

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

at a dangerous moment in its war against Putin. Ukrainian fighters remain determined and have not lost their resolve to defend their homeland, but what they are losing are ammunition and armaments, which America has played a leading role in providing. That aid is running out, much to Putin's delight.

Every Senator needs to understand the stakes. If the Senate does not approve more aid to Ukraine, the war, which is already trending in Russia's direction, could, a month from now, dramatically shift in Russia's favor. It is only trending in Russia's direction now because of the lack of armaments. As I quoted yesterday, a Ukrainian officer said that for every five salvos the Russians fire at his troops, he can only fire one salvo back.

A Russian victory in Ukraine would commence an ominous domino effect across the Europe continent of expanded Russian influence. That is not a world any of us want to return to.

In generations past, Democrats and Republicans would have bent heaven and Earth to stand up to Russian dictators, we would have balked at showing weakness to autocratic thugs who invade their neighbors and hope for America's demise.

We find ourselves in a new moment in history where democracy is under siege yet again. We heard directly from President Zelenskyy a few weeks ago about what is at stake if we fail. So fail we must not. It is, therefore, essential that we finish the work of passing the supplemental. It is one of the hardest things the Senate has done in a very long time; but for the sake of our national security, of our friends abroad, of our fundamental values, we must stay the course.

Of course, there are many difficulties with the supplemental, but we must keep our eye on the ball. We must get this done. Ukraine hangs in the balance.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BORDER SECURITY

Mr. THUNE. Mr. President, negotiations continue on border security reforms to be included in the national security supplemental, and I am thankful that after 3 years of chaos at our southern border, Democrats have, at least, finally come to the table, because it is long past time to get the situation under control.

As I said, for 3 years—almost since the day President Biden took office—we have confronted chaos at our southern border. Rather than improving, this crisis has just grown worse and

worse with time. Fiscal year 2021 saw a recordbreaking 1,734,686 migrant encounters at our southern border. Then fiscal year 2022 broke that record, and then fiscal year 2023 broke that record.

And if fiscal year 2024 continues on its current trajectory, we will, yet again, end up breaking another record. December reportedly saw a staggering 302,000 migrant encounters at our southern border—not only the highest December number ever recorded, but the highest number ever recorded for any month, period.

My colleague from Pennsylvania recently compared September's nearly 270,000 border encounters to having the entire population of Pittsburgh crossing our southern border in one month—in one month. The comparison is even more apt with December's numbers. We can't afford to have a major city's worth of illegal immigrants crossing our southern border every single month.

As border cities have long known and as major Democratic cities are now finding to their cost, this simply isn't sustainable. New York City, which has seen 150,000-plus migrants enter the city since last spring, is facing cuts to city services as a result of the influx. In fact, just yesterday, it was reported that Mayor Adams is actually temporarily removing students from their classrooms to house migrants.

It is not just New York that is overwhelmed; so are cities like Denver and Chicago. The mayor of Chicago recently noted that the situation his city and others are facing is "unsustainable." So there are massive practical problems associated with having a city's worth of people coming across our southern border each and every single month.

But that isn't the worst of it. The even bigger concern is the national security crisis that this represents. Our Nation cannot be secure while we have hundreds of thousands of migrants flooding across our southern border each month, frequently to end up released into the United States with court dates that are, literally, years into the future. The sheer volume smooths the way for criminals, terrorists, and other dangerous individuals to make their way into our country.

And there are dangerous individuals trying to make their way into our country. Make no mistake about that. During the first 2 months of fiscal year 2024 alone, 30 individuals on the Terrorist Watchlist were apprehended on our southern border. That is, literally, one every other day. Fiscal year 2023 saw 169 individuals on the Terrorist Watchlist apprehended at our southern border, which was more than the previous six fiscal years combined. If we continue on our current trajectory, we will break the 2023 record this year. And that is deeply concerning.

Those are just the individuals the Border Patrol is actually apprehending. We have no way of knowing how many dangerous individuals have

entered our country over the past years without—without being apprehended. Since the beginning of fiscal year 2021, there have been more than 1.7 million known "got-aways," and those are individuals the Border Patrol saw but was unable to apprehend. Since October 1 alone, there have been more than 83,000 known "got-aways." That is 83,000 individuals entering our country without our knowing who they are, why they are here, or where in the United States they are going. And there is no way—no way—of telling how many unknown "got-aways" there have been.

With the current chaos at our southern border, there is no question that some individuals are managing to make it into the United States completely undetected.

With so many illegal immigrants arriving at our border these days, planning to get caught so they can take advantage of the Biden administration's lax asylum and parole policies, it is especially concerning to see these "got-aways" who are working to evade Border Patrol. Some of them may, indeed, be entering the United States simply hoping for a better life, but it is highly likely that a number of them have more malign intentions.

I mean, think about it. You look at the number of people just in the month of October: 1,569 convicted criminals got in the country, 50 gang members, 93 people who have had warrants for their arrest, and 12 terrorists. That was one month—just one month. And those are the people that were apprehended. Think about those "got-aways," which I mentioned—83,000 known "got-aways" since October 1—and then the unknown "got-aways" who you assume are people who know how to evade law enforcement and figured out how to get into the country illegally. The point simply is this: Our southern border has become a portal for people with all kinds of malign interests to get into this country.

Now, arguably, there was a time when people came here from places like Central and South America in pursuit of a better life; and, obviously, you can't blame them for leaving the places where they lived and wanting to live in the United States. They come here legally. We have ways of people getting into this country legally; laws that should be followed. We are a nation of laws. But the fact that people like terrorists, like criminals, like cartels who are trafficking in who knows what—weapons, drugs, humans—we know how many people are dying every year from fentanyl in this country—our southern border is out of control. It is a danger to our national security, and it is a threat to the safety and security of every community in this country, whether you are on the border or not.

Now, people used to think of this issue as something that just affects people along the southern border. It is not. I just mentioned New York, Chicago, Denver, facing very, very hard