construct new gates and levees near the site of the former break. An unexpected surge in the river, however, washed away eight months of work and killed one of the workers.

Despite opposition from the mutual water companies, county officials began to circulate the idea of forming an irrigation district that would be owned by the people through the California Irrigation District Act. The legal analysis was furnished by Mr. Phil Swing, the newly-elected and politically astute D.A., who would later serve in Congress. He became the motivating force behind the Boulder Canyon Project.

Swing argued that private ownership had been tried and failed, the federal government could not be counted on to fill the void left by the railroad and the mutual water companies could not be trusted to represent the people's best interests. According to Swing, what the Imperial Valley needed was an irrigation system owned by the people it was meant to serve, a public agency with municipal powers similar to a city, but one that was also autonomous from county government. The call for local control had immediate appeal in an Imperial Valley still recovering from the flood years and captured the populist mood of the voters. An election was held on July 14, 1911, and the vote in favor of establishing the Imperial Irrigation District (IID) was passed 1,304–360.

Members of the IID's first board included Mr. Porter Ferguson, a Holtville farmer; Mr. Fritz Kloke, a farmer and banker in the Calexico area; Mr. W.O. Hamilton, an El Centro farmer and merchant; Mr. H.L. Peck, an Imperial farmer and merchant; and Mr. Earl Pound of Brawley, a farmer and real estate broker. At its first meeting on July 25, 1911, Porter Ferguson was named president of the board, and members were asked to contribute $150 toward the good of the cause, with the $750 going to help defray ongoing expenses.

Their cause was self-determination, which most people believed could only be realized through the eventual purchase of the water distribution system already in place, including the 52 miles of canals owned and operated by the Compania de Terrenos y Aguas de la Baja California, a Mexican subsidiary of the CDC. Both companies and their assets were tied up in the courts, but the ITD intended to acquire these properties out of receivership. In the meantime, it would have to generate the capital needed to implement its ambitious acquisition plan.

By 1912, with the Mexican Revolution going on just across the border in Mexicali, an opportunity was presented for an open discussion regarding the need for an ''All American Canal,'' the first recorded reference to the massive project that would be completed, along with Hoover Dam, some 30 years later.

At the same time, the IID was negotiating directly with the railroad and with the American and Mexican receivers in an effort to purchase the assets of the CDC, which it did in 1915 for the price of $3 million. A bond issue for $3.5 million was passed later that year and condemnation of the defunct company was initiated by the IID. Both actions were popular with the people, if not with the mutual water companies, but individual board members did not enjoy the same level of support among water users, mainly due to water shortages on the river.

Finally, the entire board of directors resigned as a body and the County Board of Supervisors had to appoint five new IID directors, naming Mr. Leroy Holt as president in 1916. It was this Holt-led board, serving during those first tumultuous years of 1912–1916, that skillfully pursued the acquisition of the CDC's existing waterworks and placed it in the hands of the people. The IID purchased the last of the ''mutuals'' in 1922. It was during this period that the East Highline was built, along with the Westside Main Canal and other important features of the canal network that are still in service today.

The IID's first four years in existence were a chronology of great accomplishments, coupled with competitive politics. Its real achievement, however, was delivering to the people of the Imperial Valley some measure of certainty in the future and, with it, a reason for optimism. With the flood years and the period of receivership behind it, the IID, on behalf of the people, picked up where the CDC left off. There was only one difference, the IID never stopped.

Thank you Imperial Irrigation District for your years of dedicated service, for saving the Imperial Valley and for all that you continue to do for the citizens of Imperial County.

## TRIBUTE TO THORNTON SISTERS

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 14, 2001*

Mr. PALLONE. Mr. Speaker, I would like to call attention once again to a group of women who never cease to amaze me. This month marks the tenth anniversary of The Thornton Sisters Foundation, Inc. I have been following these women's struggles and accomplishments for a long time now, and after a decade of success I feel it an honor to formally salute these women a second time.

On Sunday June 10, 2001 the Thornton Sisters Foundation held an awards ceremony for the twenty-five finalists of the Donald and Itasker Thornton Memorial Scholarship and their family members. The Grand View Ballroom at the Jumping Brook Country Club in Neptune, New Jersey hosted this occasion.

The Thornton Sisters have an interesting history that led to the creation of this foundation. Their parents, Donald and Itasker, moved in 1948 from Harlem New York City to Long Branch, New Jersey. The Thornton move was so that their children would be able to receive a better education. After purchasing a lot on Ludlow Street, Mr. Thornton became the first African-American man in the area to receive a mortgage.

Mrs. Thornton having given birth to six children, all of whom are girls, became a domestic. Mr. Thornton worked three jobs at Fort Monmouth, Eatontown to provide for his children.

Mrs. Thornton was unable to attend college herself. However, she pushed all of her daughters to accomplish something that she would never be able to do. Mrs. Thornton was correct in her foreseeing that women of the future would need to be able to be financially stable on their own.

With the help of scholarships and a weekend family music group all six daughters graduated from Monmouth University in Long Branch. Their music ensemble was well known and packed the house of the Apollo Theatre in Harlem. Having learned early on the importance of an education, these six sisters now want to give the same opportunity they had to other young women.

This story has special significance to me, as I am a citizen of Long Branch. Rita Thornton and I both attended Long Branch high school at the same time and actually participated in speech and debate together. I could tell, even back then, that her and her sisters share a true commitment to education and excellence—now knowing all of them received straight A's throughout high school.

These women are truly a group that needs to be admired and praised. I want to personally thank the Thornton sisters on their ten years of providing scholarships for young minority women of the state of New Jersey.

## NATIONAL YOUTH SMOKING REDUCTION ACT OF 2001

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 14, 2001*

Mr. DAVIS of Virginia. Mr. Speaker, I am very pleased to introduce the National Youth Smoking Reduction Act of 2001, which gives the Food and Drug Administration (FDA) comprehensive, effective authority to oversee the tobacco industry. As the name implies, the primary focus of this bill is to keep our children away from tobacco products—to protect them from being targeted by the tobacco industry, to keep them from becoming addicted, to keep them healthier and stronger without the detrimental effects of tobacco.

I would especially like to thank my co-sponsors, Representatives TOWNS, GILLMOR, COLLIN PETERSON, LINDER, MARK GREEN, MIKE DOYLE, COLLINS, SWEENEY, BONO, GRANGER, TERRY FERGUSON, SCHROCK, and GRUCCI, for their leadership on this important issue.

Where does my interest in curbing tobacco use come from? My father died of emphysema, and my wife is a doctor. I have three children of my own, and it would break my heart to see them fall prey to the marketing tactics that ensnare children and get them started on tobacco and down the road to disease and suffering. Moreover, I can see with my own eyes the dangers presented by tobacco use, and I believe there is a need to do something about the situation.

I should note that this is not the first time I have acted against tobacco. Back in the mid-1980s, as a member of the Fairfax County Board of Supervisors, I introduced the first ordinance in the Commonwealth of Virginia to designate non-smoking areas in restaurants.

I have tried to take a sensible approach to what is clearly a sensitive and polarizing issue. Some believe FDA has no role in regulating tobacco. Many would prefer FDA to have complete authority over tobacco, up to and including banning the use of tobacco products outright. I am promoting an approach that will allow FDA to take important steps in protecting our citizens, especially children, from the dangers of tobacco. However, I stop short of an abolitionist stance, because I believe that if an adult chooses to use tobacco products, he or she should legally be able to do so. If we ban tobacco use, or leave room

for tobacco products to be altered in a way that makes them unacceptable to adult consumers, an illegal market to obtain such products will surely arise. This, ultimately, will be more harmful to the public health than if we never did anything at all. My bill leaves the authority to ban the use of tobacco products, or to eliminate nicotine completely from them, where that authority belongs: the Congress.

In addition, my bill allows for ''reduced-risk'' tobacco products. This is an area I believe could be very important in weaning existing tobacco users from more dangerous products—making it easier for them to quit, or at least giving them options that are less dangerous than the ones they are currently using.

I have sought to improve upon S. 190, which has been introduced in the other body. Like that bill, mine allows FDA to remove harmful substances from tobacco products, whether or not they are already on the market. It improves upon S. 190 by codifying the marketing and access restrictions found in the Master Settlement Agreement and the 1996 FDA regulation. These restrictions will go into effect shortly after enactment of the bill, and will subject them to federal enforcement. Furthermore, my bill directs FDA to regulate descriptors, such as ''light'' and ''ultralight'', and allows FDA to ban their use if they determine them to be misleading. I have also extended my bill to cover ''bidis'' and other tobacco products specifically directed towards children.

Mr. Speaker there are other important additions included in my bill, which are described in the attached section-by-section analysis. I urge your careful consideration of this extremely important legislation.

THE NATIONAL YOUTH SMOKING REDUCTION ACT

Section-by-Section Summary: The ''National Youth Smoking Reduction Act of 2001,'' among other things, creates a new chapter IX of the Federal Food, Drug, and Cosmetics Act (FDCA) to provide explicit authority to FDA to regulate tobacco products. The bill creates a separate chapter in the FDCA for tobacco products and thus expressly directs FDA to maintain a distinct regulatory program for tobacco products. The new FDCA chapter IX for tobacco products provides for comprehensive regulation of tobacco products.

The provisions of this new FDCA tobacco products chapter are based on the FDCA's device provisions, but some changes were made to make the provisions more appropriate for tobacco products. The most significant change is that the current statutory standard of ''reasonable assurance of safety and effectiveness,'' which is relied on when FDA makes a range of decisions for devices, was changed to ''appropriate for the protection of the public health,'' a standard which is more appropriate for tobacco products.

FDCA CHAPTER IX—TOBACCO PRODUCTS

*Section 901—FDA authority over tobacco products*

Clarifies that nothing in chapter IX shall be construed to affect the regulation of drugs and devices under chapter V that are not tobacco products under the FDCA.

Also clarifies that chapter IX does not apply to tobacco leaf that is not in the possession of the manufacturer, or to producers of tobacco leaf; including tobacco growers, tobacco warehouses, and tobacco grower cooperatives.

Also clarifies that FDA employees may not enter onto a farm owned by a producer of tobacco leaf without the producer's written consent.

*Section 902—Adulterated tobacco products, and Section 903—Misbranding tobacco products*

Defines the conditions under which a tobacco product will be adulterated or misbranded under the FDCA, and subject to enforcement action. These provisions are similar to device law provisions, but are tailored to tobacco product regulation.

Section 903(b) authorizes the Secretary to require by regulation the prior approval of statements made on the label of a tobacco product, and explicitly states that no regulation issued under this subsection may require the prior approval by the Secretary of the content of any advertisement. This is similar to a device law provision.

*Section 904—Submission of health information to the secretary*

Within 6 months of enactment (and annually thereafter), each tobacco product manufacturer or importer must, among other document requirements, submit to FDA:

All documents relating to research activities, research findings, conducted, supported, or possessed by the manufacturer on tobacco or tobacco-related products;

All documents relating to research concerning the use of technology to reduce health risks associated with the use of tobacco; and

All documents relating to marketing research on tobacco products.

*Section 905—Annual registration*

Tobacco manufacturers are required to register each year with FDA in order to provide name and place of business information, as well as to provide lists of tobacco products manufactured by the establishment, and other information. Entities registered with FDA are subject to inspection every two years.

*Section 906—General provisions respecting control of tobacco products*

Provides authorities relating to the general regulation of tobacco products. This section includes protections for trade secret information similar to those for devices.

Under Section 906(d), the FDA through regulation may require that a tobacco product be restricted to sale or distribution upon such conditions, including restrictions on the access to, and the advertising and promotion of the tobacco product, if the Secretary determines that such regulation would be appropriate for the prevention of, or decrease in, the use of tobacco products by children under the age at which tobacco products may be legally purchased.

FDA may not require that the sale or distribution of a tobacco product be limited to prescription use only.

FDA is precluded from prohibiting tobacco product sales in face-to-face transactions by specific categories of retail outlets (for example, a ban on sales of cigarettes by gas stations).

Under Section 906(e), the FDA is authorized to promulgate regulations requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation, packing, storage, and installation of a tobacco product conform to good manufacturing practice (GMPs) to assure that the public health is protected.

Prior to issuing GMP regulations, FDA is to consider recommendations from an advisory committee.

The bill makes explicit that the Secretary has the authority to grant either temporary or permanent exemptions or variances from a GMP requirement.

*Section 907—Performance standards*

FDA may promulgate performance standards for tobacco products if FDA determines that a standard is appropriate for protection of the public health. This authority is essentially the same as that for devices.

A decision as to whether a performance standard would be appropriate for the protection of the public health is to be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product.

Performance Standards must be promulgated through rulemaking, and interested persons may request that a proposed standard be referred by FDA to an advisory committee for recommendations on scientific issues.

Congress has the sole authority to approve any standard that eliminates all cigarettes, all smokeless tobacco products, or any similar class of tobacco products, or that reduces nicotine to zero. Also, no performance standard can render a tobacco product unacceptable for adult consumption.

*Section 908—Notification and recall authority*

Provides authority for FDA to order public notification if it determines that a tobacco product presents an unreasonable risk of substantial harm to public health, and such notification is necessary to eliminate that unreasonable risk. In addition:

FDA may issue cease and desist orders and order recalls of particular tobacco products where the Secretary finds that a tobacco product contains a manufacturing or other defect that is not ordinarily contained in tobacco products on the market and would cause serious, adverse health consequences or death.

The section's notification and recall provisions do not relieve any individual from liability under state or federal law.

*Section 909—Records and reports on tobacco products*

FDA may, by regulation, require a tobacco manufacturer or importer to report any information that suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected, adverse product experience.

*Section 910—Premarket review of certain tobacco products*

Provides for premarket review of new tobacco products that have the potential to increase the risks to consumers from conventional tobacco products being marketed at the time of the application.

*Section 911—Judicial review*

This provision provides judicial review procedures beyond the Administrative Procedure Act for FDA actions involving performance standards and premarket approval applications. This provision provides the same procedures as the parallel provision in device law.

*Section 912—Reduced risk tobacco products*

This section ensures that only those products designated by FDA as a ''Reduced Risk Tobacco Product'' may be marketed and labeled as such.

FDA may designate a product as a ''reduced risk tobacco product'' if it finds that ''the product is demonstrated to significantly reduce of harm to individuals caused by a tobacco product and is otherwise appropriate to protect the public health.''

A product designated as a ''reduced risk tobacco product'' is required to comply with certain marketing and labeling requirements. However, the FDA shall not prohibit communication that such product is a ''reduced risk tobacco product.''

FDA may revoke such designation after providing an opportunity for an informal hearing.

A manufacturer of a tobacco product is required to provide written notice to FDA upon the development or acquisition of any technology that would reduce the risk of such products to the health of the user for which the manufacturer is not seeking designation as a ''Reduced Risk Tobacco Product'' under this section.

*Section 913—Preservation of state and local authority*

The section makes clear that except as expressly provided, states and localities may adopt and enforce tobacco product requirements that are in addition to, or more stringent than requirements established under FDCA chapter IX. Where a requirement of a State or locality is more stringent, the requirement of the State or locality shall apply.

No provisions of chapter IX relating to tobacco products shall be construed to modify or otherwise affect any action or the liability of any person under the product liability laws of any State.

*Section 914—Equal treatment of retail outlets*

Directs FDA to issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

*Section 915—Access and marketing restrictions*

Prescribes specific marketing and access restrictions for tobacco products. (FDA may impose additional restrictions on marketing and access pursuant to section 906(d), as described above.) The requirements provided in this section track the vast majority of the marketing and access restrictions promulgated by FDA in its 1996 final rule, which was later nullified by the Supreme Court. The requirements also incorporate, with applicability to all, the marketing restrictions imposed on some tobacco product manufacturers under their settlement with the State Attorneys General.

Establishes a federal minimum age of 18 for tobacco product sales and requires proof of age of any individual younger than 26. Authorizes FDA to contract with the states for the enforcement of minimum age laws.

Prohibits the use of vending machines and the distribution of free samples of tobacco products, except in adult-only facilities where minors are prohibited from entering.

Bans tobacco advertisements in any outdoor location, in any transit vehicle or facility, and in any youth-oriented publication. A youth-oriented publication is defined as any publication whose readers younger than 18 years of age constitute more than 15 percent of total readership or that is read by 2 million or more persons younger than 18 years of age.

Bans tobacco-brand-name sponsorships of any athletic, musical, artistic, or other social or cultural event.

Bans the use of cartoon characters in any tobacco advertisement, promotion or labeling. Also bans manufacturers from distributing branded tobacco product apparel or other merchandise.

Prohibits any action by a tobacco business that has the primary purpose of encouraging tobacco use by minors or that directly or indirectly targets youth in the advertising, promotion, or marketing of tobacco products.

Prohibits manufacturers from making any payment to any other person for the display, reference, or use as a prop of any tobacco product or tobacco product advertisement in any motion picture, television show, theatrical performance, music recording or performance, or video game.

*Section 916—Mandatory disclosures*

Prescribes specific disclosure requirements related to tobacco product ingredients, the use of domestic and foreign tobacco leaf, and the use of terms such as ''light'' or ''low tar.''

Directs FDA to issue regulations requiring the disclosure to consumers of tobacco product ingredients on a brand-by-brand basis following the model of ingredient disclosure used for foods, under which spices, flavorings, and colorings may be listed as such.

Directs FDA to issue regulations requiring the disclosure on each package of tobacco product of the percentage of domestic and foreign tobacco in that brand.

Requires tobacco product manufacturers to include a specific disclaimer in any advertisement which classifies a tobacco product according to its tar yield or the yield to consumers of any substance, such as by using terms like ''light'' or ''low tar.'' The disclaimer required is: ''[Brand] not shown to be less hazardous than other [type of tobacco product].'' Directs FDA to promulgate additional regulations relating to the use of such terms to ensure that they are not false or misleading.

*Regulatory record*

For purposes of promulgating regulations pursuant to section 906(d) on advertising and access, the materials collected by the FDA in promulgating the 1996 regulations will have the same legal status as if they had been collected pursuant to this statute.

*Conforming and other amendments*

These amendments to the general provisions ensure that the full range of compliance, enforcement, and other general authorities available to FDA for other products are available for tobacco products.

Prevents FDA from restricting the sale of tobacco products in face-to-face transactions to certain categories of retail outlets. Allows FDA to issue, after an administrative hearing before an Administrative Law Judge, a no tobacco sale order prohibiting the sale of tobacco products at a particular retail outlet based on repeated violations by that outlet.

Prior to using its authority to issue a no tobacco sale order, FDA must promulgate through notice-and-comment rule-making regulations that include a definition of the term ''repeated violations,'' provisions for notice to the retailer of each violation, and a provision that good faith reliance on false identification does not constitute a violation of any FDA minimum age requirement for the sale of tobacco products.

Amends the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act, to give the FDA the responsibility for ensuring that the various warning labels currently used on tobacco products continue to be used as to protect public health, within certain pack and advertisement size limits. FDA has the authority to revise the warnings.

In less than 2 years after enactment, the FDA shall promulgate rules requiring testing, reporting, and disclosure of tobacco product smoke constituents and ingredients, such as tar, nicotine, and carbon monoxide, that the FDA determines should be disclosed to the public in order to protect the public health.

## ''AMTRAK GOOD NEIGHBOR ACT OF 2001''

### HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 14, 2001*

Mr. SIMMONS. Mr. Speaker, I rise today to introduce the ''Amtrak Good Neighbor Act of 2001.''

The purpose of this bill is to build a better relationship between Amtrak and the local municipalities along the Northeast Rail Corridor.

As recently as last week, some concerned citizens in the great city of New London, Connecticut gave a much needed paint job to a railroad bridge owned by Amtrak, covering up years of graffiti. I called this a great act, reflecting the pride that New London residents have for their city. Amtrak called this trespassing and conducted a criminal investigation.

There needs to be a better relationship between Amtrak and local municipalities. This is why I have introduced the Amtrak Good Neighbor Act of 2001. This bill directs Amtrak to work with local municipalities, whose citizens would like to provide improvements to Amtrak-owned property.

I urge my colleagues to support this important bill.

## TRIBUTE TO SHERIFF ANDREW MELONI

### HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 14, 2001*

Mr. REYNOLDS. Mr. Speaker, I rise today to recognize and honor the distinguished 45-year law enforcement career of an outstanding public servant and a dear friend, Andrew P. Meloni.

Since taking office as Sheriff of Monroe County, New York, on January 1, 1980, Andy Meloni made his department one of the preeminent law enforcement agencies in the entire United States. Sheriff Meloni's 20-year tenure has been marked by innovative leadership, consummate professionalism and an unquestioned commitment to public service.

A member of the Executive Board of the New York State Sheriffs' Association, the National Sheriffs' Association and as a Commissioner on the Commission for Accreditation for Law Enforcement Agencies, Sheriff Meloni was nominated by President Clinton and Former President Bush as a ''Point of Light.''

Through Sheriff Meloni's leadership, the Monroe County Sheriff's Office—the largest Sheriff's office in New York state—has received national recognition for its creative programs. A husband and father of five children, Sheriff Meloni has further given of this time, talents and energy by working with and raising funds for numerous children's programs and services, and is an active Compeer volunteer.

A veteran of the United States Army, Andrew Maloni has had a proud and distinguished career in law enforcement and public safety—beginning work in the Sheriff's department in 1954, and subsequently serving as Undersheriff, Monroe County Public Safety Administrator and Director of Public Safety for the University of Rochester.

Mr. Speaker, Andrew P. Meloni retired as Monroe County Sheriff on May 31, 2001; and I ask that this Congress join me in saluting his leadership, commitment and professionalism in protecting the lives, safety and well being of his community.