

105TH CONGRESS  
1ST SESSION

# H. R. 2135

To make exports of tobacco products and the advertising of tobacco products abroad subject to the restrictions on labeling and advertising applicable to tobacco products in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 1997

Mr. DOGGETT (for himself, Mr. WAXMAN, Mr. HANSEN, Mr. MEEHAN, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CAPPS, Ms. DEGETTE, Mr. DELLUMS, Mr. HINCHEY, Mr. KIND, Mr. LEWIS of Georgia, Mr. LUTHER, Mr. MILLER of California, Mr. OLVER, Ms. PELOSI, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Commerce and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To make exports of tobacco products and the advertising of tobacco products abroad subject to the restrictions on labeling and advertising applicable to tobacco products in the United States, 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 “International Tobacco  
5 Responsibility Act of 1997”.

1 **SEC. 2. EXPORTS OF TOBACCO PRODUCTS AND ADVERTIS-**  
2 **ING OF TOBACCO PRODUCTS ABROAD.**

3 (a) LABELING REQUIREMENTS FOR EXPORTS.—

4 (1) REQUIREMENTS FOR CIGARETTES.—It shall  
5 be unlawful for any person subject to the jurisdiction  
6 of the United States, either directly or through a  
7 foreign subsidiary or agent of that person, to export  
8 from the United States or any other country any  
9 cigarettes the package of which does not contain the  
10 label statements, in the primary language of the  
11 country in which the cigarettes are intended for con-  
12 sumption, required by section 4 of the Federal Ciga-  
13 rette Labeling and Advertising Act (15 U.S.C. 1333)  
14 for cigarettes manufactured, imported, or packaged  
15 for sale or distribution within the United States.

16 (2) SMOKELESS TOBACCO WARNING.—It shall  
17 be unlawful for any person subject to the jurisdiction  
18 of the United States, either directly or through a  
19 foreign subsidiary or agent of that person, to export  
20 from the United States or any other country any  
21 smokeless tobacco product the package of which does  
22 not contain the label statements, in the primary lan-  
23 guage of the country in which the smokeless tobacco  
24 product is intended for consumption, required by  
25 section 3 of the Comprehensive Smokeless Tobacco  
26 Health Education Act of 1986.

1           (3) WAIVERS.—The President may waive the  
2           prohibition contained in paragraph (1) or (2) if the  
3           President determines that the country in which the  
4           exported cigarettes or smokeless tobacco product are  
5           intended for consumption has in effect requirements  
6           for labeling of cigarette packages or smokeless to-  
7           bacco product packages substantially similar to or  
8           more stringent than those set forth in section 4 of  
9           the Federal Cigarette Labeling and Advertising Act  
10          or section 3 of the Comprehensive Smokeless To-  
11          bacco Health Education Act of 1986. The President  
12          shall publish in the Federal Register all waivers  
13          granted under this paragraph.

14          (b) LABEL STATEMENTS REQUIRED FOR ADVERTIS-  
15          ING ABROAD.—

16               (1) REQUIREMENTS FOR CIGARETTES.—It shall  
17               be unlawful for any person subject to the jurisdiction  
18               of the United States, either directly or through a  
19               foreign subsidiary or agent of that person, to adver-  
20               tise or cause to be advertised abroad any cigarette  
21               unless the advertising contains the label statements,  
22               in the same language as the advertising message, re-  
23               quired for advertising under section 4 of the Federal  
24               Cigarette Labeling and Advertising Act.

1           (2) SMOKELESS TOBACCO REQUIREMENTS.—It  
2       shall be unlawful for any person subject to the juris-  
3       diction of the United States, either directly or  
4       through a foreign subsidiary or agent of that person,  
5       to advertise or cause to be advertised abroad any  
6       smokeless tobacco product unless the labeling con-  
7       tains the label statements, in the same language as  
8       the advertising message, required for advertising by  
9       section 3 of the Comprehensive Smokeless Tobacco  
10      Health Education Act of 1986.

11          (3) WAIVER.—The President may waive the  
12      prohibition contained in paragraph (1) or (2) with  
13      respect to a country in which the advertising is car-  
14      ried out if the President determines that the country  
15      has in effect requirements for advertising of ciga-  
16      rettes or smokeless tobacco products substantially  
17      similar to or more stringent than those set forth in  
18      section 4 of the Federal Cigarette Labeling and Ad-  
19      vertising Act or section 3 of the Comprehensive  
20      Smokeless Tobacco Health Education Act of 1986.  
21      The President shall publish in the Federal Register  
22      all waivers granted under this paragraph.

23 **SEC. 3. PENALTIES.**

24          (a) FINE.—Any person who violates the provisions of  
25      section 2 shall be fined not more than \$100,000.

1 (b) INJUNCTION PROCEEDINGS.—The district courts  
2 of the United States shall have jurisdiction, for cause  
3 shown, to prevent and restrain violations of section 2 upon  
4 the application of the Attorney General of the United  
5 States.

6 **SEC. 4. REPEAL.**

7 Section 12 of the Federal Cigarette Labeling and Ad-  
8 vertising Act (15 U.S.C. 1340) is repealed.

9 **SEC. 5. RESTRICTIONS ON ACTIVITIES ABROAD REGARD-**  
10 **ING THE MARKETING OF TOBACCO PROD-**  
11 **UCTS.**

12 (a) PROHIBITION.—No funds appropriated by law  
13 may be used by any officer, employee, department, or  
14 agency of the United States or of any State or local gov-  
15 ernment—

16 (1) to seek, through negotiation or otherwise,  
17 the removal or reduction by any foreign country of  
18 any restrictions which that country imposes or may  
19 impose on the advertising, manufacture, packaging,  
20 taxation, or sale or distribution of cigarettes, little  
21 cigars, snuff, chewing tobacco, or smokeless tobacco,  
22 that is produced in that foreign country; or

23 (2) to promote the export of cigarettes, little ci-  
24 gars, snuff, chewing tobacco, or smokeless tobacco  
25 to, or the sale or distribution of cigarettes, little ci-

1       gars, snuff, chewing tobacco, or smokeless tobacco  
2       in, any foreign country.

3       (b) EXPORT PROMOTION ACTIVITIES.—For purposes  
4 of this section, the term “promote the export of cigarettes,  
5 little cigars, snuff, chewing tobacco, or smokeless tobacco”  
6 includes any activity designed to stimulate or assist United  
7 States businesses in marketing those products abroad  
8 competitively with businesses from other countries, includ-  
9 ing, but not limited to—

10           (1) trade development and dissemination of for-  
11 eign marketing opportunities and other marketing  
12 information to United States producers of those  
13 products, including the expansion of foreign markets  
14 for those products;

15           (2) the development of regional and multilateral  
16 economic policies that enhance United States trade  
17 and investment interests in such products, and the  
18 provision of marketing services with respect to for-  
19 eign countries and regions; and

20           (3) the exhibition of such products in other  
21 countries.

22 **SEC. 6. COMPOSITION OF SECTION 301 COMMITTEE.**

23       Any interagency committee established to assist the  
24 United States Trade Representative in performing the  
25 functions vested in the Trade Representative under section

1 301 of the Trade Act of 1974, shall include, with respect  
2 to any case under such section 301 that involves ciga-  
3 rettes, little cigars, snuff, chewing tobacco, or smokeless  
4 tobacco, representatives of the Department of Health and  
5 Human Services.

6 **SEC. 7. INTERNATIONAL CONFERENCE ON TOBACCO USE.**

7 It is the sense of the Congress that the President  
8 should urge the United Nations, acting through the  
9 United States Permanent Representative to the United  
10 Nations, to create a United Nations Conference to address  
11 the use of tobacco worldwide and to implement regulations  
12 to decrease the use of tobacco.

13 **SEC. 8. REGULATORY AUTHORITY.**

14 The President may issue such regulations and orders  
15 as may be necessary to carry out this Act.

16 **SEC. 9. DEFINITIONS.**

17 For purposes of this Act:

18 (1) CIGARETTE.—The term “cigarette”, “Unit-  
19 ed States”, “package”, and “sale or distribution”,  
20 have the meanings given those terms in section 3 of  
21 the Federal Cigarette Labeling and Advertising Act  
22 (15 U.S.C. 1332).

23 (2) FOREIGN SUBSIDIARY.—A person is a “for-  
24 eign subsidiary” of another person if that person is  
25 located outside the United States or is organized

1       under the laws of a foreign country, and that person  
2       is directly or indirectly owned or controlled by that  
3       other person to the extent of 10 percent or more of  
4       its voting stock (in the case of an incorporated en-  
5       terprise) or an equivalent interest (in the case of an  
6       unincorporated enterprise), and such term includes a  
7       branch of that other person.

8               (3) SMOKELESS TOBACCO.—The term “smoke-  
9       less tobacco” means any finely cut, ground, pow-  
10      dered, or leaf tobacco that is intended to be placed  
11      in the oral cavity.

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