

Key Vote No: H. R. 1256  
*The Family Smoking Prevention and Tobacco Control Act*

June 8, 2009

Dear Senator,

On behalf of hundreds of thousands of FreedomWorks members nationwide, including many in your state, I urge you to vote “No” on H.R. 1256: the Family Smoking Prevention and Tobacco Control Act. This legislation marks a radical increase in power for the Food and Drug Administration, additional growth of government, and a significant intrusion by government into the daily lives and decisions of its citizens.

Over the years, the U.S. Food and Drug Administration has increased its power and shifted its focus away from pharmaceutical and medical device approvals and food safety issues and towards the enforcement and administration of regulations and guidelines on a wide range of consumer products.

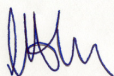
While the intent was surely the increased safety of American citizens, the effect has been quite the opposite. Currently, U.S. consumers are plagued by significant and unnecessary delays, sometimes waiting years, for the approval of new, innovative drugs and therapies. Unfortunately, for those who are in critical need of these therapies, their wait may be even longer if Congress passes this bill giving the FDA authority over tobacco-related consumer products. Proponents of FDA oversight of the tobacco industry have sought this legislative authority since 2000, when the Supreme Court voted five to four that the agency’s earlier claim of authority over tobacco was unconstitutional.

This kind of big-government, nanny-state-ism doesn’t come cheap. In addition to burdening the tobacco industry with a host of new regulatory hurdles and over-seers to answer to, rather than the consumers they serve, this legislation includes massive “user fees” in the hundreds of millions of dollars for manufacturers and importers. The middle of an economic downturn isn’t the time to start raising fees on companies or taxes on consumers. The bill text might not mention taxes, but every government mandated fee is in essence a tax. These massive costs will be passed onto consumers who have already been hit by a whopping \$.60/pack federal tax hike earlier this year and many state tax hikes around the country.

Instead of wasting valuable time and energy to broaden the FDA’s authority, Congress should focus its attention on improving the agency’s approval process for live-saving drugs. The approval process is long and costly, depriving consumers access to the latest therapies.

On behalf of our FreedomWorks activists, I again urge you to vote “No” on H.R. 1256 and will count your vote as a KEY VOTE when calculating the FreedomWorks Economic Freedom Scorecard for 2009. The FreedomWorks Economic Freedom Scorecard is used to determine eligibility for the Jefferson Award, which recognizes members of Congress with voting records that support economic freedom.

Sincerely,



Matt Kibbe  
President and CEO

