

POLITICS & POLICY

Senate Conservatives Win Bid to Drain Moderate Support for Tobacco Measure

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WASHINGTON—Conservative Republicans waged a successful campaign to drain moderate support for the Senate's tobacco measure.

The conservatives joined antitobacco senators to take a step toward stripping out the legislation's sole legal protection for the tobacco industry. In a 61-37 vote, the Senate refused to kill an amendment that would eliminate the bill's \$8 billion annual cap on tobacco companies' annual exposure in civil lawsuits. Another vote is required to formally approve the amendment and remove the cap, but by keeping the amendment alive, the bill's opponents won a substantial victory.

The legislation, written by Senate Commerce Committee Chairman John McCain of Arizona, would raise cigarette prices \$1.10 a pack over five years while restricting tobacco industry advertising and expanding regulatory oversight of tobacco. Until yesterday, the bill was thought to enjoy an overwhelming majority in the Senate, favored by as many as 70 senators. It may still have enough support to pass, but removing the liability cap would trim the majority.

"There's something perverse in this," said Democratic Sen. John Kerry of Massachusetts, a supporter of the bill. "Some of the people who voted [to remove the liability cap] are people who want to kill the bill."

'Nothing Fatal About This'

GOP Sen. Phil Gramm of Texas, one of the bill's opponents, called the vote "a defining moment in this debate." Mr. McCain disagreed, acknowledging that "we've had a defeat." Still, he expressed confidence: "There is nothing fatal about this. I am confident we will move forward with comprehensive legislation."

The vote on the liability amendment was immediately followed by a showdown of parliamentary maneuvering, as Mr.

Gramm and other Republicans sought to build on their victory.

Mr. Gramm offered an amendment to offset the \$1.10-a-pack price increase by eliminating the federal marriage-tax penalty for low-income Americans. The amendment would have removed funding for smoking-cessation and other public-health programs, and would have proved difficult for the bill's supporters to counter because the marriage-tax penalty is so unpopular.

Mr. McCain and Democrats used a delaying tactic to huddle on the Senate floor, and then Senate Minority Leader Tom Daschle of South Dakota introduced another amendment to prevent a vote on Mr. Gramm's amendment.

Although debate continued late yesterday, no more votes were expected until the Senate returns from its one-week Memorial Day recess.

Confident Conservatives

Conservatives were emboldened by their victory and confident they can use various parliamentary tactics to obstruct the McCain bill after the recess. Sen. McCain "is a good friend of mine, but I don't like his bill," said Republican Majority Whip Don Nickles of Oklahoma, the bill's highest-ranking opponent.

Meanwhile in the House, Minority Leader Richard Gephardt of Missouri and other Democratic leaders urged GOP leaders to schedule a vote on tobacco legislation by the Fourth of July. "There's very little time left," Mr. Gephardt said. "We need to move quickly."

A bipartisan bill is pending in the House that would raise cigarette prices \$1.50 a pack over three years while denying the industry any legal protection. It has about 100 co-sponsors, including at least nine Republicans, but so far the House Republican leadership has shown no interest in it. Rather, the leadership is said to be drafting its own narrower antidrug, antitobacco legislation.