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THE WHITE HOUSE
WASHINGTON

January 12, 1998

Carol Mallaird
167 West 83rd Street, Apt. 1B
New York, NY 10024

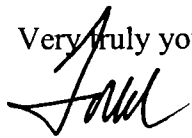
Dear Ms. Maillard:

I have enclosed reimbursement for your travel to the World AIDS Day service here in Washington. My apologies for it having taken so long.

Our sincere thanks for joining us for the event. Sweet Honey added so much of what the day should be about: warmth, happiness, reflection. It was an honor to hear you perform.

I hope that your work is going well. You and the other members of the group are truly a gift.

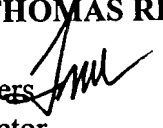
Very truly yours,



Todd A. Summers
Deputy Director
Office of National AIDS Policy

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR THOMAS REILLY

From: Todd Summers 
Deputy Director
Office of National AIDS Policy
(202) 632-1090

Date: January 8, 1998

Re: Comments on FY99 Budget Language on Needle Exchange

We appreciate the opportunity to comment on proposed language within the President's FY99 Budget concerning needle exchange restrictions.

Section 505. Needle Exchange.

Transfer of Authority

We do not support language attempting to transfer authority from the Secretary of HHS to the Surgeon General. Given the restructuring of the Surgeon General position, there is little substantive difference. Moreover, because the Surgeon General will be in the confirmation process when the budget is released, this will increase the politicization of this issue.

Restriction on Syringe Distribution

This restriction, which established a distinction between "syringe distribution" and "needle exchange," is acceptable as is. However, we would strongly oppose retention of this restriction (§505) absent the subsequent conditional approval for the use of federal funds for needle exchange projects (§506).

Section 506. Condition on Needle Exchange

We believe that the existing language as enacted for FY98 should remain as it is (except, of course for the moratorium language, which is now moot). We would vigorously oppose any changes to the determinations that must be made by the Secretary (e.g., changing the second determinant from "does not encourage the use of illegal drugs" to "decreases the use of illegal drugs").

While we would support deletion of this condition on needle exchange programs (so that the Secretary would have unrestricted discretion to allow local communities to use their federal funds for needle exchange programs), it may be incorrectly interpreted as a signal that the Administration is seeking to pull away from a delicately negotiated compromise. Therefore, we would suggest retention of the current language.

Re-Statement of Language

Therefore, the language would read as follows (which should be the same as enacted for FY98):

Sec. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

Sec. 506. Section 505 is subject to the condition that ~~after March 31, 1998~~, a program for exchanging such needles and syringes for used hypodermic needles and syringes (referred to in this section as an "exchange project") may be carried out in a community if - (1) the Secretary of Health and Human Services determines that exchange projects are effective in preventing the spread of HIV and do not encourage the use of illegal drugs; and (2) the project is operated in accordance with criteria established by such Secretary for preventing the spread of HIV and for ensuring that the project does not encourage the use of illegal drugs.

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR RICHARD TURMAN

From: Todd Summers 
Deputy Director
Office of National AIDS Policy
(202) 632-1090

Date: January 8, 1998

Re: Comments on FY99 Budget - Matching Requirements for New ADAP Funds

We appreciate the opportunity to comment on proposed language within the President's FY99 Budget concerning matching requirements for new funding for the AIDS Drug Assistance Program (under Title II of the CARE Act).

We have performed a rough analysis of several options (see attached) and recommend that the FY99 Budget require the following:

- 1) For states that will receive in excess of \$1,000,000 in new ADAP funding, that these new funds be matched by the state on a 1:1 ratio.
- 2) For states that will receive \$1,000,000 or less in new ADAP funding, that some reduced match or related contribution be required (the details of which can be worked out with Congress during the budget negotiations).

We believe that this option promotes a partnership between the states and the federal government in addressing this growing need, while remaining sensitive to the needs of smaller states where there may not be dollars available to accomplish a 1:1 matching requirement. It also minimizes the number of states that will be required to meet the 1:1 matching requirement without substantially decreasing the potential leverage amount.

In addition, we have the following concerns:

- 1) States should not be required to accomplish the match with "new" dollars, but should be provided credit for any state funds expended to support ADAP in FY98.
- 2) States should be allowed to use ADAP funding to purchase insurance coverage that would provide equivalent formulary coverage if such coverage would cost less than paying for the drugs directly.

DISTRIBUTION OF \$100 MILLION ADAP

STATE	CASES <1,500	TOTAL ADAP FUNDING		NEW ADAP FUNDING	
		< \$1 million	< \$2 million	< \$1 million	< \$2 million
Alabama				YES	YES
Alaska	YES	YES	YES	YES	YES
Arizona				YES	YES
Arkansas	YES		YES	YES	YES
California					
Colorado				YES	YES
Connecticut					YES
Delaware	YES		YES	YES	YES
DC					YES
Florida					
Georgia					
Hawaii	YES		YES	YES	YES
Idaho	YES	YES	YES	YES	YES
Illinois					
Indiana				YES	YES
Iowa	YES	YES	YES	YES	YES
Kansas	YES		YES	YES	YES
Kentucky	YES		YES	YES	YES
Louisiana					YES
Maine	YES	YES	YES	YES	YES
Maryland					
Massachusetts					YES
Michigan					YES
Minnesota	YES		YES	YES	YES
Mississippi	YES			YES	YES
Missouri					YES
Montana	YES	YES	YES	YES	YES
Nebraska	YES	YES	YES	YES	YES
Nevada	YES			YES	YES
New Hampshire	YES	YES	YES	YES	YES
New Jersey					
New Mexico	YES		YES	YES	YES
New York					
North Carolina					YES
North Dakota	YES	YES	YES	YES	YES
Ohio					YES
Oklahoma	YES		YES	YES	YES
Oregon	YES			YES	YES
Pennsylvania					
Puerto Rico					
Rhode Island	YES		YES	YES	YES
South Carolina					YES
South Dakota	YES	YES	YES	YES	YES
Tennessee					YES
Texas					
Utah	YES	YES	YES	YES	YES
Vermont	YES	YES	YES	YES	YES
Virginia					YES
Washington					YES
West Virginia	YES	YES	YES	YES	YES
Wisconsin	YES		YES	YES	YES
Wyoming	YES	YES	YES	YES	YES
TOTAL	26	13	23	30	42
Leverage Amount	\$ 93,194,813	\$ 98,812,297	\$ 95,021,173	\$ 89,734,931	\$ 71,932,363

DISTRIBUTION OF \$100 MILLION ADAP

STATE	of \$100 million				TOTAL ADAP FUNDING				NEW ADAP FUNDING			
	FY98	%	FY99 Total		< \$1 million	Match	< \$2 million	Match	< \$1 million	Match	< \$2 million	Match
Alabama	2,265,704	0.8%	793,592	3,059,296		793,592		793,592	YES		YES	
Alaska	194,562	0.1%	68,148	262,710	YES		YES		YES		YES	
Arizona	2,649,052	0.9%	927,864	3,576,916		927,864		927,864	YES		YES	
Arkansas	1,110,885	0.4%	389,102	1,499,987		389,102	YES		YES		YES	
California	43,064,688	15.1%	15,083,954	58,148,642		15,083,954		15,083,954		15,083,954		15,083,954
Colorado	2,585,789	0.9%	905,705	3,491,494		905,705		905,705	YES		YES	
Connecticut	4,836,430	1.7%	1,694,021	6,530,451		1,694,021		1,694,021		1,694,021	YES	
Delaware	1,076,994	0.4%	377,231	1,454,225		377,231	YES		YES		YES	
DC	4,664,462	1.6%	1,633,787	6,298,249		1,633,787		1,633,787		1,633,787	YES	
Florida	30,253,734	10.6%	10,596,754	40,850,488		10,596,754		10,596,754		10,596,754		10,596,754
Georgia	8,818,043	3.1%	3,088,632	11,906,675		3,088,632		3,088,632		3,088,632		3,088,632
Hawaii	857,327	0.3%	300,290	1,157,617		300,290	YES		YES		YES	
Idaho	194,562	0.1%	68,148	262,710	YES		YES		YES		YES	
Illinois	8,962,396	3.1%	3,139,193	12,101,589		3,139,193		3,139,193		3,139,193		3,139,193
Indiana	2,377,420	0.8%	832,722	3,210,142		832,722		832,722	YES		YES	
Iowa	489,543	0.2%	171,469	661,012	YES		YES		YES		YES	
Kansas	928,876	0.3%	325,351	1,254,227		325,351	YES		YES		YES	
Kentucky	1,277,832	0.4%	447,577	1,725,409		447,577	YES		YES		YES	
Louisiana	4,766,647	1.7%	1,669,579	6,436,226		1,669,579		1,669,579		1,669,579	YES	
Maine	357,743	0.1%	125,304	483,047	YES		YES		YES		YES	
Maryland	8,759,047	3.1%	3,067,967	11,827,014		3,067,967		3,067,967		3,067,967		3,067,967
Massachusetts	5,563,213	1.9%	1,948,586	7,511,799		1,948,586		1,948,586		1,948,586	YES	
Michigan	4,157,347	1.5%	1,456,164	5,613,511		1,456,164		1,456,164		1,456,164	YES	
Minnesota	1,369,209	0.5%	479,583	1,848,792		479,583	YES		YES		YES	
Mississippi	1,606,704	0.6%	562,768	2,169,472		562,768		562,768	YES		YES	
Missouri	3,326,379	1.2%	1,165,106	4,491,485		1,165,106		1,165,106		1,165,106	YES	
Montana	125,524	0.0%	43,966	169,490	YES		YES		YES		YES	
Nebraska	412,973	0.1%	144,649	557,622	YES		YES		YES		YES	
Nevada	1,728,462	0.6%	605,416	2,333,878		605,416		605,416	YES		YES	
New Hampshire	350,211	0.1%	122,666	472,877	YES		YES		YES		YES	
New Jersey	16,226,455	5.7%	5,683,522	21,909,977		5,683,522		5,683,522		5,683,522		5,683,522
New Mexico	748,122	0.3%	262,039	1,010,161		262,039	YES		YES		YES	
New York	51,291,514	18.0%	17,965,504	69,257,018		17,965,504		17,965,504		17,965,504		17,965,504
North Carolina	3,838,516	1.3%	1,344,489	5,183,005		1,344,489		1,344,489		1,344,489		
North Dakota	45,189	0.0%	15,828	61,017	YES		YES		YES		YES	
Ohio	4,305,465	1.5%	1,508,044	5,813,509		1,508,044		1,508,044		1,508,044	YES	
Oklahoma	1,281,597	0.4%	448,896	1,730,493		448,896	YES		YES		YES	
Oregon	1,879,091	0.7%	658,175	2,537,266		658,175		658,175	YES		YES	
Pennsylvania	9,074,112	3.2%	3,178,323	12,252,435		3,178,323		3,178,323		3,178,323		3,178,323
Puerto Rico	9,264,908	3.2%	3,245,152	12,510,060		3,245,152		3,245,152		3,245,152		3,245,152
Rhode Island	817,160	0.3%	286,221	1,103,381		286,221	YES		YES		YES	
South Carolina	3,618,850	1.3%	1,267,548	4,886,398		1,267,548		1,267,548		1,267,548	YES	
South Dakota	61,507	0.0%	21,544	83,051	YES		YES		YES		YES	
Tennessee	3,205,877	1.1%	1,122,899	4,328,776		1,122,899		1,122,899		1,122,899	YES	
Texas	19,651,998	6.9%	6,883,362	26,535,360		6,883,362		6,883,362		6,883,362		6,883,362
Utah	684,104	0.2%	239,616	923,720	YES		YES		YES		YES	
Vermont	154,394	0.1%	54,078	208,472	YES		YES		YES		YES	
Virginia	5,015,929	1.8%	1,756,893	6,772,822		1,756,893		1,756,893		1,756,893	YES	
Washington	3,527,217	1.2%	1,235,453	4,762,670		1,235,453		1,235,453		1,235,453	YES	
West Virginia	430,546	0.2%	150,804	581,350	YES		YES		YES		YES	
Wisconsin	1,355,656	0.5%	474,836	1,830,492		474,836	YES		YES		YES	
Wyoming	69,038	0.0%	24,181	93,219	YES		YES		YES		YES	
TOTAL	285,679,003	100%	100,062,698	385,741,701	13	98,812,297	23	95,021,173	30	89,734,931	42	71,932,363
Leverage Amount					\$	98,812,297	\$	95,021,173	\$	89,734,931	\$	71,932,363