

106TH CONGRESS
1ST SESSION

S. 1543

To amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. McCONNELL (for himself, Mr. HELMS, Mr. BUNNING, Mr. COVERDELL, Mr. EDWARDS, Mr. ROBB, and Mr. WARNER) introduced the following bill; which was read twice, considered, and read a third time

A BILL

To amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

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. TOBACCO PRODUCTION AND MARKETING IN-**
4 **FORMATION.**

5 Part I of subtitle B of title III of the Agricultural
6 Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amend-
7 ed by adding at the end the following:

1 **“SEC. 320D. TOBACCO PRODUCTION AND MARKETING IN-**
 2 **FORMATION.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-
 4 vision of law, the Secretary may, subject to subsection (b),
 5 release marketing information submitted by persons relat-
 6 ing to the production and marketing of tobacco to State
 7 trusts or similar organizations engaged in the distribution
 8 of national trust funds to tobacco producers and other per-
 9 sons with interests associated with the production of to-
 10 bacco, as determined by the Secretary.

11 “(b) LIMITATIONS.—

12 “(1) IN GENERAL.—Information may be re-
 13 leased under subsection (a) only to the extent that—

14 “(A) the release is in the interest of to-
 15 bacco producers, as determined by the Sec-
 16 retary; and

17 “(B) the information is released to a State
 18 trust or other organization that is created to, or
 19 charged with, distributing funds to tobacco pro-
 20 ducers or other parties with an interest in to-
 21 bacco production or tobacco farms under a na-
 22 tional or State trust or settlement.

23 “(2) EXEMPTION FROM RELEASE.—The Sec-
 24 retary shall, to the maximum extent practicable, in
 25 advance of making a release of information under
 26 subsection (a), allow, by announcement, a period of

1 at least 15 days for persons whose consent would
2 otherwise be required by law to effectuate the re-
3 lease, to elect to be exempt from the release.

4 “(c) ASSISTANCE.—

5 “(1) IN GENERAL.—In making a release under
6 subsection (a), the Secretary may provide such other
7 assistance with respect to information released under
8 subsection (a) as will facilitate the interest of pro-
9 ducers in receiving the funds that are the subject of
10 a trust described in subsection (a).

11 “(2) FUNDS.—The Secretary shall use amounts
12 made available for salaries and expenses of the De-
13 partment to carry out paragraph (1).

14 “(d) RECORDS.—

15 “(1) IN GENERAL.—A person that obtains in-
16 formation described in subsection (a) shall maintain
17 records that are consistent with the purposes of the
18 release and shall not use the records for any purpose
19 not authorized under this section.

20 “(2) PENALTY.—A person that knowingly vio-
21 lates this subsection shall be fined not more than
22 \$10,000, imprisoned not more than 1 year, or both.

23 “(e) APPLICATION.—This section shall not apply to—

24 “(1) records submitted by cigarette manufac-
25 turers with respect to the production of cigarettes;

1 “(2) records that were submitted as expected
2 purchase intentions in connection with the establish-
3 ment of national tobacco quotas; or

4 “(3) records that aggregate the purchases of
5 particular buyers.”.

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