

pleased that the city of Flagstaff has communicated its support for this settlement and its desire to work with the Hopi Tribe to resolve the outstanding issues related to their respective claims to scarce water resources. I am also pleased that the Hopi Tribe has pledged to work diligently with the city to resolve these difficult issues. It is my hope that both the Hopi Tribe and the city of Flagstaff will be able to resolve these issues amicably in the near future. To that end, let me assure the parties that I will provide whatever assistance I can in working with the Hopi Tribe and the city of Flagstaff to resolve these important issues.

Mr. President, this long overdue legislation marks an important first step toward the resolution of the disputes between the Hopi Tribe, the Navajo Nation, and the United States which have been the subject of over 35 years of litigation and acrimony. For the first time since this dispute began, a mechanism will be provided that permits Navajo families to legally remain on homesites within the Hopi partitioned lands. It is vitally important that Congress pass this legislation in order to settle these long-standing claims against the United States and to provide an opportunity for many Navajo families to remain on their homesites.

Finally, Mr. President, this legislation is supported by the Navajo Nation, the Hopi Tribe, the administration, the State of Arizona, and representatives of the Navajo families residing on the Hopi partitioned lands. Accordingly, I strongly urge the Senate to pass S. 1973.●

TRIBUTE TO ARMY COL. BARBARA SCHERB

● Mr. INOUE. Mr. President, as the 104th Congress draws to a close, I stand to pay tribute to a distinguished Army officer who served as a congressional science fellow on my staff during this Congress. Col. Barbara Scherb, U.S. Army, was selected for this highly coveted fellowship as a result of her outstanding training, experience, and accomplishments. She is the prototype of what nursing leadership should be. Her impeccable credentials and superb performance earned her the respect and admiration of the Senate staff. She distinguished herself rapidly as a professional who possessed an infectious demeanor, tremendous integrity, decisive leadership style, political savvy, and unending energy. The ultimate Army officer, Colonel Scherb is a visionary thinker who has the innate ability to implement these visions. Colonel Scherb is the consummate professional; nursing never had a better ambassador nor patients a more devoted advocate.

Colonel Scherb forged strong alliances and affiliations with a myriad of congressional offices, committees, and Federal and civilian agencies to present a cohesive approach to legislative proposals. She worked closely with staff members on the Senate Armed

Services and Labor and Human Resources Committees and Defense and Labor, Health and Human Services and Education Appropriations Subcommittees in support of military health issues and national nursing and health care agendas.

As a champion of tri-service nursing and military health issues, Colonel Scherb was instrumental in the clarification of the board certification pay statutes to include certain military nurse specialists; establishment of equitable disbursement of incentive special pay for nurse anesthetists; authorization to establish a graduate school of nursing at the Uniformed Services University of the Health Sciences [USUHS]; and authorization to establish a tri-service nursing research program at USUHS.

Her dynamic leadership provided the driving force behind legislation that enabled any qualified officer in the military health system to be appointed as Surgeon General, and promoted the development of leadership opportunities for nurses and other nonphysicians to include command and general officer promotion. Colonel Scherb wrote legislative language enabling the Services to distribute their field grade end-strength equitably ushering in a new era of equality for military medicine. Colonel Scherb actively pursued codification of Army and Air Force chief nurse appointments as general officers. She championed telemedicine initiatives including advanced medical technologies, digitized radiography, computerized patient records, teleconsultation, and remote distance learning.

As a recognized authority on health care, Colonel Scherb's expertise was in constant demand as a speaker and writer. At significant personal sacrifice, she eagerly sought each and every opportunity to advance nursing, and the health care goals and vision of America.

Colonel Scherb is now attending the Army War College. Based on her splendid performance and exceptional leadership while in my office, I am confident that she will excel in this new endeavor.

Colonel Scherb is an officer of whom the military and our Nation can and should be justifiably proud; a unique combination of talent and devotion to duty. I want to personally and publicly acknowledge my sincere appreciation to Colonel Scherb for her dedicated months of exemplary service and to bid her a fond aloha and heartfelt mahalo.●

CONGRATULATING REPUBLIC OF CHINA'S CONGRESSIONAL LIAISON

● Mr. MURKOWSKI. Mr. President, many Senators have come to the floor this week to give tribute to our retiring colleagues as the 104th Congress moves toward adjournment. The end of the congressional session also means that many of our friends in the diplomatic community are moving on to other assignments.

I rise today to say farewell and to congratulate Dr. Lyushun Shen, who has served as head of the Republic of China's Congressional Liaison Division in Washington for many years. In recognition of his good work here, Dr. Shen has been named Director of North American Affairs in the the Ministry of Foreign Affairs and will return to Taipei at the end of this month. This is an extremely important position because he will be responsible for coordinating Taiwan's policies toward the United States, among other things. I am pleased the United States will have a good friend in that position.

My staff and I have had many occasions to work with Lyushun during his tenure in Washington. Whether the issue was one where we disagreed, such as back in the days of fishing disputes between Taiwan and Alaska, or where we agreed, such as allowing a private visit by President Lee to his alma mater, Lyushun has served his country with diligence, professionalism, and a fine sense of humor—an important quality in this town. I also had the chance to observe his fishing skills when he attended my wife's charity fishing tournament this past summer, but I think he should stick with diplomacy.

I am confident that Lyushun will be as successful in his new role as he has been here. And I know our paths will cross again during my travels to Asia. I am certain that my colleagues join me in wishing Lyushun and his family all the best in the coming years.●

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 second panel. Today I am entering the testimony of the witnesses from the third panel which included talk-show host Morton Downey, Jr.; his doctor, Dr. Martin Gordon; former Marlboro man, Alan Landers; and, former cigarette model Janet Sackman.

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

The material follows:

TESTIMONY AT THE AD-HOC TOBACCO HEARING,
U.S. SENATE, SEPTEMBER 11, 1996

STATEMENT OF MORTON DOWNEY, JR.

Mr. Chairman, distinguished Senators, Dr. Martin Gordon, Fellow members of the American Lung Association, Ladies and Gentlemen, I wish I did not belong on this panel of people who have learned first hand the connection between smoking and cancer. Sadly this former smoking fool heads the list.

Like 3,000 kids every day, I began smoking at the age of about 13. My parents had sent me to military school. All my buddies smoked, it was cool. By Christmas vacation I was hooked. Banging down about 20 butts a day. I knew they couldn't hurt me, because the full-page advertising Life magazine and the Policeman's Gazette said, "More Doctors Smoke Camels Than Any Other Cigarette." Think of how hooked I was. It was military boarding school, every time I got caught smoking it was ten demerits, which meant ten hours of marching with a rifle on my shoulder after class and on weekends. In my first year, I marched over 300 hours of punishment for smoking. My dad said that showed how stupid I was to smoke. Billy Waldon, my roommate, said it showed how stupid I was to get caught. I agreed, kept smoking and kept being stupid. Bill Waldon, my ex-roommate, died when he was 53. He had given up smoking at 40 and started chewing tobacco so as not to get lung cancer. He died ten years of tongue and throat cancer—some trade off.

What kind of trade off are we giving our children, Mr. Chairman? An absolute guarantee that if we do not face our responsibility right now, at least 1,000 of those new daily smokers will die an agonizing death from a smoking-related illness.

To those who falsely gnash their teeth over First Amendment rights, what about the Preamble, those first thoughts our forefathers had about the right to Life, Liberty and the Pursuit of Happiness? Cancer will steal their life! Liberty should mean the right to be liberated from our own youthful stupidity.

Mr. Chairman, can I find happiness for my child when I know the adults who pretend to care for her, the Tobacco Lobbyists, the Government that is sworn to protect her, abandon their responsibility and bow to the cigarette giants, the Tobacco Terrorists?

She needs your courage, your leadership, your ability to stand-up in the face of those who would spend 5 billion a year to send our children to an early but agonizing death—but not spend one red cent toward the breaking of the smoking habit, money to purchase medication for the agonizing pain as death approaches, or dollars to develop a cure for their addicting gift to our children.

To think I was a role model for cigarette smoking youth, even signing my name on their cigarettes. To that generation, I beg your forgiveness. May the next generation have kinder and wiser role models such as you Senators and President Bill Clinton who will not bow to the Tobacco Terrorists by weakening the regulations that only serves to deny our youth the opportunity to destroy themselves as many of us already have. I ask you to show the legislative courage to save my little girl. She need not suffer as I have, as my colleagues have. Think of some of my fellow smokers, Sammy Davis, Jr., Edward R. Murrow, Yul Brynner—

They smoked and they're dead. Wouldn't it be a better world if they were alive today?

STATEMENT OF MARTIN N. GORDON, M.D.

Good Morning.

My name is Dr. Martin N. Gordon. I am a physician specializing in pulmonary medicine at Cedars Sinai Medical Center and I am Morton Downey, Jr.'s pulmonologist. I am honored and pleased to address this committee and offer my views on tobacco smoke, lung cancer and the FDA regulations.

It is generally agreed by those in the scientific and medical communities that most lung cancer is attributable to the inhalation, by a susceptible host, of carcinogenic pollutants. Cigarette and other tobacco smoke are the most important of these pollutants. Members of the committee may be inter-

ested to know that the initial suspicion that tobacco might cause cancer was first voiced by the English physician, John Hill, in 1761! This was promptly followed by our Surgeon General's report in 1964.

Early in this century, physicians and scientists alike strongly suspected a relationship between smoking and lung cancer. Dr. I. Adler was the first to strongly suggest that lung cancer is related to smoking in a monograph published in 1912. A similar conclusion was reached in a 1941 article by Dr. Michael DeBaKey, who cited a correlation between the increased sale of tobacco and the increasing prevalence of lung cancer. In addition, early investigators seemed to understand the correlation between the age when one first begins to smoke and lung cancer, finding that smokers with lung cancer began smoking earlier and continued to smoke longer than control groups.

Lung cancer is only the tip of the iceberg. Smoking has been causally related to an increased incidence of a number of other malignancies, and is a significant risk factor in the development of coronary artery disease. As Dr. Thomas Petty from Colorado states, "Today, no reasonable person would deny that smoking is the cause of 90% to 95% of lung cancer."

Lung cancer is the most fatal malignancy of both men and women. In the United States we will probably have close to 193,000 reported cases of lung cancer this year, 112,000 in men and 81,000 in women, with a 5 year mortality rate of 85%.

Building on Dr. Petty's statement, it would be safe to state that, sadly, 90% of lung cancers are preventable. Logically, preventing people from smoking would be the single most positive step towards reducing the incidence of lung cancer. Furthermore, since it is widely known that starting to smoke at an early age is a particularly strong risk factor in the development of lung cancer and almost 90% of daily smokers begin before the age of 18, it would make sense to focus our effort on preventing children from smoking. This is the goal of the FDA regulations—to protect children from tobacco's addictive properties and its deadly effects. As a physician who has seen the ravages of lung cancer, I fully support the timely enactment of the FDA regulations. I believe they will go a long way towards my seeing fewer patients like Morton Downey, Jr. walk through my door.

I urge those on the committee and other members of Congress to support the FDA regulations and oppose any legislative efforts to weaken them. Thank you for the opportunity to address this distinguished body. I would be happy to answer any questions.

STATEMENT OF ALAN LANDERS

My name is Alan Landers. I live in Ft. Lauderdale, Florida, and I am 55 years old. I am a professional actor, model, and acting teacher. My career began with the pilot film "Aloha from Hawaii". Over the years I appeared in various television shows and motion pictures, including "Annie Hall", "Stacey", "The Tree", "The Web", "Hurricane", "Ellery Queen", "The DuPont Show", "Deadly Rivals", "Cop and 1/2", "South Beach", "America's Most Wanted", "Superboy", "Model of the Year", "Petrocelli", "Kate McShane". I also appeared as a model and actor in numerous advertising campaigns, including: Binaca, United Airlines, Lancer Wine, Brylcreme, M.J.B. Coffee, BelAir Cigarettes (South America), Sony, and Vics 44.

I owned the Alan Landers Acting Studio in Hollywood, California. Some of the people who attended the Studio and were coached by me include: JoAnne Woodward, Jerry Hall, Ali McGraw, Joe Penny, George

Lazinbee, Sara Purcell, Frankie Crocker, Lynn Moody, Lydia Cornell, Susan Blakely, Merite Van Kamp, Vinviano Vincenzoni, Shel Silverstein, and Joe Lewis. I have appeared in numerous television and motion picture productions, including "Annie Hall".

During the height of my acting and modeling career I was courted by R.J. Reynolds to appear as the "Winston Man". I did the majority of the print ads for the R.J. Reynolds tobacco company in the late 1960's and early 1970's.

I appeared on billboards and in magazine advertising holding a Winston cigarette urging others, young and old, to smoke. I was expected to portray smoking as stylish, pleasurable, and attractive. I was required to smoke on the set, constant smoking was required to achieve the correct appearance of the cigarette, ash, and butt length. During this time frame I also promoted Tiparillo small cigars. In television advertisements, my character, dressed in a trenchcoat utters the rhetorical line, "should a gentleman offer a Tiparillo to a lady?"

Despite the fact that I worked closely with cigarette company personnel during the shooting, at no time was I ever told that cigarettes could be dangerous to my health. I knew that some people believed them to be unhealthy, but the cigarette manufacturers denied, and still deny to this date, that their product is harmful.

Later in this statement I explain what I have learned about the hazards of cigarette smoke, and when the cigarette industry realized these hazards. Looking back on my career I am ashamed that I helped promote such a lethal and addictive product to the children and adults of this country. Had I understood then what I now understand—that cigarettes are an addictive poison that kills almost 50% of their users—I would never have participated in their mass marketing.

In 1987 the hazard of cigarettes became tragically apparent as I was diagnosed with lung cancer. Although 95% of lung cancer victims do not survive five years from diagnosis, I was determined to beat the odds. In a painful and dangerous surgical procedure, my doctors removed a large section of lung, hopefully to remove the cancer from my body. After the surgery, I lived from examination to examination, hoping the cancer would not recur. In 1992 I received devastating news. Another cancer had formed, this time in my other lung. The only hope was more surgery, which was accomplished with major complications. A nerve leading to my vocal cords was cut, causing it to be almost impossible to speak normally. This is a crushing blow to an actor. I survived the second surgery and am hoping for the best, although there are no guarantees. I am extremely short winded because sections of both lungs have been removed, and I am told that I have in addition emphysema from cigarette smoking. Scars from the surgery wrap around my back permanently disfiguring me, but I feel lucky to be alive.

I have learned a great deal since the surgery for lung cancer, about the true dangers of cigarettes and the deceit of the industry that sold them. I never understood how lethal the product really is. Looking back, I recall smoking on the eve of my second surgery. I am a strong willed person who had broken the addiction several years earlier. The addictive power of nicotine addiction is real and that my frustration of being unable to quit is shared with many, if not most, regular smokers.

I have also become aware of the industry's deceitful attitude toward its customers. My attorney, Mr. Norwood S. Wilner of Jacksonville, has filed a case on my behalf seeking compensation from R.J. Reynolds and others. I was delighted to see that Mr. Wilner

was successful in August of this year in obtaining a verdict on behalf of one of his other clients against the cigarette industry. The landmark case *Carter v. Brown and Williamson Tobacco Company*, tried in Jacksonville, showed that juries will not forgive the cigarette industry for its carelessness and deception in refusing to warn its customers or to develop safer alternative products.

I have donated my time to the fight against tobacco and to protect children from becoming involved in this dangerous drug. Lawton Chiles, Florida's courageous Governor, has asked me to address the Florida Legislature. I have appeared numerous times for the American Cancer Society, the Tobacco Free Coalition, Citizens Against Tobacco, the Duval County Public Schools ZIP program, the Monroe County (Key West) School System, the Cancer Survivors for Life. I have at my expense appeared on national and local television and radio shows.

I now understand, and wish to place into the record, some of the shocking facts that the Carter jury saw, which reveal how the industry put profits over people, stonewalled its critics, and concealed scientific evidence from the public and its customers. The attached article entitled "Mass Destruction: A Medical, Legal, and Ethical Indictment of the Cigarette Industry" authored by my attorney, Norwood S. Wilner, and my physician, Dr. Allan Feingold of South Miami Hospital, outlines my understanding of these terrible facts.

I call upon the lawmakers of this country to protect our children from this dangerous substance. Tobacco products should be regulated as the addictive drugs they are. Tobacco advertising should be eliminated or strictly curtailed. I call upon the tobacco industry to compensate its victims, its former customers, who are suffering and dying from its products. Thank you for permitting me to appear before this committee.

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, August 12, 1996.

Mr. ALAN LANDERS,
Lauderhill, FL.

DEAR ALAN: On behalf of the citizens of Florida, I wish to thank you. As a former model for cigarette manufacturers, your compelling testimony before the Florida Legislature of cigarettes' insidious poison, and the perverse marketing of this product to our youth is a true "profile in courage". Your personal message made the difference in our winning 1996 Legislative battle against Big Tobacco.

Your critical help, combined with the American Cancer Society, American Lung Society, and the American Heart Association, permitted Floridians to beat back over sixty (60) high paid lobbyists and a million dollar media campaign designed to distort the truth. In biblical parlance, "we smote them with the jaw bone of an ass."

Alan, thank you again. We will need your help in the future, and I am glad that I can count on you.

Warmly yours,

LAWTON C. CHILES.

JANET SACKMAN

Janet Sackman was born on September 3, 1931 in New York City, New York. In 1946, at age 14, Mrs. Sackman began working as a photographer's model, and soon became the Lucky Strike cover girl. At the request of a tobacco executive, Mrs. Sackman learned to smoke at age 17. He advised her that she should learn to smoke in order to learn to hold a cigarette, and look more natural when being photographed.

In 1983, Mrs. Sackman was diagnosed with throat cancer, and underwent a laryngectomy. In 1990 late doctors found cancer in her right lung, and Mrs. Sackman had a portion of that lung removed.

After her illness Mrs. Sackman vowed to begin speaking out against smoking. She has made numerous appearances worldwide in order to educate the public regarding the health hazards of cigarette smoking.●

PUBLIC LANDS ENVIRONMENTAL PROTECTION ACT OF 1997

● Mr. CRAIG. Mr. President, this month marks the 20th anniversary of Congress' passage of the National Forest Management Act of 1976 [NFMA]. As many of you know, at the beginning of this Congress we embarked upon the first sustained oversight of the implementation of the NFMA, and the related statutes and regulations that govern the management of Federal forest lands—both those managed by the U.S. Forest Service, as well as by the Bureau of Land Management.

During the course of last year and this, our subcommittee held 15 hearings, receiving testimony from over 200 witnesses concerning the status of Federal forest management. We then participated in, and reviewed the results of, the Seventh American Forest Congress before finalizing our conclusions. These conclusions are summarized in a June 20, 1996 letter that I sent to Secretary of Agriculture, Dan Glickman. Since the transmittal of this letter and its subsequent circulation, we have received a number of letters, calls, and comments from various individuals both inside and outside the federal land management establishment. Generally, they have been: First telling us that we are accurate in our diagnosis of the problems associated with federal forest management; and second urging us to address some of the problems and opportunities described in the June 20 letter.

At the conclusion of our oversight hearings earlier this year we invited the administration to provide us with ideas about needed changes, basically making good on the commitment that Secretary Glickman made when he was confirmed by the Senate in March 1995. In the June 20 letter, we again offered to entertain the administration's proposals. On August 1 we received a response indicating that no proposals were ready to tender. We are distributing a copy of the letter and the Secretary's response to you.

Last week, I met with the Secretary to see whether the administration was close to offering a proposal of any sort. Not surprisingly, they are not—nor will they be anytime before a certain date in November that seems to figure heavily in all of their planning.

I also asked the Secretary whether he imagined that—if we were to introduce a legislative proposal before that magic date—we might have a thoughtful and substantive discussion detached from partisan wrangling and political recriminations? He thought not. What a surprise, but more the pity.

Without being overly critical, I think we have to question both the seriousness of the administration's approach to these issues, and the depth of the Secretary's commitment to constructively engage Congress on Federal forest management. But I want to emphasize that my mind and my door are still open. As we move forward, we would still be happy to see a legislative proposal from the administration to put alongside what we propose.

WE MUST CHOOSE A COHERENT PHILOSOPHY
UNDER WHICH OUR FEDERAL FOREST LANDS
SHOULD BE MANAGED

Today, I want to review the basic approach we took to our oversight task. In evaluating the need for change, we started by evaluating how well our current statutes are working. Then, having established that change is imperative, we stepped back and tried to evaluate the overall philosophy under which we want our Federal lands to be managed.

We chose to reaffirm the multiple-use mandate that has guided the management of Federal forest lands since the early part of this century. We have refused to accede to the no-use philosophy that is currently being popularized by elements of the national environmental community and, to some extent, agents of this administration.

We have chosen the former over the latter because any sentient being can see the results of the no-use philosophy on the land. Fires are burning out of control through forests that are inherently unhealthy because of stand conditions that have been allowed to deteriorate as a consequence of both simple administrative inaction, and a more basic and grievous confusion over the role of man in nature. The bill we will propose does not deal with the forest health issue alone. Rather, it will also deal with the health of the Forest Service and the other land managing agencies. It is our conclusion that the clear results of the implementation of no-use philosophies on the agencies have been as dramatic as the results of the application of similar philosophies on the land.

Consider this—in over 15 hearings with 200 witnesses—no one supported the status quo. Let me repeat, no one from any walk, profession, interest group, or point of view provided any testimony that suggested Congress need not act to fix the current situation. In sum, the health of the Forest Service—or, more broadly, our Federal Government—as an enlightened advocate of professional resource management has reached a critical point. In an era of tightening Government budgets this might be the case even if this administration was not subjecting the agencies to unprecedented political interference. But, in fact, the amount of political interference that the Forest Service and the Bureau of Land Management are facing is extraordinary.

Thus, as we summarize our general philosophy, we flatly reject the preservationist philosophy that the best