

Tobacco Company Campaign Contributions and Congressional Support of Tobacco Legislation

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Abstract

Although it is widely held that campaign contributions influence Congressional support for legislation, the impact of these contributions is unclear. Three bills involving tobacco regulation were introduced into the 2017-8 Congress and were co-sponsored in both the House of Representatives and Senate. One was pro-tobacco (HR564/S294-Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2017) and two were anti-tobacco (HR4273/S2100-Tobacco to 21 Act, HR2878/S1341-Children Don't Belong on Tobacco Farms Act). The association between tobacco political action committee (PAC) campaign contributions with sponsorship of these bills was examined. Tobacco PAC contributions to sponsors of pro-tobacco HR564/S294 were significantly larger [\$18218, 95% confidence interval (CI) \$15077-\$21359, $p < 0.01$] than to non-sponsors (\$8730, 95% CI, \$6959-\$10501). Sponsors of the anti-tobacco HR4273/S2100 received significantly smaller contributions (\$2114, 95% CI \$0-\$4833, $p < 0.01$) than non-sponsors (\$12048, 95% CI, \$10289-\$13707). Similarly, sponsors of the anti-tobacco HR2878/S1341 also received significantly smaller contributions (\$2500, 95% CI \$0-\$5284, $p < 0.01$) than non-sponsors (\$12097, 95% CI \$10429-\$13765). These data demonstrate a significant correlation between campaign contributions and legislative support of pro- and anti-tobacco legislation.

Introduction

Previously, it has been shown tobacco contributions influence state legislators in terms of tobacco control policy-making and support by Southwest US Members of Congress of The Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2015 (HR 662/S 441, aka the "Cigar Bill") (1,2). Although it is widely held that campaign contributions influence elected legislators, Powell (3) notes "political scientists have had great difficulty determining whether and how much influence contributions have on the legislative process". Studies have been inconsistent, with some demonstrating a linkage between campaign contributions and influence while others do not, suggesting that there are other influences in addition to contributions. Powell (3) has pointed out that the influence of donations is likely to occur early in the legislative process, such as during sponsorship for legislation or by directing that funds should be spent on a specific project (earmarks).

During the current 115th Congress, the pro-tobacco "The Traditional Cigar Manufacturing and Small Business Jobs Preservation Act" was reintroduced (HR564/S294) (4). In addition, two anti-tobacco bills were introduced (HR4273/S2100

and HR2878/S1341) (4). Tobacco PAC contributions were examined for their association with sponsorship of these bills.

Methods

Tobacco Bills

The website Congress.Gov (4) was searched with the key word tobacco. Three bills were identified that had reached sufficient maturity to be introduced into the House of Representatives and the Senate and had co-sponsors listed in both the House and Senate. One was the pro-tobacco (HR564/S294-Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2017) and two were anti-tobacco (HR4273/S2100-Tobacco to 21 Act, HR2878/S1341-Children Don't Belong on Tobacco Farms Act) (Table 1).

Table 1. Tobacco related legislation introduced during the 115th session of Congress.

Bill Number	Title	Description from Congress.Gov (3)	Sponsors (HR/S)
HR564/S294	Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2017	To amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.	Rep. Posey, Bill (R-FL-8)/ Sen. Nelson, Bill (D-FL)
HR4273/S2100	Tobacco to 21 Act	This bill prohibits the sale or distribution of tobacco products to individuals under the age of 21	Rep. DeGette, Diana (D-CO-1)/Sen. Schatz, Brian (D-HI)
HR2878/S1341	Children Don't Belong on Tobacco Farms Act	This bill amends the Fair Labor Standards Act of 1938 to redefine "oppressive child labor," for purposes of child labor prohibitions, to include the employment of any employee under age 18 who has direct contact with tobacco plants or dried tobacco leaves.	Rep. Cicilline, David N. (D-RI-1)/ Sen. Durbin, Richard J. (D-IL)

Sponsors and cosponsors were identified as listed on Congress.Gov.

Campaign Contributions

Tobacco company political action committee (PAC) contributions to members of Congress were obtained from the Campaign for Tobacco-Free Kids website (5). Contributions from the years listed (2006-18) were summed and no effort was made to separate recent from more past contributions.

Statistics

The relationship between sponsorship of the tobacco-related bills and tobacco PAC campaign contributions was done by Fisher's exact test using a 2X2 contingency table. Amounts of campaign contributions were expressed as means with 95% confidence intervals. The Mann-Whitney U test was used to calculate comparisons of the amounts of campaign contributions.

Results

Tobacco PAC Contributions

Sixty-five percent of the members of Congress have received a tobacco PAC contribution since 2006 ([Appendix 1](#)). The average reported was \$11,637. Ten members received over \$80,000, of which the largest was to Sen. Richard Burr (R-NC)(\$124,022); all but three were from what is referred to as the deep South. Over \$6 million was donated in total; 82% of the donations went to Republicans.

Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2017 (HR564/S294)

Ninety-four percent of the members of Congress who cosponsored the pro-tobacco "Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2017 (aka Cigar Bill)" had received tobacco PAC campaign contributions ([Appendix 2](#)). In contrast, 53% of who were not cosponsors had received contributions ($p < 0.01$ by Fisher's Exact Test). Furthermore, the amount of contributions was larger for those who had cosponsored the bill larger (\$18218, 95% CI \$15077-\$21359) than non-sponsors (\$8730, 95% CI, \$6959-\$10501, $p < 0.01$ by Mann-Whitney U test).

Tobacco to 21 Act (HR4273/S2100)

Eighty-two percent of the members of Congress who cosponsored the anti-tobacco "Tobacco to 21 Act" had not received tobacco PAC campaign contributions ([Appendix 3](#)). In contrast, 35% of who were not cosponsors had not received contributions ($p < 0.01$ by Fisher's Exact Test). Furthermore, the amount of contributions was smaller for those who had cosponsored the bill (\$2114, 95% CI \$0-\$4833) than non-sponsors (\$12048, 95% CI, \$10289-\$13707, $p < 0.01$ by Mann-Whitney U test).

Children Don't Belong on Tobacco Farms Act (HR2878/S1341)

Data were similar with the anti-tobacco "Children Don't Belong on Tobacco Farms Act". Seventy-eight percent of the members of Congress who sponsored the bill had not received tobacco PAC campaign contributions ([Appendix 4](#)). Thirty-five percent of the members of Congress who had not cosponsored the bill did not receive contributions ($p < 0.01$ by Fisher's Exact Test). Furthermore, the amount of contributions was smaller

for those who had cosponsored the bill (\$2500, 95% CI \$0-\$5284) than non-sponsors (\$12097, 95% CI \$10429-\$13765), $p < 0.01$ by Mann-Whitney U test).

Discussion

This manuscript shows an association between tobacco PAC campaign contributions and sponsorship of both pro- and anti-tobacco legislation. More members of Congress who supported the pro-tobacco "Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2017" had received tobacco PAC campaign contributions and the contributions were larger compared to those not sponsoring the legislation. The data was the opposite for the anti-tobacco "Tobacco to 21 Act" and "Children Don't Belong on Tobacco Farms Act". The percentage of the members of Congress who had not received tobacco PAC contributions was higher for those who sponsored the legislation compared to those who did not. Taken together these data suggest an influence of campaign contributions on the sponsoring of tobacco legislation in the US Congress.

The data in this manuscript confirms and extends the previous observations that tobacco contributions to state legislators and Southwest Members of Congress influence support of tobacco legislation (1,2). The Southwest US is not a major tobacco growing or manufacturing region (7). Furthermore, tobacco consumption tends to be low in Southwest US (7). The Southwest is a good area to study the influence of campaign contributions because of the lack of confounding influences from a constituency that makes a living by tobacco growing or manufacturing or has a high prevalence of smokers. Reexamination of the correlation between tobacco PAC contributions and Congressional sponsorship of the "Cigar Bill" shows similar results with the data in 2016 (1, Appendix 1). The present study shows that association occurred in Congress as a whole and extended to anti-smoking legislation.

The title of HR564/S294 is deceiving. The "Traditional Cigar Manufacturing and Small Business Jobs Preservation Act" is titled to conjure up images of small businesses hand-rolling premium cigars. However, many of the cigars affected by the legislation are not the large, thick, and expensive ones manufactured with fine tobacco but rather small, thin, cheap cigars that are often flavored (8).

There is no doubt that smoking tobacco is harmful including cigars where the risk can be as high as or exceed those of cigarette smoking (9). Cigarette consumption in the United States is decreasing, compelling US tobacco companies to search for new markets (10). The cigar market, especially the flavored cigar market, represents one strategy to increase tobacco consumption and profits. Flavored cigar use is increasing in US middle and high school students (11). Therefore, tobacco companies support of the "Cigar Bill" is not surprising. By removing regulation, the tobacco companies can increase advertising to children and grow the candy-flavored cigar market (8).

The amount of money donated by the tobacco PACs is quite large and would seem to exceed anything that anti-tobacco smoking organizations could muster. Sixty-five percent of the members of Congress have received contributions totaling over 6 million

dollars since 2006. The influence of these contributions may make regulation of tobacco quite difficult.

This manuscript has several limitations. Receiving tobacco PAC contributions and sponsoring pro-tobacco legislation does not necessarily represent cause and effect. It seems likely that tobacco companies would be more likely to support legislators that they perceive as sympathetic. It also seems likely that the tobacco PACs would be less likely to donate to supporters of anti-tobacco legislation.

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