

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.

TRIBUTE TO MR. ROY ROGERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. SHAW. Mr. Speaker, I rise today to honor Mr. Roy Rogers for his tremendous contributions to the development of South Florida and the protection of its environmental resources. A graduate of the U.S. Naval Academy in 1960, Roy Rogers served his country proudly as a navigational engineer for a nuclear submarine. Following his service, Roy Rogers began his career as a developer. He developed golf courses with legendary architect Robert Trent Jones and assisted in the planning and development of multiple communities in South Florida.

In 1985, he started to oversee Arvida's planning and development of Weston, a community in western Broward County near the Florida Everglades. It was in this development project where Roy Rogers manifested his talents not only as a developer, but also as a conservationist. Although to many these talents seem polar opposites, Roy Rogers excelled in carefully blending his skill as a developer and his care for the environment. Conservationists and developers alike, commend Roy Rogers for his masterful development of western Broward County.

After 15 years of carefully watching over the creation of Weston, Roy Rogers recently retired from his position as senior vice president of Arvida/JMB. An active member in various civic and governmental organizations, Roy Rogers will continue to benefit the people of South Florida through his many talents. It is with great honor that I commend a good friend and skillful developer for enhancing the beauty of South Florida through his many projects.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OXLEY. Mr. Speaker, I would like to join the colleagues who have paid their appreciation to a genial giant of the House of Representatives, Congressman JOE MOAKLEY.

Last night, the Massachusetts delegation led a tribute to JOE MOAKLEY in Statutory Hall. How fitting for JOE to be honored in that hall of legends.

It's hard in an era of political cynicism to find public officials who would be described as "beloved." But JOE MOAKLEY certainly was one, as evidenced by the heartfelt tributes that have come from those he worked with here in Washington and the people he represented back in Boston.

JOE MOAKLEY was principled, fair, and famously friendly. He was passionate without being unpleasant. JOE loved the institution of Congress and, in turn, became one of the select legislators who make Congress work for

the American people. But despite his long years of service in the Nation's Capital and his ascension to the highest levels of power in the House, JOE MOAKLEY remained a man of Massachusetts and a person of great humor and humility. His unmistakable and delightful Boston accent told you immediately who JOE MOAKLEY was, where he came from, and who he represented.

During his distinguished career, JOE MOAKLEY stood for integrity and decency. In doggedly carrying on with his congressional duties during this illness, he achieved nobility as well. We all mourn the loss of an expert legislator and friend. But we can honor the legacy of JOE MOAKLEY by conducting our business with his sense of honor and decency. It's a way that we can give back, for all that JOE MOAKLEY gave to the House of Representatives, his constituents, and his country.

STATEMENT FOR FLAG DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to our most cherished symbol of freedom, the American flag, and to recognize its importance to our national identity.

Until the 13 colonies rebelled against Great Britain in 1776, each enjoyed a separate existence from the others with few ties among them. Their common fight against British rule, however, brought them more than independence. It brought the realization of a national identity. The adoption of our national flag, on June 14, 1777, served as a symbol of this blossoming union.

John Paul Jones, the revolutionary war hero, the first to sail to sea under this new flag, stated that: "The Flag and I are twins. . . So long as we can float, we shall float together. If we must sink, we shall go down as one." Many veterans share his passion. Today we offer our profound gratitude to those who have fought and died to protect the freedoms that our flag represents.

Today is a time to reflect upon the flag and what it means to America. It is a time to recognize that we live in a great nation that, with work, can become greater still. It is a time to contemplate America's place in the world and to know that our flag stands as a beacon of liberty and justice. We know that these freedoms have not come easily and we are grateful to those who have fought for these ideals: in battle, in the courts, in Congress, and in our everyday lives, we must work to uphold the ideals for which the Stars and Stripes truly stand.

TERRIFIC TENNIS IN THE 6TH DISTRICT OF NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. COBLE. Mr. Speaker, on May 26, the Sixth District of North Carolina became the home of the 4-A men's state championship tennis team—Walter Hines Page High School

in Greensboro. The Pirates completed their title match with a season record of 22-0—their second consecutive season with no losses.

The Cone-Kenfield Tennis Center at the University of North Carolina at Chapel Hill was the site where the Pirates defeated Fayetteville Terry Sanford High School 6-3. The single game winners included sophomore Jon Isner, freshman Robert Hogewood, and junior Adam Kerr. Both teams were undefeated up to this point and after single matches the score was 3-3. The game was still in anyone's court.

Doubles matches were going to decide who would be the team to lose. All three Page High School doubles teams won their matches, which gave the state title to the Pirates.

Congratulations are in order for Head Coach Jill Herb, Assistant Head Coach Tom Herb, along with assistant Jerry Steinhorne.

Members of the championship team included Robbie Bernstein, Steven Eagan, Pete Georges, Andrew Hjelt, Robert Hogewood, Charlie Holderness, Jon Isner, Adam Kerr, Dean Mandaleris, Jonathan Newman, Daniel Rowland, Drew Saia, Jarrett Saia, Jason Steinhorn, David Stone, Robert Sullivan, David Tursky, and Danny Redell.

Everyone at Page High School can be proud of the Pirates. On behalf of the citizens of the Sixth District, we congratulate Athletic Director Rusty Lee, Principal Dr. Terry Worrell and everyone at Page High School for winning the state 4-A Men's Tennis championship. In fact, winning two straight championships is impressive, but going undefeated for two years in a row is remarkable.

EXPRESSING CONCERN OVER THE STATE OF LABOR RIGHTS IN THE U.S.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. KUCINICH. Mr. Speaker, the right of workers to organize themselves into a union and bargain collectively are fundamental rights protected by various international conventions. Among them is the Universal Declaration of Human Rights, one of the first major achievements of the United Nations. Article 23 of the UDHR states that "everyone has the right to form and to join trade unions for the protection of his interests." Another is the Right to Organize and Collective Bargaining Convention, adopted in 1949 at the 32nd assembly of the International Labor Organization and ratified by 148 countries. The very first line of this document reads: "Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment."

United States law also codifies these basic labor rights. The National Labor Relations Act, signed in 1935, guarantees employees the right to organize and chose their bargaining representative. The Act also protects employees from retaliation by their employer for exercising their rights under the NLRA. Section 8 of the Act makes it an Unfair Labor Practice for an employer to "interfere with, restrain, or coerce employees" in the exercise of their rights to organize and bargain collectively. Specifically, employers are barred from discharging or otherwise discriminating against