

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 26, 1996, at 10 a.m. for a hearing on the annual report of the Postmaster General.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 26, 1996, at 2 p.m. to hold a hearing on annual refugee consultation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, September 26 at 9 a.m. to hold a hearing to discuss increasing funding for biomedical research.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 26, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to examine the NEPA decisionmaking process including the role of the Council on Environmental Quality.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REPUBLIC OF CHINA'S 85TH NATIONAL DAY

• Mr. HATFIELD. Mr. President, in the last few years, the Republic of China has continued to prosper and develop as a democratic model. It is our sixth largest trading partner and the world's 13th largest trading nation. Its per capita income of \$12,000 is one of the highest in Asia.

Alongside its economic success, Taiwan has embarked upon a course of democratization, including political pluralism, press liberalization, island-wide elections, a first ever presidential election in March 1996, and full constitutional reform.

On the eve of the 85th anniversary of the founding of the Republic of China, I extend my best wishes to President Lee Teng-hui, Foreign Minister John H. Chang, and Ambassador Jason Hu. May they long continue to be a shining example of democracy in Asia. •

RETIREMENT OF AGENT JIM FREEMAN

• Mrs. FEINSTEIN. Mr. President. I rise today to recognize and honor a respected leader in the law enforcement community and a friend. Jim Freeman has graciously served our Nation for over 30 years as a Special Agent at the FBI.

Mr. Freeman began his career by receiving his appointment as a Special Agent of the Federal Bureau of Investigation [FBI] in July 1964, following his receipt of a bachelor of arts degree from San Francisco State University that same year. He has served as special agent in charge of the San Francisco Division of the FBI since August 1993, where he is responsible for approximately 650 employees and a territory that extends from Monterey to the Oregon border. The majority of his assignments in this area deal with organized crime and drugs, white collar crime, violent crimes, terrorism and foreign counterintelligence.

In 1995, Mr. Freeman was named as the FBI's official adviser to the Technology Theft Prevention Foundation, which is comprised of insurance and electronic industry executives with the mission of reducing high-technology crimes through a variety of initiatives awareness training and law enforcement support. During his tenure, the San Francisco Division of the FBI has created a high-tech crimes squad in San Jose which investigates crimes ranging from robbery of components and semiconductors, to the theft of intellectual property, as well as a computer intrusion squad in San Francisco which investigates serious computer hacking crimes. His other assignments have included the development of the Crimes Against Children Task Force in San Francisco in February 1994, and assuming the leadership of the UNABOM Task Force on April 1, 1994.

Mr. President, Mr. Freeman's previous postings were as a special agent in the Oklahoma City and Los Angeles bureau divisions; a supervisory special agent in Los Angeles; assistant special agent in charge in Miami; an inspector in FBI Headquarters' Inspection Division; and special agent in charge of Honolulu Division of the FBI.

In 1986, he was elected as the FBI's representative to the U.S. Department of State's Senior Seminar at the Foreign Service Institute in Rosslyn, VA, for the 1986-1987 session. On November 20, 1988, Mr. Freeman was selected as a member of the Senior Executive Service.

Mr. President, in conclusion, I want to commend Agent Freeman for his leadership and hard work he has demonstrated during his active years as law enforcement officer. His service to the State of California is greatly appreciated and will not be forgotten. I wish him all the best in years to come. •

COMMENDING RONALD A. SMITH

• Mr. LUGAR. Mr. President, I rise today to commend a fellow Hoosier, Ronald A. Smith of Rochester, Indiana who will be installed as president of the Nation's largest insurance association—the Independent Insurance Agents of America [IIAA]. Ron is President of Smith, Sawyer & Smith, Inc., an independent insurance agency located in Rochester.

Ron's career as an independent insurance agent has been marked with outstanding dedication to his clients, his community, IIAA, the Independent Insurance Agents of Indiana, his colleagues and his profession.

At the State level, Ron served as chairman of numerous committees and held several elective offices in the Independent Insurance Agents of Indiana, culminated by a term as president. In recognition of his contributions, his peers named Ron the 1992 Indiana Agent of the Year.

Ron began his service to the national organization by serving as Indiana's representative to IIAA's National Board of State Directors from 1987 to 1993. At the same time, he served the national association as chairman of its membership committee and dues study task force and as a member of the agency/company operating practices task force on solvency and McCarran-Ferguson.

Ron was elected to IIAA's executive committee in 1993. In the time since then, he has exhibited a spirit of dedication and concern for his 300,000 independent agent colleagues around the country.

Outside of IIAA, Ron has served the insurance industry as a member of the board of trustees of the American Institute for CPCU and the Insurance Institute of America and a member of the board of directors for the Insurance Education Foundation, Inc.

Ron's selfless attitude also extends to his involvement in Rochester-area community activities. He currently serves on the Rochester Telephone Co. board of directors and is a member of the Rochester Community School Building Corp. In the past, he served as chairman of the Fulton County United Way, president of the Rochester Kiwanis, president of the Rochester Chamber of Commerce, and chairman of the board of trustees of Grace United Methodist Church.

I am confident that Ron will serve with distinction and provide leadership as president of the Independent Insurance Agents of America over the next year. I wish Ron and his wife Maureen all the best as IIAA's president and first lady. •

AD HOC HEARING ON TOBACCO

• Mr. LAUTENBERG. Mr. President, on September 11, I cochaired with Senator KENNEDY an ad hoc hearing on the problem of teen smoking. We were joined by Senators HARKIN,

WELLSTONE, BINGAMAN, and SIMON. Regrettably, we were forced to hold an ad hoc hearing on this pressing public health issue because the Republican leadership refused to hold a regular hearing, despite our many pleas.

Yesterday I entered into the RECORD the testimony of the witnesses from the first panel. Today I am entering the testimony of the witnesses from the second panel which included Minnesota Attorney General Hubert Humphrey III and Dr. Ian Uydess, a former research scientist for Philip Morris.

Mr. President, I ask that the testimony from the second panel of this ad hoc hearing be printed in the RECORD.

The material follows:

TESTIMONY AT THE AD HOC HEARING ON PROPOSED LEGISLATION TO HALT FDA REGULATIONS, AND GRANT TOBACCO INDUSTRY SPECIAL IMMUNITY FROM STATE LAW ENFORCEMENT ACTIONS, U.S. SENATE

STATEMENT OF MINNESOTA ATTORNEY GENERAL
HUBERT H. HUMPHREY III

Thank you, Senator. I appreciate you holding these discussions today on the issue of proposed federal legislation to resolve all litigation and regulation affecting the tobacco industry.

Publicly airing these issues before any action is taken is absolutely critical. Clearly, any legislation to terminate state tobacco lawsuits and to half FDA's controls on marketing to kids will have a sweeping effect on the whole nation, and in fact would raise insurmountable constitutional concerns.

I would also encourage you to get direct input from health advocates. Clearly, their views must guide us in approaching this issue, because ultimately the public health issues at stake are monumental.

It's no secret that I am personally very skeptical about the legislation being discussed in news reports. While I cannot comment on the litigation discussions I have had with my colleagues from other states on this issue or specific terms of an acceptable resolution, I can reiterate the general concerns I have raised about this approach.

Specifically, these are a few of my major concerns.

Concern number one: As a general proposition, I am very skeptical about forcing these law enforcement matters out of state courts and into Congress. First, I do not believe that an attempt to preempt the pending legislation of sovereign states would be constitutional. Beyond the constitutional issue, reports this week indicating that the largest cigarette maker, Philip Morris, spent more money to influence Congress last year than did any other corporation or special interest group does not make me feel any more comfortable. Obviously, we would not feel comfortable presenting our case before any jury that had been the recipient of \$15 million worth of "persuasion." This is the bottom line: The tobacco industry believes it will never find a more favorable jury than the U.S. Congress.

Concern number two: I am very skeptical about any legislative deal to let the tobacco industry have special immunity from obeying the same state laws that every other industry must obey. Just last week, I enforced Minnesota antitrust laws against a pharmaceutical giant. A few weeks before, I enforced Minnesota consumer fraud laws against a small local auto dealer. These businesses, big and small, were held responsible for their lawbreaking. If these businesses—and hundreds of others—are held accountable for their lawbreaking, I ask you to consider whether it is fair and honorable to cut a

backroom political deal that would grant the politically powerful tobacco industry blanket immunity from obeying the same consumer fraud and antitrust laws that every other business must obey.

At a minimum, it is essential that this deadly product, like every other product Americans eat or drink or ingest, be placed under the on-going jurisdiction of an appropriate federal agency, such as the FDA. Issues such as the addictiveness of nicotine, the hazards of tobacco's secret chemical additives, and possible technologies for making safer cigarettes must be considered.

My final concern: I am very skeptical about any legislation whose terms don't meet the three bottom line principles I have insisted on since we launched our case over two years ago.

(1) The first principle we have insisted on from the beginning is an ironclad guarantee that the tobacco industry stop marketing tobacco to kids. The legislative proposal's insistence that the FDA be cut out of the regulatory picture clearly is a major setback to attaining that all-important principle.

(2) Our second principle we have insisted all along is to recover taxpayer damages commensurate with the harm done by the tobacco industry's lawbreaking. Considering that we are talking about decades of lawbreaking and that the costs of tobacco-related health problems is estimated by the CDC to be about \$50 billion per year, I have serious questions about whether the proposal is consistent with this important principle.

(3) The final principle we have insisted on from the very beginning is that the tobacco industry tell the whole truth about health and smoking. The public demands to know what the tobacco industry knew and when they knew it. But the proposal being discussed does not require the tobacco industry to open up its documents so that we learn things such as how to make safer cigarettes that can save lives. Allowing the tobacco industry to continue to cover-up this information from those who could benefit from it would be a huge step backward from this third important principle.

Senator Lautenberg and members of the Committee, in Minnesota we are two years and over 10 million documents down the road. We have spent tremendous time, energy, and resources preparing to go to trial with the strongest case the tobacco industry has ever seen. We still have far to go, but we have now come more than half the distance toward our goal. We ask Congress not to undercut us, but instead to support us.

Despite our unflagging determination to build our case and proceed to trial, we are always ready to talk settlement—with the defendants, that is. Settlement talks between the plaintiffs and defendants are one thing. We always are open to that. But federally-mandated global termination of all state law enforcement actions against the single industry—simply because that industry is politically powerful—is quite another.

Let me leave you with this final thought. Over 30 years ago, some in Congress undoubtedly thought they were doing the right thing when they passed legislation to require labeling of cigarettes. We now know, however, that the tobacco industry actually participated in the writing of the labeling legislation. As a Lorillard Tobacco company attorney now explains, the industry understood all along that the labeling law provided the industry with an argument against smoker's liability suits. The book *Ashes to Ashes* documents that, quote "even the tobacco spokesman kept saying for the record that they opposed the warning label, 'privately'—the Lorillard attorney is quoted as saying—'we desperately needed it.' I suggest that this is an important lesson for us to keep in

mind in 1996 as Congress contemplates its appropriate role in this matter.

I appreciate your invitation to share my concerns with you today. You are doing the country a great service by airing these issues. I would be pleased to answer any questions you might have.

STATEMENT OF I.L. UYDESS

Introduction & Background: My name is Ian Uydess and I worked as a Research Scientist at Philip Morris USA for more than 10 years (Dec. 1977 to Sept. 1989). During that time I headed-up a number of basic and applied research projects, developed a patented bioengineering process designed to produce a 'safer' cigarette, and conducted a variety of lab and field experiments on tobacco. I also learned a fair amount about what Philip Morris knew about its products and possibly a bit too much about some of the experimental work that it was conducting on cigarette smoke and nicotine both in the United States and in Europe. I also began to understand the basis for some of the company's fears. A rather extensive account of my work at Philip Morris is already on record in my February 1996 statement to the Food and Drug Administration and for that reason, is not discussed in great detail here.

While I was provided with a variety of opportunities an challenges at Philip Morris, I decided to leave the employment of that company in September 1989 as a result of a number of factors including my disillusionment and great disappointment with the decisions and direction of that company, my deep concern regarding the adverse consequences of smoking, and my conviction that the public had the right to know what the cigarette industry has known about tobacco and its products for a great many years.

I sincerely believe that there are many people who are either still working at Philip Morris or who have left that company over the past several years, who could be sitting beside me right now if only they had the formal support and protection of this Congress. Like myself, I think they would be willing to come forward with the hope that their testimony would in some small measure help this Congress to take a more formal and united stance on this critically important issue.

The apparent unwillingness of some of our congressional leaders to openly and effectively support an official hearing on these matters only makes it that much more difficult for other concerned individuals from within the cigarette companies to come forward to share their knowledge and information with us.

I sincerely hope that with your help, we can remedy this situation.

My concern regarding the adverse consequences of smoking is not new, but dates back to when I was a graduate student at Roswell Park in Buffalo, NY. This was when I first began to understand the magnitude of the real-world consequences of smoking since many of the patients at Roswell Park were victims of smoking-related cancers. It was no secret, even then, that Roswell Park had a position on this topic. Dr. George Moore, the director of the institute at that time (circa 1969), frequently voiced his concerns regarding the adverse consequences of smoking.

And he was not alone. Years before the institute had established a 'Rogues Gallery' that featured portraits of famous individuals who had lost their lives to smoking. Roswell Park was, and still is, one of the nation's most innovative centers for the study and treatment of neoplastic disease. Smoking is one of the principal reasons why many patients have gone there.

I think we all recognize that cancer is a frightening, unpredictable and devastating

disease that in one form or another can strike anyone, at anytime, even when all the recommended health precautions are taken. That is why it is still so hard for me to understand why anyone would knowingly subject themselves to such a known hazard that could increase their risk of contracting this terrible and debilitating disease (although the answer to this is one of the reasons why we are gathered here today).

The truth of the matter is that I am still haunted by the memories that I associate with my days at Roswell Park, although it is these very memories which, coupled to my recent experiences within the tobacco industry, that have compelled me to appear before you today.

What I didn't fully appreciate or understand at that time, were the varied and interwoven reasons why so many people continue to smoke even in the face of the known dangers of smoking. However, after working in the tobacco industry for more than a decade I have now come to understand this situation better.

To a large extent, smoking is a result of a complex system of events which first attract and then 'hook' the smoker. We now know that this includes a variety of physical, psychological and chemical factors and is perpetuated by the cigarette manufacturer's targeted advertising practices toward children and their historic lack of truthfulness and candor about what they have known about the adverse effects and addictive qualities of smoking for many years.

I, too, was once unsure of my position on many of these issues until I had a chance to work within, and learn about this industry. My education about tobacco was provided to me by Philip Morris. They taught me how tobacco was cultivated, purchased, blended and processed and how cigarettes are manufactured. I also learned about the extensive knowledge that Philip Morris had about tobacco, smoke and cigarette design and how it used its knowledge, experience and technical capabilities to formulate and manufacture its products. Over the years, Philip Morris invested a substantial amount of time and effort to make sure that I understood and could apply this knowledge to my job, and that's exactly what I did.

As my career at Philip Morris developed, I was asked to take on increased responsibilities and given broader access to the various departments and operating units of the company (both in the U.S. and Europe). I communicated regularly with the senior management and scientific staff of R&D and collaborated on numerous occasions with the engineers, chemists and product development scientists in Richmond. Between 1978 and 1989 my responsibilities included basic and applied research on the structure, biochemistry and microbiology of tobacco, as well as a number of efforts in support of process and/or product development. I was also responsible for setting up and conducting field experiments on tobacco using local Virginia tobacco farms contracted by Philip Morris.

During the 1980's, some of my highest priority efforts were targeted at developing new or improved methods to remove 'biologically-active' (toxic and/or mutagenic) materials from tobacco. This included developing a microbiological process to remove nitrate and nitrite from 'SEL' (the 'strong extract liquor' used by Philip Morris to manufacture its reconstituted tobacco sheet, 'RL', at Park 500), as well as conducting experiments to learn how to limit the uptake and distribution by the tobacco plant of toxic chemicals like cadmium. Although substantial progress was made in each of these areas (the denitrification process was successfully scaled-up to pilot plant/production

levels, and the cadmium experiments were beginning to yield valuable information about the uptake and distribution of cadmium in lab-grown tobacco plants), both programs were unexpectedly and summarily shut down by PM management—the denitrification program because of what were alleged to be 'product quality' problems, and the cadmium program because PM management decided that it wanted this work to be continued 'outside' of the company.

My concern and disappointment over these decisions was largely due to the fact that both of these projects could have led to safer products for both the company and its customers. Instead, they became lost opportunities for everyone.

There have been other lost opportunities as well. Safer products could also have been produced by Philip Morris years ago, if it had only used the wealth of information that it had generated regarding the removal of other dangerous compounds from tobacco like the 'nitrosamines'. It may well have taken some additional work to get it into production, but wouldn't it have been worth it? A similar situation was encountered in the reduced alkaloid (reduced nicotine) program, 'ART', which like denitrification, was exhaustively researched in the lab, successfully scaled-up to pilot plant levels and then shut down for 'product quality' reasons.

It is interesting to note, however, that at least two of these 'failed' programs (denitrification and reduced alkaloids) are frequently cited by Philip Morris as legitimate attempts to improve their products ('We tried'). I've been told that one-ranking scientist at PM was even credited with saying that the reduced alkaloid (lowered nicotine) program was, the best \$350 million dollars the company had ever spent! I'd hate to believe that this statement meant that Philip Morris was sometimes happy to spend millions of dollars on a successful technology which could have led to safer or less addictive products, with no real intent on using those technologies (unless it had to) just so that it could say 'it tried'.

The truth of the matter is, that some of these efforts both within Philip Morris as well as within some of its competitors (RJR and B&W) could well have led to the development of 'safer' and/or less addictive products that ultimately could have saved lives. But that didn't happen at least in part, because of the lack of responsibility and commitment of the cigarette industry to do something substantial to safeguard the health and well being of their customers.

But then again, why should they? They are still not regulated and therefore, are neither accountable nor liable for their actions (or lack of the same). So why should they spend their hard-earned cash just to safeguard the health and well being of the public when by doing so, they might lose a bit of their market share, particularly if they remove the very thing that keeps their smokers 'hooked'? Who'd want to explain that to their board of directors? It would be far better to do nothing, deny everything, and to keep on doing that for as long as they can. After all, what can anyone really do about it today? The lack of law means that the law is on their side.

We are very fortunate to live in a free and democratic society in which we each have the right to make our own, informed decisions about the products that we make and use. I, for one, do not want to change that. But the manufacturers of cigarettes should, like the manufacturers of other ingestible products, be accountable for the quality of what they make and market to the public, especially when it comes to safety.

We could, as the cigarette manufacturers have suggested, leave it up to them to police

themselves in this matter. However, considering the cigarette manufacturers history up to this point, it seems unlikely that they would now do this responsibly. When it comes to the health and safety of the public, voluntary self-regulation by the cigarette industry is clearly unacceptable.

That's why our elected representatives created the FDA years ago to help set the standards by which the public would be protected from the accidental, negligent or irresponsible acts of the manufacturers of our foods, drugs and cosmetics. This wasn't a partisan effort or some sort of devious plot, but rather the result of our nation working together to create a new agency to help formulate, monitor and enforce regulations to protect the citizens of this country from unsafe products and the injury they may cause. And how did we do this? By working together to make sure that the manufacturers these products were accountable, by law, for their actions.

But somehow along the way, we left out tobacco. It was one of those 'historic' agricultural industries that escaped FDA regulation, even though their products were ingested like so many of the other goods that we wanted to have regulated by that agency. Allowing tobacco to go unregulated may have seemed reasonable back then given our cursory knowledge of nicotine's role in addition and our limited understanding of the cause-and-effect relationship between smoking and cancer. But that was then. Today we know much more. And as a research scientist who spent more than 10 years of his career working within Philip Morris, I can attest to the fact that at least this company knew more than it was willing to tell.

We can't change the fact that cigarettes weren't specifically addressed in the FDA guidelines of 1938 or, in the various amendments that have been enacted since then. But what is of concern to me today is the fact that until just recently, we haven't taken any formal action to correct this situation.

Don't we have enough scientific data regarding the adverse consequences of smoking? Aren't more than 400,000 of our family, friends, coworkers and neighbors dying each year from smoking-related diseases?

Haven't we seen and read enough to convince us that nicotine is addictive and that the manufacturers of cigarettes are carefully controlling the design of these products to ensure that effect?

Haven't some of the cigarette industry's own internal documents, executives and research scientists attested to these very facts?

Can we think of any other industry in this nation that we allow to go so totally unchecked with regard to the safety and/or contents of its products?

And don't we, the public, deserve to be fully informed about, and protected from, the known hazards of inhaled tobacco smoke?

And yet it is only recently that the FDA with the support of the President, has begun to address this problem by mandating that the sale and marketing of cigarettes to children be regulated by that agency. But even that has been a battle.

So how as a society do we explain this? Is it all simply a matter of semantics, rhetoric and fruitless, circular discussions? Can we afford to have the final decision about regulation and compliance be left in the hands of the tobacco industry?

The cigarette manufacturers would like us to believe that they are unfairly and unjustly under attack by those whose specific intent it is to deprive them of their rights and to destroy their industry. They would also like us to believe that any attempt to

regulate them would result in the total collapse of state and local economies, the loss of countless jobs and the irrevocable loss of business to all those companies that are in any way dependent upon this industry. Maybe that's why the cigarette manufacturers find it advantageous to keep this topic partisan and adversarial ('us' against 'them') when the truth of the matter is, that it is not.

This is a 'we' issue that in all probability has, in one form or another, already touched the lives of each of us. How many of us have lost a parent, relative, friend or neighbor to a smoking-related illness like cancer or emphysema? How many of us know someone who has tried to quit smoking but has failed? Is smoking really 'an adult choice', or are there other factors involved in this 'habit' that make smoking less of a 'free choice' than the industry would like us to know?

I often wonder what the tobacco company CEOs, their board of directors and attorneys say to their families and especially to their children when they're asked about what they know about nicotine, addition or smoking and health?

Who is really being fooled by this, and why are we still arguing about it?

The only conclusion that I can reach, is that we are in the midst of a national tragedy; a crisis of indecision and lack of appropriate action that has crippled our nation for far too many years, although one hopes that the recent initiatives taken by President Clinton, Dr. Kessler and the FDA will mark the beginning of a new and more responsible era.

We cannot continue to allow ourselves to be repeatedly engaged in the fruitless, repetitive and transparent rhetoric of the tobacco industry given the extraordinary numbers of smoking-related deaths and illnesses that we know occur each year. Where else in the history of our society have we failed so thoroughly to act on such a critical and immediate topic of public health even when the data were far more scarce, the impact of the situation a mere fraction of what we see today, and the cause-and-effect relationships much more obscure? We've taken faster, more affirmative action in the past when we just thought that a red dye in our food might adversely affect our health or, when an artificial sweetener that was already on the market was suddenly suspected of being a big less safe than we had originally believed.

The bottom line is that we have allowed ourselves to be lulled into complacency and manipulated by the politics, semantics and financial wealth of this industry in much the same manner that it has manipulated information about smoking and the content of its products these past 20-30 years.

We've appealed to the cigarette manufacturers to become proactive partners to help implement solutions, but they have only further tightened their circle of resistance.

On top of that, the cigarette industry would like us to continue to believe that any attempt to regulate them would be illegal and if implemented, would result in certain ruin for tobacco workers, tobacco farmers, the tobacco states, the industry itself, its advertisers, the grocery store next door, the nation as a whole, everyone!

But once again, that is not true.

Regulation of tobacco products will be a difficult at first, but not impossible. It will also not be anywhere near as injurious to the nation as the tobacco manufacturers and their allies would have us believe. There are even those who think that it can be beneficial. To be successful, however, it will take a concerted effort on the part of each and every one of us and possibly for some, temporary sacrifices. It is not a personal agenda item or political issue, but one of the safety

and well being of the public for generations to come.

Regulation of the tobacco industry by the FDA is totally consistent with what our country originally intended this agency to do—to protect us—and it is clearly in the best interests of this nation, its businesses and most importantly, its people.

The sad fact is, that much of the misery, frustration and fear that we are witnessing today could have been avoided if we had only acted earlier. I sincerely hope that the members of this congress can put aside their differences and join together if for no other reason than to save the lives of the children who have not yet begun to smoke.

Thank you.●

COMMENDING THE SENTEL CORP.

● Mr. WARNER. Mr. President, I rise today to congratulate the SENTEL Corporation of Alexandria, VA for its designation by the Small Business Administration as the Subcontractor of the Year for Region III, which encompasses the District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.

Under the leadership of President James Garrett, SENTEL has become a leading firm providing software used to deconflict the electromagnetic spectrum in military operations. SENTEL was also selected by NASA to reengineer the space shuttle quality assurance inspection process to a paperless, wireless environment. Furthermore, SENTEL developed the Navy's first chemical-biological detection system and was one of the many small contractors whose systems performed so well during the Desert Storm operation in Iraq.

The SENTEL Corp. represents the best of what the Section 8(a) program was designed to achieve. Although SENTEL has 2 years remaining in the 8(a) program, SENTEL's services are contracted not because it is a minority organization but because it provides top-notch products and services. In fact, SENTEL is ranked by Technology Transfer Business Magazine as one of the top 500 fastest-growing technology companies in the United States and by Washington Technology Magazine as one of the 50 fastest-growing companies in the Washington metropolitan area for the fifth consecutive year.

To point out the growth of high technology industries in Virginia, Gov. George Allen has referred to Virginia as the Silicon Dominion. SENTEL represents the best of these great Virginia businesses. On behalf of the people of Virginia, I am proud to express my admiration and congratulations to SENTEL for its designation as Subcontractor of the Year.●

POSSESSIONS TAX CREDIT

● Mr. BREAUX. Mr. President, on July 9 the Senate passed H.R. 3448, the Small Business Job Protection Act of 1996. Before this bill was reported out of conference, I spoke concerning the provision relating to section 936 of the

Internal Revenue Code, the possessions tax credit. The Senate passed version of this legislation had created a long-term wage credit for the 150,000 employees working in Puerto Rico. I supported this provision because it represented a major step forward for those working Americans in our poorest jurisdiction. Unfortunately, the House-passed bill contained no such long-term incentives for the economy of Puerto Rico and the conference agreement did not preserve the Senate position on section 936. Under the law as passed a wage credit for companies currently doing business in Puerto Rico was created. We need to carefully examine this wage credit to make sure it addresses the economic development needs of Puerto Rico. Mr. President, I am here today to express my interest in addressing the important issues of economic growth, new jobs, and new investments in Puerto Rico at the earliest opportunity. Growth in this region is very important and should be a concern to us all.●

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

● Mr. ROTH. Mr. President, I rise to notify my colleagues that, yesterday, the Committee on Finance completed a markup of H.R. 3815, respecting trade technical corrections and other miscellaneous trade measures. I'm pleased to inform the Senate that the committee favorably reported out the bill unanimously.

I want to emphasize to those Members who expressed concern about the inclusion of controversial items on this legislation, that we were careful to craft a non-controversial bill. Any items that turned out to be controversial, including items I strongly supported, were either not included in this bill or were removed from the draft markup document. What we have ended up with on this bill are many worthy miscellaneous trade items that are of interest to many of the Members on and off the Finance Committee.

Since time is obviously short, Senator MOYNIHAN and I will seek Senate passage of this bill by unanimous consent as quickly as possible. We have been working closely with the Ways and Means Committee, and hope that the House could accept the current version of the bill by unanimous consent. With a number of additional items, the Finance Committee version of the bill contains all of the provisions that were in the House version with the exception of the hand tools marking provision that had considerable opposition in the Senate.

Mr. President, in closing, I just want to emphasize that if Members seek to put any controversial provisions on this bill, we will not have time to get this bill done. Therefore, any help Members can offer to assure speedy passage of this meritorious, non-controversial, and bipartisan bill before