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Tobacco: Food and Drug Administration Tobacco Appropriations-Harkin

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THE VICE PRESIDENT
WASHINGTON

August 28, 1997

The Honorable Tom Harkin
United States Senate
Washington, D.C. 20510

Dear Senator Harkin:

I am writing to inform you of the Administration's strong support for your amendment to fully fund the anti-youth access to tobacco initiative in fiscal year 1998. As you know, every year, there are more than \$1 billion in illegal sales of tobacco products to children and adolescents in the United States. With approximately 500,000 retailers in the country who sell tobacco, it is critical that the Food and Drug Administration's request for \$34 million in funding be granted in order to stop these illegal sales to our children.

The requested funding is intended to enforce the age and photo ID provisions of the FDA rule, upheld by the Federal District Court in Greensboro, North Carolina. The bulk of the \$34 million will be spent on contracts with states that want to join the FDA in ensuring retailer compliance with these provisions. While the FDA is in the process of providing initial funding for 10 states to begin conducting compliance checks, the \$34 million is needed to allow state officials in all interested states to undertake compliance checks in fiscal year 1998.

The remaining funds are intended to educate retailers and the public about the new rules. We believe that the vast majority of retailers in this country will comply with the age and photo ID requirements if they understand their responsibilities and recognize the important role they can play in protecting children from tobacco and its consequences.

Funding of the FDA initiative is vital if we are to have a credible national youth tobacco program in the upcoming fiscal year; the \$4.9 million provided thus far by the Senate will not enable us to do so. This amendment would add the needed \$29 million to the initiative, offset by reducing the Department of Agriculture automated data processing funds available through the Commodity Credit Corporation. The Administration has determined that this modest limitation will not impair the ability of USDA to carry out its programs and provide services to the public.

Once again, let me assure you that the President and I remain strongly committed to protecting young people from tobacco and its consequences. Your amendment would allow the government to have a meaningful enforcement and outreach program that will ensure the safety of our children.

Sincerely,



Al Gore

AG/kc

CAMPAIGN for TOBACCO-FREE Kids

SUPPORT THE HARKIN AMENDMENT TO FUND THE FDA TOBACCO INITIATIVE

On September 3rd when the Senate considers the House-passed Agriculture, Rural Development, Food and Drug Administration and Related Agencies appropriations bill Senator Tom Harkin plans to offer an amendment to provide full funding for the FDA tobacco initiative. The Administration requested \$34 million for the program and the bulk of the funds would go to all 50 states to carry out enforcement activities to prevent sales of tobacco products to minors. Without the amendment the Senate would provide only \$4.914 million for this initiative.

This is a critical vote for Congress to show that it will stand with America's kids against tobacco.

Funding of the initiative will allow FDA to effectively implement rules setting an 18-year-old minimum age for tobacco sales and requiring photo I.D. checks. In April of this year, a federal court in Greensboro, North Carolina, provided FDA with full authority to continue implementing these provisions.

The Harkin amendment would provide \$29.086 million in additional funding, bringing the Senate level to \$34 million. The offset is provided by limiting the amount of spending by USDA's Commodity Credit Corporation on automated data processing and information technology equipment and services during FY98. The limitation would affect only a small portion of USDA's \$1 billion in annual expenditures on automated data processing and information technology equipment and services. The effect of the amendment on USDA would be further lessened by some \$50 million in available carryover funds.

There has been some confusion regarding the Harkin amendment and whether it would interfere or conflict with the proposed settlement with the tobacco industry. The funding for the current FDA tobacco initiative and the proposed settlement are separate issues. The regulations regarding the FDA tobacco initiative were finalized nearly a year ago, and in April, a federal court provided FDA with full authority to continue implementing provisions regarding ID checks. And, of course, the fate of the proposed settlement is very uncertain.

But, in order to address the concerns regarding the proposed settlement, the Harkin amendment would sunset upon the effective date of tobacco-settlement legislation providing another source of funding for FDA's youth tobacco initiative.

CAMPAIGN for TOBACCO-FREE Kids

STRONG PUBLIC SUPPORT FOR ENFORCEMENT OF THE YOUTH ACCESS PROVISIONS OF THE FDA RULE ON TOBACCO

A new national poll conducted for the Campaign for Tobacco-Free Kids reveals strong support among the public for the youth access provisions of the FDA rule, as well as enforcement of those provisions. This random telephone survey of 1,000 adults conducted by Market Facts' TeleNation from June 13-15 has a margin of error of +/- 3 percentage points.

Support for National Minimum Age and ID Checks

- Nearly all Americans (92%) agree that young people should be required to show a photo ID to buy tobacco products.
- 87 percent of the public agree with the FDA policy setting a national minimum age of 18 for the purchase of tobacco products and mandating ID checks of all tobacco purchasers who appear to be under age 27.
- Three-fourths agree that it is important to have a national policy prohibiting tobacco sales to kids rather than leaving it to the individual states.

Support for Enforcement

Large majorities of the public believe it is easy for teenagers to buy tobacco and that stores are willing to sell to them unless they fear fines. Thus, the public's overwhelming support for enforcement is not surprising.

- Eighty-two percent of those surveyed agree that it is easy for teenagers to buy tobacco, and 82% agree that, if stores are not afraid of being fined, they will sell tobacco to minors.
- Ninety percent of the public believe stores that illegally sell tobacco to minors should be fined.
- Ninety percent also believe that stores that are repeat offenders in selling tobacco to minors should have their license to sell tobacco suspended.
- Nearly two-thirds (64%) of those polled believe the federal government should provide money to the states to enforce rules prohibiting stores from selling cigarettes to minors.

Perception of the Problem

- Eighty-four percent of the public believe that stores selling tobacco products to kids is a serious problem.
- A large majority (61%) believe that if kids are unable to buy cigarettes in stores, fewer kids will smoke.

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**APPOINTMENT OF CONFEREES ON H.R. 2160, AGRICULTURE, RURAL
DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS ACT, 1998 (House of Representatives - September 03, 1997)**

Roll No. 353

[Roll No. 353]

YEAS--299

- ☐ Abercrombie
- ☐ Ackerman
- ☐ Allen
- ☐ Andrews
- ☐ Bachus
- ☐ Baldacci
- ☐ Barcia
- ☐ Barrett (NE)
- ☐ Barrett (WI)
- ☐ Barton
- ☐ Bass
- ☐ Becerra
- ☐ Bentsen
- ☐ Bereuter
- ☐ Berman
- ☐ Berry
- ☐ Bilirakis
- ☐ Bishop
- ☐ Blagojevich
- ☐ Blumenauer
- ☐ Boehlert
- ☐ Bonior
- ☐ Borski
- ☐ Boswell
- ☐ Brown (CA)
- ☐ Brown (FL)
- ☐ Brown (OH)
- ☐ Bryant
- ☐ Calvert
- ☐ Camp
- ☐ Campbell
- ☐ Canady
- ☐ Cannon
- ☐ Capps
- ☐ Cardin
- ☐ Carson

- ☐ Castle
- ☐ Chabot
- ☐ Christensen
- ☐ Clayton
- ☐ Clement
- ☐ Clyburn
- ☐ Condit
- ☐ Conyers
- ☐ Cook
- ☐ Costello
- ☐ Coyne
- ☐ Cramer
- ☐ Crapo
- ☐ Cummings
- ☐ Danner
- ☐ Davis (FL)
- ☐ Davis (IL)
- ☐ Davis (VA)
- ☐ DeFazio
- ☐ DeGette
- ☐ Delahunt
- ☐ DeLauro
- ☐ Dellums
- ☐ Deutsch
- ☐ Diaz-Balart
- ☐ Dicks
- ☐ Dingell
- ☐ Doggett
- ☐ Dooley
- ☐ Doyle
- ☐ Duncan
- ☐ Edwards
- ☐ Ehlers
- ☐ Ehrlich
- ☐ Emerson
- ☐ Engel
- ☐ English
- ☐ Ensign
- ☐ Eshoo
- ☐ Evans
- ☐ Ewing
- ☐ Farr
- ☐ Fattah
- ☐ Fawell
- ☐ Fazio
- ☐ Filner
- ☐ Flake
- ☐ Foglietta
- ☐ Foley
- ☐ Forbes
- ☐ Ford
- ☐ Fowler
- ☐ Fox
- ☐ Frank (MA)
- ☐ Franks (NJ)
- ☐ Frelinghuysen
- ☐ Frost
- ☐ Furse

- ☐ Ganske
- ☐ Gejdenson
- ☐ Gephardt
- ☐ Gibbons
- ☐ Gilchrest
- ☐ Gilman
- ☐ Goodling
- ☐ Gordon
- ☐ Goss
- ☐ Green
- ☐ Greenwood
- ☐ Gutierrez
- ☐ Gutknecht
- ☐ Hall (TX)
- ☐ Hamilton
- ☐ Hansen
- ☐ Harman
- ☐ Hastert
- ☐ Hastings (FL)
- ☐ Hayworth
- ☐ Hill
- ☐ Hilliard
- ☐ Hinchey
- ☐ Hinojosa
- ☐ Hobson
- ☐ Hoekstra
- ☐ Holden
- ☐ Hooley
- ☐ Horn
- ☐ Houghton
- ☐ Hoyer
- ☐ Hulshof
- ☐ Hutchinson
- ☐ Istook
- ☐ Jackson (IL)
- ☐ Jackson-Lee (TX)
- ☐ Jefferson
- ☐ John
- ☐ Johnson (CT)
- ☐ Johnson (WI)
- ☐ Johnson, E. B.
- ☐ Kanjorski
- ☐ Kaptur
- ☐ Kasich
- ☐ Kelly
- ☐ Kennedy (MA)
- ☐ Kennedy (RI)
- ☐ Kennelly
- ☐ Kildee
- ☐ Kilpatrick
- ☐ Kind (WI)
- ☐ King (NY)
- ☐ Kleczka
- ☐ Klink
- ☐ Klug
- ☐ Kolbe
- ☐ Kucinich
- ☐ LaFalce

- ☐ LaHood
- ☐ Lampson
- ☐ LaTourette
- ☐ Lazio
- ☐ Leach
- ☐ Levin
- ☐ Lewis (GA)
- ☐ Linder
- ☐ Lipinski
- ☐ LoBiondo
- ☐ Lofgren
- ☐ Lowey
- ☐ Luther
- ☐ Maloney (CT)
- ☐ Maloney (NY)
- ☐ Manton
- ☐ Manzullo
- ☐ Markey
- ☐ Martinez
- ☐ Mascara
- ☐ Matsui
- ☐ McCarthy (MO)
- ☐ McCarthy (NY)
- ☐ McDade
- ☐ McDermott
- ☐ McGovern
- ☐ McHale
- ☐ McHugh
- ☐ McKinney
- ☐ McNulty
- ☐ Meehan
- ☐ Meek
- ☐ Menendez
- ☐ Metcalf
- ☐ Millender-McDonald
- ☐ Miller (CA)
- ☐ Miller (FL)
- ☐ Minge
- ☐ Mink
- ☐ Moakley
- ☐ Mollohan
- ☐ Moran (KS)
- ☐ Moran (VA)
- ☐ Morella
- ☐ Murtha
- ☐ Nadler
- ☐ Neal
- ☐ Neumann
- ☐ Ney
- ☐ Nussle
- ☐ Oberstar
- ☐ Obey
- ☐ Olver
- ☐ Ortiz
- ☐ Owens
- ☐ Oxley
- ☐ Pallone
- ☐ Pappas

- ☐ Pascrell
- ☐ Pastor
- ☐ Payne
- ☐ Pelosi
- ☐ Peterson (MN)
- ☐ Peterson (PA)
- ☐ Petri
- ☐ Pickett
- ☐ Pomeroy
- ☐ Porter
- ☐ Portman
- ☐ Poshard
- ☐ Pryce (OH)
- ☐ Quinn
- ☐ Rahall
- ☐ Ramstad
- ☐ Rangel
- ☐ Regula
- ☐ Reyes
- ☐ Riggs
- ☐ Rivers
- ☐ Rodriguez
- ☐ Roemer
- ☐ Ros-Lehtinen
- ☐ Rothman
- ☐ Roukema
- ☐ Roybal-Allard
- ☐ Royce
- ☐ Sabo
- ☐ Salmon
- ☐ Sanchez
- ☐ Sanders
- ☐ Sandlin
- ☐ Sawyer
- ☐ Saxton
- ☐ Schumer
- ☐ Scott
- ☐ Sensenbrenner
- ☐ Serrano
- ☐ Shaw
- ☐ Shays
- ☐ Sherman
- ☐ Shimkus
- ☐ Sisisky
- ☐ Skaggs
- ☐ Skelton
- ☐ Slaughter
- ☐ Smith (MI)
- ☐ Smith (NJ)
- ☐ Smith (TX)
- ☐ Smith, Adam
- ☐ Snyder
- ☐ Spratt
- ☐ Stabenow
- ☐ Stark
- ☐ Stenholm
- ☐ Stokes
- ☐ Strickland

- ☐ Stupak
- ☐ Sununu
- ☐ Talent
- ☐ Tanner
- ☐ Tauscher
- ☐ Tauzin
- ☐ Taylor (MS)
- ☐ Thompson
- ☐ Thune
- ☐ Thurman
- ☐ Tiahrt
- ☐ Tierney
- ☐ Torres
- ☐ Traficant
- ☐ Turner
- ☐ Upton
- ☐ Velazquez
- ☐ Vento
- ☐ Visclosky
- ☐ Wamp
- ☐ Waters
- ☐ Watt (NC)
- ☐ Waxman
- ☐ Weldon (PA)
- ☐ Wexler
- ☐ Weygand
- ☐ Wise
- ☐ Woolsey
- ☐ Wynn
- ☐ Yates
- ☐ Young (FL)

NAYS--125

- ☐ Aderholt
- ☐ Archer
- ☐ Armey
- ☐ Baesler
- ☐ Baker
- ☐ Ballenger
- ☐ Barr
- ☐ Bartlett
- ☐ Bateman
- ☐ Bilbray
- ☐ Bliley
- ☐ Blunt
- ☐ Boehner
- ☐ Bonilla
- ☐ Bono
- ☐ Boucher
- ☐ Boyd
- ☐ Brady
- ☐ Bunning
- ☐ Burr
- ☐ Burton
- ☐ Buyer
- ☐ Callahan
- ☐ Chambliss

- ☐ Chenoweth
- ☐ Coble
- ☐ Coburn
- ☐ Collins
- ☐ Combest
- ☐ Cooksey
- ☐ Cox
- ☐ Crane
- ☐ Cubin
- ☐ Cunningham
- ☐ Deal
- ☐ DeLay
- ☐ Dickey
- ☐ Doolittle
- ☐ Dreier
- ☐ Dunn
- ☐ Etheridge
- ☐ Everett
- ☐ Gallegly
- ☐ Gekas
- ☐ Gillmor
- ☐ Goode
- ☐ Goodlatte
- ☐ Graham
- ☐ Granger
- ☐ Hastings (WA)
- ☐ Hefley
- ☐ Hefner
- ☐ Herger
- ☐ Hilleary
- ☐ Hostettler
- ☐ Hunter
- ☐ Hyde
- ☐ Inglis
- ☐ Jenkins
- ☐ Johnson, Sam
- ☐ Jones
- ☐ Kim
- ☐ Kingston
- ☐ Knollenberg
- ☐ Largent
- ☐ Latham
- ☐ Lewis (CA)
- ☐ Lewis (KY)
- ☐ Livingston
- ☐ Lucas
- ☐ McCrery
- ☐ McInnis
- ☐ McIntosh
- ☐ McIntyre
- ☐ McKeon
- ☐ Mica
- ☐ Myrick
- ☐ Nethercutt
- ☐ Northup
- ☐ Norwood
- ☐ Packard
- ☐ Parker

- ☐ Paul
- ☐ Paxon
- ☐ Pease
- ☐ Pickering
- ☐ Pitts
- ☐ Pombo
- ☐ Price (NC)
- ☐ Radanovich
- ☐ Redmond
- ☐ Riley
- ☐ Rogan
- ☐ Rogers
- ☐ Rohrabacher
- ☐ Ryun
- ☐ Sanford
- ☐ Scarborough
- ☐ Schaefer, Dan
- ☐ Schaffer, Bob
- ☐ Sessions
- ☐ Shadegg
- ☐ Shuster
- ☐ Skeen
- ☐ Smith (OR)
- ☐ Smith, Linda
- ☐ Snowbarger
- ☐ Solomon
- ☐ Souder
- ☐ Spence
- ☐ Stearns
- ☐ Stump
- ☐ Taylor (NC)
- ☐ Thomas
- ☐ Thornberry
- ☐ Walsh
- ☐ Watkins
- ☐ Watts (OK)
- ☐ Weldon (FL)
- ☐ Weller
- ☐ White
- ☐ Whitfield
- ☐ Wicker
- ☐ Wolf
- ☐ Young (AK)

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**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND
RELATED AGENCIES APPROPRIATIONS ACT, 1998 (Senate - September 03, 1997)**

The PRESIDING OFFICER (Mr. **Allard**). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 28, nays 70, as follows:

Rollcall Vote No. 212 Leg.

[Rollcall Vote No. 212 Leg.]

YEAS--28

- ☐ Ashcroft
- ☐ Brownback
- ☐ Burns
- ☐ Coats
- ☐ Cochran
- ☐ Domenici
- ☐ Enzi
- ☐ Faircloth
- ☐ Ford
- ☐ Frist
- ☐ Gorton
- ☐ Gramm
- ☐ Grams
- ☐ Hagel
- ☐ Helms
- ☐ Hutchinson
- ☐ Hutchison
- ☐ Inhofe
- ☐ Lott
- ☐ McConnell
- ☐ Roberts
- ☐ Santorum
- ☐ Sessions
- ☐ Shelby
- ☐ Smith (NH)
- ☐ Stevens
- ☐ Thomas
- ☐ Thurmond

NAYS--70

- ☐ Abraham

- ☐ Akaka
- ☐ Allard
- ☐ Baucus
- ☐ Bennett
- ☐ Biden
- ☐ Bingaman
- ☐ Bond
- ☐ Boxer
- ☐ Breaux
- ☐ Bryan
- ☐ Bumpers
- ☐ Byrd
- ☐ Campbell
- ☐ Chafee
- ☐ Cleland
- ☐ Collins
- ☐ Conrad
- ☐ Coverdell
- ☐ Craig
- ☐ D'Amato
- ☐ Daschle
- ☐ DeWine
- ☐ Dodd
- ☐ Dorgan
- ☐ Durbin
- ☐ Feingold
- ☐ Feinstein
- ☐ Glenn
- ☐ Graham
- ☐ Grassley
- ☐ Gregg
- ☐ Harkin
- ☐ Hatch
- ☐ Hollings
- ☐ Inouye
- ☐ Jeffords
- ☐ Johnson
- ☐ Kempthorne
- ☐ Kennedy
- ☐ Kerrey
- ☐ Kerry
- ☐ Kohl
- ☐ Kyl
- ☐ Landrieu
- ☐ Lautenberg
- ☐ Leahy
- ☐ Levin
- ☐ Lieberman
- ☐ Lugar
- ☐ Mack
- ☐ McCain
- ☐ Mikulski
- ☐ Moseley-Braun
- ☐ Moynihan
- ☐ Murray
- ☐ Nickles
- ☐ Reed
- ☐ Reid

- ☐ Robb
- ☐ Rockefeller
- ☐ Roth
- ☐ Sarbanes
- ☐ Smith (OR)
- ☐ Snowe
- ☐ Specter
- ☐ Thompson
- ☐ Torricelli
- ☐ Wellstone
- ☐ Wyden

NOT VOTING--2

- ☐ Murkowski
- ☐ Warner

The motion was rejected.

The PRESIDING OFFICER. The question is on the adoption of the Harkin amendment.

The Senate will please come to order.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, will the Chair please state the question that is now before the Senate on which we are about to vote?

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1057, the Harkin amendment.

The amendment (No. 1057) was agreed to.

The PRESIDING OFFICER. Under the previous order, the text of S. 1033, as amended, including amendment No. 1057, is substituted for the text of H.R. 2160, and the bill is read for the third time and passed.

The bill (H.R. 2160), as amended, was read the third time and passed.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair is authorized to appoint conferees.

The Presiding Officer (Mr. **Allard**) appointed Mr. **Cochran**, Mr. **Specter**, Mr. **Bond**, Mr. **Gorton**, Mr. **McConnell**, Mr. **Burns**, Mr. **Stevens**, Mr. **Bumpers**, Mr. **Harkin**, Mr. **Kohl**, Mr. **Byrd**, Mr. **Leahy**, and Mr. **Inouye** conferees on the part of the Senate.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

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AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998 (Senate - July 23, 1997)

The result was announced, yeas 52, nays 48, as follows:

Rollcall Vote No. 198 Leg.

[Rollcall Vote No. 198 Leg.]

YEAS--52

28-74

- Abraham
- Allard
- Ashcroft
- ✓ • Breaux
- Brownback
- ✓ • Bryan
- Burns
- Campbell
- Cleland
- Coats
- Cochran
- Coverdell
- Craig
- ✓ • Daschle
- Domenici
- Enzi
- Faircloth
- Ford
- Frist
- Gorton
- Gramm
- Grams
- Hagel
- Hatch
- Helms
- Hollings
- Hutchinson
- Inhofe
- Inouye
- Kempthorne
- Kyl

- Landrieu
- ✓ • Lott
- McCain
- McConnell
- Moseley-Braun
- ✓ • Moynihan
- Murkowski
- Nickles
- ✓ • Reid
- Robb
- Roberts
- Roth
- Santorum
- Sessions
- Shelby
- Smith (NH)
- Stevens
- Thomas
- Thompson
- Thurmond
- Warner

NAYS--48

- Akaka
- Baucus
- Bennett
- Biden
- Bingaman
- Bond
- Boxer
- Bumpers
- Byrd
- Chafee
- Collins
- Conrad
- D'Amato
- DeWine
- Dodd
- Dorgan
- Durbin
- Feingold
- Feinstein
- Glenn
- Graham
- Grassley
- Gregg
- Harkin
- Hutchison
- Jeffords

- Johnson
- Kennedy
- Kerrey
- Kerry
- Kohl
- Lautenberg
- Leahy
- Levin
- Lieberman
- Lugar
- Mack
- Mikulski
- Murray
- Reed
- Rockefeller
- Sarbanes
- Smith (OR)
- Snowe
- Specter
- Torricelli
- Wellstone
- Wyden

The motion to lay on the table the amendment (No. 968) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 970

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to lay on the table the amendment offered by the Senator from Nevada, amendment No. 970. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. **Biden**] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced--yeas 59, nays 40, as follows:

Rollcall Vote No. 199 Leg.

[Rollcall Vote No. 199 Leg.]

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20500

Bruce.

The vote is at 9:50.

Robb; Breau both
voted against us last time.
Harkin's staff believes they
have picked up Daschle,
Landrieu, Bryan, Reid, &
McCain.

CAMPAIGN For TOBACCO-FREE Kids

SUPPORT THE HARKIN AMENDMENT TO FUND THE FDA TOBACCO INITIATIVE

On September 3rd when the Senate considers the House-passed Agriculture, Rural Development, Food and Drug Administration and Related Agencies appropriations bill Senator Tom Harkin plans to offer an amendment to provide full funding for the FDA tobacco initiative. The Administration requested \$34 million for the program and the bulk of the funds would go to all 50 states to carry out enforcement activities to prevent sales of tobacco products to minors. Without the amendment the Senate would provide only \$4.914 million for this initiative.

This is a critical vote for Congress to show that it will stand with America's kids against tobacco.

Funding of the initiative will allow FDA to effectively implement rules setting an 18-year-old minimum age for tobacco sales and requiring photo I.D. checks. In April of this year, a federal court in Greensboro, North Carolina, provided FDA with full authority to continue implementing these provisions.

The Harkin amendment would provide \$29.086 million in additional funding, bringing the Senate level to \$34 million. The offset is provided by limiting the amount of spending by USDA's Commodity Credit Corporation on automated data processing and information technology equipment and services during FY98. The limitation would affect only a small portion of USDA's \$1 billion in annual expenditures on automated data processing and information technology equipment and services. The effect of the amendment on USDA would be further lessened by some \$50 million in available carryover funds.

There has been some confusion regarding the Harkin amendment and whether it would interfere or conflict with the proposed settlement with the tobacco industry. The funding for the current FDA tobacco initiative and the proposed settlement are separate issues. The regulations regarding the FDA tobacco initiative were finalized nearly a year ago, and in April, a federal court provided FDA with full authority to continue implementing provisions regarding ID checks. And, of course, the fate of the proposed settlement is very uncertain.

But, in order to address the concerns regarding the proposed settlement, the Harkin amendment would sunset upon the effective date of tobacco settlement legislation providing another source of funding for FDA's youth tobacco initiative.

Cigarette smoking among high-school seniors is at a 17-year high and smoking among 8th and 10th graders has increased by more than 50 percent since 1991. Currently, it is far too easy for kids to buy cigarettes and spit tobacco through vending machines and at retail outlets. Studies of over-the-counter sales found that, on average, children and adolescents were able to successfully buy tobacco products 67 percent of the time. Despite the fact that it is against the law in all 50 states to sell cigarettes and smokeless tobacco to minors, our young people purchase an estimated \$1.26 billion worth of tobacco products each year.

The funding sought by FDA will not create a new federal bureaucracy and the majority of these funds will go directly to state and local officials for enforcement.

There is strong support for this funding among state officials and the public. Thirty-three state Attorneys General recently sent a letter to Congress in support of FDA's request for \$34 million, indicating that this funding is critical to our country's success in reducing tobacco use by youth.

Americans strongly support the FDA tobacco initiative and funding for the initiative. A recent poll reveals that 87 percent of Americans agree with the FDA policy of setting a national minimum age of 18 for the purchase of tobacco products and mandating ID checks of all tobacco purchasers who appear to be under age 27. Nearly two-thirds believe the federal government should provide money to the states to enforce rules prohibiting stores from selling tobacco to minors.

We urge you to support the Harkin amendment to protect kids from tobacco.

CAMPAIGN For TOBACCO-FREE Kids

STRONG PUBLIC SUPPORT FOR ENFORCEMENT OF THE YOUTH ACCESS PROVISIONS OF THE FDA RULE ON TOBACCO

A new national poll conducted for the Campaign for Tobacco-Free Kids reveals strong support among the public for the youth access provisions of the FDA rule, as well as enforcement of those provisions. This random telephone survey of 1,000 adults conducted by Market Facts' TeleNation from June 13-15 has a margin of error of +/- 3 percentage points.

Support for National Minimum Age and ID Checks

- Nearly all Americans (92%) agree that young people should be required to show a photo ID to buy tobacco products.
- 87 percent of the public agree with the FDA policy setting a national minimum age of 18 for the purchase of tobacco products and mandating ID checks of all tobacco purchasers who appear to be under age 27.
- Three-fourths agree that it is important to have a national policy prohibiting tobacco sales to kids rather than leaving it to the individual states.

Support for Enforcement

Large majorities of the public believe it is easy for teenagers to buy tobacco and that stores are willing to sell to them unless they fear fines. Thus, the public's overwhelming support for enforcement is not surprising.

- Eighty-two percent of those surveyed agree that it is easy for teenagers to buy tobacco, and 82% agree that, if stores are not afraid of being fined, they will sell tobacco to minors.
- Ninety percent of the public believe stores that illegally sell tobacco to minors should be fined.
- Ninety percent also believe that stores that are repeat offenders in selling tobacco to minors should have their license to sell tobacco suspended.
- Nearly two-thirds (64%) of those polled believe the federal government should provide money to the states to enforce rules prohibiting stores from selling cigarettes to minors.

Perception of the Problem

- Eighty-four percent of the public believe that stores selling tobacco products to kids is a serious problem.
- A large majority (61%) believe that if kids are unable to buy cigarettes in stores, fewer kids will smoke.



THE VICE PRESIDENT
WASHINGTON

August 28, 1997

The Honorable Tom Harkin
United States Senate
Washington, D.C. 20510

Dear Senator Harkin:

I am writing to inform you of the Administration's strong support for your amendment to fully fund the anti-youth access to tobacco initiative in fiscal year 1998. As you know, every year, there are more than \$1 billion in illegal sales of tobacco products to children and adolescents in the United States. With approximately 500,000 retailers in the country who sell tobacco, it is critical that the Food and Drug Administration's request for \$34 million in funding be granted in order to stop these illegal sales to our children.

The requested funding is intended to enforce the age and photo ID provisions of the FDA rule, upheld by the Federal District Court in Greensboro, North Carolina. The bulk of the \$34 million will be spent on contracts with states that want to join the FDA in ensuring retailer compliance with these provisions. While the FDA is in the process of providing initial funding for 10 states to begin conducting compliance checks, the \$34 million is needed to allow state officials in all interested states to undertake compliance checks in fiscal year 1998.

The remaining funds are intended to educate retailers and the public about the new rules. We believe that the vast majority of retailers in this country will comply with the age and photo ID requirements if they understand their responsibilities and recognize the important role they can play in protecting children from tobacco and its consequences.

Funding of the FDA initiative is vital if we are to have a credible national youth tobacco program in the upcoming fiscal year; the \$4.9 million provided thus far by the Senate will not enable us to do so. This amendment would add the needed \$29 million to the initiative, offset by reducing the Department of Agriculture automated data processing funds available through the Commodity Credit Corporation. The Administration has determined that this modest limitation will not impair the ability of USDA to carry out its programs and provide services to the public.

Once again, let me assure you that the President and I remain strongly committed to protecting young people from tobacco and its consequences. Your amendment would allow the government to have a meaningful enforcement and outreach program that will ensure the safety of our children.

Sincerely,

A handwritten signature in black ink, appearing to be 'Al Gore', written in a cursive style.

Al Gore

AG/kc

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AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998 (Senate - July 23, 1997)

The result was announced, yeas 52, nays 48, as follows:

Rollcall Vote No. 198 Leg.

[Rollcall Vote No. 198 Leg.]

YEAS--52

- Abraham
- Allard
- Ashcroft
- ✓ • Breaux
- Brownback
- ✓ • Bryan
- Burns
- Campbell
- Cleland
- Coats
- Cochran
- Coverdell
- Craig
- ✓ • Daschle
- Domenici
- Enzi
- Faircloth
- Ford
- Frist
- Gorton
- Gramm
- Grams
- Hagel
- Hatch
- Helms
- Hollings
- Hutchinson
- Inhofe
- Inouye
- Kempthorne
- Kyl

- ✓ • Landrieu
- Lott
- McCain
- McConnell
- Moseley-Braun
- ✓ • Moynihan
- Murkowski
- Nickles
- ✓ • Reid
- Robb
- Roberts
- Roth
- Santorum
- Sessions
- Shelby
- Smith (NH)
- Stevens
- Thomas
- Thompson
- Thurmond
- Warner

NAYS--48

- Akaka
- Baucus
- Bennett
- Biden
- Bingaman
- Bond
- Boxer
- Bumpers
- Byrd
- Chafee
- Collins
- Conrad
- D'Amato
- DeWine
- Dodd
- Dorgan
- Durbin
- Feingold
- Feinstein
- Glenn
- Graham
- Grassley
- Gregg
- Harkin
- Hutchison
- Jeffords

- Johnson
- Kennedy
- Kerrey
- Kerry
- Kohl
- Lautenberg
- Leahy
- Levin
- Lieberman
- Lugar
- Mack
- Mikulski
- Murray
- Reed
- Rockefeller
- Sarbanes
- Smith (OR)
- Snowe
- Specter
- Torricelli
- Wellstone
- Wyden

The motion to lay on the table the amendment (No. 968) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 970

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to lay on the table the amendment offered by the Senator from Nevada, amendment No. 970. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. **Biden**] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced--yeas 59, nays 40, as follows:

Rollcall Vote No. 199 Leg.

[Rollcall Vote No. 199 Leg.]



Christine O. Gregoire

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

June 20, 1997

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ▶

Honorable Ted Stevens
Chair, Senate Appropriations Committee
SH-522 Hart Senate Office Building
Washington DC 20510-0201

To: <i>Jerry Mande</i>	From: <i>Sharon</i>
Dept./Agency:	Phone: <i>301-827-1445</i>
Fax: <i>202 456 6027</i>	Fax #
NSN 7540-01-317-7368	5089-101
GENERAL SERVICES ADMINISTRATION	

Honorable Robert Byrd
Ranking Member, Senate Appropriations Committee
SH-311 Hart Senate Office Building
Washington DC 20510-4801

Honorable Thad Cochran
Chair, Senate Appropriations Subcommittee on Agriculture,
Rural Development and Related Agencies
SR-326 Russell Senate Office Building
Washington DC 20510-2402

Honorable Dale Bumpers
Ranking Member, Senate Appropriations Subcommittee
on Agriculture, Rural Development and Related Agencies
SD-229 Dirksen Senate Office Building
Washington DC 20510-0401

Dear Senator Stevens:

We are writing as the attorneys general for our respective states in support of the Food and Drug Administration's (FDA) request for \$34 million to implement the tobacco initiative in the Agriculture Appropriations bill. This funding is critical to our efforts to protect kids from tobacco sales.

There is no reason not to fully fund the FDA tobacco regulations. A Federal District Court recently upheld FDA's general jurisdiction over the sale of tobacco products to minors, and the American public overwhelmingly supports this initiative. The tobacco industry failed in its legal effort to derail FDA's important protections for kids. Now, local, state and federal officials must move forward and work together to implement FDA's regulations.

ATTORNEY GENERAL OF WASHINGTON

In 1994, attorneys general from around the country issued a report illustrating the need for comprehensive new policies to protect kids from tobacco. In the past three years, 40 attorneys general have filed suit against the tobacco industry to recover damages caused by their behavior. To stop the marketing of tobacco products to kids is a primary goal of these lawsuit against the tobacco industry.

We are prepared to work hand-in-hand with FDA to ensure that the provisions of its tobacco initiative are fully enforced. Towards this end, FDA has allocated a significant portion of the \$34 million to go directly to the states to help with enforcement. This money is critical to ensuring our country's success in reducing tobacco use by youth.

We need to act without delay: cigarette smoking among high school seniors is at a 17 year high and smoking among 8th and 10th graders has increased by more than 50 percent since 1991. Tobacco use is clearly a problem that starts with children: almost 90 percent of adult smokers started using tobacco at or before age 18, and the average youth smoker begins at age 13 and becomes a daily smoker by age 14 ½.

While some provisions of FDA's initiative are on hold pending appeal, the court fully upheld FDA's funding that cigarettes and smokeless tobacco products are both drugs and drug delivery devices. In addition, the court provided FDA with full authority to continue implementing provisions requiring retailers to check photo identification of consumers seeking to purchase tobacco who appear to be younger than 27 years of age. Strong enforcement of this provision is key to reducing youth access to tobacco products. The \$34 million requested by FDA will provide much needed funding for enforcement by state and local officials.

Currently, it is far too easy for kids to buy cigarettes and chewing tobacco through vending machines and at retail outlets. A review of thirteen studies of over-the-counter sales found that, on average, children and adolescents were able to successfully buy tobacco products 67 percent of the time. We can substantially improve on this record by providing funding for the FDA regulations.

The tobacco industry's record of targeting our kids is clear. Now is the time to stand up for America's kids and protect them from cigarettes and chewing tobacco. FDA's jurisdiction over sales to minors has been upheld in court and enjoys strong support among the people of our states. We hope you will vote for full-funding of this critical initiative.

Sincerely,



CHRISTINE O. GREGOIRE
Attorney General

ATTORNEY GENERAL OF WASHINGTON

BRUCE M. BOTELHO
Attorney General of Alaska

GRANT WOODS
Attorney General of Arizona

GALE A. NORTON
Attorney General of Colorado

RICHARD BLUMENTHAL
Attorney General of Connecticut

A. JANE BRADY
Attorney General of Delaware

ROBERT A. BUTTERWORTH
Attorney General of Florida

ALAN G. LANCE
Attorney General of Idaho

JIM RYAN
Attorney General of Illinois

TOM MILLER
Attorney General of Iowa

CARLA J. STOVALL
Attorney General of Kansas

RICHARD P. IEYOUNG
Attorney General of Louisiana

ANDREW KETTERER
Attorney General of Maine

A. JOSEPH CURRAN, JR.
Attorney General of Maryland

SCOTT HARSHBARGER
Attorney General of Massachusetts

HUBERT H. HUMPHREY III
Attorney General of Minnesota

ATTORNEY GENERAL OF WASHINGTON

MIKE MOORE

Attorney General of Mississippi

JEREMIAH W. NIXON

Attorney General of Missouri

JOSEPH P. MAZUREK

Attorney General of Montana

FRANKIE SUE DEL PAPA

Attorney General of Nevada

PHILIP McLAUGHLIN

Attorney General of New Hampshire

PETER VERNIERO

Attorney General of New Jersey

DENNIS C. VACCO

Attorney General of New York

HEIDI HEITKAMP

Attorney General of North Dakota

BETTY D. MONTGOMERY

Attorney General of Ohio

A. A. DREW EDMONDSON

Attorney General of Oklahoma

HARDY MYERS

Attorney General of Oregon

D. MICHAEL FISHER

Attorney General of Pennsylvania

JEFFREY B. PINE

Attorney General of Rhode Island

JAN GRAHAM

Attorney General of Utah

WILLIAM H. SORRELL

Attorney General of Vermont

ATTORNEY GENERAL OF WASHINGTON

DARRELL V. MCGRAW, JR
Attorney General of West Virginia

JAMES E. DOYLE
Attorney General of Wisconsin

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The result was announced, yeas 52, nays 48, as follows:

Rollcall Vote No. 198 Leg.**[Rollcall Vote No. 198 Leg.]****YEAS--52**

- Abraham
- Allard
- Ashcroft
- ✓ • Breaux
- Brownback
- ✓ • Bryan
- Burns
- Campbell
- Cleland
- Coats
- Cochran
- Coverdell
- Craig
- ✓ • Daschle
- Domenici
- Enzi
- Faircloth
- Ford
- Frist
- Gorton
- Gramm
- Grams
- Hagel
- Hatch
- Helms
- Hollings
- Hutchinson
- Inhofe
- Inouye
- Kempthorne
- Kyl

- ✓ Landrieu
- Lott
- McCain
- McConnell
- Moseley-Braun
- ✓ Moynihan
- Murkowski
- Nickles
- ✓ Reid
- Robb
- Roberts
- Roth
- Santorum
- Sessions
- Shelby
- Smith (NH)
- Stevens
- Thomas
- Thompson
- Thurmond
- Warner

NAYS--48

- Akaka
- Baucus
- Bennett
- Biden
- Bingaman
- Bond
- Boxer
- Bumpers
- Byrd
- Chafee
- Collins
- Conrad
- D'Amato
- DeWine
- Dodd
- Dorgan
- Durbin
- Feingold
- Feinstein
- Glenn
- Graham
- Grassley
- Gregg
- Harkin
- Hutchison
- Jeffords

- Johnson
- Kennedy
- Kerrey
- Kerry
- Kohl
- Lautenberg
- Leahy
- Levin
- Lieberman
- Lugar
- Mack
- Mikulski
- Murray
- Reed
- Rockefeller
- Sarbanes
- Smith (OR)
- Snowe
- Specter
- Torricelli
- Wellstone
- Wyden

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Mr. COCHRAN. Madam President, I move to reconsider the vote by which the motion was agreed to.

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The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. Biden] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced--yeas 59, nays 40, as follows:

Rollcall Vote No. 199 Leg.

[Rollcall Vote No. 199 Leg.]

Description of Amendment for Funding FDA Youth Smoking Prevention

FDA needs \$34 million in FY98, the bulk of which will go to all 50 states, to carry out enforcement activities to prevent sales of tobacco products to minors. This funding is necessary for effective implementation of rules setting an 18-year-old minimum age for tobacco sales and requiring photo I.D. checks. The Agriculture Appropriations bill provides only \$4.914 million for this initiative. The amendment would provide \$29.086 million in additional funding. The offset is provided by limiting the amount of spending by USDA's Commodity Credit Corporation on automated data processing and information technology equipment and services during FY98. The limitation would affect only a small portion of USDA's \$1 billion in annual expenditures on automated data processing and information technology equipment and services. The effect of the amendment on USDA would be further lessened by some \$50 million in available carryover funds. It would sunset upon the effective date of tobacco settlement legislation providing another source of funding for FDA's youth tobacco initiative.

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HARKIN (AND OTHERS) AMENDMENT NO. 968 (Senate - July 23, 1997)

[Page: S7967]

Mr. HARKIN (for himself, Mr. Chafee, Mr. Lautenberg, Mr. Byrd, Mr. Reed, and Mr. Bingaman) proposed an amendment to the bill, S. 1033, supra; as follows:

At the end of title VII, insert the following:

SEC. . TOBACCO ASSESSMENTS.

Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended--

(1) in subsection (g)(1), by striking 'Effective' and inserting 'Except as provided in subsection (h), effective'; and

(2) by adding at the end the following:

'(h) Marketing Assessment for Certain 1997 and 1998 Crops:

'(1) In general.--Effective only for the 1997 crop of tobacco (other than Flue-cured tobacco) and the 1998 crop of Flue-cured tobacco for which price support is made available under this Act, each purchaser of such tobacco , and each importer of the same kind of tobacco , shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to--

'(A) in the case of a purchaser of domestic tobacco , 2.1 percent of the national price support level for each such crop; and

'(B) in the case of an importer of tobacco , 2.1 percent of the national support price for the same kind of tobacco ;
as provided for in this section.

'(2) Collection and enforcement.--The purchaser and importer assessments under paragraph (1) shall be--

'(A) collected in the same manner as provided for in section 106A(d)(2) or 106B(d)(3), as applicable; and

'(B) enforced in the same manner as provided in section 106A(h) or 106B(j), as applicable.

'(3) Enforcement.--The Secretary may enforce this subsection in the courts of the United States.'

Notwithstanding any other provision of this act, \$964,261,000 is provided for salaries and expenses of the Food and Drug Administration.

In carrying out their responsibilities under the Food and Drug Administration youth **tobacco** use prevention initiative, States are encouraged to coordinate their enforcement efforts with enforcement of laws that prohibit underage drinking.

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