



March 5, 2010

The Honorable Herb Kohl  
 United States Senate  
 Washington, DC 20510

Dear Senator Kohl:

We are writing in support of the Prevent All Cigarette Trafficking Act (S. 1147), which the House of Representatives approved overwhelmingly by a vote of 397 to 11 in May and the Senate Judiciary Committee approved by voice vote in November. The PACT Act will help make it harder for children to purchase tobacco products over the Internet and stop the illegal sale of tax-evading tobacco products.

Individuals and businesses that sell cigarettes and smokeless tobacco products through the Internet or other mail-order sales often do not have sufficient safeguards to prevent sales to children nor do they ensure that applicable tobacco taxes are paid. The Internet provides an easier way for children to purchase tobacco products than attempting to purchase them in person from a retailer who would check their age and identification. Illegal Internet sales of untaxed cigarettes and smokeless tobacco also undermine the public health benefit of tobacco taxes, which are one of the most effective means of reducing tobacco use, especially among young people. Moreover, untaxed tobacco products deprive state and local governments of revenues that are needed to fund important services, including those that promote public health.

The PACT Act, which enjoys broad bipartisan support, will put new barriers in the way of illegal Internet sellers and will give federal and state enforcement officials the additional tools they need to get the job done. Among other things, the PACT Act will (1) require Internet and mail order sellers to verify a purchaser's age and identity before sale and use delivery methods that verify the age and identity of the person accepting delivery, and (2) require all excise taxes on cigarettes and smokeless tobacco be paid to the applicable state, local or Tribal governments before delivery.

Some Native American tribes have recently expressed concern with the legislation. While the vast majority of Indian Tribes in the United States have nothing to do with selling cigarettes or smokeless tobacco over the Internet, a significant portion of Internet vendors selling to U.S. consumers are located on the lands of a small number of Tribes.

The PACT Act has been carefully drafted to not infringe upon tribal sovereignty. Extensive changes were made to the bill in 2003 to ensure that it fully respected tribal sovereignty and immunity rights and did nothing to reduce or expand the scope of those rights. Tribal organizations were involved in that process and subsequently stated that the revised bill protected tribal sovereign immunity. Those modifications remain in the current version of the bill.

The PACT Act will help keep cigarettes and smokeless tobacco out of the hands of children and reduce the devastating toll that tobacco takes on the public's health. The Senate passed the PACT Act by unanimous consent in 2003, and the House passed the bill overwhelmingly in 2008 and 2009. The time has come to enact this important legislation.

Sincerely,

American Cancer Society Cancer Action Network  
American Heart Association  
American Lung Association  
Campaign for Tobacco-Free Kids  
Alliance of the American Dental Association  
American Academy of Family Physicians  
American Academy of Otolaryngology—Head and Neck Surgery  
American Association for Respiratory Care  
American College of Chest Physicians  
American College of Preventive Medicine  
American Dental Association  
American Medical Association  
American Psychological Association  
American Public Health Association  
American School Health Association  
American Society of Addiction Medicine  
Association of Women's Health, Obstetric and Neonatal Nurses  
Lung Cancer Alliance  
National Research Center for Women & Families Cancer Prevention and Treatment Fund  
Oncology Nursing Society  
Partnership for Prevention  
Society for Public Health Education  
United Methodist Church – The General Board of Church and Society