

NLWJC - Kagan

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Tobacco-Settlement: New

Legislation-McCain: Amendments

[2]

These docs

Are last in the

Box

Elena

ASH 1

✓ 12:55p.m.

AMENDMENT NO. _____

Calendar No. _____

Purpose: Strike the list of prescribed activities for states

IN THE SENATE OF THE UNITED STATES- 105th Cong., 2nd Sess.

S. 1415

To strike the list of prescribed activities for states.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Ashcroft

Viz:

In section 452, beginning on page 200, strike line 8 and all after, through page 202,

line 14.

AMENDMENT N^o 2544

By Ashcroft

Bill/Res. No. _____

~~Page(s)~~ 1

ASH 2

AMENDMENT NO. _____

Calendar No. _____

Purpose: To strike the funding trigger

IN THE SENATE OF THE UNITED STATES- 105th Cong., 2nd Sess.

S. 1415

To eliminate the prohibition on making expenditures during any year in which appropriations are not at the level of the previous years appropriations.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Ashcroft

Viz:

Strike lines 7-11, page 161.

AMENDMENT N^o 2545

By Ashcroft

Bill/Res. No.

.....

.....

Page(s)

ASH 3

12:55 p.m.

AMENDMENT NO. _____

Calendar No. _____

Purpose: To strike the funding trigger

IN THE SENATE OF THE UNITED STATES- 105th Cong., 2nd Sess.

S. 1415

To eliminate the prohibition on making expenditures during any year in which appropriations are not at the level of the previous years appropriations.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Ashcroft

Viz:

Strike lines 1-5, page 154.

AMENDMENT N^o 2546

By Ashcroft

Bill/Res. No. _____

Page(s) 1

ASH 4

12:55 p.m.

AMENDMENT NO. _____

Calendar No. ____

Purpose: To strike the funding trigger

IN THE SENATE OF THE UNITED STATES- 105th Cong., 2nd Sess.

S. 1415

To eliminate the prohibition on making expenditures during any year in which appropriations are not at the level of the previous years appropriations.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Ashcroft

Viz:

Strike lines 14-20, page 196.

AMENDMENT N^o 2547

By Ashcroft

Bill/Res. No. _____

Page(s)

ASH

12:55 p.m.

AMENDMENT NO. _____

Calendar No. _____

Purpose: Strike International Tobacco Control Awareness
IN THE SENATE OF THE UNITED STATES- 105th Cong., 2nd Sess.

S. 1415

To strike International Tobacco Control Awareness

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Ashcroft

Viz:

Strike section 1107.

AMENDMENT N^o 2548

By Ashcroft

Bill/Res. No. _____

Page(s)

ASAC

12:55 p.m.

AMENDMENT NO. _____

Calendar No. _____

Purpose: Strike authorization of funding for international programs

IN THE SENATE OF THE UNITED STATES- 105th Cong., 2nd Sess.

S. 1415

To strike the funding for international programs

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Ashcroft

Viz:

Strike section 1104.

AMENDMENT N^o 2549

By Ashcroft

Bill/Res. No. _____

Page(s) 1

12:55 p.m.

ASH 7

AMENDMENT NO. _____

Calendar No. _____

Purpose: Strike tax deductibility of payments

IN THE SENATE OF THE UNITED STATES- 105th Cong., 2nd Sess.

S. 1415

To eliminate the ability for the tobacco companies to deduct payments as normal business expenses.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Ashcroft

Viz:

Strike section 405.

AMENDMENT N^o 2550

By Ashcroft

Bill/Res. No. _____

Page(s) 1

12:55 p.m

ASH 8

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that amounts provided to States may be expended for anti-illegal drug programs and other programs that target illegal drug use.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform	AMENDMENT N ^o	2551	acco
prod	By <u>Ashcroft</u>		ted,
to p	Bill/Res. No. _____		, to
redr	_____		and
for c	_____		

Referred	Page(s) <u>1</u>		

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ASHCROFT

Viz:

- 1 On page 180, line 10, after the period add the follow-
- 2 ing: "Amounts credited to the Trust fund under sub-
- 3 section (b) may be used to fund anti-illegal drug programs
- 4 in States and other programs that target illegal drugs."

12:55p.m.

ASH 9

AMENDMENT NO. _____ Calendar No. _____

Purpose: To increase the penalties for trafficking in methamphetamine in order to equalize those penalties with the penalties for trafficking in crack cocaine.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To re	AMENDMENT N^o	2552	tobacco
			ributed,
I	By <u>Ashcroft</u>		riors, to
t			se, and
I	Bill/Res. No. _____		
f			

2

Refer _____ Page(s) _____

GPO: 1996 25-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ASHCROFT

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . METHAMPHETAMINE PENALTY INCREASES.**
- 3 (a) CONTROLLED SUBSTANCES ACT.—Section
- 4 401(b)(1) of the Controlled Substances Act (21 U.S.C.
- 5 841(b)(1)) is amended—
- 6 (1) in subparagraph (A)(viii)—
- 7 (A) by striking “100 grams” and inserting
- 8 “50 grams”; and

1 (B) by striking "1 kilogram" and inserting
2 "500 grams"; and

3 (2) in subparagraph (B)(viii)—

4 (A) by striking "10 grams" and inserting
5 "5 grams"; and

6 (B) by striking "100 grams" and inserting
7 "50 grams".

8 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
9 ACT.—Section 1010(b) of the Controlled Substances Im-
10 port and Export Act (21 U.S.C. 960(b)) is amended—

11 (1) in paragraph (1)(H)—

12 (A) by striking "100 grams" and inserting
13 "50 grams"; and

14 (B) by striking "1 kilogram" and inserting
15 "500 grams"; and

16 (2) in paragraph (2)(H)—

17 (A) by striking "10 grams" and inserting
18 "5 grams"; and

19 (B) by striking "100 grams" and inserting
20 "50 grams".

ASH 10

12:55 p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify provisions relating to State law and the law of the District of Columbia regarding the sale of tobacco products to minors.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To: **AMENDMENT N^o 2553** tobacco
tributed,
By: Ashcroft nors, to
Bill/Res. No. use, and

Refe: 6
Page(s) _____

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ASHCROFT

Viz:

1 On page _____, strike lines _____ through _____, and

2 insert the following:

3 **SEC. _____. MODIFICATION OF SYNAR AMENDMENT.**

4 Section 1926 of the Public Health Service Act (42

5 U.S.C. 300x-26) is amended—

6 (1) in subsection (a)(1), to read as follows:

7 "(1) IN GENERAL.—Subject to paragraph (2).

8 for fiscal year 1999 and subsequent fiscal years, the

9 Secretary may make a grant under section 1921

1 only if the State involved has in effect a law provid-
2 ing that it is unlawful for—

3 “(A) any manufacturer, retailer, or dis-
4 tributor of tobacco products, or for any individ-
5 ual to sell or distribute any such product to any
6 individual under the age of 18; and

7 “(B) any individual under the age of 18 to
8 purchase or possess any such product.”; and

9 (2) in subsection (b)(1), by adding at the end
10 the following: “In enforcing such law the State shall
11 ensure that penalties for violations of such law are
12 at least as stringent as penalties applied for the ille-
13 gal distribution or possession of alcohol to or by mi-
14 nors.”.

15 **SEC. _____. INCREASED PENALTIES FOR DRUG OFFENSES**
16 **INVOLVING MINORS.**

17 (a) **INCREASED PENALTIES FOR DISTRIBUTING**
18 **DRUGS TO MINORS.**—Section 418 of the Controlled Sub-
19 stances Act (21 U.S.C. 859) is amended—

20 (1) in subsection (a), by striking “one year”
21 and inserting “10 years”; and,

22 (2) in subsection (b), by striking “one year”
23 and inserting “20 years”.

24 (b) **INCREASED PENALTY FOR DRUG TRAFFICKING**
25 **IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCA-**

1 TION.—Section 419 of the Controlled Substances Act (21
2 U.S.C. 860) is amended—

3 (1) in subsection (a), by striking “one year”
4 and inserting “10 years”; and

5 (2) in subsection (b), by striking “three years”
6 each place that term appears and inserting “20
7 years”.

8 (c) INCREASED PENALTIES FOR USING MINORS TO
9 DISTRIBUTE DRUGS.—Section 420 of the Controlled Sub-
10 stances Act (21 U.S.C. 861) is amended—

11 (1) in subsection (b), by striking “one year”
12 and inserting “10 years”; and

13 (2) in subsection (c), by striking “one year”
14 and inserting “20 years”.

15 SEC. ____ . DISTRICT OF COLUMBIA.

16 (a) INCREASED PENALTIES FOR SALE TO MINORS.—
17 Section 1120 of title 22 of the District of Columbia Code
18 is amended by striking subsection (d) and inserting the
19 following:

20 “(d)(1) Upon finding that a licensee has violated sub-
21 section (a) or (b) of this section, the Mayor shall—

22 “(A) on the first violation, fine the licensee not
23 less than \$1,000 and not more than \$2,000, or sus-
24 pend the license for 10 consecutive days;

±

1 “(B) on the second violation, fine the licensee
2 not less than \$2,000 and not more than \$4,000 and
3 suspend the license for 20 consecutive days; and

4 “(C) on the third violation and each subsequent
5 violation, fine the licensee not less than \$4,000 and
6 not more than \$10,000 and suspend the license for
7 30 consecutive days, or revoke the license.

8 “(2) In the event of revocation or suspension of the
9 license pursuant to this subsection the Mayor shall post
10 a notice in a conspicuous place on the exterior of the prem-
11 ises stating the reason for the revocation or suspension.
12 The notice shall remain posted through the prescribed
13 dates. The licensee shall immediately notify the Mayor if
14 the notice is removed or defaced. Failure of the licensee
15 to notify the Mayor may result in the extension of the pre-
16 scribed period of revocation or suspension.”.

17 (b) PENALTIES FOR PURCHASE BY MINORS.—Sec-
18 tion 1120 of title 22 of the District of Columbia Code is
19 amended—

20 (1) in the caption, by inserting “or purchase of
21 tobacco by” after “to”; and

22 (2) in subsection (a)—

23 (A) by inserting “(1)” after “(a)”; and

24 (B) by adding at the end the following:

1 “(2)(A) No person who is under 18 years of age shall
2 possess or purchase any cigarette or other tobacco prod-
3 uct.

4 “(B)(i) Any person under ~~21~~ years of age who falsely
5 represents his or her age for the purpose of procuring a
6 cigarette or other tobacco product shall be deemed guilty
7 of a misdemeanor and be fined not more than \$300 for
8 each offense, and in default in the payment of the fine
9 shall be imprisoned for not longer than 30 days.

10 “(ii) A civil fine may be imposed as an alternative
11 sanction for any infraction of this subsection, or any rules
12 or regulations issued under the authority of this sub-
13 section, pursuant to sections 6-2701 to 6-2723 (“Civil In-
14 fractions Act”). Adjudication of any infraction of this sec-
15 tion shall be pursuant to sections 6-2701 to 6-2723.

16 “(C) In addition to the penalties provided in subpara-
17 graph (B), any person who violates any provision of this
18 subsection shall be subject to the following additional pen-
19 alties:

20 “(i) Upon the first violation, shall have his or
21 her driving privileges in the District suspended for
22 a period of 90 consecutive days.

23 “(ii) Upon the second violation, shall have his
24 or her driving privileges in the District suspended
25 for a period of 180 days.

1 “(iii) Upon the third violation and each subse-
2 quent violation, shall have his or her driving privi-
3 leges in the District suspended for a period of 1
4 year.”.

BINGAMAN 1 Jm Binj
12:42 p.m

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide funding for a Veterans Compensation Account.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To ref AMENDMENT N^o 2525 tobacco
pr outed,
to By Bingaman rs, to
re Bill/Res. No. _____ ; and
fo _____

Referr _____
Page(s) 2
GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by
BINGAMAN

Viz:

- 1 At the end of section 451, add the following:
- 2 (f) VETERANS COMPENSATION ACCOUNT.—
- 3 (1) IN GENERAL.—There is established within
- 4 the trust fund a separate account, to be known as
- 5 the Veterans Compensation Account. Of the net rev-
- 6 enues credited to the trust fund under section
- 7 401(b)(1), \$10,000,000,000 shall be allocated to this
- 8 account over the 5-fiscal year period beginning on
- 9 the date of enactment of this Act.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—
2 Amounts in the Veterans Compensation Account
3 shall be available to the extent and in the amounts
4 provided in advance in appropriations acts, to re-
5 main available until expended, only for purposes of
6 enabling the Department of Veterans Affairs to pro-
7 vide disability payments to former military personnel
8 who became addicted to tobacco while on active duty
9 and who have sustained a disability for tobacco-re-
10 lated illnesses.

BOND 1

12:48 p.m.

S 1415

Jeff Bond

Amendment No. ___ offered by Mr. Bond

1) Title II, Subtitle B

SEC 231. (B)(2)(D)(ii)(III) Strike the section in its entirety and add the following:

“A system of graduated sanctions for underage youths who possess, purchase or attempt to purchase tobacco products, the sanction for the first offense shall be no less than a requirement of community service and the sanction for the second offense shall be no less than a requirement of community service or a fine.”

2) SEC 232. add the following:

Sec. 232 (b)(3) have a law that provides for a system of graduated sanctions for underage youths who possess, purchase or attempt to purchase tobacco products, the sanction for the first offense shall be no less than a requirement of community service and the sanction for the second offense shall be no less than a requirement of community service or a fine.”

3) Title II, Subtitle C, SEC. 261 add the following:

Sec. 1981A (4) A state receiving or expending, or if any of the state’s agencies receives or expends, under this subtitle funds from the Tobacco Settlement Trust Fund, that state shall establish to the Secretary that it has laws or regulations that include such measures as fines, suspension of driver’s license privileges, or community service requirements, for underage youths who possess, purchase or attempt to purchase tobacco products.

AMENDMENT N^o 2531

By Bond

Bill/Res. No. _____

Page 1

Bond 2

12:48 p.m.
Jeff Bond

S 1415

Amendment No. ___ offered by Mr. Bond

Title II, Subtitle B

Sec. 231. State Retail Licensing and Enforcement Block Grants.

SEC. 231(a) After "to carry out the provisions of this section." add the following:
\$100,000,000 of the annual appropriation shall be used for block grants to state and local law enforcement agencies to assist in providing the resources necessary for law enforcement to enforce sanctions on underage youths who possess, purchase or attempt to purchase tobacco products and enforce the remaining provisions of this title.

AMENDMENT N^o 2532

By Bond

Bill/Res. No. _____

Page(s) 1

CHAFFEE 1

John Chafee

AMENDMENT NO. _____

Calendar No. _____

Purpose: To prohibit smoking on scheduled airline flights.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 On page 216, between lines 18 and 19, insert the fol-

2 lowing:

3 **SEC. 508. PROHIBITIONS AGAINST SMOKING ON SCHED-**

4 **ULED FLIGHTS.**

5 (a) **IN GENERAL.**—Section 41706 of title 49, United

6 States Code, is amended to read as follows:

1 **“§ 41706. Prohibitions against smoking on scheduled**
2 **flights**

3 “(a) SMOKING PROHIBITION IN INTRASTATE AND
4 INTERSTATE AIR TRANSPORTATION.—An individual may
5 not smoke in an aircraft on a scheduled airline flight seg-
6 ment in interstate air transportation or intrastate air
7 transportation.

8 “(b) SMOKING PROHIBITION IN FOREIGN AIR
9 TRANSPORTATION.—The Secretary of Transportation
10 shall require all air carriers and foreign air carriers to pro-
11 hibit, on and after the 120th day following the date of
12 the enactment of this section, smoking in any aircraft on
13 a scheduled airline flight segment within the United States
14 or between a place in the United States and a place out-
15 side the United States.

16 “(c) LIMITATION ON APPLICABILITY.—With respect
17 to an aircraft operated by a foreign air carrier, the smok-
18 ing prohibitions contained in subsections (a) and (b) shall
19 apply only to the passenger cabin and lavatory of the air-
20 craft.

21 “(d) REGULATIONS.—The Secretary shall prescribe
22 regulations necessary to carry out this section.”

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the 60th day following
25 the date of the enactment of this Act.

CONRAD 1

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make a technical correction with respect to noncompliance with State retail and licensing laws.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 125, lines 7 and 8, strike "this subtitle" and
- 2 insert "section 452(b)(1)".

CONRAD 3

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide funds for counter-advertising programs.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 195, between ^{lines}~~lines~~ 17 and 18, insert the fol-
- 2 lowing flush sentence:
- 3 "Not less than 50 percent of the amounts made
- 4 available under this subparagraph shall be used
- 5 to carry out counter-advertising activities under
- 6 clause (i)."

AMENDMENT NO. _____ Calendar No. _____

Purpose: To permit States to enact laws that are not less stringent than the FDA-related provisions of this Act.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 18, line 19, insert "and not less stringent
- 2 than" after "addition to".

CONRAD 4

AMENDMENT NO. _____ Calendar No. _____

Purpose: To permit sting operations to ensure compliance with State retail licensing laws.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 On page 121, between lines 13 and 14, insert the fol-

2 lowing:

3 (IV) STING OPERATIONS PER-
4 MITTED.—Notwithstanding subclause
5 (III), an individual shall be permitted
6 as part of a compliance check to pur-
7 chase, attempt to purchase, or possess
8 tobacco products solely for the pur-
9 pose of ensuring compliance with the

CONRAD S

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the conduct of follow-up inspections of certain tobacco product sales and distribution outlets.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 122, line 12, insert before the semicolon the
- 2 following: “, and conduct follow-up inspections of sales or
- 3 distribution outlets that are found to be in violation of
- 4 such law”.

S.L.C.
CONRAD 6

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make a technical correction with respect to noncompliance with State retail and licensing laws.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 124, line 9, strike "this subtitle" and insert
- 2 "section 452(b)(1)".

CONRAD 7

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the definition of addiction claim and dependence claim.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 443, line 13, strike "seeks a" and insert
- 2 "seeks only a publicly available".

CONRAD B

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify the definition of tobacco claim.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 228, line 19, insert after the period the fol-
- 2 lowing: "Such term shall not include any civil action
- 3 brought by a Federal, State, local, or tribal government
- 4 seeking civil penalties for violations of anti-fraud, anti-
- 5 trust, environmental health, ^{-health-2015 substance,} other consumer laws that re-
- 6 late to tobacco and health, advertising and marketing re-
- 7 strictions, ingredient disclosure requirements, youth ac-
- 8 cess restrictions, protections from environmental tobacco
- 9 smoke, or other tobacco control laws."

CONRAD 9

S.L.C.

1 sent low
12:47 p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide funds for counter-advertising programs.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To re	AMENDMENT N^o 2529	tobacco
E		ibuted,
t	By <u>Conrad</u>	ors, to
r	Bill/Res. No. _____	se, and
f		

Refer: _____
 Page(s) 1
 GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed
 AMENDMENT intended to be proposed by Mr. CONRAD

Viz:

- 1 On page 195, between lines 17 and 18, insert the fol-
- 2 lowing flush sentence:
- 3 "Not less than \$500,000,000 of the amounts
- 4 made available under this subparagraph shall
- 5 be used each year to carry-out counter-advertis-
- 6 ing activities under clause (i)."

CONRAD 10

Hent Conrad
S.L.C.

12:47 p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make a technical correction with respect to noncompliance with State retail and licensing laws.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To r	AMENDMENT N^o	2528	tobacco
:	By <u>Conrad</u>	_____	ributed,
:	Bill/Res. No. _____	_____	iors, to
:	_____	_____	se, and
:	_____	_____	_____
Refer	Page(s) <u>1</u>	_____	_____

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CONRAD

Viz:

- 1 On page 125, strike lines 4 through 8, and insert the
- 2 following:
- 3 "an amount equal to 40 percent of the amount de-
- 4 termined under section 1933 of the Public Health
- 5 Service Act (42 U.S.C. 300x-33) for the State for
- 6 the fiscal year from the amounts otherwise payable
- 7 under this Act."

CONRAD II

1 Kent Conrad
S.L.C.

12:47 p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make a technical correction with respect to noncompliance with State retail and licensing laws.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To AMENDMENT N^o 2527 1 tobacco
distributed,
By Conrad minors, to
use, and
Bill/Res. No. _____

Rel _____
Page(s) 1

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CONRAD

Viz:

- 1 On page 124, line 8, strike "5" and insert "50".

CRAIG 1

S.L.C.

12:32 p.m.

Larry E Craig

AMENDMENT NO. _____

Calendar No. _____

Purpose: To increase the amount of funds to be made available to State and strike the limitations relating to the expenditure of such funds.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer: AMENDMENT N^o 2508
pro to By Craig
red Bill/Res. No.
for

Referre: 3
Page(s)

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 Beginning on page 192, strike line 8 and all that fol-
- 2 lows through line 2 on page 193, and insert the following:
- 3 (1) AMOUNTS.—
- 4 (A) IN GENERAL.—There is established
- 5 within the Trust Fund a separate account, to
- 6 be known as the State Litigation Settlement
- 7 Account. Of the net revenues credited to the
- 8 Trust Fund under section 401(b)(1) for each

⁶²
~~40~~

1 fiscal year, at least ~~40~~ percent of the amounts
 2 designated for allocation under the settlement
 3 payments shall be allocated to this account. If,
 4 after 10 years, the estimated 25-year total
 5 amount projected to received in this account
 6 will be different than amount than
 7 ~~\$286~~³⁴⁰,200,000,000, then beginning with the
 8 eleventh year the ~~40~~⁶² percent share will be ad-
 9 justed as necessary to achieve that 25-year total
 10 amount. Notwithstanding section 452(b) or any
 11 other provision of this Act, amounts received by
 12 a State under this subsection may be used as
 13 the State determines appropriate.

14 (B) STATE LOSS OF REVENUE ADJUST-
 15 MENTS.—

16 (i) IN GENERAL.—Amounts provided
 17 to a State under this subsection for a fiscal
 18 year shall take into account the decrease in
 19 the amount of revenue that the State re-
 20 ceived during the previous fiscal year as a
 21 result of a decrease in the demand for to-
 22 bacco products in the State based on the
 23 enactment of this Act.

24 (ii) DETERMINATIONS.—The Joint
 25 Committee on Taxation established under

1 section 8001 of the Internal Revenue Code
2 of 1986 shall make determinations under
3 clause (i) relating to the amount by which
4 the revenues of a State have decreased
5 during a fiscal year as a result of the en-
6 actment of this Act.

CRAIG 2

S.L.C. 12:32 p.m.
Larry E Craig

AMENDMENT NO. _____

Calendar No. _____

Purpose: To limit the amounts credited to the Trust Fund to take into account the additional costs of Federal spending and to reimburse States for revenue lost as a result of this Act.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer **AMENDMENT N^o 2509** bacco
pro- uted,
to By Craig s, to
rec Bill/Res. No. and
for

Referred 3
Page(s)

GPO: 1996 25-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 Beginning on page 179, strike lines 21 and all that
2 follows through line 4 on page 180, and insert the follow-
3 ing:

4 (c) NET REVENUES AND ADJUSTMENTS FOR LOSS
5 OF REVENUES BY STATES.—

6 (1) NET REVENUES.—For purposes of sub-
7 section (b), the term “net revenues” means the

1 amount estimated by the Congressional Budget Of-
2 fice based on the excess of—

3 (A) the amounts received in the Treasury
4 under subsection (b), over

5 (B) an amount equal to—

6 (i) the decrease in the taxes imposed
7 by chapter 1 and chapter 52 of the Inter-
8 nal Revenue Code of 1986, and other off-
9 sets, resulting from the amounts received
10 under subsection (b); and

11 (ii) the increase in direct and indirect
12 Federal spending as a result of the enact-
13 ment of this Act (including increases in
14 cost of living adjustments resulting from
15 an increase in the Consumer Price Index
16 as a result of required tobacco product
17 price increases).

18 (2) STATE LOSS OF REVENUE ADJUSTMENTS.—

19 (A) IN GENERAL.—Amounts provided to a
20 State under section 451 for a fiscal year shall
21 be increased by an amount equal to the de-
22 crease in the amount of revenue that the State
23 received during the previous fiscal year as a re-
24 sult of a decrease in the demand for tobacco

1 products in the State based on the enactment
2 of this Act.

3 (B) DETERMINATIONS.—The Joint Com-
4 mittee on Taxation established under section
5 8001 of the Internal Revenue Code of 1986
6 shall make determinations under subparagraph
7 (A) relating to the amount by which the reve-
8 nues of a State have decreased during a fiscal
9 year as a result of the enactment of this Act.

10 (C) FUNDING.—Amounts in the Trust
11 Fund shall be made available to carry out this
12 paragraph.

Christopher Dodd
12:57 p.m.

AMENDMENT NO. _____

Calendar No. _____

Purpose: To reduce youth smoking.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer	AMENDMENT N^o	2540	acco
prod	By <u>Dodd</u>		ted,
to p	Bill/Res. No. _____		to
redr	_____		and
for c	_____		

Referred

Page(s) 1

GPO: 1996 25-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DODD

Viz:

- 1 At the end of section 452, add the following:
- 2 (____) ASSISTANCE FOR CHILDREN.—A State shall
- 3 use not less than \$1,250,000,000 of the amount described
- 4 in subsection (b)(2) for each fiscal year to carry out activi-
- 5 ties under the Child Care and Development Block Grant
- 6 Act of 1990 (42 U.S.C. 9858 et seq.).

Domenici 1

S.L.C.

12:30 p.m.

Amendment
To Make R&D tax credit permanent
& for other purposes
S. 1415

105TH CONGRESS
2D SESSION

AMENDMENT N^o 2510

I By Domenici ES

Mr. Do Bill/Res. No. referred
to

6
Page(s)

GPO: 1996 25-891 (mac)

~~A BILL~~

To amend the Internal Revenue Code of 1986 to enhance the global competitiveness of United States businesses by permanently extending the research credit, and for other purposes.

At the appropriate place, insert the following:

1 ~~Be it enacted by the Senate and House of Representatives~~

2 ~~of the United States of America in Congress assembled,~~

3 SECTION 1. PERMANENT EXTENSION OF RESEARCH CRED-

4 IT.

5 (a) IN GENERAL.—Section 41 of the Internal Reve-
6 nue Code of 1986 (relating to credit for increasing re-
7 search activities) is amended by striking subsection (h).

1 (b) CONFORMING AMENDMENT.—Section 45C(b)(1)
2 of the Internal Revenue Code of 1986 is amended by strik-
3 ing subparagraph (D).

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to amounts paid or incurred after
6 June 30, 1998.

7 SEC. 2. MODIFICATIONS OF CREDIT FOR QUALIFIED RE-
8 SEARCH EXPENSES.

9 (a) FIXED-BASE PERCENTAGE.—Subparagraph (A)
10 of section 41(c)(3) of the Internal Revenue Code of 1986
11 (defining fixed-base percentage) is amended to read as fol-
12 lows:

13 “(A) IN GENERAL.—Except as otherwise
14 provided in this paragraph, the fixed-base per-
15 centage is the percentage which the aggregate
16 qualified research expenses of the taxpayer for
17 taxable years beginning in the base period is of
18 the aggregate gross receipts of the taxpayer for
19 such taxable years. For purposes of the preced-
20 ing sentence, the base period for any taxable
21 year is any period of 4 consecutive taxable
22 years elected by the taxpayer from the 10 im-
23 mediately preceding taxable years.”

24 (b) START-UP COMPANIES.—

25 (1) FIXED-BASE PERCENTAGE.—

1 (A) IN GENERAL.—Clause (i) of section
2 41(c)(3)(B) of such Code (relating to start-up
3 companies) is amended to read as follows:

4 “(i) TAXPAYERS TO WHICH SUBPARA-
5 GRAPH APPLIES.—The fixed-base percent-
6 age shall be determined under this sub-
7 paragraph if the taxpayer did not have
8 both gross receipts and qualified research
9 expenses in each of the 10 taxable years
10 described in subparagraph (A).”

11 (B) MAXIMUM PERCENTAGE NOT TO
12 APPLY.—Section 41(e)(3)(C) of such Code (re-
13 lating to maximum fixed-base percentage) is
14 amended by adding at the end the following:
15 “This subparagraph shall not apply to a tax-
16 payer to which subparagraph (B) applies.”

17 (C) CONFORMING AMENDMENTS.—Section
18 41(e)(3)(B)(ii) of such Code is amended—

19 (i) by striking “1st 5 taxable years
20 beginning after December 31, 1993” and
21 inserting “1st 5 taxable years in the 10-
22 year period described in subparagraph
23 (A)”, and

24 (ii) by inserting “and” at the end of
25 subclause (V), by striking “, and” at the

1 end of subclause (VI), and by striking sub-
2 clause (VII).

3 (2) REPEAL OF MINIMUM BASE AMOUNT
4 FOR START-UP COMPANIES.—Section 41(c)(2)
5 of the Internal Revenue Code of 1986 (relating
6 to minimum base amount) is amended by add-
7 ing at the end the following: “This paragraph
8 shall not apply to a taxpayer to which para-
9 graph (3)(B) applies.”

10 (c) REPEAL OF LIMITATION ON CONTRACT RE-
11 SEARCH EXPENSES.—Section 41(b)(3) of the Internal
12 Revenue Code of 1986 (defining contract research ex-
13 penses) is amended—

14 (1) by striking “65 percent of” in subparagraph
15 (A), and

16 (2) by striking subparagraph (C).

17 (d) EFFECTIVE DATES.—

18 (1) IN GENERAL.—The amendments made by
19 this section shall apply to taxable years beginning
20 after December 31, 1998.

21 (2) TRANSITION RULE.—In the case of a tax-
22 payer's 1st 5 taxable years beginning after Decem-
23 ber 31, 1998, the taxpayer may elect to have section
24 41 of the Internal Revenue Code of 1986 applied

1 without regard to the amendments made by sub-
2 sections (a) and (b).

3 SEC. 3. MODIFICATIONS OF BASIC RESEARCH CREDIT.

4 (a) EXPANSION OF CREDIT TO RESEARCH DONE
5 WITH NATIONAL LABORATORIES AND FEDERAL RE-
6 SEARCH CENTERS.—Section 41(e)(6) of the Internal Rev-
7 enue Code of 1986 is amended by adding at the end the
8 following new subparagraph:

9 (E) NATIONAL LABORATORIES AND RE-
10 SEARCH CENTERS.—Any organization which
11 is—

12 (i) a national laboratory specified by
13 the Secretary of Energy as being under
14 contract with the Department of Energy,
15 or

16 (ii) a federally funded research and
17 development center (within the meaning of
18 section 2367 of title 10, United States
19 Code)."

20 (b) BASIC RESEARCH.—Section 41(e)(7) of the Inter-
21 nal Revenue Code of 1986 (relating to definitions and spe-
22 cial rules) is amended by adding at the end the following
23 new subparagraph:

24 (F) SPECIFIC COMMERCIAL OBJECTIVE.—
25 For purposes of subparagraph (A), research

1 shall not be treated as having a specific com-
2 mercial objective if—

3 “(i) all results of such research are to
4 be published in such a manner as to be
5 available to the general public prior to
6 their use for a commercial purpose, or

7 “(ii) such research is done for a con-
8 sortium of domestic corporations which
9 represent substantially all of the domestic
10 corporations conducting business within
11 the sector to which the research relates.”

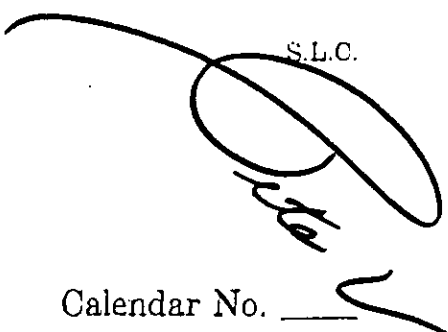
12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable years beginning after
14 December 31, 1998.

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Domenici. 2

S.L.C.

12:30 p.m



Domenici

AMENDMENT NO. _____

Calendar No. _____

Purpose: To dedicate the revenues from the bill after fiscal year 2008 to the Medicare Trust Fund.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer
to
the
Committee
on

AMENDMENT N^o 2511

to tobacco
products,
and
other
matters
relating
to

By Domenici

Bill/Res. No. _____

Referred to

2
Page(s)

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DOMENICI

Viz:

1 On page _____, after line _____, insert the following:

2 **SEC. ____ DEDICATION OF FUNDS TO MEDICARE AFTER**
3 **FISCAL YEAR 2008.**

4 (a) EXPIRATION OF AUTHORITY.—Notwithstanding
5 any other provision of this Act, the following shall expire
6 on September 30, 2008:

7 (1) All authority provided in this Act to obligate
8 and expend funds from the National Tobacco Trust
9 Fund.

C:\JEN\JEN98.343

S.L.C.

2

1 (2) All obligations of the Federal Government
2 to make any payment to any person or government
3 under this Act.

4 (3) All provisions in this Act which result, di-
5 rectly or indirectly, in an increase in direct spending
6 by the Federal Government.

7 (b) TRANSFER OF FUNDS.—After September 30,
8 2008, the following amounts shall be transferred to the
9 Federal Hospital Insurance Trust Fund (part A):

10 (1) The net revenues resulting from—

11 (A) amounts paid under section 402;

12 (B) amounts equal to the fines or penalties
13 paid under section 402, 403, or 405, including
14 interest thereon; and

15 (C) amounts equal to penalties paid under
16 section 202, including interest thereon.

17 (2) The unobligated balances in the National
18 Tobacco Trust Fund.

DURBIN 1

AMENDMENT NO. _____

Calendar No. _____

Purpose: To clarify provisions relating to advertising on mass transit vehicles.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DURBIN

Viz:

- 1 In section 1404(a)(1)(B), strike "on mass transit ve-
- 2 hicles" and insert "on or in mass transit vehicles and sys-
- 3 tems".

Durbin 2

S.L.C.

12:42 p.m.

Durbin

AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide a substitute for provisions relating to reductions in underage tobacco usage.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer	AMENDMENT N^o	2521	tobacco
proposed	By <i>Durbin</i>		usage,
to	Bill/Res. No. _____		and
report			
for			

Referral	<i>18</i>	Page(s)	_____
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GPO: 1996 25-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DURBIN (for himself and Mr. DEWINE)

Viz:

- 1 In title II, strike subtitle A and insert the following:
- 2 **Subtitle A—Performance**
- 3 **Objectives to Reduce Underage Use**
- 4 **SEC. 201. FINDINGS.**
- 5 Congress finds the following:
- 6 (1) Reductions in the underage use of tobacco
- 7 products are critically important to the public
- 8 health.

1 (2) Achieving this critical public health goal can
2 be substantially furthered by increasing the price of
3 tobacco products to discourage underage use if re-
4 duction targets are not achieved and by creating fi-
5 nancial incentives for manufacturers to discourage
6 youth from using their tobacco products.

7 (3) When reduction targets in underage use are
8 not achieved on an industry-wide basis, the price in-
9 creases that will result from an industry-wide assess-
10 ment will provide an additional deterrence to youth
11 tobacco use.

12 (4) Manufacturer-specific incentives that will be
13 imposed if reduction targets are not met by a manu-
14 facturer provide a strong incentive for each manu-
15 facturer to make all efforts to discourage youth use
16 of its brands and insure the effectiveness of the in-
17 dustry-wide assessments.

18 **SEC. 202. PURPOSES AND GOALS.**

19 (a) **PURPOSE.**—It is the purpose of this subtitle to
20 ensure that, in the event that other measures contained
21 in this Act prove to be inadequate to produce substantial
22 reductions in tobacco use by minors, tobacco companies
23 will pay additional assessments. These additional assess-
24 ments are designed to lower youth tobacco consumption
25 in a variety of ways, including by triggering further in-

1 creases in the price of tobacco products, by encouraging
2 tobacco companies to work to meet statutory targets for
3 reductions in youth tobacco consumption, and by provid-
4 ing support for further reduction efforts.

5 (b) GOALS.—As part of a comprehensive national to-
6 bacco control policy, the Secretary, working in cooperation
7 with State, Tribal, and local governments and the private
8 sector, shall take all actions under this Act necessary to
9 ensure that the required performance objectives for per-
10 centage reductions in underage use of tobacco products
11 set forth in this title are achieved.

12 **SEC. 203. ANNUAL PERFORMANCE SURVEYS.**

13 (a) ANNUAL PERFORMANCE SURVEY.—Beginning
14 not later than 1999 and annually thereafter the Secretary
15 shall conduct a survey, in accordance with the methodol-
16 ogy in subsection (e)(1), to determine for each type of to-
17 bacco product—

18 (1) the percentage of all children who used such
19 type of tobacco product within the past 30 days; and

20 (2) the percentage of children who identify each
21 brand of each type of tobacco product as the usual
22 brand of the type smoked or used within the past 30
23 days.

24 (b) USE OF PRODUCT.—A child shall be considered
25 to have used a manufacturer's tobacco product if the child

1 identifies the manufacturer's tobacco product as the usual
2 brand of tobacco product smoked or used by the child
3 within the past 30 days.

4 (c) SEPARATE TYPES OF PRODUCTS.—For purposes
5 of this subtitle, cigarettes and smokeless tobacco shall be
6 considered separate types of tobacco products.

7 (d) CONFIDENTIALITY OF DATA.—The Secretary may
8 conduct a survey relating to tobacco use involving minors.
9 If the information collected in the course of conducting
10 the annual performance survey results in the individual
11 supplying the information, or described in the information,
12 being identifiable, the information may not be used for any
13 purpose other than the purpose for which it was supplied
14 unless that individual (or that individual's guardian) con-
15 sents to its use for such other purposes. The information
16 may not be published or released in any other form if the
17 individual supplying the information, or described in the
18 information, is identifiable unless that individual (or that
19 individual's guardian) consents to its publication or re-
20 lease in other form.

21 (e) METHODOLOGY.—

22 (1) IN GENERAL.—The survey required by sub-
23 section (a) shall—

24 (A) be based on a nationally representative
25 sample of young individuals;

1 (B) measure use of each type of tobacco
2 product within the past 30 days;

3 (C) identify the usual brand of each type
4 of tobacco product used within the past 30
5 days; and

6 (D) permit the calculation of the actual
7 percentage reductions in underage use of a type
8 of tobacco product (or, in the case of the manu-
9 facturer-specific surcharge, the use of a type of
10 the tobacco products of a manufacturer) based
11 on the point estimates of the percentage of
12 young individuals reporting use of a type of to-
13 bacco product (or, in the case of the manufac-
14 turer-specific surcharge, the use of a type of the
15 tobacco products of a manufacturer) from the
16 annual performance survey.

17 (2) CRITERIA FOR DEEMING POINT ESTIMATES
18 CORRECT.—Point estimates under paragraph (1)(D)
19 are deemed conclusively to be correct and accurate
20 for calculating actual percentage reductions in un-
21 derage use of a type of tobacco product (or, in the
22 case of the manufacturer-specific surcharge, the use
23 of a type of the tobacco products of a manufacturer)
24 for the purpose of measuring compliance with per-
25 cent reduction targets and calculating surcharges

1 provided that the precision of estimates (based on
2 sampling error) of the percentage of children report-
3 ing use of a type of tobacco product (or, in the case
4 of the manufacturer-specific surcharge, the use of a
5 type of the tobacco products of a manufacturer) is
6 such that the 95 percent confidence interval around
7 such point estimates is no more than plus or minus
8 1 percent.

9 (3) SURVEY DEEMED CORRECT, PROPER, AND
10 ACCURATE.—A survey using the methodology re-
11 quired by this subsection is deemed conclusively to
12 be proper, correct, and accurate for purposes of this
13 Act.

14 (4) SECRETARY MAY ADOPT DIFFERENT METH-
15 ODOLOGY.—The Secretary by notice and comment
16 rulemaking may adopt a survey methodology that is
17 different than the methodology described in para-
18 graph (1) if the different methodology is at least as
19 statistically precise as that methodology.

20 **SEC. 204. PERFORMANCE OBJECTIVES.**

21 (a) BASELINE LEVEL.—The baseline level for each
22 type of tobacco product, and for each manufacturer with
23 respect to each type of tobacco product, is the percentage
24 of children determined to have used such tobacco product
25 in the first annual performance survey (in 1999).

1 (b) INDUSTRY-WIDE NON-ATTAINMENT ASSESS-
2 MENTS.—For the purpose of determining industry-wide
3 non-attainment assessments, the performance objective for
4 the reduction of the percentage of children determined to
5 have used each type of tobacco product is the percentage
6 in subsection (d) as measured from the baseline level for
7 such type of tobacco product.

8 (c) PERFORMANCE OBJECTIVES FOR EXISTING MAN-
9 UFACTURERS.—Each existing manufacturer shall have as
10 a performance objective the reduction of the percentage
11 of children determined to have used each type of such
12 manufacturer's tobacco products by at least the percent-
13 age specified in subsection (d) as measured from the base-
14 line level for such manufacturer for such product.

15 (d) REQUIRED PERCENTAGE REDUCTIONS.—The re-
16 ductions required in this subsection are as follows:

17 (1) In the case of cigarettes—

18 (A) with respect to the third and fourth
19 annual performance surveys, 20 percent;

20 (B) with respect to the fifth and sixth an-
21 nual performance surveys, 40 percent;

22 (C) with respect to the seventh, eighth,
23 and ninth annual performance surveys, 55 per-
24 cent; and

1 (D) with respect to the 10th annual per-
2 formance survey and each annual performance
3 survey thereafter, 67 percent.

4 (2) In the case of smokeless tobacco—

5 (A) with respect to the third and fourth
6 annual performance surveys, 12.5 percent;

7 (B) with respect to the fifth and sixth an-
8 nual performance surveys, 25 percent;

9 (C) with respect to the seventh, eighth,
10 and ninth annual performance surveys, 35 per-
11 cent; and

12 (D) with respect to the 10th annual per-
13 formance survey and each annual performance
14 survey thereafter, 45 percent.

15 (e) PERFORMANCE OBJECTIVE RELATIVE TO THE
16 DE MINIMIS LEVEL.—If the percentage of children deter-
17 mined to have used a type of the tobacco products of an
18 existing manufacturer in an annual performance survey
19 is equal to or less than the de minimis level, the manufac-
20 turer shall be considered to have achieved the applicable
21 performance objective.

22 (f) PERFORMANCE OBJECTIVES FOR NEW MANUFAC-
23 TURERS.—Each new manufacturer shall have as its per-
24 formance objective maintaining the percentage of children
25 determined to have used each type of such manufacturer's

1 tobacco products in each annual performance survey at a
2 level equal to or less than the de minimis level for that
3 year.

4 (g) DE MINIMIS LEVEL.—The de minimis level shall
5 be 1 percent of children for the applicable year.

6 SEC. 205. MEASURES TO HELP ACHIEVE THE PERFORM-
7 ANCE OBJECTIVES.

8 (a) ANNUAL DETERMINATION.—Beginning in 2001,
9 and annually thereafter, the Secretary shall, based on the
10 annual performance surveys conducted under section 203,
11 determine if the performance objectives for each type of
12 tobacco product under section 204 has been achieved and
13 if each manufacturer has achieved the applicable perform-
14 ance objective under section 204.

15 (b) INDUSTRY-WIDE NON-ATTAINMENT ASSESS-
16 MENTS.—

17 (1) INDUSTRY-WIDE NON-ATTAINMENT PER-
18 CENTAGE.—The Secretary shall determine the in-
19 dustry-wide non-attainment percentage, if any, for
20 cigarettes and for smokeless tobacco for each cal-
21 endar year.

22 (2) NON-ATTAINMENT ASSESSMENT FOR CIGA-
23 RETTES.—For each calendar year in which the per-
24 formance objective under section 204(b) is not at-

1 tained for cigarettes, the Secretary shall assess a
 2 surcharge on cigarette manufacturers as follows:

If the non-attainment percentage is:	The surcharge is:
Not more than 5 percentage points	\$40,000,000 multiplied by the non-attainment percentage
More than 5 but not more than 20 percentage points	\$200,000,000, plus \$120,000,000 multiplied by the non-attainment percentage in excess of 5 but not in excess of 20 percentage points
More than 20 percentage points	\$2,000,000,000

3 (3) NON-ATTAINMENT ASSESSMENT FOR
 4 SMOKELESS TOBACCO.—For each year in which the
 5 performance objective under section 204(b) is not
 6 attained for smokeless tobacco, the Secretary shall
 7 assess a surcharge on smokeless tobacco product
 8 manufacturers as follows:

If the non-attainment percentage is:	The surcharge is:
Not more than 5 percentage points	\$4,000,000 multiplied by the non-attainment percentage
More than 5 but not more than 20 percentage points	\$20,000,000, plus \$12,000,000 multiplied by the non-attainment percentage in excess of 5 but not in excess of 20 percentage points
More than 20 percentage points	\$200,000,000

9 (4) STRICT LIABILITY; JOINT AND SEVERAL LI-
 10 ABILITY.—Liability for any surcharge imposed under
 11 this subsection shall be—

12 (A) strict liability; and

13 (B) joint and several liability—

1 (i) among all cigarette manufacturers
2 for surcharges imposed under paragraph
3 (2); and

4 (ii) among all smokeless tobacco man-
5 ufacturers for surcharges imposed under
6 paragraph (3).

7 (5) SURCHARGE LIABILITY AMONG MANUFAC-
8 TURERS.—A tobacco product manufacturer shall be
9 liable under this subsection to one or more other
10 manufacturers if the plaintiff tobacco product manu-
11 facturer establishes by a preponderance of the evi-
12 dence that the defendant tobacco product manufac-
13 turer, through its acts or omissions, was responsible
14 for a disproportionate share of the non-attainment
15 surcharge as compared to the responsibility of the
16 plaintiff manufacturer.

17 (6) EXEMPTIONS FOR SMALL MANUFACTUR-
18 ERS.—

19 (A) ALLOCATION BY MARKET SHARE.—
20 The Secretary shall allocate the assessments
21 under this subsection according to each manu-
22 facturer's share of the domestic cigarette or do-
23 mestic smokeless tobacco market, as appro-
24 priate, in the year for which the surcharge is

1 being assessed, based on actual Federal excise
2 tax payments.

3 (B) EXEMPTION.—In any year in which a
4 surcharge is being assessed, the Secretary shall
5 exempt from payment any tobacco product
6 manufacturer with less than 1 percent of the
7 domestic market share for a specific category of
8 tobacco product unless the Secretary finds that
9 the manufacturer's products are used by under-
10 age individuals at a rate equal to or greater
11 than the manufacturer's total market share for
12 the type of tobacco product.

13 (c) MANUFACTURER-SPECIFIC SURCHARGES.—

14 (1) IN GENERAL.—If the Secretary determines
15 that the required percentage reduction in use of a
16 type of tobacco product has not been achieved by a
17 manufacturer for a year, the Secretary shall impose
18 a surcharge on such manufacturer under this para-
19 graph.

20 (2) CIGARETTES.—For each calendar year in
21 which a cigarette manufacturer fails to achieve the
22 performance objective under section 204(c), the Sec-
23 retary shall assess a surcharge on that manufacturer
24 in an amount equal to the manufacturer's share of

1 youth incidence for cigarettes multiplied by the fol-
 2 lowing surcharge level:

If the non-attainment percentage for the manufacturer is:	The surcharge level is:
Not more than 5 percentage points	\$80,000,000 multiplied by the non-attainment percentage
More than 5 but not more than 24.1 percentage points	\$400,000,000, plus \$240,000,000 multiplied by the non-attainment percentage in excess of 5 but not in excess of 24.1 percentage points
More than 24.1 percentage points	\$5,000,000,000

3 (3) SMOKELESS TOBACCO.—For each calendar
 4 year in which a smokeless tobacco product manufac-
 5 turer fails to achieve the performance objective
 6 under section 204(c), the Secretary shall assess a
 7 surcharge on that manufacturer in an amount equal
 8 to the manufacturer's share of youth incidence for
 9 smokeless tobacco products multiplied by the follow-
 10 ing surcharge level:

If the non-attainment percentage for the manufacturer is:	The surcharge level is:
Not more than 5 percentage points	\$8,000,000 multiplied by the non-attainment percentage
More than 5 but not more than 24.1 percentage points	\$40,000,000, plus \$24,000,000 multiplied by the non-attainment percentage in excess of 5 but not in excess of 24.1 percentage points
More than 24.1 percentage points	\$500,000,000

1 (4) MANUFACTURER'S SHARE OF YOUTH INCI-
2 DENCE.—For purposes of this subsection, the term
3 “manufacturer's share of youth incidence” means—

4 (A) for cigarettes, the percentage of all
5 youth smokers determined to have used that
6 manufacturer's cigarettes; and

7 (B) for smokeless tobacco products, the
8 percentage of all youth users of smokeless to-
9 bacco products determined to have used that
10 manufacturer's smokeless tobacco products.

11 (5) DE MINIMIS LEVELS.—If a manufacturer is
12 a new manufacturer or the manufacturer's baseline
13 level for a type of tobacco product is less than the
14 de minimis level, the non-attainment percentage (for
15 purposes of paragraph (2) or (3)) shall be equal to
16 the number of percentage points by which the per-
17 centage of children who used the manufacturer's to-
18 bacco products of the applicable type exceeds the de
19 minimis level.

20 (d) SURCHARGES TO BE ADJUSTED FOR INFLA-
21 TION.—

22 (1) IN GENERAL.—Beginning with the fourth
23 calendar year after the date of enactment of this
24 Act, each dollar amount in the tables in subsections

1 (b)(2), (b)(3), (c)(2), and (c)(3) shall be increased
2 by the inflation adjustment.

3 (2) INFLATION ADJUSTMENT.—For purposes of
4 paragraph (1), the inflation adjustment for any cal-
5 endar year is the percentage (if any) by which—

6 (A) the CPI for the preceding calendar
7 year; exceeds

8 (B) the CPI for the calendar year 1998.

9 (3) CPI.—For purposes of paragraph (2), the
10 CPI for any calendar year is the average of the
11 Consumer Price Index for all-urban consumers pub-
12 lished by the Department of Labor.

13 (4) ROUNDING.—If any increase determined
14 under paragraph (1) is not a multiple of \$1,000, the
15 increase shall be rounded to the nearest multiple of
16 \$1,000.

17 (e) METHOD OF SURCHARGE ASSESSMENT.—The
18 Secretary shall assess a surcharge for a specific calendar
19 year on or before May 1 of the subsequent calendar year.
20 Surcharge payments shall be paid on or before July 1 of
21 the year in which they are assessed. The Secretary may
22 establish, by regulation, interest at a rate up to 3 times
23 the prevailing prime rate at the time the surcharge is as-
24 sessed, and additional charges in an amount up to 3 times
25 the surcharge, for late payment of the surcharge.

1 (f) BUSINESS EXPENSE DEDUCTION.—In order to
2 maximize the financial deterrent effect of the assessments
3 and surcharges established in this section, any such pay-
4 ment shall not be deductible as an ordinary and necessary
5 business expense or otherwise under the Internal Revenue
6 Code of 1986.

7 (g) APPEAL RIGHTS.—The amount of any surcharge
8 is committed to the sound discretion of the Secretary and
9 shall be subject to judicial review by the United States
10 Court of Appeals for the District of Columbia Circuit,
11 based on the arbitrary and capricious standard of section
12 706(2)(A) of title 5, United States Code. Notwithstanding
13 any other provisions of law, no court shall have authority
14 to stay any surcharge payments due the Secretary under
15 this Act pending judicial review.

16 (h) RESPONSIBILITY FOR AGENTS.—In any action
17 brought under this subsection, a tobacco product manufac-
18 turer shall be held responsible for any act or omission of
19 its attorneys, advertising agencies, or other agents that
20 contributed to that manufacturer's responsibility for the
21 surcharge assessed under this section.

22 **SEC. 206. DEFINITIONS.**

23 In this subtitle:

1 (1) CHILDREN.—The term “children” means
2 individuals who are 12 years of age or older and
3 under the age of 18.

4 (2) CIGARETTE MANUFACTURERS.—The term
5 “cigarette manufacturers” means manufacturers of
6 cigarettes sold in the United States.

7 (3) EXISTING MANUFACTURER.—The term “ex-
8 isting manufacturer” means a manufacturer which
9 manufactured a tobacco product on or before the
10 date of the enactment of this title.

11 (4) NEW MANUFACTURER.—The term “new
12 manufacturer” means a manufacturer which begins
13 to manufacture a type of tobacco product after the
14 date of the enactment of this title.

15 (5) NON-ATTAINMENT PERCENTAGE.—The
16 term “non-attainment percentage” means the num-
17 ber of percentage points yielded—

18 (A) for a calendar year in which the per-
19 cent incidence of underage use of the applicable
20 type of tobacco product is less than the baseline
21 level, by subtracting—

22 (i) the percentage by which the per-
23 cent incidence of underage use of the ap-
24 plicable type of tobacco product in that
25 year is less than the baseline level, from

1 (ii) the required percentage reduction
2 applicable in that year; and

3 (B) for a calendar year in which the per-
4 cent incidence of underage use of the applicable
5 type of tobacco product is greater than the
6 baseline level, adding—

7 (i) the percentage by which the per-
8 cent incidence of underage use of the ap-
9 plicable type of tobacco product in that
10 year is greater than the baseline level; and

11 (ii) the required percentage reduction
12 applicable in that year.

13 (6) SMOKELESS TOBACCO PRODUCT MANUFAC-
14 TURERS.—The term “smokeless tobacco product
15 manufacturers” means manufacturers of smokeless
16 tobacco products sold in the United States.

DURBIN 3

S.L.C. 12:42 p.m.
Dillon

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify the definition of tobacco products for purposes of tobacco use prevention and cessation initiatives.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To r **AMENDMENT N^o 2523** tobacco
 tributed,
 By Durbin nors, to
 Bill/Res. No. ise, and

 Refe **Page(s)** _____

GPO: 1996 Z5-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DURBIN

Viz:

- 1 In the amendment made by section 221, insert after
- 2 the part heading the following:
- 3 "SEC. 1980. DEFINITION.
- 4 "In this part and part E, the term 'tobacco product'
- 5 has the meaning given such term in section 201(kk) of
- 6 the Federal Food, Drug and Cosmetic Act, and shall in-
- 7 clude cigars, smokeless tobacco, and cigarettes.

DURBIN 4

S.L.C.

12:42 p.m.
Rick Rubin

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ^{clarify the application} to the legislative branch of the Federal Government ^{of} certain requirements of the National Tobacco Policy and Youth Smoking Reduction Act.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To ref AMENDMENT N^o 2524 tobacco
pr buted,
to By Durbin rs, to
re Bill/Res. No. e, and
fo

Referr^e 5 Page(s)

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by
Durbin

Viz:

- 1 At the appropriate place, insert the following:
- 2 SEC. __. CONGRESSIONAL ACCOUNTABILITY.
- 3 (a) APPLICATION OF LAWS.—Section 102 of the Con-
- 4 gressional Accountability Act of 1995 (2 U.S.C. 1302) is
- 5 amended by adding at the end the following:
- 6 “(12) Section 502 of the National Tobacco Pol-
- 7 icy and Youth Smoking Reduction Act.”.

1 (b) PROCEDURES.—Title II of the Congressional Ac-
2 countability Act of 1995 (2 U.S.C. 1311 et seq.) is amend-
3 ed—

4 (1) by redesignating parts E and F as parts F
5 and G, respectively; and

6 (2) by inserting after part D the following:

7 **“PART E—TOBACCO SMOKE EXPOSURE**
8 **REDUCTION REQUIREMENTS**

9 **“SEC. 222. RIGHTS AND PROTECTIONS UNDER THE NA-**
10 **TIONAL TOBACCO POLICY AND YOUTH SMOK-**
11 **ING REDUCTION ACT.**

12 **“(a) REDUCTION OF EXPOSURE.—**

13 **“(1) RIGHTS AND PROTECTIONS.—**Each re-
14 sponsible entity shall comply with section 502 of the
15 National Tobacco Policy and Youth Smoking Reduc-
16 tion Act.

17 **“(2) DEFINITION.—**For the purpose of this sec-
18 tion and the application of such section 502 under
19 this section—

20 **“(A) the term ‘public facility’ means a**
21 building owned by or leased to an entity of the
22 legislative branch of the Federal Government,
23 that is not a building or portion excluded under
24 section 501(2)(B) of the National Tobacco Pol-
25 icy and Youth Smoking Reduction Act; and

1 “(B) the term ‘responsible entity’ means
2 an employing office, the General Accounting Of-
3 fice, the Government Printing Office, the Li-
4 brary of Congress, and any other entity of the
5 legislative branch.

6 “(b) REMEDY.—The remedy for a violation of sub-
7 section (a) shall be such order enjoining the violation or
8 such civil penalty as would be appropriate if issued under
9 subsection (b) or (e) of section 503 of the National To-
10 bacco Policy and Youth Smoking Reduction Act.

11 “(c) PROCEDURES.—

12 “(1) HEARINGS AND REVIEW.—After providing
13 notice as described in section 503(c) of the National
14 Tobacco Policy and Youth Smoking Reduction Act,
15 an aggrieved person may file a complaint alleging a
16 violation of subsection (a) with the Office against
17 the responsible entity. The complaint shall be sub-
18 mitted to a hearing officer for decision pursuant to
19 subsection (b) through (h) of section 405, subject to
20 review by the Board pursuant to section 406.

21 “(2) JUDICIAL REVIEW.—A party aggrieved by
22 a final decision of the Board under paragraph (1)
23 may file a petition for review with the United States
24 Court of Appeals for the Federal Circuit pursuant to
25 section 407.

1 “(d) REGULATIONS TO IMPLEMENT SECTION.—

2 “(1) IN GENERAL.—The Board shall, pursuant
3 to section 304, issue regulations to implement this
4 section.

5 “(2) AGENCY REGULATIONS.—The regulations
6 issued under paragraph (1) shall be the same as
7 substantive regulations promulgated by the Sec-
8 retary of Labor to implement the statutory provi-
9 sions referred to in subsection (a) except to the ex-
10 tent that the Board may determine, for good cause
11 shown and stated together with the regulation, that
12 a modification of such regulations would be more ef-
13 fective for the implementation of the rights and pro-
14 tections under this section.

15 “(3) OFFICE RESPONSIBLE FOR CORREC-
16 TION.—The regulations issued under paragraph (1)
17 shall include a method of identifying, for purposes of
18 this section and for different categories of violations
19 of subsection (a), the office responsible for correc-
20 tion of a particular violation.

21 “(e) EFFECTIVE DATE.—Subsections (a) through (c)
22 shall be effective on January 1, 1999.”.

23 (c) CONFORMING AMENDMENTS.—

24 (1) The table of contents of the Congressional
25 Accountability Act of 1995 is amended by striking

1 the items relating to parts E and F of title II of
2 such Act and inserting the following:

PART E—TOBACCO SMOKE EXPOSURE REDUCTION REQUIREMENTS

Sec. 222. Rights and protections under the National Tobacco Policy and Youth Smoking Reduction Act.

PART F—GENERAL

Sec. 225. Generally applicable remedies and limitations.

PART G—STUDY

Sec. 230. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.

3 (2) Section 407(a)(1)(C) of the Congressional
4 Accountability Act of 1995 (2 U.S.C. 1407(a)(1)(C))
5 is amended by inserting before the comma the fol-
6 lowing: “, or a party aggrieved by a final decision
7 of the Board under section 222(c)”.

8 (3) Section 414 of such Act (2 U.S.C. 1414) is
9 amended by inserting “222,” after “220,”.

10 (4) Section 415(c) of such Act (2 U.S.C.
11 1415(c)) is amended—

12 (A) in the subsection heading, by striking
13 “AND ACCESS” and inserting “ACCESS, AND
14 TOBACCO SMOKE EXPOSURE REDUCTION”; and

15 (B) by striking “or 215” and inserting
16 “215, or 222”.

Hatch 1

S.L.C.

B. 12:51 p.m.
Watt

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify provisions relating to the banning of a class of products or the elimination of nicotine.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To re **AMENDMENT N^o 2535** tobacco
p istributed,
t By Hatch ors, to
r Bill/Res. No. _____ e, and
ft _____

Referi 2
Page(s)

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT _____ intended to be proposed by _____

Viz:

1 On page 58, strike lines 8 through 23, and insert the

2 following:

3 “(3) PROCEDURE FOR GENERAL PROHIBITION
4 OF TOBACCO PRODUCTS AND ELIMINATION OF NICO-
5 TINE.—

6 “(A) NONDELEGATION.—The Secretary
7 may not delegate the authority provided under
8 this section to promulgate a regulation that re-
9 sults in a general prohibition of cigarettes or

1 smokeless tobacco or the reduction of nicotine
2 yields of a tobacco product to zero.

3 “(B) CONGRESSIONAL REVIEW.—In ac-
4 cordance with section 801 of title 5, United
5 States Code, Congress shall review, and may
6 disapprove, any rule of the Secretary establish-
7 ing, amending, or revoking a tobacco product
8 health risk reduction standard, except that with
9 respect to a standard that results in a general
10 prohibition of cigarettes or smokeless tobacco or
11 the reduction of nicotine yields of a tobacco
12 product to zero, such standard shall only take
13 effect following the date of enactment of a joint
14 resolution of approval of such standard. The
15 provisions of section 802 of title 5, United
16 States Code, relating to certain disapproval res-
17 olutions shall apply to the consideration of any
18 joint resolution of approval under this sub-
19 section.

Hatch 2

S.L.C.

12:51 p.m.
Dartch

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify provisions relating to the rule of the Food and Drug Administration.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To re AMENDMENT N^o 2536 tobacco
F ibuted,
t By Hatch ors, to
r Bill/Res. No. e, and
f

Refer 2 Page(s)

GPO: 1996 25-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 28, between lines 2 and 3, insert the follow-
- 2 ing:
- 3 “(d) APPLICATION OF FDA RULE.—The provisions
- 4 of the final regulations promulgated by the Secretary in
- 5 the rule dated August 28, 1996 (61 Fed. Reg. 44615-18)
- 6 shall be given effect as follows:
- 7 “(1)(A) The regulations codified in sections
- 8 897.1, 897.2, 897.3, 897.10, 897.12, 897.14, and
- 9 897.16(b) through (d) of title 21, Code of Federal

1 Regulations, shall be deemed to have been promul-
2 gated by the Secretary pursuant to chapter IX of
3 the Federal Food, Drug and Cosmetic Act (as added
4 by section 103 of this Act).

5 “(B) The Secretary shall promulgate a regula-
6 tion under section 701(a) of the Federal Food, Drug
7 and Cosmetic Act to—

8 “(i) transfer the regulations referred to in
9 subparagraph (A) to the appropriate part of the
10 Code of Federal Regulations; and

11 “(ii) make such other amendments to such
12 regulations if the Secretary determines that
13 such amendments are necessary to conform
14 such regulations to the provisions of this Act.

15 “(2) Any portion or provision of the final regu-
16 lations not specifically referred to in paragraph (1)
17 shall be considered null and void.

Hatch 3

S.L.C. *12:51 p.m.*
Hatch

AMENDMENT NO. _____ Calendar No. _____

Purpose: To strike provisions relating to premarket review of tobacco products.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To r **AMENDMENT N^o 2537** tobacco
ributed,
By *Hatch* ions, to
Bill/Res. No se, and

Refer 1
Page(s) _____

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 Beginning on page 67, strike line 4 and all that fol-
- 2 lows through line 6 on page 79.

Hatch

S.L.C. *12:51 p.m.*
White

AMENDMENT NO. _____ Calendar No. _____

Purpose: To strike provisions relating to substantially equivalent products.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To ref **AMENDMENT N^o 2538** tobacco
pr outed,
to By *Hatch* rs, to
re Bill/Res. No. _____, and
fo _____

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Page(s)

GPO: 1996 25-291 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 Beginning on page 42, strike line 10 and all that fol-
- 2 lows through line 20 on page 43.

HATCH #5

S.L.C. *12:51 p.m.*
Hatch

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify provisions relating to performance standards for tobacco products.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To **AMENDMENT N^o 2539** tobacco
 By *Hatch* tributed,
 Bill/Res. No. _____ inors, to
 _____ use, and

 Ref: *4*

 Page(s) _____

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed
AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 On page 52, strike lines 3 through 16, and insert the
- 2 following:
- 3 “(a) PERFORMANCE STANDARDS.—
- 4 “(1) ADOPTION.—
- 5 “(A) IN GENERAL.—Within 24 months
- 6 after the date of enactment of this chapter, the
- 7 Secretary, in accordance with the regulatory
- 8 policies and principles set forth in Executive
- 9 Order No. 12866 (including the policies and

1 principles set forth in the January 11, 1996 Of-
2 fice of Management and Budget guidance docu-
3 ment entitled, 'Economic Analysis of Federal
4 Regulations Under Executive Order 12866'),
5 shall adopt performance standards for tobacco
6 products that maximize the net benefits to the
7 public health.

8 "(B) OBJECTIVE.—Performance standards
9 under subparagraph (A) shall have as their
10 major objective reducing the overall health risks
11 to the public. Such performance standards shall
12 take into account—

13 "(i) the increased or decreased likeli-
14 hood that existing consumers of tobacco
15 products will stop using such products;

16 "(ii) the increased or decreased risk of
17 likelihood that existing users of tobacco
18 products will reduce their use of such prod-
19 ucts; and

20 "(iii) the increased or decreased likeli-
21 hood that those who do not use tobacco
22 products will start using such products.

23 "(C) CONSIDERATIONS.—In establishing
24 performance standards under subparagraph
25 (A), the Secretary shall identify, make available

1 for public comment, and consider relevant fac-
2 tors including the following:

3 “(i) Whether the proposed standard
4 will result in a reduction in the health
5 risks associated with the use of the tobacco
6 product, constituent, or component.

7 “(ii) Whether the proposed standards
8 will result in a significant increase in the
9 number of individuals seeking tobacco
10 product cessation or withdrawal treat-
11 ments, including an assessment of the ef-
12 fectiveness, availability, and accessibility of
13 such treatments.

14 “(iii) Whether the proposed standard
15 will result in any possible countervailing ef-
16 fects on the health of adolescent tobacco
17 users, adult tobacco users, or nontobacco
18 users, such as the creation of a significant
19 demand for, and supply of, contraband to-
20 bacco products specifically including in-
21 creased consumption of tobacco products
22 that do not meet the requirements of this
23 chapter.

1 “(iv) Whether the proposed standard
2 is technologically feasible for commercial
3 manufacturing.

4 “(v) Whether the proposed standard
5 is likely to be accepted by and affordable
6 to adult consumers of tobacco products.

7 Nothing in this subparagraph shall be con-
8 strued as requiring the Secretary to make a
9 finding on each of the individual considerations
10 described in this subparagraph. The issuance of
11 performance standards requires the balancing
12 of many considerations and other factors and
13 performance standards shall not be invalidated
14 solely on the basis of the Secretary’s evaluation
15 of any of the individual considerations described
16 in this subparagraph.

17 “(2) TECHNICAL PROVISION.—In implementing
18 this Act, any reference to ‘appropriate for the pro-
19 tection of public health’ in this section, and sections
20 906(d)(1) and 910, shall be deemed to be a ref-
21 erence to ‘maximize the net benefits to the public
22 health’.

HUTCH 1

S.L.C. 1:00 p.m.
Kay Bailey Hutchison

AMENDMENT NO. _____ Calendar No. _____

Purpose: To maintain State funding for those States that have separate settlements with tobacco product manufacturers.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To rel AMENDMENT N^o 2558 tobacco
p) buted,
tc By Hutchison rs, to
re Bill/Res. No. _____, and
fc _____

Referr _____
2
Page(s) _____

GPO: 1996 25-691 (misc)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. HUTCHISON
(for herself and MR. MACK)

Viz:

- 1 On page 210, between lines 18 and 19, insert the fol-
- 2 lowing:
- 3 SEC. 456. NO REDUCTION OF STATE FUNDS.
- 4 Notwithstanding any other provision of this Act, pay-
- 5 ments under this Act to a State that, as of the date of
- 6 enactment of this Act, has resolved tobacco-related civil
- 7 actions through settlement or court judgment with tobacco
- 8 product manufacturers, shall not be less than the State

1 would have otherwise received under the State settlement
2 or judgment.

HUTCH 2

S.L.C.

1:00 p.m.

Kay Bailey Hutchison

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a State opt-in with respect to receipt of funds under this Act.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To r **AMENDMENT N^o 2559** tobacco
 By Hutchison ributed,
 Bill/Res. No. _____ ions, to
 _____ se, and

 Refer 2
 Page(s) _____

GPO: 1996 25-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. HUTCHISON (for herself and Mr. Mark)

Viz:

- 1 On page 210, between lines 18 and 19, insert the fol-
- 2 lowing:
- 3 SEC. 456. STATE OPT-IN.
- 4 (a) IN GENERAL.—A State that, as of the date of
- 5 enactment of this Act, has resolved tobacco-related civil
- 6 actions through settlement or court judgment with tobacco
- 7 product manufacturers, shall not be eligible to receive
- 8 funds under section 452 unless the State provides notice
- 9 in writing to the Secretary affirmatively electing to receive

1 such funds and comply with the requirements of such sec-
2 tion.

Hutch # 3

S.L.C. 1:00 p.m.
Key Bailey Hutchison

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that funds received by States under State settlements with tobacco product manufacturers are not considered as reimbursements for medicaid expenditures or medicaid overpayments.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer AMENDMENT N^o 2560 tobacco
pro uted,
to By Hutchison s, to
rec and
for Bill/Res. No. _____

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Page(s) _____

GPO: 1996 25-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. HUTCHISON
(for herself and _____)

Viz:

- 1 On page 210, between lines 18 and 19, insert the fol-
- 2 lowing:
- 3 SEC. 456. STATE SETTLEMENTS.
- 4 (a) IN GENERAL.—Notwithstanding any other provi-
- 5 sion of law, or of this Act, amounts received by a State
- 6 as a result of the resolution by such State of tobacco-relat-
- 7 ed civil actions through settlement or court judgment with

1 tobacco product manufacturers shall not be available to
2 the Secretary as reimbursement of Medicaid expenditures
3 or considered as Medicaid overpayments for purposes of
4 recoupment.

5 (b) USE OF FUNDS.—Amounts received by a State
6 under a settlement described in subsection (a) may be
7 used in any manner that the State determines appropriate,
8 consistent with State law.

HUTC # 4

S.L.C.

1:00 p.m.

Kay Bailey Hutchison

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require that a determination of attorneys fees by an arbitration panel under this Act offset any potential State liability for attorneys fees.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To r **AMENDMENT N^o 2561** tobacco
 By Hutchison ributed,
 Bill/Res. No. _____ iors, to
 _____ se, and

 Refer **2 Page(s)** _____

GPO: 1996 25-691 (rnc)

Ordered to lie on the table and to be printed .

AMENDMENT intended to be proposed by Mrs. HUTCHISON (for herself and _____)

Viz:

- 1 On page 442, between lines 4 and 5, insert the follow-
- 2 ing:
- 3 (d) OFFSET OF STATE LIABILITY FOR FEES.—In the
- 4 case of a State that has pursued an independent civil ac-
- 5 tion against tobacco product manufacturers, and that may
- 6 be liable for attorneys fees, the total amount of any deter-
- 7 mination of attorneys fees to be paid by such manufactur-
- 8 ers through arbitration under this section shall be applied

- 1 as a dollar-for-dollar offset against any potential State li-
- 2 ability for attorneys fees.

INOUE 1

1 TITLE XII--ASBESTOS-RELATED
2 TOBACCO CLAIMS

3 ~~SEC. 1201. NATIONAL TOBACCO TRUST FUNDS AVAILABLE~~
4 ~~UNDER FUTURE LEGISLATION.~~

5 If the Congress enacts ~~qualifying~~ legislation after the
6 ~~date of enactment of this Act~~ to provide for the payment
7 of asbestos claims, then amounts in the National Tobacco
8 Trust Fund established by title IV of this Act ~~set aside~~
9 ~~for public health expenditures shall~~ be available, as pro-
10 vided by appropriation Acts, to make those payments. ~~For~~
11 ~~purposes of this section, the term "qualifying legislation"~~
12 ~~means a public law that amends this Act and changes the~~
13 ~~suballocations of funds set aside for public health expendi-~~
14 ~~tures under title IV of this Act to provide for the payment~~
15 ~~of those claims.~~

unobligated

may

made



FACSIMILE

OFFICE OF SENATOR DANIEL K. INOUE

TO: John Raidt

FROM: Christy Alston PHONE: 4-6047

NUMBER OF PAGES FOLLOWING THIS PAGE: 2

DATE: 6/5 TIME: 3:15

COMMENTS: Here's a copy of the text Senator

Inouye would like included in
the technical amendment to S.1415
as a substitute for the current
Title III. He feels that this
language is more in line with
what Senator McCain promised
him. I have included a marked
up copy of the current of the current
Title III for your reference. As I
mentioned, Senator Inouye filed this text
as amendment today in the event that
it is not accepted. Senator Stevens also
supports this language. If you have any
Thanks!

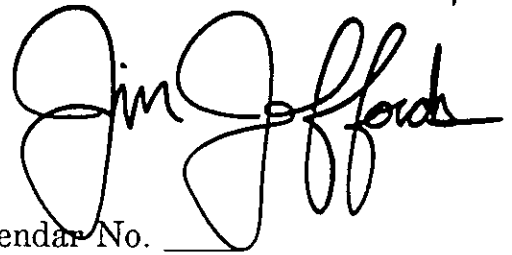
TITLE XII-TOBACCO-RELATED ASBESTOS CLAIMS

If the Congress enacts legislation to provide for the payment of asbestos claims, then unobligated amounts in the National Tobacco Trust Fund established by title IV of this Act may be made available, as provided by appropriation Acts, to make those payments.

1

S.L.C.

1:04 p.m.



AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide funding for the Agency for Health Care Policy and Research.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To ref pr to re fo:	AMENDMENT N^o 2567	tobacco outed, rs, to , and
	By <u>Jeffords</u>	
	Bill/Res. No. _____	

2

Referre **Page(s)** _____

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 On page 198, strike lines 3 through 10 and insert

2 the following: "added by this Act, authorized under sec-

3 tions 2803 of that Act, as so added. Of the total amounts

4 allocated to this account, not less than 12 percent, but

5 not more than 18 percent shall be used for this purpose.

6 (D) Agency for Health Care Policy and

7 Research under section 1991E of the Public

8 Health Service Act, as added by this Act. Of

9 the total amounts allocated to this account, not

1 less than 1 percent, but not more than 3 per-
2 cent shall be used for this purpose.”.

JEFFORDS
2

James M. Jeffords 12:55 p.m.

AMENDMENT NO. _____

Calendar No. _____

Purpose: To make certain technical corrections concerning the research activities of the National Institutes of Health.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To ref **AMENDMENT N^o 2542** tobacco
 pr **By *Jeffords*** buted,
 to **Bill/Res. No.** rs, to
 re **_____** ; and
 fo **_____**

2

Page(s)

Refer

GPO: 1996 25-051 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. JEFFORDS (for himself, Mr. BINGAMAN ~~_____~~)

Viz:

- 1 On page 159, line 8, strike "such sums as may be
- 2 necessary" and all that follows through line 11, and insert
- 3 "not less than 5 percent of such funds in fiscal year 1999,
- 4 10 percent of such funds in fiscal year 2000, 15 percent
- 5 of such funds in fiscal year 2001, and 20 percent of such
- 6 funds in fiscal year 2002 and each subsequent fiscal year,
- 7 shall be used to expand existing support for epidemiolog-
- 8 ical, behavioral, psychopharmacological, psychobiological,

1 psychophysiological, health services and social science re-
2 search related to the prevention and treatment of tobacco
3 addiction. Research described in this paragraph shall in-
4 clude research on the effect of nicotine on the brain and
5 behavior.”.

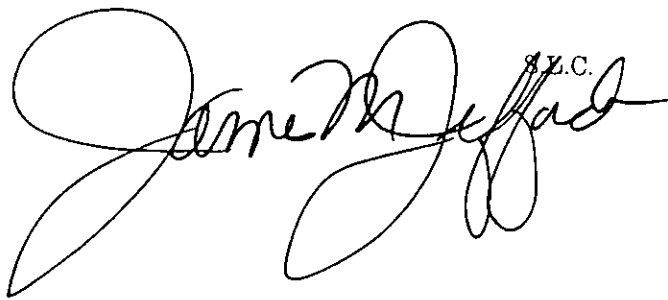
6 On page 159, line 13, strike “may” and insert
7. “shall”.

8 On page 160, line 18, strike “may” and insert
9 “shall”.

10 On page 161, between lines 15 and 16, insert the fol-
11 lowing:

12 “(h) RESEARCH AND COLLABORATION.—The Direc-
13 tor may conduct and support neurobiological, biomedical,
14 biochemical, or other biological research related to tobacco
15 addiction, and shall encourage collaboration between such
16 research and research conducted under subsection (c), ex-
17 cept that research described in this subsection shall not
18 be included in determining whether the requirement of
19 subsection (c) has been satisfied with respect to a fiscal
20 year.”.

JEFFORDS
3



S.L.C.

12:55p.m

AMENDMENT NO. _____

Calendar No. _____

Purpose: To preserve Congressional oversight over activities funded through the Public Health Allocation Account.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To re	AMENDMENT N ^o	2543	tobacco
f			ibuted;
t	By <u>Jeffords</u>		ors, to
r	Bill/Res. No. _____		ie, and
f			

Refer	<u>3</u>	Page(s)
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GPO: 1996 25-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT _____ intended to be proposed by _____

Viz:

- 1 On page 194, line 8, add after the period the follow-
- 2 ing: "Each agency authorized to receive funds under this
- 3 subsection shall consult with the committees of the House
- 4 of Representatives and the Senate with jurisdiction over
- 5 each such agency to establish, consistent with the Govern-
- 6 ment Performance and Responsibility Act of 1993—
- 7 "(A) goals and performance measures for
- 8 activities under this Act within the jurisdiction
- 9 of each such agency; and

1 “(B) annual financial accountings of the
2 allocation and expenditure of funds appro-
3 priated to each such agency as authorized
4 under this subsection.”.

5 On page 194, line 10, add after “be” the following:
6 “authorized to be appropriated for each of the fiscal years
7 1999 through 2008, and such authorization shall expire
8 after such period. Such amounts shall be”.

9 On page 197, line 8, add after the period the follow-
10 ing: “Each agency authorized to receive funds under this
11 subsection shall consult with the committees of the House
12 of Representatives and the Senate with jurisdiction over
13 each such agency to establish, consistent with the Govern-
14 ment Performance and Responsibility Act of 1993—

15 “(A) goals and performance measures for
16 activities under this Act within the jurisdiction
17 of each such agency; and

18 “(B) annual financial accountings of the
19 allocation and expenditure of funds appro-
20 priated to each such agency as authorized
21 under this subsection.”.

1 On page 197, line 11, add after "be" the following:
2 "authorized to be appropriated for each of the fiscal years
3 1999 through 2008, and such authorization shall expire
4 after such period. Such amounts shall be".

Kennedy 1

12:27pm

Edward M. Kennedy

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that industry payments are not tax deductible.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform	AMENDMENT N^o	2506	acco
prod	By <i>Kennedy</i>	_____	ted,
to p	Bill/Res. No.	_____	to
redr	_____	_____	and
for c	_____	_____	

Referred

2
Page(s)

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed
AMENDMENT intended to be proposed by Mr. KENNEDY
Viz:

- 1 Strike section 405, and insert the following:
- 2 **SEC. 405. TAX TREATMENT OF PAYMENTS.**
- 3 (a) IN GENERAL.—Payments made under section
- 4 402 shall not be considered to be ordinary and necessary
- 5 business expenses for purposes of chapter 1 of the Internal
- 6 Revenue Code of 1986 and shall not be deductible under
- 7 the Internal Revenue Code of 1986.
- 8 (b) FULL PAYMENT BY MANUFACTURERS.—

1 (1) DETERMINATION.—For each calendar year,
2 the Secretary of the Treasury shall determine wheth-
3 er and by what amount—

4 (A) the amount paid to the Internal Reve-
5 nue Service for such calendar year by manufac-
6 turers of tobacco products; exceeds

7 (B) the amount that would have been paid
8 by such manufactures for such calendar year in
9 absence of the application of subsection (a).

10 (2) TRANSFER.—With respect to a calendar
11 year, the Secretary of the Treasury shall transfer to
12 the National Tobacco Trust Fund an amount equal
13 to the excess determined for such calendar year
14 under paragraph (1).

Kennedy 2

S.L.C. *12:27 p.m.*

Edward M. Kennedy

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that industry payments are not tax deductible.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer	AMENDMENT N^o	2507	acco
proc			ted,
to p	By <i>Kennedy</i>		, to
redr	Bill/Res. No		and
for			

Referred	<i>2</i>	Page(s)
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GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed
AMENDMENT intended to be proposed by Mr. KENNEDY

Viz:

- 1 Strike section 405, and insert the following:
- 2 **SEC. 405. TAX TREATMENT OF PAYMENTS.**
- 3 (a) IN GENERAL.—Payments made under section
- 4 402 shall not be considered to be ordinary and necessary
- 5 business expenses for purposes of chapter 1 of the Internal
- 6 Revenue Code of 1986 and shall not be deductible under
- 7 the Internal Revenue Code of 1986.
- 8 (b) FULL PAYMENT BY MANUFACTURERS.—

1 (1) DETERMINATION.—For each calendar year,
2 the Secretary of the Treasury shall determine wheth-
3 er and by what amount—

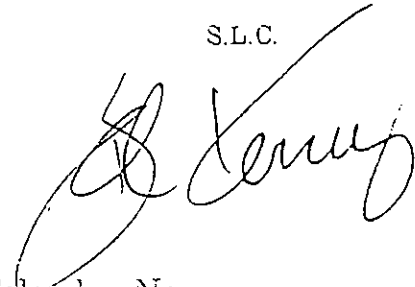
4 (A) the amount paid to the Internal Reve-
5 nue Service for such calendar year by manufac-
6 turers of tobacco products; exceeds

7 (B) the amount that would have been paid
8 by such manufactures for such calendar year in
9 absence of the application of subsection (a).

10 (2) TRANSFER.—With respect to a calendar
11 year, the Secretary of the Treasury shall transfer to
12 the National Tobacco Trust Fund an amount equal
13 to the excess determined for such calendar year
14 under paragraph (1).

KERREY
1

No



AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide that only funds deposited in the National Tobacco Trust Fund may be used to fund the programs and activities authorized under the bill.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KERREY

Viz:

- 1 At the end of subtitle C of title XI add the following:
- 2 SEC. ____ LIMITATION ON FUNDING OF PROGRAMS AND
- 3 ACTIVITIES.
- 4 Notwithstanding any other provision of law, only
- 5 amounts deposited into the National Tobacco Trust Fund
- 6 may used to fund the programs and activities authorized
- 7 under this Act.

KERREY 2

S.L.C.

AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide that States shall use a portion of their restricted settlement funds to support community-based activities of tobacco scholars.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KERREY

Viz:

1 Section 1991D of the Public Health Service Act, as
2 added by section 221, is amended by inserting after sub-
3 section (g) the following:

4 “(i) COMMUNITY-BASED ACTIVITIES OF TOBACCO
5 SCHOLARS.—

6 “(1) IN GENERAL.—Of the sums made available
7 to the National Institutes of Health under this sec-
8 tion, the Director shall make available a portion of
9 such sums to support the community-based activities

1 of the tobacco scholars assigned to States in accord-
2 ance with paragraph (2).

3 “(2) TOBACCO SCHOLARS.—The Director of the
4 National Institutes of Health shall—

5 “(A) designate individuals to serve as to-
6 bacco scholars from among individuals who re-
7 ceive funding through the National Institutes of
8 Health for tobacco-related research; and

9 “(B) assign a tobacco scholar to each
10 State.

11 “(3) COMMUNITY-BASED ACTIVITIES.—For pur-
12 poses of paragraph (1), the term ‘community-based
13 activities’ includes—

14 “(A) public forums for sharing research by
15 tobacco scholars and other tobacco-related re-
16 search with the medical community within
17 States; and

18 “(B) dissemination of information to the
19 public on tobacco-related research and the
20 health-related implications of the conclusions of
21 such research through means such as public fo-
22 rums, public service announcements, advertise-
23 ments, and television broadcasts.

Kerrey 3

[Signature]

12:47p.m

AMENDMENT NO. _____

Calendar No. _____

Purpose: To modify the tobacco transition provisions of title XV.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

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AMENDMENT N^o

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Bill/Res. No. _____

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GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by (Mr. KERREY)

Viz:

1 Strike title XV and insert the following:

2 **TITLE XV—TOBACCO**

3 **TRANSITION**

4 **SEC. 1501. DEFINITIONS.**

5 In this title:

6 (1) GOVERNOR.—The term "Governor" means
7 the chief executive officer of a State.

8 (2) LEASE.—The term "lease" means—

1 (A) the rental of quota on either a cash
2 rent or crop share basis;

3 (B) the rental of farmland to produce to-
4 bacco under a farm marketing quota; or

5 (C) the lease and transfer of quota for the
6 marketing of tobacco produced on the farm of
7 a lessor.

8 (3) OWNER.—The term “owner” means a per-
9 son that, on the date of enactment of this Act, owns
10 quota provided by the Secretary.

11 (4) PRODUCER.—The term “producer” means a
12 person that for each of the 1995 through 1997 crops
13 of tobacco (as determined by the Secretary) that
14 were subject to quota—

15 (A) leased quota or farmland;

16 (B) shared in the risk of producing a crop
17 of tobacco; and

18 (C) marketed the tobacco subject to quota.

19 (5) QUOTA.—The term “quota” means the
20 right to market tobacco under a basic marketing
21 quota or acreage allotment allotted to a person
22 under the Agricultural Adjustment Act of 1938 (7
23 U.S.C. 1281 et seq.).

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of Agriculture.

1 (7) STATE.—The term “State” means each of
2 the several States of the United States, the District
3 of Columbia, the Commonwealth of Puerto Rico, and
4 any other territory or possession of the United
5 States.

6 (8) TOBACCO.—The term “tobacco” means any
7 kind of tobacco for which—

8 (A) a marketing quota is in effect;

9 (B) a marketing quota is not disapproved
10 by producers; or

11 (C) price support is available.

12 **Subtitle A—Payments for Lost**
13 **Value of Tobacco Crops**

14 **SEC. 1511. PAYMENTS FOR LOST VALUE OF TOBACCO**
15 **CROPS.**

16 (a) IN GENERAL.—For each of fiscal years 1999
17 through 2005, the Secretary shall make payments for the
18 lost value of tobacco crops to owners and producers from
19 funds made available from the National Tobacco Trust
20 Fund established by section 401.

21 (b) AMOUNT.—

22 (1) OWNERS.—The amount of the payment
23 made to an owner for a fiscal year under this section
24 shall equal 30 percent of the value of the tobacco
25 produced under a tobacco farm marketing quota or

1 farm acreage allotment established owned by the
2 owner under the Agricultural Adjustment Act of
3 1938 (7 U.S.C. 1281 et seq.) for the 1997 crop
4 year.

5 (2) PRODUCERS.—The amount of the payment
6 made to a producer for a fiscal year under this sec-
7 tion shall equal 15 percent of the value of the to-
8 bacco produced by the producer under a tobacco
9 farm marketing quota or farm acreage allotment es-
10 tablished under the Agricultural Adjustment Act of
11 1938 (7 U.S.C. 1281 et seq.) for the 1997 crop
12 year.

13 **Subtitle B—Rural Economic**
14 **Assistance Block Grants**

15 **SEC. 1521. RURAL ECONOMIC ASSISTANCE BLOCK GRANTS.**

16 (a) IN GENERAL.—From funds made available from
17 the National Tobacco Trust Fund established by section
18 401, the Secretary shall use \$200,000,000 for each of fis-
19 cal years 1999 through 2003 to provide block grants to
20 tobacco-growing States to assist areas of such a State that
21 are economically dependent on the production of tobacco.

22 (b) PAYMENTS BY SECRETARY TO TOBACCO-GROW-
23 ING STATES.—

24 (1) IN GENERAL.—The Secretary shall use the
25 amount available for a fiscal year under subsection

1 (a) to make block grant payments to the Governors
2 of tobacco-growing States.

3 (2) AMOUNT.—The amount of a block grant
4 paid to a tobacco-growing State shall be based on,
5 as determined by the Secretary—

6 (A) the number of counties in the State in
7 which tobacco production is a significant part of
8 the county's economy; and

9 (B) the level of economic dependence of
10 the counties on tobacco production.

11 (c) GRANTS BY STATES TO ASSIST TOBACCO-GROW-
12 ING AREAS.—

13 (1) IN GENERAL.—A Governor of a tobacco-
14 growing State shall use the amount of the block
15 grant to the State under subsection (b) to make
16 grants to counties or other public or private entities
17 in the State to assist areas that are dependent on
18 the production of tobacco, as determined by the Gov-
19 ernor.

20 (2) AMOUNT.—The amount of a grant paid to
21 a county or other entity to assist an area shall be
22 based on—

23 (A) the ratio of gross tobacco sales receipts
24 in the area to the total farm income in the area;
25 and

1 (B) the ratio of all tobacco related receipts
2 in the area to the total income in the area.

3 (3) USE OF GRANTS.—A county or other entity
4 that receives a grant under this subsection may use
5 the grant in a manner determined appropriate by
6 the county or entity (with the approval of the State)
7 to assist producers and other persons that are eco-
8 nomically dependent on the production of tobacco,
9 including use for—

10 (A) on-farm diversification, alternatives to
11 the production of tobacco, and risk manage-
12 ment;

13 (B) off-farm activities such as education,
14 retraining, and development of non-tobacco re-
15 lated jobs; and

16 (C) assistance to tobacco warehouse own-
17 ers or operators.

18 (d) TERMINATION OF AUTHORITY.—The authority
19 provided by this section terminates September 30, 2003.

1 **Subtitle C—Tobacco Price Support**
2 **and Production Adjustment Pro-**
3 **grams**

4 **SEC. 1531. TERMINATION OF TOBACCO PRICE SUPPORT**
5 **PROGRAM.**

6 (a) **PARITY PRICE SUPPORT.**—Section 101 of the Ag-
7 ricultural Act of 1949 (7 U.S.C. 1441) is amended—

8 (1) in the first sentence of subsection (a), by
9 striking “tobacco (except as otherwise provided here-
10 in), corn,” and inserting “corn”;

11 (2) by striking subsections (e), (g), (h), and (i);

12 (3) in subsection (d)(3)—

13 (A) by striking “, except tobacco,”; and

14 (B) by striking “and no price support shall
15 be made available for any crop of tobacco for
16 which marketing quotas have been disapproved
17 by producers;”; and

18 (4) by redesignating subsections (d) and (e) as
19 subsections (e) and (d), respectively.

20 (b) **TERMINATION OF TOBACCO PRICE SUPPORT AND**
21 **NO NET COST PROVISIONS.**—Sections 106, 106A, and
22 106B of the Agricultural Act of 1949 (7 U.S.C. 1445,
23 1445-1, 1445-2) are repealed.

1 (c) DEFINITION OF BASIC AGRICULTURAL COMMOD-
2 ITY.—Section 408(c) of the Agricultural Act of 1949 (7
3 U.S.C. 1428(c)) is amended by striking “tobacco,”.

4 (d) REVIEW OF BURLEY TOBACCO IMPORTS.—Sec-
5 tion 3 of Public Law 98–59 (7 U.S.C. 625) is repealed.

6 (e) POWERS OF COMMODITY CREDIT CORPORA-
7 TION.—Section 5 of the Corporation Charter Act (15 U.S.C.
8 714e) is amended by inserting “(other than tobacco)”
9 after “agricultural commodities” each place it appears.

10 (f) TRANSITION PROVISIONS.—

11 (1) LIABILITY.—The amendments made by this
12 section shall not affect the liability of any person
13 under any provision of law as in effect before the ef-
14 fective date of this section.

15 (2) TOBACCO STOCKS AND LOANS.—The Sec-
16 retary shall issue regulations that require—

17 (A) the orderly disposition of tobacco
18 stocks; and

19 (B) the repayment of all tobacco price sup-
20 port loans by not later than 1 year after the ef-
21 fective date of this section.

22 (g) CROPS.—This section and the amendments made
23 by this section shall apply with respect to the 1999 and
24 subsequent crops of the kind of tobacco involved.

1 **SEC. 1532. TERMINATION OF TOBACCO PRODUCTION AD-**
2 **JUSTMENT PROGRAMS.**

3 (a) **DECLARATION OF POLICY.**—Section 2 of the Ag-
4 ricultural Adjustment Act of 1938 (7 U.S.C. 1282) is
5 amended by striking “tobacco,”.

6 (b) **DEFINITIONS.**—Section 301(b) of the Agricul-
7 tural Adjustment Act of 1938 (7 U.S.C. 1301(b)) is
8 amended—

9 (1) in paragraph (3)—

10 (A) by striking subparagraph (C); and

11 (B) by redesignating subparagraph (D) as
12 subparagraph (C);

13 (2) in paragraph (6)(A), by striking “tobacco,”;

14 (3) in paragraph (7), by striking the following:

15 “tobacco (flue-cured), July 1—June 30;

16 “tobacco (other than flue-cured), October
17 1–September 30;”;

18 (4) in paragraph (10)—

19 (A) by striking subparagraph (B); and

20 (B) by redesignating subparagraph (C) as
21 subparagraph (B);

22 (5) in paragraph (11)(B), by striking “and to-
23 bacco”;

24 (6) in paragraph (12), by striking “tobacco,”;

25 (7) in paragraph (14)—

1 (A) in subparagraph (A), by striking
2 “(A)”; and

3 (B) by striking subparagraphs (B), (C),
4 and (D);

5 (8) by striking paragraph (15);

6 (9) in paragraph (16)—

7 (A) by striking subparagraph (B); and

8 (B) by redesignating subparagraph (C) as
9 subparagraph (B); and

10 (10) by redesignating paragraphs (16) and (17)
11 as paragraphs (15) and (16), respectively.

12 (c) PARITY PAYMENTS.—Section 303 of the Agricul-
13 tural Adjustment Act of 1938 (7 U.S.C. 1303) is amended
14 in the first sentence by striking “rice, or tobacco,” and
15 inserting “or rice,”.

16 (d) MARKETING QUOTAS.—Part I of subtitle B of
17 title III of the Agricultural Adjustment Act of 1938 (7
18 U.S.C. 1311 et seq.) is repealed.

19 (e) ADMINISTRATIVE PROVISIONS.—Section 361 of
20 the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361)
21 is amended by striking “tobacco,”.

22 (f) ADJUSTMENT OF QUOTAS.—Section 371 of the
23 Agricultural Adjustment Act of 1938 (7 U.S.C. 1371) is
24 amended—

1 (1) in the first sentence of subsection (a), by
2 striking “peanuts, or tobacco” and inserting “or
3 peanuts”; and

4 (2) in the first sentence of subsection (b), by
5 striking “peanuts or tobacco” and inserting “or pea-
6 nuts”.

7 (g) REPORTS AND RECORDS.—Section 373 of the Ag-
8 ricultural Adjustment Act of 1938 (7 U.S.C. 1373) is
9 amended—

10 (1) by striking “peanuts, or tobacco” each place
11 it appears in subsections (a) and (b) and inserting
12 “or peanuts”; and

13 (2) in subsection (a)—

14 (A) in the first sentence, by striking “all
15 persons engaged in the business of redrying,
16 prizing, or stemming tobacco for producers,”;
17 and

18 (B) in the last sentence, by striking
19 “\$500;” and all that follows through the period
20 at the end of the sentence and inserting
21 “\$500.”.

22 (h) REGULATIONS.—Section 375(a) of the Agricul-
23 tural Adjustment Act of 1938 (7 U.S.C. 1375(a)) is
24 amended by striking “peanuts, or tobacco” and inserting
25 “or peanuts”.

1 (i) EMINENT DOMAIN.—Section 378 of the Agricul-
2 tural Adjustment Act of 1938 (7 U.S.C. 1378) is amend-
3 ed—

4 (1) in the first sentence of subsection (c), by
5 striking “cotton, tobacco, and peanuts” and insert-
6 ing “cotton and peanuts”; and

7 (2) by striking subsections (d), (e), and (f).

8 (j) BURLEY TOBACCO FARM RECONSTITUTION.—
9 Section 379 of the Agricultural Adjustment Act of 1938
10 (7 U.S.C. 1379) is amended—

11 (1) in subsection (a)—

12 (A) by striking “(a)”; and

13 (B) in paragraph (6), by striking “, but
14 this clause (6) shall not be applicable in the
15 case of burley tobacco”; and

16 (2) by striking subsections (b) and (c).

17 (k) ACREAGE-POUNDAGE QUOTAS.—Section 4 of the
18 Act entitled “An Act to amend the Agricultural Adjust-
19 ment Act of 1938, as amended, to provide for acreage-
20 poundage marketing quotas for tobacco, to amend the to-
21 bacco price support provisions of the Agricultural Act of
22 1949, as amended, and for other purposes”, approved
23 April 16, 1965 (Public Law 89-12; 7 U.S.C. 1314e note),
24 is repealed.

1 (l) BURLEY TOBACCO ACREAGE ALLOTMENTS.—The
2 Act entitled “An Act relating to burley tobacco farm acre-
3 age allotments under the Agricultural Adjustment Act of
4 1938, as amended”, approved July 12, 1952 (7 U.S.C.
5 1315), is repealed.

6 (m) TRANSFER OF ALLOTMENTS.—Section 703 of
7 the Food and Agriculture Act of 1965 (7 U.S.C. 1316)
8 is repealed.

9 (n) ADVANCE RECOURSE LOANS.—Section
10 13(a)(2)(B) of the Food Security Improvements Act of
11 1986 (7 U.S.C. 1433e-1(a)(2)(B)) is amended by striking
12 “tobacco and”.

13 (o) TOBACCO FIELD MEASUREMENT.—Section 1112
14 of the Omnibus Budget Reconciliation Act of 1987 (Public
15 Law 100-203) is amended by striking subsection (c).

16 (p) LIABILITY.—The amendments made by this sec-
17 tion shall not affect the liability of any person under any
18 provision of law as in effect before the effective date under
19 subsection (q).

20 (q) CROPS.—This section and the amendments made
21 by this section shall apply with respect to the 1999 and
22 subsequent crops of the kind of tobacco involved.

1 **Subtitle D—Miscellaneous**

2 **SEC. 1541. TOBACCO PRODUCERS MARKETING CORPORA-**
3 **TION.**

4 (a) **ESTABLISHMENT.**—There is established a cor-
5 poration to be known as the “Tobacco Producers Market-
6 ing Corporation”, which shall be a federally chartered in-
7 strumentality of the United States.

8 (b) **DUTIES.**—The Corporation negotiate with buyers
9 of tobacco produced in the United States on behalf of pro-
10 ducers of the tobacco that elect to be represented by the
11 Corporation (referred to in this section as “participating
12 producers”).

13 (c) **BOARD OF DIRECTORS.**—

14 (1) **IN GENERAL.**—The powers of the Corpora-
15 tion shall be vested in a Board of Directors.

16 (2) **MEMBERS.**—The Board of Directors shall
17 composed of members elected by participating pro-
18 ducers.

19 (3) **MEMBERSHIP QUALIFICATIONS.**—A member
20 of the Board shall not hold any Federal, State, or
21 local elected office or be a Federal officer or em-
22 ployee.

23 (4) **CHAIRPERSONS.**—The chairperson of the
24 Board shall be elected by members of the Board.

25 (5) **EXECUTIVE DIRECTOR.**—

1 (A) APPOINTMENT.—The Board shall ap-
2 point an Executive Director.

3 (B) DUTIES.—The Executive Director
4 shall be the chief executive officer of the Cor-
5 poration, with such power and authority as may
6 be conferred by the Board.

7 (C) COMPENSATION.—The Executive Di-
8 rector shall receive basic pay at the rate pro-
9 vided for level IV of the Executive Schedule
10 under section 5315 of title 5, United States
11 Code.

12 (6) OFFICERS.—The Board shall establish the
13 offices and appoint the officers of the Corporation,
14 including a Secretary, and define the duties of the
15 officers in a manner consistent with this section.

16 (7) MEETINGS.—

17 (A) IN GENERAL.—The Board shall meet
18 at least 3 times each fiscal year at the call of
19 a Chairperson or at the request of the Execu-
20 tive Director.

21 (B) LOCATION.—The location of a meeting
22 shall be subject to approval of the Executive Di-
23 rector.

24 (C) QUORUM.—A quorum of the Board
25 shall consist of a majority of the members.

1 (8) TERM; VACANCIES.—

2 (A) TERM.—The term of office of a mem-
3 ber of the Board elected under paragraph (2)
4 shall be 4 years.

5 (B) VACANCIES.—A vacancy on the Board
6 shall be filled in the same manner as the origi-
7 nal appointment was made.

8 (9) COMPENSATION.—

9 (A) IN GENERAL.—A member of the Board
10 shall receive, for each day (including travel
11 time) that the member is engaged in the per-
12 formance of the functions of the Board, com-
13 pensation at a rate not to exceed the daily
14 equivalent of the annual rate in effect for level
15 IV of the Executive Schedule under section
16 5315 of title 5, United States Code.

17 (B) EXPENSES.—A member of the Board
18 shall be reimbursed for travel, subsistence, and
19 other necessary expenses incurred by the mem-
20 ber in the performance of the duties of the
21 member.

22 (10) CONFLICT OF INTEREST; FINANCIAL DIS-
23 CLOSURE.—

24 (A) CONFLICT OF INTEREST.—Except as
25 provided in subparagraph (C), a member of the

1 Board shall not vote on any matter concerning
2 any application, contract, or claim, or other
3 particular matter pending before the Corpora-
4 tion, in which, to the knowledge of the member,
5 the member, spouse, or child of the member,
6 partner of the member, or organization in
7 which the member is serving as officer, director,
8 trustee, partner, or employee, or any person or
9 organization with which the member is nego-
10 tiating or has any arrangement concerning pro-
11 spective employment, has a financial interest.

12 (B) VIOLATIONS.—Violation of subpara-
13 graph (A) by a member of the Board shall be
14 cause for removal of the member, but shall not
15 impair or otherwise affect the validity of any
16 otherwise lawful action by the Corporation in
17 which the member participated.

18 (C) EXCEPTIONS.—

19 (i) IN GENERAL.—Except as provided
20 in clause (ii), the prohibitions contained in
21 subparagraph (A) shall not apply if—

22 (I) a member of the Board ad-
23 vises the Board of the nature of the
24 particular matter in which the mem-
25 ber proposes to participate, and if the

1 member makes a full disclosure of the
2 financial interest, prior to any partici-
3 pation; and

4 (II) the Board determines, by
5 majority vote, that the financial inter-
6 est is too remote or too inconsequen-
7 tial to affect the integrity of the mem-
8 ber's services to the Corporation in
9 that matter.

10 (ii) VOTE.—The member involved
11 shall not vote on the determination under
12 clause (i)(II).

13 (D) FINANCIAL DISCLOSURE.—A Board
14 member shall be subject to the financial disclo-
15 sure requirements of subchapter B of chapter
16 XVI of title 5, Code of Federal Regulations (or
17 any corresponding or similar regulation or rul-
18 ing), applicable to a special Government em-
19 ployee (as defined in section 202(a) of title 18,
20 United States Code).

21 (11) BYLAWS.—The Board shall adopt, and
22 may from time to time amend, any bylaw that is
23 necessary for the proper management and function-
24 ing of the Corporation.

1 (12) PERSONNEL.—The Corporation may select
2 and appoint officers, attorneys, employees, and
3 agents, who shall be vested with such powers and
4 duties as the Corporation may determine.

5 (d) GENERAL POWERS.—In addition to any other
6 powers granted to the Corporation under this section, the
7 Corporation—

8 (1) shall have succession in its corporate name;

9 (2) may adopt, alter, and rescind any bylaw and
10 adopt and alter a corporate seal, which shall be judi-
11 cially noticed;

12 (3) may enter into any agreement or contract
13 with a person or private or governmental agency;

14 (4) may lease, purchase, accept a gift or dona-
15 tion of, or otherwise acquire, use, own, hold, im-
16 prove, or otherwise deal in or with, and sell, convey,
17 mortgage, pledge, lease, exchange, or otherwise dis-
18 pose of, any property or interest in property, as the
19 Corporation considers necessary in the transaction
20 of the business of the Corporation;

21 (5) may sue and be sued in the corporate name
22 of the Corporation, except that—

23 (A) no attachment, injunction, garnish-
24 ment, or similar process shall be issued against

1 the Corporation or property of the Corporation;
2 and

3 (B) exclusive original jurisdiction shall re-
4 side in the district courts of the United States,
5 and the Corporation may intervene in any court
6 in any suit, action, or proceeding in which the
7 Corporation has an interest;

8 (6) may independently retain legal representa-
9 tion;

10 (7) may provide for and designate such commit-
11 tees, and the functions of the committees, as the
12 Board considers necessary or desirable;

13 (8) may indemnify officers of the Corporation,
14 as the Board considers necessary and desirable, ex-
15 cept that the officers shall not be indemnified for an
16 act outside the scope of employment;

17 (9) may, with the consent of any board, com-
18 mission, independent establishment, or executive de-
19 partment of the Federal Government, including any
20 field service, use information, services, facilities, offi-
21 cials, and employees in carrying out this section, and
22 pay for the use, which payments shall be transferred
23 to the applicable appropriation account that incurred
24 the expense;

1 (10) may obtain the services and fix the com-
2 pensation of any consultant and otherwise procure
3 temporary and intermittent services under section
4 3109(b) of title 5, United States Code;

5 (11) may use the United States mails on the
6 same terms and conditions as the Executive agencies
7 of the Federal Government;

8 (12) shall have the rights, privileges, and immu-
9 nities of the United States with respect to the right
10 to priority of payment with respect to debts due
11 from bankrupt, insolvent, or deceased creditors;

12 (13) may collect or compromise any obligations
13 assigned to or held by the Corporation, including
14 any legal or equitable rights accruing to the Cor-
15 poration;

16 (14) shall determine the character of, and ne-
17 cessity for, obligations and expenditures of the Cor-
18 poration and the manner in which the obligations
19 and expenditures shall be incurred, allowed, and
20 paid, subject to provisions of law specifically applica-
21 ble to Government corporations;

22 (15) may make final and conclusive settlement
23 and adjustment of any claim by or against the Cor-
24 poration or a fiscal officer of the Corporation;

1 (16) may sell assets, loans, and equity interests
2 acquired in connection with the financing of projects
3 funded by the Corporation; and

4 (17) may exercise all other lawful powers nec-
5 essarily or reasonably related to the establishment of
6 the Corporation to carry out this title and the pow-
7 ers, purposes, functions, duties, and authorized ac-
8 tivities of the Corporation.

9 **SEC. 1542. ASSISTANCE FOR PRODUCERS EXPERIENCING**
10 **LOSSES OF FARM INCOME.**

11 (a) **IN GENERAL.**—Notwithstanding any other provi-
12 sion of this title, from amounts made available to carry
13 out this title, the Secretary shall use \$250,000,000 for
14 each of fiscal years 1999 through 2004 to establish a pro-
15 gram to indemnify eligible producers that have experi-
16 enced, or are experiencing, catastrophic losses in farm in-
17 come, as determined by the Secretary.

18 (b) **GROSS INCOME AND PAYMENT LIMITATIONS.**—
19 In carrying out this section, the Secretary shall, to the
20 maximum extent practicable, use gross income and pay-
21 ment limitations established for the Disaster Reserve As-
22 sistance Program under section 813 of the Agricultural
23 Act of 1970 (7 U.S.C. 1427a).

1 **SEC. 1543. SAVINGS.**

2 Except as provided in section 1542, any savings de-
3 rived as a result of this title shall be used for tobacco use
4 prevention and cessation initiatives.

John T. King
12:55 p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reduce youth smoking.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To re **AMENDMENT N^o 2541** tobacco
p **By** *Kerry & others* **distributed,**
t **Bill/Res. No.** _____ **ors, to**
r _____ **e, and**
f _____

Refer **Page(s)** _____

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KERRY (for himself and Mr. BOND), *Chafee, Campbell, Kennedy, Dinkins, Helms*

Viz: *Johnson, Bond, Specter, Conroy, Durbin, Graham*

- 1 At the end of section 452, add the following:
- 2 (____) ASSISTANCE FOR CHILDREN.—A State shall
- 3 use not less than 50 percent of the amount described in
- 4 subsection (b)(2) for each fiscal year to carry out activities
- 5 under the Child Care and Development Block Grant Act
- 6 of 1990 (42 U.S.C. 9858 et seq.).

Landrieu #1

Landrieu 1

12:42 p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To increase industry payments.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer	AMENDMENT N^o	2517	acco
proc			ted,
to	By <u>Landrieu</u>		is, to
redr	Bill/Res. No. _____		and
for			

Referred

2
Page(s)

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 182, strike lines 11 through 23, and insert
- 2 the following:
- 3 (b) ANNUAL PAYMENTS.—Each calendar year begin-
- 4 ning after the required payment date under subsection
- 5 (a)(3) the participating tobacco product manufacturers
- 6 shall make total payments into the Fund for each calendar
- 7 year in the following applicable base amounts, subject to
- 8 adjustment as provided in section 403.

1 (1) For year 1, an amount equal to the product
2 of \$0.65 and the total number of units of tobacco
3 products that were sold in the United States in the
4 previous year.

5 (2) For year 2, an amount equal to the product
6 of \$1.25 and the total number of units of tobacco
7 products that were sold in the United States in the
8 previous year.

9 (3) For year 3, and each subsequent year, an
10 amount equal to the amount paid in the prior year
11 adjusted in accordance with section 403.

Landrieu # 2

12:42 p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the establishment of a program to provide assistance to individuals suffering from tobacco-related illnesses and conditions.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer	AMENDMENT NO.	2518	tobacco
pro			related,
to	By.....	Landrieu	is, to
refer	Bill/Res. No.....		and
for			

.....
2
.....

Referred _____ Page(s) _____

GPO: 1996 25-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 141, between lines 12 and 13, insert the fol-
- 2 lowing:
- 3 "(f) TOBACCO ILLNESS ASSISTANCE PROGRAM.—
- 4 The Secretary shall establish a program to provide assist-
- 5 ance and compensation to individuals (and entities provid-
- 6 ing services to such individuals) suffering from tobacco-
- 7 related illnesses and conditions. Under such program the
- 8 Secretary shall ensure that assistance is targeted at indi-

- 1 individuals who are determined to be uninsured or under-
- 2 insured and who can demonstrate financial hardship.

Landrieu #3

12:42 p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide factors to be considered in the distribution formula with respect to amounts to be provided to States.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To refer	AMENDMENT NO.	2519	tobacco
pr			buted,
to	By <u>Landrieu</u>		rs, to
ref	Bill/Res. No. _____		, and
for			

Referred	<u>2</u>	Page(s)	_____
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GPO: 1996 Z5-691 (mac)

Ordered to lie on the table and to be printed

AMENDMENT _____ intended to be proposed by _____

Viz:

- 1 On page 193, line 16, add at the end the following:
- 2 "Such formula shall take into account factors that in-
- 3 clude—
- 4 "(1) the number of smokers in each State;
- 5 "(2) the number of cases of cancer in each
- 6 State;
- 7 "(3) the per capita income in each State; and

1 “(4) the number of teen smokers in each
2 State.”.

Landrieu # 4 12:42p.m.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide funds to ensure the availability of affordable child care for Federal employees.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

S. 1415

To reform		AMENDMENT N ^o	2520	acco
prod				ted,
to p	By	Landrieu		to
redre	Bill/Res. No.			and
for o				

Referred		2	
		Page(s)	

GPO: 1996 Z5-891 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

- 1 On page 199, after line 23, add the following:
- 2 (f) FEDERAL EMPLOYEES CHILD CARE ACCOUNT.—
- 3 (1) IN GENERAL.—There is established within
- 4 the trust fund a separate account, to be known as
- 5 the Federal Employees Child Care Account. Of the
- 6 net revenue credited to the trust fund under section
- 7 401(b)(1) in each fiscal year, \$10,000,000 shall be
- 8 allocated to this account.

1 (2) USE OF FUNDS.—Amounts in the account
2 under paragraph (1) shall be made available to the
3 Director of the Office of Personnel Management for
4 the purpose of ensuring the availability of affordable
5 child care for Federal employees. Such funds shall
6 be provided to such individuals on the basis of a
7 sliding scale to be developed by the Director taking
8 into consideration total family income and the Fed-
9 eral pay scales.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—
11 Amounts allocated to the account under paragraph
12 (1) shall be available to the extent and in the
13 amounts provided in advance in appropriations acts,
14 to remain available until expended, only for the pur-
15 pose described in paragraph (2).

Lautenberg/Smith 1

On page 215, line 21, insert "A local government within a State shall have the authority to promulgate or enforce a law that provides additional protection from health hazards from environmental tobacco smoke to the protection provided under this title or, in the case of a local government situated in a State that has opted out of this title pursuant to section 507, provided under the law of such State."

Lautenberg/Smith

Lieberman J

12:26 p.m.

Date: June 5, 1998

Signed: J Lieberman
Joseph I. Lieberman, U.S.S.

IN THE SENATE OF THE UNITED STATES -- 105th Cong., 2d Sess.

S. 1415

AMENDMENT intended to be proposed by MR. LIEBERMAN.

In title XIV, § 1412(c)(2), insert on p. 435, line 23, after "this title:" "Such mechanism shall, to the greatest extent possible, ensure that in the event the liability cap is met in any calendar year, compensatory damage awards registered with the Secretary shall be given priority for payment over registered punitive damage awards."

AMENDMENT N^o 2505

By Lieberman

Bill/Res. No. S. 1415

1

Page(s)