

## IN THE FOREIGN SERVICE

PN72-5 FOREIGN SERVICE nomination of Daniel Sylvester Cronin, which was received by the Senate and appeared in the Congressional Record of January 13, 2015.

PN877-2 FOREIGN SERVICE nomination of Derrell Kennedo, which was received by the Senate and appeared in the Congressional Record of September 21, 2015.

PN939 FOREIGN SERVICE nominations (119) beginning Steven Carl Aaberg, and ending Sandra M. Zuniga Guzman, which nominations were received by the Senate and appeared in the Congressional Record of November 10, 2015.

PN951-1 FOREIGN SERVICE nominations (3) beginning James F. Entwistle, and ending Daniel R. Russel, which nominations were received by the Senate and appeared in the Congressional Record of November 19, 2015.

PN954 FOREIGN SERVICE nominations (102) beginning Christopher Volciak, and ending Edward L. Robinson, III, which nominations were received by the Senate and appeared in the Congressional Record of November 19, 2015.

## IN THE NAVY

PN996 NAVY nomination of Kenneth C. Collins, II, which was received by the Senate and appeared in the Congressional Record of November 19, 2015.

## NOMINATION DISCHARGED AND EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from consideration of PN714 and the Senate proceed to consider the following nominations en bloc: PN714, Calendar Nos. 385, 392, and 426.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Richard Capel Howorth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2020; Cherry Ann Murray, of Kansas, to be Director of the Office of Science, Department of Energy; Eric Drake Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation for a term expiring October 6, 2018; and Darryl L. DePriest, of Illinois, to be Chief Counsel for Advocacy, Small Business Administration.

Thereupon, the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. Is there further debate on the nominations en bloc?

If not, the question is, Will the Senate advise and consent to the Howorth, Murray, Eberhard, and DePriest nominations en bloc?

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to

the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Monday, December 14, at 5 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 393 through 396; that there be 30 minutes for debate on the Starzak nomination equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that following disposition of the nominations, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

## CHILD NICOTINE POISONING PREVENTION ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 35, S. 142.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 142) to require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 142

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Nicotine Poisoning Prevention Act of 2015".

## SEC. 2. CHILD SAFETY PACKAGING FOR LIQUID NICOTINE CONTAINERS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(2) LIQUID NICOTINE CONTAINER.—

(A) IN GENERAL.—The term "liquid nicotine container" means a consumer product, as defined in section 3(a)(5) of the Consumer Product

Safety Act (15 U.S.C. 2052(a)(5)) notwithstanding subparagraph (B) of such section, that consists of a container that—

(i) has an opening from which nicotine in a solution or other form is accessible and can flow freely through normal and foreseeable use by a consumer; and

(ii) is used to hold soluble nicotine in any concentration.

(B) EXCLUSIONS.—The term "liquid nicotine container" does not include nicotine in a solution or other form in a sealed, pre-filled, disposable container inserted directly into an electronic cigarette or other similar device, so long as the nicotine in the container is inaccessible or cannot flow freely out of such container or electronic cigarette or other similar device through normal and foreseeable use by a consumer.

(3) NICOTINE.—The term "nicotine" means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

(4) SPECIAL PACKAGING.—The term "special packaging" has the meaning given such term in section 2 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471).

(b) REQUIRED USE OF SPECIAL PACKAGING FOR LIQUID NICOTINE CONTAINERS.—

(1) RULEMAKING.—

(A) IN GENERAL.—Notwithstanding section 3(a)(5)(B) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)(B)) or section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)), not later than 1 year after the date of enactment of this Act, the Commission shall promulgate a rule requiring special packaging for liquid nicotine containers.

(B) AMENDMENTS.—The Commission may promulgate such amendments to the rule promulgated under subparagraph (A) as the Commission considers appropriate.

(2) EXPEDITED PROCESS.—The Commission shall promulgate the rule under paragraph (1) in accordance with section 553 of title 5, United States Code.

(3) INAPPLICABILITY OF CERTAIN RULEMAKING REQUIREMENTS.—The following provisions shall not apply to a rulemaking under paragraph (1): (A) Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058).

(B) Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262).

(C) Subsections (b) and (c) of section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472).

(4) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or diminish the authority of the Food and Drug Administration to regulate the manufacture, marketing, sale, or distribution of liquid nicotine, liquid nicotine containers, electronic cigarettes, or similar products that contain or dispense liquid nicotine.

(5) ENFORCEMENT.—A rule promulgated under paragraph (1) shall be treated as a standard applicable to a household substance established under section 3(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472(a)).

(c) REPORTING REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report detailing the rule and requirements promulgated under this Act and any enforcement actions taken thereunder.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute be withdrawn; that the Nelson substitute amendment be agreed to; that the bill, as amended, be read three times and passed; that the amendment to the title be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.