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Helms/Hagel Letter

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THE WHITE HOUSE
WASHINGTON

September 4, 1998

The Honorable Jesse Helms
Chairman
Senate Foreign Relations Committee
403 Dirksen Senate Office Building
Washington, D.C. 20510-3301

Dear Senator Helms:

Erskine Bowles asked me to respond to your letter regarding Senator Hagel's requests to the State Department for information and documents regarding the Kyoto Protocol and global climate change.

The State Department has expended enormous efforts to respond comprehensively and accurately to Senator Hagel's requests. The Department's written response was more than 125 pages. They have made hundreds of documents available. State has devoted literally thousands of hours to this effort.

State has made available to Senator Hagel all the documents it had regarding economic analysis of climate change. In State's written responses to Senator Hagel, and in Under Secretary Eizenstat's conversations with him, State indicated that it had done so, and stressed that it had worked together with others in the Administration to assess the economic aspects of our approach to climate change. Under Secretary Eizenstat has indicated to Senator Hagel that he had summaries of results and support by an economic team at Kyoto, but not the documents underlying the full economic analysis. Moreover, neither the Treasury Department, the Defense Department, nor the Council of Economic Advisers has refused to provide such documents to Senator Hagel. To our knowledge, Senator Hagel has not asked any of these agencies to provide materials. If asked, they would be quite willing to cooperate with Senator Hagel and the Committee. Indeed, at Under Secretary Eizenstat's direction, the State Department has contacted the Council of Economic Advisors, informed Senator Hagel's staff of the Council's willingness to work with him, and provided information as to how to request the documents from CEA that were provided to Senator Enzi. Under Secretary Eizenstat spoke to Senator Hagel about the documents CEA provided to Senator Enzi in a July 31 telephone conversation, and followed up immediately.

In addition, I wish to assure you that the White House has not blocked the production of documents to Senator Hagel. At the time of your letter, we had not seen the documents State intended to produce. Since then, we have worked with the State Department to expedite the production of documents. I understand that the Department provided extensive materials to

The Honorable Jesse Helms

September 4, 1998

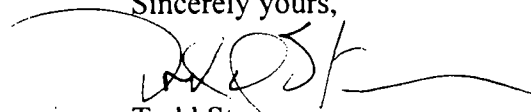
Page 2

Senator Hagel last week. Far from impeding the production of materials, our goal is to accommodate the Committee in receiving what it needs to perform its oversight functions.

Finally, you noted Senator Hagel's and the Committee's interest in the Administration's view of "meaningful participation" by developing countries with regard to climate change. Since your letter, Under Secretary Eizenstat briefed Senator Hagel in detail on this issue, as requested. We understand that Senator Hagel seemed satisfied with the explanation.

Again, let me reiterate our desire to cooperate with the Committee. I hope that we have been able to address your concerns and Senator Hagel's.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Stern", with a long horizontal flourish extending to the right.

Todd Stern

Assistant to the President

JESSE HELMS, NORTH CAROLINA, CHAIRMAN

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

July 23, 1998

Mr. Erskine Bowles
Chief of Staff
The White House
Washington, D.C. 20500

Dear Erskine:

First of all, it was meaningful to visit with you in my office. Bud Nance and I need your help in obtaining some information from the White House. Other than the President himself, you are the best man to ensure that the Foreign Relations Committee obtains this information.

On April 3, I asked the State Department to provide the Committee with the date each nominee, to be considered by the Foreign Relations Committee, was first pending in the White House. Yet, months later this information hasn't been forthcoming and staff tells me that the State Department says the hold-up is at the White House.

In fact, White House staff apparently refused even to discuss this issue with my people. Yet, when Claiborne Pell was chairman, the Bush White House provided this detailed paperwork to the Committee on every nominee.

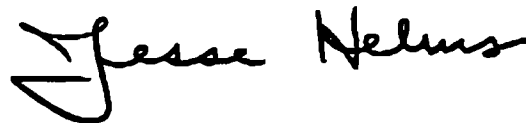
So, Erskine, this request is hardly unprecedented. (I have attached a copy of the Bush Administration-provided information). I strongly suggest that before the nomination of John Shattuck can go forward, the Committee must be provided with the paperwork for the 1998 nominees.

7/31/98
Sent to
Helms
✓
The second issue relates to the questions and documents Chuck Hagel and I requested involving Climate Change. We're looking for the economic analysis -- not just results of the analysis -- used to negotiate the Global Warming Treaty in Kyoto, data on the treaty's impact on U.S. national security, and precisely what the Administration means when it uses the term "meaningful participation of developing countries" in the context of the Kyoto Protocol.

Our request was made in relation to the nomination of Frank Loy to be the Under Secretary of State for Global Affairs (That's Tim Wirth's old job). The State Department has made a token effort in its response to our request, but the people at State claim that they can't share this economic analysis, and other information, because it belongs to the White House, the Treasury Department, and DOD, which have refused to make it available.

In any case, Erskine, I hope you can assist in making this information available to the Committee. It would be a shame if the cordial relationship this Committee enjoys with the Administration were disrupted over the White House's refusal to respond to these simple requests.

Sincerely,

A handwritten signature in black ink that reads "Jesse Helms". The signature is written in a cursive style with a large, stylized initial "J".

JESSE HELMS

JH:cjw

enclosure

6-1647



SEP 9 PM 1:35

United States Department of State
OFFICE OF THE
Under Secretary of State
for Economic, Business, and
Agricultural Affairs

Washington, D.C. 20520-7512

FAX COVER SHEET

Date: 9/9/98

Pages to follow: _____

TO:

<u>NAME</u>	<u>OFFICE</u>	<u>FAX</u>
Bill Antholis	NFC/NSC	456-5334
Julie Andersen	Task Force	395-2311
Jonathan Atashuk	Todd's Office	456-2215
Rob Weiner		

FROM:

C. Anne Pence

Telephone: (202) 647-7513

Fax: (202) 647-9763

SUBJECT:

Attached is just recieved letter from Sen. Hagel
We've faxed it out to Stu and Wendy Sherman
wants a 430pm strategy mtg. Stu gave Hagel a
confidential briefing on both the issues raised
on 7/31, and we've responded in writing. Sen. Hagel
wants more. We also sent him the econ analysis
the day it was released.

JESSE HELMS, NORTH CAROLINA, CHAIRMAN

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EDWIN K. HALL, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

September 9, 1998

The Honorable Stuart E. Eizenstat
Under Secretary for Economic, Business
and Agricultural Affairs
Department of State
Washington, D.C. 20520

Dear Secretary Eizenstat:

Since February of this year, the Congress has been attempting to gain a clear understanding of the ramifications of your negotiation last December of the Kyoto Protocol on Climate Change. Specifically, I have submitted to you a number of questions, all focused on answering the two requirements of S.Res. 98, the Byrd-Hagel Resolution: economic impact and developing country participation.

After seven months, the Senate is still left unable to determine the impact of the Kyoto Protocol on the United States economy and how you would propose to place on developing nations real and legally binding commitments under this treaty. It leaves me at a loss how the Administration could have agreed to this Protocol without answering these basic questions. I can only surmise that either you agreed to the Protocol without knowing the answers to these basic questions or that you fear that answering these questions frankly and for the public record would undermine any support for the treaty.

In order for the Senate Committee on Foreign Relations to move forward on the nomination of Frank Loy to be Under Secretary for Global Affairs, two fundamental questions still remain that must be answered fully and in writing. Without a full understanding of the Administration's own cost analysis at the time the Kyoto Protocol was being negotiated, and without a definition of precisely what constitutes "meaningful participation" and exactly what countries the Administration considers "key developing countries" it will be impossible to conduct a knowledgeable and serious review of the Clinton Administration's climate change policy. I have continually pressed for answers to these two questions. The Committee needs to understand the Administration's policy, how it was formulated and how it is to be implemented based on the above-mentioned requested information. Without an understanding of the Administration's policy, how can the Committee conduct a hearing to evaluate Mr. Loy's ability to carry out that policy? Again, the requests are as follows:

1. Provide a clear and precise definition of the President's requirement that there be "meaningful participation by key developing countries" (the President's words from his October 1997 speech). The Senate clearly and unanimously stated its own criteria for developing country compliance with the treaty (text of S.Res. 98 enclosed). The Administration developed a different standard. This is not a matter of sensitive diplomacy. This is a matter of being able to measure the Administration's adherence to its own stated policy.

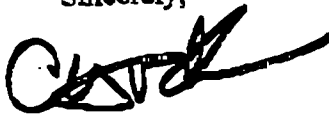
The Honorable Stuart E. Eizenstat
September 9, 1998
Page 2

2. During your February 11 testimony, you stated, "we had with us a representative, John Gruber, from the Treasury Department, who had his handy computer who at every turn, every time we made any significant proposal or we received one, factored the costs in. ...we did not sneeze without getting an economic analysis of it." The only possible interpretation of this statement is that you were using some economic model or analysis in Kyoto to assess the economic impact of every significant aspect of the Protocol. In previous questions I have asked for a full, public copy of the model or analysis used during the negotiations in Kyoto. Before you took on this issue, former Under Secretary Wirth testified before the Senate Foreign Relations Committee on June 19, 1997 that he would provide such a model or analysis. I am now asking you whether you wish to amend your February 11 testimony, in case such a model or analysis did not, in fact, exist. If it does exist, I again ask that you provide it to the Committee so that we and the American people can gain a better understanding of the economic assumptions the Administration was using at the time you were negotiating the Kyoto Protocol.

As you know, I respect your immense abilities and appreciate your years of exemplary and selfless service to our nation in a variety of positions. You took on leadership responsibilities for the climate change negotiations late in the process. Nonetheless, this Administration has been less than forthcoming in providing timely, honest, clear, concise and accurate information and answers to questions regarding the climate change issue. I hope that we can close this issue with complete responses to the above critically important questions.

Thank you.

Sincerely,



Chuck Hagel
Chairman
Subcommittee on International Economic
Policy, Export and Trade Promotion

CTH/kp

Enclosure

cc: The Honorable Jesse Helms
The Honorable Joseph R. Biden, Jr.

JESSE HELMS, NORTH CAROLINA, CHAIRMAN

RICHARD G. LUGAR, INDIANA
PAUL COVERDELL, GEORGIA
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JAMES W. NANCE, STAFF DIRECTOR
EDWIN K. HALL, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

July 23, 1998

Mr. Erskine Bowles
Chief of Staff
The White House
Washington, D.C. 20500

Dear Erskine:

First of all, it was meaningful to visit with you in my office. Bud Nance and I need your help in obtaining some information from the White House. Other than the President himself, you are the best man to ensure that the Foreign Relations Committee obtains this information.

On April 3, I asked the State Department to provide the Committee with the date each nominee, to be considered by the Foreign Relations Committee, was first pending in the White House. Yet, months later this information hasn't been forthcoming and staff tells me that the State Department says the hold-up is at the White House.

In fact, White House staff apparently refused even to discuss this issue with my people. Yet, when Claiborne Pell was chairman, the Bush White House provided this detailed paperwork to the Committee on every nominee.

So, Erskine, this request is hardly unprecedented. (I have attached a copy of the Bush Administration-provided information). I strongly suggest that before the nomination of John Shattuck can go forward, the Committee must be provided with the paperwork for the 1998 nominees.

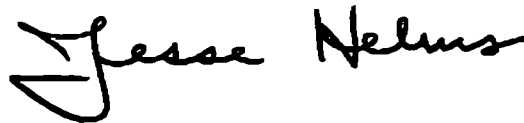
7/31/98
S. Helms
V

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Our request was made in relation to the nomination of Frank Loy to be the Under Secretary of State for Global Affairs (That's Tim Wirth's old job). The State Department has made a token effort in its response to our request, but the people at State claim that they can't share this economic analysis, and other information, because it belongs to the White House, the Treasury Department, and DOD, which have refused to make it available.

In any case, Erskine, I hope you can assist in making this information available to the Committee. It would be a shame if the cordial relationship this Committee enjoys with the Administration were disrupted over the White House's refusal to respond to these simple requests.

Sincerely,

A handwritten signature in black ink that reads "Jesse Helms". The signature is written in a cursive style with a large, stylized initial "J".

JESSE HELMS

JH:cjw

enclosure



United States Department of State
OFFICE OF THE
Under Secretary of State
for Economic, Business, and
Agricultural Affairs

Washington, D.C. 20520-7512

FAX COVER SHEET

Date:

9/4/98

Pages to follow: 1

TO:

NAME

OFFICE

FAX

Todd Stern
Rob Weiner

Climate Change
Task Force

4562215

FROM:

C. Anne Pence

Telephone: (202) 647-7513

Fax: (202) 647-9763

SUBJECT:

Attached are Stu's edits to the response
to Senator Helms. We clear, with this.
Thanks.

At the end para 2. make an addition: "They have made....documents available. State has devoted literally thousands of hours to this effort."

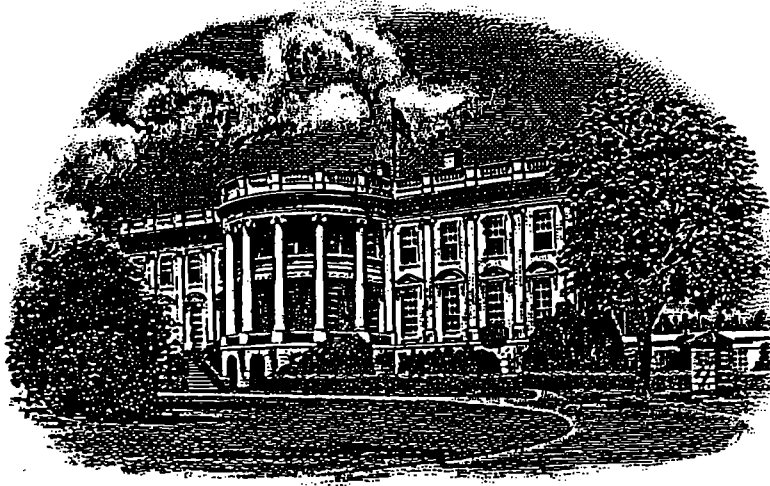
The letter does not currently address Senator Helms' charge that State said that it "can't share" information on the economic analysis. To address that, it makes sense to add a few sentences at the beginning of para 3:

"State has made available to Senator Hagel all the documents it had regarding the economic analysis. In State's written responses to Senator Hagel, and in Under Secretary Eizenstat's conversations with him, State indicated that it had done so, and stressed that it had worked together with others in the Administration to assess the economic aspects of our approach to climate change. Under Secretary Eizenstat has indicated to Senator Hagel that he had summaries of results and support by an economic team at Kyoto, but not the documents underlying the full economic analysis. In addition, neither the Treasury Department...."

The current last sentence of para 3 should read "At Under Secretary Eizenstat's direction, the State Department has contacted the Council of Economic Advisors, informed Senator Hagel's staff of the Council's willingness to work with him, and provided information as to how to request the documents from CEA that were provided to Senator Enzi." Then add, "Under Secretary Eizenstat spoke to Senator Hagel about the documents CEA provided to Senator Enzi in a July 31 telephone conversation, and followed-up immediately."

In para 5 at bottom of the first page the last sentence should read, "Since your letter, Under Secretary Eizenstat briefed Senator Hagel in detail on this issue, as requested. We understand that Senator Hagel seemed satisfied with the explanation."

The White House



Office of Counsel to the President
Facsimile Transmission

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THE WHITE HOUSE
WASHINGTON

September 4, 1998

The Honorable Jesse Helms
Chairman
Senate Foreign Relations Committee
403 Dirksen Senate Office Building
Washington, D.C. 20510-3301

Dear Senator Helms:

Ersine Bowles asked me to respond to your letter regarding Senator Hagel's requests to the State Department for information and documents regarding the Kyoto Protocol and global climate change.

The State Department has expended enormous efforts to respond comprehensively and accurately to Senator Hagel's requests. The Department's written response was more than 125 pages. They have made thousands of pages of documents available.

Neither the Treasury Department, the Defense Department, nor the Council of Economic Advisers has refused to provide documents to Senator Hagel. To our knowledge, Senator Hagel has not asked any of these agencies to provide materials. If asked, they would be quite willing to cooperate with Senator Hagel and the Committee. Indeed, the State Department has contacted the Council of Economic Advisers and informed Senator Hagel of the Council's willingness to work with him.

In addition, I wish to assure you that the White House has not blocked the production of documents to Senator Hagel. At the time of your letter, we had not seen the documents State intended to produce. Since then, we have worked with the State Department to expedite the production of documents. I understand that the Department provided extensive materials to Senator Hagel last week. Far from impeding the production of materials, our goal is to accommodate the Committee in receiving what it needs to perform its oversight functions.

Finally, you noted Senator Hagel's and the Committee's interest in the Administration's view of "meaningful participation" by developing countries with regard to climate change. Since your letter, Undersecretary Eizenstat has briefed Senator Hagel on this issue. Please let us know if you or Senator Hagel needs further information.

The Honorable Jesse Helms
September 4, 1998
Page 2

Again, let me reiterate our desire to cooperate with the Committee. I hope that we have been able to address your concerns and Senator Hagel's.

Sincerely yours,

Todd Stern
Assistant to the President

THE WHITE HOUSE
WASHINGTON

COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: 9-1-98

TOTAL PAGES (including cover page): 6

TO: Rob Weiner

FROM:

Chuck Ruff

PHONE: (202) 456-2632

FAX: (202) 456-6279

COMMENTS:

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THE WHITE HOUSE
WASHINGTON
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE CHIEF OF STAFF

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THE WHITE HOUSE

WASHINGTON
September 1, 1998

MEMORANDUM FOR ERSKINE BOWLES

FROM: Todd Stern *TJS*
Robert Weiner *RW*

Senator Helms has written you about Senator Hagel's request to the State Department for the economic analysis used to negotiate the Kyoto Protocol, information regarding the impact of the treaty on national security, and an explanation of "meaningful participation of developing countries" in the context of the Protocol. He complains that State says it cannot share the economic analysis or other information "because it belongs to the White House, the Treasury Department, and DOD, which have refused to make it available." This claim is mistaken.

The State Department's response to Senator Hagel's 60 plus pages of questions was more than 100 pages. State produced documents and let Hagel's staff review an economic analysis sent by the Treasury Department to the Kyoto delegation during the negotiations. Undersecretary Eizenstat has briefed Senator Hagel on the role of developing countries and delivered the Administration's economic analysis in late July. The State Department produced documents responsive to Senator Hagel's request last week.

With regard to information at Treasury, DOD, or the White House, Senator Hagel did not ask those agencies for information, and they have not refused to provide it. Nor has the White House in any way impeded State's production of materials to Senator Hagel.

Treasury, DOD, and over 15 other departments in the government have been burdened by requests from Congressman McIntosh for climate change documents. We have produced or made economic analyses available for review by Congressional staff. Certain high-level or diplomatically sensitive material has been reserved for review by Members of Congress. We have not provided memoranda that went to the President or Vice-President. If Senator Hagel asks Treasury, DOD, or CEA for materials that have White House equities, we would make them available on much the same basis. In fact, the State Department has contacted CEA on behalf of Senator Hagel and has conveyed to the Senator CEA's willingness to work with him.

WHAT TO SAY TO SENATOR HELMS:

1. The State Department has expended enormous efforts responding to Senator Hagel's requests -- producing a response over 100 pages, and making documents available, including economic analyses.
2. Undersecretary Eizenstat has briefed Senator Hagel on the role of developing countries with regard to climate change. That issue is resolved.

3. Treasury, DOD, and the White House have not refused to provide documents. Senator Hagel never asked them for materials. If asked, Treasury, DOD, or CEA (we should not encourage a direct request to the White House) would have made materials -- other than memoranda to the President and Vice-President -- available for review. The State Department has in fact contacted CEA and conveyed to Senator Hagel CEA's willingness to work with him.
4. The White House has not impeded the production of documents to Senator Hagel. At the time of Senator Helms' letter, we had not even seen the documents State intended to produce. The State Department produced documents to Senator Hagel last week.



Rob
Pence
Review +
mzm

United States Department of State
OFFICE OF THE
Under Secretary of State
for Economic, Business, and
Agricultural Affairs

Washington, D.C. 20520-7512

FAX COVER SHEET

any necessary
changes + get
back to in Greenstat's
office

Date: 8/7/98

Pages to follow: 2

TO:

NAME	OFFICE	FAX
Jonathan Atashuk for Todd Stern	White Hs	456-2215

FROM:

C. Anne Pence
Telephone: (202) 647-7513
Fax: (202) 647-9763

SUBJECT:

Attached is a draft letter to Senator Hagel which has been cleared at E, G, OES, EB and by Stu himself. Our leg affairs staff has spoken to Roger Ballentine in your leg. shop about this approach and Roger was comfortable according to Julie. I have faxed it to CEAT Michele Tolin and will talk to her this morning. Stu wants very much to be as positive as we can with Senator Hagel, but understands fully issues of precedents and of CEA preview over their own documents. Pls get me any comments today if possible. Th

Dear Senator Hagel:

I understand from Under Secretary Eizenstat that in your last telephone conversation with him on August 2 you raised concerns regarding the economic documents made available by the Council of Economic Advisors (CEA) to Senator Enzi, at his request. Since your conversation with Under Secretary Eizenstat, he has pursued this issue. As Under Secretary Eizenstat indicated to you, the State Department does not possess the CEA documents, so they were not provided to you pursuant to your request to us for our economic documents. Communication between CEA and Senator Enzi was coordinated through the White House, as is the practice with such requests. [The number and complexity of recent climate change-related requests have been substantial, and interagency coordination on these sorts of matters should improve.]

At Under Secretary Eizenstat's request, we have contacted CEA regarding your interest in their documents. They are quite willing to work with you on this matter, as they did with Senator Enzi. I hope that you also find useful "The Kyoto Protocol and the President's Policies to Address Climate Change: the Administration's Economic Analysis," which we sent to you last Friday, when it was released. Dr. Janet Yellen of CEA has offered to brief interested Senators on this economic analysis. On either matter, please have your staff contact CEA's Chief of Staff Michele Jolin to make arrangements.

In regard to your continuing interest in economic analysis related to the Kyoto Protocol, Under Secretary Eizenstat has explained that while in Kyoto he relied upon on-site assessments by the economic agencies. These assessments, as he indicated to you, were based on the extensive analysis by CEA using the Batelle Second Generation economic model, and, more generally, upon a thorough examination of related outside research and models. We have provided you an

initial tranche of the documents in our possession that relate to your March 22 request, and will complete work on the remainder of your document request in the near future. Through my July 15 letter to you and Under Secretary Eizenstat's conversation with you last Friday, we also followed up on other questions raised in your July 14 letter to Secretary Albright. I was pleased to learn from Under Secretary Eizenstat that you seemed satisfied with his explanation to you of our approach to meaningful participation by developing countries and of how the defense issues were handled at Kyoto.

I hope this information has been helpful. Please contact us again should you have any further questions regarding our international efforts on climate change.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

THE WHITE HOUSE

WASHINGTON
September 1, 1998

MEMORANDUM FOR ERSKINE BOWLES

FROM: Todd Stern 
Robert Weiner 

Senator Helms has written you about Senator Hagel's request to the State Department for the economic analysis used to negotiate the Kyoto Protocol, information regarding the impact of the treaty on national security, and an explanation of "meaningful participation of developing countries" in the context of the Protocol. He complains that State says it cannot share the economic analysis or other information "because it belongs to the White House, the Treasury Department, and DOD, which have refused to make it available." This claim is mistaken.

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WHAT TO SAY TO SENATOR HELMS:

1. The State Department has expended enormous efforts responding to Senator Hagel's requests -- producing a response over 100 pages, and making documents available, including economic analyses.
2. Undersecretary Eizenstat has briefed Senator Hagel on the role of developing countries with regard to climate change. That issue is resolved.

3. Treasury, DOD, and the White House have not refused to provide documents. Senator Hagel never asked them for materials. If asked, Treasury, DOD, or CEA (we should not encourage a direct request to the White House) would have made materials -- other than memoranda to the President and Vice-President -- available for review. The State Department has in fact contacted CEA and conveyed to Senator Hagel CEA's willingness to work with him.
4. The White House has not impeded the production of documents to Senator Hagel. At the time of Senator Helms' letter, we had not even seen the documents State intended to produce. The State Department produced documents to Senator Hagel last week.

THE WHITE HOUSE

WASHINGTON

September 1, 1998

MEMORANDUM FOR ERSKINE BOWLES

FROM: Todd Stern *TJS*
Robert Weiner *RW*

Senator Helms has written you about Senator Hagel's request to the State Department for the economic analysis used to negotiate the Kyoto Protocol, information regarding the impact of the treaty on national security, and an explanation of "meaningful participation of developing countries" in the context of the Protocol. He complains that State says it cannot share the economic analysis or other information "because it belongs to the White House, the Treasury Department, and DOD, which have refused to make it available." This claim is mistaken.

The State Department's response to Senator Hagel's 60 plus pages of questions was more than 100 pages. State produced documents and let Hagel's staff review an economic analysis sent by the Treasury Department to the Kyoto delegation during the negotiations. Undersecretary Eizenstat has briefed Senator Hagel on the role of developing countries and delivered the Administration's economic analysis in late July. The State Department produced documents responsive to Senator Hagel's request last week.

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