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**[04/20/1998 - 04/21/1998]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	from Mickey Ibarra to Paul Weinstein and Elena Kagan subject Laura (1 page)	04/21/1998	P6/b(6)
002. email	from Mickey Ibarra to Elena Kagan subject Laura (1 page)	04/21/1998	P6/b(6)

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**COLLECTION:**

Clinton Presidential Records  
Automated Records Management System [Email]  
OPD ([Kagan])  
OA/Box Number: 250000

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**FOLDER TITLE:**

[04/20/1998-04/21/1998]

2009-1006-F

kc146

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### RESTRICTION CODES

**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:20-APR-1998 20:29:32.00

SUBJECT: OMB Legislative Report -- April 20, 1998

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TO: Wesley P. Warren ( CN=Wesley P. Warren/OU=CEQ/O=EOP@EOP [ CEQ ] )  
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TO: Phillip Caplan ( CN=Phillip Caplan/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO: Shelley N. Fidler ( CN=Shelley N. Fidler/OU=CEQ/O=EOP@EOP [ CEQ ] )

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TO: WEINSTEIN\_D@A1 ( WEINSTEIN\_D@A1 @ CD @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

TO: E. Holly Fitter ( CN=E. Holly Fitter/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Maryanne B. Green ( CN=Maryanne B. Green/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Kenneth L. Schwartz ( CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Robert J. Nassif ( CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Anita Chellaraj ( CN=Anita Chellaraj/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Janet Himler ( CN=Janet Himler/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: John Podesta ( CN=John Podesta/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO: Todd Stern ( CN=Todd Stern/OU=WHO/O=EOP@EOP [ WHO ] )  
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TO: Philip R. Dame ( CN=Philip R. Dame/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Annette E. Rooney ( CN=Annette E. Rooney/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: BROWN\_JA@A1 ( BROWN\_JA@A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OMB)  
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TO: Ingrid M. Schroeder ( CN=Ingrid M. Schroeder/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Janet R. Forsgren ( CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: James C. Murr ( CN=James C. Murr/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Bruce W. McConnell ( CN=Bruce W. McConnell/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Lisa M. Kountoupes ( CN=Lisa M. Kountoupes/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Alicia K. Kolaian ( CN=Alicia K. Kolaian/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Susanne D. Lind ( CN=Susanne D. Lind/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Barry T. Clendenin ( CN=Barry T. Clendenin/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Kathleen Peroff ( CN=Kathleen Peroff/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Janet L. Graves ( CN=Janet L. Graves/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: William A. Halter ( CN=William A. Halter/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Joshua Gotbaum ( CN=Joshua Gotbaum/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Robert G. Damus ( CN=Robert G. Damus/OU=OMB/O=EOP@EOP [ OMB ] )

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TO: Jacob J. Lew ( CN=Jacob J. Lew/OU=OMB/O=EOP@EOP [ OMB ] )  
 READ:UNKNOWN

TEXT:

TO: DIRECTOR FRANK RAINES  
 DEPUTY DIRECTOR JACK LEW  
 DEP. DIRECTOR FOR MANAGEMENT ED DESEVE  
 EXECUTIVE ASSOCIATE DIRECTOR JOSH GOTBAUM

FROM: OMB LEGISLATIVE AFFAIRS

DATE: APRIL 20, 1998

SUBJECT: LEGISLATIVE REPORT

The Senate Governmental Affairs confirmation hearings for Acting OMB Deputy Director for Management Ed DeSeve and for OFPP Administrator nominee Dee Lee are scheduled for Wednesday April 22nd.

CONGRESS -- TODAY:

The Senate reconvened today. The House was not in session on Monday, but reconvenes on Tuesday.

During today's session the Senate continued consideration of HR 2646, the Coverdell Education Savings Account Bill, but no rollcall votes occurred. [POTUS Letter sent, 4/20: Support Moseley-Braun amendment, veto threat on expanded education IRAs; Riley & Rubin/Riley letter pending: Secretary veto threat on block grants and IDEA amendments]

A unanimous consent agreement prior to the recess restricts first degree amendments to the Coverdell bill to the following list:

- Bingaman--Drop out prevention
- Boxer--After school program
- Bumpers--Increase funds for IDEA
- Coats--Increase in charitable deductions
- Conrad--Education IRA income limits
- Dodd--Special education
- Glenn--Strike IRA for private school use
- Gorton--Block grant
- Gregg--IDEA flexibility
- Hutchison--Same-sex schools
- Kennedy--100,000 teachers
- Landrieu--Blue ribbon schools
- Levin--Technical training or vocational education
- Mack--Teacher testing and merit pay
- Moseley-Braun--School construction
- Murray--Sense of the Senate on class size
- Wellstone--Education as work for TANF

Tuesday, April 21st, and the remainder of the week

SENATE

On Tuesday, the Senate will convene at 9:30am, and will resume consideration of S. 414, the International Shipping bill. At 10am a rollcall vote will occur on the Gorton amendment to S. 414, the Shipping Bill; this will likely be followed by adoption of the bill.

Following action on S. 414, the Senate will proceed to a vote to table the Kennedy amendment to HR 2646, the Coverdell bill (relating to 100,000 teachers).

[POTUS Letter sent, 4/20: Support Moseley-Braun amendment, veto threat on expanded education IRAs; Riley & Rubin/Riley letter pending: Secretary veto threat on block grants and IDEA amendments]

At 2:15pm, following the party lunches, the Senate will vote on the Glenn amendment to the Coverdell which would preclude private elementary and secondary schools from receiving benefits under the bill; followed by a vote on the Mack/D□,Amato amendment relating to teacher testing and merit pay.

Later in the week, the Senate may take up the State Authorization Conference Report and the NATO expansion bill.

#### HOUSE

Tuesday, April 21st

Convene at 12:30pm for morning hour, and 2:00 for legislative business.

No recorded votes before 5pm.

Consider the following suspensions:

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[SAP pending: Administration supports]

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[SAP pending: Administration supports]

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[SAP pending: Administration strongly opposes]

Wednesday, April 22nd

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[SAP under development: Possible veto threat]

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[SAP pending: Interior Secretary recommends veto]

H.R. 3164 -- Hydrographic Services Improvement Act of 1998 (Subject to a Rule)

[SAP under development; Commerce letter sent 3/10: Support and seek amendments]

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Kate P. Donovan@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME:20-APR-1998 20:32:00.00

SUBJECT: OMB Legislative Report -- April 20, 1998

TO: HOLSTEIN\_E ( HOLSTEIN\_E@A1@CD )  
READ:NOT READ

TO: BROWN\_JA ( BROWN\_JA@A1@CD ) (OMB)  
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TO: WEINSTEIN\_D ( WEINSTEIN\_D@A1@CD )  
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TO: WALKER\_A ( WALKER\_A@A1@CD ) (WHO)  
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TO: MCKIERNAN\_K ( MCKIERNAN\_K@A1@CD )  
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READ:21-APR-1998 08:17:27.02

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TO: Charles E. Kieffer ( Charles E. Kieffer@EOP@LNWTWY@EOPMRX )  
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TO: T J. Glauthier ( T J. Glauthier@EOP@LNWTWY@EOPMRX )  
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TO: Alan B. Rhinesmith  
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TO: Ronald M. Cogswell  
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TO: Elisa Millsap  
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TO: James C. Murr  
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TO: Ingrid M. Schroeder  
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TO: Ronald L. Silberman  
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TO: Linda Ricci  
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TO: Judy Jablow  
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TO: Martha Foley  
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TO: Janelle E. Erickson  
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TEXT:

Message Creation Date was at 20-APR-1998 20:28:00

TO: DIRECTOR FRANK RAINES  
DEPUTY DIRECTOR JACK LEW  
DEP. DIRECTOR FOR MANAGEMENT ED DESEVE  
EXECUTIVE ASSOCIATE DIRECTOR JOSH GOTBAUM

FROM: OMB LEGISLATIVE AFFAIRS

DATE: APRIL 20, 1998

SUBJECT: LEGISLATIVE REPORT

The Senate Governmental Affairs confirmation hearings for Acting OMB Deputy Director for Management Ed DeSeve and for OFPP Administrator nominee Dee Lee are scheduled for Wednesday April 22nd.

CONGRESS -- TODAY:

The Senate reconvened today. The House was not in session on Monday, but reconvenes on Tuesday.

During today's session the Senate continued consideration of HR 2646, the Coverdell Education Savings Account Bill, but no rollcall votes occurred. [POTUS Letter sent, 4/20: Support Moseley-Braun amendment, veto threat on expanded education IRAs; Riley & Rubin/Riley letter pending: Secretary veto threat on block grants and IDEA amendments]

A unanimous consent agreement prior to the recess restricts first degree amendments to the Coverdell bill to the following list:

- Bingaman--Drop out prevention
- Boxer--After school program
- Bumpers--Increase funds for IDEA
- Coats--Increase in charitable deductions
- Conrad--Education IRA income limits
- Dodd--Special education
- Glenn--Strike IRA for private school use
- Gorton--Block grant
- Gregg--IDEA flexibility
- Hutchison--Same-sex schools
- Kennedy--100,000 teachers
- Landrieu--Blue ribbon schools
- Levin--Technical training or vocational education
- Mack--Teacher testing and merit pay
- Moseley-Braun--School construction
- Murray--Sense of the Senate on class size
- Wellstone--Education as work for TANF

Tuesday, April 21st, and the remainder of the week

SENATE

On Tuesday, the Senate will convene at 9:30am, and will resume consideration of S. 414, the International Shipping bill. At 10am a rollcall vote will occur on the Gorton amendment to S. 414, the Shipping Bill; this will likely be followed by adoption of the bill.

Following action on S. 414, the Senate will proceed to a vote to table the Kennedy amendment to HR 2646, the Coverdell bill (relating to 100,000 teachers). [POTUS Letter sent, 4/20: Support Moseley-Braun amendment, veto threat on expanded education IRAs; Riley & Rubin/Riley letter pending: Secretary veto threat on block grants and IDEA amendments]

At 2:15pm, following the party lunches, the Senate will vote on the Glenn amendment to the Coverdell which would preclude private elementary and secondary schools from receiving benefits under the bill; followed by a vote on the Mack/D□, Amato amendment relating to teacher testing and merit pay.

Later in the week, the Senate may take up the State Authorization Conference Report and the NATO expansion bill.

#### HOUSE

Tuesday, April 21st

Convene at 12:30pm for morning hour, and 2:00 for legislative business. No recorded votes before 5pm.

Consider the following suspensions:

H.R. 3565 -- Care for Police Survivors Act of 1998

[SAP pending: Administration supports]

H.R. 3528 -- Alternative Dispute Resolution Act of 1998

[SAP pending: Administration supports]

H.R. 2691 -- National Highway Traffic Safety Administration Reauthorization Act of 1997

[SAP pending: Administration strongly opposes]

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Consider H.R. 1252 -- Judicial Reform Act (Subject to a Rule)

[SAP under development: Possible veto threat]

H.R. 512 -- New Wildlife Refuge Authorization Act (Subject to a Rule)

[SAP pending: Interior Secretary recommends veto]

H.R. 3164 -- Hydrographic Services Improvement Act of 1998 (Subject to a Rule)

[SAP under development; Commerce letter sent 3/10: Support and seek amendments]



## Needle Exchange Q&As

**Q: Why did the Administration choose to release the findings that needle exchange programs reduce HIV transmission and does not increase drug use yesterday?**

**A:** Because the science is there. We already knew that needle exchange programs do not increase drug use, and yesterday, the Secretary made clear that the scientists, including all the respected leadership within the National Institutes of Health, have concluded that these programs do not increase drug use.

Communities around the country, who are making their own decisions on this issue, should know that appropriately designed needle exchange programs can reduce HIV transmission and do not encourage illegal drug use.

**Q: Is this a permanent Administration position?**

**A:** New factors could emerge that could cause us to reevaluate this issue. However, we do not anticipate a change in our decision at this time.

**Q: If the science concludes that needle exchange programs reduce the transmission of HIV and do not increase drug use, why aren't you releasing Federal funds for needle exchange programs?**

**A:** Releasing Federal funds for needle exchange programs would have likely ignited a debate that could have threatened the locally administered programs that are currently in place and hindered additional communities from being able to make these decisions for themselves.

We have always said that communities themselves, based on all the available scientific information and their own unique perspective, should make their own decision on this issue. Opening up a debate over Federally funding would have inappropriately shifted the focus away from where these decisions should be made to the much more highly politicized Federal level.

The Administration concluded that such an outcome would be unacceptable and chose instead to give the scientific guidance that is necessary for communities to make their own decision. **(Elena - Chris does think we need the mixed signal line b/c the primary criticism is from the left not the right).**

**Background:** Congress gave the Secretary of Health and Human Services the responsibility to make two determinations: whether the scientific research findings conclude that needle exchange programs reduce HIV transmission and whether they increase drug use. In 1997, the Secretary made a determination that needle exchange programs do reduce the transmission of HIV. Yesterday, the Secretary held a meeting with her senior scientific advisors, including Nobel Laureate and head of the National Institutes of Health, Dr. Harold Varmus. These scientists agreed that the science-based standards have been met with regard to drug use as well.

A 1998 NIH Consensus Conference report on the effectiveness of treatment for heroine addiction found that drug treatment programs can assist heroin users in halting their drug use. An October 1997 study of needle exchange programs in Baltimore Maryland found that needle exchange programs that are closely linked to or integrated with drug treatment programs actually reduce the incidence of drug use with high levels of retention in drug treatment. In March 1997, the NIH published the Consensus Development Statement on Interventions to Prevent HIV Risk Behaviors that concluded that needle exchange programs “show a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of a 30 percent or greater reduction in HIV.”

**Q: What is General McCaffery’s viewpoint on this issue?**

**A:** Like all senior members of this Administration, General McCaffery supports this decision. We will let him speak for himself. However, it is the responsibility of the Secretary of Health and Human Services to determine whether the scientific research findings meet the standards established by Congress. All of the senior scientific advisors of HHS agree that the science-based standards have been met and, as a result, the Secretary made her announcement today.

We are also all in agreement on the importance of reducing drug use in this country, especially among teenagers. No one should doubt that illegal drugs are wrong and that they can kill you.

**Q: Won't this send a message to young people that drugs -- especially injectable drugs like heroin -- are ok?**

**A:** Absolutely not. Injectable drug use is illegal, unhealthy and wrong. It is clearly a major health problem as well as a significant law enforcement concern. That is why the entire Federal government is sending a unified message to all Americans, particularly young people: Drugs put your future at risk; they can kill you; and they can infect you with HIV.

This Administration has an extremely strong record on fighting drugs. We have increased the availability of drug treatment, We have worked in partnership with communities to fight drugs in and around schools. We have worked with state and local governments to put 100,000 more police officers on the streets, and we have doubled the number of border guards. We will continue to fight drug use in this country and to offer drug treatment to those who are addicted so that they stop using drugs. Moreover, the goal of needle exchange programs is to be part of a comprehensive HIV prevention strategy that can provide an entry into a drug treatment program.

**Q: How many needle exchange programs are there currently operating in the United States?**

**A:** According to the latest data reported to the CDC, needle exchange programs are operating in 28 states and one U.S territory.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ruby Shamir ( CN=Ruby Shamir/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-1998 08:51:33.00

SUBJECT: 11:30 Tobacco Mtg

TO: Eli G. Attie ( CN=Eli G. Attie/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Barbara D. Woolley ( CN=Barbara D. Woolley/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Dominique L. Cano ( CN=Dominique L. Cano/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Sara M. Latham ( CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Dario J. Gomez ( CN=Dario J. Gomez/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Suzanne Dale ( CN=Suzanne Dale/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Laura K. Capps ( CN=Laura K. Capps/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Amy W. Tobe ( CN=Amy W. Tobe/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Darby E. Stott ( CN=Darby E. Stott/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Christa Robinson ( CN=Christa Robinson/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Janet Murguia ( CN=Janet Murguia/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Kevin S. Moran ( CN=Kevin S. Moran/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Thomas D. Janenda ( CN=Thomas D. Janenda/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Beverly J. Barnes ( CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Jake Siewert ( CN=Jake Siewert/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Jennifer M. Palmieri ( CN=Jennifer M. Palmieri/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Christopher J. Lavery ( CN=Christopher J. Lavery/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Cynthia M. Jasso-Rotunno ( CN=Cynthia M. Jasso-Rotunno/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Anne M. Edwards ( CN=Anne M. Edwards/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Charles M. Brain ( CN=Charles M. Brain/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Michael Waldman ( CN=Michael Waldman/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Stacie Spector ( CN=Stacie Spector/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Eleanor S. Parker ( CN=Eleanor S. Parker/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Mary Morrison ( CN=Mary Morrison/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Elisa Millsap ( CN=Elisa Millsap/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Michelle Crisci ( CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Lori L. Anderson ( CN=Lori L. Anderson/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

There will be a mssg mtg on next week's Tobacco Event today at 11:30a in Ann Lewis' office. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:21-APR-1998 08:57:35.00

SUBJECT: From Cynthia: Bruce, here's the response to industry

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Cynthia Dailard ( CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

that you asked for. ===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

PRINTER FONT 12\_POINT\_ROMAN

Tobacco Company Charges are False and Misleading  
April 21, 1998

In order to protect their interests and turn public opinion against comprehensive tobacco legislation designed to reduce youth smoking and improve public health, the tobacco industries have made false, misleading and deliberately inflammatory claims about the McCain bill. A simple explanation of the facts will set the record straight, and demonstrate that the industry is once again trying to mislead the public, as it has done for decades regarding the dangers of smoking.

PRINTER FONT 12\_POINT\_ROMAN\_ITALIC

Big Tobacco says Washington's real agenda is to fund a huge tax

□

-and

□

-spend program.

Wrong -- our goal is to stop young Americans from smoking before they start, by raising the price of cigarettes, putting into place tough restrictions on advertising and access, imposing penalties on the industry if it continues to sell cigarettes to children, and ensuring the FDA has adequate authority to regulate tobacco products.

Big Tobacco says the industry has been open and honest about what it can and will do to transform the way tobacco products are manufactured, marketed, and sold in this country.

Wrong -- for decades, the tobacco industry targeted children, and for decades, the tobacco industry denied it. Now, the tobacco industry once again seeks to put its bottom line above the health of children. And we are fighting against predatory practices by tobacco companies that have

targeted America's children.

Big Tobacco says that instead of seeking a comprehensive solution that will work, Washington has decided that politics is more profitable for government... [it's] big brother run amok.

Wrong -- what our approach does is attack the problem of youth smoking comprehensively, as all experts say we need to do, by combining strong provisions on price, penalties, advertising, access, and FDA jurisdiction. That's not about big government. It's about following the right recipe -- really, the only recipe -- to dramatically reduce youth smoking.

□

Big Tobacco says the tobacco plan the Administration supports will raise over half a trillion dollars in new taxes to fund a host of programs and special interests unrelated to smoking and public health.

Wrong -- The President's budget dedicates almost all of any tobacco revenues toward initiatives designed to reduce smoking, help find treatments and cures for diseases associated with tobacco, and invest in our children through health care coverage, needed child care, and education. We believe these investments have a natural link to tobacco revenue and will make a major contribution toward preparing the nation for the 21st century. We are happy to debate the best use of tobacco revenue, but first let's all agree on the need to reduce youth smoking by passing a comprehensive bill with a substantial price increase.

Big Tobacco says the McCain bill will create 17 new federal bureaucracies.

Wrong -- this is just the latest tobacco industry smokescreen. What the bill does is ensure that the federal government has the authority to regulate tobacco products in order to reduce youth smoking and to target tobacco revenues to strong public health and research efforts. The so

□

-called

"bureaucracies" that the industry is now complaining about are nothing more than what's necessary to protect public health in this way -- to ensure that cigarettes are not sold to minors, to promote effective education, and to encourage smoking cessation. The proof that this is an industry con job is clear: almost all of these provisions were in the June 1997 proposed settlement. The industry is criticizing these provisions now only because the political tide has turned against it, and certain other aspects of the legislation have gotten stronger.

Big Tobacco says the McCain bill will force the price of cigarettes over \$5 in five years, which will in turn create a huge black market that will have unregulated access to kids.

Wrong -- The McCain bill would increase the price of cigarettes by \$1.10 over five years -- reducing youth smoking nearly in half -- and raising the real price of cigarettes to \$3.20, not \$5.00. We do not expect this price increase to create a black market. We can work with Congress to devise a scheme that will facilitate the effort to prevent smuggling, while not subjecting retailers to onerous requirements. This could involve having wholesalers, distributors, and retailers identify themselves

-- just as any business now has to do to sell liquor, and

what most states already require sellers to tobacco to do.  
===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Matthew J. Bianco ( CN=Matthew J. Bianco/O=OVP [ UNKNOWN ] )

CREATION DATE/TIME: 21-APR-1998 09:22:25.00

SUBJECT: Kennedy/Conrad Mtg Rescheduled

TO: Jason S. Goldberg ( CN=Jason S. Goldberg/OU=WHO/O=EOP [ WHO ] )  
READ: UNKNOWN

TO: Toby Donenfeld ( CN=Toby Donenfeld/O=OVP [ UNKNOWN ] )  
READ: UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )  
READ: UNKNOWN

TO: Lawrence J. Stein ( CN=Lawrence J. Stein/OU=WHO/O=EOP [ WHO ] )  
READ: UNKNOWN

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP [ OPD ] )  
READ: UNKNOWN

CC: Ricardo M. Gonzales ( CN=Ricardo M. Gonzales/O=OVP [ UNKNOWN ] )  
READ: UNKNOWN

CC: Jessica L. Gibson ( CN=Jessica L. Gibson/OU=WHO/O=EOP [ WHO ] )  
READ: UNKNOWN

CC: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP [ OPD ] )  
READ: UNKNOWN

CC: David R Thomas ( CN=David R Thomas/O=OVP @ OVP [ UNKNOWN ] )  
READ: UNKNOWN

Kay Casstevens ( CN=Kay Casstevens/O=OVP [ UNKNOWN ] )  
READ: UNKNOWN

Matthew J. Bianco ( CN=Matthew J. Bianco/O=OVP [ UNKNOWN ] )  
READ: UNKNOWN

TEXT:

Kay Casstevens has asked that I relay the following information to you regarding the rescheduled Kennedy/Conrad Mtg. It is to occur this Thursday, April 23rd in the Vice President's West Wing Office. The pre-brief (which she would like Mr. Reed, Mr. Stein, Ms. Kagan, & Ms. Donenfeld to attend) is scheduled for 4:45 pm; this will be directly followed by the meeting w/the Senators (which she would like Mr. Goldberg to attend) from 5:00 - 5:30 pm. If you have any questions, please feel free to call me at 224-8391. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mickey Ibarra ( CN=Mickey Ibarra/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-1998 09:43:20.00

SUBJECT: Senator Feinstein's Tobacco Concerns

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

The issue below is of more concern that only California. USCM, NACo, and NLC have expressed the same view. What is our response? Thanks.

----- Forwarded by Mickey Ibarra/WHO/EOP on 04/21/98 09:40 AM

PETER G. JACOBY

04/20/98 06:58:50 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Mickey Ibarra/WHO/EOP

cc: Lawrence J. Stein/WHO/EOP, Elena Kagan/OPD/EOP, Jessica L. Gibson/WHO/EOP, Cathy R. Mays/OPD/EOP

Subject: Senator Feinstein's Tobacco Concerns

Senator Feinstein called earlier today to express her concern with the provisions of the McCain bill that preempt local governments from being able to sue tobacco companies to recover tobacco-related Medicaid expenses paid by those governments. The Senator would like our support for reversing these provisions in our discussions with Senator McCain. Additionally, she would like Bruce to call Louise Renne, the San Francisco City Attorney at 415-554-4288 to discuss our position on this issue. Please call if you need any information. Peter

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ingrid M. Schroeder ( CN=Ingrid M. Schroeder/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:21-APR-1998 09:49:36.00

SUBJECT: LRM #IMS 302 - REVISED Statement of Administration Policy on HR1252 Judici

TO: omb@mspb.gov ( omb@mspb.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO: US@2=TELEMAIL@5=JMD@7=Deborah@6=Clifton@mrx@lngtwy ( 1=US@2=TELEMAIL@5=JMD@7=Deb

READ:UNKNOWN

TO: James C. Murr ( CN=James C. Murr/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Alice E. Shuffield ( CN=Alice E. Shuffield/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Broderick Johnson ( CN=Broderick Johnson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP@EOP [ OPD ] )

READ:UNKNOWN

TO: William P. Marshall ( CN=William P. Marshall/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO: Kathleen M. Turco ( CN=Kathleen M. Turco/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Lisa B. Fairhall ( CN=Lisa B. Fairhall/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Robert G. Damus ( CN=Robert G. Damus/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Theodore Wartell ( CN=Theodore Wartell/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Kenneth L. Schwartz ( CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: ola@opm.gov ( ola@opm.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO: US@2=TELEMAIL@3=GOV+TREAS@5=DO@4=MS01@7=LLR@6=TREASURY@mrx@lngtwy ( 1=US@2=TELEM

READ:UNKNOWN

TO: ao\_courts\_lrm@ao.uscourts.gov ( ao\_courts\_lrm@ao.uscourts.gov @ inet [ UNKNOWN ]

READ:UNKNOWN

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Charles M. Brain ( CN=Charles M. Brain/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO: Peter G. Jacoby ( CN=Peter G. Jacoby/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

TO: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN

TO: Randolph M. Lyon ( CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Ellen J. Balis ( CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Douglas D. McCormick ( CN=Douglas D. McCormick/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Steven D. Aitken ( CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Michael Deich ( CN=Michael Deich/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: David J. Haun ( CN=David J. Haun/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Darlene O. Gaymon ( CN=Darlene O. Gaymon/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

You will not be receiving a paper copy of this LRM.

Total Pages: \_\_\_\_\_

LRM ID: IMS302  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Tuesday, April 21, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference  
OMB CONTACT: Ingrid M. Schroeder  
PHONE: (202)395-3883 FAX: (202)395-3109

SUBJECT: REVISED Statement of Administration Policy on HR1252  
Judicial Reform Act of 1997

DEADLINE: 12:30 Tuesday, April 21, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Please note that the SAP contains a veto recommendation from the Attorney General.

## DISTRIBUTION LIST

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61-JUSTICE - Andrew Fois - (202) 514-2141

118-TREASURY - Richard S. Carro - (202) 622-0650

67-Merit Systems Protection Board - Susan Williams - (202) 653-6772

92-Office of Personnel Management - Harry Wolf - (202) 606-1424

76-National Economic Council - Sonyia Matthews - (202) 456-6630

## EOP:

David J. Haun

Kenneth L. Schwartz

Michael Deich

Theodore Wartell

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Robert G. Damus

Douglas D. McCormick

Lisa B. Fairhall

Ellen J. Balis

Kathleen M. Turco

Randolph M. Lyon

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Paul J. Weinstein Jr.

Elena Kagan

Peter G. Jacoby

Broderick Johnson

Charles M. Brain

Alice E. Shuffield

Kate P. Donovan

James C. Murr

LRM ID: IMS302 SUBJECT: REVISED Statement of Administration Policy on  
HR1252 Judicial Reform Act of 1997

RESPONSE TO  
LEGISLATIVE REFERRAL  
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109  
Office of Management and Budget  
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: \_\_\_\_\_ (Date)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Name)  
 (Agency)  
 (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

\_\_\_\_\_ Concur

\_\_\_\_\_ No Objection

\_\_\_\_\_ No Comment

\_\_\_\_\_ See proposed edits on pages \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_ FAX RETURN of \_\_\_\_\_ pages, attached to this response sheet

DRAFT -- NOT FOR RELEASE

April 21, 1998  
 (House Rules)

H.R. 1252 - Judicial Reform Act of 1998  
 (Hyde (R) Illinois and 8 cosponsors)

The Administration strongly opposes House passage of H.R. 1252 and, if presented to the President in its current form, the Attorney General would recommend that the bill be vetoed because it:

Purports to restrict the remedial powers of Article III Federal courts to enforce constitutional rights. Under current law, Federal district courts may compel State and local governments to levy taxes in excess of their State law taxing powers when such a remedy would be required to enforce a Federal constitutional right. In addition, Federal courts have long been held to possess the equitable authority to compel State and local governments to exercise their existing taxing authority even when the Constitution would not require imposition of such a remedy. The bill's proposed restrictions would curtail the equitable discretion of Federal district courts, as well as deprive them of the power to remedy certain constitutional rights. The latter deprivation of power raises constitutional concerns and would be subject to reasonable constitutional challenge. (Section 5)

Would give parties in civil cases the right to exercise preemptive strikes against Article III judges, without even a requirement to show cause. Such a procedure threatens to undermine the independence of the Federal Judiciary that Article III of the Constitution was intended to secure, as well as undermine the public's confidence in life-tenured and constitutionally appointed Federal judges as impartial adjudicators. Litigants assuredly will engage in judge and forum shopping -- sometimes with improper motives. Additionally, these peremptory strikes would add further delay to the civil litigation system and erode the rule of law. (Section 6)

Would require the use of a three-judge panel for certain injunctions and declaratory actions. This provision would adversely affect the operation of several preemptive Federal statutes in situations where a State has passed a referendum that is contrary to Federal law. Lastly, this provision is objectionable because it would provide unprecedented direct and immediate access to the Supreme Court, even when the three-judge court denies injunctive relief. (Section 2)

\* \* \* \* \*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul E. Begala ( CN=Paul E. Begala/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-1998 10:06:54.00

SUBJECT: tobacco WHOPPER

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

Tuesday April 21 6:41 AM EDT

Gingrich: Teen Smoking Not Caused by Joe Camel

By Alan Elsner, Political Correspondent

CONSHOHOCKEN, Pa. (Reuters) - House Speaker Newt Gingrich attacked proposed bipartisan anti-smoking legislation, saying teen smoking had no connection with the well-known Joe Camel advertising campaign.

At a campaign fund-raising dinner for Pennsylvania Republican Rep. John Fox, Gingrich said: "In order to understand what's happened with teen smoking, this is not complicated. It has nothing to do with Joe Camel."

Gingrich said Monday that a much greater cause of teen smoking was the example of Hollywood stars smoking on screen and he cited the example of "Titanic" and its male lead Leonardo DiCaprio.

"(President) Clinton could go to Hollywood, have dinner with his friends and get them all to sign up a 'no smoking on screen' pledge and he would overnight do more to stop teen smoking than 400 government programs."

Earlier in an interview with Reuters, Gingrich attacked Clinton for setting a bad example by occasionally smoking cigars to celebrate good news.

"Let's be clear here about who gives the right signals. I don't smoke cigars when I'm celebrating. I don't send the signal that smoking is okay when you're winning," he said.

Gingrich said he was prepared to kill a proposed anti-smoking package moving through the Senate, crafted by fellow Republican Sen. John McCain of Arizona, which includes a steep hike in cigarette taxes.

Gingrich said the plan was a "classically liberal bill" that raised taxes and created new government

bureaucracy.

Clinton earlier called the McCain bill "a strong step in the right direction" urged Congress to resist tobacco industry pressure to derail the anti-smoking legislation.

Tobacco companies have attacked the McCain bill, saying it could drive them into bankruptcy.

Gingrich said he was "prepared to draw the line all summer on no new bureaucracy and no net tax increase because that undermines everything we were elected to do."

Gingrich's spokeswoman Christina Martin said Congress would pass "landmark legislation" this year to fight teen smoking and drug abuse. She said the tax cuts could be used for such things as tax relief related to health insurance for self-employed people or small businesses.  
^REUTERS@

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul E. Begala ( CN=Paul E. Begala/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-1998 10:06:55.00

SUBJECT: tobacco topper

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Good afternoon. The Vice President and I have just concluded a productive discussion with Sen. Daschle and Rep. Gephardt. We talked about many issues, but our central focus, and the focus of the Congress this week, is on two issues that affect our children greatly: tobacco and education.

On the issue of tobacco, we discussed our continuing efforts to work with men and women of good faith from both political parties, as well as leaders of the public health community, to pass tough but fair legislation to reduce teen smoking. It's seems like each day brings further proof of the long and tragic campaign by Big Tobacco to market cigarettes to vulnerable and insecure teenagers. One document referred to "replacement smokers" -- a remarkably cynical euphemism for our children. And we are all now familiar with the research that showed that children found Joe Camel as recognizable as Mickey Mouse.

There should be no partisan divide on the question of stopping tobacco companies from targeting our children. I am impressed by the bipartisan progress the Senate is making under the leadership of Senator John McCain and others. And yet I am deeply concerned when national leaders are quoted as saying Joe Camel has nothing to do with teen smoking. There is ample room for honest disagreement. But when I hear important national figures making outrageous statements like that, I realize how far we still have to go in reducing not only big tobacco's influence over our children, but also its influence over political debate.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	from Mickey Ibarra to Paul Weinstein and Elena Kagan subject Laura (1 page)	04/21/1998	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System [Email]  
OPD ([Kagan])  
OA/Box Number: 250000

### FOLDER TITLE:

[04/20/1998-04/21/1998]

2009-1006-F  
kc146

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason M. Dunn ( CN=Jason M. Dunn/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-1998 10:47:01.00

SUBJECT: RE: Privitization Follow Up

TO: Karen Tramontano ( CN=Karen Tramontano/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Charles M. Brain ( CN=Charles M. Brain/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Sally Katzen ( CN=Sally Katzen/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Barbara Chow ( CN=Barbara Chow/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Maria Echaveste ( CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Janet Murguia ( CN=Janet Murguia/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Gene B. Sperling ( CN=Gene B. Sperling/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Sandra Yamin ( CN=Sandra Yamin/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

CC: Virginia N. Rustique ( CN=Virginia N. Rustique/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Phyllis Kaiser-Dark ( CN=Phyllis Kaiser-Dark/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Peter A. Weissman ( CN=Peter A. Weissman/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Dario J. Gomez ( CN=Dario J. Gomez/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Mindy E. Myers ( CN=Mindy E. Myers/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Miriam H. Vogel ( CN=Miriam H. Vogel/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

We are re-scheduling the privatization follow-up mtg. with the AFL-CIO till Tuesday, April 28 in the afternoon. What times look good so far?

Jason

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	from Mickey Ibarra to Elena Kagan subject Laura (1 page)	04/21/1998	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System [Email]  
OPD ([Kagan])  
OA/Box Number: 250000

### FOLDER TITLE:

[04/20/1998-04/21/1998]

2009-1006-F

kc146

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Maria Echaveste ( CN=Maria Echaveste/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-1998 10:49:38.00

SUBJECT: Needle Exchange

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Sandra Thurman ( CN=Sandra Thurman/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

Sylvia M. Mathews ( CN=Sylvia M. Mathews/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Richard and I are anxious to get our talking points down so we can make calls early today while we can still do some good--thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June Shih ( CN=June Shih/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-1998 11:52:24.00

SUBJECT:

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Good Afternoon. In the coming weeks, the Congress will be making many important decisions on how we can best prepare our children for the 21st Century.

First, we have an historic opportunity to pass bipartisan legislation to protect our children from the dangers of tobacco. This legislation would put an end to the tobacco industry's calculated, multi-million dollar media campaign to hook our children to the deadly habit of smoking. For years, the cartoon character Joe Camel was the star of their efforts to create a new generation of customers for cigarettes-- what the tobacco industry callously called replacement smokers.

Even as the tobacco executives denied they were targetting children, Joe Camel became as recognizable to our children as Mickey Mouse. Now some in Congress say that teen smoking has nothing to do with Joe Camel. Medical science and common sense makes it plain: teen smoking has everything to do with Joe Camel, with unscrupulous marketing campaigns that prey on the insecurities and dreams of our children. The tobacco industry spent hundreds of millions of dollars on such marketing campaigns. [refer to American Medical Association study] It's plain as day that cartoon camels are not designed to appeal to adults.

It's time to end this horrible history once and for all. I call on Congress to pass strong, bipartisan tobacco legislation. And I call on leaders of both parties to work together for our children.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:21-APR-1998 13:44:48.00

SUBJECT: Here is a summary of the McCain bill you may find handy

TO: Cynthia Dailard ( CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: JONATHAN.GRUBER ( JONATHAN.GRUBER @ MS01.DO.treas.sprint.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: johara ( johara @ osophs.dhhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Anne E. McGuire ( CN=Anne E. McGuire/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Fred DuVal ( CN=Fred DuVal/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Richard J. Turman ( CN=Richard J. Turman/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Toby Donenfeld ( CN=Toby Donenfeld/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Peter G. Jacoby ( CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Thomas L. Freedman ( CN=Thomas L. Freedman/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Michael Waldman ( CN=Michael Waldman/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Barry J. Toiv ( CN=Barry J. Toiv/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: kburkel ( kburkel @ os.dhhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Glen M. Weiner ( CN=Glen M. Weiner/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Barbara D. Woolley ( CN=Barbara D. Woolley/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TO: Joshua Gotbaum ( CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Donald H. Gips ( CN=Donald H. Gips/O=OVP @ OVP [ UNKNOWN ] )



**McCain TOBACCO BILL (S. 1415) - DRAFT  
MAJOR PROVISIONS<sup>1</sup>**

<b>ISSUE</b>	<b>COMMERCE COMMITTEE MARK</b>
<b>MARKETING AND ADVERTISING RESTRICTIONS</b>	<p>Calls for National and State protocols by which industry agrees to no outdoor advertising; no human images or cartoon characters, black and white text only advertising (except in adult periodicals and venues); no animal figures. No color ads on the back face of adult magazines.</p> <p>Limits advertising to FDA/FTC specified media. Restricts glamorization of tobacco.</p> <p>Any advertising that violates the statute or protocol is considered "false and misleading."</p> <p>Liability limits eliminated if tobacco companies challenge or are no longer bound by advertising restrictions.</p> <p>Places size, color, number, and placement restrictions on point-of-sale advertising and displays. Provides for no additional point-of-sale advertising for companies with higher market share.</p> <p>Preemption of further restrictions on advertising or package labeling requirements remains in the Federal Cigarette Labeling and Advertising Act (CLAA).</p> <p>Requires health warnings on advertisements.</p>
<b>WARNINGS, LABELING AND PACKAGING</b>	<p>Requires new, explicit warning labels in bold type. Requires alternating black on white; white on black warning labels for packages. Requires health warnings. Allows FDA to update warnings at any time based on science. Requirements for package warnings other than those set by FDA are preempted by the CLAA.</p>
<b>YOUTH ACCESS RESTRICTIONS</b>	<p>Federal prohibition of sales to minors under 18; requires photo ID if under age 27; requires face to face transactions; bans vending machines and self-service sales except in adult-only facilities, permits mail-order sales subject to FDA review.</p> <p>Administered by FDA.</p>
<b>VENDING MACHINE OWNER COMPENSATION</b>	<p>Bans the sale of tobacco products through the use of vending machines and authorizes a system to compensate the owners of such machines.</p> <p>No funding specified.</p>
<b>CESSATION AND PREVENTION</b>	<p>No funding specified.</p> <p>Authorizes a National Community Action Program; National Cessation Research Program; National Tobacco Free Public Education Program; National Smoking Cessation Program; various studies; counter-advertising and creation of Tobacco Use and Cessation Board.</p>
<b>UNDERAGE TOBACCO</b>	<p>Sets reduction targets of underage use based on the</p>

ISSUE	COMMERCE COMMITTEE MARK															
<p><b>USE TARGETS</b></p>	<p>number of years after enactment of the legislation.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;"><b>Cigarettes</b></th> <th style="text-align: center;"><b>Smokeless</b></th> </tr> </thead> <tbody> <tr> <td>3 yrs. --</td> <td style="text-align: center;">15%</td> <td style="text-align: center;">12.5%</td> </tr> <tr> <td>5 yrs --</td> <td style="text-align: center;">30%</td> <td style="text-align: center;">25%</td> </tr> <tr> <td>7 yrs --</td> <td style="text-align: center;">50%</td> <td style="text-align: center;">35%</td> </tr> <tr> <td>10 yrs --</td> <td style="text-align: center;">60%</td> <td style="text-align: center;">45%</td> </tr> </tbody> </table> <p>No targets are set for underage use of other tobacco products, such as cigars, little cigars, roll-your-own, or pipes.</p>		<b>Cigarettes</b>	<b>Smokeless</b>	3 yrs. --	15%	12.5%	5 yrs --	30%	25%	7 yrs --	50%	35%	10 yrs --	60%	45%
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<p><b>LOOK-BACK PENALTIES</b></p>	<p>Industry-wide penalties only (no firm-specific). Requires HHS to annually determine through surveys (beginning in 3rd year after enactment) the underage <b>daily</b> use of cigarettes and smokeless tobacco during the preceding year. Requires Industry to pay tiered monetary penalties (non-tax deductible) for falling short of youth reduction targets. <b>1-5 percentage points short:</b> \$80 million per point. <b>6-10 percentage points short:</b> \$160 million per point. <b>11 and above percentage points short:</b> \$240 million per point. Yearly cap of <b>3.5 billion</b> with no tax deductibility of penalty payments. Joint, several &amp; strict liability for penalties. Provides legal actions for companies against another for financial liability. If any company misses its share of target by more than 20 points, company's liability cap is waived for 2 years or until goal is met, whichever is later, with due process. Liability cap is waived for criminal convictions of violations under this act.</p>															
<p><b>USE OF PENALTY AMOUNTS</b></p>	<p>Transfers 90% of penalty receipts to grants for states/local governments to further reduce youth smoking. Secretary may retain up to 5% of penalty receipts for administration of the look-back assessment. The final 5% of receipts is for a compliance bonus to reward states and retailers who prevent youths (less than 5%) from successfully purchasing tobacco products. Secretary may withhold 5% of any state's grant if state fails to enforce compliance with youth access restrictions.</p>															
<p><b>STATE ENFORCEMENT OF YOUTH ACCESS LAWS</b></p>	<p>Compliance goals set (see above Use of Penalty Amounts) for state and tribal governments. Funding from settlement for enforcement efforts. Repeals the 1992 Synar Amendment, which was an earlier effort to set targets for the percentage of youths who successfully purchase tobacco products. Percentage of funding withheld for non-compliance is</p>															

ISSUE	COMMERCE COMMITTEE MARK
	greater in Synar (ranging from 20- 40%, although difference in absolute dollar values are not known). This amendment is no longer needed because these requirements replace it.
<b>LICENSING OF RETAILERS</b>	Requires state, tribal and federal licensing program to be funded from settlement. FDA would draft model state program in consultation with state and local officials.
<b>FDA REGULATION OF TOBACCO PRODUCTS AND NICOTINE</b>	<p>Recognizes FDA has broad authority over tobacco including advertising, youth access, and new products. FDA authority over tobacco is separate chapter of FD&amp;C Act to assure FDA authority over tobacco will not affect FDA authority over other regulated products.</p> <p>Provides for FDA authority over youth access. FDA approval of new products.</p> <p>Any ban on nicotine, retail sales, or category of tobacco products would require Presidential notification to Congress and include two-year waiting period for Congress to act. If Congress does not act ban goes into effect.</p> <p>No FDA authority over farmers (e.g., would be no control over genetic manipulation of tobacco leaf).</p> <p>FDA rules must take into account the impact of actions on demand for unregulated contraband products.</p>
<b>CORPORATE CULTURE AND COMPLIANCE, LOBBYISTS AND WHISTLE BLOWERS</b>	Calls for national and state protocols requiring an industry plan to comply with all new laws on the manufacture and distribution of tobacco. Protects industry whistle blowers. Requires lobbyists to comply with the act and agree not to support or oppose any federal or state legislation without consent of manufacturers. Disbands the Tobacco Institute and the Council for Tobacco Research. Industry plan would include specific assessment mechanism and enforcement standards of industry plan to be included in the protocols.
<b>SMOKING RESTRICTIONS IN PUBLIC FACILITIES (ETS)</b>	<p>Restrict smoking in public facilities to enclosed areas. Specifies that employees may not be required to enter smoking areas. Exempts restaurants (other than fast food), bars, private clubs, hotel guest rooms, casinos, bingo parlors, tobacco outlets, prisons, private residences and any building with any of the above facilities/functions in them.</p> <p>Allows states to opt out.</p> <p>Authorizes incentive grant program for states.</p>
<b>INDUSTRY PAYMENTS</b>	<p>Establishes National Tobacco Settlement Trust Fund.</p> <p>Calls for industry to pay \$10 billion up-front.</p> <p>Yearly payments required of industry:</p>

ISSUE	COMMERCE COMMITTEE MARK														
	<p>1999 -- \$14.4 billion            2000 -- \$15.4 billion            2001 -- \$17.7 billion            2002 -- \$21 billion            2003 -- \$23.6 billion</p> <p>Each year thereafter, \$23.6 billion in real dollars (though the bill has a misprint and says the 2004 amount is \$21.0 billion.)</p> <p>Payments are volume adjusted -- increased if consumption volume increases and decreased if volume decreases from 2004 levels.</p> <p>Payments are tax deductible.</p> <p>Nominal Net Receipts (FY99-03) -- \$71.1 billion</p> <p>Implied Per-Pack Equivalents (Real 1999 \$):</p> <p>1999 -- 65 cents per pack            2000 -- 70 cents per pack            2001 -- 80 cents per pack            2002 -- \$1 per pack            2003 -- \$1.10 per pack</p>														
<p><b>SPENDING FROM TRUST FUND</b></p>	<p>Most spending decisions are left to the floor of the Senate.</p> <p>Committee mark specifies funding for:</p> <table style="margin-left: 40px;"> <tr> <td></td> <td style="text-align: right;"><b>5-Year Funding</b></td> </tr> <tr> <td>FDA:</td> <td style="text-align: right;">\$2 billion</td> </tr> <tr> <td>States:</td> <td style="text-align: right;">\$26 billion (OMB estimate)</td> </tr> <tr> <td>Farmers:</td> <td style="text-align: right;">\$11 billion</td> </tr> <tr> <td>International:</td> <td style="text-align: right;">\$1 billion</td> </tr> <tr> <td><b>Total Spending:</b></td> <td style="text-align: right;"><b>\$39 billion</b></td> </tr> <tr> <td><b>Receipts Less Spending:</b></td> <td style="text-align: right;"><b>\$32 billion</b></td> </tr> </table> <p>Although it is not clearly indicated in the bill, we understand that McCain intended to allow manufacturers to deduct 80% of the \$6.5 annual liability cap (see liability section below) from their annual payments. This could reduce the net receipts by an additional \$26 billion over 5 years.</p> <p>The bill also authorizes funding for NIH, CDC, and AHCPR research using language from the Conrad bill, which included \$17 billion for these activities.</p>		<b>5-Year Funding</b>	FDA:	\$2 billion	States:	\$26 billion (OMB estimate)	Farmers:	\$11 billion	International:	\$1 billion	<b>Total Spending:</b>	<b>\$39 billion</b>	<b>Receipts Less Spending:</b>	<b>\$32 billion</b>
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<b>Receipts Less Spending:</b>	<b>\$32 billion</b>														
<p><b>FUNDING PRIORITIES</b></p>	<p>In absence of specific funding recommendations, the bill includes a "Sense of the Senate" amendment indicating that the funds raised by this act should be used to support the following priorities:</p> <ol style="list-style-type: none"> <li>1. Tobacco use prevention and cessation.</li> <li>2. Tobacco related health research.</li> <li>3. Assist tobacco farmers and tobacco dependent communities.</li> <li>4. Reimburse public health care financing programs for</li> </ol>														

ISSUE	COMMERCE COMMITTEE MARK
	tobacco related costs, including Medicare. 5. Settle with and reimburse states for tobacco related health care costs and damages, including Medicaid. 6. Create a Tobacco Asbestos Trust Fund. 7. Provide funding for the Federal Black Lung Program. 8. Child Care 9. Clinical Trials at NIH. 10. Veterans.
<b>CONSENT DECREES AND NATIONAL PROTOCOL</b>	Manufacturers and states enter into consent decrees that include many of the provisions of the Act, and include a waiver of Constitutional claims. Within 6 months of enactment requires each manufacturer to enter into a legally binding and enforceable contract (The National Tobacco Control Protocol) on both the federal and state level. Federal protocol to be executed with U.S. Attorney General in consultation with the Secretary of HHS. State protocol to be executed with State Attorney General in consultation with state Governor.
<b>NON-PARTICIPATING MANUFACTURERS</b>	Denies non-participating manufacturers liability protection and imposes user fees on them equal to the annual assessment paid by participating manufacturers. In addition, non-participating manufacturers must make annual payments into a reserve fund to settle liability claims; the amount is equal to 150% of the payment it would have paid under the bill if the manufacturer had actually been a party to the Settlement.
<b>ATTORNEYS' FEES</b>	All attorney's fees and costs paid by industry outside the payments made under this act. Three member arbitration panel in which plaintiff representative and defendant representatives pick a third member.
<b>CIVIL LIABILITY RESTRICTIONS</b>	Establishes a \$6.5 billion cap on annual industry payments for individual liability claims against participating manufacturers. Permits suits by private plaintiffs (incl. class actions and third-party suits), and claims by the federal government, but preempts suits brought by states, local governments and Indian tribes. Permits punitive damages for past conduct (within the cap) and punitive damages for future conduct (outside the cap). Prohibits addiction and dependence claims. Creates a federal cause of action with concurrent jurisdiction in state and federal courts for tobacco-related health injuries. Requires courts to sever trials involving participating and non-participating manufacturers. Creates rebuttable presumptions that: 1) nicotine is addictive; and 2) certain specified diseases are caused

ISSUE	COMMERCE COMMITTEE MARK
	<p>by use of tobacco products.</p> <p>The bill does not appear to establish a fund of money from which judgements and settlements are paid (although this may have been intended). Instead, the bill requires the Secretary of the Treasury to keep a record of payments made and judgments and settlements. By rule, the Secretary is to establish a mechanism for ensuring that payments are made to all entitled in the year which the award was made or in a subsequent year.</p> <p>The press release accompanying the bill suggests that the drafters of the bill intended to include the 80% payment; the bill, as drafted, however, does not clearly establish such a fund and makes no reference to the 20%/80% model.</p>
<p><b>INDUSTRY DOCUMENT DISCLOSURE</b></p>	<p>Creates National Tobacco Document Depository</p> <p>Expands the availability of documents in a public depository for use by plaintiffs in actions against the industry and provides for efficient use of these documents. Requires manufacturers to deposit: 1) all deposition of corporate representatives; 2) depositions of all expert and fact witnesses; 3) answers to interrogatories in all cases; 4) court orders on substantive issues; 5) all documents provided in recent specified lawsuits; 6) all health research documents; 7) document indexes maintained by the industry. Allows manufacturers to determine and withhold documents protected by attorney-client privilege. Requires manufacturers to deposit a detailed, itemized log of privileged documents. Establishes a three-judge federal arbitration panel to settle disputes over making privileged documents public.</p>
<p><b>AGRICULTURE AND RURAL COMMUNITY ASSISTANCE</b></p>	<p>Specifies \$11 billion over 5 years and \$25 billion over 25 years.</p> <p>Includes the LEAF Act sponsored by Senator Ford.</p> <p>Creates Tobacco Community Revitalization Trust Fund from payments by industry</p> <p>The fund pays for lost tobacco, quota, administrative costs of the tobacco program, to tobacco community Economic Development Grants, Farmer Opportunity Grant Program, and the Tobacco Worker Transition Program.</p> <p>Offers farmers opportunity to stop producing tobacco by selling their quotas.</p> <p>Provides tobacco farmers with educational and economic assistance to find another means of living.</p> <p>Provides general immunity for tobacco producers and warehouse owners.</p>
<p><b>NATIVE AMERICANS</b></p>	<p>Provides that the requirements of this Act relating to the</p>

ISSUE	COMMERCE COMMITTEE MARK
	<p>manufacture, distribution, and sale of tobacco products apply on tribal lands. Considers tribes as states for the purposes of eligibility for public health funding. Requires Indian tribes to collect any tobacco excise or sale taxes on non-members of the tribes. The Indian tribe shall remit such taxes to the U.S. Treasury, which shall, in turn remit the taxes to the State in which they were collected.</p>
<p><b>NO STATE OR LOCAL PREEMPTION</b></p>	<p>Allows state and local governments to impose any additional tobacco product control measures that are not inconsistent with the provisions of this Act. However, preemption is imposed in various sections of the Act for certain issues (e.g., packaging and labeling; advertising restrictions; product standards).</p>
<p><b>INTERNATIONAL TOBACCO CONTROL</b></p>	<p>Creates non-profit corporation and provides funds for international tobacco control programs. Prohibits use of federal funds by federal officials to promote U.S. tobacco exports or to seek to remove nondiscriminatory restrictions on tobacco products by foreign countries. Prohibits U.S. employees of tobacco companies from marketing to children overseas. Requires tobacco product exports to carry the same warning labels required on products sold in the U.S.</p>
<p><b>ANTI-TRUST EXEMPTION</b></p>	<p>Antitrust laws of the U.S. do not apply to the joint discussion, consideration, review, action, agreement, or understanding by or among any participating manufacturers, for the purposes of, and limit to --</p> <ul style="list-style-type: none"> <li>(1) entering into and complying with the Protocol, Trust Agreement, or Consent Decree;</li> <li>(2) refusing to deal with a distributor, retailer, or other seller of tobacco products who distributes such products for sale to, or offers for sale or sells such products to, underage persons, or who otherwise fails to comply with the applicable requirements for the Act, the Protocol, or Consent Decree; or</li> <li>(3) submitting an application relating to a plan or program submitted to the U.S. Attorney General for approval that is designed to reduce the use of tobacco products by underage individuals.</li> </ul>
<p><b>MANDATED PASS THROUGH PAYMENTS</b></p>	<p>Requires industry to pass through 100% of payments to cigarette prices and to adopt industry plan to comply with law and protocol.</p>
<p><b>VETERANS</b></p>	<p><b>Includes an Amendment sponsored by Sen. Rockefeller that authorizes the Veteran's Administration to sue liable third parties for reimbursement of paying monthly disability compensation for tobacco-related diseases.</b></p>

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4. Bill as introduced in the Commerce Committee, 3/31/98. Includes Chairman's amendments and most major amendments. For simplicity, does not include the following amendments: 1) Hutchison's amendment to compensate competitors who must share technology; 2) Hutchison's amendment to require Congressional Review of FDA regulations; 3) Ford's amendment to clarify charts; 4) Kerry's amendment to allow states to use their own funds to supplement federal child care program; 5) Breaux's amendment to allow claimants to be paid by insurance companies if manufacturer cannot pay a claim; 6) Hutchison's amendment to allow states that have reached separate settlements with tobacco companies to opt in to the global settlement; 7) Ford's amendment to apply existing penalties to FDA if documents are released from the depository.

Draft prepared by OMB staff with comments from HHS and DOJ.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June G. Turner ( CN=June G. Turner/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-APR-1998 13:51:12.00

SUBJECT: Higher Education Meeting

TO: Aimee M. Malnati ( CN=Aimee M. Malnati/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Scott R. Palmer ( CN=Scott R. Palmer/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

TO: Barbara Chow ( CN=Barbara Chow/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Susan M. Liss ( CN=Susan M. Liss/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Janet Murguia ( CN=Janet Murguia/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Peter Rundlet ( CN=Peter Rundlet/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Robert M. Shireman ( CN=Robert M. Shireman/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Karen E. Skelton ( CN=Karen E. Skelton/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Maria Echaveste ( CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Marjorie Tarmey ( CN=Marjorie Tarmey/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Mindy E. Myers ( CN=Mindy E. Myers/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Sandra Yamin ( CN=Sandra Yamin/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

CC: Ora Theard ( CN=Ora Theard/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Miriam H. Vogel ( CN=Miriam H. Vogel/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Can you hold 4:00pm on Wednesday (22nd) for the Higher Ed Meeting which was cancelled on Friday. Thanks  
Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:21-APR-1998 14:17:01.00

SUBJECT: Hatch is planning a hearing on smuggling for next Wednesday (the 29th)

TO: Cynthia Dailard ( CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

Leahy's staffer called HHS, says that Hatch is planning a pro-industry hearing on smuggling for next Wednesday. Leahy's staffer says they want to be helpful, and want to know who we would recommend as a witness, either inside or outside the Administration. Yikes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Shannon Mason ( CN=Shannon Mason/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 21-APR-1998 15:09:29.00

SUBJECT: H1-B mtg.

TO: Ricardo M. Gonzales ( CN=Ricardo M. Gonzales/O=OVP @ OVP [ UNKNOWN ] )  
READ: UNKNOWN

TO: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ: UNKNOWN

TO: Peter G. Jacoby ( CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ: UNKNOWN

TO: Cecilia E. Rouse ( CN=Cecilia E. Rouse/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ: UNKNOWN

TO: Janet Murguia ( CN=Janet Murguia/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ: UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ: UNKNOWN

CC: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ: UNKNOWN

CC: Sally Katzen ( CN=Sally Katzen/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ: UNKNOWN

TEXT:

There will be an H1-B Visa Legislation meeting with House staff this  
Friday 4/24 at 2:00pm Room 472 OEOB.

Please call Shannon at 6-2800 to confirm.

Thanks.