

each State to enforce laws prohibiting the sale of tobacco products to minors, oversee these State efforts, and deny certain Federal funds if the State fails to enforce these measures.

Just last week, HHS issued its final rules governing the administration of this law. While I am disappointed that it took more than 3 years to issue these rules, I am encouraged that we may now see results from this policy.

Meanwhile, a component of HHS—the Food and Drug Administration—has also attempted to improperly intervene in this debate on the pretext of protecting our children. I cannot believe that such action is simply a case of one hand not knowing what the other is doing; rather, it demonstrates that the FDA is so out of control that it has decided to disregard congressional intent and pursue its own Federal tobacco policy.

I am pleased that HHS has finally decided to implement congressional policy to keep tobacco away from our children. I urge the President to withdraw the FDA's proposed rules and reject that agency's assertion of jurisdiction over tobacco products. In addition, I am enclosing an editorial on the subject from yesterday's Washington Times. I think my colleagues will find it to be interesting reading.

[From the Washington Times, Jan. 24, 1996]

#### A CONSENSUS ON TEEN SMOKING

Last week the U.S. Health and Human Services Department (HHS) did something remarkable in the campaign to limit teen smoking. It proposed regulations with which almost everyone agreed. It threatened to strip states of millions of dollars to fight drug and alcohol abuse if they didn't crack down on teen smoking.

To those who haven't followed this controversy, it may seem an odd approach to the problem, to wit: If the states aren't going to limit adolescent smoking, the feds aren't going to let them limit drugs and alcohol abuse either. But so far at least, it has the backing of tobacco foes, friends and perhaps most important, Congress. Lawmakers opened the door to such rules in 1992 when they signed onto legislation from the late Mike Synar requiring states to prohibit the sale of tobacco to persons under 18 years old.

Congressional backing is what separates the HHS rules from the far more publicized and ambitious anti-smoking campaign launched in August by U.S. Food and Drug Administration Commissioner David Kessler. Among other things, he would ban mail-order and vending-machine sales and sharply restrict tobacco advertising.

Many lawmakers subsequently criticized Mr. Kessler for overstepping his authority. Some 120 House lawmakers said in a bipartisan letter to the agency, "So, while we stand steadfastly against tobacco use by minors, we strenuously object to the FDA's effort to expand its jurisdiction and the federal bureaucracy in dealing with a problem that Congress has already designated to the states." Fifth District Virginia Democrat Lewis Payne complained the FDA plan poses a serious threat to Congress' legislative authority. "Under our system of government, it is the Congress, not unselected bureaucrats, who are suppose to make the laws." A similarly critical letter from 32 senators included Tom Daschle, the Democratic minority leader, and Bob Dole, the Republican majority leader, two men not often on the same side of an issue.

The irony of the situation is that Mr. Kessler's critics can find plenty of support for their position from Dr. Kessler himself. In a 1994 letter to anti-tobacco activist Scott Ballin, the commissioner cited the complexity of regulating cigarettes and added, "It is vital in this context that Congress provide clear direction to the agency." Well, Congress has been abundantly clear. It wants states regulating tobacco use by minors.

Mr. Kessler went ahead last August and proposed to regulate tobacco as a "drug," which it has statutory authority to control. But the agency's own internal documents from previous administrations challenge that assessment. "FDA's longstanding position," said one, "has been that, absent therapeutic claims, conventional tobacco products are not drugs under the [Food, Drug and Cosmetics Act]." Said another, "In our opinion, however, providing the FDA with the authority to regulate tobacco would represent a significant change in the scope of its authority in providing consumer protection."

To date, Congress has provided the agency no such authority. By exceeding his own, Dr. Kessler undermines anti-tobacco statutes already on the books. Consider the example he sets. If Dr. Kessler can't bring himself to abide by the law, he is not in the strongest position to complain if retail outlets and minors don't.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### HELPING FLORIDA TOMATO GROWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I come to the floor to catalog the extraordinary, bipartisan, bicameral efforts now underway to provide urgent relief for Florida's winter fruit and vegetable industry, particularly the tomato growers. We in Florida have been acutely aware of the damage that has been done to those growers because of import surges from Mexico. Thanks to our Florida delegation's efforts these past days, this problem has become a priority at the highest levels in Washington, in this Congress and downtown in the administration. Everyone now understands that, although NAFTA has generally been working well for our State and the rest of the United States, there has been a clear breakdown of safeguard and relief measures for some of our winter produce industries. Yesterday the Florida delegation—including both Senator MACK and Senator GRAHAM—made a bipartisan push to attach relief language to the continuing resolution to correct a technical problem faced by Florida growers because of existing definitions in section 202 of the 1974 Trade Act.

Appropriations Chairman BOB LIVINGSTON, busy as he was worrying about keeping the Government open as budget matters are sorted out, made

heroic attempts to clear the path for this important fix. And he succeeded in the House. Unfortunately, we hit a snag in the other body relating to adding last minute measures to the bill, and the effort failed. But this fight is not over. We are exploring every possible avenue for getting this done before the upcoming recess begins. Failing that, the plan is to get this language onto the next train that comes through—we expect that train to be the debt limit legislation coming in the end of February.

The section 202 change will not fix everything, but it will help and it will put our administration in a stronger position going into discussions with the Mexican Government. To their credit, Trade Representative Ambassador Kantor and Agriculture Secretary Glickman have been working closely with the Florida delegation on this issue. The Ambassador and the Secretary joined us for a meeting this week in which we agreed on a list of measures that the administration and the delegation can pursue immediately. Section 202 changes are at the top of our task list and that is what the current push is focused on.

In addition, the Ambassador and the Secretary agreed to seek to open negotiations with the Mexican Government on this issue, to support section 202 legislation and packing legislation, to work with Customs and USDA services to ensure that inspections and monitoring are done effectively at the border, and to provide an umbrella under which United States and Mexican growers can meet and work together to solve the current crisis.

If all of these efforts fall short, I am prepared to take more drastic steps. Today, I am introducing legislation that would direct the President to suspend current NAFTA arrangements as they relate to winter tomato production, pending his certification to the Congress that the safeguard provisions and relief measures are functioning effectively and efficiently. This is a more extreme step than I would like to take, because it would violate the NAFTA Agreement. But if that is what it takes to fulfill our commitment to Florida growers, shippers, packers, and truckers trying to stay in business, feed their families, and contribute to the U.S. economy, then I am prepared to move forward.

Florida growers perform a unique function for this country. They compete head-to-head—not with other American producers, but with foreign producers—to provide winter fruits and vegetables for Americans.

Mr. Speaker, I know when Mom and Dad say "Eat your vegetables" to the youngsters in our Nation, they maybe do not all rise up in applause, but the fact of the matter is that we do need to eat our vegetables, and most of them come from Florida, the domestically produced in the winter, and that is an area that we have to focus on and allow those folks to continue in business.

The devastation of that industry I think is truly a matter of concern to all Americans and it would be foolish not to take the necessary legislative steps to repair the problems for which we have clearly identified that we have proper solutions.

#### TRAVELGATE

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I serve as a member of the House Committee on Government Reform and Oversight that has been looking into the Travelgate matter, the White House firings of the White House Travel Office. Each twist and turn of the White House Travel Office firings becomes more and more bizarre.

I have a report today in the Washington Times by a gentleman, Mark Levin, who reveals an incredible misuse of power by the White House in use of the FBI, our Nation's chief law enforcement agency, that I feel should be investigated.

I am calling today on our chairman to expand our investigation of this matter, of the misuse of the FBI, our chief law enforcement agency, and I also think that it is time that we look at Mr. Levin's call for the appointment of a special counsel, an independent counsel, to investigate this matter where the White House, in fact, has used this law enforcement agency in an inappropriate manner and now we find out that there is even more information to lead us to believe that, in fact, there was misconduct in these firings and the cover that the White House prepared for the public.

#### FRENCH NUCLEAR NIGHTMARE IN THE SOUTH

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

Mr. FALEOMAVAEGA. Mr. Speaker, I offer my apologies to my colleagues and to the American people, for these somewhat rough sketches of limited artistic value in terms of what they represent.

On my immediate right is a picture of what an atomic nuclear explosion looks like as it was exploded by the French Government on Moruroa Atoll in the South Pacific in 1973. On my extreme right is a little chart, and this is not the Polynesian version of a Christmas tree, Mr. Speaker, but I just want to demonstrate to the American people that Moruroa Atoll looks like in the South Pacific. One of these little dots inside this volcanic formation on which the atoll sits constitutes one of 181 nuclear bomb explosions that have already taken place in this atoll in the South Pacific. Already the French Gov-

ernment has conducted five nuclear explosions since French President Chirac announced a change of testing policy in June of last year.

Mr. Speaker, the islands of French Polynesia were what Westerners would call colonized by France, after some 500 French soldiers with guns and cannons subdued the Tahitian chiefs and their warriors in the 1840's. I was in Tahiti recently. I joined with some 40 other Parliamentarians from the Pacific, Asia, South America, and Europe. Led by the mayor of the town of Fa'aa, Mr. Manutahi Temaru, we joined together for a demonstration in the streets of Papeete, Tahiti, to oppose the resumption of French nuclear testing in the South Pacific. Despite international pleadings, protests, and appeals, the Government of France resumed nuclear testing at Moruroa Atoll on September 5, 1995, exploding a nuclear bomb more powerful than the bomb dropped on Hiroshima. Sixty miles away on the island of Tureia, brown-skinned Polynesian children splashed and played in the ocean waves.

On August 30, 1995, Mayor Temaru, Vito Haamatua, and myself traveled to the island of Tureia. We were joined with the arrival of the *Rainbow Warrior II* and together we headed for Moruroa where France had already placed the nuclear bomb in a shaft about 3,000 feet under the atoll. We sailed in anticipation of the French Government's announcement that the first nuclear explosion would take place on September 1, 1995.

Believe it or not, Mr. Speaker, the only reason why the French Government did not explode the bomb on September 1, was because our President was in Hawaii. The Clinton administration told the French Government, "If you explode that bomb while the President is in Hawaii, he's going to condemn the nuclear explosion." So they extended it for a couple of days and the bomb was exploded on September 5.

As we neared Moruroa, the *Rainbow Warrior* launched six inflatable zodiacs under the nose of French naval warships. The zodiacs were manned by young men and women from New Zealand, Italy, Australia, the United States, France, and Portugal. These young men and women were not commandos or soldiers. They were just ordinary citizens committed to a nuclear-free world. As our vessels penetrated waters France claimed exclusive rights to, we were arrested by French commandos, held for 16 hours, then transferred to another vessel, fully enclosed, unaware of where we were being taken, and completely prevented from taping an account of the seizure. Our cameras and videos were confiscated. Our communications system was destroyed.

France's story is, of course, well-scripted. Its Eurocentric rationales for resuming nuclear testing in waters half a world away from where its own children play are presented through international wire services. France's freely

elected spokesperson, President Jacques Chirac, insists that the resumption of nuclear testing in South Pacific waters is absolutely necessary to improve France's nuclear weapons capabilities and that the matter of exploding more nuclear bombs at Moruroa Atoll is in the "highest interest" of France. The tests, he assures the public, are of "no environmental consequence."

Mr. Speaker, the Washington Post a couple of days ago revealed that the French Government has now acknowledged that radioactive leakage has come out of this atoll. Radioactive iodine 131 can only be created as a result of nuclear explosions and causes cancer in humans.

So goes the story of colonialism supported by American commentators like William Buckley who writes:

What is it the protesters fear? Are the French experiments, conducted 750 miles from Tahiti, endangering anybody in Tahiti? For that matter, are they endangering anybody or anything in Moruroa? Has anybody detected a rise in pollutants in the area where the first tests were undertaken? Has a whale been killed? Two whales? Has \$11 million in damage been done to the sea surrounding Moruroa? The answer has to be no, for the simple reason that if it were yes, we absolutely would have heard about it.

That a nationally syndicated columnist and president and editor-at-large of the National Review could be so unaware of the effects of nuclear testing in relation to the food chain, ocean currents, and a people only 750 miles away, is appalling enough. But that a Eurocentric commentator could be so naive about the workings of the world and the media, suggesting that all issues get equal airplay and if we haven't heard about it it must not be so, is almost unforgivable.

The people of the Pacific, who feel the brunt of colonial reign, have their own story to tell. From the island of Tureia, my Polynesian cousins tell of early French practices.

Mr. Speaker, as I was held hostage for 16 hours on the *Rainbow Warrior*, I reflected on a lot of things. Polynesians are not just famous navigators. We have a tremendous number of great poets who worshiped nature and loved to describe the meanings of life and death and love and hatred; all that can be felt and expressed by the human mind. During this time, I wrote this little poem dedicated to the children of the little atoll of Tureia, and I entitled it "Tureia Atoll."

#### TUREIA ATOLL

Our families own the island you never asked permission to take.  
We fished, picked coconuts, swam freely along the reefs and shores  
Until you, the colonial power in Paris, come to us and say,  
"We take you to Papeete and give you free ride in the carnival."  
While we play at your amusement you blow the wind of death from our island of Moruroa.

The people of Tureia were never consulted about the use of their island, Moruroa. They were never asked by the