



October 6, 1998

The Honorable Trent Lott  
United States Senate  
487 Senate Russell Office Building  
Washington, DC 20510-2403

Senator Lott:

On September 30, 1998 Senator Kay Bailey Hutchison announced her intention to introduce an amendment to the Labor, HHS, Education Appropriations vehicle that would waive the federal government's claim to the federal portion of any money the states receive as the result of the lawsuits against the tobacco industry. The states brought these suits to recover Medicaid funds spent to treat tobacco-related diseases. Over 50 percent of the money the states spend on Medicaid is paid for by the federal government, but the states dispute how much the federal government should receive as part of these cases. The current legislative proposal would not require the states to spend any of these federal funds to reduce the number of Americans addicted to tobacco or to reduce the death toll from tobacco – the very purpose for which these cases were brought.

We do not object to legislation that would permit the states to retain the funds they receive in these cases, provided, however, that a significant amount of the funds recovered (no less than 30 percent of the federal portion of these funds) is earmarked to reduce tobacco use and the harms caused by tobacco.

We oppose legislation, however, that would waive the federal government's share of these funds if that legislation does not specifically set aside money to reduce tobacco use and the death and disease caused by tobacco.

Over 400,000 Americans died from tobacco-caused disease last year and over a million children started using tobacco for the first time. Funding for tobacco control programs can make a difference. It would be a national tragedy if cases that were brought to recoup billions of dollars spent because of tobacco-caused disease were settled and the federal government relinquished its share of the money without significant funds being used to reduce the death toll from tobacco.

The amount of money at stake is substantial. Four states (Mississippi, Florida, Texas, and Minnesota) have already settled their cases for billions of dollars. The remaining states are in negotiations to settle all of the remaining cases. The media has reliably reported that the tobacco industry has offered to pay approximately \$200 billion over

twenty-five years to settle these cases. Thus, the federal government's share could exceed \$100 billion over twenty-five years or approximately \$40 billion over ten years.

If the Hutchison amendment, or a similar amendment, is considered we urge you to insist that no less than 30 percent of the federal government's share of the funds from the state tobacco Medicaid cases be earmarked specifically for programs to reduce tobacco use and to oppose any legislation that fails to do so. Thank you.

Sincerely,

The ENACT Coalition



#### ENACT Coalition Members

- Alliance of Community Health Plans
- American Academy of Addiction Psychiatry
- American Academy of Child & Adolescent Psychiatry
- American Academy of Family Physicians
- American Academy of Pediatrics
- American Association for Respiratory Care
- American Association of Physicians of Indian Origin
- American Cancer Society
- American College of Cardiology
- American College of Chest Physicians
- American College of Occupational and Environmental Medicine
- American College of Preventive Medicine
- American Dental Association
- American Heart Association
- American Psychiatric Association
- American Psychological Association
- American School Health Association
- American Society of Anesthesiologists
- American Society of Clinical Oncology
- American College of Physicians-American Society of Internal Medicine
- Association of Black Cardiologists, Inc.
- Association of Schools of Public Health
- Association of Teachers of Preventive Medicine
- Campaign for Tobacco-Free Kids
- College on Problems of Drug Dependence
- Community Anti-Drug Coalitions of America (CADCA)
- Council of State & Territorial Epidemiologists
- Family Voices
- Federation of Behavioral, Psychological and Cognitive Sciences
- Hadassah
- Interreligious Coalition on Smoking OR Health
- Latino Council on Alcohol & Tobacco
- National Association of County and City Health Officials
- National Association of Local Boards of Health
- National Hispanic Medical Association
- National Mental Health Association
- Oncology Nursing Society
- Partnership for Prevention
- Society for Public Health Education
- Society for Research on Nicotine and Tobacco
- Society of Behavioral Medicine
- Society of Critical Care Medicine
- Summit Health Coalition

A number of the nation's major public health organizations have formed ENACT (Effective National Action to Control Tobacco). This growing coalition has pledged to work with the Congress, the Administration, the public health community and the American people to pass comprehensive, sustainable, effective, well-funded national tobacco control legislation.