S. 2377

At the request of Mr. REID, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2377, a bill to defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. BROWN, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. SANDERS, Ms. WARREN, and Mr. MERKLEY):

S. 2387. A bill to restore protections for Social Security, Railroad retirement, and Black Lung benefits from administrative offset; to the Committee on Finance.

Mr. WYDEN. Mr. President, every day, Social Security provides vital benefits to millions of Americans who worked and paid into the system. To ensure workers would receive full access to these fundamental lifeline benefits, for many years, the law protected these earned benefits from attempts to recover debts. However, 20 years ago, Congress suddenly reversed course, and made a change to the law that allowed the government to cut Social Security and other hard-earned benefit payments in order to collect student loan and other Federal debts, like home loans owed to the Veterans Administration, and food stamp overpayments.

Now more than ever, the loss of these protections is creating a major hardship for American Citizens who rely on Social Security and other earned benefits to make ends meet. Student loan debt is becoming an increasingly serious problem in in Oregon and across the nation, with students and their families burdened by crushing student loan debt. Even in the best circumstances, many families will struggle to pay off crippling loans for years to come. However, for people who rely on benefits like Social Security after retirement, disability, or the death of a family member, making payments on student loans or other federal debts can become an insurmountable hardship.

Because of the lifeline nature of these earned benefits, for more than 40 years the law prevented all creditors from collecting hard-earned Social Security, Railroad Retirement, and Black Lung benefits to recoup debts. The only exceptions included unpaid Federal taxes, child support or alimony payments, and court-ordered victim restitution. These protections helped ensure that our social safety net programs were functioning as intended—something I think we can all agree is essential to preserving Social Security and other earned benefits.

Astonishingly, when the law changed as part of a 1996 omnibus budget bill, these changes were never fully debated in Congress. This means Members of Congress never had the chance to really explore how this policy would affect beneficiaries. The legislation ultimately included some protections for the most vulnerable, but even those protections have not been updated in 20 years.

We now realize what a profound effect the loss of these protections has had on retirees and individuals with disabilities, who often live on fixed incomes. More and more seniors and people with disabilities are having their Social Security and other lifeline benefits taken away to pay federal debts. For example, according to a September 2014 GAO report, the number of individuals whose Social Security benefits were offset to pay student loan debt increased significantly between 2002 and 2013, from about 31,000 to 155,000. For individuals 65 and older with student loan-related Social Security garnishments, the number grew from about 6,000 to about 36,000 over the same period. Congress should restore sanity to the system, and reestablish the protections that these beneficiaries deserve.

That is why I, along with Senators BROWN, WHITEHOUSE, GILLIBRAND, KLOBUCHAR, SANDERS and WARREN are introducing the Protection of Social Security Benefits Restoration Act. The bill would restore the strong protections in the law that prevented the government from taking away earned benefits to pay Federal debts, and guarantee beneficiaries will be able to maintain a basic standard of living by receiving the benefits they have earned. The bill is supported by Social Security Works, The Strengthen Social Security Coalition, AFL–CIO, Justice in Aging, Campaign for America's Future, Global Policy Solutions, Student Debt Crisis, the National Organization for Women, RootsAction.org, Project Springboard, The Alliance for a Just Society, the Economic Opportunity Institute, the Progressive Change Campaign Committee, The Arc of the United States, The Public Higher Education Network of Massachusetts, the American Federation of Government Employees, and the National Committee to Preserve Social Security and Medicare.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2387

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 ''Protection of Social Security Benefits Restoration Act''.

SEC. 2. PROTECTING SOCIAL SECURITY, RAILROAD RETIREMENT, AND BLACK LUNG BENEFITS FROM ADMINISTRATIVE OFFSET.

(a) PROHIBITION ON ADMINISTRATIVE OFFSET AUTHORITY.—

(1) ASSIGNMENT UNDER SOCIAL SECURITY ACT.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

''(d) Subparagraphs (A), (C), and (D) of section 3716(c)(3) of title 31, United States Code, as such subparagraphs were in effect on the date before the date of enactment of the Protection of Social Security Benefits Restoration Act, shall be null and void and of no effect.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 14(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(a)) is amended by adding at the end the following: ''. The provisions of section 207(d) of the Social Security Act shall apply with respect to this title to the same extent as they apply in the case of title II of such Act.''.

(B) Section 2(e) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(e)) is amended by adding at the end the following: ''The provisions of section 207(d) of the Social Security Act shall apply with respect to this title to the same extent as they apply in the case of title II of such Act.''

(b) REPEAL OF ADMINISTRATIVE OFFSET AUTHORITY.—

(1) IN GENERAL.—Paragraph (3) of section 3716(c) of title 31, United States Code, is amended—

(A) by striking ''(3)(A)(i) Notwithstanding'' and all that follows through ''any overpayment under such program).'';

(B) by striking subparagraphs (C) and (D); and

(C) by redesignating subparagraph (B) as paragraph (3).

(2) CONFORMING AMENDMENT.—Paragraph (5) of such section is amended by striking ''the Commissioner of Social Security and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any collection by administrative offset occurring on or after the date of enactment of this Act of a claim arising before, on, or after the date of enactment of this Act.

By Ms. COLLINS (for herself and Ms. CANTWELL):

S. 2389. A bill to amend title XVIII of the Social Security Act to extend the rural add-on payment in the Medicare home health benefit, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today with my colleague from Washington, Senator CANTWELL, to introduce the Preserve Access to Medicare Rural Home Health Services Act of 2015. This legislation would extend the modest increase in payments for home health services in rural areas that otherwise will expire on January 1 of 2018.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled—and often technically complex—services that our nation's home health caregivers provide have enabled millions of our most frail and vulnerable older and disabled citizens to avoid hospitals and nursing homes and stay just where they want to be—in the comfort, privacy, and security of their own homes. I have accompanied several of Maine's caring home health nurses on their visits to patients and have seen first hand the difference that they are making for patients and their families.

Surveys have shown that the delivery of home health services in rural areas can be as much as 12 to 15 percent more costly because of the extra travel time

required to cover long distances between patients, higher transportation expenses, and other factors. Because of the longer travel times, rural caregivers are unable to make as many visits in a day as their urban counterparts. For example, home health care agencies in Aroostook County in Northern Maine, where I am from, cover almost 6,700 square miles, with an average population of fewer than 11 persons per square mile. These agencies' costs are understandably much higher than other agencies located in more urban areas due to the long distances the staff must drive to see clients. Moreover, the staff is not able to see as many patients due to time on the road.

Agencies serving rural areas are also frequently smaller than their urban counterparts, which means that their relative costs are higher. Smaller agencies with fewer patients and fewer visits mean that fixed costs, particularly those associated with meeting regulatory requirements, are spread over a much smaller number of patients and visits, increasing overall per-patient and per-visit costs.

Moreover, in many rural areas, home health agencies are the primary caregivers for homebound beneficiaries with limited access to transportation. These rural patients often require more time and care than their urban counterparts and are understandably more expensive for agencies to serve. If the extra three per cent rural payment is not extended, agencies may be forced to decide not to accept rural patients with greater care needs. That could translate into less access to health care for ill, homebound seniors. The result would likely be that these seniors would be hospitalized more frequently and would have to seek care in nursing homes, adding considerable cost to the system.

Failure to extend the rural add-on payment would only put more pressure on rural home health agencies that are already operating on very narrow margins and could force some of the agencies to close their doors altogether. If any of these agencies were forced to close, the Medicare patients in that region could lose all of their access to home care.

The legislation we are introducing today will extend the rural add-on for 5 years and help to ensure that Medicare patients in rural areas continue to have access to the home health services they need. Moreover, we would offset costs of the bill by reducing the home health outlier fund by .25 percent over the same 5 years. I urge our colleagues to join us as cosponsors.

By Mr. GRASSLEY (for himself and Mr. LEAHY):

S. 2390. A bill to provide adequate protections for whistleblowers at the Federal Bureau of Investigation; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, in his 2013 confirmation hearing, FBI Director James Comey called whistleblowers ''a critical element of a functioning democracy.''

That is what I have been saying for years. Whistleblowers expose waste, fraud, and abuse. They help keep Government honest and make sure taxpayer dollars are spent wisely. By pointing out problems, whistleblowers foster transparency and make it possible for an organization to do better.

Agencies should value their contributions. Instead, agencies often ignore whistleblower complaints or worse—retaliate against whistleblowers for bringing wrongdoing to light.

Across the Federal Government, whistleblowers are treated like skunks at a picnic, instead of the dedicated public servants they are. Unfortunately, the Federal Bureau of Investigation is no exception on that point. However, the FBI is the exception when it comes to legal protections for whistleblowers.

Unlike every other federal agency, the FBI is the only agency where employees are not protected for reporting wrongdoing to their direct supervisors or others within their chain-of-command. This makes no sense.

Studies show the great majority of whistleblowers first make disclosures to their supervisors. The FBI's own policy encourages reports to supervisors within the chain-of-command. Nevertheless, an FBI employee who makes a disclosure of waste, fraud, or abuse to their supervisor has no protection under law if the supervisor retaliates.

It is no surprise, then, that a 2015 report by the Government Accountability Office found that, of the 54 closed FBI whistleblower complaints it reviewed where documentation showed the reason for closing the case, at least 17 cases were dismissed in part because an employee made a disclosure to someone in their chain-of-command or management.

Why is there this gaping hole in FBI whistleblower protections? Because, unlike every other federal law enforcement agency, the FBI is statutorily exempt from government-wide whistleblower protection laws. As a result, it lives under its own unique regulatory scheme conceived, created, and controlled entirely within the Department of Justice. There is no independent review.

This unique exemption for the FBI has led to outrageous delays in the adjudication of FBI whistleblower complaints due to endless internal appeals and the low priority that FBI whistleblower cases receive at the Justice Department.

Currently, FBI whistleblower cases are adjudicated by the Department's Office of Attorney Recruitment and Management—an office whose very name clearly shows it was not designed to address reprisal cases. Appeals are considered by the Deputy Attorney General's office. That office has made clear that it has other priorities that render it incapable of even minimal communications with whistleblowers to inform them of their case status. Clearly, we need to do better.

I have worked with many FBI whistleblowers over the years who put everything on the line just to tell the truth. In exchange for their courage, they faced delays of up to a decade in adjudicating their cases, a deaf ear from the highest levels of the Justice Department, and in many cases, no protection at all.

Consider the case of Michael German. Michael testified at our hearing in March this year where we examined the effectiveness—or lack thereof—of the Justice Department's FBI whistleblower regulations.

Before he resigned from the FBI in 2004, Michael German was a decorated undercover special agent who successfully risked his life to infiltrate white supremacist and neo-Nazi hate groups across the United States, some with ties to foreign terrorist groups. He discovered that a portion of a meeting between two such groups had been illegally recorded by mistake.

Rather than following the rules and documenting the error, as he suggested, a supervisor told him to ''pretend it didn't happen.'' But he refused to back down. He reported the wrongdoing to his Assistant Special Agent in Charge. Then the FBI ''froze him out and made him a 'pariah.' ''

Because Special Agent German disclosed wrongdoing to his ASAC instead of one of the nine specifically designated entities in the Justice Department regulations, he was not protected. His case was not even investigated ''in earnest,'' according to him, until he resigned from the FBI and reported the matter to Congress.

This is the tragedy of weak FBI whistleblower protections: If this bill had been law when Michael German first blew the whistle, this country might still have the benefit of this decorated FBI Special Agent in our fight against terrorism. He is by far not the only FBI whistleblower sidelined and ostracized by the failures of current law and policy.

In today's world, we cannot afford to lose public servants like Michael German. That is why today, with my cosponsor Senator LEAHY, I am introducing this hi-partisan legislation, the FBI Whistleblower Protection Enhancement Act of 2015.

Among other things, this bill will for the first time provide legal protection to FBI employees who report wrongdoing to their supervisors, provide a more independent process for whistleblowers who have suffered reprisal, and increase oversight and transparency of the FBI whistleblower complaint process.

This bill is a long time coming. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2390

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 ''Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2015''.

SEC. 2. FBI WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—Section 2303 of title 5, United States Code, is amended to read as follows:

''§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

''(a) DEFINITIONS.—In this section—

''(1) the term 'administrative law judge' means an administrative law judge appointed by the Attorney General under section 3105 or used by the Attorney General under section 3344;

''(2) the term 'Inspector General' means the Inspector General of the Department of Justice;

''(3) the term 'personnel action' means any action described in section 2302(a)(2)(A) with respect to an employee in, or applicant for, a position in the Federal Bureau of Investigation (other than a position of a confidential, policy-determining, policymaking, or policy-advocating character);

''(4) the term 'prohibited personnel practice' means a prohibited personnel practice described in subsection (b); and

''(5) the term 'protected disclosure' means any disclosure of information by an employee in, or applicant for, a position in the Federal Bureau of Investigation—

''(A) made—

''(i) for an employee, to a supervisor in the direct chain of command of the employee, up to and including the head of the employing agency;

''(ii) to the Inspector General;

''(iii) to the Office of Professional Responsibility of the Department of Justice;

''(iv) to the Office of Professional Responsibility of the Federal Bureau of Investigation;

''(v) to the Inspection Division of the Federal Bureau of Investigation;

''(vi) to a Member of Congress;

''(vii) to the Office of Special Counsel; or

''(viii) to an employee designated by any officer, employee, office, or division described in clauses (i) through (vii) for the purpose of receiving such disclosures; and

''(B) which the employee or applicant reasonably believes evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(b) PROHIBITED PRACTICES.—Any employee of the Federal Bureau of Investigation or another component of the Department of Justice who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority—

''(1) take or fail to take, or threaten to take or fail to take, a personnel action with respect to an employee in, or applicant for, a position in the Federal Bureau of Investigation because of a protected disclosure;

''(2) take or fail to take, or threaten to take or fail to take, any personnel action against an employee in, or applicant for, a position in the Federal Bureau of Investigation because of—

''(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

''(i) with regard to remedying a violation of paragraph (1); or

''(ii) other than with regard to remedying a violation of paragraph (1);

''(B) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in clause (i) or (ii) of subparagraph (A);

''(C) cooperating with or disclosing information to the Inspector General of an agency, or the Special Counsel, in accordance with applicable provisions of law; or

''(D) refusing to obey an order that would require the individual to violate a law; or

''(3) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the statement described in section 2302(b)(13).

''(c) PROCEDURES.—

''(1) FILING OF A COMPLAINT.—An employee in, or applicant for, a position in the Federal Bureau of Investigation may seek review of a personnel action alleged to be in violation of subsection (b) by filing a complaint with the Office of the Inspector General.

''(2) INVESTIGATION.—

''(A) IN GENERAL.—The Inspector General shall investigate any complaint alleging a personnel action in violation of subsection (b), consistent with the procedures and requirements described in section 1214.

''(B) DETERMINATION.—The Inspector General—

''(i) shall issue a decision containing the findings of the Inspector General supporting the determination of the Inspector General; and

''(ii) if the Inspector General determines that reasonable grounds exist to believe that a personnel action occurred, exists, or is to be taken, in violation of subsection (b), the Inspector General shall request from an administrative law judge, and the administrative law judge, without further proceedings, shall issue, a preliminary order staying the personnel action.

''(3) FILING OF OBJECTIONS.—

''(A) IN GENERAL.—Not later than 60 days after the Inspector General issues a decision under paragraph (2)(B)(i), either party may file objections to the decision and request a hearing on the record.

''(B) NO EFFECT ON STAY.—The filing of objections under subparagraph (A) shall not affect the stay of a personnel action under a preliminary order issued under paragraph (2)(B)(ii).

''(C) NO OBJECTIONS FILED.—If no party has filed objections as of the date that is 61 days after the date the Inspector General issues a decision—

''(i) the decision is final and not subject to further review; and

''(ii) if the Inspector General had determined that reasonable grounds exist to believe that a personnel action occurred, exists, or is to be taken, in violation of subsection (b)—

''(I) an administrative law judge, without further proceedings, shall issue an order permanently staying the personnel action; and

''(II) upon motion by the employee, and after an opportunity for a hearing, an administrative law judge may issue an order that provides for corrective action as described under section 1221(g).

''(4) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

''(A) IN GENERAL.—If objections are filed under paragraph (3)(A), an administrative law judge shall review the decision by the Inspector General on the record after opportunity for agency hearing.

''(B) CORRECTIVE ACTION.—An administrative law judge may issue an order providing for corrective action as described under section 1221(g).

''(C) DETERMINATION.—An administrative law judge shall issue a written decision explaining the grounds for the determination by the administrative law judge under this paragraph.

''(D) EFFECT OF DETERMINATION.—The determination by an administrative law judge under this paragraph shall become the decision of the Department of Justice without further proceedings, unless there is an appeal to, or review on motion of, the Attorney General within such time as the Attorney General shall by rule establish.

''(5) REVIEW BY ATTORNEY GENERAL.—

''(A) TIMEFRAME.—

''(i) IN GENERAL.—Upon an appeal to, or review on motion of, the Attorney General under paragraph (4)(D), the Attorney General, through reference to such categories of cases, or other means, as the Attorney General determines appropriate, shall establish and announce publicly the date by which the Attorney General intends to complete action on the matter, which shall ensure expeditious consideration of the appeal or review, consistent with the interests of fairness and other priorities of the Attorney General.

''(ii) FAILURE TO MEET DEADLINE.—If the Attorney General fails to complete action on an appeal or review by the announced date, and the expected delay will exceed 30 days, the Attorney General shall publicly announce the new date by which the Attorney General intends to complete action on the appeal or review.

''(B) DETERMINATION.—The Attorney General shall issue a written decision explaining the grounds for the determination by the Attorney General in an appeal or review under paragraph (4)(D).

''(6) PUBLICATION OF DETERMINATIONS.—

''(A) PUBLIC AVAILABILITY.—Except as provided in subparagraph (B), the Attorney General shall make written decisions issued by administrative law judges under paragraph (4)(C) and written decisions issued by the Attorney General under paragraph (5)(B) publicly available.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to limit the authority of an administrative law judge or the Attorney General to limit the public disclosure of information under law or regulations.

''(7) JUDICIAL REVIEW.—Any determination by an administrative law judge or the Attorney General under this subsection shall be subject to judicial review under chapter 7. A petition for judicial review of such a determination shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

''(d) REGULATIONS.—The Attorney General shall prescribe regulations to carry out subsection (c) that—

''(1) ensure that prohibited personnel practices shall not be taken against an employee in, or applicant for, a position in the Federal Bureau of Investigation; and

''(2) provide for the administration and enforcement of subsection (c) in a manner consistent with applicable provisions of sections 1214 and 1221 and in accordance with the procedures under subchapter II of chapter 5 and chapter 7.

''(e) REPORTING.—Not later than March 1 of each year, the Attorney General shall make publically available a report containing—

''(1) the number and nature of allegations of a prohibited personnel practice received during the previous year;

''(2) the disposition of each allegation of a prohibited personnel practice resolved during the previous year;

''(3) the number of unresolved allegations of a prohibited personnel practice pending as of the end of the previous year and, for each such unresolved allegation, how long the allegation had been pending as of the end of the previous year;

''(4) the number of disciplinary investigations and actions taken with respect to each allegation of a prohibited personnel practice during the previous year;

''(5) the number of instances during the previous year in which the Inspector General found a reasonable basis that a prohibited personnel practice had occurred that were appealed by the Federal Bureau of Investigation; and

''(6) the number of allegations of a prohibited personnel practice resolved through settlement, including the number that were resolved as a result of mediation.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the jurisdiction of any office under any other provision of law to conduct an investigation to determine whether a prohibited personnel practice has been or will be taken.''.

(b) GAO REPORT.—

(1) DEFINITION.—In this subsection, the term ''prohibited personnel practice'' means a prohibited personnel practice described in section 2303(b) of title 5, United States Code, as added by subsection (a).

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the effects of the amendment made by subsection (a), which shall include—

(A) an evaluation of the timeliness of resolution of allegations of a prohibited personnel practice;

(B) an analysis of the corrective action provided in instances of a prohibited personnel practice;

(C) the number and type of disciplinary actions taken in instances of a prohibited personnel practice;

(D) an evaluation of the communication by the Inspector General of the Department of Justice with an individual alleging a prohibited personnel practice regarding the investigation and resolution of the allegation;

(E) an assessment of the mediation process of the Department of Justice; and

(F) a discussion of how the use of administrative law judges and review under chapters 5 and 7 of title 5, United States Code, affected the process of investigating and resolving allegations of a prohibited personnel practice.

Mr. LEAHY. Mr. President, whistleblowers serve an essential role in providing transparency and accountability in the Federal Government. It is important that all government employees are provided with strong and effective avenues to come forward with evidence of government abuse and misuse. To ensure that whistleblowers feel comfortable speaking up when they discover wrongdoing, it is also imperative that they are afforded protections from retaliation. That is why Senator GRASSLEY and I are joining together to introduce the Federal Bureau of Investigation, ''FBI'', Whistleblower Protection Enhancements Act of 2015.

Current FBI policies do not go far enough to protect whistleblowers. In March, the Judiciary Committee held a hearing that highlighted a number of serious problems facing whistleblowers at the FBI. We received testimony about the lack of protections for employees who report waste, fraud, or abuse to their direct supervisors. We also heard instances of the FBI failing to comply with regulatory requirements when conducting retaliation investigations, and that adjudication of contested cases can take years. One former employee, Michael German, testified in detail about how he was forced to end his distinguished career at the FBI after he disclosed to Congress serious deficiencies in the agency's handling of counterterrorism investigations. He chose to do this after making a protected whistleblower disclosure at the FBI that went nowhere while the retaliation continued.

The concerns expressed at the hearing echo concerns that were identified in two recent reports on the FBI whistleblower framework, one by the Department of Justice and the other by Government Accountability Office. Clearly the status quo is unacceptable. Congress should extend to FBI whistleblowers the same level of protection that is afforded other Federal employees who speak out about waste, fraud, or abuse. That is what Senator GRASSLEY and I seek to do today with this bill.

Our legislation closely tracks the protections contained in the Whistleblower Protection Act. Importantly, we extend whistleblower protections to FBI employees who blow the whistle to supervisors in their chain of command. This common sense fix is crucial to protect those employees who dare to speak up and report concerns to their superiors. The bill also provides clear guidance on the investigation and adjudication of retaliation claims. Investigations will now be handled solely by the Office of Inspector General, rather than sharing this responsibility with the Office of Professional Responsibility. This will provide much needed clarity and consistency in the process. Contested cases will now be adjudicated by Administrative Law Judges instead of by the Office of Attorney Recruitment and Management. Under this new process the Administrative Procedures Act will apply, ensuring a hearing on the record and strong procedural protections for all parties.

This bipartisan bill will help to ensure that FBI employees are able to blow the whistle on waste, fraud, or abuse at the FBI and not face personal repercussions for doing so. I urge the Senate to act quickly to take up and pass this important bipartisan legislation.

By Mr. SANDERS (for himself, Mr. MARKEY, and Mr. MERKLEY):

S. 2391. A bill to amend the Internal Revenue Code of 1986 to permanently extend certain energy tax provisions; to the Committee on Finance.

Mr. SANDERS. Mr. President, one of the great moral issues of our time is the global crisis of climate change. Let me be very clear about climate change. Climate change is not a Democratic issue or a progressive issue. It is not a Republican issue or a conservative issue. What it is, is an issue that has everything to do with physics. It is an issue of physics. What we know beyond a shadow of a doubt is that the debate is over, and that is that the vast majority of the scientists who have studied the issues are quite clear. What they tell us over and over again is that climate change is real, climate change is caused by human activity, and climate change is already causing devastating problems throughout our country and, in fact, throughout the world.

What the scientists also tell us is that we have a relatively short window of opportunity to bring about the fundamental changes we need in our global energy system to transform our energy system from fossil fuel to energy efficiency and sustainable energy. We have a limited window of opportunity. What the scientists are telling us very clearly is if we do not seize that opportunity, if we do not lead the world—working with China, Russia, India and other countries—in transforming the global energy system, the planet we leave to our children and our grandchildren will be significantly less habitable than the planet we enjoy.

My nightmare is that 20, 30, 40 years from now our kids and our grandchildren will look Members of the Senate and the House in the eye, and they will say: The scientists told you what would happen and you did nothing. Why did you not react? How hard was it to stand up to the fossil fuel industry and transform our energy system away from coal and oil into energy efficiency and wind, solar, geothermal, and other sustainable energies?

Pope Francis recently made what I thought to be a very profound statement. He said that our planet is on a suicidal direction—a suicidal direction—in terms of climate change. What a frightening and horrible thought. How irresponsible can we be to ignore what the entire scientific community is saying?

I know there are many of my colleagues who refuse to acknowledge the reality. As perhaps the most progressive Member of the U.S. Senate let me simply say this: I have differences with my Republican colleagues on virtually every issue. That goes without saying, but there is something very different about this issue. I have been in hearings with my Republican colleagues where I heard doctors and scientists talk about cancer, about Alzheimer's, about diabetes, about all kinds of illnesses, and I may disagree with my Republican colleagues about how we go forward, how much we should fund NIH, but I have never heard my Republican colleagues attack doctors or researchers or scientists for their views on cancer research or Alzheimer's research. As I do, they respect that research. But somehow or another, when it comes to the issue of climate change, at best what we are seeing Republicans do—many Republicans, most Republicans—is ignore the issue or claim they are not scientists or, at worst, attack those scientists who are doing the research.

Why is that? Why is it that my Republican colleagues accept the research

on cancer, on Alzheimer's, on all kinds of illnesses, and they respect scientists who are working in all kinds of areas. But somehow or another when it comes to the issue of climate change, my Republican friends are in denial? What I will say is that this has nothing to do with science, and it has sadly and tragically everything to do with our corrupt campaign finance laws, which allow large corporations and billionaires to contribute as much money as they want into the political process. In my view, the reality is that any Republican—and I happen to believe that many Republicans understand the truth about climate change. But I also believe that any Republican who stood up and said ''You know what, I just talked to some scientists'' or ''I just read some of the literature, and this climate change is real, it is dangerous, and we have to do something about it''—I believe that on that day when that Republican stands up, the money will stop flowing from the fossil fuel industry, from the Koch brothers, and there will be a strong likelihood that Republican would be primaried in the next election.

According to the Center for Responsive Politics, at the national level where companies have to report what they spend on lobbying and campaign contributions, the oil companies, coal companies, and electric utilities have spent a staggering $2.2 billion in Federal lobbying since 2009 and another $330 million in Federal campaign contributions. That is just at the Federal level—over $2.5 billion in lobbying and campaign contributions in just 6 years. Even in Washington, DC, that is a lot of money, and that is just the money that we know about.

That is not all of it. That is not the end of it. As a result of the disastrous Citizens United Supreme Court decision, which allowed corporations and billionaires to spend unlimited sums of money, we know that the Koch brothers, who make most of their money in the fossil fuel industry, and a handful of their friends will be spending some $900 million—$900 million—from one family and a few of their friends in the 2016 election cycle. Clearly, one of the reasons they are investing so much in this election cycle is that they intend to continue doing everything they can to make sure Congress does not go forward to protect our kids and our grandchildren against the ravages of climate change.

According to an 8-month investigation by journalists at Inside Climate News, Exxon—now ExxonMobil—may have conducted extensive research on climate change as early as 1977, leading top Exxon scientists to conclude both that climate change is real and that it was caused, in part, by the carbon pollution resulting from the use of Exxon's petroleum-based products. In addition, the purported internal business memoranda accompanying the reporting asserted that Exxon's climate science program was launched in response to a perceived existential threat to its business model. In other words, the scientists at ExxonMobil, who are scientists, discovered the truth, and upon hearing the truth, ExxonMobil poured millions of dollars into organizations whose main function was to deny the reality of climate change.

The efforts to transform our energy system are taking place not only here in Washington, the Nation's Capital, but at the State and local level as well. In States such as Arizona and Florida, roadblocks are being put up to stop people from gaining access to renewable energy sources such as wind and especially rooftop solar. In States such as Arizona and Florida and many of our Southern States with huge solar exposure, there is huge potential for solar. Yet we are now seeing politicians, at the behest of the fossil fuel industry, put up roadblock after roadblock to make it harder for people to move to solar or wind.

I have heard a lot of the arguments from the fossil fuel industry as to why we should not transform our energy system, and many of those arguments are repeated here on the floor by some of my colleagues. But the truth is that it turns out that transforming our energy system away from fossil fuel and into energy efficiency and sustainable energy will create a significant number of new and decent-paying jobs, and it will lower energy bills in communities all across this country.

My own State of Vermont participates in a regional greenhouse gas initiative cap-and-trade program for the power sector. Since 2009, the program has created over 14,000 net jobs, and carbon pollution levels dropped by 15 percent at the same time consumers, businesses, and other energy users saw their electricity and heating bills go down by $459 million. The majority of those savings came from energy efficiency. All the while, jobs were created, not exported, and we relied on clean domestic energy instead of oil from the Middle East.

Energy efficiency clearly makes an enormous amount of sense. It is clearly the low-hanging fruit as we transform our energy system.

I have been in homes in Vermont that have been effectively weatherized, and they are seeing heating bills drop by 50 percent. People in those homes are living in more comfort, and jobs are being created by those people who install the insulation and other energy-efficient tools, not to mention all of the folks who are manufacturing the insulation, windows, and efficient roofing.

According to the American Council for an Energy-Efficient Economy, energy efficiency provides a larger return on investment than any individual energy source because for every $1 invested in energy efficiency, we see $4 in total benefits for all consumers. For every $1 billion invested in efficiency upgrades, we see a creation of 19,000 direct and indirect jobs.

These numbers are great and speak for themselves, but acting on climate change is also a moral obligation. While we will all suffer—all over our country and all over the world—the impacts of climate change, the sad truth is that climate impacts fall especially hard upon the most vulnerable people in our society. Minority and low-income communities in the United States are disproportionately impacted by the causes of climate change. According to a 2012 study by the National Association for the Advancement of Colored People, the NAACP, the nearly 6 million people in the United States who live within 3 miles of a coal-burning powerplant have an average per capita annual income of just over $18,000 a year. Among the people who live within 3 miles of a coal powerplant, 39 percent are people of color, while people of color compromise only 36 percent of the total population of the United States.

The bottom line is that when we talk about climate change and its impact upon our planet and all the people, we should bear in mind that this is happening not only in the United States but all over the world. The people who will suffer the most are low-income people and people living in poverty.

I am introducing legislation called the American Clean Energy Investment Act of 2015. This legislation is built upon the fact that the prices for wind and solar power have plummeted over the last decade, cutting carbon pollution and creating tens of thousands of new jobs in the process. Meanwhile, the fossil fuel industry benefits from permanent subsidies worth tens of billions of dollars each year. Incentives for renewable energy and energy efficiency are temporary and are too often allowed to elapse entirely.

My legislation permanently extends and makes refundable some of our most important renewable energy tax credits for energy efficiency and sustainable energy, including sources such as solar, wind, and geothermal. Permanently extending these incentives will drive over $500 billion in clean energy investments between now and 2030 and are an integral part of putting us on a pathway to more than doubling the size of our clean energy workforce to 10 million American workers. The costs for these incentives are completely offset by repealing the special interest corporate welfare in the Tax Code for the fossil fuel industries.

If we are going to be serious about dealing with the threat of climate change, we need to end the polluter welfare that subsidizes increased pollution from fossil fuels and instead invest those resources in clean energy solutions that reduce pollution. Doing this will save lives, protect our economy, and reduce the threats from climate change at the same time we are creating millions of good-paying jobs here in the United States.

Our legislation is supported by the Solar Energy Industries Association,

the American Wind Energy Association, 350.org, and cosponsored by Senators MERKLEY and MARKEY.

We have a national responsibility to protect the livelihoods of the working families and communities who help power and build this country. We must act now to reenergize our manufacturing base, bolster our clean energy economy, and protect the livelihoods of energy workers and the communities they support.

As a result of these concerns, this bill provides up to 3 years of unemployment insurance, health care, and pensions for workers who lose their jobs due to our transition to a clean energy economy. In other words, we understand—as was very much the case with our moving away from tobacco farming in this country—that the people who do the work in coal, oil, and other fossil fuels are not to blame for the fact that the product they produce is causing so many problems in our country. Our job is to protect and transition them to other decent-paying jobs, and the government has a responsibility to help with that transition.

Based on what the scientists are telling us, we need to make very significant cuts in carbon pollution emissions and we need to do it as soon as possible. It is absolutely vital that we do what many economists tell us we must do, and that is to put a price on carbon. It is the simplest and most direct way to make the kinds of cuts in carbon pollution that we have to make if we are going to successfully transition from fossil fuel to energy efficiency and sustainable energy. That is why within the Climate Protection and Justice Act that I am introducing, there will be a tax on carbon. Directly pricing carbon is a key part of the solution of transforming our energy system. Many experts support a fee on carbon pollution emissions, including liberal, moderates, and even prominent conservatives such as George Shultz, Nobel laureate economist Gary Becker, Mitt Romney's former adviser Gregory Mankiw, former Reagan adviser Art Laffer, former Republican Bob Inglis, and many others. The idea of a price on carbon is not just a progressive concept, it is one that is being supported by economists throughout the political spectrum.

The Nation's leading corporations, including the Nation's five biggest oil giants, are already planning their future budgets with the assumptions that there will be a cost applied to carbon emissions. In other words, some of the very companies that have strongly opposed action to address climate change are recognizing the reality in front of them, and that is that the United States is going to—hopefully sooner rather than later—address the crisis of climate change and that there will be a tax on carbon. This tax works by setting enforceable pollution-reduction targets for each decade, including a 40-percent reduction below 1990 levels by 2030 and a more than 80-percent reduction level by 2050.

This legislation sets a price on carbon pollution for fossil fuel producers or importers. Proceeds from the carbon pollution fee are returned to the bottom 80 percent of households making less than $100,000 a year to offset them for any increase they might experience in increased energy costs as a result of this transition. For an average family of four, this will amount to a rebate of roughly $900 in 2017 and will grow to an annual rebate of $1,900 in 2030. It would only apply upstream, meaning at the oil refinery, coal mine, natural gas processing plant, or point of importation. It would apply to fewer than 3,000 of the largest fossil fuel polluters in this country.

EPA's existing authority to regulate carbon pollution, sources from powerplants, vehicles, and other sources is reaffirmed, and if the United States is not on track to meet its emissions reduction targets, the EPA shall issue new regulations to ensure that it does.

Importantly, based on lessons learned from the cap-and-trade law in California, a Federal interagency council will oversee the creation and distribution of a climate justice resiliency fund block grant program to States, territories, tribes, municipalities, counties, localities, and nonprofit community organizations. The council will provide $20 billion annually for these grants in communities that are vulnerable to the impacts of climate change for important programs they are running.

This legislation strengthens our manufacturing sector through a border tariff adjustment mechanism which shields energy-intensive, trade-exposed industries such as steel, aluminum, glass, pulp and paper, from unfair international trade policies. The monies raised by the green tariff are used to help improve industrial energy efficiency.

Farmers receive dedicated funding through the USDA's Rural Energy for America Program to improve on farm energy efficiency and to adopt onsite renewable energy. The bill includes incentives for farmers to adopt no-till practices and creates an incentive program to encourage the adoption of sustainable fertilizer application practices.

Finally, the bill includes Federal electricity market reforms that reduce pollution, increase efficiency, and reduce costs by ensuring equitable grid access for demand response programs.

At the end of the day, the Congress of the United States is going to have to make some very important and fundamental decisions, and the most important is whether we believe in science. We can have many disagreements on many issues, but we should not have a disagreement about whether we base public policy on science rather than campaign contributions. That really is the issue we are dealing with right now.

We are in a critical moment in world history. Our planet is becoming warmer, sea levels are rising, and communities all over the world that are on seacoasts are being threatened. The ocean is being acidified to an unprecedented level, which has huge impacts in so many areas, including the ability of people to fish and gain nutrients from the ocean.

We are looking at unprecedented levels of heat waves in India, Pakistan, and Europe that have killed thousands of people. We are looking at forest fires on the west coast of that country that are unprecedented in terms of their duration and their ferocity.

So we have to make a decision about whether we stand with our children and our grandchildren or whether we stand with campaign contributors from the fossil fuel industry.

Climate change is real. Climate change is caused by human activity. Climate change is already causing devastating damage on this planet. Our job is now to stand with our children, to stand with our grandchildren, and to make certain that they have a planet that is healthy and that is habitable. That is what the legislation I am introducing will do.

By Mr. REID (for himself, Mr. FRANKEN, Mr. TESTER, Mr. LEAHY, Mr. BOOKER, Ms. BALDWIN, and Mr. SCHUMER):

S. 2397. A bill to amend the Child Abuse Prevention and Treatment Act to authorize the Secretary of Health and Human Services to make grants to States that extend or eliminate unexpired statutes of limitation applicable to laws involving child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2397

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

SECTION 1. CHILD ABUSE PREVENTION AND TREATMENT.

(a) IN GENERAL.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

"TITLE III—GRANTS FOR THE PREVENTION OF CHILD SEXUAL ABUSE

"SEC. 301. FINDINGS.

''Congress finds that—

''(1) child sexual abuse is a pernicious crime perpetrated through threats of violence, intimidation, manipulation, and abuse of power;

''(2) due to the subversive nature of this crime, the average age of disclosure of incestuous child sexual abuse does not occur until a victim is over 25 years old;

''(3) because many State statutes of limitations applicable to laws involving child sexual abuse fail to give victims adequate time to come forward and report their abuse, numerous victims are unable to seek fair and just remediation against their abusers; and

''(4) due to the especially heinous nature of child sexual abuse, it is imperative that perpetrators of this crime are punished, prevented from reoffending, and victims have

the opportunity to see their abusers brought to justice.

''SEC. 302. DEFINITIONS.

''In this title—

''(1) the term 'eligible State' means a State or Indian tribe that, not later than September 30 of the preceding fiscal year does not have any statute of limitations applicable to laws involving child sexual abuse; and

''(2) the term 'Indian tribe' means a tribe identified in the list published by the Secretary of the Interior in the Federal Register pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''SEC. 303. GRANT PROGRAM.

''The Secretary, in consultation with the Attorney General, is authorized to make grants to eligible States for the purpose of assisting eligible States in developing, establishing, and operating programs designed to improve—

''(1) the assessment and investigation of suspected child sexual abuse cases, in a manner that limits additional trauma to the child and the family of the child;

''(2) the investigation and prosecution of cases of child sexual abuse; and

''(3) the assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of child sexual abuse.

''SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this title $40,000,000 for each of fiscal years 2016 through 2025.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any violation of a law involving child sexual abuse committed before the date of the enactment of this Act if the statute of limitations applicable to that law had not run as of the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 333—TO DIRECT THE SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE IN THE NAME OF THE SENATE IN BANK MARKAZI, THE CENTRAL BANK OF IRAN V. DEBORAH D. PETERSON, ET AL. (S. CT.)

Mr. MCCONNELL (for himself and Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

S. RES. 333

Whereas, in the case of *Bank Markazi, The Central Bank of Iran v. Deborah D. Peterson, et al.*, No. 14–770, pending in the Supreme Court of the United States, the constitutionality of section 502 of the Iran Threat Reduction and Syria Human Rights Act of 2012, Pub. L. No. 112–158, 126 Stat. 1214, 1258 (2012), codified at 22 U.S.C. §8772, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the case of *Bank Markazi, The Central Bank of Iran v. Deborah D. Peterson, et al.*, to defend the constitutionality of section 502 of the Iran Threat Reduction and Syria Human Rights Act of 2012.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2922. Mr. MCCONNELL proposed an amendment to the bill H.R. 2250, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2016, and for other purposes.

SA 2923. Mr. MCCONNELL proposed an amendment to the bill H.R. 2250, supra.

SA 2924. Mr. MCCONNELL (for Mr. NELSON (for himself and Ms. AYOTTE)) proposed an amendment to the bill S. 142, to require special packaging for liquid nicotine containers, and for other purposes.

SA 2925. Mr. MCCONNELL (for Mr. NELSON (for himself and Ms. AYOTTE)) proposed an amendment to the bill S. 142, supra.

SA 2926. Mr. MCCONNELL (for Mr. FRANKEN (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 993, to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, veterans treatment services, mental health treatment, and substance abuse systems.

TEXT OF AMENDMENTS

SA 2922. Mr. MCCONNELL proposed an amendment to the bill H.R. 2250, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2016, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the Continuing Appropriations Act, 2016 (Public Law 114-53) is amended by striking the date specified in section 106(3) and inserting ''December 16, 2015''.

This Act may be cited as the ''Further Continuing Appropriations Act, 2016''.

SA 2923. Mr. MCCONNELL proposed an amendment to the bill H.R. 2250, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2016, and for other purposes; as follows:

To amend the title to read:

''Further Continuing Appropriations Act, 2016''.

SA 2924. Mr. MCCONNELL (for Mr. NELSON (for himself and Ms. AYOTTE)) proposed an amendment to the bill S. 142, to require special packaging for liquid nicotine containers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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, prefilled, 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.