

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

If confirmed, Mr. Destro—this very same Mr. Destro who is opposed to the rights of women, who is opposed to the rights of LGBTQ people—will be in charge of promoting civil rights around the world. What message would that send to women and members of the LGBTQ community who struggle under intolerant and oppressive governments? The answer is obvious. That is why yesterday every single Democrat, and even one Republican, voted against proceeding to his confirmation. I urge my Republican colleagues to study Mr. Destro's record, consider the job he is supposed to do, and join us in voting no on his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE).

The question is, Will the Senate advise and consent to the Destro nomination?

Mr. BLUNT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. ROBERTS), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 44, as follows:

[Rollcall Vote No. 289 Ex.]

YEAS—49

Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Romney
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Isakson	Scott (SC)
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Cramer	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McConnell	Toomey
Daines	McSally	
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—44

Baldwin	Cortez Masto	Kaine
Bennet	Duckworth	King
Blumenthal	Durbin	Leahy
Brown	Feinstein	Manchin
Cantwell	Gillibrand	Markey
Cardin	Harris	Menendez
Carper	Hassan	Merkley
Casey	Heinrich	Murphy
Collins	Hirono	Murray
Coons	Jones	Peters

Reed	Sinema	Van Hollen
Rosen	Smith	Warner
Schatz	Stabenow	Whitehouse
Schumer	Tester	Wyden
Shaheen	Udall	

NOT VOTING—7

Alexander	Roberts	Warren
Booker	Rounds	
Klobuchar	Sanders	

The nomination was confirmed.

Smith	Stabenow	Udall
Tester		Van Hollen
		Warner

NOT VOTING—8

Alexander	Bennet	Klobuchar
Booker		Roberts
		Rounds

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Brent James McIntosh, of Michigan, to be an Under Secretary of the Treasury.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the McIntosh nomination?

Mr. WICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. ROBERTS), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting: the Senator from Tennessee (Mr. ALEXANDER) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber wishing to vote or to change their vote?

The result was announced—yeas 54, nays 38, as follows:

[Rollcall Vote No. 290 Ex.]

YEAS—54

Barrasso	Gardner	Murphy
Blackburn	Graham	Paul
Blunt	Grassley	Perdue
Boozman	Hawley	Portman
Braun	Hoeven	Risch
Burr	Hyde-Smith	Romney
Capito	Inhofe	Rubio
Cassidy	Isakson	Sasse
Collins	Johnson	Scott (FL)
Cornyn	Jones	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lankford	Sinema
Crapo	Lee	Sullivan
Cruz	Cruz	Thune
Daines	Daines	Tillis
Enzi	McConnell	Toomey
Ernst	McSally	
Fischer	Ernst	Wicker
	Fischer	Young

NAYS—38

Baldwin	Durbin	Markey
Blumenthal	Feinstein	Menendez
Brown	Gillibrand	Merkley
Cantwell	Harris	Murray
Cardin	Hassan	Peters
Carper	Carper	Reed
Casey	Heinrich	Rosen
Coons	Casey	Schatz
Collins	Hirono	
Coons	Kaine	Shaheen
	King	
	Duckworth	Tester
	Leahy	

Smith	Stabenow	Udall
Tester		Van Hollen
		Warner

Whitehouse	Wyden	

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Brian Callanan, of New Jersey, to be General Counsel for the Department of the Treasury.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Callanan nomination?

Mr. CRAPO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. ROBERTS), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 291 Ex.]

YEAS—55

Barrasso	Gardner	Murphy
Blackburn	Graham	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Braun	Hawley	Romney
Burr	Hoover	Rubio
Capito	Hyde-Smith	Sasse
Cardin	Inhofe	Scott (FL)
Carper	Isakson	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Jones	Sinema
Cornyn	Jones	Kennedy
Cotton	Kennedy	Sullivan
Cramer	Lee	Thune
Crapo	Manchin	Tillis
Cruz	McConnell	Toomey
Daines	McSally	Wicker
Enzi	McSally	Moran
Ernst	Toomey	Young
Fischer	Young	Murkowski

NAYS—39

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Rosen
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	Casey	Shah
Carper	Coons	Smith
Casey	Leahy	
Collins	Duckworth	Stabenow
Coons	Durbin	
	Merkley	
	Murray	
	Feinstein	
	Paul	