

last decade has nearly doubled. Meanwhile, these countries have continued to flex their military power outside the borders of their countries, underscoring the need for other nations to be prepared to deter their aggressions. Of course, while we may be in a new era of great power competition, we still face threats from rogue states and terrorist organizations. We need to be prepared to meet multiple threats on multiple fronts if we want to ensure the security of our Nation.

Later today, the leader is planning to have the Senate vote to begin debate on a package of appropriations bills, including this year's Defense appropriations bill. Less than 2 months ago, the Democrats in both the House and the Senate agreed on an increased funding level for our military, which is reflected in the Defense appropriations bill.

The Defense appropriations measure funds current military priorities and invests in the research our men and women in uniform need to be prepared for the future. It also provides for a 3.1-percent pay increase for our military, which is the largest pay increase in a decade. So it would be very disappointing if the Democrats chose now to play politics and put their personal political agenda over the security of our country and the welfare of our men and women in uniform.

The military needs to be funded through regular order appropriations bills, not through temporary funding measures that leave the military in doubt about funding levels and unable to start essential new projects. So I hope that our Democratic colleagues will honor the commitment they just made and will work with the Republicans to pass the Defense appropriations package before the end of the fiscal year.

Likewise, I hope the Senate Democrats will resist the temptation to play politics over this year's national defense authorization bill and will work with us to initiate a conference with the House to resolve our differences. Our colleagues have the opportunity to take both of these important steps this week.

RECOGNIZING THE U.S. AIR FORCE AND SOUTH DAKOTA AIR NATIONAL GUARD

Mr. President, before I close, I wish a happy 72nd birthday today to the U.S. Air Force, most especially to the airmen of Ellsworth Air Force Base in South Dakota.

I also wish a happy birthday to the South Dakota Air National Guard, which celebrates the 73rd anniversary of its establishment on Friday.

The Guard's 114th Fighter Wing recently had a change of command. Col. Mark Morrell assumed command from Col. Nathan Alholinna on September 7.

I wish the Fighting Lobos continued success under its new leadership, and I wish Colonel Alholinna the best and thank him for his many years of service.

While investing in equipment and technology that are essential to our

Nation's defense, as always, our greatest strength is found in the men and women of the U.S. military. It is, first and foremost, because of their dedication and sacrifice that all of us live in freedom.

I hope the men and women of Ellsworth Air Force Base and the South Dakota Air National Guard enjoy their celebrations this week. They are well deserved.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

E-CIGARETTES

Mr. DURBIN. Mr. President, it started sounding too familiar to me. For a long time on Capitol Hill, I have been involved in public policy debates about Big Tobacco, about nicotine and cigarettes, and about the public health consequences of smoking. It is a personal issue, of course, for me and for so many of us.

Our families have been touched by tobacco-related disease and death. I lost my father to lung cancer. He was 53 years old. He smoked two packs of Camels a day. I stood by his bedside when I was just a high school student and saw what tobacco could do.

When I was elected to Congress, I decided to try to take on Big Tobacco. It was not an easy task. Those in Big Tobacco had very many friends in high places, and they made it clear in both political parties in the House of Representatives that tobacco was untouchable.

I offered an amendment, quite a few years ago now, to ban smoking on airplanes. It was really because of my irritation and strong feelings that the people who were on the plane who were nonsmokers shouldn't have to breathe in secondhand smoke. To my surprise, we passed it in the House by a handful of votes even though the leadership of both political parties opposed it. Then it came over here, and Senator Frank Lautenberg, of New Jersey, passed it as well. It became the law of the land.

Neither Frank nor I could have predicted what would happen next, but as the American people noticed that secondhand smoke was taken off of airplanes, they started asking a lot of these questions about why you wouldn't take it off of trains and buses and out of offices, hospitals, restaurants, and on and on. The net result was that of a change across America when it came to standards for smoking and tobacco cigarettes.

Then I enlisted a group that was showing extraordinary leadership in Washington. It was called the Campaign for Tobacco-Free Kids. Matt Myers, the director, still works for that organization. We went to the

heart of the issue, and that was the fact that Big Tobacco was doing its best to make teenagers its customers. It had to. It was losing too many of its best customers because they were dying from Big Tobacco's product.

It tried to addict children, and it was successful with ad campaigns. The Joe Camel ads, the Marlboro cowboy, and all sorts of cartoon figures were really appealing to children. It worked. It was able to replenish its smokers with kids who started smoking at earlier and earlier ages.

We went after them. Eventually, there was a national lawsuit against the tobacco companies. We changed the standards for selling tobacco in America. We made it much more difficult for kids to get their hands on cigarettes, and, over time, we reduced the percentage of kids who were using these tobacco products.

The tobacco companies faced a dilemma. They were losing their best customers—the kids. What were they going to do to maintain their profits?

Several years ago, it became pretty obvious that they had found an alternative product called e-cigarettes and vaping. What was good about this was they could make health claims about e-cigarettes and vaping. They could argue that since you were taking tobacco out of the equation, merely sucking in some form of nicotine vapor was preferable from a health perspective. Yet, when it came right down to it, there was no proof of that whatsoever.

JUUL is the biggest e-cigarette/e-vapor device maker in America. Its full-paged ads in newspaper after newspaper have made these health claims that, in fact, e-vaping is a healthy alternative to tobacco cigarettes. Yet there is no proof—none.

Then something else started happening. We started noticing that all across America, kids—the same kids who once used to be the targets of Big Tobacco—were now the targets of Big Vaping. Vaping targets kids. The numbers tell the story. As of 2 years ago, 11 percent of high school students in America were vaping. A year later, there were 20 percent, and there are 27 percent today. More than one out of four high school students is using e-cigarettes and vaping today. Even worse, 10 percent of middle school students—10-, 11-, and 12-year-olds—are vaping.

The numbers are growing, and you wonder why. The people in the vaping industry know how to target kids. They target them with flavors that are designed just for kids—Razzleberry, Gummy Bears, Bubble Gum, Unicorn Milk. How many 50-year-old chain smokers can't wait to get Unicorn Milk flavoring for their vaping devices? It is all about kids. The vaping industry, despite all of its public denials, has targeted these kids and has, effectively, recruited our children to be the next generation of vaporers for life.

How much nicotine is in that little vaping device, the one that looks like

it is a flash drive for your computer? There is an equivalent amount of nicotine in vaping as in a total pack of cigarettes. You get 20 cigarettes in one hit on a vaping device. Nicotine is a very addictive chemical. I know from my family experience, and we all know, from those who try for long, long times to quit using tobacco cigarettes, that the nicotine draws them back time and again.

This addiction was underway, and I started writing letters, which Senators do. I protested to the Food and Drug Administration, to the Surgeon General, and to anyone else who would listen that this vaping epidemic was dangerous—dangerous for our kids and dangerous for our future. It took the longest time to get their attention. In fact, with those in this new Trump administration, they initially postponed any action against vaping until the year 2022, which would be beyond the President's first term.

Well, I went to Dr. Gottlieb, who then was head of the FDA, and said: You can't wait 4 years. You have to do something right now about vaping.

He resisted for a while, but then he came around. He held a press conference, and do you know what he called this vaping situation? An epidemic. The head of the Food and Drug Administration, a medical doctor, Dr. Gottlieb, called it an epidemic.

So then he left for family reasons, and he had a successor, Dr. Ned Sharpless, Acting Commissioner of the Food and Drug Administration. I appealed to him, saying: Do something. You have the power right now to take all of these children's flavors off of the market for vaping. You could do it today.

Secondly, you could ban most of the vaping devices, which have never been approved by the government. He didn't want to do it. He dragged his feet. It went on for months.

I will have to say, in all candor and honesty, last week there was a breakthrough. Last week, the Trump administration addressed this issue directly.

Last Monday, the Food and Drug Administration said to JUUL, the major manufacturer: Stop making health claims you can't prove. Stop telling people your product is a healthy alternative to tobacco cigarettes. There are no clinical trials. There is no proof, no credible medical study you can point to, to make that claim, so stop saying it.

Then, just a couple days later, they went even further, banning the use of these flavors that have enticed children into vaping and e-cigarettes. They have announced that probably within 30 days, as their estimate, these are all going to have to come off the market, and in May of next year, the companies that make them can apply to bring them back on the market if they can prove they are good for public health.

Well, Senator LISA MURKOWSKI of Alaska, a Republican, and I have had a bill for several months now on this

issue. I thank her for her bipartisan cooperation in this effort. It is great to have her by my side. She is a terrific ally.

She and I believe none of these flavors should come back on the market until it is proven they are not dangerous to children and that they in fact do help adults stop smoking and can show positive results. I think that is a hard measure, a hard standard for them to meet, and it should be because the alternative is unacceptable—more children addicted to e-cigarettes and vaping.

There may be a place for e-cigarettes at some point in the future. I am not sure where it will be, but as long as they are endangering our children with their products and their flavors, I am going to continue to fight their efforts.

I want to say something else. Even in the midst of my battles against Big Tobacco, I still remember what my dad went through when he tried to stop smoking—dying of lung cancer, trying to stop smoking. It was so hard and painful, and I watched him as a young boy and saw the struggle he went through.

I have always said we have to show some caring and compassion for the people who were once tobacco users and want to quit, and today we have to show the same level of caring when it comes to all of these high school students—5 million American high school students—who are vaping and using e-cigarettes and should quit. We need to give them a path, a recommendation.

I wrote to the Surgeon General last week and asked him to come up with a plan, an educational approach, to allow these young people to get off this nicotine addiction before it is too late.

What has happened in the past, sadly, is that many of the high schoolers who were using e-cigarettes didn't quit completely from anything; they moved to tobacco cigarettes with the nicotine they were seeking in a different form.

So that is the challenge we face. After years of inaction and a lot of telephone calls and letters and meetings, the Food and Drug Administration has done the right thing. I hope by the end of this year, these flavors will be off the shelf, and I hope the Food and Drug Administration truly enforces what they announced last week.

It has been 10 years since Congress gave the Food and Drug Administration the legal authority to regulate all tobacco products, including e-cigarettes. There is no doubt about their legal authority.

Last year, 4 million children under the age of 18 were vaping in America. As I mentioned, today the number is 5 million.

Over the last 2 years, we have seen a 135-percent increase in America's children using e-cigarettes.

Ask any public health official what this means. If we didn't do something, the numbers would continue to grow unchecked. Schools are taking doors off of toilet stalls so kids can't sneak

in and use e-cigarettes and vape between classes. Some kids are bold enough to try to do it in class.

We have now linked e-cigarettes and vaping to over 380 cases of confirmed and severe respiratory illness nationwide. As of last night, in California, the seventh young person has died from vaping.

We have 52 confirmed cases and 1 reported death in Illinois, but I can tell you that on Monday morning, one of my friends, a doctor in Chicago, told me in private that he had visited a major hospital, and three young people who had been vaping were hanging on by a thread to life. Kids as young as 15 have been hospitalized.

There is no specific device or substance that has been linked to all of these cases, but the one common denominator is e-cigarettes.

This nicotine addiction and what it leads to—especially JUUL's devices, which are extraordinarily popular, with the highest levels of nicotine we have seen in products legally sold in America.

Nicotine is both toxic and highly addictive. It raises blood pressure, spikes adrenaline, and increases the risk of heart disease. It can have short- and long-term negative health impacts on the developing brain, particularly, including increased risk of addiction, mood disorder, and permanent lowering of impulse control.

Kids who use e-cigarettes are three times more likely than their peers to transition to traditional tobacco cigarettes, and they, of course, kill almost half a million Americans a year.

So that is our problem. That is our challenge.

I would add, too, that it is time for us to start taxing this product. For years, I have been sounding the alarm that the vaping industry is following Big Tobacco's playbook when it comes to appealing to our children.

I have learned over the years, in all my battles against Big Tobacco, that the single most effective tool to prevent children from starting the use of tobacco cigarettes is to price it out of their range.

That is why we passed cigarette taxes years ago—and many States and localities followed suit—and why later this week I will be introducing the Tobacco Tax Equity Act. This legislation will establish the first Federal e-cigarette tax. It will close loopholes exploited by Big Tobacco to avoid the taxes, and it will double the Federal Government tax rate and peg it to inflation so it remains an effective public health tool in the future.

Studies have shown that even a 10-percent tax lowers tobacco use by as much as 5 percent. The Surgeon General and World Health Organization have called it the most effective way to reduce tobacco use. I think the same will be true for e-cigarettes.

The FDA's flavor ban announcement was an important first step. Now we need to make sure the ban is implemented quickly and that it is enforced strictly.

We need the FDA to better regulate e-cigarette devices, many of which are easily tampered with and being used in conjunction with adulterated and counterfeit products.

We need the Surgeon General to come up with a plan to help the millions of kids who are now addicted, and we need to start taxing e-cigarette companies who have created today's youth vaping epidemic.

A movie we have seen before of Big Tobacco exploiting kids, finally—finally—resulted in public action against those tobacco companies, and the rate of teen tobacco cigarette smoking went down dramatically. Let's not sit through that same movie again.

When it comes to vaping and e-cigarettes, let's move quickly to protect our children.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak in leader time.

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

APPROPRIATIONS

Mr. SCHUMER. Mr. President, the appropriations process demands that Republicans and Democrats work together. If one party decides to go it alone, it can wreck the spirit of bipartisanship necessary to responsibly fund the government. Unfortunately, Republicans elected to depart from a bipartisan path early in the appropriations process this year.

We had a bipartisan deal on the budget caps—the 302(a), the defense-non-defense side. We were working on allocations to the 12 subcommittees when the Republicans decided, without consulting any Democrat, to divert funds from medical research, opioid treatment, and our military and their families so they could appease the President's wish to spend up to \$12 billion extra for a border wall—a wall, by the way, that the President promised Mexico would pay for.

Leader MCCONNELL and Chairman SHELBY knew it would not fly with Democrats, and this ruse—this stunt, as the Republican leader is fond of calling things that can't pass—puts the entire appropriations process in jeopardy.

Somehow, in the wake of all of this, the Republican leader has been accusing Democrats of threatening to block military funding. That is an absurd statement, if there ever was one. We are simply trying to stop Republicans from stealing the money from our military and putting it into the wall, which he said Mexico would pay for.

The outcome of the upcoming vote to proceed to defense approps is not in doubt. Leader MCCONNELL knows that Democrats, as well as several Republicans, oppose moving funds to the President's border wall that have been duly allocated by Congress for other important purposes, all military. The fact that Leader MCCONNELL has scheduled this vote, knowing it would fail, makes it nothing more than a partisan stunt. My friend the leader reminds us all the time that the Senate is the place to make laws, not engage in political theater. With the vote, Leader MCCONNELL will shatter his own rule.

At the same time, Republicans are considering having a vote tomorrow to instruct the NDAA conferees to backfill some of the money they want to divert for the President's wall. The House already voted this down. Democrats—myself, Speaker PELOSI, Chairman LOWEY, and Ranking Member LEAHY—have been crystal clear. We are not going to bless the President's stealing money from the military by backfilling it later. This would render Congress toothless and the appropriations process meaningless. If the President is allowed to take money from where Congress allocates it and puts it wherever he wants and we just give it back to him, what is the point? Democrats won't vote for that ridiculous precedent.

Let's remember what this is all about. The President pledged to build a border wall that he promised Mexico would pay for. He then broke that promise and demanded Congress appropriate taxpayer dollars for the wall instead. When Congress declined to do that, the President declared a legally dubious national emergency to divert already allocated military funds to his wall. Now he is trying yet again to appropriate taxpayer money for the wall, which is the same strategy that failed when he tried it a year ago and then threw a temper tantrum and promised the famous Trump shutdown.

I know my Republican friends want to wiggle out of this, but there is only one way to return the money to our troops, where it belongs: Republicans and Democrats join together in voting to terminate the President's emergency declaration.

ELECTION SECURITY

Mr. President, in the Appropriations Committee markup tomorrow, there will be a vote on an amendment to increase election security funding for the coming year. Senate Republicans blocked a similar amount last year, and, since then, Leader MCCONNELL has stonewalled election security legislation, even the most bipartisan, sensible compromises.

While we still greatly desire to move that legislation and believe it to be essential, additional funding for States to harden their election infrastructure and prevent Russian or Chinese or Iranian interference is what this amendment provides tomorrow and is a no-brainer.

On the Senate floor yesterday, Leader MCCONNELL said: "As partisanship bogs us down here in Washington, Moscow and Beijing are not exactly slowing down to wait for us." I agree. Foreign adversaries are lining up to do what Putin did in 2016.

With the Presidential campaign set to begin in earnest next year, the time is now to safeguard our elections from foreign interference. The country will be watching how Senate Republicans vote on the election security amendment tomorrow.

ENVIRONMENTAL PROTECTION AGENCY

Mr. President, it has been reported that the Trump administration is planning to finalize a rule that would block any State from getting ahead of the Federal Government to deal with carbon pollution from cars. That includes revoking a waiver granted to California that allows the State to place more stringent limits on carbon pollution than the Federal Government. In the Trump era, we are frequently confronted with the absurd, but this is beyond ridiculous.

The President is the leader of the self-proclaimed party of States' rights. Yet he is blocking States from setting their own standards. This President has repeatedly said that "we have the cleanest air, the cleanest water," almost like a mantra. Yet he is trying to prevent California and other States from cleaning up their air pollution. The President's position is, very simply put, this: No, California, I insist you pollute more. That is in effect what the President is saying.

Congress has spoken on this matter. The Clean Air Act says, in no uncertain terms, that California can go further than the EPA to reduce pollution from cars. So this is a terrible idea by the EPA, a terrible idea by the Trump administration, full of hypocrisy and contradiction, clearly illegal, and I am confident that it will be struck down.

NOMINATION OF ROBERT A. DESTRO

Mr. President, on one final issue, the Destro nomination, today the Senate will vote on the confirmation of Robert Destro to serve as the Assistant Secretary of State for Democracy, Human Rights, and Labor, responsible for the State Department's promotion of democracy, civil rights, and fair working standards across the world. Typical of the Trump administration, they have nominated someone whose record is diametrically opposed to the mission of the job to which he is nominated.

Mr. Destro has vocally opposed the movement for LGBTQ equality and has been a staunch supporter of State-level religious freedom laws that have acted as backdoors to discriminate against LGBTQ Americans. He has a long record of opposition to a woman's constitutional right to make her own healthcare decisions. When asked about the requirement that insurance plans cover contraception, his response was "the idea that you're entitled to have someone pay for your birth control pill is kind of ridiculous."