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Climate Change - Privileged Documents Log

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THE WHITE HOUSE
WASHINGTON

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August 24, 1999

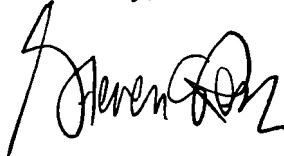
Roger Keller, Esq.
Counsel
Committee on Small Business
United States House of Representatives
2361 Rayburn House Office Building
Washington, D.C. 20515

Dear Roger:

As promised, enclosed are the final two privilege logs, which have been updated to show, on a document-by-document basis, the privilege to which the documents are subject. Consistent with the McIntosh production, the logs are captioned "Additional CEA Documents Not Produced," and "CEA Presidential or Vice Presidential Documents."

If you have any questions, please feel free to call.

Sincerely,



Steven F. Reich
Senior Associate Counsel to the President

Enclosures

cc: Mr. Michael Day
Minority Staff Director (w/o encls.)

ADDITIONAL CEA DOCUMENTS NOT PRODUCED
(Log from McIntosh Production)

DOCUMENT NUMBER	DATE	FROM	TO	SUBJECT	PRIVILEGE ¹
1	06/05/94	Seidman	Car Talk Steering Comm.	Memo to the President on Car Talk Advisory Comm. Nominees, with Draft Memo to the President attached	Executive Privilege
2	10/16/97			Draft Talking Points for Meeting with President on Safety Valve	Executive Privilege
3	10/22/97			Draft Speech for President for President at National Geographic Society	Executive Privilege
4	02/24/98	Lutter	Yellen, et al.	Memo Excerpting Earlier Memo to the President	Executive Privilege
5	03/16/98			Notes of Meeting with White House Counsel re: Document Requests and Potential Privilege Issues	Executive Privilege; Attorney Client Privilege; Document Request Compliance Document
6	05/28/98	Jolin	Yellen	Draft Presidential Letter to Congressman	Executive Privilege
7	04/17/98 06/06/98 06/15/98 06/19/98 07/26/98	Stern	President	Climate Change Weekly Reports	Executive Privilege

¹ Documents subject to claims of deliberative process and presidential communications privilege are, for these purposes, subsumed under the rubric of "executive privilege."

**CEA Presidential or Vice Presidential Documents
(Log from McIntosh Production)**

DOCUMENT NUMBER	DATE(S)	FROM	TO	SUBJECT	PRIVILEGE¹
1	12/13/94	Gibbons	Vice President	Memo re: communicating state of knowledge on climate change (CC)	Executive Privilege
2	12/19/94	CEQ Staff for McGinty	Vice President	Memo to prepare for mtg on CC	Executive Privilege
3	05/15/95	McGinty	Vice President	Memo on CC negotiations and policy process	Executive Privilege
4	05/23/97	Albright	Vice President	Sec of State memo on CC negotiations; same memo with cover memo to interagency group	Executive Privilege
5	02/97- 04/98	Yellen	President	Various Weekly Economic Briefing of the President (WEB) articles and drafts; WEB article w/attached memo from CEA to Senior WH Advisor	Executive Privilege
6	06/97	McGinty, Tarullo and others	President	Drafts of memo to President re: US position at Denver Summit of the Eight and UN General Assembly Special Session on Environment and Development; drafts w/ cover memos; memos w/comments on draft memo; CC Principals memo that was used to draft memo to President	Executive Privilege

¹ Documents subject to claims of deliberative process and presidential communications privilege are, for these purposes, subsumed under the rubric of "executive privilege."

DOCUMENT NUMBER	DATE(S)	FROM	TO	SUBJECT	PRIVILEGE
7	06/97	McGinty, Tarullo	President	Memo to President re: decisions on CC policy for Denver Summit and UNGA Special Session; revision of same memo; same memo w/ cover memo from WH Staff Secretary; WH Staffing memo circulating same memo	Executive Privilege
8	06/23/97		President	Draft remarks by President to UN session on environment and development in NY	Executive Privilege
9	08/97-10/97	Yellen, Summers and others	President	Drafts of, comments on, and substantive input for memo re: economics of CC policy	Locating file -- privilege information will be provided
10	08/10/97	NEC Staff	President	Draft memo re: Process for decision-making on CC policy	Executive Privilege
11	09/15/97	Frankel		Handwritten notes on CC from mtg w/President	Executive Privilege
12	09/30/97		President	Draft of remarks by President on CC to weather forecasters	Executive Privilege
13	09/97	Sperling, McGinty and Tarullo	President	Drafts of and comments on memo to the President re: CC policy options and decision points	Executive Privilege
14	09/97-10/97	Sperling, McGinty and Tarullo	President	Drafts of and comments on memo to the President re: CC policy options	Executive Privilege
15	10/97	Sperling, McGinty, Tarullo, Steinberg and Stern	President	Drafts of and comments on memo to the President re: CC policy options	Executive Privilege

DOCUMENT NUMBER	DATE(S)	FROM	TO	SUBJECT	PRIVILEGE
16	10/97	Summers	President	Drafts of and comments on memo to the President re: economics of CC policy options	Executive Privilege
17	10/1/97	Summers		Talking points for mtg w/ President re: economics of reducing emissions	Executive Privilege
18	10/1/97	Yellen		Talking points for mtg w/ President re: economics of reducing emissions	Executive Privilege
19	10/1/97	Frankel		Handwritten notes from mtg w/ President re: CC policy decisions	Executive Privilege
20	10/18/97	Sperling, McGinty, Tarullo, Steinberg and Stern	President	Draft memo to President re: CC policy decisions	Executive Privilege
21	10/21/97	Frankel		Handwritten notes from mtg w/ President	Executive Privilege
22	10/22/97		President	Draft remarks by President re: CC policy at National Geographic Society	Executive Privilege
23	11/3/97	Frankel		Handwritten notes from mtg w/ President	Executive Privilege
24	11/30/97	Sperling, McGinty, Tarullo, Steinberg and Stern	President	Memo to President re: Kyoto Negotiating Guidance	Executive Privilege

DOCUMENT NUMBER	DATE(S)	FROM	TO	SUBJECT	PRIVILEGE
25	1/30/98		President	WH staffing memo transmitting draft of President's radio address on climate change technology initiative; draft of radio address; e-mail re: same	Executive Privilege
26	02/06/98	Stern, McGinty Steinberg Sperling	President	Decision memo re: Kyoto Protocol; WH staffing memo transmitting same memo for comments	Executive Privilege
27	02/98	Sperling McGinty	President	Drafts of decision memo re: Administration's electricity restructuring proposal	Executive Privilege
28	03/04/98	Raines	President	Memo to the President re: message to Congress on Federal Resources for climate change programs	Executive Privilege

INDEX OF PRIVILEGED DOCUMENTS

<u>Date</u>	<u>From</u>	<u>To</u>	<u>Subject</u>
1. 10/3/97	Janet Yellen Larry Summers	President	Targets and Timetables for Reducing Greenhouse Gas Emissions
2. 10/18/97	Gene Sperling Kathleen McGinty Daniel Tarullo Jim Steinberg Todd Stern	President	Climate Change Decision Memorandum -- Elements of Overall Climate Change Policy
3. 11/30/97	Gene Sperling Kathleen McGinty Daniel Tarullo James Steinberg Todd Stern	President	Kyoto -- Negotiating Guidance, with Cover Note from Todd Stern, and Presidential Notes on the Document
4. 2/6/98	Todd Stern Kathleen McGinty Jim Steinberg Gene Sperling	President	Signing Kyoto Protocol -- Timing

CEA Presidential or Vice Presidential Documents

	<u>Date(s)</u>	<u>From</u>	<u>To</u>	<u>Subject</u>
1	12/13/94	Gibbons	Vice President	Memo re: communicating state of knowledge on climate change (CC)
2	12/19/94	CEQ Staff for McGinty	Vice President	Memo to prepare for mtg on CC
3	5/15/95	McGinty	Vice President	Memo on CC negotiations and policy process
4	5/23/97	Albright	Vice President	Sec of State memo on CC negotiations; same memo with cover memo to interagency group
5	2/97-4/98	Yellen	President	Various <i>Weekly Economic Briefing of the President</i> (WEB) articles and drafts; WEB article w/ attached memo from CEA to Senior WH Advisor
6	6/97	McGinty, Tarullo and others	President	drafts of memo to President re:US position at Denver Summit of the Eight and UN General Assembly Special Session on Environment and Development; drafts w/ cover memos; memos w/ comments on draft memo;CC Principals memo that was used to draft memo to President

7	6/97	McGinty, Tarullo	President	memo to President re: decisions on CC policy for Denver Summit and UNGA Special Session; revision of same memo; same memo w/ cover memo from WH Staff Secretary; WH staffing memo circulating same memo
8	6/23/97		President	draft remarks by President to UN session on environment and development in NY
9	8/97 - 10/97	Yellen, Summers and others	President	drafts of, comments on, and substantive input for memo re: economics of CC policy
10	8/10/97	NEC staff	President	draft memo re: process for decision-making on CC policy
11	9/15/97	Frankel		handwritten notes on CC from mtg w/ President
12	9/30/97		President	draft of remarks by President on CC to weather forecasters
13	9/97	Sperling, McGinty and Tarullo	President	Drafts of and comments on memo to the President re: CC policy options and decision points
14	9/97- 10/97	Sperling, McGinty and Tarullo	President	Drafts of and comments on memo to the President re: CC policy options
15	10/97	Sperling, McGinty Tarullo, Steinberg and Stern	President	Drafts of and comments on memo to the President re: CC policy options

16	10/97	Summers	President	Drafts of and comments on memo to President re: economics of CC policy options
17	10/1/97	Summers		talking points for mtg w/ President re: economics of reducing emissions
18	10/1/97	Yellen		talking points for mtg w/ President re: economics of reducing emissions
19	10/1/97	Frankel		handwritten notes from mtg w/ President on CC
20	10/18/97	Sperling, McGinty Tarullo, Steinberg and Stern	President	draft of memo to President re: CC policy decisions
21	10/21/97	Frankel		handwritten notes from mtg w/ President
22	10/22/97		President	draft remarks by President re: CC policy at National Geographic Society
23	11/3/97	Frankel		handwritten notes from mtg w/ President
24	11/30/97	Sperling, McGinty Tarullo, Steinberg and Stern	President	memo to President re: Kyoto Negotiating Guidance
25	1/30/98		President	WH staffing memo transmitting draft of President's radio address on climate change technology initiative; draft of radio address; e-mail re: same

26

2/6/98

Stern, McGinty
Steinberg, Sperling

President

Decision memo re: Kyoto
Protocol;
WH staffing memo
transmitting same memo for
comments**27**

2/98

Sperling, McGinty

President

drafts of decision memo re:
Administration's
electricity restructuring
proposal**28**

3/4/98

Raines

President

memo to the President re:
message to Congress on
Federal Resources for climate
change programs

ADDITIONAL CEA DOCUMENTS NOT PRODUCED

<u>Date</u>	<u>From</u>	<u>To</u>	<u>Subject</u>
1. 6/5/94	Seidman	Car Talk Steering Comm.	Memo to the President on Car Talk Advisory Comm. Nominees, with Draft Memo to the President attached
2. 10/16/97			Draft Talking Points for Meeting with President on Safety Valve
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6. 5/28/98	Jolin	Yellen	Draft Presidential Letter to Congressman
7. 4/17/98 6/6/98 6/15/98 6/19/98 7/26/98	Stern	President	Climate Change Weekly Reports

Additional drafts and comments on drafts, at least partly duplicative, were added to items 9, 13, 14, and 16 on the previous CEA log of Presidential documents.

DRAFT

WHITE HOUSE DOCUMENTS SUBJECT TO CLAIMS OF PRIVILEGE¹

TO	FROM	CC	DATE	SUBJECT	DOCUMENT DESCRIPTION
David B. Sandalow, CEQ Associate Director for Global Environment	Alicia Munnel, Member, CEA, Jeffrey A. Frankel, Member, CEA	N/A	6/9/97	Memo on climate change for the president	Comments on presidential decision memo with attached draft of presidential decision memo
N/A	N/A	N/A	Undated	NEC principals' meeting on climate change	Talking points regarding climate change issues
N/A	N/A	N/A	Undated	Carbon price increases (and Btu tax)	Memorandum addressing the relationship between carbon price increases (and the Btu tax)
N/A	N/A	N/A	Undated	Effect of stabilizing U.S. carbon emissions	Memorandum addressing the price effects of stabilizing carbon emissions
Jeff Frankel	Joe Aldy, Staff Economist, CEA	N/A	8/27/97	International trade in carbon emissions	Memorandum addressing trade in carbon emissions
Gene Sperling, Assistant to the President for Economic Policy and Director of the NEC, Kathleen McGinty, Chair, CEQ	William Daley, Secretary of Commerce	N/A	9/9/97	Climate change	Comments on draft talking points regarding U.S. proposal on greenhouse gas emissions
N/A	N/A	N/A	9/9/97	Climate change scenarios	Draft memorandum for the president regarding climate change issues
N/A	N/A	N/A	9/11/97	Climate change scenarios	Handouts for presentation to NEC principals

¹ The documents on this log are subject to claims of attorney-client, work product, deliberative process, and presidential communications privilege, which are subsumed, for these purposes, under the rubric of "executive privilege."

TO	FROM	CC	DATE	SUBJECT	DOCUMENT DESCRIPTION
President of the United States	Gene Sperling, Kathleen McGinty, Daniel Tarullo, Assistant to the President for International Economic Policy	N/A	9/15/97	Climate change scenarios	Memorandum for the president regarding climate change issues with handwritten comments
President of the United States	Gene Sperling, Kathleen McGinty, Daniel Tarullo	N/A	9/15/97	Climate change scenarios	Memorandum for the president regarding climate change issues
President of the United States	N/A	N/A	9/22/97	Climate change	Draft memorandum for the president regarding climate change issues
President of the United States	N/A	N/A	9/26/97	Climate change	Draft memorandum for the president regarding climate change issues
Janet Yellen	Jeff Frankel	N/A	9/26/97	Global climate change submission by Secretary Pena	Sets forth elements of submission by Secretary Pena regarding global climate change issues
President of the United States	Gene Sperling, Daniel Tarullo, Kathleen McGinty	N/A	9/28/97	Climate change	Memorandum for the President regarding climate change issues
N/A	N/A	N/A	Undated	Components of climate change plans	Analyzes elements of climate change plans
President of the United States	Gene Sperling, Daniel Tarullo, Kathleen McGinty	N/A	10/1/97	Climate change	Memorandum for the president regarding climate change issues

TO	FROM	CC	DATE	SUBJECT	DOCUMENT DESCRIPTION
President of the United States	Janet Yellen, Chair, CEA, Lawrence Summers, Deputy Secretary of the Treasury	N/A	10/3/97	Greenhouse gas emissions <i>proposals</i>	Memorandum examines (targets and timetables for reducing) greenhouse gas emissions <i>proposals</i>
President of the United States	Gene Sperling, Kathleen McGinty, Daniel Tartullo, Jim Steinberg, Deputy Assistant to the President for National Security Affairs, Todd Stern, Assistant to the President and Staff Secretary	Vice President of the United States, Erskine Bowles, Chief of Staff to the President, John Podesta, Assistant to the President and Deputy Chief of Staff, Sylvia Matthews, Assistant to the President and Deputy Chief of Staff, Franklin Raines Director, OMB, Samuel Berger, Assistant to the President for National Security Affairs, Rahm Emanuel, Senior Advisor to the President for Policy and Strategy & Executive Assistant to the Chief of Staff for Policy, John Hilley Senior Advisor to the President and Assistant to the President for Legislative Affairs, Ron Klain, Assistant to the President and Chief of Staff and Counselor to the Vice President, Mike McCurry, Assistant to the President and White House Press Secretary, Janet Yellen	10/5/97	Climate change recommendations	Draft memorandum sets forth recommendations on climate change issues
Janet Yellen	Joe Aldy, Randy Lutter, Economist, Natural Resources Branch, Office of Information & Regulatory Affairs, OMB	N/A	10/8/97	Sensitivity of carbon prices	Memorandum examines the effect of alternatives (assumptions) assumptions on estimated carbon prices
N/A	N/A	N/A	N/A	Safety valve for permit prices	Draft language for a memorandum to the president regarding safety valve for permit prices

TO	FROM	CC	DATE	SUBJECT	DOCUMENT DESCRIPTION
N/A	N/A	N/A	10/15/97	Economic triggers	Memorandum analyzes the advantages and disadvantages of various possible economic triggers
President of the United States	Gene Sperling, Kathleen McGinty, Daniel Tarullo, Jim Steinberg, Todd Stern	Robert Rubin, Lawrence Summers, Janet Yellen	Undated	Climate change	Draft climate change decision memorandum for the president
Gene Sperling, Daniel Tarullo, Katie McGinty	Stuart E. Eizenstat, Under Secretary of State for Economic and Business Affairs, Timothy E. Wirth, Undersecretary of State for Global Affairs	Todd Stern	10/16/97	Climate change	Memorandum regarding negotiating climate change issues
N/A	N/A	N/A	10/30/00	Climate change negotiations	Discussion paper regarding climate change negotiations
President of the United States	Gene Sperling, Kathleen McGinty, Daniel Tarullo, Jim Steinberg, Todd Stern	N/A	10/18/97	Climate change	Decision memorandum for the president
N/A	N/A	N/A	11/2/97	Climate change negotiations	Draft discussion paper regarding climate change negotiations

N/A	N/A	N/A	Undated	Climate change negotiations	Draft discussion paper regarding climate change negotiations
TO	FROM	CC	DATE	SUBJECT	DOCUMENT DESCRIPTION
President of the United States	Gene Sperling, Kathleen McGinty, Daniel Tarullo, James Sreinberg, Todd Stern	N/A	11/30/97	Kyoto negotiating guidance	Memorandum discusses status of Kyoto negotiations and seeks presidential guidance