

Pat Brown

From Wikipedia, the free encyclopedia

Edmund Gerald "Pat" Brown, Sr. (April 21, 1905 – February 16, 1996) was the 32nd Governor of California, serving from 1959 to 1967, and the father of current Governor of California Jerry Brown.

Edmund Gerald Brown, Sr.



Contents

- 1 Background
- 2 Governor of California
- 3 Personal life
- 4 Presidential and Vice Presidential candidate
- 5 Political party identity in California
- 6 Bibliography
- 7 References
- 8 External links

Background

Brown was born in San Francisco, California, one of four children of Edmund and Ida Schuckman Brown. His father was an Irish Catholic, his mother a German Protestant.^{[1][2]} He acquired the nickname "Pat" during his school years; the nickname was a reference to his Patrick Henry-like oratory. When he was 12 and selling Liberty Bonds on street corners, he would end his spiel with, "Give me liberty, or give me death."^[3]

He was a debate champion as a member of the Lowell Forensic Society at San Francisco's Lowell High School, from which he graduated in 1923. Brown skipped college and worked in his father's cigar store while studying law at a local night school. He graduated from San Francisco College of Law in spring 1927, passed the California bar exam the following fall^[4], and started a law practice in San Francisco.

Brown ran as a Republican for the State Assembly in 1928, but lost; he joined the Democratic Party in 1932. He waited until 1939 to seek public office again, this time running for District Attorney of San Francisco, a race he lost to Matthew Brady.^[1]

32nd Governor of California

In office

January 5, 1959 – January 2, 1967

Lieutenant	Glenn M. Anderson
Preceded by	Goodwin Knight
Succeeded by	Ronald Reagan
Born	April 21, 1905 San Francisco, California
Died	February 16, 1996 (aged 90) Beverly Hills, California
Resting place	Holy Cross Cemetery Colma, California
Political party	Republican (1928) Democrat (1932-1996)
Spouse(s)	Bernice Layne
Alma mater	San Francisco College of Law
Profession	Lawyer
Religion	Roman Catholic

STATE BOARD OF EQUALIZATION



Appeal Name: John Francis Kelly
 Case ID: _____ ITEM #. _____
 Date: July 25, 2012 Exhibit No: 7.5
 TP FTB DEPT **PUBLIC COMMENT**

John F. Kelly
330 El Camino Real
Tustin, CA 92780

February 28, 2011

Senator Barbara Boxer
1700 Montgomery St. Suite 240
San Francisco, CA 94111

Dear Senator Boxer,

Re: Pact Act of 2009 (S. 1147)

Your support of Senate **Pact Act S. 1147** of 2009 should be applauded, but falls short in the area of the **Cigar Industry**. This inequity created by the **Pact Act** and the omission of Cigars from the Act has had an unintended and negative impact on the citizens of California and other states where excise taxes exist on cigar products. The **Pact Act** appears to have evolved from the Federal Law (15 U.S.C. 375-377) commonly referred to as the **Jenkins Act**. The **Jenkins Act** and the **Pact Act** do not address the cigar sales and create no basis by which the B.O.E. may collect of excise and sale tax on internet and mail order sales from out of state cigar merchants.

The **Pact Act** should be amended to include the interstate transfer of cigars directly to retail buyers to avoid people who cheat the system which is common place in today's society. The California sales tax of **8.75 %** (locally adjusted per county) and **33% Tobacco Excise Tax** the combination **43.75 %** tax which is not being forwarded to the Board of Equalization (B.O.E.) This consumer culture of tax evaders along with the conspiring internet providers and mail order companies are conspiring against the citizens of California. The **Pact Act** of 2009 appeared to have followed the **Jenkins Act** and only addressed cigarettes, rolled tobacco products, and smokeless tobacco products. The cigar industry has benefited by the lack of enforcement in allowing out of state merchants to ship directly to consumers in California costing the tax payers over \$50,000,000 dollars per year this has been going on for years. This is creating a culture of internet consumers and mail order consumers who are dishonest and do not pay the 43.75% tax required by existing law must be collected in these thin times by the state.

The cigar industry has estimated that the California consumers purchased 70% of all premium cigars from out of state retailers/wholesalers and the vast majorities are not paying any tax, excise or sales. The out of state retailers are not obligated to provide any list of their customers to the B.O.E., and are using the United States Postal Service in an effort to elude detection of their retail consumers. FedEx and UPS provide the lists to the B.O.E. upon request but, the USPO does not. The following cigar vendors constitute the bulk of the premium cigar industry in California and all are out of state vendors: JR Cigars, Cigar International, Thompson Cigars, and Thomas Smoke Shop. For instance, JR Cigars, the largest retailer and sells millions of cigars nationally and is owned by U S

Altidas which in turn is owned by a European company that is owned by Spanish, French and English individuals. These out of country sellers are not paying Sales Tax, Property Taxes or Income Tax in the State of California, but we allow them a 43.75 % cost advantage over a "Brick and Mortar Shop" from our own state. Why?

I hope you will see the light and see the injustice along with the inability of the B.O.E. to collect the rightful taxes that our state is entitled to collect. The collective consumers taking advantage of the present system are dishonest and should not be allowed to continue to operate in this manner. The powerful conglomerates in Europe should not be able to take advantage of our state's inability to properly enforce its right to collect excise and sales tax to which it is entitled. .

A famous U. S. Vice President, Thomas R. Marshall, once said "*What this country needs is a good 5 cent cigar*". What this state and country needs is a cigar's that is included into the Pact Act. Edmond Brown Sr., the grandfather own current governor and past Gov. Edward Brown Jr. Edmond Brown Sr. once worked in and provided for his family in the retail cigar industry in California many years ago.

California consumers buying cigars via mail order and over the internet are generally tax evaders, nothing more according to the B.O.E. The cigar vendors from out of state are conspirators collectively, and are doing this in broad daylight and are stealing from citizens of California. No other industries in California are subject to these unfair types of enforcement. The liquor, cigarette, and automobile industry are not entitled to this safe or blind haven situation. Cigar vendors from out of state pay no sales tax, excise tax, property taxes, state income taxes and create no jobs in California and are given 43.75% advantage over Brick and Mortar Shops from California. It is easy to see why jobs leave our state. California is bleeding red ink already. Stop these injustices reform the Pact Act to include cigars from out of state retailers now! E - Commerce does not mean exemption the Buyers of out of state cigars think they are free to buy without recourse costing jobs and taxes in California. Californians have proven they will avoid taxes if we let them cheat the system which is the norm for Cigar Smokers.

I appreciate your work for the citizens of California and I would be happy to meet with you or your staff to understand how you might remedy this situation at the **National Level** or **State Level**. I can be contacted at (714-510-6993) and my address is listed above.

Sincerely,

John F. Kelly

Cc. Gov. Jerry Brown
Cc. Senator Barbara Boxer

Attachments



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0057
916-322-9550 • FAX 916-324-2554
www.boe.ca.gov

BETTY T. YEE
First District, San Francisco

SEN. GEORGE RUNNER (RET.)
Second District, Lancaster

MICHELLE STEEL
Third District, Rolling Hills Estates

JEROME E. HORTON
Fourth District, Los Angeles

JOHN CHIANG
State Controller

KRISTINE CAZADD
Interim Executive Director

February 14, 2011

Kelly's Tux Shop
John F. Kelly
330 El Camino Real
Tustin, CA 92780-3606

Dear Mr. Kelly:

This letter is a follow up your presentation at the October 20, 2010 Board Meeting, where you expressed concerns regarding JR Cigars Inc. (JR), an out-of-state business incorporated in North Carolina selling other tobacco products (excluding cigarettes) into the state of California. Mr. Richard Parrott, Administrator, here in the Special Taxes and Fees Division (staff), contacted you following your appearance and you have subsequently provided additional information relating to JR.

Staff has researched JR and verified they are not currently registered with the Secretary of State to do business in California or with the State Board of Equalization (BOE) as a Cigarette and Tobacco Products Distributor reporting distributions of tobacco products in this state. JR does not maintain, occupy, or use, any office or place of distribution. It does not have sales representatives, agents, independent contractors or solicitors operating in California under its authority to market, sell or deliver products. The company is located and operates in North Carolina with no physical presence, or sales rep in California.

All of JR's sales transactions into California originate through mail orders, Internet orders, or phone orders. As Mr. Parrott has mentioned, "engaged in business in this state" does not include the taking of orders from customers in this state through a computer telecommunications network located in this state which is not directly or indirectly owned by the retailer when the orders result from the electronic display of products on that same network.

Staff also examined the possibility that JR might have nexus by virtue of being a wholly owned subsidiary of Altadis Corporation, which is engaged in business in California and holds several Cigarette and Tobacco Licenses as a Manufacturer and Distributor. However, California courts have held that ownership of an out-of-state subsidiary by a parent engaged in business in the state is not sufficient grounds to establish nexus for the out-of-state subsidiary. The case of *Current, Inc. v. BOE* (1994) 24 Cal.App.4th 382 involved an out-of-state mail-order company without nexus in CA that was acquired by a corporation that was a retailer engaged in business. BOE asserted nexus against the subsidiary based on the parent's nexus, but the Court of Appeals ruled against BOE.

The court found that the plaintiff and the acquiring company did not have integrated operations or management, were organized and operated as separate and distinct corporate entities, and neither was the alter ego or agent of the other for any purpose. Therefore, the court found BOE could not attribute nexus to the plaintiff based on the acquiring company's nexus.

The California Cigarette and Tobacco Products Tax Law (Revenue and Taxation Code §§ 30001 et seq.) imposes an excise tax on the first distribution of cigarettes or tobacco products in this state. If a tobacco retailer is not engaged in business and does not have a physical presence in California (e.g. does not maintain an office, salesroom or warehouse in the state, or have representatives or agents operating in the state), the California consumers who receive the tobacco products are liable for the appropriate excise tax as well as the sales or use tax. Based on the information available, staff has not been able to establish that JR has a physical presence in California and thus, is not required to be registered under the Cigarette and Tobacco Products Tax Law.

Federal Law (15 U.S.C. §§ 375-377) commonly referred to as the Jenkins Act, requires that any person selling or transferring for profit cigarettes in interstate commerce, into a state that taxes the sale of such cigarettes, to other than a distributor authorized by the state to distribute cigarettes at wholesale or retail, or who advertises the sale of such cigarettes, must register and file a monthly report, of all cigarette shipments. The report is known as a Jenkins Act Report and provisions of the Act are enforced by the Federal Authorities. However, there are no provisions in the Jenkins Act requiring reporting for cigars (such is the case for JR).

Most recently, the Prevent All Cigarette Trafficking (PACT) Act of 2009 (S. 1147 was signed into law on March 31, 2010 and became public law 111-154), amends the Jenkins Act to revise provisions governing the collection of taxes and trafficking by requiring Internet and other remote sellers of **cigarettes and smokeless tobacco** to comply with the same laws that apply to local cigarette and tobacco retailers. However, the PACT Act was not extended to cover other forms of tobacco products, such as cigars. Consequently, JR has no registration requirement with or reporting obligation to California under the PACT Act since they do not sell cigarettes or smokeless tobacco.

Over the years, through the provisions of the Jenkins Act, out-of-state vendors of cigarettes have provided sales information to BOE detailing purchases by California consumers. Also, some out-of-state tobacco products vendors voluntarily report sales of tobacco products to California. Upon notification, the BOE registers each consumer and notifies them of the excise and use taxes due on their purchases. BOE staff continually identifies and contacts internet sellers and send them letters to inform them of their obligation to provide their sales data under the Jenkins Act. In addition, BOE works closely with the California Attorney General's Office on these efforts.

Based on the above facts, JR has no registration or reporting requirements under California's Cigarette and Tobacco Products Tax Law; consequently, we have closed our investigation. Mr. Kelly, I would like to express my appreciation to you for your bringing this matter to our attention and taking the time not only to discuss this issue at length with Mr. Parrott and providing additional materials for our review, but also for presenting this to our Board at their October 2010 meeting.

We will continue to monitor the public discussion at both the state and national level relating to sales/purchases made over the internet. Additionally, we are kept informed by our Legal Department of court decisions that give rise to new interpretations of nexus and taxation as these measures pertain to internet sales. If we can assist you further, please contact me directly at 916-322-9550 or Richard Parrott at 916-552-8637.

Sincerely,



Lynn Bartolo, Chief
Special Taxes and Fees Division

cc: Honorable Jerome E. Horton, Chairman
Honorable Michelle Steel, Vice Chair
Honorable Betty T. Yee, First District
Senator George Runner, Second District
Honorable John Chiang, State Controller

Ms. Kristine Cazadd MIC: 83
Mr. Randy Ferris MIC: 82
Mr. David J. Gau MIC: 63

Internal Revenue Code:Sec. 5702. Definitions

From TaxAlmanac, A Free Online Resource for Tax Professionals *Note: You are using this website at your own risk, subject to our Disclaimer and Website Use and Contribution Terms.*

From TaxAlmanac

Contents

- 1 Location in Internal Revenue Code
- 2 Statute
- 3 Sources
- 4 Miscellaneous
- 5 References

Location in Internal Revenue Code

TITLE 26 - INTERNAL REVENUE CODE
Subtitle E - Alcohol, Tobacco, and Certain Other Excise Taxes
CHAPTER 52 - TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES
Subchapter A - Definitions; Rate and Payment of Tax; Exemption From Tax; and Refund and Drawback of Tax

Statute

Sec. 5702. Definitions

When used in this chapter -

(a) Cigar

'Cigar' means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subsection (b)(2)).

(b) Cigarette

'Cigarette' means -

(1) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

(2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (1).

(c) Tobacco products

'Tobacco products' means cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco.

(d) Manufacturer of tobacco products

'Manufacturer of tobacco products' means any person who manufactures cigars, cigarettes, smokeless tobacco, pipe tobacco,

Sponsor

govtrack.us

House Vote On Passage: S. 1147 [111th]: PACT Act

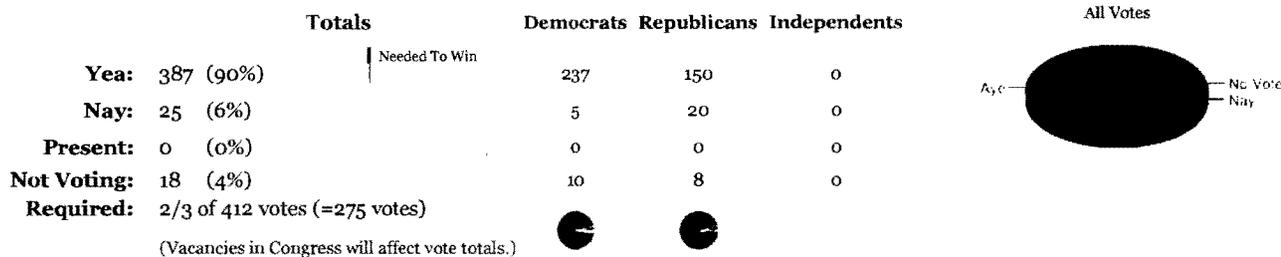
Number: House Vote #124 in 2010 [[primary source: house.gov](#)]
Date: Mar 17, 2010 4:37PM
Result: Passed
Bill: **1st** [S. 1147 \[111th\]: PACT Act](#)

Pat O'Dowd® SAT Seminars
 Proven successful 10 Easy Steps. Five meetings. \$385.00. Guarantee.
www.Patodowd.com

AdChoices ▶

(About Ads | Advertise Here)

VOTE OVERVIEW



More information: [Aye versus Yea Explained](#)

VOTE DETAILS

Vote	District	Representative
[Sort]	[Sort]	[Sort by Name] [Sort by Party]
Alabama		
Yea	AL-1	Bonner, Jo [R]
Yea	AL-2	Bright, Bobby [D]
Yea	AL-3	Rogers, Michael [R]
Yea	AL-4	Aderholt, Robert [R]
Yea	AL-5	Griffith, Parker [R]
Yea	AL-6	Bachus, Spencer [R]
Yea	AL-7	Davis, Artur [D]
Alaska		
Nay	AK-0	Young, Donald [R]
Arizona		
Yea	AZ-1	Kirkpatrick, Ann [D]
Yea	AZ-2	Franks, Trent [R]
Nay	AZ-3	Shadegg, John [R]
Yea	AZ-4	Pastor, Edward [D]
Yea	AZ-5	Mitchell, Harry [D]
Nay	AZ-6	Flake, Jeff [R]
Yea	AZ-7	Grijalva, Raul [D]
Yea	AZ-8	Giffords, Gabrielle [D]
Arkansas		
Yea	AR-1	Berry, Robert [D]
Yea	AR-2	Snyder, Victor [D]
Yea	AR-3	Boozman, John [R]
Yea	AR-4	Ross, Mike [D]
California		
Yea	CA-1	Thompson, C. [D]
Yea	CA-2	Herger, Walter [R]
Yea	CA-3	Lungren, Daniel [R]

Cartogram



Standard Projection



Cartograms give an equal area in an image to an equal number of votes by distorting the image. Senate vote cartograms are

Yea	CA-4	<u>McClintock, Tom [R]</u>
Yea	CA-5	<u>Matsui, Doris [D]</u>
Yea	CA-6	<u>Woolsey, Lynn [D]</u>
Yea	CA-7	<u>Miller, George [D]</u>
Yea	CA-9	<u>Lee, Barbara [D]</u>
Yea	CA-10	<u>Garamendi, John [D]</u>
Yea	CA-11	<u>McNerney, Jerry [D]</u>
Yea	CA-12	<u>Speier, Jackie [D]</u>
Not Voting	CA-13	<u>Stark, Fortney [D]</u>
Yea	CA-14	<u>Eshoo, Anna [D]</u>
Yea	CA-15	<u>Honda, Michael [D]</u>
Yea	CA-16	<u>Lofgren, Zoe [D]</u>
Yea	CA-17	<u>Farr, Sam [D]</u>
Yea	CA-18	<u>Cardoza, Dennis [D]</u>
Yea	CA-19	<u>Radanovich, George [R]</u>
Yea	CA-20	<u>Costa, Jim [D]</u>
Yea	CA-21	<u>Nunes, Devin [R]</u>
Yea	CA-22	<u>McCarthy, Kevin [R]</u>
Yea	CA-23	<u>Capps, Lois [D]</u>
Yea	CA-24	<u>Gallegly, Elton [R]</u>
Yea	CA-25	<u>McKeon, Howard [R]</u>
Yea	CA-26	<u>Dreier, David [R]</u>
Yea	CA-27	<u>Sherman, Brad [D]</u>
Yea	CA-28	<u>Berman, Howard [D]</u>
Yea	CA-29	<u>Schiff, Adam [D]</u>
Yea	CA-30	<u>Waxman, Henry [D]</u>
Yea	CA-31	<u>Becerra, Xavier [D]</u>
Yea	CA-32	<u>Chu, Judy [D]</u>
Yea	CA-33	<u>Watson, Diane [D]</u>
Yea	CA-34	<u>Roybal-Allard, Lucille [D]</u>
Yea	CA-35	<u>Waters, Maxine [D]</u>
Yea	CA-36	<u>Harman, Jane [D]</u>
Yea	CA-37	<u>Richardson, Laura [D]</u>
Yea	CA-38	<u>Napolitano, Grace [D]</u>
Yea	CA-39	<u>Sanchez, Linda [D]</u>
Yea	CA-40	<u>Royce, Edward [R]</u>
Yea	CA-41	<u>Lewis, Jerry [R]</u>
Nay	CA-42	<u>Miller, Gary [R]</u>
Yea	CA-43	<u>Baca, Joe [D]</u>
Yea	CA-44	<u>Calvert, Ken [R]</u>
Yea	CA-45	<u>Bono Mack, Mary [R]</u>
Nay	CA-46	<u>Rohrabacher, Dana [R]</u>
Yea	CA-47	<u>Sanchez, Loretta [D]</u>
Nay	CA-48	<u>Campbell, John [R]</u>
Not Voting	CA-49	<u>Issa, Darrell [R]</u>
Yea	CA-50	<u>Bilbray, Brian [R]</u>
Yea	CA-51	<u>Filner, Bob [D]</u>
Yea	CA-52	<u>Hunter, Duncan [R]</u>
Yea	CA-53	<u>Davis, Susan [D]</u>

Colorado

Yea	CO-1	<u>DeGette, Diana [D]</u>
Yea	CO-2	<u>Polis, Jared [D]</u>
Yea	CO-3	<u>Salazar, John [D]</u>
Yea	CO-4	<u>Markey, Betsy [D]</u>
Yea	CO-5	<u>Lamborn, Doug [R]</u>
Yea	CO-6	<u>Coffman, Mike [R]</u>
Yea	CO-7	<u>Perlmutter, Ed [D]</u>

Connecticut

Not Voting	CT-1	<u>Larson, John [D]</u>
Yea	CT-2	<u>Courtney, Joe [D]</u>
Yea	CT-3	<u>DeLauro, Rosa [D]</u>
Yea	CT-4	<u>Himes, James [D]</u>
Yea	CT-5	<u>Murphy, Christopher [D]</u>

Delaware

Yea	DE-0	<u>Castle, Michael [R]</u>
-----	------	----------------------------

Florida

Nay	FL-1	<u>Miller, Jeff [R]</u>
Yea	FL-2	<u>Boyd, Allen [D]</u>
Yea	FL-3	<u>Brown, Corrine [D]</u>
Yea	FL-4	<u>Crenshaw, Ander [R]</u>
Yea	FL-5	<u>Brown-Waite, Virginia [R]</u>
Yea	FL-6	<u>Stearns, Clifford [R]</u>
Yea	FL-7	<u>Mica, John [R]</u>
Not Voting	FL-8	<u>Grayson, Alan [D]</u>

shown with each state stretched or shrunk so that the states each take up an equal area because each state has two votes. For House votes, it is each congressional district which is stretched or shrunk.

Sponsored by:
Herbert Kohl - D-WI

Co-Sponsors:

George Lemieux
Evan Bayh - D-IN
Robert Casey - D-PA
John Cornyn - R-TX
Richard Durbin - D-IL
Michael Enzi - R-WY
Dianne Feinstein - D-CA
Kirsten Gillibrand - D-NY
Thomas Harkin - D-IA
Orrin Hatch - R-UT
John Kerry - D-MA
Amy Klobuchar - D-MN
Patrick Leahy - D-VT
Mark Pryor - D-AR
Charles Schumer - D-NY
Jefferson Sessions - R-AL
Jeanne Shaheen - D-NH
Arlen Specter - D-PA
Mark Warner - D-VA
Jim Webb - D-VA

Yea FL-9 [Bilirakis, Gus \[R\]](#)
 Not Voting FL-10 [Young, C. W. \[R\]](#)
 Yea FL-11 [Castor, Kathy \[D\]](#)
 Yea FL-12 [Putnam, Adam \[R\]](#)
 Yea FL-13 [Buchanan, Vern \[R\]](#)
 Yea FL-14 [Mack, Connie \[R\]](#)
 Yea FL-15 [Posey, Bill \[R\]](#)
 Nay FL-16 [Rooney, Thomas \[R\]](#)
 Yea FL-17 [Meek, Kendrick \[D\]](#)
 Yea FL-18 [Ros-Lehtinen, Ileana \[R\]](#)
 Yea FL-20 [Wasserman Schultz, Debbie \[D\]](#)
 Yea FL-21 [Diaz-Balart, Lincoln \[R\]](#)
 Yea FL-22 [Klein, Ron \[D\]](#)
 Yea FL-23 [Hastings, Alcee \[D\]](#)
 Yea FL-24 [Kosmas, Suzanne \[D\]](#)
 Yea FL-25 [Diaz-Balart, Mario \[R\]](#)

Georgia

Nay GA-1 [Kingston, Jack \[R\]](#)
 Yea GA-2 [Bishop, Sanford \[D\]](#)
 Nay GA-3 [Westmoreland, Lynn \[R\]](#)
 Not Voting GA-4 [Johnson, Henry \[D\]](#)
 Yea GA-5 [Lewis, John \[D\]](#)
 Yea GA-6 [Price, Tom \[R\]](#)
 Yea GA-7 [Linder, John \[R\]](#)
 Yea GA-8 [Marshall, James \[D\]](#)
 Not Voting GA-9 [Deal, Nathan \[R\]](#)
 Nay GA-10 [Broun, Paul \[R\]](#)
 Yea GA-11 [Gingrey, John \[R\]](#)
 Yea GA-12 [Barrow, John \[D\]](#)
 Yea GA-13 [Scott, David \[D\]](#)

Hawaii

Yea HI-2 [Hirono, Mazie \[D\]](#)

Idaho

Yea ID-1 [Minnick, Walter \[D\]](#)
 Yea ID-2 [Simpson, Michael \[R\]](#)

Illinois

Yea IL-1 [Rush, Bobby \[D\]](#)
 Yea IL-2 [Jackson, Jesse \[D\]](#)
 Yea IL-3 [Lipinski, Daniel \[D\]](#)
 Yea IL-4 [Gutierrez, Luis \[D\]](#)
 Yea IL-5 [Quigley, Mike \[D\]](#)
 Yea IL-6 [Roskam, Peter \[R\]](#)
 Yea IL-7 [Davis, Danny \[D\]](#)
 Yea IL-8 [Bean, Melissa \[D\]](#)
 Yea IL-9 [Schakowsky, Janice \[D\]](#)
 Yea IL-10 [Kirk, Mark \[R\]](#)
 Nay IL-11 [Halvorson, Deborah \[D\]](#)
 Yea IL-12 [Costello, Jerry \[D\]](#)
 Yea IL-13 [Biggert, Judy \[R\]](#)
 Yea IL-14 [Foster, Bill \[D\]](#)
 Yea IL-15 [Johnson, Timothy \[R\]](#)
 Yea IL-16 [Manzullo, Donald \[R\]](#)
 Yea IL-17 [Hare, Phil \[D\]](#)
 Yea IL-18 [Schock, Aaron \[R\]](#)
 Yea IL-19 [Shimkus, John \[R\]](#)

Indiana

Yea IN-1 [Yisclosky, Peter \[D\]](#)
 Yea IN-2 [Donnelly, Joe \[D\]](#)
 Yea IN-3 [Souder, Mark \[R\]](#)
 Yea IN-4 [Buyer, Stephen \[R\]](#)
 Yea IN-5 [Burton, Dan \[R\]](#)
 Yea IN-6 [Pence, Mike \[R\]](#)
 Yea IN-7 [Carson, André \[D\]](#)
 Nay IN-8 [Ellsworth, Brad \[D\]](#)
 Yea IN-9 [Hill, Baron \[D\]](#)

Iowa

Yea IA-1 [Braley, Bruce \[D\]](#)
 Yea IA-2 [Loeb sack, David \[D\]](#)
 Yea IA-3 [Boswell, Leonard \[D\]](#)
 Yea IA-4 [Latham, Thomas \[R\]](#)
 Yea IA-5 [King, Steve \[R\]](#)

Kansas

Yea KS-1 [Moran, Jerry \[R\]](#)
 Yea KS-2 [Jenkins, Lynn \[R\]](#)
 Yea KS-3 [Moore, Dennis \[D\]](#)
 Yea KS-4 [Tiahrt, Todd \[R\]](#)

Kentucky

Nay KY-1 [Whitfield, Edward \[R\]](#)
 Yea KY-2 [Guthrie, Brett \[R\]](#)
 Yea KY-3 [Yarmuth, John \[D\]](#)
 Yea KY-4 [Davis, Geoff \[R\]](#)
 Yea KY-5 [Rogers, Harold \[R\]](#)
 Yea KY-6 [Chandler, Ben \[D\]](#)

Louisiana

Yea LA-1 [Scalise, Steve \[R\]](#)
 Yea LA-2 [Cao, Anh \[R\]](#)
 Yea LA-3 [Melancon, Charles \[D\]](#)
 Yea LA-4 [Fleming, John \[R\]](#)
 Yea LA-5 [Alexander, Rodney \[R\]](#)
 Yea LA-6 [Cassidy, Bill \[R\]](#)
 Yea LA-7 [Boustany, Charles \[R\]](#)

Maine

Yea ME-1 [Pingree, Chellie \[D\]](#)
 Yea ME-2 [Michaud, Michael \[D\]](#)

Maryland

Yea MD-1 [Kratovil, Frank \[D\]](#)
 Yea MD-2 [Ruppersberger, C.A. \[D\]](#)
 Yea MD-3 [Sarbanes, John \[D\]](#)
 Yea MD-4 [Edwards, Donna \[D\]](#)
 Yea MD-5 [Hoyer, Steny \[D\]](#)
 Yea MD-6 [Bartlett, Roscoe \[R\]](#)
 Yea MD-7 [Cummings, Elijah \[D\]](#)
 Yea MD-8 [Van Hollen, Christopher \[D\]](#)

Massachusetts

Yea MA-1 [Olver, John \[D\]](#)
 Yea MA-2 [Neal, Richard \[D\]](#)
 Yea MA-3 [McGovern, James \[D\]](#)
 Yea MA-4 [Frank, Barney \[D\]](#)
 Yea MA-5 [Tsongas, Niki \[D\]](#)
 Yea MA-6 [Tierney, John \[D\]](#)
 Yea MA-7 [Markey, Edward \[D\]](#)
 Yea MA-8 [Capuano, Michael \[D\]](#)
 Yea MA-9 [Lynch, Stephen \[D\]](#)
 Not Voting MA-10 [Delahunt, William \[D\]](#)

Michigan

Yea MI-1 [Stupak, Bart \[D\]](#)
 Yea MI-2 [Hoekstra, Peter \[R\]](#)
 Yea MI-3 [Ehlers, Vernon \[R\]](#)
 Yea MI-4 [Camp, David \[R\]](#)
 Yea MI-5 [Kildee, Dale \[D\]](#)
 Yea MI-6 [Upton, Frederick \[R\]](#)
 Yea MI-7 [Schauer, Mark \[D\]](#)
 Yea MI-8 [Rogers, Michael \[R\]](#)
 Yea MI-9 [Peters, Gary \[D\]](#)
 Yea MI-10 [Miller, Candice \[R\]](#)
 Yea MI-11 [McCotter, Thaddeus \[R\]](#)
 Yea MI-12 [Levin, Sander \[D\]](#)
 Yea MI-13 [Kilpatrick, Carolyn \[D\]](#)
 Yea MI-14 [Conyers, John \[D\]](#)
 Yea MI-15 [Dingell, John \[D\]](#)

Minnesota

Yea MN-1 [Walz, Timothy \[D\]](#)
 Yea MN-2 [Kline, John \[R\]](#)
 Yea MN-3 [Paulsen, Erik \[R\]](#)
 Yea MN-4 [McCollum, Betty \[D\]](#)
 Yea MN-5 [Ellison, Keith \[D\]](#)
 Yea MN-6 [Bachmann, Michele \[R\]](#)
 Yea MN-7 [Peterson, Collin \[D\]](#)
 Yea MN-8 [Oberstar, James \[D\]](#)

Mississippi

Yea MS-1 [Childers, Travis \[D\]](#)
 Yea MS-2 [Thompson, Bennie \[D\]](#)
 Yea MS-3 [Harper, Gregg \[R\]](#)
 Yea MS-4 [Taylor, Gene \[D\]](#)

Missouri

Yea MO-1 [Clay, William \[D\]](#)
 Yea MO-2 [Akin, W. \[R\]](#)
 Yea MO-3 [Carnahan, Russ \[D\]](#)
 Yea MO-4 [Skelton, Ike \[D\]](#)
 Yea MO-5 [Cleaver, Emanuel \[D\]](#)
 Yea MO-6 [Graves, Samuel \[R\]](#)
 Yea MO-7 [Blunt, Roy \[R\]](#)
 Yea MO-8 [Emerson, Jo Ann \[R\]](#)
 Yea MO-9 [Luetkemeyer, Blaine \[R\]](#)

Montana

Yea MT-0 [Rehberg, Dennis \[R\]](#)

Nebraska

Yea NE-1 [Fortenberry, Jeffrey \[R\]](#)
 Yea NE-2 [Terry, Lee \[R\]](#)
 Yea NE-3 [Smith, Adrian \[R\]](#)

Nevada

Not Voting NV-1 [Berkley, Shelley \[D\]](#)
 Yea NV-2 [Heller, Dean \[R\]](#)
 Yea NV-3 [Titus, Dina \[D\]](#)

New Hampshire

Yea NH-1 [Shea-Porter, Carol \[D\]](#)
 Yea NH-2 [Hodes, Paul \[D\]](#)

New Jersey

Yea NJ-1 [Andrews, Robert \[D\]](#)
 Yea NJ-2 [LoBiondo, Frank \[R\]](#)
 Yea NJ-3 [Adler, John \[D\]](#)
 Yea NJ-4 [Smith, Christopher \[R\]](#)
 Nay NJ-5 [Garrett, Scott \[R\]](#)
 Yea NJ-6 [Pallone, Frank \[D\]](#)
 Yea NJ-7 [Lance, Leonard \[R\]](#)
 Yea NJ-8 [Pascrell, William \[D\]](#)
 Yea NJ-9 [Rothman, Steven \[D\]](#)
 Yea NJ-10 [Payne, Donald \[D\]](#)
 Yea NJ-11 [Frelinghuysen, Rodney \[R\]](#)
 Yea NJ-12 [Holt, Rush \[D\]](#)
 Yea NJ-13 [Sires, Albio \[D\]](#)

New Mexico

Yea NM-1 [Heinrich, Martin \[D\]](#)
 Yea NM-2 [Teague, Harry \[D\]](#)
 Yea NM-3 [Lujan, Ben \[D\]](#)

New York

Yea NY-1 [Bishop, Timothy \[D\]](#)
 Yea NY-2 [Israel, Steve \[D\]](#)
 Yea NY-3 [King, Peter \[R\]](#)
 Yea NY-4 [McCarthy, Carolyn \[D\]](#)
 Yea NY-5 [Ackerman, Gary \[D\]](#)
 Yea NY-6 [Meeks, Gregory \[D\]](#)
 Yea NY-7 [Crowley, Joseph \[D\]](#)
 Yea NY-8 [Nadler, Jerrold \[D\]](#)
 Yea NY-9 [Weiner, Anthony \[D\]](#)
 Yea NY-10 [Townsend, Edolphus \[D\]](#)
 Yea NY-11 [Clarke, Yvette \[D\]](#)
 Yea NY-12 [Velazquez, Nydia \[D\]](#)
 Yea NY-13 [McMahon, Michael \[D\]](#)
 Yea NY-14 [Maloney, Carolyn \[D\]](#)
 Yea NY-15 [Rangel, Charles \[D\]](#)
 Yea NY-16 [Serrano, José \[D\]](#)
 Yea NY-17 [Engel, Eliot \[D\]](#)
 Yea NY-18 [Lowe, Nita \[D\]](#)
 Yea NY-19 [Hall, John \[D\]](#)
 Yea NY-20 [Murphy, Scott \[D\]](#)
 Yea NY-21 [Tonko, Paul \[D\]](#)
 Yea NY-22 [Hinchey, Maurice \[D\]](#)
 Yea NY-23 [Owens, William \[D\]](#)
 Yea NY-24 [Arcuri, Michael \[D\]](#)
 Yea NY-25 [Maffei, Daniel \[D\]](#)
 Yea NY-26 [Lee, Christopher \[R\]](#)
 Yea NY-27 [Higgins, Brian \[D\]](#)
 Not Voting NY-28 [Slaughter, Louise \[D\]](#)

North Carolina

Yea NC-1 [Butterfield, George \[D\]](#)
 Yea NC-2 [Etheridge, Bob \[D\]](#)
 Yea NC-3 [Jones, Walter \[R\]](#)
 Yea NC-4 [Price, David \[D\]](#)
 Yea NC-5 [Foxx, Virginia \[R\]](#)
 Yea NC-6 [Coble, Howard \[R\]](#)
 Yea NC-7 [McIntyre, Mike \[D\]](#)
 Yea NC-8 [Kissell, Larry \[D\]](#)
 Yea NC-9 [Myrick, Sue \[R\]](#)
 Yea NC-10 [McHenry, Patrick \[R\]](#)
 Yea NC-11 [Shuler, Heath \[D\]](#)
 Yea NC-12 [Watt, Melvin \[D\]](#)
 Yea NC-13 [Miller, R. \[D\]](#)

North Dakota

Yea ND-0 [Pomeroy, Earl \[D\]](#)

Ohio

Yea OH-1 [Driehaus, Steve \[D\]](#)
 Not Voting OH-2 [Schmidt, Jean \[R\]](#)
 Yea OH-3 [Turner, Michael \[R\]](#)
 Yea OH-4 [Jordan, Jim \[R\]](#)
 Yea OH-5 [Latta, Robert \[R\]](#)
 Yea OH-6 [Wilson, Charles \[D\]](#)
 Yea OH-7 [Austria, Steve \[R\]](#)
 Yea OH-8 [Boehner, John \[R\]](#)
 Yea OH-9 [Kaptur, Marcy \[D\]](#)
 Yea OH-10 [Kucinich, Dennis \[D\]](#)
 Yea OH-11 [Fudge, Marcia \[D\]](#)
 Yea OH-12 [Tiberi, Patrick \[R\]](#)
 Yea OH-13 [Sutton, Betty \[D\]](#)
 Yea OH-14 [LaTourette, Steven \[R\]](#)
 Yea OH-15 [Kilroy, Mary Jo \[D\]](#)
 Yea OH-16 [Boccheri, John \[D\]](#)
 Yea OH-17 [Ryan, Timothy \[D\]](#)
 Not Voting OH-18 [Space, Zachary \[D\]](#)

Oklahoma

Yea OK-1 [Sullivan, John \[R\]](#)
 Nay OK-2 [Boren, Dan \[D\]](#)
 Yea OK-3 [Lucas, Frank \[R\]](#)
 Yea OK-4 [Cole, Tom \[R\]](#)
 Yea OK-5 [Fallin, Mary \[R\]](#)

Oregon

Yea OR-1 [Wu, David \[D\]](#)
 Yea OR-2 [Walden, Greg \[R\]](#)
 Yea OR-3 [Blumenauer, Earl \[D\]](#)
 Yea OR-4 [DeFazio, Peter \[D\]](#)
 Yea OR-5 [Schrader, Kurt \[D\]](#)

Pennsylvania

Yea PA-1 [Brady, Robert \[D\]](#)
 Yea PA-2 [Fattah, Chaka \[D\]](#)
 Yea PA-3 [Dahlkemper, Kathleen \[D\]](#)
 Yea PA-4 [Altmire, Jason \[D\]](#)
 Yea PA-5 [Thompson, Glenn \[R\]](#)
 Yea PA-6 [Gerlach, Jim \[R\]](#)
 Yea PA-7 [Sestak, Joe \[D\]](#)
 Yea PA-8 [Murphy, Patrick \[D\]](#)
 Yea PA-9 [Shuster, William \[R\]](#)
 Yea PA-10 [Carney, Christopher \[D\]](#)
 Yea PA-11 [Kanjorski, Paul \[D\]](#)
 Yea PA-13 [Schwartz, Allyson \[D\]](#)
 Yea PA-14 [Doyle, Michael \[D\]](#)
 Yea PA-15 [Dent, Charles \[R\]](#)
 Yea PA-16 [Pitts, Joseph \[R\]](#)
 Yea PA-17 [Holden, Tim \[D\]](#)
 Yea PA-18 [Murphy, Tim \[R\]](#)
 Yea PA-19 [Platts, Todd \[R\]](#)

Rhode Island

Yea RI-1 [Kennedy, Patrick \[D\]](#)
 Yea RI-2 [Langevin, James \[D\]](#)

South Carolina

Not Voting SC-1 [Brown, Henry \[R\]](#)
 Yea SC-2 [Wilson, Addison \[R\]](#)
 Not Voting SC-3 [Barrett, James \[R\]](#)

Yea	SC-4	Inglis, Bob [R]
Yea	SC-5	Spratt, John [D]
Yea	SC-6	Clyburn, James [D]
South Dakota		
Nay	SD-0	Herseth Sandlin, Stephanie [D]
Tennessee		
Yea	TN-1	Roe, Phil [R]
Nay	TN-2	Duncan, John [R]
Yea	TN-3	Wamp, Zach [R]
Yea	TN-4	Davis, Lincoln [D]
Yea	TN-5	Cooper, Jim [D]
Yea	TN-6	Gordon, Barton [D]
Not Voting	TN-7	Blackburn, Marsha [R]
Yea	TN-8	Tanner, John [D]
Yea	TN-9	Cohen, Steve [D]
Texas		
Yea	TX-1	Gohmert, Louis [R]
Yea	TX-2	Poe, Ted [R]
Yea	TX-3	Johnson, Samuel [R]
Yea	TX-4	Hall, Ralph [R]
Yea	TX-5	Hensarling, Jeb [R]
Yea	TX-6	Barton, Joe [R]
Yea	TX-7	Culberson, John [R]
Yea	TX-8	Brady, Kevin [R]
Yea	TX-9	Green, Al [D]
Yea	TX-10	McCaul, Michael [R]
Yea	TX-11	Conaway, K. [R]
Yea	TX-12	Granger, Kay [R]
Yea	TX-13	Thornberry, William [R]
Nay	TX-14	Paul, Ronald [R]
Yea	TX-15	Hinojosa, Rubén [D]
Yea	TX-16	Reyes, Silvestre [D]
Yea	TX-17	Edwards, Thomas [D]
Yea	TX-18	Jackson-Lee, Sheila [D]
Yea	TX-19	Neugebauer, Randy [R]
Yea	TX-20	Gonzalez, Charles [D]
Yea	TX-21	Smith, Lamar [R]
Yea	TX-22	Olson, Pete [R]
Yea	TX-23	Rodriguez, Ciro [D]
Yea	TX-24	Marchant, Kenny [R]
Yea	TX-25	Doggett, Lloyd [D]
Yea	TX-26	Burgess, Michael [R]
Yea	TX-27	Ortiz, Solomon [D]
Yea	TX-28	Cuellar, Henry [D]
Yea	TX-29	Green, Raymond [D]
Yea	TX-30	Johnson, Eddie [D]
Nay	TX-31	Carter, John [R]
Yea	TX-32	Sessions, Peter [R]
Utah		
Yea	UT-1	Bishop, Rob [R]
Yea	UT-2	Matheson, Jim [D]
Yea	UT-3	Chaffetz, Jason [R]
Vermont		
Yea	VT-0	Welch, Peter [D]
Virginia		
Yea	VA-1	Wittman, Rob [R]
Yea	VA-2	Nye, Glenn [D]
Yea	VA-3	Scott, Robert [D]
Yea	VA-4	Forbes, J. [R]
Yea	VA-5	Perriello, Thomas [D]
Yea	VA-6	Goodlatte, Robert [R]
Yea	VA-7	Cantor, Eric [R]
Yea	VA-8	Moran, James [D]
Yea	VA-9	Boucher, Frederick [D]
Yea	VA-10	Wolf, Frank [R]
Yea	VA-11	Connolly, Gerald [D]
Washington		
Yea	WA-1	Inslce, Jay [D]
Not Voting	WA-2	Larsen, Rick [D]
Yea	WA-3	Baird, Brian [D]
Yea	WA-4	Hastings, Doc [R]
Yea	WA-5	McMorris Rodgers, Cathy [R]

Nay WA-6 [Dicks, Norman \[D\]](#)
Yea WA-7 [McDermott, James \[D\]](#)
Yea WA-8 [Reichert, Dave \[R\]](#)
Yea WA-9 [Smith, Adam \[D\]](#)

West Virginia

Yea WV-1 [Mollohan, Alan \[D\]](#)
Not Voting WV-2 [Capito, Shelley \[R\]](#)
Yea WV-3 [Rahall, Nick \[D\]](#)

Wisconsin

Yea WI-1 [Ryan, Paul \[R\]](#)
Yea WI-2 [Baldwin, Tammy \[D\]](#)
Yea WI-3 [Kind, Ronald \[D\]](#)
Not Voting WI-4 [Moore, Gwen \[D\]](#)
Nay WI-5 [Sensenbrenner, F. \[R\]](#)
Nay WI-6 [Petri, Thomas \[R\]](#)
Yea WI-7 [Obey, David \[D\]](#)
Yea WI-8 [Kagen, Steve \[D\]](#)

Wyoming

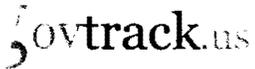
Nay WY-0 [Lummis, Cynthia \[R\]](#)

GovTrack.us is a project of [Civic Impulse, LLC](#). Read [about GovTrack](#).

Feedback (but not political opining) is welcome to operations@govtrack.us, but I can't do your research for you, nor can I pass on messages to Members of Congress.

You can also find us on our [Facebook Page](#) and [@govtrack](#) on Twitter.

You are encouraged to reuse any material on this site. GovTrack is open source and supports open knowledge; see the [developers](#) page.



Text of H.R. 1676 [111th]: PACT Act

Jun 1, 2009 - Referred in Senate. This is the text of the bill after moving from the House to the Senate before being considered by Senate committees. This is the latest version of the bill currently available on GovTrack.

HR 1676 RFS

111th CONGRESS

1st Session

H. R. 1676

IN THE SENATE OF THE UNITED STATES

June 1, 2009

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To prevent tobacco smuggling to ensure the collection of all tobacco taxes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) Short Title- This Act may be cited as the 'Prevent All Cigarette Trafficking Act of 2009' or 'PACT Act'.

(b) Findings- Congress finds that--

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local

tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, makes it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) Purposes- It is the purpose of this Act to--

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

- (3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;
- (4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;
- (5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and
- (6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) Definitions- The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the 'Jenkins Act') (referred to in this Act as the 'Jenkins Act'), is amended by striking the first section and inserting the following:

'SECTION 1. DEFINITIONS.

'As used in this Act, the following definitions apply:

'(1) ATTORNEY GENERAL- The term 'Attorney General' means the Attorney General of the United States.

'(2) ATTORNEY GENERAL- The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State.

'(3) CIGARETTE-

'(A) IN GENERAL- For purposes of this Act, the term 'cigarette' shall--

'(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

'(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

'(B) EXCEPTION- For purposes of this Act, the term 'cigarette' does not include a 'cigar', as that term is defined in section 5702 of the Internal

Revenue Code of 1986.

`(4) COMMON CARRIER- The term `common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

`(5) CONSUMER- The term `consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

`(6) DELIVERY SALE- The term `delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if--

`(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

`(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

`(7) DELIVERY SELLER- The term `delivery seller' means a person who makes a delivery sale.

`(8) INDIAN COUNTRY- The term `Indian country' means--

`(A) Indian country as defined in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

`(B) any other land held by the United States in trust or restricted status for one or more Indian

We've begun work on a GovTrack 2.0 . . . Previews in April 2011 . . . Stay tuned for details . . .

[Congress > Legislation](#)

S. 1147: PACT Act

111th Congress
2009-2010

A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

Overview

Sponsor: [Sen. Herbert Kohl \[D-WI\]](#) [show cosponsors \(20\)](#)

Text: [Summary](#) | [Full Text](#)

Status:

⌵ Introduced	May 21, 2009
⌵ Referred to Committee	View Committee Assignments
⌵ Reported by Committee	Nov 19, 2009
⌵ Passed Senate	Mar 11, 2010
⌵ Passed House	Mar 17, 2010
⌵ Signed by President	Mar 31, 2010

This bill became law. It was signed by [Barack Obama](#).

Last Action: Mar 31, 2010: Became Public Law No: 111-154.

Other Titles: -- Prevent All Cigarette Trafficking Act of 2009

Related: See the [Related Legislation](#) page for other bills related to this one and a list of subject terms that have been applied to this bill. Sometimes the text of one bill or resolution is incorporated into another, and in those cases the original bill or resolution, as it would appear here, would seem to be abandoned.

Votes: Mar 11, 2010: This bill **passed** in the **Senate** by Unanimous Consent. A record of each senator's position was not kept.

Mar 17, 2010: This bill **passed** in the **House of Representatives** by roll call vote. The vote was held under a suspension of the rules to cut debate short and pass the bill, needing a two-thirds majority. This usually occurs for non-controversial legislation. The totals were 387 Ayes, 25 Nays, 18 Present/Not Voting. [Vote Details](#).

You are not tracking any senators or representatives. To see their votes here, [look up a Member of Congress](#).

View [all 1 votes](#) on this bill.

Question & Answer

Can you answer any of these questions posed by other users? Think of it as a civic good deed. See 19 more questions posed on this topic or submit your own question on [the Q&A page](#).

Jul 27, 2010 5:20 AM - Can you have a friend or a relative mail you cigarettes to another state if he or she does not profit from it? - [Answer it!](#)

Nov 19, 2010 2:33 PM - How does this effect a person who grows their own personal tobacco? - [Answer it!](#)

and [19 more questions](#).

Subject Areas

[Business records](#), [Crime and law enforcement](#), [Criminal investigation](#), [prosecution](#), [interroga](#)

Sources of Influence

[MAPLight.org](#) reports that the following organizations have taken a stance on this bill:

Support	Oppose
American Lung Association	(none)
American Heart Association	
National Association of Convenience Stores	
Philip Morris	

Follow the link to [MAPLight.org](#) to see if campaign contributions from employees of these organizations are correlated with how Members of Congress voted on this bill.

Because the U.S. Congress posts most legislative information online one legislative day after events occur, GovTrack is usually one legislative day behind. For more information about where this data comes from, see [About GovTrack.us](#).

To cite this information, click a citation format for a suggestion: [APA](#) | [MLA](#) | [Wikipedia Template](#).



GovTrack.us is a project of [Civic Impulse, LLC](#).



Phillips & King International

A Kretek International Company

5449 Endeavour Ct. Moorpark, CA 93021-1792 * Nation Wide 800.53.CIGAR * Fax 805.531.8896 * www.pkcigar.com

COST FOR LICENSE & CALIF. MERCHANT

Invoice:
Cust No:
Date:

1.8

Bill To: KELLY'S TUX SHOP 330 EL CAMINO REAL TUSTIN, CA 92780	Ship To: KELLY'S TUX SHOP 325 SOUTH C STREET TUSTIN, CA 92780
---	---

Terms: C.O.D. Ship Via: GROUND (Free) Sales Representative: JMAR	Stamp Type: CA Tax License: LRQET 91245756 Email: joemarconi@pkcigar.com	Order: 1210650 Purchase Order Number: County: ORANGE
---	---	---

Quantity		Items			Discounts		Cig/Tob Tax			Invoice Totals		
Ord	Shp	Item	Description (UOM)	LIST	Flier	EFT	NET	State	Other	TOTAL	Per Unit	AMOUNT
1	1	GESNWP	SNUS GENERAL WHITE PORTION 5-24 GRAM TINS (1/5)	14.39			14.39	3.53		3.53	17.92	\$17.92
1	1	NS0003	SNUS JAKOBSSONS POUCH CLASSIC STRONG 10 - 20 GRAM (1/10)	27.29			27.29	6.69		6.69	33.98	\$33.98
1	1	GESNLO	SNUS GENERAL ORIGINAL LOOSE 5-45 GRAM TINS (1/5)	14.39			14.39	3.53		3.53	17.92	\$17.92
1	1	RPWCTO	ROCKY PATEL WINTER COLLECTION TORO 20 CT. BOX 6.50 (1/20)	97.19			97.19	26.23		26.23	123.42	\$123.42
1	1	ZENTOP	XEN BY NISH PATEL TORPEDO 20 CT. BOX 6.12X52 (1/20)	81.19			81.19	23.01		23.01	104.20	\$104.20
5	5	151893	P&K CUBAN ROUNDS CLARO TORO 10 CT. BUNDLE 6.00X50 (1/10)	12.69			12.69	3.13		3.13	15.82	\$15.82
1	1	C530003	TE-AMO CHURCHILL NATURAL 25 CT. BOX 7.50X50 (1/25)	88.29			88.29	23.47		23.47	111.76	\$111.76
1	1	C.O.D.	C.O.D. CHARGE (EACH)	8.50			8.50				8.50	\$8.50
1	1	FUEL	FUEL SURCHARGE (EACH)	3.95			3.95				3.95	\$3.95

Phillips & King International California Tobacco LN# LD Q ET 90-004891.

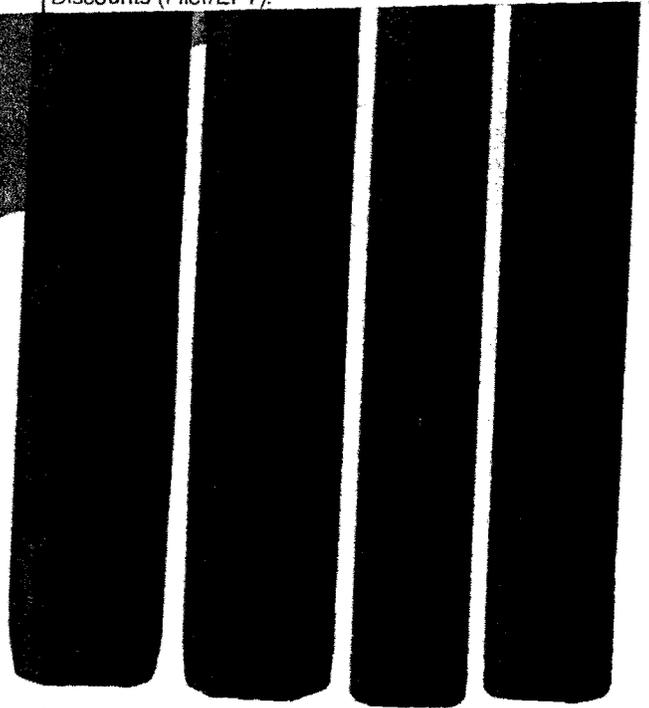
List Price Subtotal:	\$386.
Discounts (Flier/EFT):	\$0.

This puro has truly withstood the test of time among its loyal fans with a taste for the uniquely earthy characteristics of Mexican tobacco. If you haven't yet tried a Te-Amo, give it a go! You might, like so many others, find yourself with a lifetime favorite smoke. We think you'll love it!

TE-AMO

Handmade in Mexico - Medium Bodied

Code	Frontmark	Color - Size	Qty	MSRP	JR Price
TACH	Churchill	E, M • 7.50 x 50	25	\$127.50	\$84.15
TAME	Meditation	E • 6.00 x 42	25	\$90.00	\$59.40
TARE	Relaxation	E • 6.62 x 44	25	\$102.50	\$67.65
TARO	Robusto	E, M • 5.50 x 54	10	\$42.50	\$28.95
TAT	Toro	E, M • 6.00 x 50	25	\$108.75	\$71.78



Robusto

Toro

Meditation

Relaxation

Prices subject to change without notice. Not responsible for typographical errors. All offers good while supplies last.

Single cigars available for sale

800-JR-CIGAR

17

COST FOR CALIF RES. WITH NO LICENSE

State charges retiree \$3,600 in cigarette tax

Woman says she would have stopped buying online if she'd known about California tab.

Donna Kling opened up a letter from the California State Board of Equalization this week and found a bill for \$3,612.58 for taxes plus interest she owes for cigarettes she has bought online from 2005 through 2008.

Kling is just finding out about a program that stems from a 1949 federal law that required cigarette sellers that shipped them to other states to



**JAN
NORMAN**
REGISTER
WRITER

send reports to those states with the names and addresses of the buyers, said Board of Equalization spokeswoman Anita Gore.

California charges 87 cents a pack for excise tax on cigarettes. The use tax is equal to the local sales tax, which currently ranges

from 8.25 percent to 10.75 percent depending on the city.
From July 2006 through June

2010, the Board of Equalization collected almost \$6.6 million in excise taxes and \$959,000 in use taxes on cigarette purchases made by consumers over the Internet or by mail order.

Kling says she bought her cigarettes - 276 cartons over three years at \$22 a carton - from an Indian reservation in Arizona. The BOE bill she received is for \$2,401 excise tax, \$680 use tax and \$531 interest on the unpaid taxes.

"This just doesn't seem right," Kling, a retiree, says. "Way didn't they start charging me six years ago? If I had known this was going to happen, I wouldn't have combin-

ed to buy online."

Gore said that although California had been receiving the reports from out-of-state cigarette sellers for years, there was a backlog. Then in 2006, the board beefed up enforcement and hired a couple of people to work full time on the billing system.

She didn't know why Kling hadn't been billed previously.

The board put out a news release in 2006 when it started sending bills to consumers who had bought untaxed cigarettes based on the reports from the out-of-state sellers. The news release said that the board's first mailing

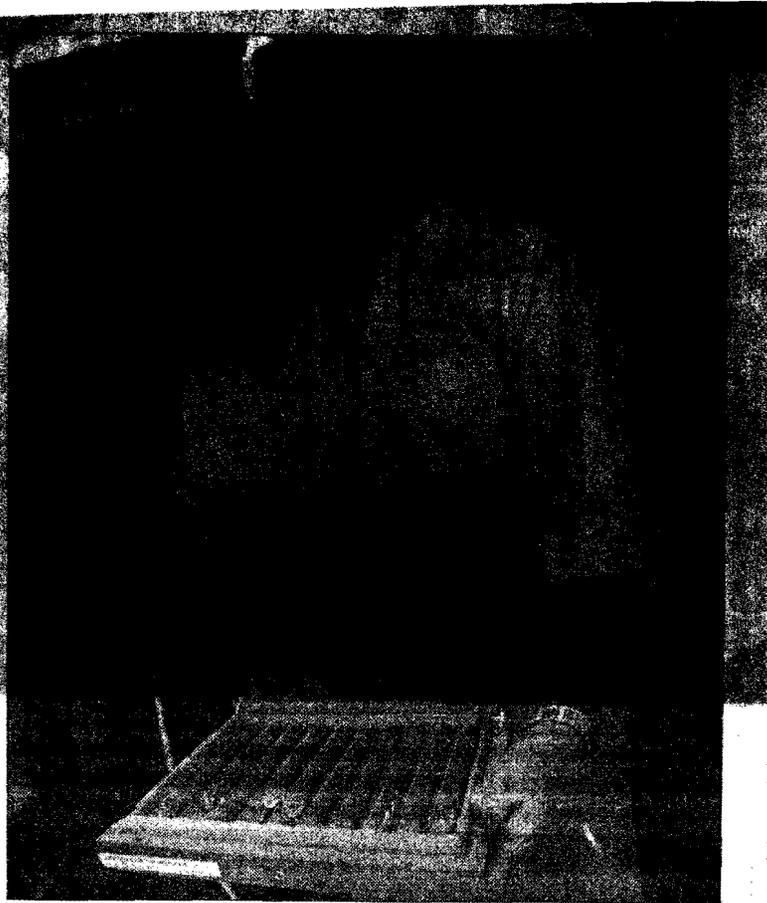
was to 12,000 taxpayers statewide with liabilities of \$45 to \$8,000 apiece. The board hoped to collect \$50 million in back taxes.

Once a Californian is in the board's system as an out-of-state cigarette buyer, he or she is expected to file annually and pay the use and excise tax. The board has only 123 accounts of such buyers today, which indicates most people stopped buying out-of-state cigarettes once billed, Gore said.

CONTACT THE WRITER:

714-960-9277 or

janorman@ocregister.com



REGISTER FILE PHOTO

John Kelly, who owns a cigar shop in Tustin, says the excise and sales taxes he is required to pay the state give him a pricing disadvantage compared with merchants from other states.

Cigar shop owner fuming over taxes

Tustin vendor seeks to level playing field.

John Kelly, owner of **Kelly's Men's Store** in Tustin, is fired up about excise and sales taxes he is required to collect that his out-of-state competitors don't. He's even taken his complaint to the California Board of Equalization without success.



JAN
NORMAN
REGISTER
WRITER

Kelly has been selling cigars since the 1970s. But back then, Internet sales were unheard of and mail order didn't have a prohibitive edge over brick-and-mortar retailers that he says they have today. He claims the out-of-state competition is leaving him broke.

Here's the issue: California requires cigar retailers to collect 33 percent of the wholesale price of cigars for excise tax plus 8.75 percent (in most of Orange County) for sales tax. Take, for example, a box of cigars that wholesales for \$100 and retails for \$150. The excise tax would be \$33 and the sales tax \$13.13. Out-of-state Internet and mail order retailers don't collect those taxes, so they may charge almost a third less than California shops.

Kelly said in a letter to Board of

Equalization member Michelle Steel that one of the biggest sellers of cigars in California is **JR Cigars**, based in Nevada, which "does not render any tax revenue, pays no excise tax, creates no jobs in California, pays no property taxes and is given a (33 percent) excise tax business advantage over California merchants and an 8.75 percent sales tax advantage over merchants from our Orange County."

BOE spokeswoman Anita Gore replied: "This issue has been dealt with at the (U.S.) Supreme Court level. If (a seller) doesn't have brick-and-mortar stores in California, they don't (have to collect taxes). Warehouses and sales representatives have been determined not to be a nexus. It's the same issue we have on use tax with people who buy sweaters or books online."

"One wonders if the true intention of the California tobacco excise tax is to eliminate the local mom-and-pop retailers and small-business merchants from Orange County and the state," Kelly said.

CONTACT THE WRITER:
714-796-7927 or
jnorman@ocregister.com

The laws

A 1949 federal law requires out-of-state cigarette sellers to give the names and addresses of their customers to the Board of Equalization. In 2010, another federal law prohibited the U.S. Postal Service from delivering most tobacco products bought online or by mail order and required sellers to pay all taxes imposed by various states. Both laws explicitly exempt cigars.