That is why my colleagues and I encouraged the Standing Committee, the Judicial Conference, and the Supreme Court to scrap—scrap—this unconstitutional amendment.

Unfortunately, there is even more. Another committee in the judiciary bureaucracy, the Codes of Conduct Committee, recently amended one of its advisory opinions to prevent law clerks from seeking political employment. This is the same committee that tried to ban Federal judges from joining the nonpartisan Federalist Society while allowing them to join the highly partisan and leftwing American Bar Association. The committee reversed itself on that boneheaded decision after an uproar, an uproar from the judges of all political stripes.

In its new advisory opinion, the committee concluded that clerks could seek employment from law firms, impact litigators, elected officials, and the government, but they cannot even talk to political parties or candidates for office about a job. Doing so, they conclude, ''risks linking the judge's chambers to political activity, which could compromise the independence of the judiciary.''

Consider just how absurd this is. First, political activity is at the core of freedom of speech. To single it out for a special disability among clerks seeking employment turns the First Amendment on its head. Prohibiting a clerk from discussing employment options with the Harris campaign because it might make ''the judiciary'' look bad hurts the clerk's constitutional rights in order to preserve some theoretical, attenuated interest.

Second, it is indeed a special disability and one that has no correspondence to the real world. Why is the ''link'' any more problematic when a clerk wants to talk to a Republican campaign, which is prohibited, but not when she wants to talk to an elected Republican, which is allowed? What about seeking employment as a political appointee in a highly partisan Garland Justice Department? Do the large law firms to which the Democratic Party outsources its campaign litigation not provide a ''link'' to the judiciary?

Indeed, one prominent law firm, the Elias Law Group, explicitly claims that its goal is to elect Democrats. And yet a clerk can presumably seek employment there but not from the Democratic National Committee? These are distinctions without differences.

But wait, there is more. Last week, the Judiciary Conference, in its zeal to take a hard line against misconduct in the workplace, referred a disgraced former judge to the House for impeachment. Yes, that is right. They referred a private citizen for impeachment.

Without getting into the merits of the allegations against the former judge—other than to note that they caused him to resign in disgrace—this was a remarkable action by the Federal bureaucracy. They were surely aware that whether or not you can impeach a former official is hotly disputed, but they referred it anyway.

In other words, while trying to make a point about one political issue—workplace misconduct in the judiciary—they ended up making a point about another one—the impeachment of former officials. And for what? Forty sitting Senators have already said that you can't do this as a matter of constitutional law, thereby making the conviction all but impossible.

The judiciary itself is under increasing attack from Democrats who want to destroy it as an independent branch of government, and the judicial bureaucracy seems desperate to appear apolitical. It has been taking affirmative steps to virtue signal on issues that matter to Democrats, from Federalist Society membership to single-judge divisions to amicus disclosure.

It would be one thing if this were empty virtue signaling, but we are talking about behavior increasingly in tension with constitutional provisions, including First Amendment rights.

So my advice to the Judicial Conference is this: The way to avoid getting involved in politics is to avoid getting involved in politics.

TOBACCO-FREE USE ACT

Now, on another matter, Mr. President, I would like to end on something the walls of this Chamber don't hear enough of—some good news. According to an annual survey conducted by the CDC and the FDA, the number of young people in America smoking e-cigarettes dropped to its lowest level in the last decade. Let me say that again. E-cigarette use among America's youth is now roughly one-third of the alltime high it hit just 5 years ago.

There are a lot of factors at play in this downward trend, but one powerful tailwind originated right here in the Senate.

In 2019, youth e-cigarette use was at its peak. That is the year that I wrote and introduced the Tobacco-Free Use Act with my good friend Senator KAINE from Virginia. Our bipartisan bill raised the minimum age to purchase tobacco products, including e-cigarette devices, from 18 to 21.

We didn't try to reinvent the wheel. We knew that nearly all smokers—roughly 95 percent of them—started by the age of 21. By raising the age limit, less tobacco winds up in high schools, which means less opportunity for children to get their hands on addictive vaping devices.

This issue hits close to home. Kentucky has the highest cancer rate in the country. In years past, we have even topped the list for higher proportion of cigarette-related cancer deaths.

Now as the senior Senator from Kentucky, my decision to spearhead this litigation surprised some people. My home State has a close connection to tobacco. But as I pointed out in the past, Kentucky farmers don't want their children forming nicotine addictions any more than any other parent.

If we have learned anything in the fight against addiction is that families are right to be worried. At this critical stage of development, nicotine products can be the first step in a life maligned by serious health problems.

So while more work remains, I am proud that the Senate stepped up to address this public health crisis, and I am grateful to see this legislation is actually making a difference.

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.

TRUMP ASSASSINATION ATTEMPT

Mr. THUNE. Mr. President, before I begin, I just want to say how grateful I am that President Trump is safe after what appears to be a second attempt on his life in the space of 2 months.

The trend this election cycle has taken toward violence is disturbing to say the least, and I hope this weekend's events will prompt reflection on our political discourse and the importance of not letting our disagreements lead to the dehumanization of our opponents.

I am grateful for all the law enforcement personnel who responded and helped prevent another tragedy, and I look forward to seeing a thorough investigation.

NATIONAL SECURITY

Mr. President, perhaps the most important thing we do here in Congress is to provide for our Nation's defense. I have said it before, and I will say it again: If we don't get national security right, the rest is just conversation. Everything else we do in government and our very existence as a nation depends on our getting security right.

National security, Mr. President, is not a one-and-done kind of a situation. We can't rely on a one-time military buildup or the reputation we have earned as a superpower to keep our Nation safe. Tactics change, technology changes, weapons change, and reputations—even strong ones—eventually change if they are not backed up with substance. Maintaining a robust national defense has to be a permanent focus, year in and year out. There is no time in which we can afford to put national security on the back burner or underfund our Nation's military—which brings me to where we are today.

Mr. President, in July of this year, the Commission on the National Defense Strategy released its report. It had this to say:

> The Commission finds that the U.S. military lacks both the capabilities and the capacity required to be confident it can deter and prevail in combat.

Let me just repeat that.

> The Commission finds that the U.S. military lacks both the capabilities and the capacity required to be confident it can deter and prevail in combat.

Another quote from the Commission's report said this:

The Commission finds that, in many ways, China is outpacing the United States and has largely negated the U.S. military advantage in the Western Pacific through two decades of focused military investment. Without significant change by the United States, the balance of power will continue to shift in China's favor.

Mr. President, from the Strategic Posture Commission report:

Today the United States is on the cusp of having not one, but two nuclear peer adversaries, each with ambitions to change the international status quo, by force, if necessary: a situation which the United States did not anticipate and for which it is not prepared.

Let me again say that: ''a situation which the United States did not anticipate and for which it is not prepared.''

In short, we have work to do. We are not where we should be when it comes to our national defense. While our preparedness lags, the world isn't getting any safer. If anything, it is getting more dangerous.

Over the course of the Biden-Harris administration, we have seen Russia invade the sovereign nation of Ukraine, China growing increasingly aggressive in the Pacific, a brutal terrorist attack on Israel that left more than 1,000 dead, terrorists threatening shipping in the Middle East—and the list literally goes on and on.

This summer alone, Russian and Chinese bombers for the first time sortied together 200 miles off the coast of Alaska—an alarming display of the growing ties between those two nations. Taiwan reported 305 airspace violations by Chinese aircraft in the month of June—the second highest monthly total on record. The Chinese continue to swarm and even collide with ships from the Philippines. Just 2 weeks ago, Japan for the first time reported an incursion of a Chinese aircraft into its airspace. In the Middle East, U.S. military members have continued to combat terrorists on land and Houthi attacks on U.S. ships and international shipping in the Red Sea.

Hamas still holds upwards of 100 hostages in Gaza, including 7 Americans. Iran has sent close-range ballistic missiles to Russia, presumably for use against the Ukrainian people. A Pakistani national with ties to Iran was charged with plotting the assassination of multiple U.S. politicians.

I could go on.

Given all of this, you would think Democrat leadership here in the Senate would have made our yearly Defense bills—the National Defense Authorization Act and our Defense appropriations bills which fund that act—a priority, but you would be wrong. We are 2 weeks away from the end of the fiscal year, and we haven't touched the National Defense Authorization Act since it was passed by the committee, much less touched the Defense appropriations bills.

And it is not because we have been passing a bunch of other substantive pieces of legislation. Aside from the Kids Online Safety and Privacy Act, we have basically spent the entire summer confirming Biden nominees and taking show votes selected by the Democrat leader. As a result, the fiscal year will close and the new one begin without a Defense authorizing bill and without Defense appropriations bills. Instead, our military will have to continue operating under inadequate 2024 funding levels. Existing modernization projects will be delayed, and urgent new programs will be put off.

I haven't even talked about the message these delays send to our enemies. Anyone who thinks our enemies aren't emboldened by this careless attitude toward our national security needs to think again.

For that matter, what message do these delays send to our allies? I recently returned from a trip to Japan and South Korea, led by my colleague Senator HAGERTY, to build relationships and enhance trilateral cooperation. We stressed the imperative of investing in our mutual defense cooperation—a message that will be undercut by our putting defense legislation on the back burner. Likewise, our message to allies and partners around the world that they should take more seriously their own defense investments will be juxtaposed against our own inaction.

Needless to say, it didn't have to be this way. If the Democrat leader had been more interested in meeting Congress's basic responsibilities than in conducting show votes he hopes may win Democrats a few votes in November, we could have already passed not only the National Defense Authorization Act but the Defense appropriations bill that funds that act as well. As it is, thanks to the decisions of the Democrat leader, our military will have to wait at least until after the election. Meanwhile, our adversaries' efforts continue.

Mr. President, this isn't the first time in the Biden-Harris administration that Democrats have chosen to put our national defense on the back burner. While we don't know what the Senate or the Presidency will look like next year, I hope—I sincerely hope—that we will have leaders who take our national security a little more seriously because I suspect that if we don't, we will have cause—great cause—to regret it.

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.

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

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 778, Mary Kathleen Costello, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Charles E. Schumer, Richard J. Durbin, Sheldon Whitehouse, Laphonza R. Butler, Benjamin L. Cardin, Mazie K. Hirono, Chris Van Hollen, Ben Ray Luján, Brian Schatz, Thomas R. Carper, Margaret Wood Hassan, Christopher Murphy, Tammy Duckworth, Tina Smith, Jack Reed, Patty Murray, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Mary Kathleen Costello, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Dakota (Mr. ROUNDS), the Senator from North Carolina (Mr. TILLIS), and the Senator from Ohio (Mr. VANCE).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted ''yea.''

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 241 Ex.]

YEAS—54

Baldwin	Hassan	Reed
Bennet	Heinrich	Romney
Blumenthal	Helmy	Rosen
Booker	Hickenlooper	Sanders
Brown	Hirono	Schatz
Butler	Kaine	Schumer
Cantwell	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Luján	Stabenow
Collins	Markey	Tester
Coons	Merkley	Van Hollen
Cortez Masto	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Fetterman	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Graham	Peters	Wyden

NAYS—42

Barrasso	Ernst	Moran
Blackburn	Fischer	Mullin
Boozman	Grassley	Paul
Braun	Hagerty	Ricketts
Britt	Hawley	Risch
Budd	Hoeven	Rubio
Capito	Hyde-Smith	Schmitt
Cassidy	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	Lummis	Tuberville
Cruz	Marshall	Wicker
Daines	McConnell	Young