

**Remarks of Rep. Henry A. Waxman
Floor Consideration of H.R. 1256,
The Family Smoking Prevention and Tobacco Control Act
As Amended by the Senate
June 12, 2009**

It is hard to believe that we have finally reached this day. After more than a decade of effort, and with countless delays and defeats along the way, we are — at last — about to enact truly historic legislation to protect the public health and to end the tobacco epidemic.

I am proud that we have made it to this point, but it has taken us far too long. It has been more than forty-five years since the landmark Surgeon General's report that found that cigarette smoking was responsible for a 70% increase in the mortality rate of smokers over non-smokers, and a 10- to 20- times greater risk of developing lung cancer. Forty-five years. That delay is a tragic testament to the power and influence of Big Tobacco in our country and on Congress.

But that power is fading. Times have changed, public opinion has changed, and the tobacco industry's ability to block essential public health legislation has come to an end.

Today is the day when strong and effective regulation finally is established as the crucial counterweight to the efforts and even deceptive practices of this industry. This is the day when Americans can begin to truly kick the habit, with the full force of our laws marshaled to protect consumers, and especially our young people.

Many of us remember vividly the milestones that have led us to this moment:

- In 1994, the tobacco executives stood up before my subcommittee and swore, under oath, that nicotine was not addictive.
- In 1996, the FDA tried to regulate tobacco products, but the Supreme Court told them that they needed Congress to give them that specific legal authority.
- And now, 13 years later, here we are — finally giving FDA that authority to regulate the leading preventable cause of death in America.

Regulating tobacco is the single most important thing that we can do right now to curb this deadly toll. And FDA is the only agency with the right combination of scientific expertise, regulatory experience, and public health mission to oversee these products effectively.

I am pleased that the Senate acted quickly and sent us back legislation nearly identical to what we passed two months ago, with overwhelming support in this House. This legislation will direct FDA:

- To end marketing and sales of tobacco to kids,

- To stop manufacturers from calling cigarettes “light” or “less dangerous” when they’re not; and
- To require changes to what is in cigarettes, like toxic ingredients such as formaldehyde, benzene, radioactive elements, and other deadly chemicals.

Some have objected that this bill is too big a challenge for an already burdened, in fact, overburdened FDA. I disagree. It’s clear to me that FDA’s recent struggles are primarily a result of years of chronic underfunding and a failure of leadership in the last Administration.

This history does not mean that FDA, with the strong and committed leadership it now has, cannot take on this critical role of protecting the country against the harm from cigarettes and other tobacco products. It simply means that when we give the agency this new responsibility, we also must give it the resources necessary to do the job — and to do it well.

We have ensured that this will happen. The tobacco program will be fully funded through new user fees — paid for by the industry. That money will go exclusively to the new tobacco center and will be enough for FDA to handle this task well. Furthermore, by setting up this system, we have ensured that the new tobacco program will have no impact on other vital programs at FDA.

In fact, the agency’s new Commissioner, Dr. Margaret Hamburg, has expressed her enthusiastic support for the bill as “a major advance in protecting the public health.” In a recent letter to Senator Kennedy about the legislation, Commissioner Hamburg made clear that FDA is eager to begin carrying out its new responsibilities under this law. President Obama has also praised this legislation as both historic and commonsense, describing it as “an integral part” of his plan to protect America’s children and reform our health care system. It is clear that the Administration and FDA itself are more than ready to take this on — we just need to give them the law that will allow them to begin.

In the bill, we have provided everything necessary to take this historic step: a comprehensive and flexible set of new authorities and full, certain funding. The final ingredient is the political will to do the right thing. For the first time in many years, we have finally got that too.

The breadth of support for this bill is remarkable — it includes over 1,000 medical, public health, faith, and community groups, from AARP to the American Academy of Pediatrics, and from the Southern Baptist Convention to the Islamic Society of North America. It is also supported by the American Lung Association, the American Heart Association, and the American Cancer Society — the groups that are best situated to understand the damage caused by tobacco and to recognize that a renewed FDA can and must take on this new authority. The diversity of support for this bill shows just how critical it is to all Americans. Tobacco does not discriminate when it robs people of their health, their productivity, and their lives. That’s why we must come together to rob tobacco of its influence over Americans.

Finally, I want to note that this bill reflects a number of changes made throughout the process to respond to specific concerns that we have heard. In committee consideration of this bill over the past two years, we made changes to ensure fairness and flexibility for convenience stores, tobacco growers, and small manufacturers, and we worked with our Republican colleagues to incorporate their suggestions. We worked with members of the Congressional Black Caucus to ensure that menthol cigarettes will be an early focus of attention by the agency and that the agency has the authority to deal with these and other products. I know that the Senate also made changes to further strengthen the bill in response to input from both sides of the aisle.

I want to thank my colleague, Representative Todd Platts, for his strong leadership on this legislation, as well as Representatives John Dingell and Frank Pallone for their diligent work in moving this bill forward over the years. I also want to thank Representatives Ed Towns, Stephen Lynch, and Ike Skelton, all of whom were critical in getting us to this point. Each of these individuals has made this possible and produced a great victory for the public health.

Today is a tremendous day. I am proud to be part of this historic moment, when Congress finally stands up to Big Tobacco and stands up for the health of all Americans. That is the task before us as we send this bill on to the President of the United States.