

NLWJC - Kagan

DPC - Box 043 - Folder 012

**Tobacco-Settlement: Congressional
Outreach**

Tobacco settlement -
congress outreach

cc: Bruce Atan



The Speaker
United States House of Representatives
Washington, D. C. 20515

Newt Gingrich
Sixth District
Georgia

October 3, 1997

President William Jefferson Clinton
The White House
Washington, DC 20500

Dear Mr. President:

I appreciate the time you spent with Members of Congress this week to discuss the many issues surrounding tobacco regulation. It was a productive meeting with many areas of agreement - such as a consensus that we must strongly focus on teen health. Given that consensus, I must register my profound disappointment that the nation's drug czar, Lt. General Barry McCaffrey, did not join us as an active participant. Focusing solely on tobacco - at a time when children of increasingly younger ages are experimenting with a variety of legal and illegal substances - sends a mixed message with potentially fatal consequences.

Any anti-tobacco campaign must be placed in the broader framework of a comprehensive anti-addiction approach. We don't want to end up with young people thinking it's all right to do crack or cocaine or heroin or marijuana as long as they don't smoke tobacco. Thus, it's very important that General McCaffrey be fully involved in helping us design a complete anti-addiction program, not just a narrowly-focused initiative that might have unforeseen effects.

Similarly, allow me to suggest that Vice President Gore's upcoming regional meetings focus broadly on the impact of various addictions on our children's health and what steps are needed to protect children in the future.

I believe, as I'm sure you do, that it is important for our nation's leaders to speak clearly and with one voice when it comes to safeguarding our children's future.

Sincerely,

Newt
Newt Gingrich

Tobacco - settlement - congressional outreach

Speaker: Is there a process that gets us results.

some feeling - our side - helped to get let laws - next few weeks - talk more

Appreciate bipartisan talk - not ~~longer~~ trying to pass in 60 days.

1. No Medicaid
2. No ↑ in alc or drugs
3. \$ to health, not trial lawyers (can't be 25% of total)

Daschle: Lots of enthusiasm for WH position

Very taken very seriously

Take step at time; not rush to judgment.

Some points next year

BC: Early next year.

Better to get us to speedy resolution than to delay this act.

Biden - Helpful to get big language. So we can have hearings on it.

Conrad: Sen. task force very active. We want to draft. We would appreciate agency support.

Minor case will move goalposts. Lots of witnesses, docs. Change dynamic of debate.

Nickles: Strong bipartisan support for goal.

Global or more targeted/limited.

No consensus yet on how

Example - \$1.50 - no consensus. Price ↑? Where does \$ go? ↑ taxes? ^(states)

If quick, need language - see if there's consensus

Pric-side or tax-side? Funnel to states or Cen? control?
Emergency effort in next 3 or 4 months necessary.

BC: Our proposal - take supple in settlement re penalties.

Review should pass week.

Pens should go up to \$1.50 / disc have to worry abt spending until 5th yr.

Smith: Tobacco farmers
Have to solve

BC: Hard - yield per acre for tobacco so ~~low~~ high.
Less specific on this point than any other.

NG: Need decision tree - even more than before.

Things that are too big begin to melt away - too hard.
So very imp early to really clarify decisions - do decision document

Have to be done in 1 or 3/4 bills?

Have to plan early / make plans clear

Kennedy: True, but should get done immediately - don't want to politicize.

Wonderful op.

Pres has asked me to be

VP: Point person to get this passed.

Telecom Act as model.

Goalposts are going to be moving.

Need it to be bipartisan

Have to be effective - settlement wasn't going to solve.

Series of regular forums - aggressively bipartisan

Luigi: Producers understand They're not secure
\$8 per pound.

Hatch: Luigi This is delayed, less chance.
Can't be done w/out bipartisanship.

(ch) → Can't be done at V7 level. (I agree)

New approach to FDA - NOT safety/efficacy.

Can't wait until mid next year.

If WHT doesn't want to end up, have to work together
Not a consensus - but never will be it don't start.

Take Jres leadership.

WHT people know stuff - worked w/ industry + AG's.

Waxman: Have to make sure we change incentives of industry.

First thing: to focus on public health role.

McInnes: Too quick will look like we're ~~not~~ shoving through -
behalf of tobacco cos.

Atty fees - hundreds of millions - cap them!

Fazio: All looking to international whi.

Have to deal w/ policy a expert

Can't ignore.

We're not excited to deal w/

No coordination - new. Sinter. Taskforces etc.

Speaker: ^{explicit.} Internal but clear w/ship got budget / WAPTA
We need to think there internal but very real structure.

BC: YES.

John: There is a settlement here.

Danger of guys being pulling out.

Make sure we don't screw up.

Has to be ready for 4C decision - immediate pressure left. For FDA juris.

VI: FDA juris could be rolled to just like that.

Col ~~not~~ won't pull out - They know they're losing ground.

Leahy: Foster rather than slower.

Must process the right model

Set a deadline - meant a lot on budget.

Be: Leaders should create version of process.

Then agree to timeline.

I'll do whatever is needed.

Has to have transparency + integrity -

but quickly as possible

We'll work unceasingly.

Lautenberg: Has to be specific action

Need leadership support - do like BBA - force feed.

Nichols: Principles need more substance.

Admin needs to make decisions -

tax or pens for 1.30.

Be: Yes, but need mechanism.

Current We need to organize. For a lot of probs. This should get no money

Kennedy: ~~is~~ more imp.

We can draft principles quickly.

We can work out entire structure.

*to bacco - settlement -
currenicial unreach*

THE WHITE HOUSE

WASHINGTON

September 30, 1997

MEETING WITH BIPARTISAN CONGRESSIONAL LEADERS ON TOBACCO

DATE: Wednesday, October 1, 1997
LOCATION: The Diplomatic Room
TIME: 11:15-12:15
FROM: Bruce Reed
John Hilley

I. PURPOSE

To fulfill your commitment to meet with the bipartisan leadership of Congress to launch an effort to enact federal tobacco legislation. This will be an opportunity to demonstrate that this is a priority in your agenda and that you will reach out across party lines to advance this critical public health initiative.

II. BACKGROUND

The Administration is in a strong position to push tobacco legislation through Congress over the next year. Your announcement earlier this month united the public health community for the first time and attracted bipartisan support from the nation's Attorneys General and many members of Congress.

Nevertheless, any tobacco bill will have to make its way through a tangle of overlapping committee jurisdictions and agendas. At least six committees in the Senate and four in the House can lay claim to some piece of this legislation, and dozens of members in both parties have a longstanding interest in tobacco from the standpoint of reducing teen smoking or protecting tobacco farmers. Republicans in particular recognize the political potency of the your plan, and are very nervous about being set up for failure in an election year.

The first step must therefore be to reassure the leadership and key committee chairs like Rep. Bliley that the Administration is indeed serious about passing a bipartisan bill, and not just looking to sandbag them in an election year. This meeting is an important opportunity to set the right tone: you are eager to work together to pass bipartisan legislation as early as possible next year, and we are ready to work in a collaborative fashion to get it done.

Our next step should be for representatives of the Administration (including the Vice-President, Erskine Bowles, Secretary Shalala, Secretary Glickman, John Hilley, and Bruce Reed) to meet with the key players in both parties over the remaining weeks of this session, to offer the Administration's expertise and to try to marshal bipartisan coalitions

in both houses to prepare bills for introduction in January. It is too early to tell which members are in the best position to lead that effort. (Bliley is a key House Republican; Waxman and Fazio are important House Democrats; Hatch, Lugar, McCain, Jeffords, Mack, Campbell and several Republican moderates may be helpful in the Senate; Conrad, Lautenberg, Kennedy, and others are strong Senate Democrats.) Ideally, we can lay the groundwork for a center-out coalition in the Senate, along the lines of Hatch-Kennedy or the Breaux-Chafee group, and work closely with Bliley, Waxman, and others in the House.

Senate committees have held several hearings on tobacco over the past three months. Secretary Shalala testified before Jeffords' committee last week. The House may hold hearings in late October and early November.

The goal should be to forge a bipartisan vehicle you can endorse in January, and to make that the central focus of next year's State of the Union.

Opponents of the legislation will make three types of arguments to slow it down. First, Nickles and others have criticized the Administration for failing to submit full legislative language to Congress and blamed the Administration for any delay in passage of a bill. Second, some will use the complexity of the issue as an excuse to go slow -- perhaps moving only selected portions a bill, and that only after lengthy hearings. Finally, opponents of legislation may focus on flashpoints such as farmers, restrictions on class action suits, or legal fees.

The strongest response to these expected attacks is to rise above partisan bickering, and stress the urgency of solutions that will protect America's children. Your strong history of leadership on smoking issues will allow you to deploy this strategy effectively and gain public support in any future disagreements with Congress.

III. PARTICIPANTS

Pre-Brief:

The President
The Vice President
Secretary Glickman
Secretary Shalala
Secretary Rubin
Erskine Bowles
Bruce Reed
Rahm Emanuel
Dan Tate
Elena Kagan
Bruce Lindsey
Ron Klain
Chris Jennings

Brief

Please see attachment.

IV. PRESS PLAN

The meeting is closed to the press. The members of Congress will have an opportunity to meet the press outside the White House following the event.

V. SEQUENCE OF EVENTS

You will make remarks and recognize the Vice President Speaker Gingrich, Senator Daschle and Representative Gephardt for statements.

VI. REMARKS

Please see attachment.

PARTICIPANTS Attachment

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The Vice President
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Bruce Reed
Rahm Emanuel
Dan Tate
Elena Kagan
Bruce Lindsey
Ron Klain
Chris Jennings
Don Gips

Senator Tom Daschle
Representative Newt Gingrich
Representative Dick Gephardt

Senator Richard Lugar (R-IN), Chair, Senate Committee on Agriculture
Senator Tom Harkin (D-IA), Ranking Democrat, Senate Committee on Agriculture
Senator John McCain (R-AZ), Chair, Senate Committee on Commerce
Senator Orrin Hatch (R-UT), Chair, Senate Committee on Judiciary
Senator Patrick Leahy (D-VT), Ranking Democrat, Senate Committee on Judiciary
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Senator Daniel Inouye (D-HI), Ranking Democrat, Senate Committee
Senator Frank Lautenberg (D-NJ)
Senator Kent Conrad (D-SD)
Senator Don Nickles (R-OK)

Representative Bob Smith (R-OR), Chair, House Committee on Agriculture
Representative Tom Bliley (R-VA), Chair, House Committee on Commerce
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Representative Scott McInnis (R-CO)

REMARKS Attachment

* Thank you for coming to talk about this vital issue for America's future. (Acknowledge Gingrich, Gephardt, Nickles, Daschle, Bliley) This is an issue that touches on many aspects of American life -- our health, our economy, our laws, and our children -- and I want to acknowledge the hard work of so many of you in this room on this issue. In particular, I want to thank the Vice-President for his very important contribution. You are all here because of the critical role you will play as we work to pass legislation together. It is complicated, but I'm confident we can put politics aside and get this done.

* You and I are here because this is a crucial issue for America's future. Three thousand kids start smoking everyday, and it shortens the lives of one thousand of them. As I've said before, this is not about money, and it shouldn't be about politics. It should be about trying to reduce this problem of teen smoking. Interestingly, today is the day that the childrens' health provisions in our Bipartisan Balanced Budget Agreement go into effect. I hope that we can work together again in that same bipartisan fashion to reduce teen smoking and advance the public health.

* Two weeks ago, I outlined the most significant elements I thought should be contained in a bill. That we reduce teen smoking with tougher penalties, that we not hamstring FDA authority to regulate tobacco, that we make some changes in the way tobacco is marketed, that we make more progress on other health goals like cancer research and second hand smoke. Finally, and this is very important to me, that we protect farmers and their communities.

* **This should not be a partisan issue. I'm going to put it at the top of my agenda for the next year, and I hope you will join me in making bipartisan legislation to reduce teen smoking a top priority for all of us in 1998.**

* This bill will go through many committees and it affects many people and many states. It is not going to happen by fiat, but after you hold hearings, and work through the difficulties of legislation. And I'm sure we will have our differences. But this is too important for us not to get done. And it can't wait until we all agree on every word. We should work together and try to move ahead.

* I've said what I believe is most important here. I've asked several members of my administration -- led by the Vice-President and my Chief of Staff Erskine Bowles, along with Secretary Shalala, Secretary Glickman, and Bruce Reed-- to work side by side with you to get this done.

* But I asked you here not just to tell you what I think about the issue but to hear what you think-- how we can work together, how we can get this done. So I'll ask Vice-President Gore to give some of his thoughts, and I'd like to hear what directions you are going to take on tobacco legislation, where the problems might be and how we can work together.

QUESTIONS AND ANSWERS

Q. Why don't you submit legislation on tobacco?

A. We're happy to offer Congress our expertise and any other help in translating our principles into bipartisan legislation. I don't think there is any doubt where I stand. The five principles I set out in my plan are very clear. This is the first time I can remember Congress asking us to write the bill -- I recall a somewhat different reaction when we sent up legislation on health care. Members should introduce legislation, hold hearings and move for votes and I will play as constructive a role as possible.

Q. When should a bill pass?

A. It is at the top of my agenda for the coming year. There is nothing more important than saving thousands of children from taking up smoking. Three thousand are starting everyday.

Q. Will negotiations include industry?

A. The industry is a piece of this, but there isn't a need to negotiate with them.

Q. What is the role of the Vice-President?

A. The Vice-President will take a leadership role in the legislation and in building support for our plan.

Q. Will you support limits on liability?

A. I've said repeatedly that a cap on liability wouldn't be a deal breaker for us. But if we're going to do that, we should make sure we're passing a strong comprehensive plan to cut teen smoking.

tobacco - settlement -
empirical outreach

▶ Elisa Millsap
09/30/97 05:13:18 PM
.....

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Members Attending Tobacco Meeting

EVENT: Tobacco Meeting
DATE: Wednesday, October 1, 1997
TIME: 11:15am-12:15pm
LOCATION: The Diplomatic Reception Room

MEMBERS CONFIRMED TO ATTEND:

(Park on West Exec.)
Senator Tom Daschle
Representative Newt Gingrich
Representative Dick Gephardt

(Park on Pennsylvania)
Senator Richard Lugar
Senator Tom Harkin
Senator John McCain
Senator Orrin Hatch
Senator Patrick Leahy
Senator Jim Jeffords
Senator Edward Kennedy
Senator Frank Lautenberg
Senator Daniel Inouye
Senator Kent Conrad
Senator Don Nickles

Rep. Vic Fazio
Rep. Bob Smith
Rep. Tom Bliley
Rep. Henry Hyde
Rep. John Conyers
Rep. Henry Waxman
Rep. Scott McInnis

INVITED BUT UNABLE TO ATTEND:

Senator Trent Lott
Senator Fritz Hollings
Senator William Roth
Senator Daniel Patrick Moynihan
Senator Ben Nighthorse Campbell
Rep. Dick Armey
Rep. Charlie Stenholm
Rep. John Dingell
Rep. Bill Archer
Rep. Charlie Rangel

Message Sent To: _____

Tobacco - supplement -
congressional outreach

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Tobacco - commitment - conf.
on reach

September 30, 1997

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Chris Jenning

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Representative Newt Gingrich
Representative Dick Gephardt

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Senator Tom Harkin (D-IA), Ranking Democrat, Senate Committee on Agriculture
Senator John McCain (R-AZ), Chair, Senate Committee on Commerce
Senator Orrin Hatch (R-UT), Chair, Senate Committee on Judiciary
Senator Patrick Leahy (D-VT), Ranking Democrat, Senate Committee on Judiciary
Senator Jim Jeffords (R-VT), Chair, Senate Education and Labor Committee
Senator Edward Kennedy (D-MA), Ranking Democrat, Senate Education and Labor
Committee
Senator Daniel Inouye (D-HI), Ranking Democrat, Senate Committee
Senator Frank Lautenberg (D-NJ)
Senator Kent Conrad (D-SD)
Senator Don Nickles (R-OK)

Representative Bob Smith (R-OR), Chair, House Committee on Agriculture
Representative Tom Bliley (R-VA), Chair, House Committee on Commerce
Representative Henry Hyde (R-IL), Chair, House Committee on Judiciary
Representative John Conyers (D-MI), Ranking Democrat, House Committee on
Judiciary
Representative Henry Waxman (D-CA)
Representative Vic Fazio (D-CA)
Representative Scott McInnis (R-CO)

Tobacco settlement -
congressional intro

For 10:20 Mtg.

**HOUSE DEMOCRATIC TASK FORCE
ON THE TOBACCO SETTLEMENT**

Rep. Vic Fazio (D-CA), Chairman

Rep. Neil Abercrombie (D-HI)
Rep. Scotty Baesler (D-KY)
Rep. Rick Boucher (D-VA)
Rep. Diana DeGette (D-CO)
Rep. Lloyd Doggett (D-TX)
Rep. Bob Etheridge (D-NC)
Rep. Virgil Goode (D-VA)
Rep. Bart Gordon (D-TN)
Rep. Bill Hefner (D-NC)

Rep. William Jefferson (D-LA)
Rep. Nita Lowey (D-NY)
Rep. Mike McIntyre (D-NC)
Rep. Marty Meehan (D-MA)
Rep. Frank Pallone (D-NJ)
Rep. David Price (D-NC)
Rep. Charlie Stenholm (D-TX)
Rep. Henry Waxman (D-CA)

(as of 7/23/97)

TOBACCO SETTLEMENT Congressional Discussions

(Names in bold are members of Congressional Task Force on Tobacco and Health or signers of last year's "Commitment to Our Children" letter of support for FDA regulation.)

General Issues

Congressional Leadership

Senator Lott - Majority Leader
Senator Nickles - Majority Whip
Senator Daschle - Minority Leader
Senator Ford - Minority Whip

Speaker Gingrich
Rep. Arney - Majority Leader
Rep. DeLay - Majority Whip
Rep. Gephardt - Minority Leader
Rep. Bonior - Minority Whip

Committee Leadership

Senator Jeffords - Chairman, Labor and Human Resources Com.
Senator Kennedy - Ranking Member of Labor and Human Resources Com.
Senator Frist - Chairman, Public Health and Safety Subcommittee
Senator Stevens - Chairman, Appropriations Committee
Senator Byrd - Ranking Member of Appropriations Committee
Senator Specter - Chairman, Labor/HHS Appropriations Subcommittee
Senator Harkin - Ranking Member of Labor/HHS Approps. Subcommittee
Senator Cochran - Chairman, Agriculture Appropriations Subcommittee
Senator Bumpers - Ranking Member, Agriculture Appropriations Subcommittee
Rep. Bliley - Chairman, Commerce Committee
Rep. Dingell - Ranking Member of Commerce Committee
Rep. Billirakis - Chairman, Health and the Environment Subcommittee
Rep. Sherrod Brown - Ranking Member, Health Subcommittee
Rep. Livingston - Chairman, Appropriations Committee
Rep. Obey - Ranking Member, Appropriations Committee & Labor/HHS Subcom.
Rep. Porter - Chairman, Labor/HHS Appropriations Subcommittee
Rep. Skeen - Chairman, Agriculture Appropriations Subcommittee
Rep. Kaptur - Ranking Member, Agriculture Appropriations Subcommittee

Other Interested Members

Senator Lautenberg
Senator Durbin
Senator Bingaman
Senator Hatch

Rep. Waxman
Rep. Meehan
Rep. Hansen
Rep. McHale
Rep. DeGette
Rep. Baesler
Rep. Gordon

TOBACCO SETTLEMENT

Congressional Discussions

Page 2

FDA Regulation

Senator Jeffords - Chairman, Labor and Human Resources Committee
Senator Kennedy - Ranking Member, Labor and Human Resources Committee
Senator Frist - Chairman, Public Health and Safety Subcommittee
Senator Cochran - Chairman, Agriculture Appropriations Subcommittee
Senator Bumpers - Ranking Member, Agriculture Approps. Subcommittee
Rep. Bliley - Chairman, Commerce Committee
Rep. Dingell - Ranking Member of Commerce Committee
Rep. Bilirakis - Chairman, Health and the Environment Subcommittee
Rep. Sherrod Brown - Ranking Member, Health & the Environment Subcommittee
Rep. Barton - Chairman, Commerce Subcom. on Oversight & Investigations
Rep. Klink - Ranking Member, Commerce Subcom. on Oversight & Investigations
Rep. Skeen - Chairman, Agriculture Appropriations Subcommittee
Rep. Kaptur - Ranking Member, Agriculture Appropriations Subcom.
Rep. Shays - Chairman, Government Reform Subcom. on Human Resources
Rep. Towns - Ranking Member, Gov't Reform Subcom. on Human Resources

Environmental Tobacco Smoke

Senator Chafee - Chairman, Environment and Public Works Committee
Senator Baucus - Ranking Member, Environment and Public Works Com.
Senator Bond - Chairman, VA/HUD & Independent Agencies Approps. Subcom.
Senator Mikulski - Ranking Member, VA/HUD Appropriations Subcom.
Senator Jeffords - Chairman, Labor and Human Resources Committee
Senator Kennedy - Ranking Member, Labor & Human Resources Committee
Senator Frist - Chairman, Public Health and Safety Subcommittee
Rep. Bliley - Chairman, Commerce Committee
Rep. Dingell - Ranking Member of Commerce Committee
Rep. Bilirakis - Chairman, Health and the Environment Subcommittee
Rep. Sherrod Brown - Ranking Member, Health Subcommittee
Rep. Goodling - Chairman, Education and the Workforce Committee
Rep. Clay - Ranking Member, Education and the Workforce Committee
Rep. Ballenger - Chairman, E&W Subcommittee on Workforce Protections
Rep. Owens - Ranking Member, E&W Subcommittee on Workforce Protections
Rep. Jerry Lewis - Chairman, VA/HUD Appropriations Subcommittee
Rep. Stokes - Ranking Member, VA/HUD Appropriations Subcommittee

Liability Limitations, Litigation and Disclosure of Ingredients

Senator Hatch - Chairman, Judiciary Committee
Senator Leahy - Ranking Member, Judiciary Committee
Rep. Hyde - Chairman, Judiciary Committee
Rep. Conyers - Ranking Member, Judiciary Committee

Business Analysis (including advertising, distribution, sponsorship, taxes/penalties)

Senator Roth - Chairman, Finance Committee
Senator Moynihan - Ranking Member, Finance Committee
Senator McCain - Chairman, Commerce, Science & Transportation Committee
Senator Hollings - Ranking Member, Commerce, Science & Transportation Com.
Senator Abraham - Chairman, Manufacturing & Competitiveness Subcom.
Senator Bryan - Ranking Member, Manufacturing & Competitiveness Subcom.
Senator Hatch - Chairman, Judiciary Committee
Senator Leahy - Ranking Member, Judiciary Committee
Rep. Archer - Chairman, Ways and Means Committee
Rep. Rangel - Ranking Member, Ways and Means Committee
Rep. Thomas - Chairman, W&M Subcommittee on Health
Rep. Stark - Ranking Member, W&M Subcommittee on Health
Rep. Bliley - Chairman, Commerce Committee
Rep. Dingell - Ranking Member of Commerce Committee
Rep. Bilirakis - Chairman, Health and the Environment Subcommittee
Rep. Sherrod Brown - Ranking Member, Health Subcommittee
Rep. Hyde - Chairman, Judiciary Committee
Rep. Conyers - Ranking Member, Judiciary Committee

Agriculture Analysis

Senator Lugar - Chairman, Agriculture Committee
Senator Harkin - Ranking Member, Agriculture Committee
Senator Cochran - Chairman, Agriculture Appropriations Subcommittee
Senator Bumpers - Ranking Member, Agriculture Approps. Subcommittee
Rep. Bob Smith - Chairman, Agriculture Committee
Rep. Stenholm - Ranking Member, Agriculture Committee
Rep. Ewing - Chairman, Ag. Subcom. on Risk Management & Specialty Crops
Rep. Condit, Ranking Member, Ag. Subcom. on Risk Management & Sp. Crops
Rep. Skeen - Chairman, Agriculture Appropriations Subcommittee
Rep. Kaptur - Ranking Member, Agriculture Appropriations Subcommittee

International Trade

Senator Helms - Chairman, Foreign Relations Committee
Senator Biden - Ranking Member, Foreign Relations Committee
Senator Hagel - Chairman, International Economic Policy Subcom.
Senator Sarbanes - Ranking Member, International Econ. Policy Subcom.
Rep. Gilman - Chairman, International Relations Committee
Rep. Hamilton - Ranking Member, International Relations Committee
Rep. Ros-Lehtinen - Chairwoman, International Economic Policy & Trade Sub.
Rep. Gejdenson - Ranking Member, International Economic Policy & Trade Sub.