

in article 10, section 7, of the Arizona Constitution, I share his view that Congress need not provide consent.

Mr. McCAIN. I thank the Senator from Alaska for her response.

#### CHILD NICOTINE POISONING PREVENTION ACT OF 2015

Ms. MURRAY. Mr. President, today I wish to engage in a colloquy with my colleague from Florida to speak briefly about the Senate's recent passage of S. 142, the Child Nicotine Poisoning Prevention Act of 2015, which was introduced by Senator NELSON and which I cosponsored, along with many of our colleagues on both sides of the aisle.

Liquid nicotine is very dangerous: even a small amount on the skin is enough to make a small child very ill. A 15-milliliter bottle, like those sold in stores and online—often without any verification that the buyer is not a minor—contains enough liquid nicotine to kill four children. This substance is marketed in bright colors and sweet flavors, so it is no surprise that it finds its way into the hands of our children. In 2014 alone, the American Association of Poison Control Centers reported over 1,500 liquid nicotine exposures. These exposures resulted in many serious injuries and at least one tragic death of a child in New York.

Mr. NELSON. I agree with my colleague from Washington—we cannot stand by and allow this harm to continue. The U.S. Government requires child-resistant packaging on other products, including over-the-counter medications and cleaning supplies. These rules have prevented countless injuries and deaths, and this important legislation will ensure we have the same protections in place when it comes liquid nicotine.

Ms. MURRAY. That is why my colleague, the ranking member of the Committee on Commerce, Science, and Transportation, and I, as ranking member of the Committee on Health, Education, Labor and Pensions, urge the Consumer Product Safety Commission, CPSC, to act swiftly to implement S. 142.

At the same time, we note that Congress is aware that the Food and Drug Administration has indicated a commitment to addressing the important public health issue of protecting children from the dangers of liquid nicotine. The agency's proposed tobacco deeming rule when finalized will extend FDA's tobacco authorities to products like e-cigarettes not marketed for therapeutic purposes and liquid nicotine.

Mr. NELSON. Like my colleague, I urge FDA to act as quickly as possible to address this important public health issue as soon as they have jurisdiction over these products, and we understand they intend to do so. On July 1, 2015, FDA issued an Advance Notice of Proposed Rule Making, ANPRM, titled, "Nicotine Exposure Warnings and Child-Resistant Packaging for Liquid

Nicotine, Nicotine-Containing E-Liquid(s), and Other Tobacco Products; Request for Comments."

This ANPRM sought comments, data, and research results that will inform future regulatory action. As the regulating agency of these products, FDA must use all of its regulatory tools to protect children from the harms of e-cigarettes and liquid nicotine, including the regulation of liquid nicotine packaging.

I look forward to working with Senator MURRAY and our colleagues at the FDA and at the CPSC on this important issue. Together, we can ensure that every measure is taken to prevent more harm to our children from these dangerous products.

#### FAA COMMUNITY INVOLVEMENT

Ms. COLLINS. Mr. President, I wish to join my colleague from Arizona, Senator McCAIN, in a colloquy regarding an aviation noise concern of particular interest to his constituents in the Phoenix area.

During the floor debates on the transportation and housing appropriations bills in both the House and the Senate, there were a number of amendments adopted related to the Federal Aviation Administration's air traffic procedures and, in particular, the noise that FAA-approved flight patterns create in communities. The Senator from Arizona offered an amendment dealing with this issue, which I was happy to accept during the abbreviated consideration of the THUD bill on the Senate floor.

As a result, the omnibus includes bill language requiring the Federal Aviation Administration to update its "community involvement manual" related to new air traffic procedures in order to improve public outreach and community involvement. The FAA is directed to complete and implement a plan which enhances community involvement and proactively addresses concerns associated with performance-based navigation projects.

I know this is an important issue for you, Senator McCAIN, and I appreciate you joining me on the floor today so that we can send a clear message to the FAA about the importance of involving your constituents.

Mr. McCAIN. Mr. President, I wish to thank the Senator from Maine for her consideration. I wish to provide further detail on the provision included in the omnibus requiring the Federal Aviation Administration to improve community involvement policies and address concerns stemming from changes associated with performance based navigation projects, including what we expect the FAA to do to provide relief for impacted communities, and what that means for the people of Arizona.

I appreciate the Senator from Maine for acknowledging that community outreach on the part of the FAA to date has been lacking, and that efforts underway at the FAA to update their

community involvement practices have not been sufficient. I look forward to working with her to continue to accomplish the intent of the language I introduced which was adopted by unanimous consent earlier this year during Senate consideration of the transportation and housing appropriations bills.

Since September 2014, residents in Arizona around the Phoenix Sky Harbor Airport have had their daily lives impacted by changes to flight paths made without formal notification to the airport or community engagement before the changes were implemented. The intent of the language included in the omnibus is to improve outreach to the community and airport, providing an opportunity for notification and consultation with the operator of an affected airport and the community before making future flight path decisions.

Furthermore, for changes that have already been implemented, as is the case in Phoenix, the Administrator shall review those decisions to grant a categorical exclusion under Section 213(c) of the FAA Modernization and Reform Act of 2012 to implement procedures in which the changed procedure has had a significant effect on the human environment in the community in which the airport is located, if the airport can demonstrate that the implementation has had such an effect. If this review indicates that the flight path changes have had such an impact, the FAA shall consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment, including considering the use of alternative flight paths.

This would not impede the efforts to modernize our Nation's airspace through NextGen or substantially undermine efficiencies and safety improvements realized through those efforts. It does create a long-awaited, much-needed opportunity for residents around Phoenix Sky Harbor International Airport negatively impacted by flight noise to have their voices heard by the FAA.

Ms. COLLINS. To be clear, the FAA should be ensuring that local communities have a voice when decisions that affect them directly are being made by the agency.

#### REQUIRED STATE PREEMPTION PROVISION IN THE FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

Mr. WHITEHOUSE. Mr. President, today, with my colleagues Senator CORY BOOKER and Senator JEFF MERKLEY, I wish to discuss the Frank R. Lautenberg Chemical Safety for the 21st Century Act, S. 697. Some opponents claim it creates a regulatory void that will prohibit States from creating or enforcing State policies while EPA assesses chemicals for safety. We opposed the bill as introduced because that was the case. Since then, we

worked together with Senators UDALL, VITTER, and INHOFE to restore the ability of States to protect their citizens while EPA is assessing chemicals by substantially shrinking the interim period of time where preemption occurs and by creating a straightforward waiver process.

Mr. BOOKER. The provision requires EPA to allow States to regulate hazardous chemicals while EPA assesses a chemical for safety if the proposed state regulation meets three basic criteria: A, consistent with the dormant commerce clause of the U.S. Constitution, compliance with the proposed regulation will not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance; B, compliance with the proposed regulation would not cause a violation of any applicable Federal law, rule, or order; and C, the State or political subdivision of a State has a concern about the chemical substance or use of the chemical substance based in peer-reviewed science.

Given the importance of this provision and the role EPA will play in reviewing waiver applications, we asked EPA for its interpretation. EPA agrees that States will be exempted from preemption by meeting three criteria. The following are the relevant excerpts from EPA's response:

Based on the bill reported on June 18, 2015, S. Rep. 114-67, the following is a summary of how EPA understands the Frank R. Lautenberg Chemical Safety for the 21st Century Act, FRL21, would operate with respect to the preemption of state law.

Required waivers under section 18(f)(2). These would be State requests for an exemption from preemption under section 18(b). EPA must grant this kind of waiver request if the State law for which waiver is sought would not unduly burden interstate commerce; the State law for which waiver is sought would not cause a violation of Federal law; and the State has a concern about the chemical substance or use of the chemical substance based in peer-reviewed science.

Mr. MERKLEY. Each of these standards has a constitutional foundation. The first reflects the restraints of the dormant commerce clause. The second reflects the Constitution's supremacy clause. The third corresponds to the scientific factual predicate required to meet scrutiny under the due process clause, as not "arbitrary and capricious."

Restoring the ability for States to protect their citizens while EPA assesses the safety of chemicals was one of the primary goals of our work to improve this bill and that has been accomplished under section 18(f)(2) of S. 697, as reported by the Environment and Public Works Committee. We believe this does, within the limits imposed by the Constitution.

#### HONORING CORPORAL ANDREW A. AIMESBURY

Mrs. SHAHEEN. Mr. President, I have come to the floor to honor the service and sacrifice of Army CPL Andrew Aimesbury, who died last week from wounds sustained during squad live-fire training at Fort Stewart, GA. He was a proud son of New Hampshire, and I join with other Granite Staters in extending my deep condolences to his father, Carl Aimesbury, of Somersworth; his mother, Karen Kelsey, of Dover; and his sister, Abigail Aimesbury, also of Dover.

Corporal Aimesbury served courageously in Afghanistan and was highly respected as a warrior and team leader with an elite Ranger unit. His battalion commander praised his "caring nature" and called him "an exceptional Ranger leader and an extraordinary man."

It is deeply moving to read a post on Facebook by his father, Carl Aimesbury. Mr. Aimesbury wrote: "Wednesday December 9th the world lost the best son, brother, cousin, grandson, person that I was so privileged to call my son. He was an Army Ranger and so proud to serve his country. My heart is broken but I am so thankful for the time I had with him. I love you Andrew." As we honor Andrew, let us remember that it is not only our warriors who serve and sacrifice but also their family members and loved ones.

Corporal Aimesbury represented the very best in our Nation. After graduation from Dover High School in Dover, NH, he enlisted in the Army and trained as an infantryman at Fort Benning, GA. He went on to complete the Ranger Assessment and Selection Program as well as the highly demanding Army Ranger Course and was assigned to Company D, 1st Battalion, 75th Ranger Regiment.

Soldiers typically flinch from the term "hero." But make no mistake, Andrew Aimesbury answered the call of duty, served our Nation in time of war, and was prepared to—and did—make the ultimate sacrifice. If that is not heroism, I don't know what is.

There is an inscription at Arlington National Cemetery that pretty much says it all: "Not for fame or reward, nor lured by ambition or goaded by necessity, but in simple obedience to duty."

I join with people in New Hampshire and across the United States in honoring the "simple obedience to duty" of this brave fallen soldier, CPL Andrew Aimesbury.

#### TRIBUTE TO CHERYL S. CROMWELL

Mr. GRAHAM. Mr. President, today I wish to honor Ms. Cheryl S. Cromwell who will retire on January 3, 2016, after over 42 years of service to our Nation and the United States Air Force as a civilian airman.

Ms. Cromwell began her civil service career in 1973 as a clerk in the Office of Programs and Resources for the U.S. Department of the Air Force. In 1974, Ms. Cromwell moved to the Air Force legislative liaison office under the Secretary of the Air Force where she would serve for the rest of her distinguished career. She worked in the Air Force Senate liaison office in the Russell Senate Office Building, but spent the majority of her time in the Air Force congressional inquiry office in the Pentagon.

During her many years in the congressional inquiry division, Ms. Cromwell provided responses to over 50,000 inquiries on behalf of constituents and formed a strong working relationship with many on congressional staffs. It is not surprising that staff frequently requested that Cheryl personally work their most important and difficult cases.

It is my honor to join many of Ms. Cromwell's co-workers, family, and friends in congratulating her on her well-deserved retirement after over 42 years of dedicated Federal service.

#### TRIBUTE TO AIKO LANE

Mr. CARDIN. Mr. President, I would like my colleagues to join me in thanking Aiko Lane, a Brookings fellow from the Department of Defense, for her service to the Senate and to wish her well as she returns to the Pentagon.

Before Aiko joined my office she was a policy adviser in the office of the Secretary of Defense focusing on countering weapons of mass destruction. She has also served as the Japan country director where she represented the Department of Defense on issues related to the U.S.-Japan alliance, including coordinating the U.S. response to Japan's 2011 devastating Tōhoku earthquake and tsunami.

Prior to her work on Japan, Aiko was the Afghanistan country director where she was responsible for engaging with international partners and allies on military support for the U.S. and NATO-led efforts in Afghanistan.

Aiko, who received her undergraduate degree from Northwestern and a master's degree from Columbia, has been an important member of my foreign policy team over the last year, focusing much of her time and energy on my work as ranking member of the Senate Foreign Relations Subcommittee on East Asia, the Pacific and International Cybersecurity Policy. Aiko's expertise in matters pertaining to East Asia and the Pacific and her solid advice and thoughtful analysis of all regional matters have been critical to me. Moreover, Aiko's hard work enabled the subcommittee to hold five hearings this year on matters ranging from democratic transitions in Southeast Asia to the North Korean nuclear threat.

There is no question that the United States is fortunate to have people like Aiko representing Americans both at