

# HONORING THE LIFE OF CARLYLE FARNSWORTH

(Mr. McKINLEY asked and was given permission to address the House for 1 minute.)

Mr. McKINLEY. Mr. Speaker, I rise to recognize and honor the life of Carlyle Farnsworth from Wheeling, who passed away on Christmas Eve.

I was honored to have known him as a friend. Carlyle was a member of the Greatest Generation in America, and he served in the United States Marine Corps during World War II. When he returned home, he built a career, raised a family, and was a community leader for a number of years.

He served on the board of the Wheeling Hospital for 29 years and was a past president. He was president of the Wheeling Area Chamber of Commerce, was active in scouting with the local valley Scout council, and served as the vice president of the Scouts for over 20 years. Carlyle attended the very first National Scouting Jamboree right here in Washington in 1937.

He was a distinguished banker for over 40 years and served as the bank president for many of those years. He belonged to numerous State and national banking associations and served on the West Virginia State Board of Investments.

My lasting impression of Carlyle was how cheerful, upbeat, and positive he was. I offer my condolences to his loving wife of 44 years, Sue; to his daughter, Betsy Ann; to his son, Thomas, and his wife C.J.

Carlyle will be missed, but he will be remembered as a leader, as a loving husband, and as an inspiration to all of those with whom he came in contact.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:45 p.m. today.

Accordingly (at 2 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1548

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RIBBLE) at 3 o'clock and 48 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

# CHILD NICOTINE POISONING PREVENTION ACT OF 2015

Mrs. BROOKS of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (S. 142) to require special packaging for liquid nicotine containers, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 142

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

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

## SEC. 2. SPECIAL PACKAGING FOR LIQUID NICOTINE CONTAINERS.

(a) REQUIREMENT.—Notwithstanding section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) and section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)), any nicotine provided in a liquid nicotine container sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States shall be packaged in accordance with the standards provided in section 1700.15 of title 16, Code of Federal Regulations, as determined through testing in accordance with the method described in section 1700.20 of title 16, Code of Federal Regulations, and any subsequent changes to such sections adopted by the Commission.

(b) SAVINGS CLAUSE.—

(1) IN GENERAL.—Nothing in this Act shall be construed to limit or otherwise affect the authority of the Secretary of Health and Human Services to regulate, issue guidance, or take action regarding the manufacture, marketing, sale, distribution, importation, or packaging, including child-resistant packaging, of nicotine, liquid nicotine, liquid nicotine containers, electronic cigarettes, electronic nicotine delivery systems or other similar products that contain or dispense liquid nicotine, or any other nicotine-related products, including—

(A) authority under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the Family Smoking Prevention and Tobacco Control Act (Public Law 111-31) and the amendments made by such Act; and

(B) authority for the rulemaking entitled "Deeming Tobacco Products to Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; regulations on the Sale and Distribution of Tobacco Products and the Required Warning Statements for Tobacco Products" (April 2014) (FDA-2014-N-0189), the rulemaking entitled "Nicotine Exposure Warnings and Child-Resistant Packaging for Liquid Nicotine, Nicotine-Containing E-Liquid(s), and Other Tobacco Products" (June 2015) (FDA-2015-N-1514), and subsequent actions by the Secretary regarding packaging of liquid nicotine containers.

(2) CONSULTATION.—If the Secretary of Health and Human Services adopts, maintains, enforces, or imposes or continues in effect any packaging requirement for liquid nicotine containers, including a child-resistant packaging requirement, the Secretary shall consult with the Commission, taking into consideration the expertise of the Commission in implementing and enforcing this Act and the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.).

(c) APPLICABILITY.—Notwithstanding section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)) and section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)), the requirement of subsection (a) shall be treated as a standard for

the special packaging of a household substance established under section 3(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472(a)).

(d) DEFINITIONS.—In this section:

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

(2) LIQUID NICOTINE CONTAINER.—

(A) IN GENERAL.—Notwithstanding section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)) and section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)), the term "liquid nicotine container" means a package (as defined in section 2 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471))—

(i) from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and

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

(B) EXCLUSION.—The term "liquid nicotine container" does not include a sealed, pre-filled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(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.

## SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the date that is 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Indiana (Mrs. BROOKS) and the gentleman from Maryland (Mr. SARBANES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Indiana.

## GENERAL LEAVE

Mrs. BROOKS of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

Mrs. BROOKS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Recently there has been a significant amount of debate surrounding liquid nicotine, ranging from its use as cigarette cessation to its use in public spaces. While there are differing points on the future of vaping, everyone can agree on the need to prevent the product from inadvertently reaching the hands of children.

That is why my colleague from Connecticut (Ms. ESTY) and I introduced the Child Nicotine Poisoning Prevention Act, which simply requires child safety packaging be added to liquid nicotine containers. The bill we are considering today and have already passed in the Senate is identical to our bill, which passed out of the Committee on Energy and Commerce in October of last year.

Liquid nicotine, the product that is used in vaping pipes, is getting into the hands of children at a startling rate. I witnessed this firsthand when I had the opportunity to visit the Indiana Poison Control Centers last year.

Their director, Dr. Jim Mowry, shared with me that exposures to e-cigarettes in Indiana alone have increased eightfold from 2011 to 2014. The numbers nationwide are even more startling, with poison control centers across the country showing a 14-fold increase in the exposure to e-cigarettes, from 271 cases in 2011 to just under 4,000 cases in 2014.

Attracted by flavors like Skittles and Apple Jacks, curious children are often tempted to taste this liquid. Unfortunately, a single teaspoon of this liquid can be deadly to a child if it is either ingested or absorbed through the skin.

Since there are no safety packaging requirements currently under Federal law, children aren't hindered in any way from having access to this potentially lethal product. With vaping becoming even more popular across the country and with an estimated 36 percent of e-cigarette users not locking up bottles of liquid nicotine or using childproof caps, I fear these calls to the poison control centers will only continue to rise.

That is why the bill in front of us today is so important. Very simply, it solves the problem that we have by applying to liquid nicotine the existing childproofing requirements found in the Poison Prevention Act. We shield our children from hazardous products. Liquid nicotine should be no exception.

Now, I know that the FDA also plans to regulate in this space and some have expressed worry about the overlapping regulations that this bill might impose. I am hopeful that the savings clause that we have added to the bill will allay the fears of those skeptics since it explicitly allows the FDA to continue its regulatory authority.

There is a significant amount of debate about the FDA's authority in this area and when it will act. Regardless, since the FDA hasn't even produced a proposed rule yet, a final rule will likely not be finalized for over a year. That is a year of more calls to poison control centers across the country and a year of kids being needlessly exposed to an easily preventable danger. Let's solve the problem right now by passing this legislation and sending it to the President's desk today.

In closing, I express my thanks to my colleague, the gentlewoman from Connecticut (Ms. ESTY). This is something that I know she has worked on for quite some time; so, I thank her for helping to spearhead this effort and for helping us to craft a bill that will protect children for generations to come.

Mr. Speaker, I reserve the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 142, the Child Nicotine Poisoning Prevention Act,

which would protect children from exposure to liquid nicotine.

Liquid nicotine comes in a variety of flavors, like orange, grape, bubblegum, and cotton candy, which appeal to kids, and many of these liquid nicotine products are easily accessible to children for contact and consumption. At this time, there is no existing standard to protect against accidental poisoning.

The threat of poisoning is not an imagined threat. About a year ago the first American victim—a 1-year-old—died from liquid nicotine poisoning. The number of calls to poison control centers about liquid nicotine continues to rise, and more than half of those reported exposures occurred in children who were under 6 years of age.

This bill, as you heard, takes the commonsense step of directing the Consumer Product Safety Commission to limit the risks of child liquid nicotine poisoning by requiring special packaging for liquid nicotine containers.

At the same time, it allows the Food and Drug Administration to continue with its rules on tobacco products, including the requirement for the childproof packaging of liquid nicotine.

The FDA's authority to do so is clear, and I strongly encourage the Office of Management and Budget to finish its review of the tobacco rule so the rules can go into effect quickly.

I hope and expect this will be as widely supported in the House as it was in the Senate. I salute Representative BROOKS. I also thank Representative ELIZABETH ESTY for her important leadership on this critical issue and for working across the aisle, from the outset, to advance this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. BROOKS of Indiana. Mr. Speaker, I reserve the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Speaker, I rise today in support of the Child Nicotine Poisoning Prevention Act.

Along with Senator NELSON, I proudly introduced the Child Nicotine Poisoning Prevention Act last year. This year it has been a real pleasure to work with my good friend SUSAN BROOKS.

I would like to thank her as well as Representative SCHAKOWSKY, Representative SARBANES, Chairman UPTON, Ranking Member PALLONE, and all of the staff for their help on this commonsense, important—literally, lifesaving—legislation that I hope we will pass today and put on the President's desk tonight.

As a mom, I can only imagine the pain felt by parents whose children have been poisoned by a substance that, so far, the Federal Government has done nothing from which to protect their children.

It is understandable that children are attracted by the liquid nicotine that is

being sold right now through e-cigarettes. The packages are brightly colored. They look like candy. They have flavors like strawberry, gummy bears, cotton candy, peppermint, chocolate. Once you open the package, it smells like candy.

It is not surprising, particularly at the holidays, that children who are seeing brightly colored food flavorings and who are dyeing cookies and making them bright colors would be curious. They smell it and want to taste it. Just a little over a year ago a 2-year-old died in New York from ingesting this.

Even a small bottle of liquid nicotine has enough poison to kill four small children; so, I am grateful to my friends today on both sides of the aisle for having joined us to reduce the risk of these poisonings by adding the simple packaging that we are all familiar with, those plastic wrappings that are on every bottle of eyedrops, on every bottle of contact lens solution, and on all poisons and commonsense household products that we know could endanger an adult.

But here we are talking about children, and they deserve our protection. Liquid nicotine, which is just as dangerous, deserves to have that packaging.

This bipartisan legislation will require that all liquid nicotine quantities be childproofed. It is a simple, commonsense measure. It will save lives. I ask that all of my colleagues support this legislation today so as to ensure that liquid nicotine packaging in all sizes and shapes and colors and flavors is childproofed.

We have worked very hard to ensure that we are working within the FDA's authority, giving them time to develop final rules. But, frankly, we have already waited over a year. We have already had a death in the last year, and there has been a huge increase in the number of calls to poison centers. So it is past time for us to act.

Again I thank my colleagues, particularly the chairman and SUSAN BROOKS, for their leadership.

I urge my colleagues to join us today. Let's get this on the President's desk for signature. Let's get our children protected from the dangers of liquid nicotine.

Mr. SARBANES. Mr. Speaker, I urge support of this important bill.

I yield back the balance of my time.

Mrs. BROOKS of Indiana. Mr. Speaker, I yield myself the balance of my time.

In closing, as the gentlewoman from Connecticut (Ms. ESTY) so eloquently stated, I also commend my colleagues on the Committee on Energy and Commerce for seeing the importance of this.

I thank Mr. SARBANES, the chairman, and the ranking member for moving on this commonsense legislation. I thank Ms. ESTY for being a champion of the Child Nicotine Poisoning Prevention Act.

I urge all of my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support to S. 142, the "Child Nicotine Poisoning Prevention Act," which requires any nicotine provided in a liquid nicotine container sold, offered for sale, manufactured for sale, distributed in commerce must be in special packaging that is difficult for children under five years of age to open or access harmful contents.

As the founding member and Chair of the Congressional Children's Caucus, I am in support of this bill because it places the safety of children first.

Today, small children are at risk of injury and death from easily accessed liquid nicotine used to refill electronic cigarettes.

Nicotine liquids used in e-cigarettes are sold without child proof packaging.

Further, these nicotine products are attractive to children because they come in a wide range of candy flavors such as gummy bear, cotton candy and chocolate.

Liquid nicotine is highly toxic and sold in a highly concentrated form.

Many liquid nicotine products contain nearly 36 mg of nicotine per milliliter of liquid.

According to the Campaign for Tobacco Free Kids the concentrated form of nicotine in liquid form intended for use in smokeless cigarettes would only take a small 15 milliliter dose to kill four toddlers.

According to the Centers for Disease Control the number of calls to poison centers involving e-cigarette liquids containing nicotine rose from one per month in September 2010 to 215 per month in February 2014.

Data from the American Association of Poison Control Centers (AAPCC) showed nearly 4,000 adverse incidents related to e-cigarette exposures in 2014, a 145 percent increase from 2013 and a 14-fold increase since 2011.

In 2015, there were 1,499 calls to Poison Control Centers through May 31, 2015 that were liquid nicotine related.

This bill would save children's lives by allowing the Consumer Product Safety Commission (CPSC) the authority to require the use of child-resistant packaging on liquid nicotine containers sold to consumers.

The CPSC currently requires such packaging on many common toxic household substances like bleach, as well as FDA-regulated products like prescription drugs.

S. 142 is needed to save children from unnecessary poisonings from liquid nicotine.

The most recent National Youth Tobacco Survey showed e-cigarette use is growing fast, and now this report shows e-cigarette related poisonings are also increasing rapidly," said Tim McAfee, M.D., M.P.H., Director of CDC's Office on Smoking and Health.

We all must do our part to reduce liquid nicotine poisoning of children.

It will take the efforts of members of the House in voting to pass this bill, health care providers, e-cigarette companies and distributors, and the public need to join efforts to keep our children safe from potential health risk from e-cigarettes.

Strategies to monitor and prevent future poisonings are critical given the rapid increase in e-cigarette related poisonings and the first step is voting for S. 142.

I ask my colleagues to join me in support of S. 142, "Child Nicotine Poisoning Prevention Act."

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Indiana (Mrs. Brooks) that the House suspend the rules and pass the bill, S. 142.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1600

#### NORTH KOREA SANCTIONS ENFORCEMENT ACT OF 2016

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 757) to improve the enforcement of sanctions against the Government of North Korea, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 757

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "North Korea Sanctions Enforcement Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

#### TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

Sec. 101. Statement of policy.

Sec. 102. Investigations.

Sec. 103. Briefing to Congress.

Sec. 104. Designation of persons for prohibited conduct and mandatory and discretionary designation and sanctions authorities.

Sec. 105. Forfeiture of property.

#### TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, ILLICIT ACTIVITIES, AND SIGNIFICANT ACTIVITIES UNDERMINING CYBER SECURITY

Sec. 201. Determinations with respect to North Korea as a jurisdiction of primary money laundering concern.

Sec. 202. Ensuring the consistent enforcement of United Nations Security Council resolutions and financial restrictions on North Korea.

Sec. 203. Proliferation prevention sanctions.

Sec. 204. Procurement sanctions.

Sec. 205. Enhanced inspections authorities.

Sec. 206. Travel sanctions.

Sec. 207. Exemptions, waivers, and removals of designation.

Sec. 208. Report on those responsible for knowingly engaging in significant activities undermining cyber security.

Sec. 209. Sense of Congress that trilateral cooperation among the United States, Japan, and the Republic of Korea is crucial to the stability of the Asia-Pacific region.

Sec. 210. Report on nuclear program cooperation between North Korea and Iran.

#### TITLE III—PROMOTION OF HUMAN RIGHTS

Sec. 301. Information technology.

Sec. 302. Report on North Korean prison camps.

Sec. 303. Report on persons who are responsible for serious human rights abuses or censorship in North Korea.

#### TITLE IV—GENERAL AUTHORITIES

Sec. 401. Suspension of sanctions and other measures.

Sec. 402. Termination of sanctions and other measures.

Sec. 403. Authority to consolidate reports.

Sec. 404. Regulations.

Sec. 405. No additional funds authorized.

Sec. 406. Effective date.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The Government of North Korea has repeatedly violated its commitments to the complete, verifiable, irreversible dismantlement of its nuclear weapons programs, and has willfully violated multiple United Nations Security Council resolutions calling for it to cease its development, testing, and production of weapons of mass destruction.

(2) North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.

(3) The Government of North Korea has been implicated repeatedly in money laundering and illicit activities, including prohibited arms sales, narcotics trafficking, the counterfeiting of United States currency, and the counterfeiting of intellectual property of United States persons.

(4) The Government of North Korea has, both historically and recently, repeatedly sponsored acts of international terrorism, including attempts to assassinate defectors and human rights activists, repeated threats of violence against foreign persons, leaders, newspapers, and cities, and the shipment of weapons to terrorists and state sponsors of terrorism.

(5) North Korea has unilaterally withdrawn from the 1953 Armistice Agreement that ended the Korean War, and committed provocations against South Korea in 2010 by sinking the warship Cheonan and killing 46 of her crew, and by shelling Yeonpyeong Island, killing four South Koreans.

(6) North Korea maintains a system of brutal political prison camps that contain as many as 120,000 men, women, and children, who live in atrocious living conditions with insufficient food, clothing, and medical care, and under constant fear of torture or arbitrary execution.

(7) The Congress reaffirms the purposes of the North Korean Human Rights Act of 2004 contained in section 4 of such Act (22 U.S.C. 7802).

(8) North Korea has prioritized weapons programs and the procurement of luxury goods, in defiance of United Nations Security Council resolutions, and in gross disregard of the needs of its people.

(9) The President has determined that the Government of North Korea is responsible for knowingly engaging in significant activities undermining cyber security with respect to United States persons and interests, and for threats of violence against the civilian population of the United States.

(10) Persons, including financial institutions, who engage in transactions with, or provide financial services to, the Government of North Korea and its financial institutions without establishing sufficient financial safeguards against North Korea's use of these transactions to promote proliferation, weapons trafficking, human rights violations, illicit activity, and the purchase of luxury goods, aid and abet North Korea's misuse of the international financial system, and also violate the intent of relevant United Nations Security Council resolutions.