

Remarks of Rep. Henry A. Waxman
Subcommittee on Health Markup
H.R. 1108, the Family Smoking Prevention and Tobacco Control Act
March 6, 2007

I want to thank Chairman Pallone for holding this markup today.

This is a historic day in the fight against tobacco—but it has taken us far too long to get here. I first introduced this legislation ten years ago and I have fought every year since then to see it become law.

I know that every person in this room shares the goal of reducing the death and disease caused by tobacco. Every one of us has seen the devastating effects of tobacco, whether through losing someone we love, watching others grow sick, or even feeling the grip of nicotine addiction firsthand. Worst of all is watching our children and grandchildren targeted as the next wave of casualties.

Regulating tobacco is the single most important thing that we can do right now to curb the deadly toll of tobacco. By giving FDA jurisdiction over tobacco products, this bill will help to prevent the marketing and sales of tobacco to kids; empower FDA to prevent tobacco companies from making false and misleading claims about their products; and permit FDA to require changes to product content or design to protect the public health.

Some believe this legislation will serve only to distract FDA from its “core mission.” They say FDA is already facing an almost insurmountable challenge just managing its current workload.

I share the concern about FDA’s current ability to fulfill its mission. But it’s clear to me that FDA’s recent struggles are primarily a result of years of chronic underfunding. That’s a failure in which both Congress and the Administration have played a part.

But this unfortunate state of affairs does not mean FDA cannot and should not take on the critical role of protecting the country against the harms of tobacco. It simply means that when we give the Agency this additional responsibility, we also must give it the resources necessary to handle the job—and to handle it well.

We have ensured that this will happen under this legislation.

The tobacco program will be fully funded through new user fees—paid for by the industry. It will not impact any other appropriations provided to FDA for its existing programs.

So the bill meets the twin goals of assuring adequate funding for the tobacco program and protecting the integrity and availability of funding for FDA's other responsibilities

In short, we have everything we need to take this historic step: a comprehensive and flexible set of new authorities, and full, certain funding. All we need now is the political will to do the right thing.

I am hopeful that we have that too. This bill draws wide bipartisan support from all corners of the country. The breadth of support for this bill—from AARP to the American Academy of Pediatrics, and from the Islamic Society of North America to the Southern Baptist Convention—shows just how critical this issue is to all Americans.

I also want to note that we have worked hard to accommodate specific concerns we have heard about this bill. In the Manager's Amendment, there were changes made to ensure fairness and flexibility for convenience stores and small manufacturers. We have worked with the Minority to address several of their technical concerns. And we are committed to continuing our work to address the concerns of small manufacturers. I am hopeful that we can resolve these concerns as the bill reaches the Full Committee.

I am proud that we have reached this day. I look forward to taking this tremendous step toward protecting our children and grandchildren from the tobacco epidemic.