

with Hong Kong, does not do what Democratic or Republican Presidents have done in the past in standing up for human rights and democracy. He has not done that. He doesn't seem to care. As we know, he seems more eager to please dictators than to please those who are fighting for democracy.

Congress can act. We have a bipartisan bill in the Senate that has many cosponsors, including the senior Senators from Florida and New Jersey and from Maryland as well, that would reaffirm our steadfast support for Hong Kong's autonomy, democracy, and respect for human rights. It would amend the Hong Kong Policy Act in order to give us the tools to safeguard and protect Hong Kong's democracy and autonomy and hold accountable those responsible for the abuse of the human rights of the people of Hong Kong.

There is no objection to this bill on the Democratic side of the aisle. We believe the Senate should pass it. If there are objections on the Republicans' side, let's take a few days and work through the bill on the floor. We haven't done much legislation. Here is a place at which we can come together in a bipartisan way. So, if there are no objections, great. Let's pass it this afternoon. I believe the Senator from Florida will make a unanimous consent request in that regard. If there are objections, I urge the Republican leader, who has spoken out and defended the protests, to take a few days. Let someone try to invoke cloture—it will fail miserably—and let's vote on this. Then, maybe, the House will pass it. That would be something, I think, that would happen and with the President as well.

In addition, the Senator from Oregon, along with some others, has a bill that U.S. companies shouldn't sell lethal types of equipment to the Hong Kong police that have been used on the protesters. I would hope we could find a way to work that proposal into this bill or, maybe, we could make a unanimous consent request alongside it.

Nonetheless, we should pass the bipartisan bill in the Senate, reconcile it with similar legislation in the House, and quickly send it to the President's desk. It would be the strongest action Congress could take immediately to demonstrate Americans' support for the protests in Hong Kong. It would send a strong and clear message to the ruling party in Beijing. It would make a real difference.

The words on the floor the Republican leader mentioned yesterday were good but were not sufficient. Again, I urge him to move on this legislation, if we can, by unanimous consent. If not, let's have a debate on the floor so the handful of Senators who might try to block it are thwarted, and the bill will move forward.

IMPEACHMENT

Mr. SCHUMER. Madam President, this morning, during the House's im-

peachment inquiry, the American people will hear more important testimony from LTC Alexander Vindman, of the National Security Council, and from Jennifer Williams, an adviser to the Vice President.

Regrettably, some Republicans, including one in this Chamber, have tried, without evidence or substantiation, to undermine, to call into question, and to smear the credibility of the witnesses, including of Lieutenant Colonel Vindman—a Purple Heart recipient who has spent his life in service to our country. The attacks on the witnesses are painful and wrong. They are reminiscent of the actions of a brutal country, not of the democratic Republic that we are.

I hope everyone will treat these witnesses with respect and listen to their testimony with an open mind. Whether they agree or disagree with their testimony, it is unbecoming of any Senator to smear these patriots. The House has a responsibility to seek the truth and uncover all of the facts, and if it comes to it, the Senate has a responsibility to examine the evidence and render impartial judgment.

INFRASTRUCTURE

Mr. SCHUMER. Madam President, finally, on infrastructure, as the impeachment inquiry continues, the Democrats in both Chambers continue to do the work of the American people. Just last week, my colleagues in the House discussed a proposal for a very significant investment in infrastructure. At the very beginning of the Trump administration, the Senate Democrats proposed a trillion-dollar infrastructure plan that would create 15 million jobs.

At our meeting at the White House, I mentioned this to President Trump and asked him to join us in either supporting our bill or in working to modify it in a way that he might be able to support it. At the time, after promising over and over again in his campaign that he would pursue a major overhaul of our Nation's infrastructure, we had hoped President Trump would have worked with us on specific legislation. Unfortunately and typically, after 3 years into the Trump administration, instead of working with the Democrats, President Trump has done next to nothing. Earlier this year, the President walked out of a meeting on infrastructure that was held between him, Speaker PELOSI, me, and some other Congressmen and Senators. We haven't heard from him on the issue since.

Meanwhile, Leader MCCONNELL has turned the Senate into a legislative graveyard and seems uninterested in any bipartisan, bicameral legislation. It is so typical of this administration—of President Trump. He campaigns on infrastructure and has commercials running right now that say the Democrats are not doing anything on infrastructure when he is the one who is doing nothing. He has an amazing

penchant for looking at his own faults and then of pointing the finger at others and saying those faults are theirs. It is glaring on infrastructure.

The idea that the House impeachment inquiry is some sort of distraction from other issues is plain wrong.

President Trump, we are doing nothing here in the Senate. Come talk to us about infrastructure, and we can get something done.

The Democrats in the House and the Democrats in the Senate are willing to work with our Republican colleagues right now. We have over 200 House-passed bills we could consider here on the floor and have plenty of bipartisan Senate bills besides—from bills to lower the cost of prescription drugs to election security, to the Violence Against Women Act. We would like to work on a large infrastructure bill as well. It is entirely up to President Trump and Leader MCCONNELL to decide if we are going to make progress on a topic like infrastructure or if the Senate, under MCCONNELL's leadership, will continue to be a graveyard for commonsense ideas to help so many millions of Americans.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Robert J. Luck, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. The majority whip.

DEFENSE APPROPRIATIONS

Mr. THUNE. Madam President, our most fundamental responsibility as Members of Congress is to provide for our Nation's defense, and a big part of that is ensuring that our men and women in uniform have the resources

they need to defend our country. That means, of course, that we have to ensure that our military receives adequate funding to meet today's priorities and to prepare for the threats of tomorrow. It also means we need to ensure that our military receives timely funding.

Our military doesn't just need sufficient funding to cover defense priorities; it also needs to receive that money on time, on a predictable schedule. That means passing the Defense appropriations bill before the end of each fiscal year instead of forcing the military to rely on temporary funding measures that leave the military in doubt about funding levels and unable to start important new projects.

Right now, we are almost 2 full months into the 2020 fiscal year. We should have passed the Defense appropriations bill by the end of September, but we didn't because, unfortunately, our Democratic colleagues were unable to resist the chance to pick yet another fight with the President. This wasn't supposed to happen. At the end of the summer, the congressional leaders of both parties and the President reached an agreement on funding levels for 2020 and 2021. The leaders also agreed on a number of guidelines for appropriations bills, including a ban on poison pills intended to derail appropriations legislation. The idea behind this agreement was to pave the way for the timely passage of appropriations bills and to prevent the kind of situation we are in right now—almost 2 months behind on passing defense and other funding. Unfortunately, the Democrats chose to renege on this agreement.

The Senate Democrats are currently holding up defense funding by insisting on the type of poison pills they promised to forgo just a few months ago. The leader has attempted to bring up the Defense appropriations bill twice, and both times the Senate Democrats have filibustered the legislation. It is deeply disappointing. I understand that my Democratic colleagues are looking for any opportunity to pick a fight with the President, but funding for our men and women in uniform should not be subjected to the Democrats' partisan whims.

Thanks to the Democrats, right now, our military is operating under a continuing resolution that leaves the military short of the funding it needs for the 2020 fiscal year. That has real consequences. In addition to leaving the military underfunded, a continuing resolution prevents the military from starting key projects that will help to ensure our men and women in uniform will be prepared to meet the threats of the future. The Pentagon can't start new procurement projects. New research and development initiatives that keep us a step ahead of our adversaries are put on hold. All told, under a continuing resolution, the military's purchasing power is reduced by, roughly, \$5 billion each quarter.

To put that in perspective, that is the equivalent of losing out on about 56 Joint Strike Fighter planes, depending on the variant, every 3 months. That \$5 billion the Pentagon is going without is urgently needed funding for critical military priorities. The longer the Pentagon goes without this funding, the greater the consequences for our military preparedness.

Playing politics with our national defense is unacceptable. We owe our men and women in uniform timely, reliable, and adequate defense funding, and we owe every man, woman, and child in the United States the same thing. The safety of every person in this country depends on the strength of our military. I hope that at least some of my Democratic colleagues will see their way to joining the Republicans in getting this year's Defense appropriations bill to the President's desk. It is time to get our men and women in uniform the funding that they need and that they deserve.

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 (Mr. SCOTT of Florida). Without objection, it is so ordered.

E-CIGARETTES

Mr. DURBIN. Mr. President, on September 11, President Donald Trump held a press conference with the First Lady in the Oval Office. He announced that his administration would finally be taking bold action to combat our Nation's youth vaping epidemic. The epidemic is what the Food and Drug Administration characterized as the vaping that is going on in schools across America today—not just high schools, where 27 percent of the students are currently vaping, but middle schools and grade schools as well.

Seated next to the President on September 11 in the Oval Office was the First Lady. On the other side was the Secretary of the Department of Health and Human Services, Alex Azar. Directly across from the President was then-Acting Commissioner of the Food and Drug Administration, Dr. Ned Sharpless.

At the press conference, President Trump stated:

We have a problem in this country . . . and it is called "vaping"—especially vaping as it pertains to innocent children. . . . And we're going to have to do something about it.

Then Secretary Azar said:

An entire generation of children risk becoming addicted to nicotine. . . . So with the President's support, the Food and Drug Administration intends to finalize a guidance document that would . . . require that all flavors other than tobacco flavor would be removed from the market.

This would include mint and menthol flavoring, as well as candy flavors, bubblegum flavor, fruit flavor, and alcohol flavor.

Explaining why this action was necessary, the Acting FDA Commissioner, Dr. Sharpless, said:

Flavored e-cigarette products drive childhood use.

Secretary Azar and Acting Commissioner Sharpless committed to finalizing this guidance, in their own words, within "a couple of weeks." Yet here we are more than 2 months later with no e-cigarette flavor ban in place.

What is worse, now there are reports that President Trump has decided to reverse himself, to break the promise he made to American families, as a direct result of lobbying from big tobacco and big vape companies. We know whom this President is hearing from. He is hearing from JUUL, the company primarily responsible for today's youth vaping epidemic. He is hearing from Altria, the big tobacco company that just bought a major stake in JUUL. He is hearing from the Vaping Technology Association, a lobbying organization that represents vaping shops nationwide. It makes sense that these companies would want the President to reverse himself, to break his word to American families, because they make profits on the backs of our kids, just like Big Tobacco did for so many years.

Today, almost 30 percent of all high school-aged children are vaping. That is more than 5 million kids. Where did they come up with these numbers? From this administration's report to the American people. Four percent of adults are vaping and up to 30 percent of high school kids. When they show these pictures of adults walking around with buttons that say "We vape and we vote," it is a tiny sliver of America. The kids should be wearing buttons that say "We vape, and our health is at risk."

Over the last 2 years of Donald Trump's Presidency, the number of children vaping has increased by 135 percent. More than 1 in 4 high school kids are using e-cigarettes, and more than 1 in 10 middle school children are following their example. Kids are using these products because of the cool, sleek designs of devices like JUUL and because of the flavors designed to appeal to just kids. Listen to them: cotton candy, unicorn milk, cool mint, mom's sugar cookie, and, of course, menthol.

According to the Food and Drug Administration, more than 80 percent of children who vape started with flavored e-cigarettes. Does anyone believe that these vaping flavors are actually intended for a 50-year-old chain smoker looking to quit cigarettes—flavors like Farley's Gnarly Sauce, Bubble Purp by Chubby Bubble, Blue Razz by Candy King, and Cotton Candy by Zonk? Do you honestly think a 50-year-old trying to break a tobacco cigarette habit is going to buy Cotton Candy by Zonk flavoring?

Every single one of these products is on the market today without review or authorization from the Food and Drug