

Congress of the United States
Washington, DC 20515

February 6, 2024

The Honorable Robert M. Califf
Commissioner
The Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Califf:


We write regarding the impact on U.S. national security of the Food and Drug Administration's (FDA) proposed ban on menthol cigarettes, which we are concerned will result in sanctions relief to the Islamic Republic of Iran and its terror proxies. As you are likely aware, cigarette smuggling provides a significant source of funding for foreign terrorist organizations, including Hezbollah and Hamas. A ban on menthol cigarettes risks enlarging this illicit market and driving millions in new revenue to state sponsors of terrorism and foreign terrorist organizations.

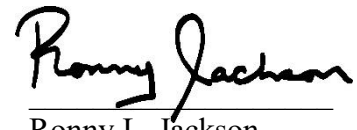
Israel's Ministry of Health has confirmed that the "illicit trade of tobacco constitutes an important source of funding for Hezbollah." The organization is central to illicit cigarette trafficking in the Western Hemisphere, and individuals tied to both Hezbollah and Hamas have operated significant tobacco smuggling operations here in the United States. Trafficking cigarettes into markets facing bans or heavy taxes is a lucrative source of revenue; for example, in 2013, U.S. authorities reported that Hamas-linked criminals running a massive, Virginia-to-New York smuggling ring were able to generate \$55 million in sales.


We are concerned that a prohibition on menthol cigarettes would significantly widen the stream of such illegal revenue to these groups. As you know, the multi-billion-dollar menthol cigarette industry would not suddenly disappear in the face of a ban. Absent a clear plan to prevent Hezbollah and others from partnering with international crime organizations like Mexican cartels, it would instead leave Hezbollah, Hamas, and other bad actors in a prime position to profit off the black market. Such an outcome would be unacceptable.

We urge you to pause all rulemaking on menthol cigarettes until the intelligence community and law enforcement agencies can weigh in on this decision and force the administration to seriously consider the harm this rule will cause to our national security. The perpetrators of the October 7th attacks and their closest terrorist allies should not be rewarded by misguided and paternalistic policies.

Sincerely,


Jim Banks
Member of Congress


Ronny L. Jackson
Member of Congress


Lisa McClain
Member of Congress


August Pfluger
Member of Congress


Robert J. Wittman
Member of Congress


David Kustoff
Member of Congress

cc: The Honorable Shalanda Young, Director, Office of Management and Budget
The Honorable Antony Blinken, Secretary, Department of State
The Honorable Janet Yellen, Secretary, Department of Treasury
The Honorable Merrick Garland, Attorney General, Department of Justice
The Honorable Xavier Becerra, Secretary, Department of Health and Human Services
Stephen Benjamin, Senior Advisor to the President, The White House