set the majority back over here.

Now we are in the second year of that majority. We will find out in November of this year how pleased the American people are with the progress that either has or hasn't been made, depending upon your opinion. It goes back and forth in the House of Representatives. It goes back and forth in the Senate.

If the Supreme Court gets out of line, the Senate can shut down and change and refuse to confirm appointments to all the Federal courts, but also to the Supreme Court of the United States. And it is possible, although I believe it has never happened, that if the House has reached a very high level of disagreement with the Supreme Court, the House could shut funding down in the Supreme Court.

In fact, I had this discussion, Madam Speaker, with Justice Scalia during the vigorous times of his glorious life, and I said to him, As I read the Constitution, since the Constitution requires there be a Supreme Court, the Congress can reduce the Supreme Court down to the Chief Justice at his own card table with his own candle, no staff. And when I presented that to Justice Scalia in a Conservative Opportunity breakfast of about 40 people, and I did that more or less to tweak him a little bit and see how the glint in his eye would work. And his response back to my constitutional analysis was, I would argue that you could do all of that, but you could only reduce it down to three justices, not one, because otherwise there wouldn't be any reason for a Chief Justice. And my answer was, Well, there has always been too many chiefs and not enough Indians. The man had a tremendous sense of humor, a robust way of living life, and he wrote his opinions in a delightful, entertaining way for the very purpose that law students would read them and remember them. He has impacted our jurisprudence and will, I think, for centuries. I love the man, Justice Scalia.

But in the end, Congress does have that authority whether to reduce that Supreme Court down, and so if we did that, it would send a signal, and if you coupled that with appointments to the court, you can see how the judicial branch of government would be turned around, not by the House of Representatives or the United States Senate, but in the end, as our Founding Fathers envisioned it, by we the people.

We the people make the final decisions in this. We the people will go to

the polls and the primaries coming out. We the people, we will hear very quickly from South Carolina and then on Super Tuesday we the people will send a directive on who is most likely to be the nominee in each of the parties.

Then as we get to November after the conventions and the formal nominations of our Presidential candidates and after the primaries in the States so the nominees for each of the seats, all of them up here in the House of Representatives and the one-third of them that are up over there in the United States Senate, Madam Speaker, go to the polls in November and make that selection. And please believe, that selection is the voice of we the people. And when we the people have spoken, we have a right to demand that this Congress follow through on the mandates as we perceive them. They aren't always clear is why I say, "as we perceive them."

But it was really clear that our job was to repeal ObamaCare. We didn't get that done. And part of that is a disappointment that brought about the change of majority in the House of Representatives.

So I have great reverence for the pillars of American exceptionalism. Most of them are within the Bill of Rights.

Think of it this way, Madam Speaker: Ronald Reagan spoke about the shining city on the Hill, and as he spoke about that, I could never quite get that image in my mind. It didn't quite settle. How do you build a shining city on the Hill? It became a mountain, as I looked at it in my mind's eye. It is tough to do the construction of that and build a city out there with all those variables involved. So I have instead constructed in my mind and my imagination a shining city built on the pillars of American exceptionalism. And those pillars of American exceptionalism, most of them are already in the Bill of Rights.

Think of a city out there that is built on these pillars, driven down to bedrock, the bedrock of human nature and by the hand of God. Freedom of speech is a pillar. Freedom of religion is a pillar. Freedom of the press is another pillar. Freedom of assembly is another pillar. Those things frame the circle around the outside edge of this shining city built upon the pillars of American exceptionalism. No double jeopardy. Face a jury of your peers. The rule of law. Face a jury of your peers. And then the protection against unreasonable search and seizure, that is there. Property rights that are built within it. The Fifth Amendment, nor shall private property be taken for public use without just compensation, another pillar of American exceptionalism.

□ 1330

You can put all of these together, and then you have a series of pillars around the perimeter. But one central pillar needs to be the rule of law. Another central pillar needs to be free enterprise capitalism.

I have described the foundation that made America great. That foundation is under attack every day in our universities. For example, our universities are teaching socialism, which is a nice word for communism, Marxism, Maoism. That is being taught in universities across this country every day to our young children, impressionable, going off with the idea that they were going to get this profound education, and they are educated in something that is anathema to the history of the United States or to the success of the United States of America.

I want to see the universities teach freedom, free enterprise, the rule of law, the pillars of American exceptionalism, the foundations of Western civilization that have built the First World.

Lest there be any mistake about it, there is nothing about anything I said here that has anything to do with race.

I have said this over and over again, Madam Speaker. It is not about race; it has never been about race.

It is about culture. It is about civilization. And we have to understand that there are things that we share in our history, a common history, a common effort, maybe a common enemy, but a common cause that pulls us together, a common language that ties us together.

The most powerful unifying force known to all humanity throughout all history is the ability to speak in the same language and communicate with each other. That pulls us together. It doesn't divide us apart. It pulls us together.

It is good when we have more people who can speak multiple languages because we want to communicate with the maximum number of people and understand them, but you can do it quickly with common language, and that is a powerful force.

A common defense, a common geography, a common history, a common cause, a common set of likes and dislikes, a common set of even diets and clothing and the things we like about music and play, all the things that have to do with our culture and our movies and our sports, all of those things pull us together. And they are reflective of the American civilization, and they are precious. They are precious to us, and the rest of the world wants to grasp them and retain them and hold them as well.

It is not about race. It has never been about race. It is about culture. It is about civilization. It is about enhancing this Western civilization, for which the United States of America is the flagship, is today the flagship for Western civilization.

We can welcome all peoples into this belief system that we have, and any baby that could be born and put into a crib in any place in the world can be lifted out of that crib, brought here, raised in America as an American, and they are as American as anybody else.

I went over to do a naturalization ceremony with Emilio Gonzalez a num-

ber of years ago, who was a naturalized citizen from Cuba, and he was also the director at USCIS at the time. I gave a speech to about 70 to 90 new Americans. He gave one, too.

I liked his better than mine because there in the Old Executive Office Building, it was in the summertime and the windows were open, and he said: When this service is over, I want you to walk over to that window and look out that window, which looks out on the White House itself, the South Lawn and the west side of the White House.

And he said: Look at that house next door and know that, from this day forward, the person who lives in that house next door is no more American than you are.

That is the spirit of the America that we are. Those are the values that we are built upon.

There is a greatness ahead of us, but we have to stop bickering and stop dividing each other and pull ourselves together and understand this Constitution is a beautiful document. If properly executed, it will take good people as far as good people could ever go.

We are setting the pace for the First World, and we would like to see the rest of the world come together and also become First World.

We know the standards. We need to be proud of them, protect them, and refurbish the pillars of American exceptionalism.

I will close with this, Madam Speaker. This is by memory, not in my notes. But I remember Nigel Farage saying: We have to have the courage to define and defend our civilization.

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

PUBLICATION OF COMMITTEE RULES

REVISION TO THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE FOR THE 116TH CONGRESS

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, February 26, 2020.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to Rule XI, Clause 2(a) of the Rules of the House of Representatives, I respectfully submit revised rules of the 116th Congress for the Committee on Transportation and Infrastructure for publication in the Congressional Record. The Committee adopted a revision to these rules by voice vote, with a quorum being present, at a Committee meeting held on February 26, 2020.

Sincerely,

PETER A. DEFazio,
Chairman.

RULE I. GENERAL PROVISIONS

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable. Pursuant to clause 2(a)(3) of Rule XI of the Rules of the House, the Chair of the Committee is authorized to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chair considers it appropriate.

(b) PUBLICATION OF RULES.—Pursuant to clause 2(a) of Rule XI of the Rules of the House, the Committee's rules shall be publicly available in electronic form and published in the Congressional Record not later than 60 days after the Chair is elected in each odd-numbered year.

(c) VICE CHAIR.—The Chair shall appoint a vice chair of the Committee and of each subcommittee. If the Chair of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chair shall preside. If the vice chair is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

(a) REGULAR MEETINGS.—Regular meetings of the Committee shall be held on the last Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chair shall determine the regular meeting day of the Committee for that month. A regular meeting of the Committee may be dispensed with if, in the judgment of the Chair, there is no need for the meeting. This paragraph shall not apply to meetings of any subcommittee.

(b) ADDITIONAL MEETINGS.—The Chair may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chair.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chair, those members may file in the offices of the Committee their written request to the Chair for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chair of the filing of the request. If, within 3 calendar days after the filing of the request, the Chair does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting. Such notice shall also be made publicly available in electronic form and shall be deemed to satisfy paragraph (d)(1).

(d) NOTICE.—

(1) MINIMUM NOTICE PERIOD.—Pursuant to clause 2(g)(3) of Rule XI of the Rules of the House, the Chair shall make a public announcement of the date, place, and subject matter of a Committee or subcommittee meeting, which may not commence earlier than the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which members have notice thereof.

(2) CHANGES IN MEETING TIMES.—A meeting may commence sooner than announced if the Chair, with concurrence of the ranking minority member, determines there is good cause to begin the meeting sooner or the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business. The Chair shall make a public announcement of the meeting time change at the earliest possible opportunity.

(3) NOTIFICATION OF DAILY DIGEST CLERK.—The clerk of the Committee shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after a public announcement of a time change for a Committee or subcommittee meeting is made under this paragraph.

(e) PROHIBITION ON SITTING DURING JOINT SESSION.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY

(a) MINIMUM PERIOD FOR AVAILABILITY OF COMMITTEE MARKUP TEXT.—Pursuant to clause 2(g)(4) of Rule XI of the Rules of the House, the Chair shall make publicly available, in electronic form, the text of any legislation to be marked up at least 24 hours prior to the commencement of a meeting for the markup of legislation, or at the time of a meeting announcement under paragraph (d)(2) of Committee Rule II if made within 24 hours before such meeting.

(b) OPEN MEETINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(c) MEETINGS TO BEGIN PROMPTLY.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(d) ADDRESSING THE COMMITTEE.—Except as provided under paragraph (e) of Committee Rule VI, a Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chair for that purpose; and

(2) only for 5 minutes, or for a period of time designated by the Chair with concurrence of the ranking minority member, until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chair shall enforce this paragraph.

(e) PARTICIPATION OF MEMBERS IN SUBCOMMITTEE MEETINGS AND HEARINGS.—All members of the Committee who are not members of a particular subcommittee may, by unanimous consent of the members of such subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the subcommittee may not vote on any matter before the subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(f) MEMBER DAY HEARING.—Pursuant to section 103(j) of House Resolution 6, the Committee shall hold a hearing at which it receives testimony from members, delegates, and the Resident Commissioner on proposed legislation within the Committee's jurisdiction.

(g) BROADCASTING.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee Internet broadcast system shall be fair and non-partisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House. Further, pursuant to clause 2(e)(5) of Rule XI of the Rules of the House, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings. The Committee shall also maintain the recordings of such coverage in a manner that is easily accessible to the public.

(h) ACCESS TO THE DAIS AND LOUNGES.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chair or ranking minority member.

(i) USE OF CELLULAR TELEPHONES.—During a hearing, mark-up, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

(j) AVAILABILITY OF TEXT OF AMENDMENTS IN ELECTRONIC FORM.—Pursuant to clause 2(e) of Rule XI of the Rules of the House, not later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee, the Chair shall cause the text of the amendment to be made publicly available in electronic form.

RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER

(a) AUTHORITY TO SIT AND ACT.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—

(1) IN GENERAL.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) MAJOR INVESTIGATIONS BY SUBCOMMITTEES.—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) OATHS.—The Chair, or any member designated by the Chair, may administer oaths to any witness.

(d) ISSUANCE OF SUBPOENAS.—

(1) IN GENERAL.—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chair of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chair of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chair shall notify all members of the Committee of such action.

(2) ENFORCEMENT.—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) EXPENSES OF SUBPOENAED WITNESSES.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

(f) DEPOSITION AUTHORITY.—Pursuant to section 103(a) of House Resolution 6 and subject to the regulations issued by the Chair of the committee on Rules and printed in the Congressional Record, the Chair of the Committee, upon consultation with the ranking minority member, may order the taking of depositions, including pursuant to a subpoena, by a member or counsel of such committee subject to regulations issued by the Chair of the Committee on Rules.

RULE V. QUORUMS AND RECORD VOTES;
POSTPONEMENT OF VOTES

(a) WORKING QUORUM.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) QUORUM FOR REPORTING.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) APPROVAL OF CERTAIN MATTERS.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding \$15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) QUORUM FOR TAKING TESTIMONY.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) RECORD VOTES.—A record vote may be demanded by one-fifth of the members present.

(f) POSTPONEMENT OF VOTES.—

(1) IN GENERAL.—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chair of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) RESUMPTION OF PROCEEDINGS.—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(g) AVAILABILITY OF RECORD VOTES IN ELECTRONIC FORM.—Pursuant to clause 2(e)(1)(B)(i) of Rule XI of the Rules of the House, the Chair shall make the result of any record vote publicly available for inspection at reasonable times in the offices of the Committee and in electronic form within 48 hours of such record vote.

RULE VI. HEARING PROCEDURES

(a) ANNOUNCEMENT OF HEARING.—

(1) MINIMUM NOTICE PERIOD.—Pursuant to clause 2(g)(3) of Rule XI of the Rules of the House, the Chair shall make a public announcement of the date, place, and subject matter of a Committee or subcommittee hearing, which may not commence earlier than the one week after such notice.

(2) CHANGES IN HEARING TIMES.—A hearing may commence sooner than announced if the Chair, with concurrence of the ranking minority member, determines there is good cause to begin the hearing sooner or the Committee so determines by majority vote, a quorum being present for the transaction of business. The Chair shall make a public announcement of the hearing time change at the earliest possible opportunity.

(3) NOTIFICATION OF DAILY DIGEST CLERK.—The clerk of the Committee shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after a public announcement of a time change for a Committee or subcommittee hearing is made under this paragraph.

(b) WRITTEN STATEMENT; ORAL TESTIMONY.—

(1) FILING OF STATEMENT.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony. The Chair, with the concurrence of the ranking minority member, may take the following actions for failure to comply with this requirement: (A) exclude such witness' written testimony from the hearing record; (B) bar such witness' oral presentation of the testimony; or

(C) both (A) and (B). Each witness shall limit his or her oral presentation to a summary of the written statement.

(2) TRUTH IN TESTIMONY INFORMATION.—Pursuant to clause 2(g)(5) of Rule XI of the Rules of the House, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), or the amount and country of origin of any contract or payment originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(3) AVAILABILITY OF INFORMATION IN ELECTRONIC FORM.—Statements filed under this paragraph, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(c) MINORITY WITNESSES.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chair by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) SUMMARY OF SUBJECT MATTER.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chair shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) OPENING STATEMENTS; QUESTIONING OF WITNESSES.—

(1) OPENING STATEMENTS.—

(A) CHAIR AND RANKING MEMBER.—At a hearing of the Full Committee, the Chair and ranking minority member of the Committee shall each be entitled to present an oral opening statement of five minutes. At a hearing of a subcommittee, the Chair and ranking minority member of the Committee and the Chair and ranking minority member of the subcommittee shall each be entitled to present an opening statement for five minutes.

(B) OTHER MEMBERS.—At a hearing of the Full Committee or a subcommittee, other members of the Committee or subcommittee, as appropriate, may submit written opening statements for the record. The Chair presiding over the hearing may permit oral opening statements by other members of the Committee or subcommittee, as appropriate, with the concurrence of the ranking minority member.

(2) QUESTIONING OF WITNESSES.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chair, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chair shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chair may accomplish this by recognizing two majority

members for each minority member recognized.

(f) PROCEDURES FOR QUESTIONS.—

(1) IN GENERAL.—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chair for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chair shall enforce this subparagraph.

(2) EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.—The Chair of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) EXTENDED QUESTIONING OF WITNESSES BY STAFF.—The Chair of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit Committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) RIGHT TO QUESTION WITNESSES FOLLOWING EXTENDED QUESTIONING.—Nothing in subparagraph (2) or (3) affects the right of a member (other than a member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) ADDITIONAL HEARING PROCEDURES.—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS

(a) FILING OF REPORTS.—

(1) IN GENERAL.—The Chair of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) REQUESTS FOR REPORTING.—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chair of the Committee notice of the filing of that request.

(b) QUORUM; RECORD VOTES.—

(1) QUORUM.—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) RECORD VOTES.—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) REQUIRED MATTERS.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by the rules and orders of the House applicable in the One Hundred Sixteenth Congress.

(d) ADDITIONAL VIEWS.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, additional, or dissenting views, all members shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such written and signed views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e) ACTIVITIES REPORT.—

(1) IN GENERAL.—Not later than January 2 of each odd numbered year, the Committee shall submit to the House a report on the activities of the Committee.

(2) CONTENTS.—The report shall include—

(A) separate sections summarizing the legislative and oversight activities of the Committee under Rules X and XI of the Rules of the House during the Congress;

(B) a summary of the oversight plan submitted by the Committee under clause 2(d) of Rule X of the Rules of the House;

(C) a summary of the actions taken and recommendations made with respect to the oversight plan specified in subdivision (B);

(D) a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon; and

(E) a delineation of any hearings held pursuant to clauses 2(n), (o), or (p) of Rule XI of the Rules of the House.

(3) FILING.—After an adjournment sine die of the last regular session of a Congress, or after December 15 of an even numbered year, whichever occurs first, the Chair may file the report described in subparagraph (1) with the Clerk of the House at any time and without approval of the Committee, provided that—

(A) a copy of the report has been available to each member of the Committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, additional, or dissenting views submitted by a member of the Committee.

(f) OTHER COMMITTEE MATERIALS.—

(1) IN GENERAL.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) DISCLAIMER.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Transportation and Infrastructure (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(4) COMPILATIONS OF LAWS.—To the maximum extent practicable, the Committee shall publish a compilation of laws under the jurisdiction of each subcommittee.

(g) AVAILABILITY OF PUBLICATIONS.—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS

(a) ESTABLISHMENT.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegations and majority/minority ratios, are:

(1) Subcommittee on Aviation (39 Members: 22 Majority and 17 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (16 Members: 9 Majority and 7 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (16 Members: 9 Majority and 7 Minority).

(4) Subcommittee on Highways and Transit (56 Members: 31 Majority and 25 Minority).

(5) Subcommittee on Railroads, Pipelines, and Hazardous Materials (34 Members: 19 Majority and 15 Minority).

(6) Subcommittee on Water Resources and Environment (32 Members: 18 Majority and 14 Minority).

(b) EX OFFICIO MEMBERS.—The Chair and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) RATIOS.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES

(a) AUTHORITY TO SIT.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chair and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Full Committee and subcommittee meetings or hearings whenever possible.

(b) CONSIDERATION BY COMMITTEE.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chair determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) GENERAL REQUIREMENT.—Except where the Chair of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the Full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the Full Committee shall be referred by the Chair to

all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) **RECALL FROM SUBCOMMITTEE.**—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) **MULTIPLE REFERRALS.**—In carrying out this rule with respect to any matter, the Chair may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES

The Chair of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chair, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT

(a) **PURPOSE.**—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) **OVERSIGHT PLAN.**—Not later than March 1 of the first session of each Congress, the Chair shall submit to the Committee on Oversight and Reform and the Committee on House Administration its oversight plan for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) **REVIEW OF LAWS AND PROGRAMS.**—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) **REVIEW OF TAX POLICIES.**—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) **ENSURING ANNUAL APPROPRIATIONS.**—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) **REVIEW OF MULTI-YEAR APPROPRIATIONS.**—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) **VIEWS AND ESTIMATES.**—In accordance with clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) **BUDGET ALLOCATIONS.**—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) **RECONCILIATION.**—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS

(a) **KEEPING OF RECORDS.**—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is taken.

(b) **PUBLIC INSPECTION.**—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against

such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) **PROPERTY OF THE HOUSE.**—All Committee records (including hearings, data, charts, and files) shall be kept separate and distinct from the congressional office records of the member serving as Chair of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) **AVAILABILITY OF ARCHIVED RECORDS.**—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chair shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) **AUTHORITY TO PRINT.**—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

RULE XV. COMMITTEE BUDGETS

(a) **BIENNIAL BUDGET.**—The Chair, in consultation with the chair of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) **ADDITIONAL EXPENSES.**—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) **TRAVEL REQUESTS.**—The Chair or any chair of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chair may execute necessary vouchers thereof.

(d) **MONTHLY REPORTS.**—Once monthly, the Chair shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XVI. COMMITTEE STAFF

(a) **APPOINTMENT BY CHAIR.**—The Chair shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chair, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) **APPOINTMENT BY RANKING MINORITY MEMBER.**—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee

who may delegate such authority as he or she determines appropriate.

(c) INTENTION REGARDING STAFF.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XVII. TRAVEL OF MEMBERS AND STAFF

(a) APPROVAL.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chair. Travel shall be authorized by the Chair for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chair in writing the following:

- (1) The purpose of the travel.
- (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.
- (3) The location of the event for which the travel is to be made.
- (4) The names of members and staff seeking authorization.

(b) SUBCOMMITTEE TRAVEL.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chair and the Chair. Such prior authorization shall be given by the Chair only upon the representation by the chair of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) TRAVEL OUTSIDE THE UNITED STATES.—
 (1) IN GENERAL.—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chair, or, in the case of a subcommittee from the subcommittee chair and the Chair. Before such authorization is given there shall be submitted to the Chair, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

- (A) The purpose of the travel.
- (B) The dates during which the travel will occur.
- (C) The names of the countries to be visited and the length of time to be spent in each.
- (D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.
- (E) The names of members and staff for whom authorization is sought.

(2) INITIATION OF REQUESTS.—Requests for travel outside the United States may be initiated by the Chair or the chair of a subcommittee (except that individuals may submit a request to the Chair for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(d) REPORTS BY MEMBERS AND STAFF.—Within 15 legislative days from the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each member and staff member involved in such travel shall submit a written report to the Chair covering the activities and other pertinent observations or information gained as a result of such travel.

(e) APPLICABILITY OF LAWS, RULES, POLICIES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committees on House Administration and Ethics pertaining to such travel, and by the travel policy of the Committee.

RULE XVIII. COMMITTEE PANELS

(a) DESIGNATION.—In accordance with clause 5(b)(2)(C) of Rule X of the Rules of the House, the Chair of the Committee, with the concurrence of the ranking minority member, may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) DURATION.—No panel designated under paragraph (a) shall continue in existence for more than six months after the date of the designation.

(c) PARTY RATIOS AND APPOINTMENT.—The ratio of majority members to minority members on a panel designated under paragraph (a) shall be as close as practicable to the ratio of the Full Committee. All majority members of the panels shall be appointed by the Chair of the Committee, and all minority members shall be appointed by the ranking minority member of the Committee. The Chair of the Committee shall choose one of the majority members so appointed to serve as Chair of the panel. The ranking minority member of the Committee shall similarly choose the ranking minority member of the panel.

(d) EX OFFICIO MEMBERS.—The Chair and ranking minority member of the Committee may serve as ex-officio members of a panel designated under paragraph (a). The Chair and ranking minority member are authorized to vote on matters that arise before the panel and shall be counted to satisfy the quorum requirement for any purpose.

(e) JURISDICTION.—No panel designated under paragraph (a) shall have legislative jurisdiction.

(f) APPLICABILITY OF COMMITTEE RULES.—A panel designated under paragraph (a) shall be subject to all Committee Rules herein.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES, ALLOCATIONS, AND OTHER BUDGETARY LEVELS FOR FISCAL YEAR 2020 RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON ENERGY AND COMMERCE

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON THE BUDGET,
 Washington, DC, February 28, 2020.

MADAM SPEAKER: Pursuant to the Congressional Budget Act of 1974 (CBA) and H. Res. 293 (116th Congress), I hereby submit for printing in the Congressional Record a revision to the aggregates and allocations set forth in the Statement of Aggregates, Allocations, and Other Budgetary Levels for Fiscal Year 2020 published in the Congressional Record on May 3, 2019, as adjusted.

This adjustment responds to House consideration of H.R. 2339, as amended, the “Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020.” This adjustment is allowable under section 1(d)(2) of H. Res. 293, as H.R. 2339, as amended, would not increase the deficit for either of the following time periods: fiscal years 2020–2024 or fiscal years 2020–2029. It shall apply while that legislation is under consideration and take effect upon the enactment of that legislation.

Accordingly, I am revising the aggregate spending level for fiscal year 2020 and the aggregate revenue level for fiscal years 2020–2029 and the allocation for the House Committee on Energy and Commerce for fiscal years 2020–2029. For purposes of enforcing titles III and IV of the CBA and other budgetary enforcement provisions, the revised aggregates and allocation are to be considered as aggregates and allocations included in the budget resolution, pursuant to the Statement published in the Congressional Record on May 3, 2019, as adjusted.

Questions may be directed to Jennifer Wheelock or Raquel Spencer of the Budget Committee staff.

JOHN YARMUTH.

TABLE 1.—REVISION TO ON-BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	2020	2020–2029
Current Aggregates:		
Budget Authority	3,806,162	n.a.
Outlays	3,722,823	n.a.
Revenues	2,740,533	34,847,515
Revision for the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020 (H.R. 2339):		
Budget Authority	—	n.a.
Outlays	—	n.a.
Revenues	—	4,785
Revised Aggregates:		
Budget Authority	3,806,162	n.a.
Outlays	3,722,823	n.a.
Revenues	2,740,533	34,852,300

n.a. = Not applicable because annual appropriations for fiscal years 2021 through 2029 will not be considered until future sessions of Congress.

TABLE 2.—REVISED ALLOCATION OF SPENDING AUTHORITY TO THE HOUSE COMMITTEE ON ENERGY AND COMMERCE

(On-budget amounts, in millions of dollars)

	2020	2020–2029
Current Allocation:		
BA	535,240	7,218,212
OT	513,381	7,153,891
Revision for H.R. 2339:		
BA	—	4,427
OT	—	4,427
Revised Allocation:		
BA	535,240	7,222,639
OT	513,381	7,158,318

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, March 2, 2020, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3936. A letter from the Administrator, Agricultural Marketing Service, Federal Grain Inspection Services, Department of Agriculture, transmitting the Department's final rule — Fees for Rice Inspection Services and Removal of Specific Fee References [Doc. No.: AMS-FGIS-18-0088] (RIN: 0581-AD85) received February 25, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3937. A letter from the Director, Regulations Management Team, Rural Development, Rural Utilities Service, Department of Agriculture, transmitting the Department's interim final rule — Rural Broadband Loans, Loan/Grant Combinations, and Loan Guarantees [Docket No.: RUS-19-Telecom-0003] (RIN: 0572-AC46) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3938. A letter from the FPAC-BC, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's interim rule — Regional Conservation Partnership Program [Docket ID: NRCS-2019-0012] (RIN: 0578-AA70) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3939. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — National Veterinary Accreditation Program [Docket No.: APHIS-2017-0065] (RIN: 0579-AE40) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3940. A letter from the General Counsel, Farm Credit Administration, transmitting the Administration's proposed rule — Amortization Limits (RIN: 3052-AC92) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3941. A letter from the General Counsel, Farm Credit Administration, transmitting the Administration's final rule — Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN: 3052-AD41) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

3942. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Paul A. Ostrowski, United States Army, and his advancement to the grade of lieutenant general on the retired list, pursuant to 10 U.S.C. 1370(c)(1); Public Law 96-513, Sec. 112 (as amended by Public Law 104-106, Sec. 502(b)); (110 Stat. 293); to the Committee on Armed Services.

3943. A letter from the Executive Secretary, National Labor Relations Board, transmitting the Board's Major final rule — Joint Employer Status Under the National Labor Relations Act (RIN: 3142-AA13) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

3944. A letter from the Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Miscellaneous Corrections, Clarifications, and Improvements (RIN: 1212-AB34) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

3945. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Twenty-ninth Report to Congress on Progress Made in Licensing and Constructing the Alaska Natural Gas Pipeline, pursuant to 42 U.S.C. 16523; Public Law 109-58, Sec. 1810; (119 Stat. 1126); to the Committee on Energy and Commerce.

3946. A letter from the Secretary, Department of Commerce, transmitting a report certifying that the export of the listed item to the People's Republic of China is not detrimental to the U.S. space launch industry, pursuant to 22 U.S.C. 2778 note; Public Law 105-261, Sec. 1512 (as amended by Public Law 105-277, Sec. 146); (112 Stat. 2174); to the Committee on Foreign Affairs.

3947. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 19-75, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3948. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department Commerce, transmitting the Department's final rule — Amendments to Country Groups for Russia and Yemen Under the Export Administration Regulations [Docket No.: 200204-0044] (RIN: 0694-AH93) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

3949. A letter from the Chief Counsel, Office of Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2019-0003; Internal Agency Docket No.: FEMA-8609] February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3950. A letter from the Acting Director, Federal Mediation and Conciliation Service, transmitting the Service's report titled, "Analysis of Entity's Systems, Controls and Legal Compliance" for FY 2019 under the Federal Managers' Financial Integrity Act of 1982; to the Committee on Oversight and Reform.

3951. A letter from the Acting Director, Office of Management and Budget, Executive Office of The President, transmitting the Office's 2017 Information Collection Budget of the United States Government; to the Committee on Oversight and Reform.

3952. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's FY 2019 No FEAR Act Report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Reform.

3953. A letter from the Office of the Inspector General, U.S. House of Representatives, transmitting the Office's Management Advisory Report — Contracting Officer's Representative (COR) Program Advisory (Report No.: 20-CAO-01); to the Committee on House Administration.

3954. A letter from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a report titled, "Tribal Crime Data Collection Activities, 2016", pursuant to 34 U.S.C. 10132(g); Public Law 90-351, Sec. 302(g) (as added by Public Law 111-211, Sec. 251(b)); (124 Stat. 2298); to the Committee on the Judiciary.

3955. A letter from the Solicitor General, Office of Solicitor General, Department of Justice, transmitting the Department's decision in "United States v. Rudolfo Gonzalez-Fierro, No. 18-2168 (10th Cir. 2020)", pursuant to 28 U.S.C. 530D(a)(1); Public Law 107-273, Sec. 202(a); (116 Stat. 1771); to the Committee on the Judiciary.

3956. A letter from the Principle Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Department's views on H.J. Res. 79 and S.J. Res. 6, the "Removing the Deadline for the Ratification of the Equal Rights Amendment"; to the Committee on the Judiciary.

3957. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Regulatory Amendments Implementing the Frank LoBiondo Coast Guard Authorization Act of 2018 [Docket No.: 19-06] (RIN: 3072-AC77) received February 25, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3958. A letter from the Deputy General Counsel, Office of General Counsel, Small Business Administration, transmitting the Administration's final rule — Streamlining and Modernizing Certified Development Company Program (504 Loan Program) Corporate Governance Requirements (RIN: 3245-AG97) received February 25, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Small Business.

3959. A letter from the Deputy General Counsel, Office of General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business HUBZone Program and Government Contracting Programs (RIN: 3245-AG38) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Small Business.

3960. A letter from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a report to Congress concerning emigration laws and policies of Azerbaijan, Kazakhstan, Tajikistan, and Uzbekistan, as required by the Jackson-Vanik Amendment, pursuant to 19 U.S.C. 2432(b); Public Law 93-618, Sec. 402(b); (88 Stat. 2056) and 19 U.S.C. 2439(b); Public Law 93-618, Sec. 409(b); (88 Stat. 2064); to the Committee on Ways and Means.

3961. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Revenue procedure for farmers changing election out of 236A from 236A(d)(3) to 263(i) (Revenue Procedure 2020-13) received February 25, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3962. A letter from the Director, Office of Regulations, Office of Legislation and Congressional Affairs, Social Security Administration, transmitting the Administration's Major final rule — Removing Inability to Communicate in English as an Education Category [Docket No.: SSA-2017-0046] (RIN: 0960-AH86) received February 26, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3963. A letter from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting draft proposed legislation, titled, "National Defense Authorization Act for Fiscal Year 2021" requested to be enacted during the second session of the 116th Congress; jointly to the Committees on Armed Services, Financial Services, Transportation and Infrastructure, Oversight and Reform, House Administration, Foreign Affairs, and Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOST (for himself and Miss RICE of New York):

H.R. 6013. A bill to amend title 38, United States Code, to modernize service-disabled veterans insurance; to the Committee on Veterans' Affairs.

By Mr. TIPTON (for himself and Mr. DAVID SCOTT of Georgia):

H.R. 6014. A bill to require the Secretary of the Treasury to support fairness for Taiwanese nationals regarding employment at the international financial institutions; to the Committee on Financial Services.

By Mr. STEIL (for himself, Mr. HILL of Arkansas, Mr. ZELDIN, Mr. GOODEN, Mr. RIGGLEMAN, and Mr. TIMMONS):

H.R. 6015. A bill to authorize the Secretary of the Treasury to require special measures for domestic financial institutions in connection with INSTEX, and for other purposes; to the Committee on Financial Services.

By Mrs. LESKO (for herself, Mr. BIGGS, Mr. GOSAR, Mr. STANTON, Mr. O'HALLERAN, Mr. GRIJALVA, Mrs. KIRKPATRICK, Mr. GALLEGO, and Mr. SCHWEIKERT):

H.R. 6016. A bill to designate the facility of the United States Postal Service located at 14955 West Bell Road in Surprise, Arizona, as the "Marc Lee Memorial Post Office Building"; to the Committee on Oversight and Reform.

By Mr. JOHNSON of Georgia (for himself, Mr. QUIGLEY, and Mr. NADLER):

H.R. 6017. A bill to amend title 28, United States Code, to provide for the establishment of a code of conduct for the justices of the Supreme Court, and for other purposes; to the Committee on the Judiciary.

By Mr. CORREA:

H.R. 6018. A bill to authorize the Secretary of Veterans Affairs to collect overpayments of specially adapted housing assistance; to the Committee on Veterans' Affairs.

By Mr. JEFFRIES (for himself, Mr. KING of New York, Mr. CÁRDENAS, and Ms. HERRERA BEUTLER):

H.R. 6019. A bill to expand the tropical disease product priority review voucher program to encourage treatments for coronavirus; to the Committee on Energy and Commerce.

By Mrs. TRAHAN (for herself, Mr. COURTNEY, Mr. KELLER, Mr. KELLY of Pennsylvania, Mr. MCKINLEY, Mr. BARR, Ms. BONAMICI, Mr. CLINE, Mr. COSTA, Ms. FINKENAUER, Mr. DAVID P. ROE of Tennessee, Mr. ROSE of New York, Mr. RYAN, Mr. SCHRADER, Mr. SIMPSON, Ms. SLOTKIN, Mr. TRONE, Ms. UNDERWOOD, Mr. WELCH, and Ms. HAALAND):

H.R. 6020. A bill to require an evaluation by the Government Accountability Office of the social, economic, and historic contributions that Minor League Baseball has made to American life and culture; to the Committee on Oversight and Reform.

By Mr. SABLAN (for himself and Mrs. RADEWAGEN):

H.R. 6021. A bill to amend the Small Business Act to ensure that the Commonwealth of the Northern Mariana Islands is eligible for certain Small Business Administration programs, and for other purposes; to the Committee on Small Business.

By Mr. BROWN of Maryland (for himself and Mr. KIM):

H.R. 6022. A bill to award a Congressional Gold Medal collectively to the Buffalo Soldier regiments, authorized by Congress in 1866 to serve in the United States Armed Forces, in recognition of their superior, dedicated, and vital service to our Nation; to the Committee on Financial Services, and in addition to the Committees on House Administration, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWNLEY of California (for herself and Ms. PINGREE):

H.R. 6023. A bill to amend the Food Security Act of 1985 to require the designation of composting as a conservation practice and conservation activity, and for other purposes; to the Committee on Agriculture.

By Mr. CARTWRIGHT (for himself, Ms. STEFANIK, Mr. MORELLE, Ms. SPEIER, Mr. HILL of Arkansas, and Mr. MCGOVERN):

H.R. 6024. A bill to establish a pilot program for native plant species, and for other purposes. establish a pilot program for native plant species, and for other purposes; to the Committee on Natural Resources.

By Ms. CLARK of Massachusetts:

H.R. 6025. A bill to improve the health and academic achievement of students in highly polluted environments, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be sub-

sequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself and Mr. THOMPSON of Mississippi):

H.R. 6026. A bill to prohibit the destruction of civil rights memorials, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLEGO (for himself, Mr. DESAULNIER, Mr. THOMPSON of California, and Ms. JACKSON LEE):

H.R. 6027. A bill to amend title 10, United States Code, to eliminate the recoupment of separation pay, special separation benefits, and voluntary separation incentive payments from members of the Armed Forces who subsequently receive disability compensation under laws administered by the Department of Veterans Affairs and to impose limitations on the authority of the Secretary of Defense to recoup such pay from members who subsequently receive military retired or retainer pay; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOMEZ (for himself, Ms. SÁNCHEZ, and Ms. JUDY CHU of California):

H.R. 6028. A bill to amend title XVI of the Social Security Act to exclude certain relocation assistance from income and resources, and for other purposes; to the Committee on Ways and Means.

By Mr. KELLY of Mississippi:

H.R. 6029. A bill to designate the facility of the United States Postal Service located at 215 1st Avenue in Amory, Mississippi, as the "Command Sergeant Major Lawrence E. 'Rabbit' Kennedy Post Office Building"; to the Committee on Oversight and Reform.

By Mr. KELLY of Mississippi:

H.R. 6030. A bill to amend title 5, United States Code, to allow spouses of uniformed service members to make contributions towards such member's Thrift Savings Fund account, and for other purposes; to the Committee on Oversight and Reform.

By Ms. KUSTER of New Hampshire (for herself and Mr. STAUBER):

H.R. 6031. A bill to require eligible institutions under title IV of the Higher Education Act of 1965 to designate a Clery Compliance Officer to ensure compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; to the Committee on Education and Labor.

By Mr. LANGEVIN (for himself and Mr. THOMPSON of Pennsylvania):

H.R. 6032. A bill to direct the Secretary of Transportation to designate certain consortia as Community and Technical College Centers of Excellence in Transportation Workforce Training, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LAWRENCE (for herself, Mr. NEGUSE, Mr. DEFAZIO, Ms. TLAIB, Mr. KHANNA, and Mr. THOMPSON of Mississippi):

H.R. 6033. A bill to amend the Higher Education Act of 1965 to increase the period of eligibility for Federal Pell Grants, and for other purposes; to the Committee on Education and Labor.

By Ms. MCCOLLUM (for herself, Mr. PHILLIPS, Mr. KIND, Mr. COSTA, Ms. MOORE, Mr. LOWENTHAL, Ms. SCANLON, Mr. LEVIN of Michigan, Ms. JACKSON LEE, Mr. POCAN, and Ms. LOFGREN):

H.R. 6034. A bill to defer the removal of individuals to the Lao People's Democratic Republic for a 72-month period, and for other

purposes; to the Committee on the Judiciary.

By Mr. PETERSON (for himself and Mr. BISHOP of Utah):

H.R. 6035. A bill to require the Secretary of the Interior to issue a final rule relating to the delisting of the gray wolf under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. DAVID P. ROE of Tennessee:

H.R. 6036. A bill to amend title 38, United States Code, to provide for family and medical leave for certain Department of Veterans Affairs employees, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SARBANES (for himself, Mr. NADLER, Mr. JOHNSON of Georgia, Ms. BASS, Ms. SCANLON, and Mr. KENNEDY):

H.R. 6037. A bill to amend title 28, United States Code, with regard to counsel for persons proceeding in forma pauperis; to the Committee on the Judiciary.

By Mr. SMITH of Washington (for himself, Mr. KHANNA, Ms. JAYAPAL, Mr. GOMEZ, Ms. NORTON, Mr. ROUDA, Mr. RUPPERSBERGER, Mrs. TORRES of California, Mr. KENNEDY, Ms. MENG, Ms. TLAB, Mr. BEYER, Mr. CASE, and Ms. SCHAKOWSKY):

H.R. 6038. A bill to require the Federal Aviation Administration to provide funding for noise mitigation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California:

H.R. 6039. A bill to require the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. VELÁZQUEZ (for herself, Ms. JUDY CHU of California, and Ms. MENG):

H.R. 6040. A bill to amend the Small Business Act to ensure small businesses affected by the onset of communicable diseases are eligible for disaster relief; to the Committee on Small Business.

By Mr. WRIGHT (for himself and Mr. VELA):

H.R. 6041. A bill to allow expenses in connection with the performance of services as a member of a reserve component or State defense forces to be taken into account as a miscellaneous itemized deduction; to the Committee on Ways and Means.

By Ms. BLUNT ROCHESTER:

H. Con. Res. 93. Concurrent resolution honoring the life and work of Louis Lorenzo Redding, whose lifelong dedication to civil rights and service stand as an example of leadership for all people; to the Committee on Oversight and Reform.

By Mr. WALTZ (for himself, Mrs. DEMINGS, Mr. HASTINGS, Mr. DIAZ-BALART, Mrs. MURPHY of Florida, Mr. DEUTCH, Mr. SOTO, Ms. CASTOR of Florida, Mr. LAWSON of Florida, Mr. MAST, Mr. POSEY, Ms. SHALALA, Mr. SPANO, Mr. RUTHERFORD, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, Mr. BILIRAKIS, Ms. MUCARSEL-POWELL, Mr. CRIST, and Ms. FRANKEL):

H. Con. Res. 94. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to present the statue of Mary McLeod Bethune from the people of Florida for placement in National Statuary Hall; to the Committee on House Administration.

By Mr. MCNERNEY (for himself and Mr. PALAZZO):

H. Res. 876. A resolution expressing support for the designation of February 28, as

“Desert Storm Veterans Day”; to the Committee on Veterans' Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BOST:

H.R. 6013.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.

By Mr. TIPTON:

H.R. 6014.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: “To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;”

By Mr. STEIL:

H.R. 6015.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution, “To regulate commerce with foreign nations, and among the several states, and with the Indian tribes”

By Mrs. LESKO:

H.R. 6016.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 7 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. JOHNSON of Georgia:

H.R. 6017.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8

By Mr. CORREA:

H.R. 6018.

Congress has the power to enact this legislation pursuant to the following:

(1) The U.S. Constitution including Article 1, Section 8.

By Mr. JEFFRIES:

H.R. 6019.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. TRAHAN:

H.R. 6020.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SABLAN:

H.R. 6021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

“The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .”

By Mr. BROWN of Maryland:

H.R. 6022.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Clause (Art. 1, Sec. 8, Cl. 18)

By Ms. BROWNLEY of California:

H.R. 6023.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CARTWRIGHT:

H.R. 6024.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (relating to the power of Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.)

By Ms. CLARK of Massachusetts:

H.R. 6025.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14

By Mr. COHEN:

H.R. 6026.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GALLEGGO:

H.R. 6027.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. GOMEZ:

H.R. 6028.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

By Mr. KELLY of Mississippi:

H.R. 6029.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 7 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. KELLY of Mississippi:

H.R. 6030.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8, clause 14 providing Congress with the power to make rules for the government and regulation of the land and naval forces.

By Ms. KUSTER of New Hampshire:

H.R. 6031.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: That Congress has the Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LANGEVIN:

H.R. 6032.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mrs. LAWRENCE:

H.R. 6033.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8, Clause 1 of the Constitution of the United States.

By Ms. MCCOLLUM:

H.R. 6034.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. PETERSON:

H.R. 6035.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DAVID P. ROE of Tennessee:

H.R. 6036.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, which states “[t]he Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States”

By Mr. SARBANES:

H.R. 6037.

Congress has the power to enact this legislation pursuant to the following:

Article I Section VIII

By Mr. SMITH of Washington:

H.R. 6038.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3—“To regulate Commerce with foreign Nations, and among the several States, and within the Indian Tribes.”

Article 1 Section 8 Clause 18—“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

By Mr. THOMPSON of California:

H.R. 6039.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Ms. VELÁZQUEZ:

H.R. 6040.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power *** To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. WRIGHT:

H.R. 6041.

Congress has the power to enact this legislation pursuant to the following:

clause 1 of section 8 of article 1 of the Consitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 208: Mr. VARGAS and Mr. GONZALEZ of Texas.

H.R. 216: Mr. GIANFORTE.

H.R. 516: Mr. RIGGLEMAN.

H.R. 587: Mr. WATKINS and Mr. JOHN W. ROSE of Tennessee.

H.R. 660: Mr. GRIJALVA.

H.R. 741: Mrs. WAGNER.

H.R. 838: Ms. DELBENE.

H.R. 884: Mrs. BEATTY.

H.R. 1043: Mr. ARRINGTON and Mr. WATKINS.

H.R. 1126: Mr. LUCAS.

H.R. 1156: Mr. SMUCKER and Mr. COMER.

H.R. 1227: Mr. ARRINGTON.

H.R. 1516: Ms. PRESSLEY.

H.R. 1527: Mr. LUCAS.

H.R. 1579: Mr. COMER.

H.R. 1694: Mrs. NAPOLITANO.

H.R. 1713: Mrs. RODGERS of Washington.

H.R. 1762: Mr. HAGEDORN.

H.R. 1766: Mr. BALDERSON, Mr. GIBBS, Ms. SHALALA, Mr. GOMEZ, Ms. SCHRIER, Mr. PAPPAS, Mr. LEVIN of Michigan, and Ms. JOHNSON of Texas.

H.R. 1784: Mr. TRONE.

H.R. 1869: Mr. STEUBE.

H.R. 1873: Mr. HAGEDORN.

H.R. 1956: Mr. CARBAJAL and Mrs. ROBY.

H.R. 2000: Ms. HOULAHAN.

H.R. 2117: Mr. AMODEI, Mr. JOHNSON of South Dakota, and Mr. JOHNSON of Ohio.

H.R. 2148: Mr. SUOZZI.

H.R. 2166: Mr. DESAULNIER.

H.R. 2168: Mr. TRONE.

H.R. 2207: Mrs. LURIA.

H.R. 2214: Mr. SCHRADER and Mr. COSTA.

H.R. 2235: Mr. LAMB and Ms. KELLY of Illinois.

H.R. 2305: Mr. PAPPAS.

H.R. 2350: Mr. ZELDIN.

H.R. 2491: Mr. SCOTT of Virginia.

H.R. 2577: Mr. DEFAZIO.

H.R. 2680: Mr. HECK.

H.R. 2694: Mr. FORTENBERRY, Mr. BISHOP of Georgia, Mr. VAN DREW, Mr. DIAZ-BALART, Mr. O'HALLERAN, and Mr. SCHNEIDER.

H.R. 2731: Mr. KATKO and Mr. NEGUSE.

H.R. 2772: Mr. STEUBE.

H.R. 2791: Mr. JOYCE of Ohio.

H.R. 2802: Mr. STANTON and Mr. SUOZZI.

H.R. 2815: Ms. SPANBERGER, Ms. SEWELL of Alabama, Mr. BRINDISI, and Mrs. AXNE.

H.R. 2896: Mr. LUJÁN.

H.R. 2897: Mr. TRONE and Mr. YARMUTH.

H.R. 2912: Mr. CARSON of Indiana, Mrs. BUSTOS, and Mr. LAMB.

H.R. 2931: Mr. DESAULNIER.

H.R. 2999: Mrs. TORRES of California and Mr. COOK.

H.R. 3000: Mr. BUCHANAN.

H.R. 3107: Mr. WALBERG.

H.R. 3114: Mr. BEYER, Mr. BRENDAN F. BOYLE of Pennsylvania, Mrs. BUSTOS, Mr. CLEAVER, Ms. DEAN, Mr. KRISHNAMOORTHY, Mr. NEGUSE, Mr. PAYNE, Mr. ROSE of New York, and Mr. VARGAS.

H.R. 3121: Mr. TURNER.

H.R. 3197: Mr. HECK and Mrs. HAYES.

H.R. 3219: Mr. ROUDA, Ms. WASSERMAN SCHULTZ, Mr. KEATING, Ms. KAPTUR, and Mr. MICHAEL F. DOYLE of Pennsylvania.

H.R. 3250: Mr. KRISHNAMOORTHY.

H.R. 3266: Ms. SPANBERGER.

H.R. 3306: Mr. NEWHOUSE and Mr. GALLAGHER.

H.R. 3332: Mr. KENNEDY.

H.R. 3366: Ms. JAYAPAL.

H.R. 3582: Mr. DEFAZIO.

H.R. 3663: Ms. DELAURO.

H.R. 3816: Mr. BANKS.

H.R. 3878: Ms. STEFANK.

H.R. 3880: Mr. CASE.

H.R. 3910: Mr. SOTO, Ms. BARRAGÁN, and Mr. KHANNA.

H.R. 3957: Ms. WATERS and Ms. VELÁZQUEZ.

H.R. 3971: Mr. TIPTON.

H.R. 4165: Mr. CASE.

H.R. 4280: Mr. KENNEDY.

H.R. 4291: Ms. KUSTER of New Hampshire.

H.R. 4438: Mr. TED LIEU of California.

H.R. 4540: Ms. BONAMICI, Mr. JEFFRIES, Mr. LAMB, and Ms. BLUNT ROCHESTER.

H.R. 4549: Mr. PENCE.

H.R. 4697: Mr. SCHIFF, Ms. BARRAGÁN, Ms. BLUNT ROCHESTER, Mr. CARBAJAL, Ms. BASS, Ms. CASTOR of Florida, Mr. KENNEDY, and Mr. HARDER of California.

H.R. 4705: Ms. JACKSON LEE.

H.R. 4762: Mr. GONZALEZ of Ohio.

H.R. 4764: Mr. GRIJALVA.

H.R. 4800: Mr. NORMAN.

H.R. 4804: Mr. PETERS.

H.R. 4807: Mr. CLINE.

H.R. 4906: Ms. KUSTER of New Hampshire, Mr. SEAN PATRICK MALONEY of New York, Mr. BISHOP of Georgia, Ms. WATERS, Ms. WASSERMAN SCHULTZ, Mr. ROSE of New York, Mr. PRICE of North Carolina, and Mrs. DINGELL.

H.R. 4945: Ms. DEAN and Mr. RUTHERFORD.

H.R. 5004: Mrs. HAYES.

H.R. 5036: Mrs. BEATTY.

H.R. 5075: Mrs. MCBATH.

H.R. 5170: Mr. UPTON.

H.R. 5175: Mr. COLE.

H.R. 5187: Mr. SHERMAN, Ms. LEE of California, Mr. GONZALEZ of Texas, Mr. ENGEL, Mr. PANETTA, Mrs. HAYES, Mr. GRIJALVA, Mr. THOMPSON of Mississippi, Mr. DEFAZIO, Ms. CLARKE of New York, Ms. ESHOO, Mr. GREEN of Texas, Mr. TED LIEU of California, Mr. BLUMENAUER, Ms. JAYAPAL, Mr. CASE, Ms. ADAMS, Ms. SPEIER, Mr. POCAN, Ms. VELÁZQUEZ, Mr. CLEAVER, Mr. GARCÍA of Illinois, Ms. MOORE, Ms. MATSUI, Mr. MCNERNEY, Ms. LOFGREN, Ms. GABBARD, Mr. EVANS, Mr. THOMPSON of California, Mr. DESAULNIER, and Mr. COURTNEY.

H.R. 5210: Ms. PRESSLEY.

H.R. 5221: Miss RICE of New York and Mr. PASCRELL.

H.R. 5312: Mr. NEGUSE, Mr. KILDEE, and Mrs. MILLER.

H.R. 5385: Mr. BACON, Mr. CLEAVER, Mr. CLAY, Ms. NORTON, and Mr. RYAN.

H.R. 5390: Ms. LOFGREN.

H.R. 5458: Mr. LAMBORN.

H.R. 5459: Mr. LAMBORN.

H.R. 5480: Mr. GREEN of Tennessee.

H.R. 5481: Mr. COLE.

H.R. 5485: Mr. DAVID P. ROE of Tennessee.

H.R. 5493: Mr. TIMMONS, Mrs. RODGERS of Washington, Mr. CARTER of Georgia, Mr. JOHNSON of Louisiana, and Mr. STEWART.

H.R. 5519: Mr. CURTIS.

H.R. 5534: Mr. CURTIS and Mr. NEGUSE.

H.R. 5535: Mr. MALINOWSKI.

H.R. 5587: Mr. BLUMENAUER.

H.R. 5598: Mr. KILMER.

H.R. 5602: Mr. PAYNE, Mrs. BUSTOS, Mr. SOTO, and Mr. PETERS.

H.R. 5605: Mrs. RODGERS of Washington and Ms. SLOTKIN.

H.R. 5610: Mr. DEFAZIO, Mr. HASTINGS, and Mr. PHILLIPS.

H.R. 5628: Mr. STEUBE.

H.R. 5630: Ms. NORTON.

H.R. 5674: Mr. CRIST.

H.R. 5697: Mrs. LURIA.

H.R. 5737: Mr. POCAN.

H.R. 5751: Ms. JACKSON LEE.

H.R. 5752: Mr. GARAMENDI.

H.R. 5755: Mrs. AXNE.

H.R. 5827: Mr. RODNEY DAVIS of Illinois and Mr. WRIGHT.

H.R. 5829: Mr. MAST and Mr. STEUBE.

H.R. 5845: Mr. BLUMENAUER.

H.R. 5848: Mr. CLAY.

H.R. 5862: Mrs. MILLER and Mr. GOODEN.

H.R. 5875: Mr. WATKINS and Mr. GOHMERT.

H.R. 5884: Ms. SCANLON.

H.R. 5902: Mr. BLUMENAUER.

H.R. 5920: Ms. SPEIER and Mrs. DAVIS of California.

H.R. 5932: Mr. CLEAVER.

H.R. 5935: Mr. WEBER of Texas, Mr. GOHMERT, and Mr. STEUBE.

H.R. 5955: Ms. OCASIO-CORTEZ and Ms. JACKSON LEE.

H.R. 5993: Mr. STIVERS, Mr. KATKO, and Mr. AMODEI.

H. Con. Res. 85: Ms. CASTOR of Florida.

H. Res. 96: Mr. LAMB.

H. Res. 134: Mr. GONZALEZ of Ohio.

H. Res. 230: Mr. NEGUSE.

H. Res. 374: Mr. ARMSTRONG, Mr. KATKO, Mrs. FLETCHER, Mrs. AXNE, Mr. JOHN W. ROSE of Tennessee, and Mr. VEASEY.

H. Res. 395: Mr. CHABOT, Mr. RASKIN, and Mrs. AXNE.

H. Res. 840: Mr. HASTINGS.

H. Res. 850: Ms. JACKSON LEE, Mr. GRIJALVA, Ms. OMAR, and Mr. HECK.

H. Res. 851: Ms. JACKSON LEE and Ms. MOORE.

H. Res. 862: Ms. KUSTER of New Hampshire, Mr. MAST, and Ms. Craig.

H. Res. 864: Mr. SMITH of Nebraska and Mr. FULCHER.

H. Res. 868: Mr. MOONEY of West Virginia.