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**Tobacco-Settlement: Minority
Issues**

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	SSN (Partial); DOB (Partial) (1 page)	02/11/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
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Elena Kagan
OA/Box Number: 14368

FOLDER TITLE:

Tobacco - Settlement: Minority Issues

2009-1006-F

jm20

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]

04-17-98 10:18am From-

T-272 P.02/08 F-802

F:\MS\UNDERW\UNDERW.041

Tob - ser - minorities

Black Caucus

HLC

DISCUSSION DRAFT

APRIL 17, 1998

10:15 a.m.

105TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. UNDERWOOD introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide for the use of funds from the national tobacco settlement to carry out public health programs for individuals who are members of racial or ethnic minority groups.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "[Minority Populations
3 and Tobacco Products Public Health Act of 1998]".

4 SEC. 2. FUNDS FROM NATIONAL TOBACCO SETTLEMENT;
5 ALLOCATION FOR PUBLIC HEALTH PRO-
6 GRAMS REGARDING RACIAL AND ETHNIC MI-
7 NORITY GROUPS.

8 Title XVII of the Public Health Service Act (42
9 U.S.C. 300u et seq.) is amended by inserting after section
10 1707 the following section:

11 "MINORITY HEALTH AND TOBACCO PRODUCTS

12 "SEC. 1707A. (a) IN GENERAL.—

13 "(1) ALLOCATION FROM NATIONAL TOBACCO
14 SETTLEMENT.—Of the amount that is received by
15 the Federal Government for a fiscal year pursuant
16 to the national tobacco settlement and reserved for
17 programs regarding the public health, there shall be
18 made available 25 percent for carrying out public
19 health programs (including programs of research)
20 that concern the consumption of tobacco products
21 and are directed toward individuals who are mem-
22 bers of racial or ethnic minority groups.

23 "(2) ADMINISTRATION OF PROGRAMS.—Pro-
24 grams under paragraph (1) shall be carried out by
25 the Secretary, acting through the Deputy Assistant
26 Secretary for Minority Health, and—

04-17-98 10:19am From

T-272 P 04/08 F-902

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[DISCUSSION DRAFT]

3

1 “(A) in collaboration with the Director of
2 the Centers for Disease Control and Prevention,
3 the Administrator of the Health Resources and
4 Services Administration, the Director of the
5 National Institutes of Health, and the Adminis-
6 trator of the Substance Abuse and Mental
7 Health Services Administration;

8 “(B) in collaboration with the directors of
9 the offices of minority health within such agen-
10 cies (including the Office of Research on Minor-
11 ity Health within the National Institutes of
12 Health); and

13 “(C) in consultation with the advisory com-
14 mittee established under paragraph (4).

15 “(3) AGENCY ACTIVITIES; GRANTS AND CON-
16 TRACTS.—Activities under paragraph (1) may be
17 carried out—

18 “(A) directly by the Deputy Assistant Sec-
19 retary and the heads of the agencies and offices
20 referred to in paragraph (2); and

21 “(B) through awards of grants, cooperative
22 agreements, and contracts to public and non-
23 profit private entities.

24 “(4) ADVISORY COMMITTEE.—The Secretary
25 shall appoint an advisory committee to advise the

1 Deputy Assistant Secretary on carrying out pro-
 2 grams under paragraph (1). Such committee shall be
 3 appointed from among individuals from the public
 4 health community who represent racial and ethnic
 5 minority groups and who are not officers or employ-
 6 ees of the Federal Government.

7 “(b) ACTIVITIES REGARDING DISPARITIES IN
 8 HEALTH STATUS.—Activities under subsection (a)(1)
 9 shall include activities directed toward the goal of elimi-
 10 nating, with respect to the consumption of tobacco prod-
 11 ucts, disparities between the health status of individuals
 12 who are members of racial or ethnic minority groups and
 13 the health status of individuals who are not members of
 14 such groups.

15 “(c) COLLECTION OF DATA.—Activities under sub-
 16 section (a)(1) shall include the collection and analysis of
 17 data on the health effects in racial and ethnic minority
 18 groups of the consumption of tobacco products, including
 19 data categorized in accordance with the following:

20 “(1) Race and ethnicity including subgroups.

21 “(2) Gender.

22 “(3) Youth by age.

23 “(4) Mortality, mobility, and disability, includ-
 24 ing cancer and other tobacco-related diseases.

25 “(5) Cancer.

04-17-98 10:20am From

T-272 P.06/08 F-902

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[DISCUSSION DRAFT]

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1 “(6) Other diseases related to the consumption
2 of tobacco products.

3 “(7) Consumption of cigars.

4 “(d) EVALUATIONS.—Beginning with fiscal year
5 2000, the Secretary shall provide for the conduct of eval-
6 uations of programs carried out under subsection (a)(1),
7 including the extent to which such programs have been
8 successful in facilitating a reduction in the consumption
9 of tobacco products by racial and ethnic minority groups.

10 “(e) ANNUAL REPORTS.—Not later than February 1,
11 2000, and annually thereafter, the Secretary shall submit
12 to the Congress a report that provides with respect to the
13 preceding fiscal year the following:

14 “(1) A description of the programs carried out
15 under subsection (a)(1).

16 “(2) The results of evaluations under sub-
17 section (d).

18 “(3) The recipients of awards under subsection
19 (a)(3), including a specification of the total amount
20 awarded for each of the following categories of enti-
21 ties:

22 “(A) Community-based organizations that
23 principally serve racial and ethnic minority
24 groups.

1 “(B) Statewide and regional organizations
2 that principally serve such groups.

3 “(C) Educational institutions that prin-
4 cipally serve such groups.

5 “(D) Indian tribes and tribal organiza-
6 tions.

7 “(E) States and units of local government.

8 “(f) DEFINITIONS.—For purposes of this section:

9 “(1) The term ‘Deputy Assistant Secretary’
10 means the Deputy Assistant Secretary for Minority
11 Health.

12 “(2) The terms ‘Indian tribe’ and ‘tribal organi-
13 zation’ have the same meaning given such terms in
14 section 4(b) and section 4(c) of the Indian Self-De-
15 termination and Education Assistance Act.

16 “(3)(A) The term ‘racial and ethnic minority
17 group’ means each of ~~American~~ Indians (including
18 Alaska Natives, Eskimos, and Aleuts), Asian Amer-
19 ican and Pacific Islanders, Blacks, and Hispanics.

Native American

20 “(B) The term ‘Hispanic’ means individuals
21 whose origin is Mexican, Puerto Rican, Cuban,
22 Central or South American, or any other Spanish-
23 speaking country.

24 “(4) The term ‘State’ means each of the several
25 States, the District of Columbia, the Commonwealth

04-17-98 10:20am From-

T-272 P.08/08 F-902

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[DISCUSSION DRAFT]

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1 of Puerto Rico, Guam, the Virgin Islands, the Com-
2 monwealth of the Northern Mariana Islands, and
3 American Samoa."

[DISCUSSION DRAFT]

APRIL 16, 1998

PROPOSED SECTION**DEFENSE AUTHORIZATION ACT FOR FY99**

4 SEC. ____ REPORT ON PLAN FOR USE OF UTILITY SYSTEM
5 CONVEYANCE AUTHORITY.

6 Not later than ____, the Secretary of each military
7 department shall submit to Congress a report containing
8 the criteria that the Secretary will use to select utility sys-
9 tems, and related real property, under the jurisdiction of
10 the Secretary for conveyance to a municipal, private, re-
11 gional, district, or cooperative utility company or other en-
12 tity under the authority of section 2688 of title 10, United
13 States Code. The report shall include a list of each utility
14 system, and the location of the utility system, that, as of
15 the date of the submission of the report, the Secretary
16 considers is likely to be conveyed under such section.

HLC

DISCUSSION DRAFT

APRIL 22, 1998

11:45 a.m.

105TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Public Health Service Act to establish authorities of the departmental Office of Minority Health with respect to tobacco products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 Service, a comprehensive plan regarding the use of
2 tobacco products by minority groups.

3 (6) In order to redress the past targeting of mi-
4 nority youth by the tobacco industry, financial sup-
5 port of education institutions that serve significant
6 numbers of minority youth should be increased.

7 **TITLE I—AUTHORITIES OF DE-**
8 **PARTMENTAL OFFICE OF MI-**
9 **NORITY HEALTH WITH RE-**
10 **SPECT TO TOBACCO PROD-**
11 **UCTS**

12 **SEC. 101. AUTHORITIES OF DEPARTMENTAL OFFICE OF MI-**
13 **NORITY HEALTH.**

14 (a) IN GENERAL.—Title XVII of the Public Health
15 Service Act (42 U.S.C. 300u et seq.) is amended by in-
16 serting after section 1707 the following new section:

17 “MINORITY HEALTH AND USE OF TOBACCO PRODUCTS

18 “SEC. 1707A (a) IN GENERAL.—

19 “(1) INTERAGENCY COORDINATION.—With re-
20 spect to activities of the Public Health Service that
21 are directed toward minority health concerns regard-
22 ing tobacco products, the Secretary shall plan, co-
23 ordinate, and evaluate all activities conducted or
24 supported by the agencies of the Service (other than
25 the regulation of tobacco products through the Food
26 and Drug Administration), including activities relat-

1 ing to disease prevention, health promotion, service
2 delivery, and research that are carried out pursuant
3 to national tobacco legislation. In carrying out the
4 preceding sentence, the Secretary shall evaluate the
5 activities of each of such agencies and shall provide
6 for the periodic reevaluation of such activities.

7 “(2) ADMINISTRATION THROUGH OFFICE OF
8 MINORITY HEALTH.—The Secretary shall carry out
9 this section (including with respect to functions
10 under paragraph (4) and the plan under subsection
11 (b)(1)) acting through the Deputy Assistant Sec-
12 retary for Minority Health and in consultation with
13 the advisory committee under subsection (c).

14 “(3) COLLABORATION THROUGH INTERAGENCY
15 PANEL.—The Secretary shall carry out this section
16 in collaboration with the heads of the agencies of the
17 Service that have significant responsibilities regard-
18 ing minority tobacco activities and in collaboration
19 with the directors of the offices of minority health
20 within the agencies. In collaborating with the Sec-
21 retary under the preceding sentence, the heads of
22 such agencies shall consult with the advisory com-
23 mittees for the agencies, and the directors of such
24 offices shall consult with the advisory committees for
25 the offices.

1 “(4) COORDINATION.—In carrying out para-
2 graph (1), the Secretary shall act as the primary
3 Federal official with responsibility for overseeing all
4 minority tobacco activities conducted or supported
5 by the Service, and—

6 “(A) shall serve to represent matters re-
7 garding minority tobacco activities at all rel-
8 evant Executive branch task forces and commit-
9 tees; and

10 “(B) shall maintain communications with
11 all relevant agencies of the Service and with
12 various other departments of the Federal Gov-
13 ernment in order to ensure the timely trans-
14 mission between such agencies of information
15 concerning such activities, including advances in
16 research, and to ensure the dissemination of in-
17 formation to affected communities and health
18 care providers.

19 “(b) COMPREHENSIVE PLAN FOR EXPENDITURE OF
20 APPROPRIATIONS.—

21 “(1) IN GENERAL.—Subject to the provisions of
22 this subsection and other applicable law, the Sec-
23 retary, in carrying out duties under this section,
24 shall—

1 “(A) establish a comprehensive plan for
2 the conduct and support of all minority tobacco
3 activities of the agencies of the Service (which
4 plan shall be first established under this para-
5 graph not later than 6 months after the effec-
6 tive date of this paragraph);

7 “(B) ensure that the Plan establishes pri-
8 orities among the minority tobacco activities
9 that such agencies are authorized to carry out;

10 “(C) ensure that the Plan establishes ob-
11 jectives regarding such activities, describes the
12 means for achieving the objectives, and des-
13 ignates the date by which the objectives are ex-
14 pected to be achieved;

15 “(D) ensure that all amounts appropriated
16 for such activities are expended in accordance
17 with the Plan;

18 “(E) review the Plan not less than annu-
19 ally, and revise the Plan as appropriate; and

20 “(F) ensure that the Plan serves as a
21 broad, binding statement of policies regarding
22 minority tobacco activities of the agencies, but
23 does not remove the responsibility of the heads
24 of the agencies for the approval of specific pro-
25 grams or projects, or for other details of the

1 ity tobacco activities under the Plan include the
2 award, by the Secretary, of grants to community-
3 based organizations for—

4 “(A) carrying out innovative activities to
5 discourage the consumption of tobacco products
6 and to provide assistance in ceasing the use of
7 such products; and

8 “(B) assisting such organizations in devel-
9 oping or increasing the capacity to carry out
10 such activities.

11 “(5) ALLOCATIONS FOR PLAN.—The Secretary
12 shall ensure that the Plan provides that, of the
13 amounts made available to an agency of the Service
14 for a fiscal year for carrying out public health activi-
15 ties regarding tobacco products (including amounts
16 made available to the agency pursuant to national
17 tobacco legislation), the percentage made available
18 for minority tobacco activities of the agency is not
19 less than the percentage constituted by the ratio
20 of—

21 “(A) the number of individuals in the
22 United State who smoke or otherwise consume
23 tobacco products and are members of racial or
24 ethnic minority groups; to

1 “(B) the total number of individuals in the
2 United States who smoke or otherwise consume
3 such products.

4 “(6) PRIORITIES REGARDING GRANTS AND CON-
5 TRACTS.—The Secretary shall ensure that the Plan
6 provides that, in awarding grants and contracts for
7 minority tobacco activities under the Plan, the agen-
8 cies of the Service are to give priority to entities in
9 accordance with the following:

10 “(A) First, to community-based organiza-
11 tions and educational institutions that have a
12 history of carrying out minority tobacco activi-
13 ties, or that have the capacity to begin carrying
14 out such activities.

15 “(B) Second, to national, statewide, and
16 regional organizations, and to networks or coali-
17 tions consisting of affiliations of such organiza-
18 tions, that have a history of carrying out minor-
19 ity tobacco activities, or that have the capacity
20 to begin carrying out such activities.

21 “(C) Third, to public health departments
22 of units of local government.

23 “(D) Fourth, to States, the territories of
24 the United States, and Indian tribes and tribal
25 organizations.

1 “(7) BUDGET ESTIMATES; SUBMISSION TO SEC-
2 RETARY .—

3 “(A) IN GENERAL.—With respect to a fis-
4 cal year, the Secretary shall prepare and submit
5 to the Secretary the budget estimates required
6 in subparagraphs (B) through (D) for carrying
7 out the Plan for the fiscal year. The Secretary
8 shall consider each of such estimates in making
9 recommendations to the President regarding a
10 budget for the Plan for such year.

11 “(B) FULL-FUNDING BUDGET.—For pur-
12 poses of subparagraph (A), the budget estimate
13 required in this subparagraph for a fiscal year
14 is an estimate of the amounts necessary for the
15 agencies of the Service to carry out all minority
16 tobacco activities determined by the Secretary
17 to be appropriate, without regard to the prob-
18 ability that such amounts will be appropriated.

19 “(C) ALTERNATIVE BUDGET.—For pur-
20 poses of subparagraph (A), the budget estimate
21 required in this subparagraph for a fiscal year
22 is an estimate developed on the assumption that
23 the amounts appropriated will be sufficient only
24 for—

1 “(i) continuing the conduct directly by
2 the agencies of the Service of existing mi-
3 nority tobacco activities (if approved by the
4 agency for continuation);

5 “(ii) continuing the support by the
6 agencies through grants or contracts of mi-
7 nority tobacco activities for which the
8 agencies have made a commitment of con-
9 tinued support; and

10 “(iii) carrying out such activities in
11 addition to activities specified in clauses (i)
12 and (ii) as the Secretary determines to be
13 necessary to address the most substantial
14 needs.

15 “(D) OTHER BUDGETS.—For purposes of
16 subparagraph (A), the budget estimates re-
17 quired in this subparagraph for a fiscal year
18 are such estimates in addition to the estimates
19 required in subparagraphs (B) and (C) as the
20 Secretary determines to be appropriate.

21 “(c) ADVISORY COMMITTEE REGARDING MINORITY
22 TOBACCO ACTIVITIES.—The Secretary shall ensure that
23 there is in operation an advisory committee to advise the
24 Secretary on carrying out this section, and that such com-
25 mittee is appointed from among individuals who are not

1 officers or employees of the Federal Government and who
2 are experienced with respect to minority health concerns.
3 The Secretary shall carry out the preceding sentence by
4 appointing an advisory committee whose only responsibil-
5 ity is so advising the Secretary, except that such respon-
6 sibility shall be assigned to an advisory committee whose
7 function is generally advising the Office of Minority
8 Health, if such an advisory committee is required by law.

9 “(d) REPORT.—Not later than February 1, 2000,
10 and annually thereafter, the Secretary shall submit to the
11 Congress a report that describes the various categories of
12 minority tobacco activities carried out under this section
13 during the preceding fiscal year and that specifies the
14 amount of Federal funds obligated for each of such cat-
15 egories.

16 “(e) DEFINITIONS.—For purposes of this section:

17 “(1)(A) The term ‘minority tobacco activities’
18 means activities that are directed toward minority
19 health concerns regarding tobacco products.

20 “(B) The term ‘minority health concerns’
21 means the health concerns of individuals from dis-
22 advantaged backgrounds, including racial and ethnic
23 minorities.

24 “(2) The term ‘Plan’ means the plan under
25 subsection (b)(1).

1 “(3)(A) The term ‘racial and ethnic minority
2 group’ means each of American Indians (including
3 Alaska Natives, Eskimos, and Aleuts); Asian Ameri-
4 cans and Pacific Islanders; Blacks; and Hispanics.

5 “(B) The term ‘Hispanic’ means individuals
6 whose origin is Mexican, Puerto Rican, Cuban,
7 Central or South American, or any other Spanish-
8 speaking country.

9 “(g) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—For the purpose of carry-
11 ing out this section other than subsection (b)(4),
12 there are authorized to be appropriated ____ for
13 each of the fiscal years 1999 through ____.

14 “(2) CERTAIN COMMUNITY-BASED PRO-
15 GRAMS.—For the purpose of carrying out subsection
16 (b)(4), there are authorized to be appropriated ____
17 for each of the fiscal years 1999 through ____.”.

18 **TITLE II—EDUCATION**
19 **INITIATIVES**

20 **SEC. 201. GRANTS TO MINORITY MEDICAL SCHOOLS.**

21 Part B of title VII of the Public Health Service Act
22 (42 U.S.C. 293 et seq.) is amended by adding at the end
23 the following section:

1 **SEC. 741. GRANTS TO MINORITY MEDICAL SCHOOLS FOR**
2 **ENDOWMENTS; PUBLIC HEALTH PROGRAMS**
3 **REGARDING TOBACCO PRODUCTS.**

4 **“(a) IN GENERAL.—**The Secretary shall make grants
5 to schools specified in subsection (b) for the purpose of
6 establishing at the schools endowments each of whose in-
7 come is used exclusively to carry out—

8 **“(1) public health programs; and**

9 **“(2) programs of biomedical research on dis-**
10 **eases for which the consumption of tobacco products**
11 **is a principal causal factor.**

12 **“(b) RELEVANT SCHOOLS.—**The schools referred to
13 in subsection (a) are the following medical schools (schools
14 of medicine or osteopathic medicine):

15 **“(1) The four medical schools in the United**
16 **States whose enrollment for academic year 1998 of**
17 **Black individuals constituted a higher percentage of**
18 **such individuals than other medical schools in the**
19 **United States.**

20 **“(2) The four medical schools in the United**
21 **States (or consortia of such schools) whose enroll-**
22 **ment for academic year 1998 of Hispanic individuals**
23 **constituted a higher percentage of such individuals**
24 **than other medical schools in the United States.**

25 **“(3) The two medical schools in the United**
26 **States (or consortia of such schools) whose enroll-**

1 ment for academic year 1998 of Native American in-
2 dividuals constituted a higher percentage of such in-
3 dividuals than other medical schools in the United
4 States.

5 "(c) FUNDING.—From amounts received by the Fed-
6 eral Government pursuant to national tobacco legislation
7 and reserved for public health programs regarding the
8 consumption of tobacco products, the Secretary shall, for
9 each of the first 10 fiscal years following the date of the
10 enactment of such legislation, reserve amounts for making
11 a grant under subsection (a) to each of the schools speci-
12 fied in subsection (b). Each such grant shall be made in
13 the amount of \$10,000,000."

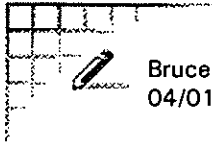
14 **SEC. 202. ADDITIONAL FUNDING FOR BUILDINGS AND**
15 **STRUCTURES AT HISTORICALLY BLACK COL-**
16 **LEGES AND UNIVERSITIES.**

17 Subsection (d) of section 507 of the Omnibus Parks
18 and Public Land Management Act of 1996 (16 U.S.C.
19 470a note; 110 Stat. 4156) is amended to read as follows:

20 "(d) FUNDING.—For fiscal years beginning after fis-
21 cal year 1998 \$377,500,000 shall be made available pur-
22 suant to section 108 of the National Historic Preservation
23 Act to carry out the purposes of this section. In addition
24 to other funds covered into the Historic Preservation
25 Fund under section 108 of the National Historic Preserva-

1 tion Act or under any other authority of law, there is au-
2 thorized to be appropriated to such Fund \$377,500,000
3 for fiscal years beginning after fiscal year 1998.”.

tobacco - set -
minutes



Bruce N. Reed
04/01/98 04:58:04 PM

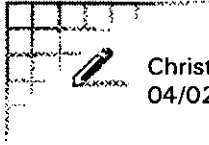
Record Type: Record

To: Cynthia A. Rice/OPD/EOP, Thomas L. Freedman/OPD/EOP, Christopher C. Jennings/OPD/EOP
cc: Elena Kagan/OPD/EOP, Cynthia Dailard/OPD/EOP
Subject: wellington webb

I ran into Wellington Webb, mayor of Denver, at the VP's birthday party yesterday. He asked if we could draft a tobacco resolution for the black mayors to enact at their mtg, which I think is next week. The VP is speaking to their conference.

Can we throw something simple together that focuses on our principles, with perhaps a nod toward the major minority concerns? The contact is Lynn Cutler in IGA. Webb said they needed something by 4/6.

Tob-xt-minwibes



Christopher C. Jennings
04/02/98 11:27:55 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

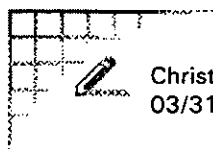
cc: Cynthia A. Rice/OPD/EOP, Thomas L. Freedman/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia Dailard/OPD/EOP

Subject: Re: wellington webb

Just talked to Sarah re this. We have some minority specific stats on both the problems African Americans face re tobacco as well as info on how our proposed initiatives assist this population. We also will need to have something in this resolution that directs HHS to work through the Office of Minority Health and CDC to ensure that new public health dollars are appropriately allocated to minorities and that minorities are well represented in the decision making process. We could try our hand at working up a draft resolution integrating this info if you guys think it would be helpful. If so, we will work with Lynn C.....

cj

Tob - r/r - minorities



Christopher C. Jennings
03/31/98 03:34:42 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Tobacco--Specialty Press

You are right to keep pushing for ways to invest the minority community on this issue. They can and will be extremely influential during the tobacco debate. Having said this, I think we might have some difficulty getting Dr. Satcher to do an Op Ed exactly like that. He wants to stay a step away from discussion the tobacco legislation.]

I think we could get him to talk about the evils of tobacco and the major impact it has had on minorities. In that regard, he could talk about racial disparities in cancer, heart disease, etc. to help better make the link. However, I think we would not be overly successful in getting him to agree to the exact outline you suggest.

Would you be comfortable with the more general racial disparities message, with an emphasis on the evils of tobacco dependency? What you say?]

cj

Message Copied To:

Elena Kagan/OPD/EOP
Jena V. Roscoe/WHO/EOP
Estela Mendoza/WHO/EOP
Maritza Rivera/WHO/EOP
Deborah B. Mohile/WHO/EOP
Barbara D. Woolley/WHO/EOP
Doris O. Matsui/WHO/EOP
Sarah A. Bianchi/OPD/EOP

 Maria Echaveste

03/31/98 01:47:28 PM

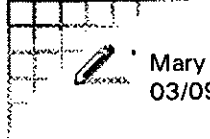
Record Type: Record

To: Christopher C. Jennings/OPD/EOP, Elena Kagan/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Tobacco--Specialty Press

In an effort to energize minority and religious communities on tobacco, we suggest getting Dr. Saatchar to author an op/ed. One targetted directly to minorities re the special advertising, killing minority youth and how minority communities have to press for comprehensive tobacco--on the faith side it needs to focus on kids dying, targetting of low-income, need for legislation and maybe make reference to resources for childcare (maybe). How do we get this done? We are working with specialty press to get this placed--and we also need anything HHS could provide on data that would be relevant to minorities or the faith community.

Message Copied To:

Jena V. Roscoe/WHO/EOP
Estela Mendoza/WHO/EOP
Maritza Rivera/WHO/EOP
Deborah B. Mohile/WHO/EOP
Barbara D. Woolley/WHO/EOP
Doris O. Matsui/WHO/EOP



Mary L. Smith
03/09/98 05:59:22 PM

Record Type: Record

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

cc:

Subject: Conrad and Minorities

A quick search through Conrad's bill reveals the following provisions related to minorities

1. Section 101(d)(5), p.18 -- \$200 million to Indian Health Service.
2. Section 121(c)(1)(A)(i), p. 39 -- 2% of 21% (sec. 101(d)(6)) at the discretion of Director of NIH to, among other things, the Office of Research on Minority Health.
3. Section 601(a)(7), p.2 -- Research on "the relationship between the use of tobacco products and cancer, particularly among minorities."
4. Section 601(e), p.3 -- The tobacco-related research program "shall be conducted in a manner that ensures that research will be conducted to investigate the different effects of tobacco use on minorities and women."
5. Section 602(e), p.4 -- The research program related to patterns of smoking "shall be conducted in a manner that ensures that research will be conducted to investigate the different factors affecting tobacco use among minorities and women in proportion to their prevalence in the smoking population."
6. Section 611(a), p.6 - Awards grants to carry out community-based prevention programs, including in predominantly minority communities.
7. Section 621(a), p.8 - Counter-advertising targeting, among other groups, women and minorities.
8. Section 901, p.9 -The provisions of the Act shall apply to the manufacture, distribution, and sale of tobacco products in any area within the jurisdiction of an Indian tribe or tribal organization. Other areas where minorities could be included: farmers, child care, education, class size, and more in the health services.

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Thomas L. Freedman/OPD/EOP
Christopher C. Jennings/OPD/EOP
Sarah A. Bianchi/OPD/EOP
Jeanne Lambrew/OPD/EOP
Cynthia A. Rice/OPD/EOP
Jerold R. Mande/OSTP/EOP
Toby Donenfeld/OVP @ OVP

Tobac - sur - minorities

 Maria Echaveste

03/02/98 08:17:06 PM

Record Type: Record

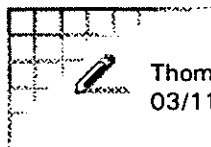
To: Barbara D. Woolley/WHO/EOP

cc: Christopher C. Jennings/OPD/EOP, Cynthia A. Rice/OPD/EOP

Subject: Re: Minority-Tobacco - work group follow up 

it was a good meeting with folks from Ag, HHS, CDC and others (whom I didn't recognize, but that's usual for this place-just joking because I was late to the meeting). Anyway--I think we established that the minority groups want to be treated with respect including involvment in the development of strategies and decision--also clear that folks don't know what our commitment is to the special populations --there are opportunities--so Chris and Cynthia are going to outline what the tasks and make assignments, perhaps one more internal meeting before we go talking to folk--you and I will need to talk to the outside groups to talk substance and to determine what the real objectives as soon as Chris gives us the go ahead. looks like fun.

Tobacco - nolement -
minority issues



Thomas L. Freedman
03/11/98 08:05:44 PM

Record Type: Record

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

cc:

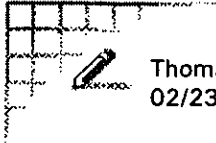
Subject: CBC and Fazio

FYI. Bennie Thompson's office says CBC is withholding support from the Fazio bill because its non-profit foundation was not included in the bill. The CBC couldn't work out a deal with the Hispanic caucus in time on the issue. CBC thinks they will have a deal within a couple of days, however, so to the extent we think this is a bad idea we should propose an alternative.

(You may know this already as well, but according to Thompson, Fazio accepted the idea of a lookback penalty gauged to improvements in each minority group).

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Christopher C. Jennings/OPD/EOP
Cynthia A. Rice/OPD/EOP
Mary L. Smith/OPD/EOP
Sarah A. Bianchi/OPD/EOP
Jeanne Lambrew/OPD/EOP



Thomas L. Freedman
02/23/98 01:46:06 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Jerold R. Mande/OSTP/EOP

cc: Mary L. Smith/OPD/EOP

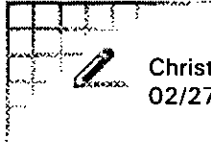
Subject: Minorities, tobacco, and Gore

Gore is meeting with some of the minority caucus folks tomorrow and Gips wanted to figure out what he could promise. What do you think of these as things the VP could say:

1. There should be specific language in the legislation targeting funds for research, cessation, and counter advertising to minority communities.
2. There should be legally acceptable legislative language indicating that the funds would utilize minorities in a position to know and support the community, such as historically black medical schools, newspapers, etc.
3. Note the language in Conrad on minorities and say we need to be more specific on protecting minority communities from the fall-out of increased cigarette prices and the possibility of less support for minority institutions that cigarette companies have supported in the past.
4. That we should work with the Caucuses on drafting more specific language on how much resources will be required to offset loses from industry investment in the communtiy and how much money will be required for cessation and other programs.

The caucuses are exploring the idea of a non-profit minority-oriented foundation to distribute research funds focused on minority health concerns. This idea may come up in meetings, but so far, evidently, the Hispanic caucus has not signed on.

NO



Christopher C. Jennings
02/27/98 10:05:01 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Tobacco and minority communities

I'm semi on top of this. I get all the fun stuff, don't I?

I think there will be a meeting on Monday. Maria E. just called me up to and I think she will attend to make certain this process gets off to a good start.

Do you have any desire in attending? If not, I'll be sure to keep you apprised of developments on this issue.

If the process goes according to how I think it should, we will not immediately agree on a package of initiatives. We will set up some meetings with the appropriate groups to review options and to get them invested and trusting in us. We will also highlight investments that we believe already should be very attractive to minority representatives -- like the kids outreach stuff.

The goal will be for us to be sensitive to their needs while they become trusting enough in us to be flexible on their priorities as the larger package unfolds. Hopefully that will help Bruce, Elena and you have a little more room to operate. While it won't be easy and it might be time consuming, I think this is a better approach than immediately coming up with a package that could take on the same troubled waters that the school construction piece did last year. Hope that sounds ok to you?

cj

, while we become Rather, I think we should talk with them about options and have it will likely take a while to get folks invested and trusting in us.

Message Copied To:

Sarah A. Bianchi/OPD/EOP
Jeanne Lambrew/OPD/EOP
Thomas L. Freedman/OPD/EOP
Mary L. Smith/OPD/EOP
Donna L. Geisbert/OPD/EOP
Sarah A. Bianchi/OPD/EOP
Jeanne Lambrew/OPD/EOP
Thomas L. Freedman/OPD/EOP
Mary L. Smith/OPD/EOP
Donna L. Geisbert/OPD/EOP
Sarah A. Bianchi/OPD/EOP
Jeanne Lambrew/OPD/EOP
Thomas L. Freedman/OPD/EOP
Mary L. Smith/OPD/EOP
Donna L. Geisbert/OPD/EOP

cc: Chris Jennings

JOHNSON*SMITH
PENCE
DENSBORN |
WRIGHT & HEATH
ATTORNEYS AT LAW

MAYBE.
BUT ONLY IF
Tom + JRM
THINK WE HAVE
SOMETHING TO SA

Joseph J. Andrew
(317) 686-7382
E-Mail: JAndrew@japlaw.com

February 2, 1998

VIA FACSIMILE (202) 456-5542

Mr. Bruce Reed
Assistant to the President for Domestic Policy
The White House
Washington, D.C.

Re: Request for Meeting

Dear Mr. Reed:

Thank you for meeting with me, Pam Carter, Lacy Johnson and Karen Anne Lloyd to discuss the minority implications of a potential Tobacco Settlement. I hope the briefing book we supplied was helpful to you and your staff.

I would like to request a follow-up meeting with you on February 11, 1998, preferably mid-morning, to discuss the status of the tobacco settlement. Other attendees would include Lacy Johnson, Karen Anne Lloyd and Todd Gee of Congressman Thompson's office. Todd has been coordinating the efforts of the Congressional Black Caucus, Hispanic Caucus, Native American Caucus and Asian American Caucus toward a Tobacco Settlement. As you know, Lacy, Karen Anne and I represent those same groups.

My assistant, Angela, at (317) 686-4228 will be more than happy to make final arrangements. Thank you in advance for your continued assistance.

Sincerely,

Joseph J. Andrew

JJA/abp

Suite 1800
One Indiana Square
Indianapolis, Indiana 46204

Telephone: (317) 634-9777
Facsimile: (317) 636-9061

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	SSN (Partial); DOB (Partial) (1 page)	02/11/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elena Kagan
OA/Box Number: 14368

FOLDER TITLE:

Tobacco - Settlement: Minority Issues

2009-1006-F
jm20

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]

Additions

Adam Richard Gluck of Rep Dal Kildee's office
Native American caucus

P6/(b)(6)

[001]

Heather Malia Hale of Rep Patsy Mink's office
Asian Pacific caucus

P6/(b)(6)

JOHNSON-SMITH
PENCE
DENSBORN
WRIGHT & MEATH
ATTORNEYS AT LAW

Joseph J. Andrew
(317) 686-7382
E-Mail: JAndrew@japlaw.com

February 9, 1998

VIA FACSIMILE (202) 456-5542

Mr. Bruce Reed
Assistant to the President for Domestic Policy
The White House
Washington, D.C.

Re: *New York Times* and *L. A. Times* Articles and Prospect for Meeting

Dear Mr. Reed:

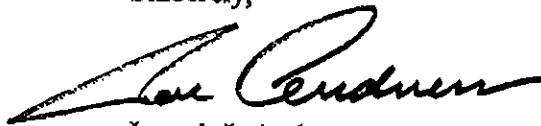
Copies of articles that appeared on the front page of the *New York Times* on Friday, February 6, 1998, and in the *L.A. Times* on the same day are attached. These articles discuss new information that has been revealed which illustrates how the tobacco companies purposefully targeted the African-American population.

I'd like to meet with you in the near future to discuss this and other developments.

As you may recall, I previously requested a follow-up meeting with you on February 11, 1998, preferably for mid-morning. Other attendees would include Lacy Johnson, Karen Anne Lloyd, Todd Gee of Congressman Thompson's office and a representative staffer from the Hispanic caucus. Please let me know if the requested meeting date and time fit with your schedule or if there is another time that would be better.

My assistant, Angela, at (317) 686-4228 will be more than happy to make final arrangements for the meeting. Thank you again for your continued assistance.

Sincerely,



Joseph J. Andrew

Suite 1800
One Indiana Square
Indianapolis, Indiana 46204

Telephone: (317) 634-9777
Facsimile: (317) 636-9061

JJA/abp
Attachments

Tobacco Documents Show Strategy Intended for Blacks

Continued From Page A1

garded them as the future of its business.

Representative Bennie Thompson, a Mississippi Democrat who heads a tobacco task force within the Congressional Black Caucus, said the agreement reached last year between tobacco producers and some 40 state attorneys general does not address the fact that minority groups have been among the most affected over the years by both cigarette marketing and smoking-related diseases.

"It was pretty much a white male group that put the settlement together, and the document reflects that," Mr. Thompson said.

The tobacco industry has long played a dual role in the minority community. Manufacturers like the Philip Morris Companies, the nation's largest cigarette manufacturer, have long supported minority public affairs events and some politicians, and have poured millions of dollars into advertising in newspapers that serve the communities. But

testified two weeks ago before the House Judiciary Committee on the settlement that was proposed last June said it is up to Congress rather than them to determine how any funds should be divided. And cigarette company officials deny that the industry made any extraordinary efforts to attract minority smokers, young or old.

"Most every consumer products company has marketing programs aimed at African-Americans," said Joe Helewicz, a spokesman for Brown & Williamson, whose parent company is B.A.T. Industries P.L.C. in London.

Still, the documents have been embarrassing for cigarette manufacturers. A 1969 R. J. Reynolds marketing memorandum that was made public two weeks ago made suggestions for the best ways to reach members of various ethnic markets, including blacks.

"It generally is not as effective to aim at the Negro consumer, as such, as it is to aim at his decisive motivations," the memorandum said. "Quality rates as a cherished attribute. Negroes buy the best Scotch as long as the money lasts, most marketers agree."

The document also suggests that physical contact between male and female models of different races be avoided in advertisements where possible.

When the document was released, R. J. Reynolds, which is owned by R.J.R. Nabisco Holdings Corporation, issued a statement apologizing for it.

The documents also make it clear that R. J. Reynolds, which makes Salem, and Brown & Williamson, which makes Kools, were in a desperate battle for African-Americans, who smoke a greater percentage of mentholated cigarettes than whites.

A 1977 promotion plan for Kools recommended a number of approaches to attract black smokers, including a promotion titled "Be a Kool Playboy," which would offer clothing and jewelry as prizes.

Other marketing efforts suggested in the document included music-related promotions and the production of an inexpensive basketball that mirrored the Kool brand colors.

"The green and white ball could become an interesting symbol within the inner city and could be very popular," the document said.

Mr. Helewicz, the Brown & Williamson spokesman, said company officials could not find the document yesterday and so he could not comment on it.

Under the June proposal, five major tobacco companies agreed, among other things, to pay \$368.5 billion to settle lawsuits by states and smokers. They also agreed to a variety of advertising and marketing restrictions, including Government regulation of nicotine and to pay fines if smoking among young people falls to drop in the future.

In return, the proposal, which must be adopted by Congress to take effect, would provide the companies with protection against many types of tobacco-related lawsuits and would bar the awarding of punitive damages in such cases.

New evidence of the importance of black smokers.

the rate of smoking among both blacks and American Indians is higher than the national average, Federal statistics show.

Dorothy R. Leavell, president of the National Newspaper Publishers Association, which represents 215 minority-oriented publications, said many small newspapers that serve blacks and other minorities would go out of business if they suddenly lost tobacco advertising.

"The impact would be devastating on our industry," Ms. Leavell said. "The tobacco industry is our largest single advertiser."

As a result, black, Hispanic and other minority lawmakers have begun a push to mark some tobacco legislation revenue for their constituents. They want money for programs specifically designed for minorities, like anti-smoking programs, medical research efforts and financial support for newspaper owners, farmers and other business owners affected by tobacco legislation.

"It is the nation's minority communities that have had a disproportionate portion of illness and death from cigarettes, and any settlement that has to be equitable has to address that," said Dr. Sullivan, who is now president of the Morehouse School of Medicine in Atlanta.

Several lawmakers, including Representative John Conyers Jr., Democrat of Michigan, said that while they had not taken a position on the proposed tobacco settlement, they would oppose it if money was not earmarked for minority concerns.

Tobacco industry executives who

DATA ON TOBACCO SHOW A STRATEGY AIMED AT BLACKS

MARKETING EFFORT CITED

Lawmakers Say Some Proceeds From Tobacco Plan Should Be Spent on Minorities

By BARRY MEIER

A steady flow of tobacco-industry documents released in recent days is providing the broadest and most detailed look yet at how the industry lavishly marketed cigarette brands like Kools to some of its heaviest-smoking customers, blacks.

The internal company records from tobacco giants, including the R.J. Reynolds Tobacco Company and the Brown & Williamson Tobacco Corporation, show how the cigarette makers ran advertising campaigns in magazines, on billboards and buses and in other media to attract blacks, especially to mentholated brands like Salem and Kool.

While the marketing of certain cigarette brands to blacks had long been evident, the documents provided new evidence of the importance of black smokers to the companies. They also led to calls from African-American and other minority lawmakers, as well as from Dr. Louis V. Sullivan, the former Secretary of Health and Human Services, that some proceeds from any tobacco legislation enacted by Congress be directed to minority communities.

One 1973 Brown & Williamson document, for example, showed that 17 percent of the company's promotional budget for Kools was spent on marketing to blacks, who made up only 10 percent of the population.

That same document, which looked at smoking trends among people ages 16 to 24, recommended spending more to promote Kools on buses and in subways even though the company was already using "virtually all known vehicles to reach blacks... and efficiently... with this additional transit effort... will cover the top 25 markets in terms of absolute Negroes," the document said.

Most of the documents at issue were made public at recent Congressional hearings on the proposed \$368.5 billion tobacco settlement, including one held yesterday before the House Judiciary Committee. Only a few weeks ago, the release of other documents provided details on R. J. Reynolds' courting of young smokers, because the company re-

Continued on Page A4

The New York Times

"All the News That's Fit to Print"

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MAR 2 1998

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 1998 WL 2395899

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Los Angeles Times
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Friday, February 6, 1998

National Desk

Tobacco Firms Targeted Blacks, Documents Show
 HENRY WEINSTEIN; ALISSA J. RUBIN
 TIMES STAFF WRITERS

WASHINGTON -- Damaging information about the tobacco industry was disclosed here Thursday as a congressman released documents detailing the industry's attempts to specifically target African Americans, in particular African American youths.

Rep. John Conyers Jr. (D-Mich.), who released the material, said: "These documents make clear that the tobacco industry was targeting blacks, including black teenagers, at the same time the industry knew that tobacco was addictive and caused lung cancer and other smoking-related disease."

For example, a 1973 R.J. Reynolds Tobacco Co. marketing profile included a study of black smokers ages 14 to 20.

A 1973 Brown & Williamson Tobacco Corp. document on blacks said that the bulk of sales increases in the company's Kool brand was among 16- to 25-year-olds. "At the present rate, smokers in the 16- to 25-year age group will soon be three times as important to Kool as a prospect in any other broad age category."

A 1978 Lorillard Tobacco Co. research study noted that the success of its Newport brand had been "fantastic during the past few years." While the study said the brand was being purchased by black people of all ages, it emphasized that "the base of our business is the high school student."

Thursday's disclosures come on the heels of the release of a cache of RJR marketing documents in mid-January that provided the broadest picture to date of industry targeting of teenagers. And in the last two weeks, attorneys representing Minnesota in its massive case against the industry have introduced in court several dozen internal industry documents providing new details about how the industry knew years ago about both the health hazards and addictiveness of its products.

Attorneys in Minnesota are also anxiously awaiting a judicial ruling on whether they can obtain 240,000 more documents that the industry is trying to keep secret, on top of the 33 million pages of company documents that the state has gathered. Much of it is still under seal but is expected to emerge during

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2/6/98 LATIMES A1

PAGE 2

the trial.

Conyers noted that lung cancer accounts for 25% of all cancer cases in African American males, compared to 14% of all cancer cases in the general population. Moreover, he said that from 1950 to 1985, the occurrence of lung cancer increased 220% among black men, compared to 86% among white men. "Now, we know that part of the blame lays squarely at the feet of the tobacco industry."

The veteran congressman released the documents as the House Judiciary Committee held a hearing on the proposed \$368.5-billion national tobacco settlement.

"Unfortunately, eight months after the settlement was announced, we still don't have a complete picture of the extent to which these marketing tactics were executed and the degree they were utilized by other members of the tobacco industry," Conyers said. "That is why I am today calling for the complete release of all incriminating industry documents. Until this information is disclosed, Congress cannot intelligently determine whether the proposed civil liability relief [the industry seeks] is appropriate or ascertain the necessary amount of funds and smoking relief programs which needed to be provided in the black community to counteract the pervasive marketing of cigarettes they have faced."

At the hearing, the Clinton administration, tipping its hand for the first time on a key aspect of the mammoth settlement now under consideration in Congress, said it could accept special legal protections for tobacco companies.

David Ogden, a counselor to Atty. Gen. Janet Reno, told the committee that limits on liability for the companies may be the price of securing the tobacco industry's agreement to scale back its marketing and advertising and finance anti-smoking programs.

"If there is agreement on a comprehensive bill . . . then reasonable provisions modifying the civil liability of the tobacco industry would not be a deal-breaker," Ogden said.

Ogden made clear, however, that the legal protections for the industry must be narrowed considerably from those that were part of the settlement reached last year between the tobacco companies and the 40 states that had sued them. He repeatedly emphasized that restricting liability is not the administration's preference, and at the end of the day, many lawmakers and experts were still confused about exactly what the administration will accept.

Special legal protection for the tobacco industry is the linchpin of the proposed settlement. The industry agreed to drastically limit marketing and advertising aimed at children, accept regulation by the Food and Drug Administration, finance programs aimed at deterring young people from smoking and partially reimburse the states for their tobacco-related health costs in exchange for limits on their liability in damage suits.

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2/6/98 LATIMES A1

PAGE 3

The settlement depends on Congress to give the companies their legal protections and limited immunity from antitrust laws so that they can agree on prices for their products. But many lawmakers are reluctant to grant such preferences to an industry that is under criminal investigation by the Justice Department.

The legal protections sought by the tobacco companies and included in the settlement are:

- * No future class-action or multi-case lawsuits against the companies.
- * A cap starting at \$2 billion and rising to \$5 billion on the annual payments by the industry in judgments and settlements of lawsuits brought by individuals.
- * No more lawsuits by states against the companies.
- * No punitive damage awards against the companies for past conduct.

In commenting on the settlement, Ogden suggested that Congress consider combining limitations on the tobacco companies' liability with provisions to make it easier for plaintiffs to recover damages from the industry. To date, individual smokers have won only one claim against the industry for tobacco's health effects. Justice Department lawyers appeared to have in mind something along the lines of the workers' compensation system.

"There have been compensation-type schemes developed under which procedures have been simplified . . . that would be one option," said Ogden.

Ogden emphasized that Congress needs to give the industry incentives to turn over all its documents. Secret documents have proved to be the most powerful weapon for plaintiffs and lawyers against the industry.

He proposed that punitive damages "be retained with respect to claims based on facts not disclosed by the tobacco manufacturers to Congress and the public."

The administration's willingness even to entertain limitations on the companies' liability opened the door to the possibility that Clinton would give members of Congress the political cover many are seeking on the highly charged issue. Some committee members heralded Ogden's testimony as a major development, while others derided the administration for refusing to lay out the specifics of its position.

When Ogden started to explain his position, Rep. Barney Frank (D-Mass.) cut him off. "Spare me that . . . I resent the administration's unwillingness to get specific," he said.

Similarly critical were anti-smoking advocates who believe it is a mistake to

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PAGE 4

give away the legal remedies that have helped bring the industry to the bargaining table. Today's testimony "surely weakens the administration's negotiating position on what are 'reasonable' limitations on civil liability law," said Alan Morrison, the director of Public Citizen's litigation unit.

The documents Conyers released were obtained during recent litigation, including a San Francisco case in which attorneys had sued RJR over its controversial Joe Camel campaign.

In addition to the ones involving African Americans, there were several dealing with general teen marketing. These included a 1972 B&W memo about attempts to lure young smokers with sweet cigarettes, including the use of artificial ingredients to generate a cola taste. "It's a well-known fact that teenagers like sweet products. Honey might be considered," noted the memo, which was marked "confidential."

Weinstein reported from Los Angeles and Rubin from Washington.

---- INDEX REFERENCES ----

KEY WORDS: TOBACCO INDUSTRY; DISCLOSURE OF INFORMATION; DOCUMENTS; BLACKS; ADVERTISING; MARKETING; SMOKING; CIGARETTES; YOUTH; CONYERS, JOHN JR; LEGISLATIVE HEARINGS; LUNG CANCER

NEWS SUBJECT: Marketing; Health; Front-Page Stories (MRK HLT PAG)

STORY ORIGIN: WASHINGTON

INDUSTRY: Tobacco; Advertising (TOB ADV)

EDITION: HOME EDITION

Word Count: 1274
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END OF DOCUMENT

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JOHNSON ■ SMITH
PENCE
DENS BORN
WRIGHT & HEATH
ATTORNEYS AT LAW

One Indiana Square
Suite 1800
Indianapolis, Indiana 46204

(317) 634-9777 (Telephone)
(317) 636-9061 (Facsimile)

cc: Tom, JRM, EK, Chris
Minority concerns FYI

Cathy - file: Tobacco -
Legislation

FACSIMILE TRANSMISSION

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PLEASE DELIVER THE ACCOMPANYING MATERIALS TO:

Name: Bruce Reed
Assistant to the President for Domestic Policy

Facsimile Number: (202)456-5542

From: Pamela F. Carter, Esq.

Date: November 18, 1997

Client/Matter No.: 05805-00001

Document Transmitted: Review and Revisions to Proposed Tobacco Settlement Resolution
dated June 20, 1997

Total Pages: 7

IF YOU EXPERIENCE DIFFICULTY WITH THIS TRANSMISSION, PLEASE CALL (317) 686-4228
AND ASK FOR ALANNA DeFABIS.

MESSAGE:

Discussion Draft - October 28, 1997

**Review and Revisions to
Proposed Tobacco Settlement
Resolution dated June 20, 1997**

I. Title I. Reformation of the Tobacco Industry

A. Restrictions on Marketing and Advertising

1. Marketing and Advertising Restrictions must include a ban on lifestyle and image advertising that are appealing to minority populations.
2. Marketing and Advertising Restrictions must be required on all military bases and in all prisons.
3. Deceptive advertising, e.g., "low tar" and discounting practices, must be banned.

B. Warnings, Labeling and Packaging

1. All warnings, labeling and packaging must be distributed in languages that will reach nonEnglish speaking populations.

C. Restrictions on Access to Tobacco Products

1. No comments at present.

D. Licensing of Retail Tobacco Product Sellers.

1. No comments at present.

E. Regulation of Tobacco Product Development and Manufacturing

1. No comments at present (see F).

F. Non-tobacco Ingredients

1. Minority population's use of mentholated tobacco products is disproportionately high. There has been limited research evaluating the combined effects of menthol and nicotine in tobacco products:

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2. The FDA's Scientific Advisory Committee must examine not only the effects of alteration of nicotine yield, but also the effects of mentholated products in tobacco products based on its prevalence in tobacco brands consumed by minorities.

G. Compliance and Corporate Culture.

No comments at present.

II. Title II. Look-Back Provisions

- A. Historically, tobacco consumption in certain minority youth populations have been significantly less than for White youth. However, there is evidence indicating a significant increase in tobacco consumption in certain minority youth populations in the last few years.
 1. The benchmark used must adequately capture data reflecting this changing trend.
 2. The methodology used to compute the reduction targets must adequately capture changes in minority youth tobacco use.
 3. The benchmark and targets must measure use of all tobacco products, including cigarettes, cigars, smokeless tobacco and other similar products that serve as nicotine delivery devices.
 4. Any surcharge collected for failure to meet the targets must ensure that a percent of those funds be used exclusively for efforts to reduce tobacco use by minority youth. The percent would be based on the percent of minority youth tobacco users relative to all youth tobacco users.

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III. Title III. Penalties and Enforcement Consent Decrees: Nonparticipating Companies.

No comments at present.

IV. Title IV. Nationwide Efforts to Minimize Involuntary Exposure to Environmental Tobacco Smoke.

A. All standards imposed must include the nation's prisons, mental health institutions and military bases.

V. Title V. Scope and Effects.

No comments at present.

VI. Title VI. Programs/Funding

See Title VII.

VII. Title VII. Public Health Funds from Tobacco Settlement

A. Allocation of Grant Monies Among Programs

To date, research on factors contributing to tobacco use in minority populations has been limited. As a result, the success of many cessation/treatment programs have not proven effective in minority communities. Therefore, any future research and cessation/treatment programs must include and be effective for minority communities.

1. Reduction in Tobacco Usage. This section must earmark a specified percent of these funds to programs targeted at the minority communities. The percent would be ___ based on the percent of minority smokers to all smokers. The Secretary could provide grants to qualified nonprofit organizations.
2. FDA/State Enforcement. This section must ensure that minority communities are not disproportionately targeted in enforcement.
3. State/Local Tobacco Control Community Based Efforts. This section must earmark a specified percent of these funds to programs targeted at the minority communities. These programs could be based on any effectively program designed to reduce tobacco use, not just ASSIST, in the minority communities. The

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percent would be ____ based on the percent of minority smokers to all smokers. These funds could be distributed directly to qualified nonprofit entities.

4. **Research/Methods for Prevention and Cessation.** This section must earmark a specified percent of these funds to programs targeted at the minority communities. The percent would be ____ based on the percent of minority smokers to all smokers.
5. **Compensation for Past Sponsorship.** This section must earmark a specified percent of these funds to programs targeted at the minority communities. The percent would be ____ based on the percent of events sponsored by tobacco companies in minority communities.

B. Establishment of Programs by Secretary

1. The Secretary must be directed to ensure that any education, prevent and cessation campaign include culturally-sensitive, minority focused programs.
2. The Secretary must be directed to ensure that any research into and development of technologies designed to reduce tobacco use include minority communities.
3. The Secretary must be directed to evaluate the effects of menthol and tar, in addition to other tobacco and non-tobacco constituents of tobacco products.

C. Public Education Campaign.

1. The Commission must be directed to include representative of minority communities, without regard to whether the individual worked with an entity affiliated with tobacco. This is important due to the number of events and other activities in minority communities sponsored, in part, with tobacco dollars.
2. The Commission must earmark a specified percent of these funds be used to support campaigns that are targeted at the minority communities. The percent would be ____ based on the percent of minority smokers to all smokers.
3. The Commission must ensure that entities knowledgeable about

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these communities be provided with funding to develop campaigns designed to discourage and deglamorize tobacco product use.

4. The Commission shall be directed to contract with private nonprofit entities, beyond state health departments, to run such campaigns. These entities must have a demonstrated knowledge of the community in which the campaign is run.

D. Tobacco Use Cessation

1. This Trust Fund must earmark a specified percent of these funds be used to support tobacco cessation/treatment in minority communities. The percent would be ___ based on the percent of minority smokers to all smokers.
2. The Secretary must use a negotiated rule-making process to develop the criteria and procedure for implementing this section.

E. Public Health Trust Fund

1. The Commission must include representatives from various organizations representing minority communities.
2. The Commission must earmark a specified percent of these funds be used to fund research of minority-specific tobacco-related health matters. The percent would be ___ based on the percent of minority smokers to all smokers and will be administered by the new independent nonprofit corporation created under Section F, of which ___ percent shall be distributed to qualified educational institutions whose historic charter is designed to serve minority communities or who currently serve minority communities and who are eligible for funds under Title VIII of the Public Health Service Act. [Ensure that this wording is sufficient to include the 4 historically African-American medical schools, 4 medical school serving Hispanic communities and the 2 medical schools serving Native Americans.]

F. New Section.

1. ___ percent of the total payments described in Title VI, shall be distributed to an independent nonprofit organization with a Board made up of individuals and leaders with expertise in minority health and health-related professions, education, financial and other

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relevant professions that shall be created under this Act. The organization shall be able to distribute funds to eligible and qualified nonprofit organizations to conduct research designed to examine factors promoting tobacco use in minority communities, to develop culturally appropriate prevention, treatment and education programs designed to reduce tobacco use in minority communities and to provide other health-related services to minority communities.

G. New Section. There shall be a clearinghouse created that will collect information regarding the use of funds distributed under this Title. The information collected shall include a description of all education, treatment, prevention and cessation programs and research funded under this Title and an evaluation of all such programs and research (including the program's effectiveness). This clearinghouse shall be maintained by the Office of Smoking and Health at the Center for Disease Control. This information shall be publicly available.

H. New Section. Definitions

1. For purposes of this Act, the term "minority" shall have the meaning used in the Disadvantaged Minority Health Act.

VIII. Title VIII. Civil Liability.

- A. The Commission must include representatives from minority communities.
- B. In the event the annual aggregate cap is not reached in any year, percent of those funds must be used to support smoking behavior programs and research targeted at minority communities.

IX. Board Approval

No comments.

BENNIE G. THOMPSON
SECOND DISTRICT, MISSISSIPPI

Tobacco - settlement - minority issues

DEMOCRATIC WHIP
REGION 7

WASHINGTON OFFICE:
1408 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2402
(202) 225-5876

(202) 225-5898; FAX
E-Mail MS2ND@hr.house.gov

Home Page: <http://www.house.gov/thompson/>

Congress of the United States House of Representatives

Washington, DC 20515-2402

October 30, 1997

COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
GENERAL FARM COMMODITIES
DEPARTMENT OPERATIONS,
NUTRITION, AND
FOREIGN AGRICULTURE
COMMITTEE ON THE BUDGET
CONGRESSIONAL BLACK CAUCUS
PROGRESSIVE CAUCUS
EDUCATION CAUCUS
SUNBELT CAUCUS

cc: Tam, Jerry, EK

File: Tobacco - Black Caucus

Callin - let's send TM
for the mtg.

Mr. Bruce Reed
Assistant to the President
for Domestic Policy
The White House
Washington, D.C. 20500

Dear Mr. Reed:

I would like to thank you for attending the meeting I held last week to discuss minority concerns raised by the proposed tobacco settlement. As you observed, the Congressional Black Caucus and many members of the Congressional Hispanic Caucus, the Congressional Asian Pacific Caucus, and the Congressional Native American Caucus are very interested in this matter.

It can not be emphasized enough that the regressive nature of the settlement demands the inclusion of specific provisions to provide cessation, education, and prevention services targeted directly at minorities. These programs are essential in order to ensure that demand for tobacco products is driven downward among youth and adults in these populations.

These initiatives should be carried out by educational institutions and experienced public health organizations that have close ties to the minority communities. In order to develop these types of culturally-effective programs, funding will also have to be included for research conducted by minority education and public health institutions.

It should be noted that the Department of Health and Human Services and a number of federal departments have recognized the importance of establishing a community-oriented solution to the minority tobacco problem for some time. However, these suggestions have been largely ignored. Among African Americans, for example, the National Cancer Institute's 1991 report entitled "Strategies to Control Tobacco Use in the United States: a blueprint for public health action in the 1990's," called for developing extensive communications channels that included, among other things, "the health care system, black-focused mass media, churches, voluntary health organizations, fraternal and mutual aid organizations, workplaces, unemployment offices, job training programs, retail establishments, families, and neighborhood and tenants' organizations." These types of comprehensive efforts were never

107 WEST MADISON STREET
BULTON, MS 39061
(601) 866-9003
(601) 866-9038; FAX
(800) 355-9003; IN ST.

509 HIGHWAY 82 West
GREENWOOD, MS 38930
(601) 455-9003
(601) 457-0118; FAX

910 COURTHOUSE LANE
GREENVILLE, MS 38701
(601) 335-9003
(601) 334-1304; FAX

QUITMAN CO. COURT HOUSE
230 CHESTNUT STREET
MARKS, MS 38848
(601) 328-9003

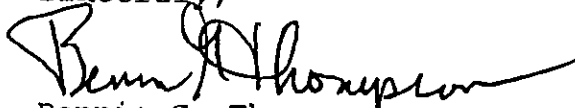
MOUND BAYOU CITY HALL
ROOM 134
106 WEST GREEN STREET
MOUND BAYOU, MS 38762
(601) 741-9003
(601) 741-9002; FAX

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Page Two

wholeheartedly undertaken by the Department of Health and Human Services and they certainly were not included in the proposed tobacco settlement.

I am pleased to see that President Clinton is interested in ensuring that minorities are properly represented in the negotiations on the proposed tobacco settlement. I hope this letter has clarified some of the minority concerns raised at this stage, and I look forward to discussing this matter with you further. Pam Carter, the first female African-American Attorney General in history, has been assisting the Congressional Black Caucus with this effort and she will be in contact with you shortly.

Sincerely,



Bennie G. Thompson
Member of Congress

BGT/tg

cc Representative Maxine Waters, Chairwoman of the
Congressional Black Caucus
Representative Xavier Becerra, Chairman of the
Congressional Hispanic Caucus
Representative Patsy Mink, Chairwoman of the
Asian Pacific Caucus
Representative Dale Kildee, Co-Chair of the
Congressional Native American Caucus