

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1108**

OFFERED BY M.C. Bayer

(Page and line numbers refer to March 4, 2008, version of the amendment in the nature of a substitute)

On page 125, beginning at line 1, strike clause (ii) and insert the following:

1 “(ii) ALLOCATIONS.—The applicable
2 percentage of each class of tobacco product
3 described in clause (i) for a fiscal year
4 shall be equal to the percentage deter-
5 mined under paragraph (5)(A)(ii) for such
6 class for the preceding fiscal year.

On page 126, beginning at line 20, strike paragraph (4) and insert the following:

7 “(4) ALLOCATION OF ASSESSMENT WITHIN
8 EACH CLASS OF TOBACCO PRODUCT.—The percent-
9 age share of each manufacturer or importer of a
10 particular class of tobacco products of the total user
11 fee to be paid by all manufacturers or importers of
12 that class of tobacco products shall be the percent-
13 age determined under paragraph (5)(A)(iii) for the
14 products within that class manufactured or imported

1 by such manufacturer or importer, respectively, for
2 the preceding fiscal year.

On page 127, beginning at line 5, strike paragraph
(5) and insert the following:

3 “(5) SURVEY OF USE BY MINORS.—

4 “(A) IN GENERAL.—For purposes of allo-
5 cations under paragraphs (2)(B)(ii) and (4), be-
6 ginning with respect to fiscal year 2008, the
7 Secretary shall conduct a survey each fiscal
8 year to determine—

9 “(i) the total number of tobacco prod-
10 ucts used by minors;

11 “(ii) of such total number, the per-
12 centage of such products attributable to
13 each class of tobacco products; and

14 “(iii) within each class of tobacco
15 products, the percentage of such products
16 attributable to each manufacturer and im-
17 porter of the products.

18 “(B) DEFINITION.—For purposes of this
19 paragraph and paragraphs (2)(B)(ii) and (4),
20 the term “minor” means an individual who has
21 not attained 18 years of age.