

protect us in our homes and our neighborhoods.

What is holding that up? The same decision by the Republican leader not to bring any appropriations bills forward for approval by the Congress. This is just mindless. You can't preach on one hand that you want to fund the police and then stop the appropriations process, which the Republicans in the Senate have done.

It is time to pass the Omnibus appropriations bill so the resources are going to ATF and to the U.S. Attorney's Offices and other law enforcement agencies that can help the State and local law enforcement efforts to try to suppress this violent crime.

So don't preach about the need for this money and then turn around and stop the effort here on Capitol Hill. Why aren't we voting on an Omnibus appropriations bill this week? Why? Why can't we get this done next week? It was supposed to be done last October, and it is time for us to do it.

UKRAINE

Mr. President, let me say a word about the Ukrainian situation. I feel strongly about this. As the cochair of the bipartisan Ukrainian Caucus, I have followed for years what has been going on in that country. There is one guiding principle that we should acknowledge: The fate and future and decisionmaking for the Ukrainian people should be in the hands of the Ukrainian people—not in Washington, not in Moscow, not in Bonn, not in Minsk, but in Kyiv, and the Ukrainian people across that country should have the right to do it.

The question about their future and their solidarity and defense comes down to the fact that they were invaded 8 years ago by Russia, which took over the Crimean province and then went on to expand their military force, the little green men—the so-called little green men who are just Russian surrogates who are fighting in the eastern part of Ukraine.

Is it any wonder that the Ukrainian people look to NATO and other forces to protect them? They have been invaded. For 7 or 8 years, they have lost thousands of their citizens innocently, who died in defense of their country. For us to stand in defense of Ukraine and their efforts to make their own decisions for their future just makes sense.

Ultimately, we may have theories on what that future should be, but it is their country, they are the people who rule it, and we respect their sovereignty.

I would just say that as far as Vladimir Putin is concerned, I know his style. I have seen it for a long, long time. We see the continuing threats that the Russians have against the Baltics, for example. These are small, independent, democratic countries that fought long and hard for that opportunity, and they are constantly menaced by Vladimir Putin and his Russian forces. The same is true for Poland.

It is important that we stand behind the NATO alliance, and one way to help the NATO alliance is to pass an appropriations bill that would give our resources promised to the alliance to them, instead of being stonewalled as we have been by the Republican leadership on that matter. It is long overdue that we get to that question.

E-CIGARETTES

Mr. President, I am glad that Senator MURRAY is on the floor because the issue I want to raise now is one that she knows well, and I thank her for her leadership.

A little bit of history. In 1964, an advisory committee headed by the U.S. Surgeon General issued a landmark report linking cigarette smoking to lung cancer, heart disease, and other deadly diseases—1964. That was considered to be breakthrough information, that tobacco actually caused cancer.

For decades after that, big tobacco companies denied it. They continued to lie to Congress and to the American people about the products they were selling. Tobacco companies knowingly lied to America when they claimed their products didn't cause cancer and weren't addictive, and they lied when they said they weren't targeting children with their products.

We know they lied because a trove of 14 million internal industry documents that finally were made public in 1998 as part of the settlement of a lawsuit in Minnesota showed what the five major tobacco companies actually knew when they were making public denials.

These same documents provided damning evidence against Big Tobacco in a historic lawsuit brought by attorneys general from 46 States. Let me read you some of the things that executives of Big Tobacco said about children and smoking in their own internal memos they thought would never see the light of day:

A 1981 report by Philip Morris, creator of the Marlboro Man, said: "[T]he overwhelming majority of smokers first begin to smoke while still in their teens. . . . The smoking patterns of teenagers are particularly important to Philip Morris."

"[T]he base of our business is the high school student." That is from a 1978 memo from the makers of Newport cigarettes.

This is from R.J. Reynolds, the brains behind the cartoon character Joe Camel. Here is what the document said: "The fragile, developing self-image of the young person needs all the support and enhancement it can get. Smoking may appear to enhance that image."

"Replacement smokers"—those were the repugnant words used by Big Tobacco executives to describe our kids, America's teenagers. If you can hook them young, you will have them for life—that was their game plan.

All of the tobacco industry's deadly deception about kids and tobacco was supposed to stop.

In 2009, Congress passed a landmark law giving the Food and Drug Adminis-

tration the clear authority and responsibility to regulate tobacco products. That was something Big Tobacco had fought for decades, but they lost. The Tobacco Control Act requires tobacco companies to obtain FDA approval for any new tobacco products. In a specific effort to discourage young people from smoking, the law also bans most flavored cigarettes because of their clear role in hooking kids.

When it comes to traditional cigarettes, we have made amazing strides in the time that I have served in Congress. Twenty years ago, nearly 30 percent of high school kids were smokers of cigarettes; today, fewer than 5 percent.

But tobacco companies didn't take this lying down. They came up with new products to hook kids: e-cigarettes, vaping, little gadgets that turn nicotine-spiked liquids into a vapor that is inhaled. It is powerful stuff. One pod of vaping liquid can contain as much nicotine as a whole pack of cigarettes.

They came up with flavors to entice children. Tell me—they deny it, but listen to the names of these flavors and see if they were made for kids or adults: Gummy Bears, Cotton Candy, Unicorn Poop, Fruit Loops, Skittles, Sweet Tarts. Come on. We know what this is all about. They are enticing kids to take up vaping and e-cigarettes, and it worked.

In 2014, e-cigarettes became the most popular tobacco product used by our kids. Today, nearly 30 percent of all high school students are vaping. The e-cigarette industry is now worth billions of dollars.

Who are the biggest players? Hang on tight. JUUL is the No. 1 seller of e-cigarettes. Altria, the largest seller of traditional cigarettes, bought a 35-percent stake in JUUL—Altria, buying 35 percent of JUUL. Vuse is the second largest seller of e-cigarettes. It is made by R.J. Reynolds, the producer of the Camel cigarettes, which caused my father's lung cancer. R.J. Reynolds is the second biggest seller of traditional cigarettes.

Do you see any patterns here? We all knew that Big Tobacco would try to find new ways to addict children on their deadly products. They never quit, which is why the Tobacco Control Act allowed the FDA to establish authority over e-cigarettes. But what we didn't expect was that the Food and Drug Administration would sit back as Big Tobacco dusted off its playbook to ignite what one former FDA Commissioner called "an epidemic of youth vaping" in America.

For years, teachers warned about kids using JUULs in the classroom. Parents found devices that looked like flash drives in their kids' backpacks. Even kids themselves warned about the highly addictive nature of e-cigarettes.

Many of us in the Senate demanded that the FDA take action. Senator MURRAY, the chair of the HELP Committee, has been one of the leaders of

this. Countless callers, letters, meetings with FDA Commissioners went nowhere. Testimony and alarming data from public health groups and parents yielded no action. The FDA still failed to use its existing statutory authority to police these e-cigarette products, allowing millions of e-cigarettes to flood the market illegally, while the e-cigarette manufacturers made outrageous and unsubstantiated claims downplaying their risk to kids.

In 2019, finally, a Federal judge stepped in and ordered the FDA to do its job, instructing them to finalize the review of e-cigarettes—remember this date—by September 2021, last September. The FDA's court-ordered deadline to act on pending e-cigarette applications passed nearly 5 months ago—5 months. Yet, incredibly, many of the e-cigarettes used mostly by kids—the products fueling the epidemic—are still on the market today.

The law is clear on this issue. Tobacco companies must prove—they have the burden of proving—to the Food and Drug Administration that their product is “appropriate for the protection of the public health.” Why haven't they proved it? Because they can't. There is no evidence of it. So, if they can't meet the burden of proof, how do they continue to sell these products on the open market? Meeting that burden was supposed to be a condition precedent, the first thing they had to do to sell these e-cigarettes. Well, it is because the FDA, the Food and Drug Administration, is sitting on its hands. It is refusing to use its own legal and statutory authority. Big Tobacco continues to target “replacement smokers.” Those are our kids.

The Senate is expected to vote soon on a new FDA Commissioner. In determining who that person will be, we will have the opportunity. Let me change that. We have the responsibility to make it clear that the FDA has to stop dragging its feet. It must use the authority provided by Congress to prohibit tobacco companies from preying on our kids for profit.

As Congress evaluates the nominees, we must be guided by the answer to this question: Do we believe that the incoming FDA leadership will correct the failures that have gone before them in allowing these e-cigarette companies to prey on our kids?

Yesterday, I spoke to Dr. Califf, who is Joe Biden's nominee to be the head of the FDA. I have had serious misgivings about whether he is the right person for the job, but I finally relented yesterday and said: Yes, Dr. Califf, I will support you, but if you make it, I am going to hold you personally responsible for taking control of this issue.

Our kids' lives are at stake. We have waited too long. The FDA has sat on its hands when it should be moving to protect our kids. It is long overdue. In the interest of our children, I sincerely hope that the leadership of the FDA will open its eyes and do its duty.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Indiana.

UNANIMOUS CONSENT REQUEST—S. RES. 494

Mr. BRAUN. Madam President, on January 22, 1973, the Supreme Court handed down their decision in *Roe v. Wade*, homogenizing an approach to abortion across the country. It is estimated that over 60 million lives have been lost to abortion since this decision.

This resolution recognizes January 22, into the future, as the Day of Tears. It encourages Americans to lower their flags to halfstaff to mourn the lives lost to abortion.

I am joined on this resolution by Senators DAINES, INHOFE, BLACKBURN, HAGERTY, LANKFORD, HAWLEY, and ROUNDS.

Similar resolutions have passed in Alabama, Arizona, Arkansas, Idaho, Louisiana, and West Virginia. Representative JODY HICE is leading a similar measure in the House. It has 51 cosponsors from 26 States.

Two weeks ago, thousands of Americans joined the March for Life to stand up for the unborn. Later this year, the Supreme Court will issue a decision on a case which strikes at the heart of *Roe v. Wade*. Our current abortion guidelines, we only have five other countries that would be similar. Two of those countries are China and North Korea. What does that say about abortion in America?

Minimally, the Court needs to return this to the States so that we don't have this policy put upon all of the States, at least half of which disagree with it. Whatever that decision may be, we must remember the millions of lives lost to the tragedy of abortion.

Madam President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and that the Senate now proceed to S. Res. 494. I further ask that the resolution be agreed to, that the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, reserving the right to object.

Just weeks ago, we celebrated the anniversary of *Roe v. Wade*—the landmark decision that affirmed the right to abortion and changed so many lives for the better.

Across the country, patients spoke out about their experiences before *Roe*—about how *Roe* meant they could get an abortion they needed or even how, after *Roe*, they still struggled to get access to abortion. But what was present in all of those stories was real fear about what the future holds—the fear of what a country without *Roe* would look like—because that is what Republicans are pushing for all across the country.

Republicans in Texas passed SB 8, which bans abortions after 6 weeks and

allows people to sue anyone who helps someone get an abortion.

In Idaho, bordering my home State of Washington, extreme Republican legislators are trying to pass a law modeled after the Texas abortion ban.

Republicans in Mississippi brought a direct challenge of *Roe* to the Supreme Court and have told the Court, in no uncertain terms, they believe *Roe* should be overturned.

Now, those are just a few examples, and we have got one more here in the Senate today.

The resolution from the Senator from Indiana sends a message that the Republican Party knows best when it comes to some of the most personal decisions people make about their health and their futures, about when and whether to have children, and about what is best for themselves and their families.

Well, they don't.

In fact, the majority of Americans support *Roe* and do not want to see it overturned. They want a country where everyone can control their own bodies and their own futures, and that is exactly what I am fighting for so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana.

Mr. BRAUN. Madam President, the Senator from Washington makes the point that this is Republicans. This is not Republicans. Of course, they are for doing what needs to be done, and that is returning this to the States, minimally, taking a decision that was out of context back in 1973, when it was made.

And the opposite of the argument she made would be, Why should the Federal Government, based upon the judiciary ruling that was out of context, force this on the entirety of the country? When it comes to what it allows now—abortions late into a pregnancy—that is not supported by most of the country.

So, minimally, this ought to be returned to the States to reflect the views of the different States in this country—50 of them. Over half disagree with it, and over half of our citizens would say that it makes more sense than what we have now.

I yield the floor.

VOTE ON PUTTAGUNTA NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

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

Mrs. MURRAY. Madam 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN), the Senator from Vermont (Mr. SANDERS), and the Senator from Maryland