

streamline production of critical air defense systems. Governments like Poland and Germany have announced major increases in defense spending. Denmark, for example, has resurrected an entire dormant industry to contribute ammunition. But even these historic, overdue investments have not yet turned the tide. This conflict has also exposed the glaring shortcomings of America's own arsenal and supply chains for critical capabilities.

As I have explained repeatedly and in great detail here on the floor, our supplemental appropriations to support Ukraine included heavy investments in expanding our defense industrial base and purchasing the cutting-edge weapons that our own forces need to deter our biggest adversaries.

The legislation we are considering this month would do even more to help meet urgent requirements of our own Armed Forces. It will increase procurement of critical munitions, long-range fires, and air defenses, and invest in our own defense industrial capacity.

This is essential for long-term competition with China and Russia. America and our allies still face serious shortcomings, and they extend well beyond the war in Ukraine. By one recent tally, Russia and China's arsenal of land-based air defense systems far exceeds the combined stockpile of the United States, Europe, and Japan combined. The West is outgunned in critical capabilities.

So let's not waste time indulging the misconception that standing by our European allies is an obstacle to competition with China. Let's give no credence to the idea that America should cut and run from our own allies and partners—precisely as our adversaries work closer and closer together.

With continued American leadership, European allies are shouldering more and more of the burden of collective security on the continent. There is just no question that our NATO allies are building military capacity and taking on more responsibility for restoring and maintaining the sovereignty of America's closest trading partners.

But America is a global superpower, and retreating from our leadership of NATO before seeing the job through won't make competition with China any easier. Handing Russia a victory in Ukraine on account of a waning attention span will only shred America's credibility, weaken critical alliances, and force us to contend even more directly with two major adversaries at once. I honestly can't think of a more shortsighted strategic gamble.

Only time will offer a full accounting of the missed opportunities of the past 3 years, but it is already clear that hesitation and self-deterrence on the part of our Commander in Chief cost Ukrainian lives and chances at swift victory over Russian aggression.

Of course, the brazen violence of Iran's terror network reminds us that this weakness and timidity is contagious. We cannot let them spread. We

cannot let shortsightedness govern our approach to the strategic competition that will define the next century of American history. We cannot give China any more reasons than this administration already has to doubt America's resolve to stand with sovereign democracies and to vigorously defend our interests.

In the very near future, it will be time for the Senate to demonstrate that we understand what time it is.

#### UNIVERSITY PRESIDENTS

Mr. President, on a different matter, this year, two of America's most elite universities are in the market for new chief executives.

What makes for good leadership in higher education might once have been common sense, but if the past 3 months have taught us anything, it is that the virtues of a college president might need to be spelled out in a bit more detail.

For starters, the prerequisite for campus leadership should be a personal scholarly record that models academic rigor—prolific writing, publication, and an excellence in one's field.

I am not an Ivy Leaguer, but it would seem to me that someone who had produced fewer than a dozen peer-reviewed articles might not usually meet this standard at a place like Harvard. It may once have gone without saying that university presidents should also model the codes of academic conduct and integrity to which they should hold their students.

An academic record riddled with plagiarism should disqualify any candidate. And perhaps, more importantly, a university president must be committed to ensuring that the culture of speech on their campus—however far it might diverge from the protections enshrined in our First Amendment—is administered fairly.

Suffice it to say that Harvard did not wind up dead-last in a watchdog ranking of free speech of American campuses for nothing, which made its former president's free-speech justifications for anti-Semitic hate laughable.

Over the past several decades, our country's most elite universities have let intolerant leftist dogmas, like DEI, replace the robust exchange of ideas as ordering principles on campus. One Harvard professor and former dean recently noted that the words "white supremacy" and "intersectionality" appear more frequently in the Harvard course catalog than the term "scientific revolution." These course offerings seem to indicate a drift from Harvard's stated motto "Veritas," Latin for "truth."

Of course, it doesn't have to be this way. Hundreds of American universities outside the dusty confines of the Ivy League aren't showing any signs of abandoning their rigorous pursuit of truth for woke madness.

Places like Harvard and Penn would be well-served by a leader who takes an approach like our former colleague Ben

Sasse has taken as president of the University of Florida. As he put it recently:

Universities must reject victimology, celebrate individual agency, and engage the truth with epistemological modesty. Institutions ought to embrace open inquiry . . . More curiosity, less orthodoxy . . . Engage the ideas. Pull apart the best arguments with the best questions.

By all accounts, the heads of the leading universities in my home State of Kentucky—President Kim Schatzel of the University of Louisville and President Eli Capilouto of the University of Kentucky—aren't finding it especially difficult to foster campus climates of integrity and academic rigor.

I don't envy those tasked with finding new leaders to right the ship of the Ivy League. Restoring the tarnished reputations of our Nation's most elite universities will be no small task. But maybe they will have some luck if they look beyond their northeastern bubble and trade in the meaningless jargon of postmodernism for the simple wisdom of their mottos.

The ACTING PRESIDENT pro tempore. The Democratic whip.

#### FOOD AND DRUG ADMINISTRATION

Mr. DURBIN. Mr. President, having experienced legislative efforts of both the House of Representatives and the Senate, it would be a surprise to many people to learn that many Members come to the floor to address issues of personal importance to them, something that happened in their lives that motivates them to take up an issue, introduce a bill, try to create a new law.

That happened to me in the House of Representatives many, many years ago when I first confronted the tobacco issue. I lost my father to lung cancer when I was 14 years old, and it was a profound experience, as you might guess, in my life.

And I remembered what he went through in the last 100 days of his life, fighting lung cancer and, eventually, succumbing to it.

And so I took on the tobacco issue in the House of Representatives on a personal basis as well as a public basis, trying to reduce the power which the Big Tobacco lobby had in the House of Representatives. And when I arrived there in 1982, they were the most powerful lobby in Washington.

We were warned as new Members of Congress on both sides—Democratic and Republican—don't touch the tobacco issue. It is an issue that is very important for us to maintain our majority, and you shouldn't bring it up.

Well, I ignored that advice and introduced several ideas on reducing the power of the tobacco lobby on Capitol Hill. The one issue that I pursued with success had a profound impact on this country—much more than I ever imagined. I introduced the first bill, successful bill, in the House of Representatives to ban smoking on airplanes.

It seems so obvious today that it would be a fiction to suggest that there is a smoking and nonsmoking section

on an airplane. We know that those people who were smoking were generating secondhand smoke, which was dangerous as well.

Well, with an amazing bipartisan majority, we passed my bill to ban smoking on airplanes. It was taken up by Senator Frank Lautenberg here in the U.S. Senate successfully, signed into law, and the rest is history, as they say.

What we did not anticipate was that this law, in and of itself, was going to be a tipping point. People thought and said: Wait a minute, if secondhand smoke is dangerous in an airplane, why wouldn't it be dangerous in a bus? on a train? in an office? in a hospital? in a place of work? in a restaurant? And the next thing you know, we saw a dramatic change over the years in the attitude towards smoking.

New Members of Congress historically, before that was passed, would head to the stationery shop as soon as they were elected to buy an ashtray to put on the coffee table in their office for those visitors who wanted to smoke while they were meeting with the Senators and Congressmen. That is unthinkable today. I am not even sure they sell the ashtrays anymore. They used to be embossed with a big Congressional seal.

Things started changing across America, and one of the things that led to that change was the discussion of the impact of tobacco on children.

We knew that tobacco, with its chemical nicotine, was addictive. And we knew that kids, naturally, being told not to touch a tobacco product, started using them as soon as they could; and many of them developed an addiction even before they graduated from high school. So we started requiring warning labels and restricting retail sales to try to protect kids from this addiction.

It was an ongoing battle because the tobacco companies were powerful and profitable and had many friends in high places, particularly here in Washington. I continued that battle over the years in the House and in the Senate with some success, dramatically reducing the percentage of children who were using tobacco.

The tobacco companies knew that they were in trouble. That was their source of addicted people who, when they became adults, bought their products for the rest of their lives until they died from that addiction.

And so these tobacco companies started a new campaign. It wasn't based on tobacco but on the chemical nicotine and the addictive nature of it. And they created something called vaping and e-cigarettes. And who did they go after? Kids, of course.

They had fruit-flavored vaping devices that looked like they belong in a computer or in a school bag going off to grade school and high school. And these kids started buying them and using them; and so I switched my campaign not exclusively from tobacco but

to vaping as their latest Big Tobacco product that was addicting children.

I have asked the Food and Drug Administration, through many administrations, to basically police this product as they would a tobacco product, and they have promised that they would. I come here today to make a report, one very good piece of news and one very bad piece of news about that effort.

First, I want to thank the Supreme Court which, on Monday, left in place a California law banning the sale of flavored cigarettes. That is great news for kids and communities of color who have been preyed upon by Big Tobacco's aggressive marketing with flavored products.

We know that flavors play a unique role in hooking new smokers because they mask the harsh taste of tobacco and turbocharge the addictiveness of nicotine.

In particular, we know that menthol cigarettes have been purposely targeted at Black communities for decades with heavy advertising, sponsorship of events, and free samples. It has contributed to the fact that Black adults in America are 30 percent more likely to die from heart disease and 50 percent more likely to die from a stroke compared to Whites.

There is a Federal proposal on the table now to prohibit the manufacturing and retail sale of menthol cigarettes. That rule would save an estimated 650,000 lives, including 255,000 Black Americans. It would eliminate the racial disparity in lung cancer deaths between Black and White Americans.

I know this President cares deeply about the toll of cancer. It has touched his family personally, as it has mine. If we want to make a difference in the health of Americans and set a legacy for future generations, then the administration must finalize this public health measure to end Big Tobacco's predatory promotion of menthol cigarettes. Lives hang in the balance. That is the good news out of California and the Supreme Court.

Here is the bad news. Robert Califf is the head of the Food and Drug Administration. Two years ago, he was approved by the Senate in a very close vote; it was 50 to 46. If two Senators had gone the other way, he would not be the Commissioner of the Food and Drug Administration.

He came to my office and made a plea that I vote for him. I was planning on voting against him. He ended up getting five Democrats voting against him and six Republicans who voted for him, and that made the difference in the final rollcall.

On the final rollcall, because he looked me in the eye in my office in this building and promised that he would take on the vaping interests, I voted for him. It has been a miserable disappointment to see what he has done with that office when it comes to this issue.

As the calendar turns to 2024 and the new year, I am afraid that it has not brought any change in the Food and Drug Administration's shameful, abysmal job of preventing tobacco companies from addicting our children.

On January 1, the Food and Drug Administration missed yet another court-imposed deadline to finish reviewing e-cigarette applications. Even after repeated delays, the FDA had told the U.S. district court for Maryland that it would finish reviewing e-cigarette applications by December 31, 2023. It failed. That deadline came and went.

The FDA is now 28 months past the original court-ordered deadline to complete this review. That is not only unacceptable, it is embarrassing.

Here is why that is a problem: The law is clear that no vaping or tobacco product can be put on the market without first proving—proving—to the FDA that it is—listen—“appropriate for the protection of public health.”

In other words, the industry, the vaping industry, has the legal burden of proof to prove that their product will protect the public health. Vaping companies cannot do that. We know they can't. Yet thousands of products continue to flood store shelves and addict America's children without having met that bar of proof.

The FDA has the power and the responsibility to protect public health by enforcing this premarket review requirement, but it appears to be giving Big Tobacco a free pass day after day, week after week, month after month, despite court orders to the contrary.

While the FDA has missed a court-ordered deadline, it also failed to meet a statutory deadline for the regulation of synthetic nicotine products, an authority that the FDA asked us in Congress to provide. You see, vaping companies thought they found a loophole in the law by using nicotine that was synthesized in a lab, rather than derived from a tobacco leaf. They thought they could skirt FDA regulation by exploiting this ambiguity in the law.

The same FDA Commissioner I referenced earlier, Dr. Robert Califf, testified to the Senate: We have to close this loophole. He pleaded with us to close it, and we did.

Senators COLLINS, MURKOWSKI, and several others joined me to lead a bipartisan effort to clarify FDA's jurisdiction over synthetic nicotine. The new law required the FDA to clear the market of all unauthorized synthetic nicotine products by July 13, 2022—18 months ago—and they have failed. After asking us for this authority, after our passing the law and having it signed by the President, they have ignored the law and the requirement to clear the shelves since 2022. Since then, FDA has failed to issue a single marketing denial for a synthetic nicotine vaping application.

Worse yet, e-cigarettes using synthetic nicotine are now the most popular tobacco products used by children. There are many examples of that.

Think about that for a moment. The FDA Commissioner comes here and says: My hands are tied. I cannot regulate e-vaping to protect kids because they are using synthetic nicotine and we are not sure the law covers it.

We change the law and tell them: Now you can proceed. Enforce this law that you have asked for, and do it 2 years ago to make sure these products are not on the shelves.

They ignore it. After calling for our passage of the bill, they ignore the reality, and the shelves are stocked with these e-cigarette synthetic nicotine products that kids are using across America.

The consequences for our children are devastating. According to the Surgeon General, e-cigarettes can damage lungs, heart, mental health, and parts of the brain that control attention and learning. Don't just take it from me. I recently received a letter from the Chicago Teachers Union. Here is what it said:

Teachers have noticed a growing frequency of disposable vapes in our schools. These products come in colorful packages and fruity, kid-friendly flavors that are pushed on social media. . . . Some even look like school supplies.

And it is not just the big cities like Chicago. Last month, I also received a letter from the regional superintendent of schools for five of the rural areas, southernmost parts of Illinois: Alexander, Jackson, Perry, Pulaski, and Union Counties. They said:

While most young people view smoking as no longer cool, they look at vaping differently . . . as being a "healthy" and cool alternative.

The FDA was given the tools to protect our kids and consistently failed to do it under Dr. Robert Califf, head of the FDA.

Here is what I want to make clear today: February 14 is the second anniversary of Robert Califf's approval by the U.S. Senate. By that date, by February 14, I expect his compliance and the compliance of the FDA with all of these court-ordered mandates which they have ignored for months and years. What is at stake? The health of our kids and their addiction. If Dr. Califf cannot exercise the authority of the FDA, it is time that we put somebody in who will.

I yield the floor.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, as Congress approaches the January 19 funding deadline—less than 10 days away—both parties in both Chambers must work together quickly to ensure we avoid a government shutdown.

Congressional leaders agree that a shutdown would be a terrible way to start the year. Speaker JOHNSON and I are on the same page on that. A shutdown will hurt the economy, halt a lot of work of Congress and government,

and endanger services that millions of Americans rely on.

If reasonable Members on both sides continue working together, we can ensure a shutdown is avoided. We took a big step last Sunday towards our goal when Speaker JOHNSON and I announced funding level top lines, and appropriators right now are hard at work drafting the 12 appropriations bills. It is good news that all four of the appropriators, the four corners, want to do this—Senator MURRAY, Senator COLLINS, and Congressmembers GRANGER and DELAURO. I am hopeful that if we stay the course, we can avoid a shutdown even with the tight deadline.

Now I want to return to a point I made yesterday about some of my colleagues in the House. As everyone knows, this is a period of divided government. Like it or not, it means that compromise is a necessity, and nobody is going to get everything they want in any negotiation. And, of course, the President is a Democrat, and the Senate has a Democratic majority. Anyone who wants to get anything done knows that there has to be a compromise between the Democratic President, the Democratic majority in the Senate, and the Republican majority in the House—of course taking into account our Republican colleagues in the Senate and Democratic colleagues in the House.

But right now, there are 30 or so hard-right Republicans in the House who labor under the illusion that they can bully everyone else into submission to get their narrow, hard-right agenda enacted into law. That is what they are trying to do in the appropriations process. There is only one word to describe the hard right's tactics: Bullying. Bullying. They want to bully their own conference, bully the Speaker, bully the Congress, and bully the country into accepting their extremist views.

It is easy to see why the hard right spends so much time trying to bully the rest of Congress: They have little leverage otherwise because their views are wildly out of the mainstream. These 30 or so Republican chaos agents do not represent the views of most Americans. They don't even represent the views of a great number of Republicans. They are MAGA radicals, extremists whose benchmark for success is paralysis, gridlock, chaos. They think a shutdown will help their party and help the country, but virtually no one else agrees. They are on an island.

But here is the thing: This kind of bullying almost never works. The hard right's bullying didn't work when we avoided default, it didn't work when we avoided shutdowns last year, and it is not going to work here.

Case in point: Where things stand right now in the appropriations process is little different than where we were after we passed the FRA last summer. The hard right wasted almost a year in the House by trying to bully their colleagues through the appropriations

process. They wanted the Speaker to renege on the agreement codified in the FRA. Time and time again, they thwarted the House GOP's ability to even pass their own spending bills. They just wasted precious time. But for all their bluster, the hard right has nothing—nothing—to show for their bullying. The agreement we reached Sunday is practically the same number leadership shook hands on back in June.

In a body comprised of 435 voting Members, it is lunacy for the MAGA hard right to think they can puff their chest and bully the majority of their colleagues into submission. Won't happen.

This year, the American people are going to pay close attention to which party is capable of addressing their everyday needs and which is not. They will pay close attention to who is willing to reach across the aisle to get things done and who is openly calling for—almost excited about—a shutdown, which will hurt so many people. And the American people will note which is the party of chaos and which is the party of getting things done.

Make no mistake, the American people will not stand for radical MAGA Republicans whose only strategy for governing is to bully the rest of the country into submission. It will not work.

#### UKRAINE

Mr. President, now on the supplemental and Ukraine, Senate negotiators continue. They met several times yesterday. So Senate negotiators continue their work on finalizing an agreement for a national security supplemental.

At a time of growing crisis around the world, our supplemental package is America's answer to this decisive moment in world history. The world stands at a crossroads. The war happening in Ukraine is not just between one nation defending itself against another but between tyranny and democracy itself.

The Ukraine war is a conflict of history-altering importance. It could reset the balance of power for Western democracies that has endured since the end of the Cold War.

The Ukraine war has not been much in the news lately with so much going on in Gaza and at the border and so many other things, but that does not mean nothing is happening in Ukraine. Right now, Ukrainian soldiers remain determined, but Russian soldiers are beginning to have an advantage as ammunition is starting to run out for Ukraine.

So passing the supplemental will be America's signal to the world that we will hold the line not just to defend democracy in Europe but to defend our friends in Israel, to deliver critical aid for innocent civilians in Gaza and humanitarian aid across the world, and to outcompete the Chinese Communist Party in the Indo-Pacific.

We must keep moving quickly here in the Senate because Ukraine stands