

be no less legible, prominent, and conspicuous than the most legible, prominent, and conspicuous typeface, typography, and size of other matter printed on the side of the package on which the label statement appears.

(2) **FORMAT FOR OTHER CIGARETTE LABELS.**—The label required by paragraph (1)(B) of subsection (a) shall appear on the package in such style and format as the Secretary may by regulation prescribe.

(c) **ROTATION.**—The warning labels required by paragraphs (1)(A) and (2) of subsection (a) shall be rotated by each manufacturer of cigarettes and spit tobacco products on each brand of cigarettes and spit tobacco products in accordance with a plan approved for the manufacturer by the Secretary. Each such plan shall provide for an approximately even distribution of the labels among the packages of a brand of the cigarettes and spit tobacco products of each manufacturer each year.

#### SEC. 5. LABELING IN ADVERTISING.

(a) **IN GENERAL.**—

(1) **CIGARETTE ADVERTISING.**—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any brand of cigarettes unless the advertising for such brand bears the warning label required for cigarettes by section 4(a)(1)(A).

(2) **SPIT TOBACCO.**—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any spit tobacco product unless the advertising for such product bears the warning label required for spit tobacco products by section 4(a)(2).

(3) **OTHER TOBACCO PRODUCTS.**—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any tobacco product, other than cigarettes or spit tobacco, unless the advertising for such product bears the warning label required for such product by section 4(a)(3).

(b) **FORMAT.**—

(1) **WARNING LABELS.**—The warning label required by subsection (a) for advertising shall—

(A) appear in white letters on black backing or in black letters on white backing, whichever is most prominent relative to the color of the advertisement, except that the word "WARNING" shall appear in bright red letters and in a advertisement without color "WARNING" shall be in black or white as prescribed by this subparagraph and shall be boldly underlined with a black or white underlining,

(B) be in a rectangular shape which occupies 33 percent of the space of each advertisement and which is located at the top of the advertisement and enclosed in a border of color contrasting to the color of the backing prescribed by subparagraph (A) and to the predominant color of the advertisement of the tobacco product being advertised,

(C) include letters in a type face and size which, within the space limitation prescribed by subparagraph (B), assure that the letters in the statement will be no less legible, prominent, or conspicuous than the most legible, prominent, and conspicuous typeface, typography, and size of other matter printed on the advertisement, and

(D) be in the same language as the text of the advertising in which it appears.

(2) **BILLBOARDS WITH LIGHTING.**—The warning label on billboards which use artificial lighting shall be no less visible than other printed matter on the billboard when the lighting is in use.

(c) **ROTATION.**—

(1) **NON-BILLBOARD ADVERTISING.**—Warning labels on advertising (other than billboard

advertising) shall be rotated quarterly in alternating sequence for each brand of cigarettes or spit tobacco product manufactured by the manufacturer or imported by the importer in accordance with a plan submitted by the manufacturer or importer and approved by the Secretary.

(2) **BILLBOARDS.**—Warning labels on advertising displayed on billboards shall be rotated annually or whenever the advertisement is changed, whichever occurs first.

#### SEC. 6. AUTHORITY TO REVISE HEALTH WARNINGS.

The Secretary may by regulation revise any health warning required by section 4(a)(1)(A), 4(a)(2), or 4(a)(3) and the format for the display of such warning if the Secretary finds that such revision would promote greater understanding of the risks of tobacco.

#### SEC. 7. TOBACCO PRODUCT INGREDIENTS AND CONSTITUENTS.

(a) **GENERAL RULE.**—Each person which manufactures, packages, or imports into the United States any tobacco product shall annually report, in a form and at a time specified by the Secretary by regulation—

(1) the identity of any added constituent of the tobacco product other than tobacco, water, or reconstituted tobacco sheet made wholly from tobacco, and

(2) the nicotine, tar, and carbon monoxide yield ratings which shall accurately predict the nicotine, tar, and carbon monoxide intake from such tobacco product for average consumers based on standards established by the Secretary by regulation,

if such information is not information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code. The constituents identified under paragraph (1) shall be listed in descending order according to weight, measure, or numerical count. If any of such constituents is carcinogenic or otherwise poses a risk to human health, as determined by the Secretary, such information shall be included in the report.

(b) **PUBLIC DISSEMINATION.**—The Secretary shall review the information contained in each report submitted under subsection (a) and if the Secretary determines that such information directly affects the public health, the Secretary shall require that such information be included in a label under sections 4(a)(1)(B), 4(a)(2)(B), and 4(a)(3)(B).

(c) **OTHER SOURCES OF INFORMATION.**—The Secretary shall establish a toll-free telephone number and a site on the Internet which shall make available additional information on the ingredients of tobacco products, except information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code.

#### SEC. 8. ENFORCEMENT.

(a) **IN GENERAL.**—

(1) The Secretary shall carry out the Secretary's duties under this Act through the Commissioner of Food and Drugs.

(2) The Secretary shall issue such regulations as may be appropriate for the implementation of this Act. The Secretary shall issue proposed regulations for such implementation within 180 days of the date of the enactment of this Act. Not later than 180 days after the date of the publication of such proposed regulations, the Secretary shall issue final regulations for such implementation. If the Secretary does not issue such final regulations before the expiration of such 180 days, the proposed regulations shall become final and the Secretary shall publish a notice in the Federal Register about the new status of the proposed regulations.

(3) In carrying out the Secretary's duties under this Act, the Secretary shall, as appropriate, consult with such experts as may have appropriate training and experience in the matters subject to such duties.

(4) The Secretary shall monitor compliance with the requirements of this Act.

(5) The Secretary shall recommend to the Attorney General such enforcement actions as may be appropriate.

(b) **INJUNCTION.**—

(1) The district courts of the United States shall have jurisdiction over civil actions brought to restrain violations of sections 4 and 5. Such a civil action may be brought in the United States district court for the judicial district in which any substantial portion of the violation occurred or in which the defendant is found or transacts business. In such a civil action, process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas requiring attendance of witnesses in any such action may be served in any judicial district.

(2) Any interested organization may bring a civil action described in paragraph (1). If such an organization substantially prevails in such an action, the court may award it reasonable attorney's fees and expenses. For purposes of this paragraph, the term "interested organization" means any nonprofit organization one of whose purposes, and a substantial part of its activities, include the promotion of public health through reduction in the use of tobacco products.

(c) **CIVIL PENALTY.**—Any person who manufactures, packages, distributes, or advertises a tobacco product in violation of section 4 or 5 shall be subject to a civil penalty of not more than \$100,000 for each violation per day.

#### SEC. 9. LIABILITY.

Compliance with any requirement of this Act, the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.), or the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401 et seq.) shall not relieve any person from liability to any other person at common law or under State statutory law.

#### SEC. 10. EFFECTIVE DATES AND CONFORMING AMENDMENTS.

(a) **EFFECTIVE DATES.**—This Act shall take effect on the date of the enactment of this Act, except that

(1) sections 4, 5, and 7 shall take effect one year after the date of the enactment of this Act,

(2) section 6 shall take effect 3 years after the date of the enactment of this Act.

(b) **CONFORMING AMENDMENTS.**—Effective one year from the date of the enactment of this Act, the Federal Cigarette Labeling and Advertising Act (other than sections 6, 9, 10, and 11) (15 U.S.C. 1331 et seq.) and the Comprehensive Smokeless Tobacco Health Education Act of 1986 (other than sections 1, 2, 3(f), and 8) (15 U.S.C. 4401 et seq.) are repealed.

#### ADDITIONAL COSPONSORS

S. 18

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 18, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 28

At the request of Mr. THURMOND, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from

Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 91

At the request of Ms. SNOWE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 91, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 102

At the request of Mr. BREAUX, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of S. 102, a bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 207

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 207, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 224

At the request of Mr. WARNER, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 228

At the request of Mr. MCCAIN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 228, a bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations.

S. 304

At the request of Mr. DORGAN, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 304, a bill to clarify Federal law with respect to assisted suicide, and for other purposes.

S. 351

At the request of Mrs. MURRAY, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 351, a bill to provide for teacher technology training.

S. 365

At the request of Mr. COVERDELL, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 365, a bill to amend the Internal Revenue Code of 1986 to provide for increased accountability by Internal Revenue Service agents and other Federal Government officials in tax collection practices and procedures, and for other purposes.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 419

At the request of Mr. BOND, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 492

At the request of Mr. SARBANES, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 492, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 511

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 511, a bill to require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, to promote the adoption of children with special needs, and for other purposes.

## SENATE CONCURRENT RESOLUTION 11

At the request of Mr. GREGG, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

## SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Kentucky [Mr. FORD], the Senator

from New Mexico [Mr. BINGAMAN], the Senator from Montana [Mr. BAUCUS], the Senator from Virginia [Mr. WARNER], the Senator from Wisconsin [Mr. KOHL], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week."

## NOTICE OF HEARING

## COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, April 10, 1997, at 10:30 a.m. to receive testimony from outside counsel concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.

For further information concerning this hearing, please contact Bruce Kasold of the Rules Committee staff at 224-3448.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 1997, at 10 a.m. and at 3:30 p.m. to hold hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON INDIAN AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, April 8, 1997, at 9:30 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on juvenile justice issues in Indian country.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON PERSONNEL

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Tuesday, April 8, 1997, at 10 a.m. in open session, to receive testimony on active and reserve military and civilian personnel programs and the Defense Health Program in review of S. 450, the National Defense Authorization Act for fiscal years 1998 and 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.