



March 13, 2001

«FullProperName»

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Dear Representative «Last\_Name»:

We are writing to share with you the ENACT Coalition's priority issues for the 107<sup>th</sup> Congress. ENACT is a group of more than 60 national organizations committed to reducing death and disability caused by tobacco use. Tobacco use is the leading preventable cause of death in the United States, killing more than 400,000 people every year. Tobacco use causes nearly one out of every three deaths from cancer, one out of every five deaths from heart disease and nearly 90 percent of lung cancer cases. The cost of tobacco-related disease is also staggering. Taxpayers pay billions of dollars each year to treat tobacco-related disease through the federally funded Medicare and Medicaid programs and health programs administered by the Departments of Defense and Veteran's Affairs, and the Indian Health Service.

As a Member of Congress, you have the unique opportunity to support public policies that will help to stem this epidemic. We ask the 107<sup>th</sup> Congress to enact strong policies in five areas: (1) Food and Drug Administration (FDA) regulatory authority over tobacco; (2) tobacco use cessation benefits under Medicare, Medicaid and other federal health programs; (3) increased funding for tobacco control programs at the Centers for Disease Control and Prevention's (CDC) Office on Smoking and Health; (4) laws to prevent tobacco smuggling; and (5) continued funding and prosecution of the Department of Justice (DOJ) lawsuit against the tobacco industry.

**Food and Drug Administration Regulatory Authority.** The ENACT Coalition supports legislation that would grant the FDA full authority to regulate the manufacture, distribution and sale of tobacco products to protect the public health. FDA oversight is especially needed to prevent the advertising, marketing, and sale of tobacco products to children.

Tobacco companies are now exempt from the most basic health and safety oversight of their products. They are not required to test additives for safety, prevent misleading or inaccurate health claims, tell consumers what is in their products, or take any other action to make their products less harmful or addictive. No other industry enjoys this degree of special protection.

Providing FDA with oversight authority would not subject tobacco products to a higher level of scrutiny than other products. It would simply apply the same standards to tobacco products already applied to other products intended for human consumption. ENACT urges Congress to move quickly to correct this gross disparity by providing FDA with meaningful and effective regulatory oversight over tobacco products.

**Medicare and Medicaid Tobacco Use Cessation.** As the nation's largest health care purchaser, the federal government has a vital role to play in promoting effective, affordable tobacco cessation products and services. Research consistently shows that smoking cessation saves lives, reduces smoking-related health care costs, and is one of the most cost-effective health interventions available. The Centers for Disease Control and Prevention estimates that every dollar spent on prenatal smoking cessation saves six dollars in health care expenditures.

Unfortunately, federally financed health care programs, including Medicare and Medicaid, do not provide reimbursement for some of the most cost-effective smoking cessation treatments recommended by the U.S. Department of Health and Human Services such as intensive counseling services or pharmaceuticals to treat nicotine dependence. ENACT strongly encourages legislation providing proven smoking cessation treatments through federally financed health care programs.

**Centers for Disease Control and Prevention's Office on Smoking and Health.** ENACT supports a fiscal year 2002 appropriation of \$130 million, a \$26 million increase, for the CDC's Office on Smoking and Health to assure a minimal level of federal assistance to state-based tobacco control and prevention programs. The CDC's role has grown even more critical as states commit tobacco settlement funds to tobacco prevention. Considerable technical assistance from the CDC will be required as these states seek to develop comprehensive and effective programs. States that currently fund comprehensive programs, such as Florida and Mississippi, continue to rely on CDC's expertise, as well. Funds for tobacco prevention at CDC are also used to maintain a comprehensive database of smoking and health information and to conduct laboratory work regarding the dangers of nicotine and other toxic compounds in tobacco. ENACT strongly supports full funding for the CDC's Office on Smoking and Health at a minimum of \$130 million.

**Tobacco Smuggling.** Tobacco product smuggling undermines public health and robs states of needed revenue. Federal laws to stop tobacco smugglers are badly outdated and do not provide law enforcement officials with the tools they need. There is broad consensus among experts on the changes needed to bring these laws up to date. We urge Congress to address this important bipartisan law enforcement issue this year.

**Department of Justice Lawsuit.** ENACT supports continued funding and vigorous prosecution of the DOJ lawsuit against the tobacco industry. The industry, claiming the lawsuit was without merit, sought to have the suit dismissed, but a federal judge ruled that the lawsuit could proceed under the federal government's racketeering (RICO) claims. While the Administration requested only \$23 million last year for continuation of the lawsuit, both the government and the industry believe billions of dollars are potentially recoverable. In addition, the court has stated possible remedies may include enjoining the industry from taking actions in the future, such as marketing to our children.

There has been speculation in the national press that the Administration might seek to dismiss the suit, kill the suit by reducing funding, or seek to settle the suit on terms favorable to the tobacco industry. We adamantly oppose all of these actions. We strongly urge Congress to hold the tobacco industry accountable for marketing its deadly products to our children and to champion the right of Americans to have their day in court by continuing the federal lawsuit against the tobacco industry.

As organizations committed to reducing the death and disease caused by tobacco use, we stand ready to work with you to assure that this Congress adequately addresses the issues outlined above and fulfills its responsibility to protect the nation's children from a lifetime of addiction and disease.

Sincerely,

Allergy and Asthma Network - Mothers of Asthmatics, Inc.  
Alliance for Lung Cancer Advocacy, Support, and Education (ALCASE)  
Alliance of Community Health Plans  
American Academy of Addiction Psychiatry  
American Academy of Child & Adolescent Psychiatry  
American Academy of Family Physicians  
American Academy of Otolaryngology, Head & Neck Surgery, Inc.  
American Academy of Pediatrics  
American Association for Respiratory Care  
American Association of Physicians of Indian Origin  
American Cancer Society  
American College of Cardiology  
American College of Chest Physicians  
American College of Occupational and Environmental Medicine  
American College of Physicians-American Society of Internal Medicine  
American College of Preventive Medicine  
American Dental Association  
American Heart Association  
American Psychiatric Association  
American Psychological Association  
American School Health Association  
American Society of Addiction Medicine  
American Society of Anesthesiologists  
American Society of Clinical Oncology  
Association of American Medical Colleges  
Association of Black Cardiologists, Inc.  
Association of Maternal and Child Health Programs  
Association of Schools of Public Health  
Association of Teachers of Preventive Medicine - ATPM  
Campaign for Tobacco-Free Kids  
Children's Defense Fund  
College on Problems of Drug Dependence  
Committee for Children  
Community Anti-Drug Coalition of America (CADCA)  
Council of State & Territorial Epidemiologists  
Family Voices

Federation of Behavioral, Psychological and Cognitive Sciences  
Girl Scouts of the U.S.A.  
Hadassah  
Interreligious Coalition on Smoking OR Health  
Latino Council on Alcohol and Tobacco  
National Association of Children's Hospitals  
National Association of County and City Health Officials  
National Association of Local Boards of Health  
National Association of School Nurses  
National Association of State and Drug Abuse Directors, Inc.  
National Center for Health Education  
National Center for Policy Research for Women & Families (CPR)  
National Education Association Health Information Network  
National Hispanic Medical Association  
National Mental Health Association  
National Partnership for Women and Families  
National Women's Law Center  
Oncology Nursing Society  
Oral Health America  
Partnership for Prevention  
Society for Public Health Education  
Society for Research on Nicotine and Tobacco  
Society of Behavioral Medicine  
Society of Critical Care Medicine  
Summit Health Coalition