

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### CHILD NICOTINE ADDICTION

Mr. MERKLEY. Madam President, I rise today to call attention to a dangerous complacency that threatens the health and the lives of our children, and I rise today to urge our administration to take long overdue action to protect our children.

Two years ago this month, the Food and Drug Administration, or the FDA, released a proposed tobacco deeming rule, which is a blueprint for a regulatory framework for e-cigarettes and other tobacco products. Administration officials believed and conveyed that the final rule would be out by the end of the summer 2015. Well, the summer of 2015 is now history, and soon it will be the summer of 2016, and we wait. We have been waiting a very long time.

In total, it has been 7 years since the Family Smoking Prevention and Tobacco Control Act was passed by the Senate and the House and signed by President Obama. This legislation gave the Food and Drug Administration the authority to regulate tobacco products.

This legislation was sponsored by Senator Ted Kennedy. It was passed in the final months of his life. It was a tribute to his long advocacy for the regulatory control of tobacco—a dangerous, destructive drug widespread throughout America. The passage was part of his legacy. But now we are failing that legacy, and we are failing millions of our children.

When the Family Smoking Prevention and Tobacco Control Act was passed into law, it was heralded as a major victory, giving the FDA real power to crack down on the marketing of tobacco products to our children. After a year, there is no action—2 years, no action. That took us to 2011—3 years, no action; 4 years, no action; 5 years, no action; 6 years, no action; 7 years, no action. Over the course of those 7 years, a lot more Americans have become addicted to nicotine products.

In 7 years, the industry has had time to develop new innovative products to entrap our youth, and they have utilized that time well. How much longer will this inaction continue while our children are addicted to products newly invented and aimed directly at them? Each passing month, thousands of children become addicted to these new products. Each passing month, the nicotine addiction industry becomes more deeply entrenched and determined to prevent the regulation that we authorized back in 2009. It has been said that while Nero fiddled, Rome burned. In this situation, while the administration has failed to act, millions of children have become addicted to nicotine, with profound consequences for their health.

Once this rule is final, the FDA will be able to regulate new tobacco prod-

ucts in important ways, including imposing minimum age standards, limits on advertising, health warnings on the products, child-proof packaging, and requiring the registration of tobacco product manufacturers by the FDA and FDA approval of some novel products.

It is time to get this done because lives are at stake. We all are familiar with the cycle: Tobacco use leads to tobacco addiction. Tobacco addiction leads to disease. Disease leads to suffering and often to death. In fact, tobacco use is the leading cause of preventable death in the United States—the leading cause. It imposes a terrible toll on health and lives and dollars. It affects families and businesses and government.

So the best way to improve the health of Americans 10, 20, 30 years into the future or 40 years down the line is to stop the process by which this industry is targeting our youth. Here is what they know. They know that after the age of 21, very few people become addicted to nicotine. It is a product that people try in their youth, and with repeated use they become addicted to it and then continue, normally for years and years. That makes for a very good customer of the tobacco industry, a very good customer of the nicotine industry, and very bad consequences for the health of our children, who become our young adults, who become our middle-aged adults—very bad costs for health at each stage.

According to a Surgeon General's report released in March 2012, tobacco use among youth is a "pediatric epidemic." But the thing is that our children just aren't starting to smoke because of happenstance. No, they are aggressively targeted by the tobacco industry. Big Tobacco is working day and night to design products to appeal to kids, to get them hooked on this deadly habit so that they will be reliable consumers or reliable customers.

In fact, the industry calls them "replacement smokers." The products we supplied before have resulted in a whole lot of our customers dying. So we need replacement smokers; we need replacement consumers.

This clearly is a product with great harm associated with it. There are cigars, cigarillos, tobacco candy, snus, and e-cigarettes, and the list goes on and on. Products cost often as little as 99 cents and are sold in colorful or cool packaging, and nowhere is that more true than in the burgeoning e-cigarette industry.

This chart shows very readily the strategy of using candy flavors and fruit flavors targeted at kids. They have everything from cherry and watermelon, and the list continues with all kinds of—check this out—gummy bear flavors. When you advertise e-cigarette flavors like gummy bears, you are not targeting people over 21. You are targeting our children. You are targeting them with bubble gum flavor and wild cherry flavor and candy apple flavor. These flavors are not for adults.

They mask the taste of the product and make it more tempting, more exciting for our young people.

Madam President, I ask unanimous consent to use a prop.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MERKLEY. I thank the Chair.

This is an actual container, like these containers that are shown on the poster. This is called JJ Juice. They call it juice. They put juice in the title, as if to imply it is healthy. This is liquid nicotine targeted at our children with all of these kinds of flavors.

This particular container was a response to the advocacy of myself and others to say that this targeting of our children is not OK. So the industry decided to create a "Senator's Choice" flavor, and they call this flavor "the greatest blend to date" using "the purist, highest quality liquid essence of guava, combin[ing] it with all-natural, American-made raw ingredients." It is almost like a review of a fine wine, this "Senator's Choice." Again, they created this specifically to protest the fact that Senators were standing up and saying that this targeting of children is not OK. It is immoral, and it is wrong. We have a law in place to end it, but the administration must act or that law has no impact.

What is actually in this? Well, the ingredients list does not have essence of guava on the ingredient list. It has glycerin and propylene glycol, nicotine, and artificial flavorings, which somehow doesn't sound nearly as nice as the description on their Web site.

Let's see the impact of this targeting of our youth because, unfortunately, Big Tobacco's—the nicotine addiction industry—strategies work. That is why they are continuing to employ them. High school e-cigarette use tripled in just 1 year, from 2013 at 4.5 percent to 2014 at 13.4 percent. When we have the numbers for 2015, I am sure we will find that it is substantially higher because of this aggressive marketing campaign aimed at our junior high and high school students.

Nearly one in seven high school students have used an e-cigarette in the last 30 days. That represents 2 million of our children—2 million of our teenagers nationwide.

An updated CDC study released recently confirmed that youth tobacco use is continuing to grow. Our children are not using e-cigarettes to quit smoking; they are using e-cigarettes to start smoking. So when the industry claims that all of these e-cigarettes are improving the health of those who currently use cigarettes, it is another tobacco industry big lie. Big Tobacco brings us another big lie. Children are using these products to start smoking, not to stop smoking. Every day that we don't act, more of our children are at risk for a lifetime of tobacco and nicotine addiction.

The choice is simple. Let's end this irresponsible inaction. Let's stop enriching the multibillion-dollar tobacco

industry by continuing to delay the regulations authorized back in 2009. Let's do the right thing for America's children. Let's assist our children in living longer, healthier, happier lives by ending the targeting by Big Tobacco.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I would like to find out how long the Senator from North Carolina wants to speak because I need to wrap up a matter on the FAA bill, which we are voting on in 15 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Madam President, through the Chair, I will take about 5 minutes, not more.

Mr. NELSON. Very fine.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina.

### COROLLA WILD HORSES

Mr. SULLIVAN. Madam President, I come to the floor to talk about something that is very important to many of us in North Carolina and to the people who come to the North Carolina coast to enjoy our beautiful beaches and a group of wild horses at Corolla.

They are called the Corolla wild horses. They are a piece of American heritage. They have been there since ships have been wrecked in what we call the graveyard of the Atlantic. These horses of Spanish origin ended up finding their way to shore, and they set up a habitat on the East Coast that is actually an attraction to tourists and something that brings a smile to your face when you are out on the water and you see them coming to the shore. They have been there for almost 400 years, and they are roaming over about 7,500 acres of land right now.

The problem we have, though, is that with development over time their habitat has shrunk. As a result of that, we only have about 80 horses out in Corolla now. To have a healthy population, we have to figure out a way to provide them with genetic diversity or they are going to become extinct in a very brief period of time. The entire herd is in grave danger as a result.

The solution to the problem is to try to figure out a way to produce genetic diversity, which is why the senior Senator from North Carolina, Mr. BURR, has offered an amendment that I hope we can get support for.

The horses roam mostly on private land, but there are some public lands they roam freely on that are managed by the U.S. Fish & Wildlife. The county and private philanthropic organizations are managing the horses. No taxpayer dollars are being used to manage these horse populations, but they do need some help and relief from the amendment Senator BURR has put forward.

To give an idea of what we are dealing with, I want to tell a story of a typ-

ical example of what is happening in Corolla. This is a heartbreaking story. It was shared with me by Karen McCalpin, the executive director of the Corolla Wild Horse Fund, who manages the horses now with no taxpayer dollars:

When Cordero was first seen, the tides were too high to bring a trailer up the beach so we had to wait until the next day at low tide to bring panels and a trailer. We looked for him every day for 4 days after that. We went through wooded areas and marsh with no success. We finally found his harem on July 20, 2013. It was a difficult capture and the poor thing was trying to run to keep up with his mother. We had to capture her as well. Due to his young age and poor condition, he needed his mother's milk as well as her company to help relieve some of the stress of captivity. Unfortunately, that became an exercise in futility.

Cordero, because of his health problems, had to be euthanized.

We want a solution to this problem. It is a great solution that only requires a minimum amount of influence from us to get this done—largely done by private and local entities. What we need to do is put an amendment forward that requires the U.S. Fish & Wildlife Service, the State of North Carolina, and Currituck County—the State of North Carolina and Currituck County want to do this—working with the Corolla Wild Horse Fund to establish a management plan that would allow for the transfer of horses from a related herd located at Shackleford Banks. This would allow the herd size to grow and will provide more genetic diversity to prevent situations that poor Cordero experienced.

Our amendment asks for no money. The amendment is supported by the Humane Society, the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, the Corolla Wild Horse Fund, and other key animal welfare organizations.

Contrary to what some people have said who may oppose this amendment, it doesn't change the mission of U.S. Fish & Wildlife Services. It doesn't require any taxpayer dollars. All it simply does is allow local government to solve this problem.

I hope that later today or tomorrow, when we can get on these amendments, we can convince our Members that this is a very important asset not only for North Carolina but for the Nation, and a simple gesture on our part can solve a very difficult problem on the part of the Corolla wild horses.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

### FAA REAUTHORIZATION BILL

Mr. NELSON. Madam President, we are close to the vote on the FAA bill. I want to underscore the importance for the Senate because it contains some of the most significant passenger-friendly reforms and airport security enhancements that we have seen in years.

To get to this point has been no small task, especially in this era in which it is so difficult to find consensus and a bipartisan way to pass something. We have been able to do it with the able leadership of the chairman, Senator JOHN THUNE. The two of us have felt like we needed to focus on areas where we agree, and as a result the entire Commerce Committee came together to get this done. Now we are about to pass this and get it on to the House.

In a complicated bill like this, it doesn't contain everything that everybody wants, but we hope our counterparts in the House are going to take up and pass this bill without delay. We have given them a good bipartisan blueprint to follow and one they ought to pass easily.

If they add controversial or partisan measures such as privatizing our air traffic control system, this bill will fail. The U.S. Department of Defense is unalterably opposed to private controllers controlling our military aircraft. If that path is taken in the House, it is going to be a big loss for consumers and for the safety of the flying public.

When thinking about some of the irritations of passengers, such as the growing list of airline fees and charges, consumers feel they are nickel-and-dimed to death. This bill is going to require greater transparency and relief. Building on a minority Commerce Committee report that was released last summer, it requires fee refunds for delayed baggage. It requires refunds for ancillary services, such as seating fees that are paid for by a customer and then not delivered by the airline. It requires new standardized disclosure of fees for consumers and increased protections for disabled passengers.

There are important safety reforms. Last night's national news was led by an international news report from London about an inbound British Airways flight into Heathrow that was struck by a drone. Computer analysis has been done. What would happen if the drone is sucked into a jet engine? It can certainly cause it to be inoperable and might start an explosion.

Remember what happened when two seagulls were sucked into the engine of a flight called the Hudson River miracle, when captain Sully Sullenberger was able to belly it in because he had no power. That was caused by a seagull with feathers, webbed feet, and a beak. Imagine what the metal and plastic of a drone being sucked into a jet engine could do. Do we need any more reminders?

This bill has a pilot program to test and develop technologies to intercept or shut down drones when they are near airports.

Remember the tragedy in Brussels. Remember the downing of a Russian airliner in Egypt because somebody was on the inside and snuck a bomb onto the airplane. There are parts in this bill that will help reduce the insider threat that terrorists have previously exploited, including the soft