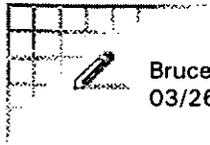


NLWJC - Kagan

DPC - Box 031 - Folder 004

Ideas - Consumer Safety

Ideas - health + safety



Bruce N. Reed
03/26/97 09:25:39 AM

Record Type: Record

To: Elizabeth Drye/OPD/EOP

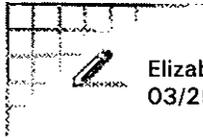
cc:

Subject: Re: Status of Policy Ideas

Thanks -- looks good. You should work with NEC on a 4/3 seatbelt event. We don't need to decide on .08 yet -- it may be enough to highlight the incentives, but I'll let you know.

On aggressive driving, didn't you mention asking the FCC to set up some kind of special safety number for cellular callers?

1200s - health + safety



Elizabeth Drye
03/25/97 05:59:44 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Status of Policy Ideas

1. **Seatbelt Report** will be ready early next week. Report sets new national goals of 85% use by 2000 and 90% use by 2005 (from 68% today); At its release, we will announce our support for legislation (part of pending NEXTEA safety title) requiring states to implement primary seatbelt laws or divert 1% of highway funds to safety (so-called "soft sanction"); and 3) update an outdated EO requiring federal employees to use seatbelts -- changes will bring EO in line with current belt technology and will add provisions to it to increase enforcement of seatbelt use on Federal lands. EO is expected to go to OMB for review tomorrow.

NEC staff (Dorothy Robyn) and I agree we should try to get NEXTEA safety title done and release with seatbelt report next week. In addition to soft sanction for primary seatbelt laws, safety title includes truck size and weight restrictions (big deal for safety advocates); railroad terrorism provisions; and a number of smaller provisions. We suggest having POTUS announce seatbelt report and safety title directly following CEO meeting next week to a broad-based audience that includes advocates and other industry members of the safety coalition. A little strange, but DOT is adamantly opposed to POTUS doing safety announcement w/big 3 alone. NEC and DOT think the Big 3 CEOs will be receptive to that approach.

2. **Drunk Driving/.08 BAC** -- We could put .08 BAC provision in NEXTEA safety title as well, but DOT, NEC, OIRA and I are all ambivalent about that. We are on record supporting .08 BAC -- our NEXTEA legislation sent to the Hill recently has incentives for states to pass .08 laws. We could push for a "soft sanction," but it will be a much tougher fight than for seatbelts and the payoff is less clear. DOT anticipates that the industry will put up a very aggressive fight, and the effect of .08 laws on crashes is not very well documented. Still, .08 is good public health policy. We all agree that we shouldn't put .08 in the safety legislation unless the President and Slater are willing to fight for it. We will chew on this for another day, but welcome your guidance.

3. **Aggressive Driving** -- DOT has been digging for the past two weeks and hasn't come up with quite enough yet. The obvious policy response is aggressive local enforcement. State and local investment in traffic enforcement has declined over the last several years as we and others have pushed cops toward higher priority efforts. DOT is taking some small steps to promote local law enforcement that we could package together in an event. As the Post reported this weekend, DOT is working with DC-area jurisdictions to mount a DC enforcement effort later this month. DOT also has a "Red Light Running" technical assistance program we could highlight. DOT is interested in working with Justice to push for stronger sentencing guidelines, but Dennis is not enthusiastic. These ideas aren't enough for a POTUS event, but DOT is trying to come up with more. If we get a good package, April is a good time for an event. April 20-26 is National Drive Safely week. The Network of Employees for Traffic Safety (NETS) -- 200 public and private organizations -- would like to do an April 17 event in anticipation of Drive Safely week.

4. **PRESIDENTIAL MEMO on FMLA** -- I've surveyed people but haven't found a good reason why

we didn't send this in July. It may be because we prepared it BEFORE we sent the legislation to the Hill in September. I just found out John Angell worked on it and will call him at DOE. Per our discussion this morning, I will ask OMB to circulate to agencies and WH offices for comment. Barring any unforeseen objections, we should be able to do soon.

5. Tobacco / Medicaid. HHS and Justice vetted this earlier. Here's a brief overview. HHS argued strongly against bringing a suit against the industry to recover Medicaid and/or Medicare costs for the following reasons. First, under Medicaid, states -- not the feds -- are responsible for seeking recovery of Medicaid expenditures from liable third parties. However, the feds do share in the recovery (after deducting state litigation costs), so feds will be eligible for some of (the limited) funds recovered from Liggett. **We could raise the profile of this result of the suit, but AGs are extremely sensitive about it, and the dollar amounts are likely to be very small.** Let me know if you want me to explore this. HHS decided earlier not to go after Medicare costs because, roughly speaking, (1) the litigation and analysis needed to support it would be extremely costly and (2) an analysis may indicate that smokers save the government money (by dying before their eligible for Medicare). Let me know if you want me to explore in greater depth and with more precision.

File - Ideas - Health + Safety

Fax 6-2878
(My e-mail is down)

March 11, 1997

NOTE TO BRUCE REED

FROM: Elizabeth Drye *ED*
SUBJECT: Seatbelt Report and Kick Butts Day

SEATBELTS

You suggested April 3 POTUS meeting w/big three auto execs for seatbelt report release. Timing is fine. CEO's will support and it would be great to have them there. But DOT does not want to associate the report exclusively w/big 3 CEO's, since a broad coalition deserves credit and the report explicitly seeks to engage states, employers, etc. How about an announcement with broader group following POTUS big 3 meeting?

Also, Secretary Slater will decide momentarily whether to push for financial sanctions in ISTEA reauthorization against states that don't have primary seatbelt laws (or blood alcohol content limits of .08 or motorcycle helmet laws). The ISTEA legislation we send to the Hill tomorrow won't have sanctions, just incentives, but we're working quietly on a more expansive safety title. If Slater decides to advocate for these tough provisions and OMB/White House clear them, we could announce at the report's release on April 4.

TOBACCO / KICK BUTTS DAY

Not sure yet what we'll have to say on 4/15 in NY. We expect a ruling from NC judge anytime between 3/17 and 4/21. HHS advises against statements on Internet advertising in this time frame given the status of the litigation, but DoJ is open to it. I am doing a memo for you and Elena on options. I'll get you a memo by the end of this week. We haven't identified any other potential announcements (e.g. new CDC data) that will be ready by 4/15.

cc: Elena Kagan