TOBACCO AND AMERICA'S YOUTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. WAXMAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert extraneous material.

I have taken out this special order to talk again about the No. 1 threat to the health of our children—tobacco.

A lot has happened since I spoke to this body last week. They Justice Department has confirmed that it will impanel a grand jury in this city to consider perjury charges against tobacco company CEO's. The U.S. attorney in New York has confirmed that he will impanel a grand jury in Manhattan to investigate whether tobacco companies lied to Federal regulators about the health effects of tobacco. And the President has begun to consider how best to regulate tobacco.

Almost unnoticed amid the headlines, however, is the damage cigarettes have done to the health of our Nation. In the last week alone, over 7,000 Americans have died from lung cancer, heart disease, and other illnesses caused by addiction to tobacco.

Even worse, in the last 7 days, 21,000 American children have begun to smoke for the first time. One-third of these children—7,000 kids—will become lifelong nicotine addicts and eventually die from a tobacco-related disease.

Clearly, the time has come for commonsense regulation to discourage children from smoking.

When I appeared before this body last week, I reported on my investigation into the research activities of Philip Morris, the Nation's largest tobacco company. This investigation revealed three important facts.

First, Philip Morris conducted secret research on nicotine pharmacology for more than a decade.

Second, top company officials—including the Philip Morris board of directors and at least three separate vice presidents for research and development—had knowledge of the secret nicotine research program.

Third, Philip Morris conducted research for the specific purpose of determining the pharmacological effects of nicotine on children and college students.

One major question remained unanswered, however. Did Philip Morris use its secret nicotine research to design cigarettes sold to the American public?

We know from the documents I released last week that Philip Morris' secret research program was undertaken for commercial reasons. The document describing the plans and objectives for the behavioral research laboratory in 1979, for example, stated expressly:

> The rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

Philip Morris, however, has consistently maintained that it never commercialized this research or manipulated nicotine. A year ago, the Philip Morris CEO, William Campbell, testified before my subcommittee that ''Philip Morris does not manipulate nor independently control the level of nicotine in our products.''

Last month, when the New York Times first reported on the secret Philip Morris research program, Philip Morris asserted that it never used the research results in creating products for the market.

Today, I will present evidence that conflicts fundamentally with these Philip Morris statements. I will present evidence that appears to prove beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public.

My investigation of nicotine manipulation by Philip Morris has been hindered by two obstacles. First, Philip Morris has not cooperated with the investigation. Over a year ago, on June 29, 1994, I wrote Philip Morris to request copies of Philip Morris documents relating to nicotine manipulation. With minor exceptions, Philip Morris has refused to provide these documents.

The second obstacle is that the Congress has apparently ceased its investigation of the tobacco industry. This makes it impossible for me to call Philip Morris witnesses before an investigative committee to respond to my inquiries.

Because of these obstacles, I cannot yet provide a complete and final record of Philip Morris's efforts to manipulate nicotine. Nevertheless, what I have recently learned is so significant that I believe I must take the extraordinary step for reporting on it in this chamber today. I believe I have an obligation to the Members of this body, to the administration, and ultimately to the American people to tell what I know so that together we can move closer to the truth.

As I did last week, I will first present a summary of my investigation. Then I will then read into the RECORD a chronology of excerpts from previously secret Philip Morris documents. Finally, I will present the documents themselves for publication in the CONGRESSIONAL RECORD.

SYSTEMATIC MANIPULATION IN THE LABORATORY

The evidence of nicotine manipulation begins in the very same Philip Morris laboratories in Richmond, VA, that conducted the electric shock studies and the nicotine pharmacology research that I described last week. Throughout the 1970's, researchers in these laboratories engaged in a systematic search ''to determine optimal nicotine/tar ratios for cigarette acceptability in a low delivery cigarette.''

The nicotine/tar ratio is a ratio that compares the amount of nicotine delivered by a cigarette with the amount of tar delivered by the cigarette. Officials of the tobacco industry have long maintained that because nicotine levels follow tar levels, there is a single, fixed nicotine/tar ratio in all cigarettes. For instance, Alexander Spears, the chief operating officer of the Lorillard Tobacco Co., testified before my subcommittee on March 25, 1994, that:

> We do not set nicotine levels for particular brands of cigarettes. Nicotine levels follow the tar level. . . . The correlation . . . is essentially perfect correlation between tar and nicotine and shows that there is no manipulation of nicotine.

The objective of the Philip Morris researchers, however, was to break this essentially perfect correlation between nicotine and tar. Their goal was to determine if an increased ratio of nicotine to tar would make low-tar cigarettes more acceptable to the smoker.

The first document to discuss the secret search for the optimal nicotine/tar ratio is a December 1970 research report. In this report, Philip Morris scientists stated that they were ''initiating a study of the effect of systematic variation of the nicotine/tar ratio upon smoking rate and acceptability measures.''

In May 1974, the Philip Morris scientists described their research as involving the systematic manipulation of nicotine. Although Philip Morris CEO William Campbell testified last year that Philip Morris does not manipulate nicotine, the researchers stated that they were ''systematically manipulating tar and nicotine parameters of cigarettes * * * to predict nicotine/tar ratios for optimal cigarette acceptability.''

By November 1974, the Philip Morris scientists achieved a breakthrough. According to the researchers, the natural ratio of nicotine to tar in tobacco is 0.07—that is, 7 parts nicotine to 100 parts tar. The researchers found that by boosting this ratio in low-tar cigarettes, about 40 percent to approximately 0.10—or 10 parts nicotine to 100 parts tar—they could produce a low-tar cigarette that equaled a regular-delivery cigarette in both acceptability and strength. In other words, the researchers found that by increasing the nicotine level in a low-tar cigarette by 40 percent while leaving the tar level unchanged, they could produce a stronger and more acceptable low-tar cigarette.

By October 1975, the scientists completed a follow-up study to replicate their findings. This follow-up study confirmed the initial results. The scientists found that ''the optimum nicotine to tar ratio for a 10 milligram cigarette is somewhat higher than that occurring in smoke from the natural state of tobacco.''

COMMERCIALIZATION

There is compelling evidence that not long after completing this research, Philip Morris used the research findings to manipulate nicotine levels in cigarette brands sold to the American public.

One brand in which manipulation seems certain to have occurred is the regular-length Benson & Hedges cigarette. I have a chart that shows what happened to the nicotine/tar ratios in this cigarette between 1968 and 1985, the first and last years for which data is available for this cigarette variety.

As you can see, the nicotine/tar ratio remained essentially flat at 0.07, the natural nicotine/tar ratio in tobacco, from 1968 to 1978. From 1978 to 1983, however, the ratios changed significantly. During this period, the nicotine/tar ratio did exactly what the Philip Morris researchers recommended—it increased.

As the chart shows, the nicotine/tar ratio reaches a high of 0.2 in 1981. By 1983, the nicotine/tar ratio in the Benson & Hedges cigarette is 0.11—virtually the exact level recommended by the Philip Morris scientists.

These increases in the nicotine/tar ratio resulted from increases in the nicotine level of the Benson & Hedges cigarette. The tar level in the cigarette in 1983 is exactly the same as it was in 1978—but the nicotine level is more than 50 percent higher.

A key question arises from these facts: Were the increases in the nicotine level and the nicotine/tar ratio of the Benson & Hedges cigarette the result of the deliberate design decisions of Philip Morris? Or were they the result of chance or random variation?

To answer this question, I asked Dr. Lynn Kozlowski from Penn State University, one of the Nation's leading experts on low-tar cigarettes, to perform a statistical analysis of the changes in the nicotine/tar ratio of the Benson & Hedges cigarette. His analysis shows that the increases in the nicotine/tar ratio were not the result of chance or random variation. Specifically, he found the possibility that the elevated nicotine/tar ratios could be explained by chance or random variation is less than 1 in 100,000. In other words, the possibility is virtually zero.

Benson & Hedges is not the only example of commercialization I found during my investigation. In 1981, Philip Morris introduced a new cigarette brand, the Merit Ultra Light. Like the Benson & Hedges cigarette, the Merit Ultra Light had an increased nicotine/tar ratio.

I have a chart that shows the nicotine/tar ratio in the Merit Ultra Light. As the chart illustrates, the nicotine/tar ratio is significantly elevated from the natural ratio of 0.07. The ratio in this cigarette is 0.11—virtually the exact level recommended by the scientists.

In summary, the evidence I will present today shows three crucial points.

First, Philip Morris researchers determined that the natural nicotine/tar ratio in cigarettes is 0.07.

Second, Philip Morris researchers recommended that this natural nicotine/tar ratio be increased to approximately 0.10 in low-tar cigarettes to increase acceptability and strength.

Third, shortly after this recommendation was made, Philip Morris raised the nicotine/tar ratio in Benson & Hedges cigarettes to the recommended level of 0.10 and above and introduced a new brand, the Merit Ultra Light, with a similar elevated nicotine/tar ratio.

There appears to be only one conclusion that can be drawn from this evidence: Philip Morris deliberately increased nicotine levels in commercially marketed cigarettes.

At this point, I want to begin to read excerpts from the documents.

CHRONOLOGY OF PHILIP MORRIS RESEARCH ON NICOTINE MANIPULATION

December 1970.—Philip Morris researchers commence a study that directly involves manipulation of the nicotine/tar ratio in cigarettes. The study involves reducing tar levels and boosting nicotine levels by adding nicotine salt, a commercial form of nicotine. Specifically, the researchers write:

> We are initiating a study of the effect of systematic variation of the nicotine/tar ratio upon smoking rate and acceptability measures. Using Marlboro as a base cigarette we will reduce the tar delivery incrementally by filtration and increase the nicotine delivery incrementally by adding a nicotine salt. All cigarettes will be smoked for several days each by a panel of 150 selected volunteers.

Source: P.A. Eichorn and W.L. Dunn, ''Quarterly Report of Projects 1600 and 2302''—Dec. 31, 1970.

September 1971.—Philip Morris researchers describe their research objectives for 1972. They state that their goal is ''to determine optimal nicotine/tar ratios for cigarette acceptability of relatively low delivery cigarettes.''

The researchers also identify tobacco's natural nicotine/tar ratio, stating that a ratio of 0.07 is ''characteristic of a broad range of natural leaf.''

Source: Memorandum on ''Plans for 1972,'' from W. Dunn et al. to P.A. Eichorn—Sept. 8, 1971.

January 1972.—Philip Morris researchers report plans to conduct a national mail-out of cigarettes with altered nicotine/tar ratios. Specifically, they write:

> Low delivery cigarettes with varying tar and nicotine deliveries are being made with both low nicotine tobacco and with ordinary tobacco. These cigarettes will be used in national mailouts to determine what combinations of tar and nicotine make for optimal acceptability in a low delivery cigarette.

Source: T.R. Schori, ''Smoking and Low Delivery Cigarettes,'' in Consumer Psychology Monthly Report—Dec. 16, 1971, to Jan. 15, 1972.

October 1972.—Philip Morris researchers develop a three-stage study for determining the optimal nicotine levels in menthol cigarettes. The researchers write:

> This study has a three-stage design. The first stage is designed to identify those nicotine delivery levels which we might reasonably wish to consider for menthol cigarettes. Having identified these nicotine delivery levels, in stage 2 we will determine combinations of nicotine and menthol which make for optimal acceptability. And then in stage 3, cigarettes with these combinations of nicotine and menthol will be tested against current brands of known quality and sales potential.

The researchers also describe their ongoing ''tar and nicotine studies.'' They state:

> We have done a number of nicotine to tar ratio studies. . . . When we get successful models, we will go out to a national panel in an attempt to determine combinations of tar and nicotine for optimal acceptability.

Source: P.A. Eichorn and W.L. Dunn, ''Quarterly Report—Projects 1600 and 2302''—Oct. 5, 1972.

November 1972.—Philip Morris researchers state that one of their research objectives for 1973 is to determine if ''a cigarette with a high nicotine/tar ratio has market potential.''

Source: Memorandum on ''1600 Objectives for 1973''—Nov. 11, 1972.

May 1973.—Philip Morris develops a 5-year plan for research and development. This plan states explicitly the nicotine/tar ratio studies are being conducted to develop new cigarette designs. Specifically, the R&D plan states:

> This program comprises a number of studies expected to provide insight leading to new cigaret designs. These include studies of optimum nicotine/tar ratios [and] nicotine/menthol relationships.

Source: Philip Morris, USA, ''Research and Development Five Year Plan, 1974–1978''—May 1973.

October 1973.—The Director of Research at Philip Morris, Thomas Osdene, who subsequently became vice president for science and technology, circulates the company's R&D strategy for the next 5 years. The strategy makes it clear that manipulating the concentration of smoke constituents was one of the major priorities of Philip Morris's research efforts.

Osdene's strategy states:

> R&D management will concentrate a large part of the resources at its disposal in two major long-range new product programs: a cigarette with controlled-composition mainstream smoke, and a ''full-flavor'' cigaret delivering less than ten milligrams of FTC tar.

The strategy then explains that the full-flavor/low-delivery program requires developing new means of manipulating the relative concentrations of key smoke constituents. Specifically, the strategy states:

> This program is directed at a dramatic reduction in cigaret tar level while maintaining subjective responses equal to our present major brands. . . . The task requires . . . developing means of increasing the relative concentration of desirable constituents.

Source: Memorandum on ''5-Year Plan,'' from T. S. Osdene to W. L. Dunn et al.—Oct. 29, 1973.

May 1974.—Philip Morris researchers state that they are engaged in systematic manipulation of nicotine. In a monthly research report, they state:

> Having done a number of studies (JND–1, JND–2, TNT–3, TNT–4) in which we have systematically manipulated tar and nicotine parameters of cigarettes, we are trying to see if we can make any overall conclusion.

Specifically, we are trying to predict nicotine/tar ratios for optimal cigarette acceptability at differing tar deliveries.

Source: T.R. Schori, ''Regression Analysis,'' in Smoker Psychology Monthly Report—May 9, 1974.

November 1974.—In the 1974 annual report of research activities, Philip Morris scientists report a breakthrough in their efforts to develop ''low delivery cigarettes with increased nicotine/tar ratios.'' A low delivery cigarette with an increased nicotine/tar ratio of 0.12 was found to be ''comparable to the Marlboro in terms of both subjective acceptability and strength.'' According to the researchers:

Although we previously have had cigarettes in this delivery range which achieved parity with Marlboro in acceptability, this is the first time that such a cigarette has achieved parity in both acceptability and strength.

The researchers also described a follow-up study to determine whether ''the high nicotine/tar ratio was the primary determinant of the smokers' favorable perceptions of the cigarette.'' According to the researchers:

In this study we will make three 10 mg tar cigarettes with N/T ratios of 0.07, .10, and .13—insuring that tar is constant over cigarettes—and a Marlboro control. From this test, we will be able to determine: (1) whether we can reliably make full flavored cigarettes in the 10 mg range; and (2) whether a relatively high N/T ratio is essential in order to do so.

Top officials at Philip Morris were informed of the results of this research. The 1974 annual report was approved by the Director of Research, Thomas Osdene and distributed to the vice president for Research and Development, Helmut Wakeham.

Source: ''Behavioral Research Annual Report, Part II,'' approved by T.S. Osdene and distributed to H. Wakeham et al.—November 1, 1974—reprinted in 141 CONGRESSIONAL RECORD at H7658–62—daily edition. July 25, 1995.

October 1975.—Philip Morris researchers report the results of the followup study to Helmut Wakeham, the vice president for Research and Development. The followup study successfully confirmed the original results. According to the researchers:

This study provides evidence that the optimum nicotine to tar ratio for a 10 mg tar cigarette is somewhat higher than that occurring in smoke from natural state of tobacco.

Specifically, the follow-up study involved boosting nicotine levels by adding a nicotine salt—nicotine citrate—to low-delivery cigarettes to raise the nicotine/tar ratio above the natural ratio of 0.07. These experimental cigarettes were then sent to a test panel of hundreds of smokers. The results showed:

[T]he experimental cigarette with the moderate level of nicotine addition was rated higher in acceptability than the proportional reduction cigarette and equal to the Marlboro control.

Source: ''Low Delivery Cigarettes and Increased Nicotine/Tar Ratios, A Replications,'' approved by William L. Dunn and distributed to H. Wakeham et al.—Oct. 1975.

December 1978.—Philip Morris researchers analyze the nicotine levels in cigarettes produced by other manufactures. They prepare a table listing the tar and nicotine levels and the nicotine/tar ratios of competitors' brands. Then they state:

The table suggests . . . that our competitors' brands . . . seem to be higher in nicotine delivery than we would otherwise expect from our own experience with low delivery cigarettes . . . We suspect that in some cigarettes the use of high alkaloid blends may . . . be an important contribution to the higher ratios.

A high alkaloid blend refers to a blend of tobacco containing high concentrations alkaloids. The principal alkaloid in tobacco is nicotine.

Source: Memorandum on ''Plans and Objectives—1979,'' from W.L. Dunn to T.S. Osdene—Dec. 6, 1978—reprinted in 141 CONGRESSIONAL RECORD at H7668–70—daily edition. July 25, 1995.

February 1979.—Philip Morris researchers plan a study on the changes in nicotine levels detectable by smokers. This study is intended to address ''the recurring expression of concern about the relative downness of N/T ratios in PM products.''

Source: ''Notes on Program Review Presentation 2/79.''

THE FTC DATA

The documents I have just read show that during the 1970's, Philip Morris researchers learned that the optimum nicotine/tar ratio in low-delievery cigarettes is approximately 0.10, compared to a natural ratio of 0.07. This raises a question of central relevance: Did Philip Morris commercialize this research? In other words, did Philip Morris design commercial cigarettes with an elevated nicotine/tar ratio of 0.10 or above?

To answer this question, I reviewed the tar and nicotine data from the Federal Trade Commission for low-delivery cigarettes manufactured by Philip Morris. The FTC has collected tar and nicotine data on cigarettes since 1968. For each variety of cigarette, the FTC tests 100 cigarettes collected at random from 50 different geographical locations. The tar and nicotine numbers reported by the FTC show the results of this extensive testing.

As I summarized earlier, this FTC data provides compelling evidence that Philip Morris commercialized its research on optimum nicotine/tar ratios in at least two cigarette brands.

The first example of commercialization is the regular-length—70 millimeter—Benson & Hedges filtered cigarette. The first year that data is available for this brand is 1968. At that time, the tar level was 21 milligrams/cigarette, the nicotine level was 1.29 milligrams/cigarette, and the nicotine/tar ratio was 0.06.

From 1968 to 1978, tar and nicotine levels in regular-length Benson & Hedges filtered cigarettes dropped significantly to 0.9 milligrams tar and 0.06 milligrams nicotine. Throughout this period, however, the nicotine/tar ratio in the cigarette remained essentially the same. In 1978, the nicotine/tar ratio was 0.07, virtually the same level as in 1968. My chart illustrates this point.

This changed after 1978, due to significant increases in the nicotine levels in the cigarette. In 1978, the nicotine level in the Benson & Hedges cigarette was 0.06 milligrams. By 1981, however, the nicotine level had doubled to 0.12 milligrams. In 1983, the nicotine level was 0.10 milligrams—an increase of over 60 percent from the 1978 level.

As the nicotine level was rising, so was the nicotine/tar ratio. The chart again illustrates this point. The nicotine/tar ratio rose in the Benson & Hedges cigarette to 0.09 in 1979 and then to 0.2 in 1981. In 1983, the ratio was 0.11—virtually the same ratio recommended by the Philip Morris researchers.

In 1984 and 1985, Philip Morris reduced the nicotine/tar ratio in the Benson & Hedges cigarette to the original 0.07 level. Nothing is known about why Philip Morris took this step. It could be because Philip Morris found other, more subtle ways, to manipulate nicotine delivery, such as by increasing the pH of the cigarette smoke, or perhaps it simply reflects a decision to phase-out the product. In any case, Philip Morris apparently stopped making the regular-length Benson & Hedges cigarette after 1985, because no further FTC data is available.

There are two further points that emerge from the Benson & Hedges data. First, the increased nicotine/tar ratios from 1978 to 1983 are almost certainly due to the design decisions of Philip Morris—not to chance or random variation. Dr. Lynn Kozlowski, the head of the Department of Biobehavioral Health at Penn State University, has reviewed the FTC data for the Benson & Hedges cigarette. His analysis shows the possibility that the elevated nicotine/tar ratios could be due to random fluctuations in tar and nicotine levels is virtually nonexistent—less than 1 in 100,000.

Second, the data refute the tobacco industry's claim that higher nicotine/tar ratios in low-tar and ultra-low-tar cigarettes are unavoidable because they are a necessary consequence of filtration. The Benson & Hedges cigarette was an ultra-low-tar cigarette throughout the period from 1978 to 1985. The tar levels in the cigarette were consistently below or near 1 milligram during this period. Yet in three of these years—1978, 1984, and 1985—the cigarette had a natural nicotine/tar ratio of 0.07.

This history shows that Philip Morris was capable of producing—and in fact did produce—an ultra-low-tar Benson & Hedges cigarette with a natural nicotine/tar ratio of 0.07. This plainly demonstrates that the much higher nicotine/tar ratios observed in the Benson & Hedges cigarette between 1978

and 1983 were avoidable. In other words, the high ratios recorded during this period must have reflected intentional design decisions of Philip Morris.

The second example of commercialization involves the king-size—85 millimeter—Merit Ultra Light. This cigarette was introduced in 1981 as a low-delivery cigarette. Its nicotine/tar ratio, however, was not the natural ratio of 0.07. Instead, like the Benson & Hedges cigarette, its nicotine/tar ratio was elevated. Specifically, the ratio was again 0.11—the level recommended by the Philip Morris researchers.

A chart again illustrates this point.

CURRENT EVIDENCE OF MANIPULATION

The evidence I have reviewed appears to show beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public in the late 1970's and early 1980's. Is there evidence that Philip Morris continues this manipulation today?

Recent data from the Federal Trade Commission is telling. It shows that the nicotine/tar ratio in the Merit Ultra Light cigarette has remained elevated. For instance, from 1988 through 1993, the nicotine/tar ratio in king-size Merit Ultra Light cigarettes sold in soft packs was 0.10—virtually the same elevated level as in 1981. This strongly suggests continued manipulation in this cigarette brand by Philip Morris.

There is one caveat in the recent data that should be noted. Starting in 1988, the FTC stopped doing its own tar and nicotine testing and instead began to rely on data submitted by the tobacco industry. The tobacco industry data is not as precise as the previous data. For this reason, it is possible that the actual nicotine/tar ratio in Merit Ultra Lights from 1988 to 1993 could deviate somewhat from the reported level.

Manipulating FTC nicotine deliveries is only one of several ways to manipulate the amount of nicotine received by the smoker. For instance, the amount of nicotine absorbed by a smoker can be increased without changing the FTC nicotine delivery by increasing the alkalinity—or pH—of smoke. Alternatively, changes in filter design, such as using ventilation holes that are covered by a smoker's lips, can be used to increase nicotine intake without affecting the FTC nicotine delivery.

I have tried to investigate whether Philip Morris uses these or other techniques to manipulate nicotine in cigarettes sold to the American public. Unfortunately, as I mentioned earlier, Philip Morris has not cooperated with this investigation. As a result, the full extent to which Philip Morris manipulates nicotine in its cigarettes is still unknown.

CONCLUSION

Today, another 3,000 children will begin to smoke. One third of these children will become addicted to nicotine and eventually die from lung cancer, heart disease, or other illness caused by smoking.

We have it in our power to protect these children. Voluntary agreements with the tobacco industry will not work. The tobacco industry has pledged for decades to stop selling cigarettes to children, but it never does. In the last 3 years, despite the industry's pledges, the teen smoking rate actually increased by 30 percent.

The answer is commonsense regulation by an independent Federal agency—the Food and Drug Administration. We cannot trust the tobacco companies to determine when an advertisement is targeted at children. They continue to insist that Joe Camel is geared to adults. Only the FDA can make these determinations.

Ultimately, the question in front of President Clinton, the Members of this body, and the American people is a political question—not a legal or factual one. We must decide whether we are going to protect the health of our children or the profits of the Nation's most powerful special interest, the tobacco companies.

We are at a historic moment in the history of tobacco control. If we miss this opportunity, we will lose another generation of kids to nicotine addiction. I therefore call upon my colleagues to study the evidence I am presenting and to reject any legislative effort to block commonsense regulation.

Let us show the American people—and especially the children of this Nation—that we will represent their interests, not the special interests of the tobacco companies.

Mr. Speaker, I have brought with me the documents I read from during the course of this hour, as well as the analysis of Dr. Kozlowski. Pursuant to my earlier unanimous consent request, I am inserting these documents into the RECORD for publication.

Mr. Speaker, I submit the following documents for the RECORD.

[The documents will appear in a future issue of the RECORD.]

□ 1315

RECESS

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COMBEST) at 2 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate later today.

DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF ACT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2017), to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2017

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 ''District of Columbia Emergency Highway Relief Act''.

SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of an eligible project shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—In this section, the term ''eligible project'' means a highway project in the District of Columbia—

(1) for which the United States—

(A) is obligated to pay the Federal share of the costs of the project under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay the Federal share of the costs of the project under title 23, United States Code, during the period beginning on the date of the enactment of this Act and ending September 30, 1996;

(2) which is—

(A) for a route proposed for inclusion on or designated as part of the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation); and

(3) with respect to which the District of Columbia certifies that sufficient funds are not available to pay the non-Federal share of the costs of the project.

SEC. 3. DEDICATED HIGHWAY FUND AND REPAYMENT OF TEMPORARY WAIVER AMOUNTS.

(a) ESTABLISHMENT OF FUND.—Not later than December 31, 1995, the District of Columbia shall establish a dedicated highway fund to be comprised, at a minimum, of amounts equivalent to receipts from motor fuel taxes and, if necessary, motor vehicle taxes and fees collected by the District of Columbia to pay in accordance with this section the cost-sharing requirements established under title 23, United States Code, and to repay the United States for increased Federal shares of eligible projects paid pursuant to section 2(a). The fund shall be separate from the general fund of the District of Columbia.

(b) PAYMENT OF NON-FEDERAL SHARE.—For fiscal year 1997 and each fiscal year thereafter, amounts in the fund shall be sufficient to pay, at a minimum, the cost-sharing requirements established under title 23, United States Code, for such fiscal year.