

104TH CONGRESS
1ST SESSION

S. 598

To amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use a portion of the resulting revenues to fund a trust fund for tobacco diversification, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22 (legislative day, MARCH 16), 1995

Mr. BRADLEY (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use a portion of the resulting revenues to fund a trust fund for tobacco diversification, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tobacco Consumption
5 Reduction and Health Improvement Act of 1995”.

6 **SEC. 2. INCREASE IN TAXES ON TOBACCO PRODUCTS.**

7 (a) IN GENERAL.—

1 (1) CIGARS.—Subsection (a) of section 5701 of
2 the Internal Revenue Code of 1986 (relating to rate
3 of tax on cigars) is amended—

4 (A) by striking “\$1.125 cents per thou-
5 sand (93.75 cents per thousand on cigars re-
6 moved during 1991 and 1992)” in paragraph
7 (1) and inserting “\$5.8125 per thousand”; and

8 (B) by striking paragraph (2) and insert-
9 ing the following new paragraph:

10 “(2) LARGE CIGARS.—On cigars weighing more
11 than 3 pounds per thousand, a tax equal to 65.875
12 percent of the price for which sold but not more
13 than \$155 per thousand.”

14 (2) CIGARETTES.—Subsection (b) of section
15 5701 of such Code (relating to rate of tax on ciga-
16 rettes) is amended—

17 (A) by striking “\$12 per thousand (\$10
18 per thousand on cigarettes removed during
19 1991 and 1992)” in paragraph (1) and insert-
20 ing “\$62 per thousand”; and

21 (B) by striking “\$25.20 per thousand (\$21
22 per thousand on cigarettes removed during
23 1991 and 1992)” in paragraph (2) and insert-
24 ing “\$130.20 per thousand”.

1 (3) CIGARETTE PAPERS.—Subsection (c) of sec-
2 tion 5701 of such Code (relating to rate of tax on
3 cigarette papers) is amended by striking “0.75 cent
4 (0.625 cent on cigarette papers removed during
5 1991 or 1992)” and inserting “3.875 cents”.

6 (4) CIGARETTE TUBES.—Subsection (d) of sec-
7 tion 5701 of such Code (relating to rate of tax on
8 cigarette tubes) is amended by striking “1.5 cents
9 (1.25 cents on cigarette tubes removed during 1991
10 or 1992)” and inserting “7.75 cents”.

11 (5) SNUFF.—Paragraph (1) of section 5701(e)
12 of such Code (relating to rate of tax on smokeless
13 tobacco) is amended by striking “36 cents (30 cents
14 on snuff removed during 1991 or 1992)” and insert-
15 ing “\$1.86”.

16 (6) CHEWING TOBACCO.—Paragraph (2) of sec-
17 tion 5701(e) of such Code is amended by striking
18 “12 cents (10 cents on chewing tobacco removed
19 during 1991 or 1992)” and inserting “62 cents”.

20 (7) PIPE TOBACCO.—Subsection (f) of section
21 5701 of such Code (relating to rate of tax on pipe
22 tobacco) is amended by striking “67.5 cents (56.25
23 cents on chewing tobacco removed during 1991 or
24 1992)” and inserting “\$3.4875”.

1 (8) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply with respect to cigars,
3 cigarettes, cigarette paper, cigarette tubes, snuff,
4 chewing tobacco, and pipe tobacco removed after De-
5 cember 31, 1995.

6 (b) IMPOSITION OF EXCISE TAX ON MANUFACTURE
7 OR IMPORTATION OF ROLL-YOUR-OWN TOBACCO.—

8 (1) IN GENERAL.—Section 5701 of the Internal
9 Revenue Code of 1986 (relating to rate of tax) is
10 amended by redesignating subsection (g) as sub-
11 section (h) and by inserting after subsection (f) the
12 following new subsection:

13 “(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own
14 tobacco, manufactured in or imported into the United
15 States, there shall be imposed a tax of \$1.86 per pound
16 (and a proportionate tax at the like rate on all fractional
17 parts of a pound).”

18 (2) ROLL-YOUR-OWN TOBACCO.—Section 5702
19 of such Code (relating to definitions) is amended by
20 adding at the end the following new subsection:

21 “(p) ROLL-YOUR-OWN TOBACCO.—The term ‘roll-
22 your-own tobacco’ means any tobacco which, because of
23 its appearance, type, packaging, or labeling, is suitable for
24 use and likely to be offered to, or purchased by, consumers
25 as tobacco for making cigarettes.”

1 (3) TECHNICAL AMENDMENTS.—

2 (A) Subsection (c) of section 5702 of such
3 Code is amended by striking “and pipe to-
4 bacco” and inserting “pipe tobacco, and roll-
5 your-own tobacco”.

6 (B) Subsection (d) of section 5702 of such
7 Code is amended—

8 (i) in the material preceding para-
9 graph (1), by striking “or pipe tobacco”
10 and inserting “pipe tobacco, or roll-your-
11 own tobacco”, and

12 (ii) by striking paragraph (1) and in-
13 serting the following new paragraph:

14 “(1) a person who produces cigars, cigarettes,
15 smokeless tobacco, pipe tobacco, or roll-your-own to-
16 bacco solely for the person’s own personal consump-
17 tion or use, and”.

18 (C) The chapter heading for chapter 52 of
19 such Code is amended to read as follows:

20 **“CHAPTER 52—TOBACCO PRODUCTS AND**
21 **CIGARETTE PAPERS AND TUBES”.**

22 (D) The table of chapters for subtitle E of
23 such Code is amended by striking the item re-
24 lating to chapter 52 and inserting the following
25 new item:

“CHAPTER 52. Tobacco products and cigarette papers and tubes.”

1 (4) EFFECTIVE DATE.—

2 (A) IN GENERAL.—The amendments made
3 by this subsection shall apply to roll-your-own
4 tobacco removed (as defined in section 5702(p)
5 of the Internal Revenue Code of 1986, as added
6 by this subsection) after December 31, 1995.

7 (B) TRANSITIONAL RULE.—Any person
8 who—

9 (i) on the date of the enactment of
10 this Act is engaged in business as a manu-
11 facturer of roll-your-own tobacco or as an
12 importer of tobacco products or cigarette
13 papers and tubes, and

14 (ii) before January 1, 1996, submits
15 an application under subchapter B of
16 chapter 52 of such Code to engage in such
17 business,

18 may, notwithstanding such subchapter B, con-
19 tinue to engage in such business pending final
20 action on such application. Pending such final
21 action, all provisions of such chapter 52 shall
22 apply to such applicant in the same manner
23 and to the same extent as if such applicant
24 were a holder of a permit under such chapter
25 52 to engage in such business.

1 (c) FLOOR STOCKS.—

2 (1) IMPOSITION OF TAX.—On cigars, cigarettes,
3 cigarette paper, cigarette tubes, snuff, chewing to-
4 bacco, and pipe tobacco manufactured in or im-
5 ported into the United States which is removed be-
6 fore January 1, 1996, and held on such date for sale
7 by any person, there shall be imposed the following
8 taxes:

9 (A) SMALL CIGARS.—On cigars, weighing
10 not more than 3 pounds per thousand, \$4.6875
11 per thousand.

12 (B) LARGE CIGARS.—On cigars, weighing
13 more than 3 pounds per thousand, a tax equal
14 to 53.125 percent of the price for which sold,
15 but not more than \$125 per thousand.

16 (C) SMALL CIGARETTES.—On cigarettes,
17 weighing not more than 3 pounds per thousand,
18 \$50 per thousand.

19 (D) LARGE CIGARETTES.—On cigarettes,
20 weighing more than 3 pounds per thousand,
21 \$105 per thousand; except that, if more than
22 6½ inches in length, they shall be taxable at
23 the rate prescribed for cigarettes weighing not
24 more than 3 pounds per thousand, counting

1 each $2\frac{3}{4}$ inches, or fraction thereof, of the
2 length of each as one cigarette.

3 (E) CIGARETTE PAPERS.—On cigarette pa-
4 pers, 3.125 cents for each 50 papers or frac-
5 tional part thereof; except that, if cigarette pa-
6 pers measure more than $6\frac{1}{2}$ inches in length,
7 they shall be taxable at the rate prescribed,
8 counting each $2\frac{3}{4}$ inches, or fraction thereof, of
9 the length of each as one cigarette paper.

10 (F) CIGARETTE TUBES.—On cigarette
11 tubes, 6.25 cents for each 50 tubes or fractional
12 part thereof; except that, if cigarette tubes
13 measure more than $6\frac{1}{2}$ inches in length, they
14 shall be taxable at the rate prescribed, counting
15 each $2\frac{3}{4}$ inches, or fraction thereof, of the
16 length of each as one cigarette tube.

17 (G) SNUFF.—On snuff, \$1.50 per pound
18 and a proportionate tax at the like rate on all
19 fractional parts of a pound.

20 (H) CHEWING TOBACCO.—On chewing to-
21 bacco, 50 cents per pound and a proportionate
22 tax at the like rate on all fractional parts of a
23 pound.

1 (I) PIPE TOBACCO.—On pipe tobacco,
2 \$2.8125 per pound and a proportionate tax at
3 the like rate on all fractional parts of a pound.

4 (2) LIABILITY FOR TAX AND METHOD OF PAY-
5 MENT.—

6 (A) LIABILITY FOR TAX.—A person hold-
7 ing cigars, cigarettes, cigarette paper, cigarette
8 tubes, snuff, chewing tobacco, and pipe tobacco
9 on January 1, 1996, to which any tax imposed
10 by paragraph (1) applies shall be liable for such
11 tax.

12 (B) METHOD OF PAYMENT.—The tax im-
13 posed by paragraph (1) shall be treated as a
14 tax imposed under section 5701 of the Internal
15 Revenue Code of 1986 and shall be due and
16 payable on February 15, 1996, in the same
17 manner as the tax imposed under such section
18 is payable with respect to cigars, cigarettes, cig-
19 arette paper, cigarette tubes, snuff, chewing to-
20 bacco, and pipe tobacco removed on January 1,
21 1996.

22 (3) CIGARS, CIGARETTES, CIGARETTE PAPER,
23 CIGARETTE TUBES, SNUFF, CHEWING TOBACCO, AND
24 PIPE TOBACCO.—For purposes of this subsection,
25 the terms “cigar”, “cigarette”, “cigarette paper”,

1 “cigarette tubes”, “snuff”, “chewing tobacco”, and
2 “pipe tobacco” shall have the meaning given to such
3 terms by subsections (a), (b), (e), and (g), para-
4 graphs (2) and (3) of subsection (n), and subsection
5 (o) of section 5702 of the Internal Revenue Code of
6 1986, respectively.

7 (4) EXCEPTION FOR RETAIL STOCKS.—The
8 taxes imposed by paragraph (1) shall not apply to
9 cigars, cigarettes, cigarette paper, cigarette tubes,
10 snuff, chewing tobacco, and pipe tobacco in retail
11 stocks held on January 1, 1996, at the place where
12 intended to be sold at retail.

13 (5) FOREIGN TRADE ZONES.—Notwithstanding
14 the Act of June 18, 1934 (19 U.S.C. 81a et seq.)
15 or any other provision of law—

16 (A) cigars, cigarettes, cigarette paper, ciga-
17 rette tubes, snuff, chewing tobacco, and pipe
18 tobacco—

19 (i) on which taxes imposed by Federal
20 law are determined, or customs duties are
21 liquidated, by a customs officer pursuant
22 to a request made under the first proviso
23 of section 3(a) of the Act of June 18, 1934
24 (19 U.S.C. 81c(a)) before January 1,
25 1996, and

1 (ii) which are entered into the cus-
2 toms territory of the United States on or
3 after January 1, 1996, from a foreign
4 trade zone, and

5 (B) cigars, cigarettes, cigarette paper, cig-
6 arette tubes, snuff, chewing tobacco, and pipe
7 tobacco which—

8 (i) are placed under the supervision of
9 a customs officer pursuant to the provi-
10 sions of the second proviso of section 3(a)
11 of the Act of June 18, 1934 (19 U.S.C.
12 81c(a)) before January 1, 1996, and

13 (ii) are entered into the customs terri-
14 tory of the United States on or after Janu-
15 ary 1, 1996, from a foreign trade zone,

16 shall be subject to the tax imposed by paragraph (1)
17 and such cigars, cigarettes, cigarette paper, cigarette
18 tubes, snuff, chewing tobacco, and pipe tobacco
19 shall, for purposes of paragraph (1), be treated as
20 being held on January 1, 1996, for sale.

21 (d) ESTABLISHMENT OF TRUST FUND.—

22 (1) IN GENERAL.—Subchapter A of chapter 98
23 of the Internal Revenue Code of 1986 (relating to
24 trust fund code) is amended by adding at the end
25 the following new section:

1 **“SEC. 9512. TOBACCO CONVERSION TRUST FUND.**

2 “(a) CREATION OF TRUST FUND.—There is estab-
3 lished in the Treasury of the United States a trust fund
4 to be known as the ‘Tobacco Conversion Trust Fund’
5 (hereafter referred to in this section as the ‘Trust Fund’),
6 consisting of such amounts as may be appropriated or
7 credited to the Trust Fund as provided in this section or
8 section 9602(b).

9 “(b) TRANSFERS TO TRUST FUND.—The Secretary
10 shall transfer to the Trust Fund an amount equivalent
11 to 3 percent of the net increase in revenues received in
12 the Treasury attributable to the amendments made to sec-
13 tion 5701 by subsections (a) and (b) of section 2 and the
14 provisions contained in section 2(c) of the Tobacco Con-
15 sumption Reduction and Health Improvement Act of
16 1995, as estimated by the Secretary.

17 “(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—
18 Amounts in the Trust Fund shall be available to the Sec-
19 retary of Agriculture, as provided by appropriation Acts,
20 for making expenditures for purposes of—

21 “(1) providing assistance to farmers in convert-
22 ing from tobacco to other crops and improving the
23 access of such farmers to markets for other crops,
24 and

25 “(2) providing grants or loans to communities,
26 and persons involved in the production or manufac-

1 ture of tobacco or tobacco products, to support eco-
2 nomic diversification plans that provide economic
3 alternatives to tobacco to such communities and per-
4 sons.

5 The assistance referred to in paragraph (1) may include
6 government purchase of tobacco allotments for purposes
7 of retiring such allotments from allotment holders and
8 farmers who choose to terminate their involvement in
9 tobacco production.”

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions for such subchapter A is amended by adding
12 at the end the following new item:

“Sec. 9512. Tobacco Conversion Trust Fund.”

○