FAX COVER SHEET

FEDERAL COMMUNICATIONS COMMISSION
MASS MEDIA BUREAU
445 12TH STREET, SW
WASHINGTON, DC 20554
FAX NUMBER: 202-418-2828

SEND TO Company name	From
Anna Richter	Susanna Zwerling
Attention	**Date**
Office location	**Office location**
456-5565	
Fax number	**Phone number**
456-7028	418-2613

☐ **Urgent** ☐ **Reply ASAP** ☐ **Please comment** ☐ **Please review** ☐ **For your information**

Total pages, including cover: 4

COMMENTS

As discussed.

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

September 12, 2000

The Honorable John McCain
Chairman
Commerce Committee
United States Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Joseph I. Lieberman
Ranking Member
Governmental Affairs Committee
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Robert C. Byrd
Ranking Member
Appropriations Committee
United States Senate
311 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Sam Brownback
Member
Commerce Committee
United States Senate
303 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators:

Thank you for your letter regarding the impact of television programming on America's children and for your participation in the Commission's proceeding on the public interest obligations of broadcasters.

As you are aware, in December 1999, the Commission issued a *Notice of Inquiry* (NOI) seeking comment on the public interest obligations of television licensees. Your letter and attached materials have been entered into the record of that proceeding.

Since the Commission initiated its proceeding on the public interest obligations of television licensees, I have received comments and e-mails from the public about the effect of the increasing amount of sexually explicit and violent programming on America's children and the need for new tools for parents to protect their children from such programming. Yesterday's Federal Trade Commission report puts a needed spotlight on the marketing of violence to children and the effect of exposure to media violence. In addition, as documented in the exhibits you submitted with your letter, recent studies indicate that television may influence children's sexual attitudes as well.

On Thursday, this Commission will consider a proceeding to extend to the digital era broadcasters' affirmative obligation to provide three hours each week of educational programming for children. The proceeding will also consider important questions about broadcasters' advertising practices during children's programming, and their promotion of programming that may not be appropriate for children during times when children are likely to be watching television. We believe that the obligation of broadcasters is not only to protect children from objectionable programming but also to offer positive and educational programming.

In addition, the Commission will hold hearings in October to further supplement our record. The hearings will address broadcasters' obligations to children, including the effect of sexually explicit and violent programming on America's children, as well as their broader public interest obligations.

As we look at the public interest obligations of television licensees in this proceeding, we will continue to encourage the public to comment to us on these issues. Once the record has been fully developed, we will examine the steps the Commission may take to protect children and to ensure that television licensees continue to serve their communities in the digital television era. We will then issue a Report based upon the record, including the Commission's findings and recommendations going forward in this area.

You further suggested in your letter that the broadcast industry develop a voluntary code of conduct setting standards for broadcast programming. I take this recommendation very seriously, and join you, even during the pendency of this proceeding, in urging broadcasters to develop and enforce a voluntary code to help ensure that the programming carried when children are likely to be watching is programming that parents would find appropriate for their children.

In addition, you specifically asked about broadcast programming standards, including the Commission's approach to enforcing the prohibition against broadcasting indecent material and the development of an industry standard for self-regulation of program content, especially sexually explicit and violent programming. As you know, the Commission's authority to enforce the prohibition on the broadcast of indecent programming stems from 18 U.S.C. § 1464, which specifies that anyone who utters obscene, indecent or profane language over radio frequencies is subject to fine or imprisonment. Under section 503(b)(1)(D) of the Communications Act of 1934, as amended, the Commission has authority to issue civil fines for broadcast indecency.

Let me assure you that the Commission takes its indecency enforcement responsibilities very seriously, as reflected in recent indecency actions. This year we have imposed forfeitures of as much as $35,000 on stations airing indecent material. In so doing, however, we are mindful of the First Amendment to the Constitution, and Section 326 of the Communications

Act, which prohibit the Commission from censoring broadcast material and from making any regulation that would interfere with freedom of expression by broadcasters. We articulate the standard we are applying in each case and through our case law provide broadcasters with guidance on the meaning of the standard.

Finally, as Chairman of the Commission, as well as a parent, I very much appreciate and share your concerns about the effect of television on our children. I want to assure you that I will work with my fellow Commissioners to see what we can do to strengthen our efforts to encourage quality television. I look forward to continuing our mutual dialogue on these important matters.

Sincerely,

William Kennard

William E. Kennard
Chairman

Jose Cerda
09/11/2000 08:55:50 PM

Record Type: Record

To: Anna Richter/OPD/EOP@EOP

cc: Karin Kullman/OPD/EOP@EOP
Subject:

-- D R A F T --
Firsestone/Bridgestone Tire Recall
September 12, 2000

Q: When did the Administration learn about Firestone's defective tires? And why didn't the National Highway Traffic Safety Administration (NHTSA), which monitors consumers' complaints in this area, spot this problem sooner?

As DOT officials have already testified before Congress, NHTSA commenced its investigation of Firestone's ATX, ATX II and Wilderness AT tires on May 2, 2000, after following up on local news reports in Houston that dramatized the failure of these tires. From that point on, NHTSA acted as quickly as possible – and at every possible juncture -- to ensure the public's safety. Consider the following:

- On August 4, 2000, only 4 months into its investigation, NHTSA met with Firestone officials and – armed with new evidence -- recommended that they move quickly to recall 14.4 million of the 47 million tires being investigated. Within a few short days (August 9, 2000), Firestone did just that.

- Less than a month later, NHTSA again approached Firestone officials and suggested that they recall additional tires, which were failing at rates similar to those already recalled. This time, however, Firestone declined to do so, and NHTSA took matters into its own hands. On the very next day (September 1, 2000), NHTSA issued a consumer advisory to owners of these tires, so that they could take every appropriate action to ensure their safety.

- Finally, NHTSA's investigation is still ongoing, and could ultimately lead to an order directing Firestone to recall even more tires.

Could NHTSA have learned about this problem sooner? Possibly. But until early this year, and during the 9-years that Firestone manufactured the 47 million tires now under investigation, NHTSA received only 46 related complaints from consumers. To be able to detect such problems even sooner, we need to close the loopholes existing loopholes, and require automobile manufacturers and their suppliers to share even more information about the safety of their products. In his testimony before Congress today, Secretary Slater will outline the new legislative authorities being called for by the Administration.

opportunity

U.S. Department of Transportation
Office of Public Affairs
Washington, D.C. 20590
www.dot.gov/briefing.htm

53511

Fax Cover Sheet

Date:

Total pages ______

To: ANNA RICHTER

Organization: OPC COMMUNICATIONS

Subject: FIRESTONE

From: Ben Langer 202-366-5574
Fax: (202) 366-5583
e-mail: ben.langer@ost.dot.gov

ANNA —

— YOUR Q+As ARE CORRECT.

— YOU MAY WISH TO CONSIDER THE COMMENTS NOTED ON THE FOLLOWING.

Thank you
Ben

Jose Cerda
09/11/2000 08:55:50 PM

Record Type: Record

To: Anna Richter/OPD/EOP@EOP
cc: Karin Kullman/OPD/EOP@EOP
Subject:

-DRAFT-
Firsestone/Bridgestone Tire Recall
September 12, 2000

Q: When did the Administration learn about Firestone's defective tires? And why didn't the National Highway Traffic Safety Administration (NHTSA), which monitors consumers' complaints in this area, spot this problem sooner?

PROVIDED ADDITIONAL INFORMATION ABOUT formal

As DOT officials have already testified before Congress, NHTSA commenced its investigation of Firestone's ATX, ATX II and Wilderness AT tires on May 2, 2000, after ~~following up on~~ local news reports in Houston that dramatized the failure of these tires. From that point on, NHTSA acted as quickly as possible – and at every possible juncture – to ensure the public's safety. Consider the following:

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- Finally, NHTSA's investigation is still ongoing, and could ultimately lead to an order directing Firestone to recall even more tires. NHTSA WILL TAKE THE NECESSARY ACTION TO PROTECT CONSUMERS.

Please see below

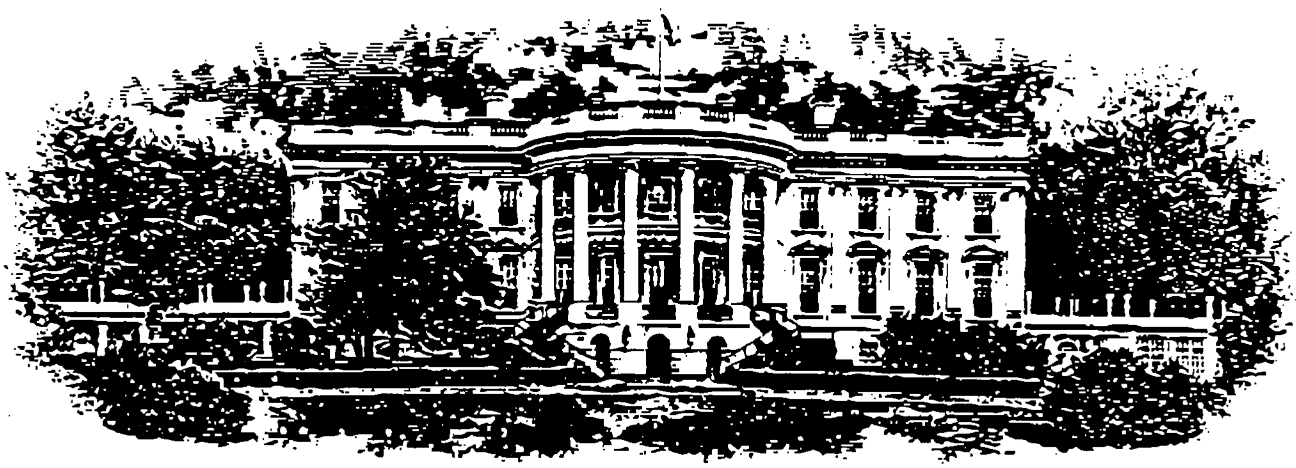
Could NHTSA have learned about this problem sooner? Possibly. But until early this year, and during the 9-years that Firestone manufactured the 47 million tires now under

investigation, NHTSA received only 46 related complaints from consumers. To be able to detect such problems even sooner, we need to close ~~the loopholes~~ existing loopholes, and require automobile manufacturers and their suppliers to share even more information about the safety of their products. In his testimony before Congress today, Secretary Slater will outline the new legislative authorities being called for by the Administration.

Can NHTSA order a recall?

Yes. The investigation could ultimately lead to an order directing Firestone to recall even more tires.

THE WHITE HOUSE
Office of the Press Secretary



FACSIMILE TRANSMISSION

To: Anna

Fax number: 67028

From: Jenni

Number of pages (including cover):

Comments: Firestone info.

Note: This facsimile is for official government business, and is intended for the person to whom it is addressed. If there are any difficulties with this transmission, please call (202) 456-2580.

U.S. DEPARTMENT OF TRANSPORTATION
TALKING POINTS
September 8, 2000
Firestone Tires

DRAFT

- **The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) opened an investigation into the Bridgestone/Firestone matter promptly when data supported an inquiry.**

  - The Department actively promotes its Auto Safety Hotline -- calls to an 800 number -- so as to enable consumers free of charge to register complaints about possible safety defects. There were only 46 complaints about these tires between 1990 and early 2000. On May 2, after the number of complaints had doubled between January and April, NHTSA opened an investigation. (The Hotline number is 1-888-327-4236.)

  - Other information provided at an earlier date, such as data on 21 State Farm insurance claims over eight years, was limited and also showed no trend in a population of 40 million tires.

- **This initiative -- the investigation -- resulted quickly in a recall by Bridgestone/Firestone and Ford.**

  - At NHTSA's request and only four months after opening this investigation, Ford Motor Company and Bridgestone/Firestone announced a recall of more than 14 million tires produced between 1991 and this year.

  - NHTSA felt it was critical to not limit the recall to the southwestern United States but to expand it to the entire country, and convinced the manufacturer to move immediately.

- **We are continuing this investigation by reviewing information about the remaining tires in the group under inquiry and will be getting information from other tire manufacturers.**

  - NHTSA moved quickly to issue a consumer advisory last week, warning owners about the increased failure rate we found in this group of tires. We felt there was increased risk and the owners ought to know it even when Bridgestone/Firestone refused to expand this recall at our request.

- **The continuing investigation could result in an order directing Firestone to recall additional tires. NHTSA has over the past several weeks received thousands of pages of documents from Ford and Firestone and is reviewing these documents.**

- **NHTSA is carefully monitoring the Firestone recall to make sure that consumers receive replacement tires in a timely manner.**

- **We are committed to developing new ways of obtaining and discovering safety defect information from all possible sources so that we can identify potential motor vehicle, vehicle equipment and tire safety defects as early as humanly possible.**

- **We are working closely with Congress and will continue to do so as we develop possible future legislative initiatives. These include the following:**
  - Authority to require manufacturers to provide information to NHTSA about foreign recalls and customer satisfaction campaigns.
  - Authority to cooperate internationally by exchanging with other countries information about motor vehicle safety defects, enforcement of safety standards, safety research, etc.
  - Authority to tighten reporting requirements for manufacturers by fixing loopholes -- in effect, require manufacturers to provide NHTSA all communications available to dealers and require original equipment manufacturers to report to NHTSA on safety defects.
  - Continue to seek the introduction of previously submitted bills, i.e., amendment to increase the civil penalty for violations, remove the ceiling on civil penalties (a change from the $4 million limit originally sought), extend the period during which vehicles and tires are subject to recall, and require manufacturers to test their products before certifying compliance with standards.
- **The President's Budget for Fiscal Year 2001 includes an additional $1 million for NHTSA's Safety Defect Investigation Program, and the U.S. Department of Transportation is evaluating whether additional resources beyond this are necessary.**
- **Safety is and remains our highest transportation priority.**

BACKGROUND

On May 2, 2000 the National Highway Traffic Safety Administration (NHTSA) opened an investigation into an alleged defect in 47 million Firestone tires covering numerous sizes and models produced over 10 years. That investigation is continuing.

On August 9, 2000 Firestone announced a recall of an estimated 14.4 million ATX, ATXII and Wilderness tires that were covered under the NHTSA investigation. The tires were predominantly installed as original equipment on Ford Explorer sport utility vehicles.

On September 1, 2000 the National Highway Traffic Safety Administration issued a consumer advisory affecting an additional 1.4 million tires not included in Firestone's Aug. 9 recall. The tires affected by the Sept. 1 advisory were found to have tread separation rates that, in many cases, exceeded the rates for the tires already recalled, based on NHTSA's analysis of documents provided by Firestone.

As a result of the defect investigation and attendant publicity, NHTSA has received reports of over 1,400 incidents of tire failure resulting in at least 88 fatalities and over 250 injuries. In most instances, the tread separated from the tire. These numbers continue to grow on a daily basis.

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THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

March 24, 2000

The Honorable Tom Bliley
Chairman, Committee on Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am enclosing a proposed bill, which I have transmitted to the Speaker of the House and which I anticipate he will refer to your committee

> To amend title 49, United States Code, to require manufacturers of motor vehicles and items of motor vehicle equipment to test or perform other engineering analyses that demonstrate compliance of their products with all applicable federal motor vehicle safety standards, and for other purposes.

The bill includes two titles. Title I, "Motor Vehicle Safety," contains five sections that would amend chapter 301 of title 49, United States Code, the motor vehicle safety statute administered by the Department's National Highway Traffic Safety Administration (NHTSA). Title II, "Odometers," contains two sections that would amend chapter 327 of title 49, United States Code, the odometer requirements statute administered by NHTSA.

Title I ("Motor Vehicle Safety") consists of five sections. The first section would require manufacturers of motor vehicles or items of motor vehicle equipment to test their products for compliance with all applicable federal motor vehicle safety standards or to perform engineering analyses that demonstrate compliance, before they certify that their products comply with these standards. The agency would employ existing authority to require the manufacturers to have and maintain records of this testing or other engineering analyses.

The second section would: (1) extend to ten years the current eight-year limit on the obligation of manufacturers of motor vehicles or items of motor vehicle equipment to remedy, without charge, safety-related defects and noncompliances with federal motor vehicle safety standards; and (2) increase from three years to five years the limit on the obligation of tire manufacturers to provide such a remedy. Congress established both limits in 1974.

The third section would prohibit dealers of used motor vehicles from selling or leasing used vehicles for purposes other than resale until the dealer informs the purchaser or lessee of any notifications by a manufacturer of a defect or noncompliance with respect to the vehicle that have not been remedied, and requires the dealer either to offer to have the defects or noncompliances remedied or give the purchaser or lessee a written description of the defects or noncompliances.

The fourth section would prohibit an owner or lessor of a school bus or of a motor vehicle used to transport passengers for compensation, who receives notice of a safety-related defect or noncompliance regarding the vehicle, from operating the vehicle until the defect or noncompliance is remedied.

The fifth section would increase the safety statute's maximum civil penalty from $1,000 (set by statute in 1966) to $5,000 for each violation of certain provisions, and increase the maximum penalty from $800,000 (set by statute in 1974) to $4,000,000 for any related series of violations. These increases would make the civil penalty limits for violations of the safety statute comparable to the civil penalty limits provided for other federal regulatory agencies. The section would also establish the current prohibition for violations of reporting and other informational requirements as a separate provision, and set a new penalty structure for violations. The maximum penalty under this separate provision would be $5,000 per violation per day, and the maximum penalty for a related series of violations would be $500,000.

Title II ("Odometers") would increase the maximum civil penalty under the odometer fraud statute from $2,000 (set by statute in 1986) to $5,000 for each violation and increase the maximum penalty from $100,000 (set by statute in 1976) to $1,000,000 for any related series of violations. These increases would make the civil penalty limits for violations of the odometer requirements statute comparable to the civil penalty limits provided for other federal regulatory agencies. Title II also would increase the limit on damages that the victims of odometer fraud can recover from violators of the statute, from the current three times actual damages or $1,500, whichever is greater, and reasonable attorney fees (set by statute in 1972), to three times actual damages or $10,000, whichever is greater, and reasonable attorney fees.

This proposed legislation could affect receipts; therefore, it is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act. The Office of Management and Budget estimates that the net effect of this proposal on receipts during fiscal year 2001 would be an increase of less than one million dollars.

The Office of Management and Budget advises that it has no objection, from the standpoint of the Administration's program, to the submission of this proposed legislation to Congress.

Sincerely,

Rodney E. Slater

2 Enclosures

11/10

DRAFT

to be released next week - TBD

The Honorable John McCain
Chairman, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your recent letter regarding the recall of Firestone ATX, ATX II, and Wilderness AT tires by Bridgestone/Firestone, Inc. (Firestone). After becoming aware of a significant number of complaints about these tires, the National Highway Traffic Safety Administration (NHTSA) opened a defect investigation on May 2, 2000. It was largely as a result of this investigation that, on August 9, 2000, Firestone announced that it would recall 14.4 million of these tires to remedy a safety-related defect. In your letter, you expressed concern about Firestone's original plan to conduct this recall in phases and about the adequacy of NHTSA's data collection systems with respect to the identification of safety-related defects.

Firestone has estimated that, as of August 9, approximately 6.5 million of the 14.4 million defective tires were still on the road. When Firestone originally announced the recall, it stated that in view of its limited inventory of Firestone replacement tires and limited production capacity, it would focus its tire replacement efforts in the four states in which most of the reported incidents had occurred (Texas, Florida, California, and Arizona). However, as you undoubtedly know, Firestone has changed this plan and has announced that the recall will be conducted on a nationwide basis, with owners in all areas of the country eligible to obtain replacements on an equal footing. Moreover, in an effort to deal with the shortage of Firestone replacement tires, the company has advised the public that it will provide a reimbursement of up to $100 per tire to all individuals who elect to have their defective Firestone tires replaced with a competitor's tires. Firestone has also announced that it will airlift additional replacement tires from Japan.

On August 30, 2000, NHTSA staff met with Firestone representatives in Washington and recommended that Firestone expand the recall to include additional tire lines and sizes. On August 31, Firestone advised NHTSA that it would not voluntarily do so at that time. After Firestone chose not to expand the recall, NHTSA issued a consumer advisory on September 1 to alert consumers that 1.4 million additional tires had tread separation rates as high or higher than the tires that were recalled. We are continuing our investigation. Our highest priority is to determine the complete population of tires that should be recalled and get them replaced.

With respect to data gathering, NHTSA's Office of Defects Investigation (ODI) obtains information about possible safety defects from a wide variety of sources. The vast majority of

ODI's investigations are opened on the basis of complaints received from consumers. Last year, ODI received approximately 50,000 consumer complaints, mostly through NHTSA's toll-free hotline, 1-888-DASH-2-DOT (1-888-327-4236), and its Internet Website, www.nhtsa.dot.gov. ODI also receives information from fleet operators, attorneys, repair facilities, and auto clubs. ODI enters these data into its consumer complaint database (with summaries available to the public over the Internet) and reviews it on a regular basis to identify trends that might warrant the opening of a formal defect investigation. ODI opens between 80-100 investigations per year, of which approximately two-thirds lead to recalls.

In addition to these sources, ODI requires manufacturers of motor vehicles and motor vehicle equipment (including child safety seats and tires) to provide, on a monthly basis, copies of communications about defects (safety or otherwise) sent to more than one manufacturer, dealer, distributor, lessor, lessee, or purchaser. These submissions are required by 49 U.S.C. 30166(f) and 49 CFR 573.8. ODI reviews these communications to see if the problems that they refer to should be remedied through a safety recall.

Although its existing data sources provide an extensive amount of relevant and useful information, NHTSA has recently been considering possible approaches for an earlier warning about safety defects. The following is a list of those legislative items which we would like the Committee to consider:

- **Obtain safety information from foreign entities.** We will seek express authority to require foreign subsidiaries of U.S. corporations and foreign corporations with U.S. subsidiaries to keep records, and provide reports relevant to determining whether obligations under U.S. vehicle safety laws are being met. This authority would be used to obtain, for example, information about foreign recalls and consumer satisfaction campaigns involving vehicles and equipment similar to vehicles and equipment sold in the U.S.

- **International cooperative programs relating to motor vehicle and traffic safety.** We will seek express authority to cooperate internationally to enhance motor vehicle and traffic safety through gathering and exchanging information related to safety defects, motor vehicle safety standards enforcement activity, and other matters related to motor vehicle safety, and through conducting vehicle safety research, developing and promoting updated and improved motor vehicle safety standards and traffic safety programs, and participating in demonstration projects, training, and other forms of technology transfer and exchange.

- **Tighten reporting requirements to fix loopholes.** We will seek legislation that would require manufacturers to provide NHTSA with all communications made available for access by dealers, not merely those sent directly to dealers and distributors; require manufacturers of original equipment incorporated into vehicles to report on safety defects and noncompliances; require manufacturers to report safety defects to NHTSA in cases in which the vehicles have not yet been sold to the first purchaser, but are, nonetheless, being used on the public highways; and require manufacturers to report when they have a reasonable basis to conclude that a defect may exist.

366-6337

APWires: TireDeaths (APE-f0031)
transmitted by APE - Friday September 08, 2000 at 07:22 Eastern Standard Time/EDT

Attn: Mary Trupo

^BC-Tire Deaths, 1st Ld-Writethru, f0023,0883
^Recall may prompt Congress to give safety agency more power
^Eds: CORRECTS typo in ``overseas'' in 2nd graf. Also moving on general news wires.
^With BC-Tire Deaths-Timeline
^AP Photos WX102-103
^By NEDRA PICKLER= ^Associated Press Writer=

WASHINGTON (AP) National Highway Traffic Safety Administration officials got the cold shoulder last year when they asked Congress to give them more authority. Now after the recall of 6.5 million Firestone tires that may be linked to scores of fatal accidents, lawmakers are virtually tripping over each other trying to help the agency that oversees vehicle safety.

Two bills already have been introduced that would force companies to alert authorities to product safety concerns. Other lawmakers said they were considering legislation aimed at preventing cases like the Firestone tire problem, which NHTSA said may be responsible for 88 deaths in the United States and even more overseas.

Although there were lawsuits, insurance claims and reports of problems with certain Firestone tires around the world during the past decade, officials from NHTSA, Bridgestone/Firestone Inc. and Ford Motor Co. have said they did not realize they were dealing with a serious problem until this year.

``It's inexcusable that company executives made a conscious decision not to alert U.S. regulators and the American public to this deadly problem,'' said Sen. Frank Lautenberg, D-N.J. ``We must give NHTSA the money and the power to better track products with dangerous flaws and harshly punish those who knowingly leave regulators in the dark about defects.''

The Clinton administration wants Congress to allow NHTSA to collect greater fines from companies that withhold information. The current limit is $925,000; the administration wants it increased to at least $4 million.

The administration made a request for that legislation in the fall, but no lawmakers introduced the bill.

Meanwhile, The New York Times reported Friday that an analysis of data from the Department of Transportation's Fatality Analysis Reporting System showed that from 1995 through 1998, the most recent year available, fatal crashes involving Ford Explorers were 2.8 times as likely to list tires as a contributing factor as those involving other sport utility vehicles.

Attorney General Janet Reno said Thursday she was looking into whether any criminal or civil charges were warranted in the case at the request of Sen. Patrick Leahy, D-Vt.

The action came a day after a pair of congressional hearings during which lawmakers pilloried Bridgestone/Firestone and Ford for failing to do more to alert Americans to problems with certain Firestone tires that can suddenly lose their tread or suffer blowouts.

Bridgestone/Firestone officials admitted that the company collected information from 1997 to 1999 that showed the now recalled tires were the source of most property damage and injury claims, but only used the information to determine profit loss, not safety problems.

A senior Justice official, speaking on a condition on anonymity, said criminal action was considered unlikely and that a civil case would be pursued only if NHTSA referred a case to the department. It has not done so.

Leahy introduced a bill that would require U.S. tire and automakers to notify federal regulators within two days of an overseas recall.

``Timely notice about recalls should not be optional when consumer safety is at stake,'' Leahy said.

Sen. Arlen Specter, R-Pa., introduced legislation to establish criminal penalties for executives who intentionally withhold information on defective products that kill or injure consumers.

Bridgestone/Firestone recalled 6.5 million ATX, ATX II and Wilderness AT tires last month, many of which are original equipment on light trucks and sport utility vehicles made by Ford. NHTSA has warned that an additional 1.4 million Firestone tires also are dangerous and should be replaced. Bridgestone/Firestone disputes that claim.

Ford has come under fire for beginning a Firestone tire recall in 16 foreign countries more than a year before the U.S. recall started. No law required Ford to notify U.S. authorities, and the company did not, believing the problems were related to driving conditions unique to those countries.

The company announced Thursday it was recalling Firestone tires on nearly 8,000 Explorers and 450 F-150 pickup trucks sold in Colombia.

In his congressional testimony Wednesday, Ford CEO Jacques Nasser promised Ford would henceforth notify U.S. officials when it makes any safety changes overseas.

``Our investigation is ongoing and I suspect it will lead to legislation as well as recommendations for major changes at NHTSA,'' said Ken Johnson, spokesman for Rep. Billy Tauzin, R-La., who chaired Wednesday's House hearing.

NHTSA can open an investigation that could lead to a recall whenever it receives complaints about an automobile-related problem, but often relies on the manufacturers to report defects.

-(More)-

Jenni R. Engebretsen
09/13/2000 07:27:38 AM

Record Type: Record

To: Anna Richter/OPD/EOP@EOP
cc:
Subject: can we add a point to our ftc guidance to include role this FCC initiative will play? thanks.

FCC to Weigh In On Sex, Violence on Television
By Jube Shiver Jr.
Los Angeles Times

WASHINGTON A second federal agency on Tuesday trained regulatory scrutiny on the beleaguered entertainment industry announcing a new examination focusing on the amount of sex and violence aired by the nation's television stations.

The Federal Communications Commission, which oversees the powerful broadcasting industry, said it will examine whether stations are promoting inappropriate programming when children are likely to be watching TV.

``We believe that broadcasters' obligation is not only to protect children from objectionable programming but also to offer positive and educational programming for children,'' wrote FCC Chairman William Kennard in a letter to Capitol Hill lawmakers.

Kennard added: ``As a parent, I ... share your concerns about the effect of television on our children.''

The FCC's initiative came the day after the Federal Trade Commission released an exhaustive study that found the entertainment industry systematically marketed violent, adult-oriented films, music and video games to consumers under 17 years old.

At least four entertainment industry executives including Artemis Records President Danny Goldberg and Peter Moore, president of video game giant Sega of America are expected to face tough questioning about the FTC's findings during a daylong hearing Wednesday being held by the Senate Commerce Committee.

But the timing of the hearing, Kennard's letter and the FTC report has fueled outrage among some Hollywood executives and sparked suggestions by some groups that Washington lawmakers may be trying to reap political gains from regulatory scrutiny of Hollywood.

President Clinton initially gave the FTC until December to complete its report on the entertainment industry. And the FCC was approached about the issue back in May by a group of senators that included Joseph I. Lieberman of Connecticut, now the Democratic vice presidential candidate. But the lawmakers who initiated the inquiries deny any politics are being played.

``We actually pushed the FTC to release their report (earlier). We are disappointed that it took this long,'' said Dan Gerstein, a spokesman for Lieberman. ``The timing is purely coincidental.''

A spokeswoman for the FCC said she didn't know why the agency chose to announce an October hearing the day after the FTC report was released.

David Horowitz, head of a First Amendment watchdog group, questioned the timing of the government's initiatives. ``I don't know what the motivation ... is, but the FCC's letter coming out on the heels of the FTC's report seems awfully curious,'' said Horowitz, executive director of the Media Coalition Inc. of New York. ``It is a concern when we start hearing that about new regulation and legislation'' that could run afoul of the First Amendment.

In his letter, Kennard said the FCC would hold hearings in October to solicit public comment on broadcasters' programming obligations to children. The announcement comes four months after Lieberman and Sens. John McCain, R-Ariz., Robert C. Byrd, D-W.Va., and Sam Brownback, R-Kan., wrote a lengthy letter to the FCC complaining about sexual vulgarity and violence on the airwaves.

The senators sought assurances from the FCC that the agency would consider examining TV programming when station owners come before the FCC to renew their broadcast licenses. They also wanted the FCC to create an industry code of conduct.

Kennard endorsed the senators' call for broadcasters to revive a voluntary industry programming code to ensure the appropriateness of programming during times children are likely to be watching. Legal experts, however, said a revival of the code could face a court challenge because the Justice Department ruled in 1982 that a previous broadcast industry code violated antitrust laws.

FCC to Examine TV Sex, Violence

Hearings to Focus on Harm to Children

By CHRISTOPHER STERN
Washington Post Staff Writer

Just one day after a federal report charged that the movie, music and video-game industries are aggressively marketing violent images to children, the Federal Communications Commission announced yesterday that it will examine the effects of "sexually explicit and violent" television programming on children.

In a letter to members of Congress who had expressed concern about the amount of sex and violence on television, the FCC said it will hold hearings on the issue next month. The agency also said it will look into broadcasters' advertising practices, including "the promotion of programming that may not be appropriate for children" at times when children are most likely to be watching television.

The FCC's announcement comes as the portrayal and marketing of violence in the media has become a hot campaign issue. Vice President Gore said yesterday that he would favor additional regulations if the entertainment industry did not come up with a plan to reform its marketing practices within six months. Today, Gore running mate Sen. Joseph I. Lieberman (D-Conn.) will testify at a Senate Commerce Committee hearing on the Federal Trade Commission report released Monday. Lieberman, a longtime critic of the entertainment industry, is expected to use his testimony to call on the industry to tone down the levels of sexual and violent imagery in all forms of media.

Also testifying will be Lynne V. Cheney, the former chairman of the National Endowment for the Humanities and wife of Republican vice presidential nominee Richard B. Cheney. In an interview with The Washington Post, Cheney said yesterday that she plans to single out Universal Music Group's Interscope Records for criticism. Among Interscope's stars is the rapper Eminem, whose lyrics Cheney said promoted violence against women. Homosexual groups have also criticized Eminem for anti-gay lyrics.

Entertainment industry executives are expecting to face vigorous questioning at the hearing today. The 15-month FTC investigation found "pervasive and aggressive marketing of violent movies, music and electronic games to children."

Walt Disney Co. was the first to react to the FTC report, saying yesterday that it will modify its marketing practices.

The Burbank, Calif.-based studio said it will not allow theaters to show previews for R-rated movies to audiences attending Disney-branded movies. The policy will not apply to the other film companies owned by Disney such as Hollywood Pictures, Touchstone and Miramax Films.

In addition, Disney said its ABC Television Network will not accept advertisements for R-rated movies in prime-time entertainment programming before 9 p.m. But R-rated movies could be advertised in non-prime-time entertainment programming such as sports, a Disney spokesman said.

When it comes to R-rated movies, Disney said it will not conduct market research that targets children under 17. Among the FTC's findings was that movie studios regularly used children under 17 in market research for R-rated movies.

Despite invitations from the Commerce Committee, no movie industry executives were planning to attend today's hearing. Executives at every major movie studio declined invitations. The one executive who did accept, Universal Pictures chief executive Stacey Snider, backed out after learning that she would be the lone representative.

But the studios will be represented by lobbyist Jack Valenti, president of the Motion Picture Association of America. According to a draft copy of his testimony, Valenti will attack the FTC's report and say it overestimated the number of children watching certain television shows. "[W]ith only one exception, not any of the cited TV programs, from which flows the FTC's charges, can by any stretch be labeled for 'for under-17s.' "

The FTC said in its report that the movie studios regularly advertised violent R-rated movies during times when children are most likely to watch TV, including after school, and on shows with predominantly teen audiences.

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Fax 664231

The Washington Post
1150 15th STREET, N. W.
WASHINGTON, D. C. 20071-7301
(202) 334-6000

June 29, 2000

Yes! ... A copy for you. Thanks 7/9 [illegible]

Joe Lockhart
White House Press Secretary

Dear Joe,

We've dicussed before the piece I am writing for the Washington Post Sunday Magazine on Clinton's final year in office. I thought it would help if I put in writing for you what the article is about, as you discuss with the President and colleagues what I hope will be a decision to help out with this project.

My aim in this story is to describe for readers broadly how President Clinton is devoting his last year in the White House, what his goals are, and what is he thinking about. More concretely, I am interested in providing as much detail as possible about several themes that have already emerged in my reporting:

*How have the President and his aides organized this year, knowing that time is short to accomplish goals? The China trade vote showed that an eighth-year president can be effective. The president at his news conference yesterday mentioned the Middle East peace process as something where opportunities exist now that may not in the future. How is he organizing his priorities?; to what extent does this reflect lesssons learned over the course of his term?

*What is the president doing politically in this election year? Of course everyone knows that the first lady's race in New York and the Vice President's campaign are critical priorities for him. But what does that mean in practical terms? What are his contributions? How has the longstanding political partnership between the president and first lady taken on new dimensions now that she is the candidate?

*What kind of planning is the president doing for the post-presidency? I know he has been devoting considerable time and thought to the library and the Clinton Center. I hope to take a trip to Arkansas soon to learn more about these developing projects. What more can we learn about his goals for these?

*Lastly, what is the president thinking about during the last of what has by any measure been an astonishing eight years? Sosnik's frequent jabs on this subject not withstanding, I am no more eager than you to plunge into psychobabble or spurious analysis of the "president's mood." This piece won't do that. But I do find many people curious, and I am curious myself, for some sense of what the president thinks about all he has gone through. What lessons has he learned about Washington, and about personal and political adversity? How are those lessons being put to use in his final year?

My reporting is well along on this piece, though I have much more to do. Obviously, a story of this kind would benefit most of all from a conversation with the President. The Post has not had an interview with the president for more than three years, and never during the second term. It would be great from our vantage point if this article—one that my editors and I hope will be an important contribution to readers' understanding of Clinton's presidency in the eighth year—could be the occasion to sit down with him.

Thanks, Joe, for considering this, and I will keep you up to speed as my reporting on this continues, and my thinking sharpens about the final shape of the article.

Sincerely,

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John

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THE WHITE HOUSE

Domestic Policy Council

DATE: 8/1/00

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PHONE: (   ) -   FAX: (   ) -

FACSIMILE FROM: Anna

PHONE: (   ) -   FAX: (   ) -

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8/1/00
7PM

Last Year In Office
August 1, 2000

What agenda do you hope to accomplish in your last year in office?

- To ensure that our seniors have the health care that they need, we must modernize Medicare and add a voluntary prescription drug benefit.

- We must also make sure that all health plans provide Americans with strong, enforceable protections and pass a Patient's Bill of Rights.

- To extend the opportunities for prosperity to more Americans, we must increase the minimum wage and support high-quality child care.

- To ensure that all Americans stand together against intolerance, we must pass strong hate crimes legislation.

- To curb gun violence and keep firearms out of the wrong hands, we need common-sense gun legislation, and to enforce the gun laws we already have, we must fully fund my historic Gun Enforcement Initiative, which includes hiring over 1,000 federal, state, and local gun prosecutors.

Maintaining the Fiscal Discipline:

- We came in at the end of the 20th century with tremendous deficits – in **1992,** the deficit was $290 billion – the highest dollar level in history and projected to hit $455 billion in 2000, and head higher. Now we expect the surplus to be $211 billion this year.

- I have endorsed Vice President Gore's proposal to strengthen our fiscal discipline by taking Medicare off-budget and devoting its surpluses for debt reduction. Both the House and Senate passed legislation that would move toward this goal, although there are problems with the specific legislation. I think this is something we can get done this year.

- Taking Medicare off-budget will help keep us on our path to eliminate the nation's publicly held *debt* by 2012 and ensure that we maintain the fiscal discipline that had led to our economic prosperity.

- Making the difficult decisions now to Strengthen Social Security and Medicare for the next generation.

- Pass a strong education budget that invests more in our schools and demands more from them, including another year of funding for class size reduction, improving teacher quality and securing funds to repair, renovate and renew our children's schools.

- Pass a fiscally responsible, targeted package of tax cuts that helps people pay for long term care, college, and child care.

New Markets/Digital Divide:

- Following my 3 New Markets tours, Speaker Hastert and I reached an agreement on legislation, which passed the House last week. I am committed to working with Congress to sign this into law this year.

- Our society has been divided in the past along the lines of race and income. Now there is the potential for a new divide – a divide over access to information – the Digital Divide.

Opening Markets:

- I am pleased that Congress has completed action on historic legislation that will boost investment, growth, and opportunity in Africa and the Caribbean Basin, while improving the global competitive position of our own industries.

- We passed permanent NTR for China this year in the House.

- WTO accession for China means one-way, market opening concessions by China to the U.S. This means more exports and expanded opportunities for American farmers, workers and businesses.

- The agreement will strengthen our ability to ensure fair trade and to defend our agricultural and manufacturing base from import surges, unfair pricing, and abusive investment practices such as offsets or forced technology transfer.

- China's WTO accession will help advance economic reform, openness and the rule of law in China. It will also help to build a more stable and secure Pacific.

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President Clinton's State of the Union Agenda

January 26, 2000

On Thursday evening, January 27th, President Clinton will deliver his annual State of the Union Address to the Congress and the American people. The President will outline an aggressive agenda based on three enduring American principles – creating opportunity, demanding responsibility and *building community. The President's agenda will build on the prosperity created over the past seven years and make progress on issues important to the American people. And the President's plan will maintain fiscal discipline and put the nation on a path to eliminate the national debt by 2013.*

A STRONG UNION PREPARED FOR NEW CHALLENGES:

After seven years of hard work by the American people, our economy and spirit are strong.

✓ A Strong American Economy:
- Over 20 million new jobs.
- The lowest unemployment rate in 30 years.
- The lowest poverty rate in 20 years.
- The lowest African American and Hispanic unemployment rates in history.
- The highest homeownership rate ever.

✓ A Strong American Spirit:
- Overall crime rates are down 25 percent.
- Teen births have declined seven years in a row.
- Adoptions are up by 30 percent.
- Welfare rolls have been cut in half and are down by over 7 million people to the lowest levels in 32 years.

COMPLETING UNFINISHED BUSINESS ON IMPORTANT ISSUES:

The President will call on Congress to take action on priority issues facing the nation, including:

✓ Setting aside the surplus to pay down the debt
✓ Strengthening Social Security
✓ Modernizing Medicare, including a voluntary prescription drug benefit
✓ Enacting a Real Patients' Bill of Rights
✓ Passing Common Sense Gun Safety Legislation
✓ Passing Legislation to Fight Hate Crimes
✓ Raising the Minimum Wage

OPPORTUNITY AND RESPONSIBILITY IN EDUCATION:

Over the last seven years, the President and Vice President have worked hard to improve standards and provide the resources needed to give our kids the best elementary and secondary education in the world and to make college education and lifetime learning more affordable. Among the proposals the President will make to build on this record in the coming year are the following:

✓ Investing $25 billion to repair, renovate and renew our children's schools
✓ Improve early childhood education by investing $30 million to train high-quality teachers
✓ Create smaller, safer and better high schools by investing $120 million in a Smaller Schools Initiative
✓ Help communities across the country improve school safety through a comprehensive $247 million investment
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- ✓ Helping students afford and be able to stay in school through nearly $1 billion in College Completion Challenge Grants, Pell Grants and other initiatives
- ‣ ***The President will announce several other new initiatives to strengthen education by improving accountability, teacher quality and training and expanding Head Start as well as pre-school and after-school opportunities.***

REWARDING WORK AND STRENGTHENING FAMILIES:

The President and Vice President have worked hard to help families balance the demands of work and family through policies like the Family and Medical Leave Act, targeted tax cuts and raising the minimum wage. The President's State of the Union will seek to build on this record by:

- ✓ Providing tax relief for working families by expanding the Earned Income Tax Credit by $21 billion over ten years
- ✓ Making housing affordable for hard-pressed working families by investing $690 million in new housing vouchers
- ✓ Expanding health insurance coverage to 5 million uninsured Americans and expanding access to health insurance to millions more by investing $110 billion over ten years
- ✓ Helping make long-term health care more affordable for families by tripling to $3,000 the tax credit available to people requiring long-term care. The credit is also available to caregivers who are most often family members.
- ✓ Combating unfair pay practices against women by investing $27 million in an Equal Pay Initiative
- ‣ ***The President will make additional new proposals to reward work and strengthen families on child care and other issues.***

RESPONSIBILITY AND CRIME:

President Clinton and Vice President Gore have pursued a tough, smart agenda to reduce crime in America including signing the Brady Bill into law, putting 100,000 new police officers on the street and banning assault weapons. As a result, overall crime rates have dropped for seven years in a row and are lower today than they have been in twenty-five years. To build on that record, the President will urge Congress to pass the common sense, bipartisan legislation passed by the Senate last year -- to keep guns out of the hands of criminals and children. And the President will make additional proposals, including:

- ✓ A new $280 million initiative to crack down and prosecute gun criminals through, among other things, hiring 500 new ATF agents, 1,000 new federal, state and local gun prosecutors
- ✓ An investment of $10 million to fund innovative "smart" gun technologies, which could limit a gun's use to its owner, thereby preventing accidental shootings, deterring gun theft and protecting police officers
- ✓ A new $10 million anti-drug initiative to investigate and prosecute illegal drug sales on the Internet
- ‣ ***The President will have a number of additional common sense measures to prevent gun violence and make our communities safer.***

EXPANDING ECONOMIC OPPORTUNITY TO EVERY CORNER OF AMERICA:

The three-part strategy President Clinton and Vice President Gore have pursued for seven years – fiscal discipline, investing in the American people and opening new markets for American goods – has resulted in the strongest American economy in a generation. Last year, President Clinton announced the New Markets Initiative and toured communities that have not yet felt the benefits of our strong economy. This year, the President's New Markets agenda, which enjoys bipartisan support, includes:

- ✓ Doubling proposed New Markets Tax Credit to spur $15 billion in private investment in untapped markets
- ✓ Expanding Empowerment Zone tax incentives to bring economic opportunity to under-served communities
- ✓ Providing access to financial services for low and moderate income Americans through First Accounts
- ‣ ***The President will announce other proposals to expand economic opportunity to rural areas and close the digital divide so that all Americans have access to the opportunities available through today's technologies.***

EXPANDING ECONOMIC OPPORTUNITY AND PROTECTING AMERICAN INTERESTS AROUND THE WORLD: Over the past seven years, the Clinton Administration has aggressively pursued American interests abroad, including opening foreign markets to American goods and expanding peace, democracy and human rights. The President's agenda for the this year seeks to build on these gains through:

- ✓ Winning approval for China's entry into the rules-based trading system through WTO membership
- ✓ Continuing to work for peace in the Middle East, Northern Ireland and Kosovo
- ✓ Investing over $150 million to combat the spread of AIDS and other diseases in Africa and other developing nations

RESPONSIBILITY, OPPORTUNITY AND THE ENVIRONMENT:
President Clinton and Vice President Gore have demonstrated that you can both grow the economy and protect the environment. This Administration has cleaned up over 500 Superfund toxic waste sites – nearly three times as many in six years as previous administrations had cleaned in twelve. The Administration has improved air quality by setting the toughest soot standards ever and has protected over 60 million acres of public lands, more than any administration since Franklin Roosevelt. ***This year, the President will build on this record through important new initiatives to meet the challenge of climate change, make our communities more livable, and preserve our nation's historic and valuable lands for future generations.***

OPPORTUNITY AND RESPONSIBILITY OF SCIENCE AND TECHNOLOGY:
Investment in science and technology has increased dramatically under President Clinton and Vice President Gore. The President will continue this trend in his State of the Union agenda.

- ✓ $2.8 billion increase in the "21st Century Research Fund," including a $1 billion increase in biomedical research at NIH and double the largest dollar increase the National Science Foundation has ever received
- ▸ ***The President will have additional proposals dealing with investments in science, technology and biomedical research.***

BUILDING ONE AMERICAN COMMUNITY:
The President and Vice President have worked hard to bring all Americans together around the principles of opportunity, community, and responsibility. The President created Americorps to give Americans to earn money for college by serving in their communities. And through his Presidenial Initiative on Race, the President has lead a nationwide effort to Build One America in the 21st Century. The President's State of the Union agenda will have a number of proposals to further this goal, including:

- ✓ Increasing our ability to enforce our civil rights laws by investing $695 million in civil rights enforcement agencies, a 13 percent increase over last years request
- ✓ Standing up against intolerance and hate by calling for quick Congressional action to pass legislation to fight hate crimes
- ▸ ***The President will announce other proposals to strengthen our communities and build One America which will create new opportunities through national service, fight discrimination in the work place and provide new tax incentives to support community building efforts.***

FY2001 Budget Announcements – Already Released

Internet Drug Sales Initiative: A $10 million initiative that invests new funds in the investigation and prosecution of entities selling drugs illegally over the Internet.

A Major Increase In The War On Emerging Infectious Diseases: This $20 million initiative will dedicate new funds to further the development of a national electronic disease surveillance network to track newly emerging infectious diseases and provide essential information to public health clinics, hospitals, and health care providers.

Determining the Environmental Causes of Diseases, Including Breast And Prostate Cancer: This initiative invests $7.5 million to evaluate the exposure of men, women, and children to toxic substances that cause cancer. It also provides an additional $5 million for breast cancer screening programs at CDC.

Improving Nursing Home Quality: This $16.8 million initiative provides new funds to help states strengthen nursing home enforcement tools and increase Federal oversight of nursing home quality and safety standards.

Increasing Family Planning Efforts Nationwide: A $35 million investment to fund family planning clinics providing reproductive health services and clinical care to over 5 million low income women.

Smart Gun Technology: A $10 million investment to fund smart gun and other personalized gun technology development at DOJ/National Institute for Justice.

EITC Expansion: A new $21 billion plan to expand the Earned Income Tax Credit – a key part of your "New Opportunity Agenda."

FY2001 New Markets Agenda: This Agenda includes New Markets and Empowerment Zone Tax Credits, a new initiative known as First Accounts, to bring the "unbanked" into the financial mainstream and an invitation to corporate leaders to participate in a roundtable at the White House to discuss how the business community can build upon the success of the Community Reinvestment Act (CRA).

$1 Billion Increase In Investment In Biomedical Research: Includes almost $19 billion for biomedical research at the National Institute of Health (NIH), an increase of $1 billion over last year's funding level. In addition, you will eliminate the delays in releasing $4 billion in research funds as required in last year's appropriations bill.

Smaller Schools: A $120 million initiative to create smaller, safer and better high schools. The program offers competitive grants to local school districts to create smaller schools or break up larger schools by funding innovative strategies such as autonomous schools-within-schools, career academies, restructured school days, and other innovations that allow schools to ensure that every student receives personal attention and academic support.

Safe Schools/Healthy Students: A $247 million investment to help communities throughout the country promote a coordinated, comprehensive response to school safety. This investment includes a $100 million increase over last year's funding.

Great Lakes: A new $50 million initiative to help restore the beauty and livability of our nation's Great Lakes. Under the proposal, Great Lake communities would be eligible for matching grants to help them restore and protect their waterways for drinking, fishing, swimming, boating, and urban redevelopment.

New Initiative to Combat Spread of AIDS: A $100 million investment to assist efforts to combat the international AIDS pandemic in Africa, Asia, and other regions of the world – double last year's increase.

International Infectious Disease Prevention Initiative: A $50 million investment to purchase vaccines against diseases that ravage poor nations, including hepatitis B, certain forms of meningitis and yellow fever, helping to save millions of children.

Conservation: A nearly $1.3 billion investment in conservation programs that help family farmers take steps to protect water quality and the environment and to preserve farmland. This conservation package is part of a larger Administration budget proposal to strengthen the farm safety net.

Early Childhood Education: A $30 million investment in the Early Childhood Education Professional Development Initiative to ensure that our young children are being taught by well trained professionals. This initiative would create professional development opportunities for early childhood educators who serve high concentrations of children living in poverty.

Corporation for National Service: An investment of over $850 million in your FY 2001 budget to support community service and to empower more Americans to renew our civic life. This increase of nearly $120 million for the Corporation for National Service keeps AmeriCorps on track for your goal of 100,000 members each year by the year 2004. The investment also includes a new "AmeriCorps Reserves" program, modeled after the military reserves, and designed to engage former Corps members in times of need.

CHIP Outreach: Along with an HHS report documenting that 2 million children have now been enrolled in the new State Children's Health Insurance Program (SCHIP) (doubling the program's enrollment in less than a year), the White House unveiled a new $2.7 billion multi-faceted proposal that will be included in your FY 2001 budget to accelerate enrollment of uninsured children in Medicaid and SCHIP.

Housing Vouchers: A $690 million investment to fund 120,000 new housing vouchers to help America's hard-pressed working families. These housing vouchers subsidize the rents of low-income Americans, enabling them to move closer to job opportunities.

Reducing Gun Violence: A $280 million expansion of firearms enforcement programs in your FY 2001 budget to crack down on gun criminals that will include the largest increase ever for the ATF. The plan would add 500 new ATF agents and inspectors, and more than 1,000 new local and federal gun prosecutors to combat violent gun criminals and illegal gun traffickers, including "bad apple" gun dealers that supply firearms to criminals and juveniles. The budget will also expand the Administration's gun tracing efforts, and increase the number of cities participating in the your Youth Crime Gun Interdiction Initiative to 50 cities. In addition, the budget will triple funding for ballistics testing to help law enforcement solve more crimes with bullets and shell casings left at crime scenes.

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- ✓ Helping make long-term health care more affordable for families by tripling to $3,000 the tax credit available to people requiring long-term care. The credit is also available to caregivers who are most often family members.
- ✓ Combating unfair pay practices against women by investing $27 million in an Equal Pay Initiative
- ‣ ***The President will make additional new proposals to reward work and strengthen families on child care and other issues.***

RESPONSIBILITY AND CRIME:

President Clinton and Vice President Gore have pursued a tough, smart agenda to reduce crime in America including signing the Brady Bill into law, putting 100,000 new police officers on the street and banning assault weapons. As a result, overall crime rates have dropped for seven years in a row and are lower today than they have been in twenty-five years. To build on that record, the President will urge Congress to pass the common sense, bipartisan legislation passed by the Senate last year -- to keep guns out of the hands of criminals and children. And the President will make additional proposals, including:

- ✓ A new $280 million initiative to crack down and prosecute gun criminals through, among other things, hiring 500 new ATF agents, 1,000 new federal, state and local gun prosecutors
- ✓ An investment of $10 million to fund innovative "smart" gun technologies, which could limit a gun's use to its owner, thereby preventing accidental shootings, deterring gun theft and protecting police officers
- ✓ A new $10 million anti-drug initiative to investigate and prosecute illegal drug sales on the Internet
- ‣ ***The President will have a number of additional common sense measures to prevent gun violence and make our communities safer.***

EXPANDING ECONOMIC OPPORTUNITY TO EVERY CORNER OF AMERICA:

The three-part strategy President Clinton and Vice President Gore have pursued for seven years – fiscal discipline, investing in the American people and opening new markets for American goods – has resulted in the strongest American economy in a generation. Last year, President Clinton announced the New Markets Initiative and toured communities that have not yet felt the benefits of our strong economy. This year, the President's New Markets agenda, which enjoys bipartisan support, includes:

- ✓ Doubling proposed New Markets Tax Credit to spur $15 billion in private investment in untapped markets
- ✓ Expanding Empowerment Zone tax incentives to bring economic opportunity to under-served communities
- ✓ Providing access to financial services for low and moderate income Americans through First Accounts
- ‣ ***The President will announce other proposals to expand economic opportunity to rural areas and close the digital divide so that all Americans have access to the opportunities available through today's technologies.***

EXPANDING ECONOMIC OPPORTUNITY AND PROTECTING AMERICAN INTERESTS AROUND THE WORLD: Over the past seven years, the Clinton Administration has aggressively pursued American interests abroad, including opening foreign markets to American goods and expanding peace, democracy and human rights. The President's agenda for the this year seeks to build on these gains through:

- ✓ Winning approval for China's entry into the rules-based trading system through WTO membership
- ✓ Continuing to work for peace in the Middle East, Northern Ireland and Kosovo
- ✓ Investing over $150 million to combat the spread of AIDS and other diseases in Africa and other developing nations

RESPONSIBILITY, OPPORTUNITY AND THE ENVIRONMENT:
President Clinton and Vice President Gore have demonstrated that you can both grow the economy and protect the environment. This Administration has cleaned up over 500 Superfund toxic waste sites – nearly three times as many in six years as previous administrations had cleaned in twelve. The Administration has improved air quality by setting the toughest soot standards ever and has protected over 60 million acres of public lands, more than any administration since Franklin Roosevelt. ***This year, the President will build on this record through important new initiatives to meet the challenge of climate change, make our communities more livable, and preserve our nation's historic and valuable lands for future generations.***

OPPORTUNITY AND RESPONSIBILITY OF SCIENCE AND TECHNOLOGY:
Investment in science and technology has increased dramatically under President Clinton and Vice President Gore. The President will continue this trend in his State of the Union agenda.

- ✓ $2.8 billion increase in the "21st Century Research Fund," including a $1 billion increase in biomedical research at NIH and double the largest dollar increase the National Science Foundation has ever received
- ***The President will have additional proposals dealing with investments in science, technology and biomedical research.***

BUILDING ONE AMERICAN COMMUNITY:
The President and Vice President have worked hard to bring all Americans together around the principles of opportunity, community, and responsibility. The President created Americorps to give Americans to earn money for college by serving in their communities. And through his Presidenial Initiative on Race, the President has lead a nationwide effort to Build One America in the 21st Century. The President's State of the Union agenda will have a number of proposals to further this goal, including:

- ✓ Increasing our ability to enforce our civil rights laws by investing $695 million in civil rights enforcement agencies, a 13 percent increase over last years request
- ✓ Standing up against intolerance and hate by calling for quick Congressional action to pass legislation to fight hate crimes
- ***The President will announce other proposals to strengthen our communities and build One America which will create new opportunities through national service, fight discrimination in the work place and provide new tax incentives to support community building efforts.***

Last Year In Office

What agenda do you hope to accomplish in your last year in office?

UNFINISHED BUSINESS:

- To curb gun violence and keep firearms out of the hands of the wrong people, we need common-sense gun legislation;
- To ensure that our seniors have the health care that they need, we must modernize Medicare and add a voluntary prescription drug benefit;
- We must also make sure that all health plans provide Americans with strong, enforceable protections and pass a Patient's Bill of Rights;
- To extend the opportunities for prosperity to more Americans, we must increase the minimum wage and support high-quality child care;
- And to ensure that all Americans stand together against intolerance, we must pass strong hate crimes legislation.

FISCAL RESPONSIBILITY:

- We came in at the end of the 20th century with tremendous deficits – in **1992,** the deficit was $290 billion – the highest dollar level in history and projected to hit $404 billion in 1999, and head higher.

- As we enter the 21st century, we need to keep on a path to make America debt free for the first time since the 19th century (1815). (We've had two consecutive years of surpluses -- In 1999, we had a budget surplus of $124 billion – the largest dollar surplus on record (even after adjusting for inflation) and the largest as a share of our economy since 1951. We need to keep on our path to eliminate the nation's publicly held *debt* by 2015.)

NEW MARKETS & DIGITAL DIVIDE:

- As we approach the potential longest economic expansion in history, we need to ensure that all Americans share in our prosperity.

- Our society has been divided in the past along the lines of race and income. Now there is the potential for a new divide – a divide over access to information – the Digital Divide.

- I'll be going on a New Markets trip this spring to highlight ways in which we can close this Digital Divide.

PROVIDING RETIREMENT SECURITY:

- Making the difficult decisions now to Strengthen Social Security and Medicare for the next generation

- Don't know anyone who wants to solve their retirement crisis by raising taxes or by taking the very resources that our children will need to raise their grandchildren.

CHINA WTO – WHAT ROLE WILL CHINA PLAY IN THE 21st CENTURY?

- In the 21st century, China will have a greater role in the global economy.

- The Administration plans an all out aggressive effort to pass permanent NTR for China this year.

- WTO accession for China means one-way, market opening concessions by China to the U.S. This means more exports and expanded opportunities for American farmers, workers and businesses.

- The agreement will strengthen our ability to ensure fair trade and to defend our agricultural and manufacturing base from import surges, unfair pricing, and abusive investment practices such as offsets or forced technology transfer.

- China's WTO accession will help advance economic reform, openness and the rule of law in China. It will also help to build a more stable and secure Pacific.

- All in all, this agreement is stronger and more comprehensive than the set of commitments China made last Spring.

If specifically asked about the State of the Union:

What would you like to address in your last State of the Union?

In general, I want to describe the ways that we can all meet our responsibilities for the future. As you know, we have plenty of unfinished business that I hope Congress will address once it returns -- everything from common-sense gun measures to a strong, enforceable Patients Bill of Rights, from the minimum wage to a meaningful hate crimes bill. But in this State of the Union, I also want to lay out an opportunity agenda on education, work and family, health care, creating new markets and a host of other imperatives. I'm working through many of the details now, but I want an overarching framework that makes clear to the American people the challenges we need to meet -- as a nation, as a community -- so that we can do as well by the next generation as our prosperity today demands.

This year my Administration fought hard for, and won, a number of crucial initiatives. But even with these significant accomplishments, there are still critical challenges left to address.

Drunk Driving – .08 BAC

Background: The Lautenberg provision would give states three years to enact .08 BAC as the impaired driving standard or lose a portion of their highway funds. This is identical to the approach used to create a minimum drinking age of 21 years old and the zero tolerance underage drinking standard. There has been a Wolf compromise loosely discussed (we have not seen any language) which would: (1) extend the amount of time states have to comply with the .08 BAC standard from three years to four years; and (2) lower the sanction for failure to adopt the standard from 10% to 8% of federal highway funds withheld. While we understand that MADD and Senator Lautenberg would accept this compromise, Wolf may not offer it today and may offer the original Lautenberg language. **Therefore, you should urge the key members to support the original version or at least follow Wolf's lead.**

Two years ago, Reps. Kilpatrick, Olver, Serrano and Forbes all signed on as co-sponsors to Rep. Lowey's .08 BAC legislation (the House companion to Lautenberg). Secretary Slater and MADD have spoken directly to Rep. Kilpatrick and she has not been willing to give her position on the .08 BAC provision in the context of the FY 01 Transportation conference. Reps. Serrano, Olver, and Forbes have all been leaning in support of the measure, but today's calls could help firm up their support.

- As you know, the .08 BAC provision is one of the Administration's top priorities in the FY 01 Transportation Appropriations bill. The President has been fighting for this provision since it was first passed by the Senate over two years ago during consideration of the TEA-21 bill.

- We understand that Chairman Wolf will offer a .08 provision at the meeting of the conferees. I know that you were a co-sponsor of similar House legislation two years ago, so I know you agree that this is an important public safety measure that could save lives. The Administration strongly supports Chairman Wolf's efforts and we hope that you will too.

- While the number of people killed in drunk driving crashes continues to decline, we lose one person every 33 minutes in an alcohol-related crash. Making .08 BAC the national impaired driving standard is the next logical step to reduce drunk driving deaths. It is a sensible standard that still allows for a reasonable amount of alcohol consumption. Moreover, it could have a significant impact: studies estimate that the Lautenberg .08 BAC provision will help save an estimated 500 lives every year.

- We know that stronger laws can make a difference. We have conditioned highway funding before as a means to get states to enact strong anti-drunk driving laws. It was done to create a minimum drinking age of 21 during the Reagan Administration. And we did it in 1995 to create nationwide "zero tolerance" for underage drinking and driving. We shouldn't let this opportunity slip through our hands again. It's time to make .08 BAC the nationwide standard.

Leanne A. Shimabukuro 09/11/2000 11:43:40 PM

Record Type: Record

To: Karin Kullman/OPD/EOP@EOP

cc: Barbara Chow/OMB/EOP@EOP, Anna Richter/OPD/EOP@EOP, Deanne E. Benos/OPD/EOP@EOP, Sarah C. Lucas/OPD/EOP@EOP

Subject: brief summary per your request-- death penalty

The death penalty survey will show that since 1995 (when the current death penalty protocol took effect and we have the most information) roughly 80 percent defendants who were charged by US Attorneys with death-penalty eligible offenses submitted to the Justice Department were minorities (20 percent white; 48 percent black; 28 percent Hispanic; and 4 percent other races and ethnicities). The US Attorneys recommended the death penalty in 27 percent of these cases. Among white defendants, the US Attys recommended the death penalty 36 percent of the time; 26 percent of the time for black defendants; 20 percent of the time for Hispanic defendants; and 52 percent of the time for other races and ethnicities. The AG authorized the death penalty roughly along the same racial lines as recommended by the US Attys.

The survey also shows that whites appear to accept plea agreements (post-authorization) at a significantly higher rate than blacks and Hispanics. Another finding that will raise concern is disparity in charging death penalty offenses among US Attys offices. For example: 40 percent of all death penalty submissions came from only 5 geographic districts. Meanwhile, 25 districts did not make any death penalty submissions since 1995.

The AG will announce several steps including: (1) a NIJ study on some of these issues; (2) a directive to the US Attys to submit for review for 6 months all potential capital-eligible cases; (3) that the DAG will ead an effort to develop guidelines by which US Attys decide to take homicide cases into the federal system; and (4) hopefully something on Leahy bill.

Note on Leahy: AG will speak to Leahy tomorrow on outstanding issues of bill. Key major concern is condition on Byrne grant program which is very popular program with State and local elected organizations (NGA, USCM) and all the major police organizations. I believe Holder is also scheduled to meet with Leahy tomorrow on other issues but bill issues could come up. We have talked to Beth and Maria about having one of them call Leahy's chief counsel about the issues tomorrow morning to weigh in for WH.

9-12-00 12:38pm
Q&A – DOJ Death Penalty Study

The Department of Justice will release today the results of a seven-month statistical survey of the federal death penalty. The survey covers death penalty prosecutions from 1988 (when the federal death penalty was reinstated) through July 2000, and presents extensive statistical information on the racial, ethnic and geographic distribution of defendants and victims.

The Attorney General will be making a statement later this afternoon (we believe at 3:30 pm) about the study, the Department's reaction to the data, and proposed responses to the data. We will have more information then.

Q&A

The Department of Justice released its federal death penalty study today. What is your reaction to the data?

First, we're glad to have the information. The President has repeatedly said he believes those who support capital punishment have a special obligation to do what we can to ensure the death penalty is administered fairly. He has also said he has been concerned about the racial composition of federal death row and about the geographic distribution of capital prosecutions. So we are very glad to have the results of the investigation that's been done so far of those issues.

The statistics we have at this point about those two issues are, at first glance, troubling. However, in the process of collecting and analyzing the data it became clear that we still can't determine with certainty what's behind those numbers. Because of the greater protections for defendants that are built into the federal system, we have reason to be confident in the fairness of the system. We don't know, however, all the reasons why minorities and some geographic districts are disproportionately represented.

We expect the Department will take steps to try to answer those questions.

If you think there needs to be further investigation of questions raised by the DOJ study, shouldn't there be a moratorium on executions until you have the results of that study?

No. While this data shows there are disparities, it does not, by itself, show the system is unfair. In addition, there is a small number of people on federal death row. There is a process now in place for those individuals, when they have completed any challenges to their conviction in the courts, to request executive clemency. The President will be able to consider, case by case, any argument an individual may have that unfairness in the system somehow affected his or her case before an execution is carried out.

Do you have any more information on what the Department of Justice will propose as responses to the study?

Our understanding is that the Attorney General (and the Deputy Attorney General?) will be making an announcement this afternoon about the Department's analysis of and response to the data in the study. We will have more information about that once she makes her announcement.

Don't you think the statistics on the race of defendants charged with capital offenses and the geographic distribution of capital prosecutions are troubling?

Yes, at first blush, some of the statistics we've seen are troubling. The President has identified these two issues before – the race of capital defendants in the federal system and the geographical distribution of death penalty prosecutions – as areas of concern to him, and these statistics show disparities that cause us concern. Minorities are over-represented in the criminal justice system as a whole – both as defendants and as victims.

We do not, however, have sufficient information about all the factors that contribute to those statistics to draw conclusions. We expect the Department of Justice will undertake further study to investigate the causes of those statistics. We will hear from them later this afternoon about their response to this data.

Really, though, don't you agree there's not much ambiguity in those numbers? Roughly eighty percent of federal capital defendants are members of racial/ethnic minorities. Isn't that stark enough for you to conclude the system is flawed?

The numbers do raise concern. Minorities are over-represented as defendants in capital prosecutions. The survey shows minorities are over-represented as victims as well. In addition, some U.S. Attorney's offices have submitted substantially more cases to the capital case review process than other U.S. Attorney's offices. It would be premature, however, to draw conclusions about the fairness of the implementation of the death penalty from these numbers alone. We do need to understand those statistics.

[An example of why the numbers don't give us enough information: In some districts, for example, federal authorities assume the responsibility for investigating and prosecuting homicides because the local authorities do not have the resources to do so. Those districts will have more federal capital prosecutions, and will have submitted more cases to the Attorney General's capital case review committee. In some districts the opposite is true: local authorities are well equipped and assume the responsibility for prosecuting the vast majority of homicides. Those U.S. Attorney's offices therefore submit fewer cases for review. These are the kinds of factors that may affect the geographic distribution of capital prosecutions – and we need further investigation to identify and account for them.]

What about the clemency petition for death-row inmate Juan Raul Garza? What will the President's response be if Mr. Garza argues these statistics show the system is unfair?

We do not comment on pending clemency matters, except to say the President will consider Mr. Garza's petition closely and carefully, as he would any clemency matter.

Note: **this assumes that questions about the details of DOJ practices – including the Attorney General's capital case review process (or "protocol") would be best answered by DOJ.**

The Survey

The data in the survey is extensive, and most questions about the study itself should be referred to the Department of Justice. Here are a few of its findings:

- From 1995 until July of this year, U.S. Attorneys submitted 679 cases to Main Justice for review. 20% of the defendants were White; 48% were Black; 28% were Hispanic, and 4% were of other races and ethnicities. In total, minorities comprised 80% of defendants charged with death-eligible offenses.

- On federal death row itself (19 inmates total), 79% are minorities. 21% (4 inmates) are White; 68% (13 inmates) are Black; 5% (1 inmate) are Hispanic; and 5% (1 inmate) are from other races/ethnicities.

- 40% of all capital cases submitted by U.S. Attorneys came from 5 of the districts (Puerto Rico, the Southern District of New York, the Eastern District of New York, the Eastern District of Virginia, and Maryland). Meanwhile, 25 districts did not make any death penalty submissions.

- From 1995 – 2000, the Attorney General authorized the death penalty for 159 defendants. Of these 51 defendants (32%) entered into plea agreements foreclosing the death penalty.

- U.S. Attorneys recommended the death penalty in 27% of these 679 cases. Among all White defendants, they recommended the death penalty 36% of the time; 26% of the time for Black defendants; 20% of the time for Hispanic defendants; and 52% of the time for other races and ethnicities.

- The Attorney General authorized U.S. Attorneys to seek the death penalty 159 times since 1995 (when the current DOJ death penalty protocol took effect). Among all White defendants, she authorized the death penalty 39% of the time; 25% of the time for Black defendants; 21% of the time for Hispanic defendants; and 48% of the time for other races and ethnicities.