

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 006 - FOLDER -010

[03/31/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Cynthia A. Rice to Diana Fortuna and Elena Kagan. Subject: HHS Technicals [partial] (1 page)	03/31/1997	P6/b(6)
002. email	Nicole R. Rabner to Elena Kagan. Subject: satellite conferences [partial] (1 page)	03/31/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
 Automated Records Management System [Email]
 OPD ([Kagan])
 OA/Box Number: 250000

FOLDER TITLE:

[03/31/1997]

2009-1006-F

wr34

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Russell W. Horwitz (CN=Russell W. Horwitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 08:58:53.00

SUBJECT: pension materials for today's announcement

TO: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Beverly J. Barnes (CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Thomas D. Janenda (CN=Thomas D. Janenda/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Dainel C. Tate (CN=Dainel C. Tate/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Craig T. Smith (CN=Craig T. Smith/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Anna M. Gomez (CN=Anna M. Gomez/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=OMB/O=EOP @ EOP [OMB])
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TO: Michael Waldman (CN=Michael Waldman/OU=WHO/O=EOP @ EOP [WHO])
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TO: Daniel K. Tarullo (CN=Daniel K. Tarullo/OU=OPD/O=EOP @ EOP [OPD])
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TO: Douglas B. Sosnik (CN=Douglas B. Sosnik/OU=WHO/O=EOP @ EOP [WHO])
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READ:UNKNOWN

TO: Cheryl M. Carter (CN=Cheryl M. Carter/OU=WHO/O=EOP @ EOP [WHO])
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TO: Laura K. Capps (CN=Laura K. Capps/OU=WHO/O=EOP @ EOP [WHO])
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TO: Rebecca A. Cameron (CN=Rebecca A. Cameron/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Sandra L. Bublick Max (CN=Sandra L. Bublick Max/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Erskine B. Bowles (CN=Erskine B. Bowles/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: David S. Beaubaire (CN=David S. Beaubaire/OU=WHO/O=EOP @ EOP [WHO])
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TO: Donald A. Baer (CN=Donald A. Baer/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Kenneth S. Apfel (CN=Kenneth S. Apfel/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Brenda M. Anders (CN=Brenda M. Anders/OU=WHO/O=EOP @ EOP [WHO])
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TO: Lori L. Anderson (CN=Lori L. Anderson/OU=WHO/O=EOP @ EOP [WHO])
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TO: Barbara D. Woolley (CN=Barbara D. Woolley/OU=WHO/O=EOP @ EOP [WHO])
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TO: Charles R. Marr (CN=Charles R. Marr/OU=OPD/O=EOP @ EOP [OPD])
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TO: John O. Sutton (CN=John O. Sutton/OU=WHO/O=EOP @ EOP [WHO])
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TO: Kathleen M. Wallman (CN=Kathleen M. Wallman/OU=WHO/O=EOP @ EOP [WHO])
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TO: Ronda H. Jackson (CN=Ronda H. Jackson/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP @ EOP [WHO])

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TO: Jordan Tamagni (CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [UNKNOWN])

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TO: Stephen B. Silverman (CN=Stephen B. Silverman/OU=WHO/O=EOP @ EOP [WHO])

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TO: Jake Siewert (CN=Jake Siewert/OU=OPD/O=EOP @ EOP [OPD])

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TO: Laura D. Schwartz (CN=Laura D. Schwartz/OU=WHO/O=EOP @ EOP [WHO])

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TO: Lee A. Satterfield (CN=Lee A. Satterfield/OU=WHO/O=EOP @ EOP [WHO])

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TO: Steven J. Ronnel (CN=Steven J. Ronnel/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP @ EOP [OPD])

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TO: Franklin D. Raines (CN=Franklin D. Raines/OU=OMB/O=EOP @ EOP [OMB])

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TO: Jonathan Prince (CN=Jonathan Prince/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Kristen E. Panerali (CN=Kristen E. Panerali/OU=OPD/O=EOP @ EOP [OPD])

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TO: Bob J. Nash (CN=Bob J. Nash/OU=WHO/O=EOP @ EOP [WHO])

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TO: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])

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TO: Linda L. Moore (CN=Linda L. Moore/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Joseph J. Minarik (CN=Joseph J. Minarik/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Kathleen M. McKiernan (CN=Kathleen M. McKiernan/OU=WHO/O=EOP @ EOP [WHO])

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TO: Michael D. McCurry (CN=Michael D. McCurry/OU=WHO/O=EOP @ EOP [WHO])

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TO: Doris O. Matsui (CN=Doris O. Matsui/OU=WHO/O=EOP @ EOP [WHO])

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TO: Julie E. Mason (CN=Julie E. Mason/OU=WHO/O=EOP @ EOP [WHO])

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TO: Bruce R. Lindsey (CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [WHO])

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TO: Peggy A. Lewis (CN=Peggy A. Lewis/OU=WHO/O=EOP @ EOP [WHO])

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TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])

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TO: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Karin Kullman (CN=Karin Kullman/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Nicholas B. Kirkhorn (CN=Nicholas B. Kirkhorn/OU=WHO/O=EOP @ EOP [WHO])

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TO: Timothy J. Keating (CN=Timothy J. Keating/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Thomas A. Kalil (CN=Thomas A. Kalil/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Brian J. Johnson (CN=Brian J. Johnson/OU=CEQ/O=EOP @ EOP [CEQ])

READ:UNKNOWN

TO: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Katherine Hubbard (CN=Katherine Hubbard/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Elwood J. Holstein (CN=Elwood J. Holstein/OU=OPD/O=EOP @ EOP [OPD])

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TO: Melissa Green (CN=Melissa Green/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: D. Stephen Goodin (CN=D. Stephen Goodin/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Mary E. Glynn (CN=Mary E. Glynn/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Deborah L. Fine (CN=Deborah L. Fine/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Rahm I. Emanuel (CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [WHO])
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TO: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP @ EOP [OPD])
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READ:UNKNOWN

TO: Betty W. Currie (CN=Betty W. Currie/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Dorothy K. Craft (CN=Dorothy K. Craft/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Sabrina Corlette (CN=Sabrina Corlette/OU=WHO/O=EOP @ EOP [WHO])
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TO: Barbara Chow (CN=Barbara Chow/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Holly D. Carver (CN=Holly D. Carver/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Paul R. Carey (CN=Paul R. Carey/OU=WHO/O=EOP @ EOP [WHO])
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TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Dennis K. Burke (CN=Dennis K. Burke/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Susan A. Brophy (CN=Susan A. Brophy/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Alison E. Bracewell (CN=Alison E. Bracewell/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Jill M. Blickstein (CN=Jill M. Blickstein/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Marsha E. Berry (CN=Marsha E. Berry/OU=WHO/O=EOP @ EOP [UNKNOWN])
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TO: Kris M Balderston (CN=Kris M Balderston/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Eli G. Attie (CN=Eli G. Attie/OU=WHO/O=EOP @ EOP [WHO])

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TO: John C. Angell (CN=John C. Angell/OU=WHO/O=EOP @ EOP [WHO])

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TO: Barry B. Anderson (CN=Barry B. Anderson/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

TO: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])

READ: UNKNOWN

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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PRESIDENT CLINTON ANNOUNCES PENSION SECURITY STEPS

March 31, 1997

TODAY, PRESIDENT CLINTON WILL RELEASE THE PENSION BENEFIT GUARANTY CORPORATION'S (PBGC) ANNUAL REPORT TO CONGRESS -- SHOWING A SURPLUS FOR THE FIRST TIME IN PBGC'S 22-YEAR HISTORY. The Report shows a year-end financial surplus of \$869 million, based on assets of more than \$12 billion and liabilities of nearly \$11.2 billion. The Annual Report should reassure the 42 million working men and women whose pensions are protected by PBGC.

- In 1994, President Clinton signed the Retirement Protection Act, which put in place numerous pension reforms, including strengthening funding rules for underfunded plans and enhancing PBGC's compliance authority.
- Due in part to these reforms, the PBGC, under the leadership of Martin Slate, erased a deficit that reached nearly \$3 billion in 1993.
- Strong financial management has spared taxpayers a potential loss of millions of dollars.

PRESIDENT CLINTON PROPOSES AUDIT REFORM TO ENHANCE PENSION

SAFEGUARDS. President Clinton's initiative -- which he also proposed last year -- will improve pension security for millions of American workers. Today, more than \$950 billion in pension plan assets are not comprehensively audited, affecting 22 million workers. The President's proposal addresses this problem by:

- Closing a loophole that permits \$950 billion in pension funds to escape meaningful audit;
- Requiring prompt reporting if criminal acts are discovered during an audit; and
- Assuring that only qualified professionals conduct audits of ERISA plans.

PRESIDENT CLINTON ANNOUNCES OTHER PENSION SECURITY STEPS:

- **The PWBA's 401(k) Enforcement Project Passes \$20 Million Mark.** The number of 401(k) plans has grown enormously in recent years (from 17,000 in 1984 to 154,000 in 1993). While the vast majority of these plans are safe, the Administration has stepped up enforcement against those employers who spend or borrow their employees' pension contributions. In just two years, the Pension and Welfare Benefits Administration's 401(k) Enforcement Project has recovered over \$20 million for more than 40,000 employees across the country.
- **Today, the Administration Starts a New Toll-Free Pension Hotline -- 1-800-998-7542.** Today, the Labor Department initiates a toll-free number to provide pension information to workers. Sixteen publications, such as "Protect Your Pension" and "What You Should Know About Your Pension Rights," are available to individuals through this number. This will help pension plan participants understand their rights and identify early warning signs of pension problems.
- **New Rules Will Put Pension Money To Work for Participants Sooner.** Final rules went into effect last month requiring employers to deposit employee contributions into pension plans as soon as possible, but no later than 15 business days after the end of the month during which the contribution was made. It is estimated that this change will increase earnings for participants and beneficiaries by an average of *\$70 million per year over the next ten years.*

PBGC'S ANNUAL REPORT SHOWS FIRST-EVER SURPLUS

TODAY, PRESIDENT CLINTON ANNOUNCED THAT THE PENSION BENEFIT GUARANTY CORPORATION (PBGC), WHICH INSURES THE PENSIONS OF MORE THAN 42 MILLION WORKERS IN ABOUT 50,000 PENSION PLANS, HAS REACHED FINANCIAL SOLVENCY. No major terminations of underfunded pension plans and significant income from premiums and investments in 1996 have resulted in a surplus for the first time in PBGC's 22-year history in its largest insurance program -- the single-employer program.

- With assets of \$12.04 billion and liabilities of \$11.17 billion, PBGC ended fiscal year 1996 with a surplus of \$869 million.
- PBGC erased a \$3 billion deficit in just three years.
- Premium revenue of \$1.17 billion -- up 36% -- and investment income of \$927 million contributed to the improved financial condition.

PBGC IS A FEDERAL AGENCY CREATED BY THE EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) OF 1974 TO GUARANTEE PAYMENT OF BASIC PENSION BENEFITS EARNED BY WORKERS.

- PBGC has two insurance programs covering private-sector defined benefit pension plans -- the traditional pension that promises a specific benefit at retirement, often based on a combination of salary and years of service. The single-employer program covers about 34 million people. The multiemployer program, which covers about 8.6 million people, has had a surplus since 1982.
- The agency receives no funds from general tax revenues. Operations are financed by insurance premiums paid by pension plan sponsors, investment returns, assets from pension plans trusted by PBGC, and recoveries from the companies formerly responsible for the trusted plans.
- PBGC pays benefits according to the provisions of each individual single-employer pension plan up to the limits of PBGC's maximum guarantee, which for plans taken over in 1997 is \$2,761 per month (\$33,136 annually) at age 65. Most workers in plans taken over by PBGC receive the full benefit they would have received under the plan.

BECAUSE OF THE REFORMS OF THE RETIREMENT PROTECTION ACT OF 1994, WORKERS AND RETIREES CAN REST ASSURED THAT THEIR PENSIONS ARE PROTECTED BY A STRONG INSURANCE AGENCY. The law strengthened funding rules for underfunded plans; PBGC's compliance authority was enhanced; underfunded plans that pose the greatest risk now pay the most for protections; and workers in underfunded plans now get an easy-to-understand notice about their plan's funding level and PBGC guarantees.

PBGC IS NOW RESPONSIBLE FOR PENSIONS OF 440,000 PEOPLE IN 2,300 PLANS IT HAS TAKEN OVER AND PAID \$800 MILLION IN BENEFITS TO ABOUT 200,000 OF THESE PEOPLE IN 1996.

- PBGC had reported annual deficits since it was created in 1974, ranging from \$12 million in

Automated Records Management System
Hex-Dump Conversion

1975 to \$2.9 billion in 1993. Questions had been raised about the ability of the agency to meet its future obligations.

- Today, there are sufficient assets to meet all guaranteed benefits. PBGC's early warning program has prevented pension loss and added over \$14 billion in protection to underfunded pension plans as corporations restructured.
- Vigilance continues against any weakening of the insurance program or pension funding in the future.

PRESIDENT CLINTON'S AUDIT REFORM PROPOSAL

PRESIDENT CLINTON PROPOSES AUDIT REFORM. President Clinton's Audit Reform initiative -- also proposed last year -- will improve pension security for millions of American workers by:

- Closing a loophole that permits \$950 billion in pension funds to escape meaningful audit;
- Requiring prompt reporting if criminal acts are discovered during an audit; and
- Assuring that only qualified professionals conduct audits of ERISA plans.

AUDIT REFORM PROPOSAL REPEALS OPTION FOR PENSION PLANS TO CONDUCT A "LIMITED SCOPE" AUDIT. Today, more than \$950 billion in pension plan assets (nearly half of the estimated \$2 trillion subject to ERISA's audit requirement) are *not subject to a comprehensive audit*, affecting 22 million workers.

- Under ERISA, plan assets held in certain regulated financial institutions can be excluded from the scope of an annual financial audit. When a plan elects a so-called "limited scope" audit, auditors *are prohibited from rendering an opinion on the plan's financial statements* under professional auditing standards.
- Repealing this "limited scope" audit exemption for pension plans will give plan participants and beneficiaries assurance that all plan assets are subject to a meaningful audit.

AUDIT REFORM PROPOSAL REQUIRES DIRECT REPORTING OF EGREGIOUS VIOLATIONS RIGHT AWAY. To ensure that the Department of Labor can respond more promptly to crimes involving pension plans, the proposal requires both plan administrators and accountants auditing employee benefit plans who discover serious fraud or other egregious ERISA violations to promptly report them to the Department of Labor.

PROPOSAL ALSO ASSURES THAT ONLY QUALIFIED PROFESSIONALS CONDUCT AUDITS OF ERISA PLANS. The proposal also requires public accountants who audit employee benefit plans to have a peer review process, appropriate internal quality control systems, and continuing education requirements.

THE CLINTON RECORD ON PENSION SECURITY

THE RETIREMENT PROTECTION ACT OF 1994. In December 1994, President Clinton signed the Retirement Protection Act, which protects the benefits of more than 40 million American workers and retirees in traditional pension plans.

- The Act helped to bring about the Pension Benefit Guaranty Corporation's (PBGC) first surplus in its 22-year history.
- The Act strengthened funding rules for underfunded plans; enhanced PBGC's compliance authority; required underfunded plans that pose the greatest risk to pay their fair share for protections; and ensured that workers in underfunded plans get an easy-to-understand notice about their plan's funding level and PBGC guarantees.

THE 401(k) ENFORCEMENT PROJECT. In 1995, the Labor Department launched an initiative to protect savings in 401(k) plans from misuse, recovering to date just over \$20 million for over 40,000 workers.

THE RETIREMENT EDUCATION CAMPAIGN. In 1995, the Labor Department, along with over 200 public and private sector partners, launched a campaign to encourage workers to save for retirement and to educate workers about their pension rights and how to protect their savings.

PENSION SECURITY REFORMS OF 1996. In 1996, President Clinton proposed the Retirement Savings and Security Act containing a variety of pension security initiatives. Later in the year, the President signed the minimum wage bill, which included several of his pension security provisions. The law:

- **Protects Government Employees' Savings from Orange County-Style Fiascos:** Requires state and local government retirement savings plans to be held in trust so that employees do not lose their savings if the government declares bankruptcy, as Orange County did.
- **Increases Penalties for Self-Dealing:** Penalties for self-dealing pension funds (such as loans to the company owner) are generally doubled, from 5 percent to 10 percent.
- **Improves Spousal Protections:** In accordance with the minimum wage legislation, the Treasury Department has helped protect spousal benefits in the choice of an annuity and during divorce proceedings by making it easier for spouses to understand their pension rights. Treasury has issued sample language, written in plain English, that retirement plans can give spouses and others to clarify what spouses' rights and benefits are -- both when selecting a pension annuity or other benefit and in the case of divorce.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME:31-MAR-1997 09:01:47.00

SUBJECT: updated version of pension materials

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TO: Eli G. Attie (CN=Eli G. Attie/OU=WHO/O=EOP @ EOP [WHO])

PRESIDENT CLINTON ANNOUNCES PENSION SECURITY STEPS

March 31, 1997

TODAY, PRESIDENT CLINTON WILL RELEASE THE PENSION BENEFIT GUARANTY CORPORATION'S (PBGC) ANNUAL REPORT TO CONGRESS -- SHOWING A SURPLUS FOR THE FIRST TIME IN PBGC'S 22-YEAR HISTORY. The Report shows a year-end financial surplus of \$869 million, based on assets of more than \$12 billion and liabilities of nearly \$11.2 billion. The Annual Report should reassure the 42 million working men and women whose pensions are protected by PBGC.

- In 1994, President Clinton signed the Retirement Protection Act, which put in place numerous pension reforms, including strengthening funding rules for underfunded plans and enhancing PBGC's compliance authority.
- Due in part to these reforms, the PBGC, under the leadership of Martin Slate, erased a deficit that reached nearly \$3 billion in 1993.
- Strong financial management has spared taxpayers a potential loss of millions of dollars.

PRESIDENT CLINTON PROPOSES AUDIT REFORM TO ENHANCE PENSION SAFEGUARDS. President Clinton's initiative -- which he also proposed last year -- will improve pension security for millions of American workers by:

- Closing a loophole that permits \$950 billion in pension plan assets to escape meaningful audit, affecting 22 million workers;
- Requiring prompt reporting if criminal acts are discovered during an audit; and
- Assuring that only qualified professionals conduct audits of ERISA plans.

PRESIDENT CLINTON ANNOUNCES OTHER PENSION SECURITY STEPS:

- **The PWBA's 401(k) Enforcement Project Passes \$20 Million Mark.** The number of 401(k) plans has grown enormously in recent years (from 17,000 in 1984 to 154,000 in 1993). While the vast majority of these plans are safe, the Administration has stepped up enforcement against those employers who spend or borrow their employees' pension contributions. In just two years, the Pension and Welfare Benefits Administration's 401(k) Enforcement Project has recovered over \$20 million for more than 40,000 employees across the country.
- **Today, the Administration Starts a New Toll-Free Pension Hotline -- 1-800-998-7542.** Today, the Labor Department initiates a toll-free number to provide pension information to workers. Sixteen publications, such as "Protect Your Pension" and "What You Should Know About Your Pension Rights," are available to individuals through this number. This will help pension plan participants understand their rights and identify early warning signs of pension problems.
- **New Rules Will Put Pension Money To Work for Participants Sooner.** Final rules went into effect last month requiring employers to deposit employee contributions into pension plans as soon as possible, but no later than 15 business days after the end of the month during which the contribution was made. It is estimated that this change will increase earnings for participants and beneficiaries by an average of *\$70 million per year over the next ten years.*

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PBGC IS NOW RESPONSIBLE FOR PENSIONS OF 440,000 PEOPLE IN 2,300 PLANS IT HAS TAKEN OVER AND PAID \$800 MILLION IN BENEFITS TO ABOUT 200,000 OF THESE PEOPLE IN 1996.

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PRESIDENT CLINTON'S AUDIT REFORM PROPOSAL

PRESIDENT CLINTON PROPOSES AUDIT REFORM. President Clinton's Audit Reform initiative -- also proposed last year -- will improve pension security for millions of American workers by:

- Closing a loophole that permits \$950 billion in pension funds to escape meaningful audit;
- Requiring prompt reporting if criminal acts are discovered during an audit; and
- Assuring that only qualified professionals conduct audits of ERISA plans.

AUDIT REFORM PROPOSAL REPEALS OPTION FOR PENSION PLANS TO CONDUCT A "LIMITED SCOPE" AUDIT. Today, more than \$950 billion in pension plan assets (nearly half of the estimated \$2 trillion subject to ERISA's audit requirement) are *not subject to a comprehensive audit*, affecting 22 million workers.

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AUDIT REFORM PROPOSAL REQUIRES DIRECT REPORTING OF EGREGIOUS VIOLATIONS RIGHT AWAY. To ensure that the Department of Labor can respond more promptly to crimes involving pension plans, the proposal requires both plan administrators and accountants auditing employee benefit plans who discover serious fraud or other egregious ERISA violations to promptly report them to the Department of Labor.

PROPOSAL ALSO ASSURES THAT ONLY QUALIFIED PROFESSIONALS CONDUCT AUDITS OF ERISA PLANS. The proposal also requires public accountants who audit employee benefit plans to have a peer review process, appropriate internal quality control systems, and continuing education requirements.

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PENSION SECURITY REFORMS OF 1996. In 1996, President Clinton proposed the Retirement Savings and Security Act containing a variety of pension security initiatives. Later in the year, the President signed the minimum wage bill, which included several of his pension security provisions. The law:

- **Protects Government Employees' Savings from Orange County-Style Fiascos:** Requires state and local government retirement savings plans to be held in trust so that employees do not lose their savings if the government declares bankruptcy, as Orange County did.
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PRESIDENT CLINTON ANNOUNCES PENSION SECURITY STEPS

March 31, 1997

TODAY, PRESIDENT CLINTON WILL RELEASE THE PENSION BENEFIT GUARANTY CORPORATION'S (PBGC) ANNUAL REPORT TO CONGRESS -- SHOWING A SURPLUS FOR THE FIRST TIME IN PBGC'S 22-YEAR HISTORY. The Report shows a year-end financial surplus of \$869 million, based on assets of more than \$12 billion and liabilities of nearly \$11.2 billion. The Annual Report should reassure the 42 million working men and women whose pensions are protected by PBGC.

- In 1994, President Clinton signed the Retirement Protection Act, which put in place numerous pension reforms, including strengthening funding rules for underfunded plans and enhancing PBGC's compliance authority.
- Due in part to these reforms, the PBGC, under the leadership of Martin Slate, erased a deficit that reached nearly \$3 billion in 1993.
- Strong financial management has spared taxpayers a potential loss of millions of dollars.

PRESIDENT CLINTON PROPOSES AUDIT REFORM TO ENHANCE PENSION SAFEGUARDS. President Clinton's initiative -- which he also proposed last year -- will improve pension security for millions of American workers by:

- Closing a loophole that permits \$950 billion in pension plan assets to escape meaningful audit, affecting 22 million workers;
- Requiring prompt reporting if criminal acts are discovered during an audit; and
- Assuring that only qualified professionals conduct audits of ERISA plans.

PRESIDENT CLINTON ANNOUNCES OTHER PENSION SECURITY STEPS:

- **The PWBA's 401(k) Enforcement Project Passes \$20 Million Mark.** The number of 401(k) plans has grown enormously in recent years (from 17,000 in 1984 to 154,000 in 1993). While the vast majority of these plans are safe, the Administration has stepped up enforcement against those employers who spend or borrow their employees' pension contributions. In just two years, the Pension and Welfare Benefits Administration's 401(k) Enforcement Project has recovered over \$20 million for more than 40,000 employees across the country.
- **Today, the Administration Starts a New Toll-Free Pension Hotline -- 1-800-998-7542.** Today, the Labor Department initiates a toll-free number to provide pension information to workers. Sixteen publications, such as "Protect Your Pension" and "What You Should Know About Your Pension Rights," are available to individuals through this number. This will help pension plan participants understand their rights and identify early warning signs of pension problems.
- **New Rules Will Put Pension Money To Work for Participants Sooner.** Final rules went into effect last month requiring employers to deposit employee contributions into pension plans as soon as possible, but no later than 15 business days after the end of the month during which the contribution was made. It is estimated that this change will increase earnings for participants and beneficiaries by an average of *\$70 million per year over the next ten years.*

PBGC'S ANNUAL REPORT SHOWS FIRST-EVER SURPLUS

TODAY, PRESIDENT CLINTON ANNOUNCED THAT THE PENSION BENEFIT GUARANTY CORPORATION (PBGC), WHICH INSURES THE PENSIONS OF MORE THAN 42 MILLION WORKERS IN ABOUT 50,000 PENSION PLANS, HAS REACHED FINANCIAL SOLVENCY. No major terminations of underfunded pension plans and significant income from premiums and investments in 1996 have resulted in a surplus for the first time in PBGC's 22-year history in its largest insurance program -- the single-employer program.

- With assets of \$12.04 billion and liabilities of \$11.17 billion, PBGC ended fiscal year 1996 with a surplus of \$869 million.
- PBGC erased a \$3 billion deficit in just three years.
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MEMORANDUM

TO: ELENA KAGAN
CYNTHIA RICE

CC: KEN APFEL
JOHN MONAHAN

FROM: ANNE LEWIS

RE: COMMENTS ON DRAFT TEXAS LETTER

DATE: MARCH 31

I do not think the Texas letter as it currently stands takes a strong enough position.

The language is very cautious and I believe could be read as a more ambiguous signal than we intend to send. Suggestions for strengthening it are:

3rd graph Rewrite : HHS believes states must bear in mind Section 1902 of the SSA which establishes the principle that

Delete the qualifier, "In general ..."

4th graph: Add a sentence which explicitly states that while the Medicaid principle is the basis for our guidance, we do not wish to imply that the incentives in Medicaid are analagous. (HHS can craft appropriate language.)

7th graph: Rewrite: "HHS endorses the search for increased efficiency and accelerated innovation through the use of outside contractors. At the same time, however, we emphasize that contract terms must assure program integrity and embody incentives that tightly align contractors' interests with program goals. Further, contract terms must provide for the kind of complete and transparent data that allows for meaningful evaluation and on-going competition.

Welfare Reform Strategy Group
March 31, 1997 Agenda

Automated Records Management System
Hex-Dump Conversion

- I. Texas Privatization Proposal--Next Steps
- II. FLSA--How/When to Roll Out
- III. Immigration
 - A. Legislative Language--Advance Copy to Hill to be Introduced Independently?
 - B. Materials and Outreach Ideas to Hill this Week
 - C. Public Information re: April 1st
 - D. HHS, SSA, POTUS Events (keep POTUS mayors idea under wraps)
- IV. Child Support--Radio Address Taped this Saturday (April 5th)
- V. Federal Hiring Initiative--Agency Proposals Due April 7th, Cabinet Meeting April 10th
- VI. Technicals Bill--Markup April 9th?
 - A. Need to Approve SAPs/Letters from Agencies
 - B. Bifurcation Work Proposal
- VII. Transportation Events
- VIII. Internet

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CRÉATOR: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 11:05:42.00

SUBJECT: David Ogden/tobacco meeting

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

David Ogden returned my call this morning -- I let him know your concerns and faxed the 3-page Q&A to him; he offered to be helpful. I also told him he should come w/George to tomorrow's meeting (hope that still makes sense). Laura, please call him at DOJ at 867-0787 once you have a time.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 11:10:23.00

SUBJECT: Re: Draft agenda for tomorrow's 4:00 meeting

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I think it would be best if Bruce raised the subject rather than be badgered by Monahan and Tarplin, but I agree that this isn't a good forum for a discussion.

I'll downplay it on the agenda. Remember, Bruce doesn't hand out the agenda -- it's just for his own use.

Elena Kagan

03/31/97 10:54:56 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: Draft agenda for tomorrow's 4:00 meeting

I'm not sure I want to do privatization and FLSA so prominently with this group. I can't think of anything we would gain from a real discussion. Can we put these items last, put them together, and label them "status report" or something? Or am I wrong on this?

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Cynthia A. Rice to Diana Fortuna and Elena Kagan. Subject: HHS Technicals [partial] (1 page)	03/31/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[03/31/1997]

2009-1006-F
wr34

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 31-MAR-1997 11:43:28.00

[cc]

SUBJECT: HHS Technicals

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])
READ: UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ: UNKNOWN

TEXT:

Markup of HHS technicals is I believe still scheduled for April 9th. Two issues:

1) Agency letters -- We have letters from Interior and Veterans describing important technicals that were not included. I don't see why we shouldn't let them say their piece. No letter from DOJ yet. We have letters from SSA and HHS which praise Shaw and Levin. Some people seem to think the praise is over the top. I don't see any real problem with it--as P6/(b)(6)
P6/(b)(6) one can never over-do the stroking of Congressional egos! I think the SSA letter should be changed to clarify that it speaks only for SSA (it now says "I am pleased that your bill includes virtually all of the amendments recommended by SSA, the Department of Health and Human Services, and other Federal agencies." I would have them drop all after SSA.)

2) More importantly -- I have been thinking about the HHS bifurcation work proposal. Do you want to get together to discuss or shall I put my thoughts on paper?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 12:07:53.00

SUBJECT: CEA White Paper on Welfare Caseloads

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Lyn A. Hogan (CN=Lyn A. Hogan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

On Friday, the Council of Economic Advisers gave me a draft of a white paper on the reasons for the recent decline in welfare caseloads from 1993-1996. They've asked for comments

by close of business tomorrow. Bottom line: their statistical analysis concludes that

42% due to economic expansion

32% due to welfare waivers

26% due to other, unidentified factors

There are many comments I'd like to make about how this information is presented (information is often stated that exaggerates the findings on the economy -- i.e. 42% becomes "almost half" and there are some gratuitous comments about possible effects of the new law.) Fundamentally, the analysis seems sound, although adding some other variables correlated with economic expansion (i.e. increase in state child care spending) may have resulted in a lower percentage being attributed to economic expansion.

Question: besides these types of minor changes, what do you want me to do about this?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 12:43:30.00

SUBJECT: Re: child well-being indicators

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I believe it's important for the federal government to collect good social science data. This list seems okay -- some measures seem slightly subjective, and a few important things are left out. However, these data will provide a depressing portrait of America, drawing attention to many problems we may not be able to change but ones we should try to change.

I'd also like to know:

1) What do they want the President to do? What is this Children's Executive Order

Sally refers to?

2) What's the relationship between this effort and other data collection efforts (Census,

Welfare Indicators Act, welfare law requirements)

3) Are these data already collected, or would we have to divert funds from another

project to collect them?

Shall I call Sally and ask?

Elena Kagan

03/30/97 01:18:34 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: child well-being indicators

Did you ever look at these? Don't spend too much time on it, but give me a call when you have a chance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Stephen C. Warnath (CN=Stephen C. Warnath/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 13:16:41.00

SUBJECT: FYI

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

The Washington Post has agreed to run a commentary by Cecilia Munoz on the problem of her being asked whether she is a U.S. citizen while others were not asked in order to get into the White House for the welfare briefing. The commentary will note that worksite verification (basically all employers in five of top seven states with immigrants -- CA, TX, FLA, N.Y. etc.) and benefit verification (nationwide application) is required now by law. The policy point that Cecilia will make is that if the White House can't get it right and avoid nondiscriminatory application in its "verification" procedures, then why should anyone think that private employers and federal, state and local agencies can implement these laws without discrimination. She may cite past GAO studies that indicate that worksite verification does contribute to the risk of employers discriminating against citizens and other legal workers who "look or sound foreign" or who have "foreign-sounding" names.

In regard to the Administration's effort's in this area: The verification systems are being designed right now. The DPC has been playing a central role in assisting the agencies to try to design these systems in a way that will minimize discrimination and we head an interagency antidiscrimination working group to address the policy and operational issues that arise in this context. Let me know if you need more information.

thanks

Clinton Administration Urges FCC to Investigate Hard Liquor Ads on TV and Radio

April 1, 1997

Announcement:

Today, President Clinton announced that he was writing to Federal Communications Commission (FCC) Chairman Reed Hundt to "take all appropriate action" to explore what effects might ensue from the distilled liquor industries decision to end their 50-year voluntary ban on broadcast advertising.

Background:

- In November 1996, the Distilled Spirits Council announced that it had ended its almost 50-year voluntary practice of refraining from broadcast advertising.
- Although the major networks and cable companies have thus far refused to accept distilled spirits advertising, a few companies have run some liquor ads on television and radio since the announcement and other companies are presently preparing large advertising campaigns.
- Chairman Hundt has opposed any move toward liquor advertising. In December, he challenged broadcasters to refuse liquor advertising, and indicated that "government action" might be appropriate if the broadcasters did not do so.
- In sending this letter, President Clinton is joining 26 members of Congress who have independently requested the FCC to study the effects hard liquor advertising on the nation's youth and to consider possible action. In addition, 11 states have joined Alaska's more far-reaching petition for a FCC rulemaking to ban the TV and radio advertising of distilled spirits.
- As Chairman Hundt has stated, an FCC inquiry can supply the information needed to evaluate the nature and extent of the problem posed by broadcast liquor ads, and the proper course of action.

Alcohol Use by Youth

- Alcohol is the drug most often used by young people. Approximately one in four 10th grade students and one-third of 12th graders report having had five or more drinks on at least one occasion in the last two weeks.

Clinton Administration: Reducing Youth Alcohol and Tobacco Use

- The President has pushed states to adopt a policy of zero-tolerance for teen drinking and driving or risk losing Federal highway funds.
- The Clinton Administration has taken tough, unprecedented action to fight tobacco marketing that targets teens by imposing appropriate regulations on the sale and distribution of cigarettes and smokeless tobacco advertising that appeals to adolescents.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 15:55:10.00

SUBJECT: summit update

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Just had a useful meeting with summit PR/ad people and our communications/press people about what they're doing and how we can participate. Weirdest moment came after Don pointed out that the headline on their giant 2-page ad refers only to children, not to service (or even voluntarism). Powell's guy and the summit CEO insisted that the topic of the summit is children, not service/voluntarism. A bit of a middle ground emerged in discussion, but not exactly a meeting of the minds.

FYI, in case it affects your decision on whether to go, I hear that Don and Ann will attend today's meeting with Sylvia (now scheduled for 5:45 today).

Finally, are you interested/amenable to doing some press on the summit in the coming weeks? They have a TV/radio station constantly available, and we promised them lots of names of people who could do interviews with local markets. (We will go through the lists of names we collected for task force recommendations to find other names; we also thought of asking George, since he brings some celebrity to the table.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 16:03:41.00

SUBJECT: Re: today's meeting

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Ask Mike about Wilson. I'm not sure he'll be hostile.

Should we talk later about how to defend ourselves in the a.m.?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 16:34:20.00

SUBJECT: FCC liquor letter

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I gave Justice the last draft I had of the liquor letter. They were wondering if a sentence should be included which shows the link between alcohol and other behavior (e.g., "Recent research shows a clear connection between alcohol consumption and increased domestic violence, youth violence, and delinquency.")

I realize it may be too late to include this now, but I thought I would run it by you.

Could you email me the latest copy of the letter? Thanks.

**Clinton Administration Urges FCC to Investigate
Hard Liquor Ads on TV and Radio
April 1, 1997**

Questions and Answers

Q. What is today's announcement?

Today, President Clinton is announcing that he is sending a letter to the Federal Communications Commission (FCC) Chairman Reed Hundt to "take all appropriate action" to explore what effects might ensue from the distilled liquor industry's decision to end their 50-year voluntary ban on broadcast advertising. The letter also asks the FCC to explore possible actions the agency could take in response to end of the ban on broadcast liquor advertising.

Q. Why are you announcing this now?

A. In February, Chairman Hundt again spoke out on the issue of liquor advertising. The President felt it was important to send a letter to the FCC to weigh in on this matter in view of the Chairman's recent comments.

In his radio address to the people last November, the President stated his firm opposition to the American liquor industry decision to lift the voluntary ban on hard liquor advertising. At that time, President Clinton commended the major broadcast networks' commitment to honor the ban and keep liquor ads off the air.

While all of the major networks have upheld their pledge to refrain from such advertisements, in the last few months, hard liquor advertisements have appeared on broadcast and cable television and radio stations.

Q. Why does the letter only address distilled spirits -- what about beer and wine?

A. The letter is in response to a particular action by the distilled liquor industry that the President believes heads us in the wrong direction -- the collapse of the 50-year agreement that kept these ads off the air.

The President is asking the FCC to "explore what effects might ensue" from the collapse of the agreement, which presumably will include the collection and analysis of data on the link between liquor advertising and youth alcohol consumption. Especially given strong intuitive reasons for believing that such a link exists, it is appropriate for the FCC to investigate this matter further and examine their options to act in light of the information acquired.

Q. What companies have already begun advertising on TV?

A. Several distillers, including Seagram and Allied-Domecq, whose brands include Kahlua and Hiram Walker products, have already hit the airwaves with commercials airing after 10 pm in selected markets.

Q. How many stations have started to run these advertisements?

A. A liquor industry source estimated that 50 cable and independent stations have agreed to air liquor advertisements. None of the major broadcast networks have yet agreed to air these commercials since the liquor industry announcement last November.

Q. What can the FCC do about the liquor industry's decision to advertise on radio and TV?

A. The letter the President is sending today asks the FCC Chairman to look into what actions the FCC is able to take in view of the liquor industry decision. The introduction of hard liquor advertisements to television and radio requires careful study. At a minimum, the FCC must determine what options are available to them in addressing this issue.

Q. How big of a problem is alcohol use by young people?

A. Alcohol is the drug most often used by young people. Approximately one in four 10th grade students and one-third of 12th graders report having had five or more drinks on at least one occasion in the last two weeks.

The average age of having a first drink has declined to 15.9 years-old, down from the average in 1987 of 17.4 years-old. According to the results of a 1994 national household survey, 2 million youth rate themselves as "heavy" alcohol drinkers. It is further estimated that one-half of America's 2 million junior and senior high school students drink monthly.

Moreover, alcohol is a "gateway" drug-- young people who are heavy drinkers are significantly more likely to become multiple drug users later in life than their non-drinking counterparts.

Q. How is this announcement similar to President Clinton's actions on tobacco advertising targeted at youth?

A. President Clinton firmly believes that we have a national obligation to act strongly to protect our children from threats to their health and safety. To this end, the President is sending a letter to ask the FCC to explore its options in addressing the issue of hard liquor

advertising on television and its effects on underage drinking.

The President fought to impose appropriate regulations on tobacco advertising that appeals to adolescents. Both actions highlight the President's commitment to help parents who are struggling to raise healthy and drug-free children.

Clinton Administration Urges FCC to Investigate Hard Liquor Ads on TV and Radio

April 1, 1997

Announcement:

Today, President Clinton announced that he was writing to Federal Communications Commission (FCC) Chairman Reed Hundt to "take all appropriate action" to explore what effects might ensue from the distilled liquor industries decision to end their 50-year voluntary ban on broadcast advertising.

Background:

- In November 1996, the Distilled Spirits Council announced that it had ended its almost 50-year voluntary practice of refraining from broadcast advertising.
- Although the major networks and cable companies have thus far refused to accept distilled spirits advertising, a few companies have run some liquor ads on television and radio since the announcement and other companies are presently preparing large advertising campaigns.
- Chairman Hundt has opposed any move toward liquor advertising. In December, he challenged broadcasters to refuse liquor advertising, and indicated that "government action" might be appropriate if the broadcasters did not do so.
- In sending this letter, President Clinton is joining 26 members of Congress who have independently requested the FCC to study the effects hard liquor advertising on the nation's youth and to consider possible action. In addition, 11 states have joined Alaska's more far-reaching petition for a FCC rulemaking to ban the TV and radio advertising of distilled spirits.
- As Chairman Hundt has stated, an FCC inquiry can supply the information needed to evaluate the nature and extent of the problem posed by broadcast liquor ads, and the proper course of action.

Alcohol Use by Youth

- Alcohol is the drug most often used by young people. Approximately one in four 10th grade students and one-third of 12th graders report having had five or more drinks on at least one occasion in the last two weeks.

Clinton Administration: Reducing Youth Alcohol and Tobacco Use

- The President has pushed states to adopt a policy of zero-tolerance for teen drinking and driving or risk losing Federal highway funds.
- The President's fiscal year 1998 budget includes funding for a state demonstration program to drug test teens before they receive their driver's licenses, and provides incentives for states to fight drugged driving.

**Clinton Administration Urges FCC to Investigate
Hard Liquor Ads on TV and Radio**

April 1, 1997

Questions and Answers

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Q. Why are you announcing this now?

A. In February, Chairman Hundt again spoke out on the issue of liquor advertising. The President felt it was important to send a letter to the FCC to weigh in on this matter in view of the Chairman's recent comments.

In his radio address to the people last November, the President stated his firm opposition to the American liquor industry decision to lift the voluntary ban on hard liquor advertising. At that time, President Clinton commended the major broadcast networks' commitment to honor the ban and keep liquor ads off the air.

While all of the major networks have upheld their pledge to refrain from such advertisements, in the last few months, hard liquor advertisements have appeared on broadcast and cable television and radio stations.

Q. Why does the letter only address distilled spirits -- what about beer and wine?

A. The letter is in response to a particular action by the distilled liquor industry that the President believes heads us in the wrong direction -- the collapse of the 50-year agreement that kept these ads off the air.

The President is asking the FCC to "explore what effects might ensue" from the collapse of the agreement, which presumably will include the collection and analysis of data on the link between liquor advertising and youth alcohol consumption. Especially given strong intuitive reasons for believing that such a link exists, it is appropriate for the FCC to investigate this matter further and examine their options to act in light of the information acquired.

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advertising on television and its effects on underage drinking.

The President fought to impose appropriate regulations on tobacco advertising that appeals to adolescents. Both actions highlight the President's commitment to help parents who are struggling to raise healthy and drug-free children.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 18:04:29.00

SUBJECT: FCC Letter

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Ron Klain wants to know if Gore can sign the letter with POTUS. I talked to Phil Calplan and he said that would be unusual. The only time he remembers a letter going out from them both was to Federal employees after the government shut down. It would be easy to say no if it is not appropriate from a legal standpoint. Should we check with Kathy Wallman too? Please advise.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1997 18:34:33.00

SUBJECT:

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Rahm is looking for the talking points for the FCC event - do have a draft he could look at? Thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1997 18:46:56.00

SUBJECT: House Products Update

TO: Kathleen M. Wallman (CN=Kathleen M. Wallman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Bruce R. Lindsey (CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Dainel C. Tate (CN=Dainel C. Tate/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: John L. Hilley (CN=John L. Hilley/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

There are two products hearings scheduled on the House side for the week of April 7th. In the Commerce Committee, the Tauzin Subcommittee will hold a hearing on April 8th to look at the issue of needy patients who are being denied medical devices due to product liability laws. They plan to have two panels - one with patients and one with medical device manufacturers. As you will recall, the Republicans emphasized this same issue during an event to send last year's bill to the White House.

On April 10 the full House Judiciary Committee will hold their own hearing on products. I don't know any additional details on this hearing yet.

Additionally, Chairmen Bliley and Hyde have agreed to fully coordinate their efforts on this issue during this Congress. Consequently, there have been a series of discussions between the House Judiciary Committee Republican staff and the House Commerce Committee Republican staff in an effort to craft legislation. The discussions have centered around legislation that would fall somewhere between the vetoed bill and the House-passed bill from last session. However, the Republican leadership recently decided that there should be no Republican bill at this time -- and instead ordered a series of hearings to highlight the need for reform legislation. In the Commerce Committee that means at least one and maybe two more hearings after the April 8 hearing.

Finally, House Commerce Republican staff only last week began their overtures to the Dingell staff on this issue but they realize that Mr. Dingell very much wants legislation and they believe he can be a valuable ally.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Nicole R. Rabner to Elena Kagan. Subject: satellite conferences [partial] (1 page)	03/31/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[03/31/1997]

2009-1006-F

wr34

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or
financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President
and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of
personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of
an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial
information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of
personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement
purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of
financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information
concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed
of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C.
2201(3).

RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1997 19:12:09.00

SUBJECT: satellite conferences

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

[002]

TEXT:

I just spoke with Ann Rosewater [P6/(b)(6)] who mentioned that you had promised to draft talking points that would, among other things, provide guidance to the regional offices about the White House effort vis a vis the Engagement campaign (especially given the launch of the campaign just prior to the Conference).

I'm now drafting a one-pager for the regions that lays out the day and the Conference for their planing purposes. Do you want me also to do these few q&a?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kathleen M. Wallman (CN=Kathleen M. Wallman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1997 19:13:27.00

SUBJECT: notification calls

TO: KAGAN_E (KAGAN_E @ A1 @ CD @ LNGTWY [EOP]) (OPD)

READ:UNKNOWN

TO: Jonathan A. Kaplan (CN=Jonathan A. Kaplan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Among the calls that I put on the list, the calls to industry people are pretty important -- broadcast and liquor.

**Clinton Administration Urges FCC to Investigate
Hard Liquor Ads on TV and Radio
April 1, 1997**

Announcement:

Today, President Clinton announced that he was writing to Federal Communications Commission (FCC) Chairman Reed Hundt to 1) explore the effects -- on children in particular -- of the distilled liquor industry's decision to end its 50-year voluntary ban on broadcast advertising; and 2) determine what actions the FCC can take in response to the lifting of the ban.

Background:

- In November 1996, the Distilled Spirits Council announced that it had ended its almost 50-year voluntary practice of refraining from broadcast advertising.
- In his November 9, 1996 radio address, the President urged broadcasters to follow the example of the four major broadcast networks and continue to honor the ban to keep liquor ads off the air. The President also said to liquor companies, "You were right for the last 50 years when you didn't advertise on television; you're wrong to change your policy now. This is no time to turn back."
- Although the major networks and cable companies have so far refused to accept distilled spirits advertising, a few liquor manufacturers have been able to run some ads on television and radio since the announcement; other liquor companies are currently preparing large advertising campaigns.
- Chairman Hundt also has opposed any move toward liquor advertising. In December, he challenged broadcasters to refuse liquor advertising, and indicated that "government action" might be appropriate if the broadcasters did not do so.
- An FCC inquiry can supply the information needed to evaluate the nature and extent of the problem posed by broadcast liquor ads and to consider appropriate action.

Alcohol Use by Youth

- Alcohol is the drug most often used by young people. Approximately one in four 10th grade students and one in three of 12th grade students report having had five or more drinks on at least one occasion during the last two weeks.

Clinton Administration: Reducing Substance Abuse by Youth

- The President has pushed states to adopt a policy of zero-tolerance for teen drinking and driving or risk losing Federal highway funds.
- The President's fiscal year 1998 budget includes funding for a state demonstration program to drug-test teens before they receive their driver's licenses; it also provides incentives for states to fight drugged driving.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 19:53:16.00

SUBJECT: DOJ

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

You were right -- DOJ's report will still not include the announcements.
They said they would send us at least a one-pager tomorrow on the proposal
we discussed last week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1997 19:58:04.00

SUBJECT: Report on meeting we just had on summit

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

The meeting was a chance for everyone to express their concerns. Steve noted we continue to hear about summit plans too late to affect the planning. Don noted that the Corporation has not been as effective as it might be. Relevant outcomes: Sylvia may reach out to the CEO to express concerns; we all agreed that we need to have a cadre of federal officials at the summit itself who can be helpful as communities move forward on their post-summit plans, and we should put our best people forward; we should ask Lynda Robb, the new vice-chair of the summit to come in so we can talk about this effort with her.

In terms of general progress, we probably need to sit down on all this soon, but: I am pushing the Corporation on HS service scholars for later this week; no read yet on how much more of the non-federal match is in place. I am meeting with federal agencies tomorrow morning on a significant increase in our adopt-a-school effort and on fashioning federal commitments around afterschool, children's health, and environment. The military is still being cagey about their potential commitment, but I am promised something later this week. The summit is also on board for the President to announce a few significant private commitments later this week if we do a radio address.

By the way, you should know that the First Lady is doing a summit video conference on Wednesday with the 140 communities coming to the summit. Also, Gen. Powell is coming in to brief Erskine again on Monday. The current thinking is that the President should drop by.

Finally, we got briefed by Points of Light today on the structure of the break-out sessions during the summit itself. In addition to a VIP roundtable that they hope the President will attend, the main track will be the 140 communities. They will be clustered in groups of 10 communities each, and each will develop plans for the future on the 5 goals. A second track will be state governments. The third track is the leftovers/"all other". Summit planners act like they expect only a handful of federal officials at these sessions. We will be pushing for considerably more than that.

**Clinton Administration Urges FCC to Investigate
Hard Liquor Ads on TV and Radio
April 1, 1997**

Questions and Answers

Q. What is today's announcement?

A. Today, President Clinton is announcing that he is sending a letter to Federal Communications Commission (FCC) Chairman Reed Hundt to: 1) explore the effects -- on children in particular-- of the distilled liquor industry's decision to end its 50-year voluntary ban on broadcast advertising; and 2) determine what actions the FCC can take in response to the lifting of the ban.

Q. Why are you announcing this now?

A. In February, Chairman Hundt again spoke out on the issue of liquor advertising. The President felt it was important to send a letter to the FCC to weigh in on this matter in view of the Chairman's recent comments.

In his radio address to the people last November, the President stated his firm opposition to the American liquor industry's decision to lift the voluntary ban on hard liquor advertising. At that time, President Clinton commended the major broadcast networks' commitment to honor the ban and keep liquor ads off the air.

While all of the major networks have upheld their pledge to refrain from such advertisements, hard liquor advertisements have appeared in the last few months on smaller broadcast and cable television stations, and radio stations.

Chairman Hundt has expressed interest in opening up an inquiry into such advertising, and the President decided that in light of recent events, he should strongly support this action.

Q. Why does the letter only address distilled spirits -- what about beer and wine?

A. We have to deal right now with the new threat to our children. Parents have a hard enough time raising good kids and all of us have a responsibility to help make those jobs easier, not harder.

This letter is meant to ensure that we don't go backwards by allowing liquor advertising to appear on the air even if it endangers our children. The letter is a direct response to the ill-considered decision by the liquor industry to end its 50-year practice of keeping liquor ads off the air. We must determine what the effects of this decision will be and consider, in light of

those effects, what further actions are appropriate.

Q. What companies have already begun advertising on TV?

A. Several distillers, including Seagram and Allied-Domecq, whose brands include Kahlua and Hiram Walker products, have already hit the airwaves with commercials airing after 10 pm in selected markets.

Q. How many stations have started to run these advertisements?

A. A liquor industry source estimated that 50 cable and independent stations have agreed to air liquor advertisements. None of the major broadcast networks have yet agreed to air these commercials since the liquor industry announcement last November.

Q. What can the FCC do about the liquor industry's decision to advertise on radio and TV?

A. The letter the President is sending today asks the FCC Chairman to open an inquiry into the effects on children of liquor advertising. Once the FCC has instigated this matter, it can determine what further action is appropriate.

Q. How big of a problem is alcohol use by young people?

A. Alcohol is the drug most often used by young people. Approximately one in four 10th grade students and one in three 12th grade students report having had five or more drinks on at least one occasion during the last two weeks.

The average age when a person has a first drink has declined to 15.9 years old, down from the average in 1987 of 17.4 years old. According to the results of a 1994 national household survey, 2 million young people rate themselves as "heavy" alcohol drinkers. It is further estimated that one-half of America's 2 million junior and senior high school students drink monthly.

Moreover, alcohol is a "gateway" drug-- young people who are heavy drinkers are significantly more likely to become multiple drug users later in life than their non-drinking counterparts.

Q. Is there any evidence which links hard liquor advertising and alcohol consumption?

A. This is what the President's letter is asking the FCC to explore-- what the effects will be of lifting the ban on hard liquor advertising. In determining the effects of lifting the ban, the

FCC would be able to collect data on the link between advertising and children's consumption. There are intuitive reasons for believing that such a link exists. However, the President's letter today does not predetermine the conclusion of the inquiry.

Q. How is this announcement similar to President Clinton's actions on tobacco advertising targeted at youth?

A. President Clinton firmly believes that we have a national obligation to act strongly to protect our children from threats to their health and safety. To this end, the President is sending a letter to inquire into the effects of hard liquor advertising on television on underage drinking, and to consider what actions are possible for the FCC to take in response to the lifting of the advertising ban.

The President fought to impose appropriate regulations on tobacco advertising that appeals to adolescents. Both actions highlight the President's commitment to help parents who are struggling to raise healthy and drug-free children.