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Series: Skinner, Sam, Files
Subseries:

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Folder Title:
Memos - 1/92


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Records file

THE WHITE HOUSE
WASHINGTON

January 2, 1991

MEMORANDUM FOR: The Attorney General
C. Boyden Gray

FROM: Samuel K. Skinner 

SUBJECT: Seventh Circuit Vacancy


Wonders never cease: Congressman Henry Hyde called me this morning to recommend Mary Ann McMorrow, the Democratic party's slated nominee for the Illinois Supreme Court, for appointment to the U.S. Court of Appeals for the Seventh Circuit. Henry tells me that she is currently on an Illinois intermediate appellate court, that she has a strong conservative record on issues important to him, and that she would step down from the Democratic ticket in Illinois if nominated for the Seventh Circuit.

I pass this on only for information but frankly hope that we can locate an acceptable conservative Republican (preferably a woman or minority) before resorting to the appointment of Democratic candidates, even those acceptable to Henry Hyde.

THE WHITE HOUSE
WASHINGTON

January 2, 1992

MEMORANDUM TO THE VICE PRESIDENT

FROM: Samuel Skinner 
SUBJECT: 1992 Domestic Agenda

As you are aware, the President's 1992 domestic and budget agendas will emphasize heavily certain initiatives in the area of competitiveness. In order for these initiatives to be properly understood and communicated, I am asking you to head up a task force of communication outreach and policy-oriented people to work with you in developing our communication efforts. I have asked David Demarest and Bobbie Kilberg to cooperate with you on this effort and to provide support.

I would like to go over your plans sometime on Wednesday, January 9, at which time we can finalize your efforts. My office will be in touch to schedule the time.

If you have any questions, please don't hesitate to call.

file

THE WHITE HOUSE
WASHINGTON

December 31, 1991

MEMORANDUM FROM THE CHIEF OF STAFF

TO: Secretary Alexander
Ede Holiday

SUBJECT: 1992 Domestic Agenda

As you are aware, the President's 1992 domestic and budget agendas will emphasize heavily certain initiatives in the area of education. In order for these initiatives to be properly understood and communicated, I am asking the two of you to head up a task force of communication outreach and policy-oriented people to work with you in developing our communication efforts. You should feel free to use resources within your departments, as well as within the White House. I have asked David Demarest and Bobbie Kilberg to cooperate with you on this effort and to provide support.

Bob Teeter and I would like to go over your plans sometime on Wednesday, January 9, at which time we can finalize your efforts. My office will be in touch to schedule the time.

If you have any questions, please don't hesitate to call.

file

THE WHITE HOUSE
WASHINGTON

December 31, 1991

MEMORANDUM FROM THE CHIEF OF STAFF

TO: Attorney General Barr
Governor Martinez

SUBJECT: 1992 Domestic Agenda


As you are aware, the President's 1992 domestic and budget agendas will emphasize heavily certain initiatives in the area of crime and drugs. In order for these initiatives to be properly understood and communicated, I am asking the two of you to head up a task force of communication outreach and policy-oriented people to work with you in developing our communication efforts. You should feel free to use resources within your departments, as well as within the White House. I have asked David Demarest and Bobbie Kilberg to cooperate with you on this effort and to provide support.

Bob Teeter and I would like to go over your plans sometime on Wednesday, January 9, at which time we can finalize your efforts. ~~My office will be in touch to schedule the time.~~

If you have any questions, please don't hesitate to call.

THE WHITE HOUSE
WASHINGTON

December 31, 1991

MEMORANDUM FROM THE CHIEF OF STAFF 

TO: Secretary Cheney
General Scowcroft

SUBJECT: 1992 Agenda

As you are aware, the President's 1992 agenda will emphasize certain initiatives in the area of defense and foreign policy. In order for these initiatives to be properly understood and communicated, I am asking the two of you to head up a task force of communication outreach and policy-oriented people to work with you in developing our communication efforts. You should feel free to use resources within your departments, as well as within the White House. I have asked David Demarest and Bobbie Kilberg to cooperate with you on this effort and to provide support.

Bob Teeter and I would like to go over your plans sometime on Wednesday, January 9, at which time we can finalize your efforts. My office will be in touch to schedule the time.

If you have any questions, please don't hesitate to call.

THE WHITE HOUSE
WASHINGTON

December 31, 1991

MEMORANDUM FROM THE CHIEF OF STAFF

TO: Secretary Sullivan
Roger Porter

SUBJECT: 1992 Domestic Agenda

As you are aware, the President's 1992 domestic and budget agendas will emphasize heavily certain initiatives in the area of health. In order for these initiatives to be properly understood and communicated, I am asking the two of you to head up a task force of communication outreach and policy-oriented people to work with you in developing our communication efforts. You should feel free to use resources within your departments, as well as within the White House. I have asked David Demarest and Bobbie Kilberg to cooperate with you on this effort and to provide support.

Bob Teeter and I would like to go over your plans sometime on Wednesday, January 9, at which time we can finalize your efforts. My office will be in touch to schedule the time.

If you have any questions, please don't hesitate to call.

THE WHITE HOUSE

WASHINGTON

December 31, 1991

MEMORANDUM FROM THE CHIEF OF STAFF

TO: Secretary Brady
Director Darman

SUBJECT: 1992 Domestic Agenda

As you are aware, the President's 1992 domestic and budget agendas will emphasize heavily certain initiatives in the area of economic growth and jobs. In order for these initiatives to be properly understood and communicated, I am asking the two of you to head up a task force of communication outreach and policy-oriented people to work with you in developing our communication efforts. You should feel free to use resources within your departments, as well as within the White House. I have asked David Demarest and Bobbie Kilberg to cooperate with you on this effort and to provide support.

Bob Teeter and I would like to go over your plans sometime on Wednesday, January 9, at which time we can finalize your efforts. My office will be in touch to schedule the time.

If you have any questions, please don't hesitate to call.

File

THE WHITE HOUSE
WASHINGTON

January 6, 1991

SCHEDULE PROPOSAL FOR SAMUEL SKINNER

THROUGH: DAVID F. DEMAREST
Assistant to the President for Communications

DEBRA R. ANDERSON *Was*
Deputy Assistant to the President
and Director of Intergovernmental Affairs

FROM: *DJS* DAVID J. BEIGHTOL
Special Assistant to the President
for Intergovernmental Affairs

REQUEST: For Sam Skinner to represent the
Administration at a follow-up health care
meeting.

BACKGROUND: At the October 30, 1991, NGA Executive
Committee meeting the Governors discussed
with Andy Card and the other administration
representatives the possibility of holding a
follow-up meeting on health care at a later
date. Governors are concerned about
increased federal mandates.

PREVIOUS
PARTICIPATION: None.

DATE AND TIME: January 24, 1992
9:00 am - 10:30 am or 3:00 pm - 4:30 pm.

LOCATION: Roosevelt Room.

PARTICIPANTS: *||* Secretary Sullivan
Dick Darman
Governor John Ashcroft (R-MO)
Other NGA leaders

OUTLINE OF EVENT:

REMARKS REQUIRED:

MEDIA COVERAGE:

*Perhaps after "State of the
Union"? Setup, before _____
Wait on this X
already setup / Some*

*Records Mgmt.
file*

THE WHITE HOUSE
WASHINGTON

January 7, 1992

MEMORANDUM FOR C. BOYDEN GRAY
COUNSEL TO THE PRESIDENT

FROM: SAMUEL K. SKINNER *SKS*
CHIEF OF STAFF TO THE PRESIDENT

SUBJECT: Steps to avoid conflicts of interest and appearance problems

As you know, in October 1989 the President granted me a waiver from the conflict of interest prohibitions of 18 U.S.C. 208(a) because of my wife's financial interests in the law firm of Sidley & Austin that were attributable to me.¹ At that time, my wife, Mary Margaret Jacobs Skinner, was a partner in Sidley & Austin, but changed her status to "of counsel" and took additional measures to reduce significantly the nature of my attributed financial interest in the firm. Under my wife's arrangement with the law firm, reached at the time of the issuance of the waiver, my wife 1) receives a fixed salary not dependent on the financial well-being of the firm or the results of any representation of a client; 2) is not liable for the debts or other liabilities of the firm; 3) does not receive discretionary bonuses from the firm; and 4) receives annual salary increases, also not dependent on the financial well-being of the firm.²

Therefore, my wife's salary interest is no longer tied to the profitability of the law firm. As such, I understand that I am not disqualified from participating in any matter in which the law firm is involved simply by virtue of my wife's affiliation with the firm and that a waiver is no longer necessary.

Nonetheless, I recognize that I may continue to be disqualified from participating in any particular matter which my wife is personally handling for the firm because of her financial

¹That waiver is no longer effective, since my resignation as Secretary of Transportation on December 16, 1991.

²Although my wife has a continuing interest in the Sidley & Austin Savings Investment Plan and the Sidley & Austin Retirement Plan for Partners, the firm does not contribute to either plan. The assets in the Retirement Plan exist from the time my wife was a partner; there have been no further contributions from the firm since she changed to "of counsel."

interest in the matter. Therefore, I am executing this recusal statement by which I pledge to recuse myself from participating in any particular matter in which my wife is personally representing a client before any Federal agency or official. I also realize that I am disqualified from acting in any particular matter handled by someone in the firm other than my wife, if the matter would affect a financial interest of hers, such as a matter that to her knowledge would affect her affiliation with the firm or its ability or inclination to pay her full salary or agreed upon salary increases.

A substantial part of my wife's law practice consists in representing hospitals, especially children's hospitals, before the Illinois State and United States Governments. I expect that my wife will continue to represent clients regularly before the Health Care Financing Administration (HCFA), a component of the Department of Health and Human Services (HHS). I understand that I need not disqualify myself from participating in any specific matter relating to health care policy, including specific legislative and rulemaking proposals emanating from or being considered by HCFA or HHS, notwithstanding that such matters may have an effect on the interests of some of my wife's clients, so long as my wife is not representing a client on that specific matter. As noted above, I will not participate in any particular matter where my wife is also representing a client on that matter.

To ensure that this recusal is strictly observed, and out of an abundance of caution, I have asked the Senior Staff of the White House to screen materials relating to health care policy with your Office before submitting them to me. I have also asked my immediate staff that before I attend any meeting on the subject of health care with persons outside the EOP the identity of the persons and the issues to be discussed should be shared with your office. From time to time my wife will inform your Office of the matters before the Federal Government in which she is representing a client.

Although she is not required to do so, my wife has agreed not to make any communication to or appearance before any office or component of the Executive Office of the President on any matter on behalf of a client, whether or not the matter is or is likely to come before me in my capacity of Chief of Staff. On such matters, my wife will remain free to provide representation to clients so long as her representation is not disclosed to anyone in the Executive Office of the President.

I have decided to take a further step not required by conflict of interest standards, in order to avoid any appearance problems.

In consideration of my former affiliation with Sidley & Austin, I have decided not to engage in any one-on-one meeting with lawyers from Sidley & Austin where the firm represents a client. I would remain free to meet with a representative of Sidley & Austin so long as the Sidley & Austin representative does not request the meeting and is only one of a diverse group of persons or entities present.

cc: Phil Brady
Ede Holiday



No response necessary
SKS write this week.
LC
2/6/92

[Handwritten signature]

ocr
1/21

National
Black
Republican
Council

January 10, 1992

MEMORANDUM FOR: Samuel K. Skinner, Chief of Staff to the President of the United States

Fred Brown
Chairman
THROUGH: Washington Office *AKP*
FROM: *DB:fa* Fred Brown, Chairman
SUBJECT: Feedback on Meeting of January 8th

SKS
Prepared
Restorse

It was a pleasure meeting with you last week in the strategy session with other distinguished members of the community. The NBRC with its 23 active state chapters and 10 state chapters in formation, stand ready to assist you and your staff in communicating the President's agenda into the community from the leadership levels through the grassroots.

SUGGESTIONS

Reflecting on the meeting and after talking with several members of my Executive Board there are several suggestions we would put forward:

- The focus of the effort to influence the African American community should began with the people who have been with the Party and have demonstrated loyalty to the President in the past. Reaching out to try to convert democrats should not be done at the expense of proven loyal members.
- Currently there is no representation in the White House at a senior policy level of any African Americans. The White House needs an articulate advocate of the President's agenda with professional training and experience which would allow him to provide legitimate and respected input during policy formulation sessions. That person should have previous contacts with respected blacks throughout the country. Above all else he should be able to show that he was a Bush supporter early on, not a converted opportunist.
- The White House should work with the NBRC in placing a Bush loyalist in the campaign who can demonstrably represent the African American community, and one again who can offer meaningful input and contacts to the re-election effort.
- The NBRC needs a senior level contact person in the White House to communicate through until the time that you appoint an African American to a post.

THE CHIEF OF STAFF, continued, page 2.

After achieving some of the above mentioned objectives we suggest that periodic sessions be scheduled with that person and the working group so that the strategies to communicate the President's message can be finalized and implemented. We have some very definite strategies to move forward with and on.

PENDING EVENTS

From January 30th to February 1st, 1992, the Executive Board of the NBRC will be meeting in conjunction with the RNC's Winter Board Meeting at the Capital Hilton Hotel. On January 30th from 7 - 9:00 pm the NBRC will host a reception in honor of Senator Arlen Specter of Pennsylvania. In addition, during these events Don King the internationally renowned promoter and community philanthropist will announce his open membership and support of the Republican Party as well as support and endorsement of the President. We are currently working out the logistics of the announcement but we will keep you informed.

Don King has already agreed to assist the NBRC with several major fund raising events for the President. We anticipate that these will be the largest fund raisers to ever take place in the African American community for any Party on behalf of a Presidential candidate.

I would also like to suggest that you address a session of our Executive Board during their Washington visit. We expect the largest representation to come from Illinois, coincidentally.

We look for your positive feedback on all of the above mentioned. Please give us the temporary senior level contact person immediately. Best regards.

THE WHITE HOUSE
WASHINGTON

File

January 10, 1992

92 JAN 16 P3:26

MEMORANDUM FOR THE CHIEF OF STAFF

FROM

KATHY SUPER *K. Super*
DEPUTY ASSISTANT TO THE PRESIDENT
FOR APPOINTMENTS AND SCHEDULING

SUBJECT

FEBRUARY CALENDAR

I have approximately 12 events that you have already approved for inclusion on the President's calendar. Before I lock in times and dates for these events, I would appreciate knowing of any dates that you anticipate for Presidential travel or major speeches during the month of February. Once I have this information, I can begin to get the February calendar scheduled.

Thank you.

See attached

J

THE WHITE HOUSE
WASHINGTON

January 15, 1992

MEMORANDUM FOR SAM SKINNER

FROM:

KATHY SUPER *K.S.*

SUBJECT:

Presidential Calendar -- State of the Union Rollout

10 → At a meeting earlier today with Andy Card, Ede Holiday, Fred Malek, and Jim Lake we agreed on a number of proposals for Presidential activities between January 21 and February 15.

We are seeking your approval of these proposals so we can begin the necessary planning:

January 21

↓ Announce FY '93 Head Start Funding (Head Start Center, Dundalk, MD) *AM*

January 22

Announce Computer Trade Agreement (White House) *2:00*

January 23

Announce FY'93 Environmental Initiatives (Teleconference to California)

January 27

Drop-by release of Drug Control Strategy and release of drug use data (Room 450, OEOB)

February 4

Economic Growth Event (Charlotte, NC)

February 6

Address on Health Care Reform (Washington, DC)

Health event (Cincinnati, OH)

February 7

Health care/prevention event (San Diego, CA)

Roundtable with Small Business Leaders or Insurance Groups (San Diego)

THE WHITE HOUSE
WASHINGTON

*file
Rogich*

January 14, 1992

MEMORANDUM FROM THE CHIEF OF STAFF

TO: Ede Holiday
Sig Rogich



Please ensure that when the President of the United States is introduced it is done, if at all possible, by the designated member from the host group and is short and concise. If a Cabinet Secretary is going to introduce the President, his or her introduction should be very short (less than one minute, not four and one-half minutes, as happened today).

DCF
1/15

THE WHITE HOUSE
WASHINGTON

January 14, 1992

file

MEMORANDUM FOR SAMUEL K. SKINNER
Chief of Staff to the President

FROM: Rose Zamaria *RZ*
Deputy Assistant to the President and
Director of White House Operations

SUBJECT: Status of FY 1992 Travel and
Entertainment Budget

Listed below are the travel and entertainment funds available for your use for the remainder of fiscal year 1992.

<u>Account</u>	<u>Annual Budget</u>	<u>Obligated to Date</u>	<u>Remaining Funds</u>
Travel	\$15,000.00	125.00	14,875.00
Entertainment	1,500.00	222.45	1,277.55

If you have any questions concerning this memorandum, please call extension 2500.

1/04/92

TRAVEL REPORT FOR: ASST TO THE PRES - CHIEF OF STAFF - 210

FOR MONTH: *****

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AS OF DATE: DECEMBER 31, 1991 FISCAL YEAR: 92

LEGEND FOR TYPE: O = OFFICIAL; P = POLITICAL; S = STATE DEPARTMENT; N = NON-GOVERNMENT; R = OFFICIAL/POLITICAL
A = ADVANCE; H = HOTEL BILL; T = AIRLINE TICKETS; V = VOUCHER
* ASTERISK DESIGNATES CHANGE IN AMOUNT FROM PREVIOUS MONTH END REPORT

AUTH	NAME	DESTINATION	DATES	TYPE	PURPOSE	AMOUNT	CHANGE
21878	GAUGHAN	DALLAS, TX	12/18/91-12/18/91	O	ACCOMPANY THE PRESIDENT	.00	
60553	SKINNER	DALLAS, TX	12/18/91-12/18/91	O	ACCOMPANY THE PRESIDENT	.00	
TRIP TOTAL						.00	
MONTH TOTAL						.00	

1/04/92

TRAVEL REPORT FOR: ASST TO THE PRES - CHIEF OF STAFF - 210

FOR MONTH: OCTOBER 1991

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AS OF DATE: DECEMBER 31, 1991

FISCAL YEAR: 92

LEGEND FOR TYPE: O = OFFICIAL; P = POLITICAL; S = STATE DEPARTMENT; N = NON-GOVERNMENT; R = OFFICIAL/POLITICAL
A = ADVANCE; H = HOTEL BILL; T = AIRLINE TICKETS; V = VOUCHER
* ASTERISK DESIGNATES CHANGE IN AMOUNT FROM PREVIOUS MONTH END REPORT

AUTH	NAME	DESTINATION	DATES	TYPE	PURPOSE	AMOUNT	CHANGE
16010	MCBRIDE	NEW YORK, NY	10/25/91-10/25/91	O	ACCOMPANY THE CHIEF OF STAFF	.00	
16011	SUNUNU	NEW YORK, NY	10/25/91-10/25/91	O	ADDRESS 18TH ANNUAL DINNER	.00	
16022	SUNUNU	NEW YORK, NY	10/17/91-10/17/91	O	ADDRESS ALFRED E. SMITH MEMORIAL	.00	
16024	MCBRIDE	NEW YORK, NY	10/17/91-10/17/91	O	ACCOMPANY THE CHIEF OF STAFF	.00	
TRIP TOTAL						.00	
16019	MCBRIDE	MADRID, SPAIN	10/28/91-10/31/91	S	ACCOMPANY THE PRESIDENT	.00	
16083	SUNUNU	MADRID, SPAIN	10/28/91-10/31/91	S	ACCOMPANY THE PRESIDENT	.00	
TRIP TOTAL						.00	
MONTH TOTAL						.00	

1/04/92

TRAVEL REPORT FOR: ASST TO THE PRES - CHIEF OF STAFF - 210
AS OF DATE: DECEMBER 31, 1991

FOR MONTH: NOVEMBER 1991

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FISCAL YEAR: 92

LEGEND FOR TYPE: O = OFFICIAL; P = POLITICAL; S = STATE DEPARTMENT; N = NON-GOVERNMENT; R = OFFICIAL/POLITICAL
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 * ASTERISK DESIGNATES CHANGE IN AMOUNT FROM PREVIOUS MONTH END REPORT

AUTH	NAME	DESTINATION	DATES	TYPE	PURPOSE	AMOUNT	CHANGE
16094	MCBRIDE	OLATHE, KS	11/21/91-11/21/91	P	ACCOMPANY GOV. SUNUNU	.00	
TRIP TOTAL						.00	
16020	MCBRIDE	CA/TX	10/31/91-11/01/91	R	ACCOMPANY THE PRESIDENT	.00	
16079	SUNUNU	HOUSTON, TX	10/31/91-11/01/91	R	ACCOMPANY THE PRESIDENT	.00	
TRIP TOTAL						.00	
16018	MCBRIDE	SIMI VALLEY, CA	11/04/91-11/04/91	O	ACCOMPANY THE PRESIDENT	25.00	
16082	SUNUNU	SIMI VALLEY, CA	11/04/91-11/04/91	O	ACCOMPANY THE PRESIDENT	25.00	
TRIP TOTAL						50.00	
10179	MCBRIDE	NEW YORK, NY	11/12/91-11/12/91	O	ACCOMPANY THE PRESIDENT	25.00	
16081	SUNUNU	NEW YORK, NY	11/12/91-11/12/91	R	ACCOMPANY THE PRESIDENT	.00	
TRIP TOTAL						25.00	
MONTH TOTAL						75.00	

1/04/92

TRAVEL REPORT FOR: ASST TO THE PRES - CHIEF OF STAFF - 210

FOR MONTH: DECEMBER 1991

PAGE

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AS OF DATE: DECEMBER 31, 1991

FISCAL YEAR: 92

LEGEND FOR TYPE: O = OFFICIAL; P = POLITICAL; S = STATE DEPARTMENT; N = NON-GOVERNMENT; R = OFFICIAL/POLITICAL
 A = ADVANCE; H = HOTEL BILL; T = AIRLINE TICKETS; V = VOUCHER
 * ASTERISK DESIGNATES CHANGE IN AMOUNT FROM PREVIOUS MONTH END REPORT

AUTH	NAME	DESTINATION	DATES	TYPE	PURPOSE	AMOUNT	CHANGE
10161	MCBRIDE	FL/MI	12/03/91-12/03/91	O	ACCOMPANY THE PRESIDENT	25.00	
15323	SUNUNU	FL/MI	12/03/91-12/03/91	O	ACCOMPANY THE PRESIDENT	25.00	
TRIP TOTAL						50.00	
15324	MCBRIDE	CA/UT	12/03/91-12/10/91	O	ACCOMPANY THE PRESIDENT	.00	
20217	SUNUNU	ONTARIO, CA	12/06/91-12/06/91	R	ACCOMPANY THE PRESIDENT	.00	
TRIP TOTAL						.00	
16021	MCBRIDE	ROME, ITALY	11/06/91-11/09/91	S	ACCOMPANY THE PRESIDENT	.00	
16080	SUNUNU	ROME, ITALY	11/06/91-11/09/91	S	ACCOMPANY THE PRESIDENT	.00	
TRIP TOTAL						.00	
MONTH TOTAL						50.00	
ORGANIZATION TOTAL						125.00	

1/04/92

WHITE HOUSE ENTERTAINMENT REPORT

PAGE 1

AS OF DATE: DECEMBER 31, 1991

ASST TO THE PRES - CHIEF OF STAFF - 210

PAYEE	ACCOUNT	PURPOSE	DATE	AMOUNT
WH STAFF MESS	SUNU-00	OCT MESS CHARGES	10/31/91	6.30
WH STAFF MESS	OCSA-02	OCT MESS CHARGES	10/31/91	110.00
WH STAFF MESS	OCSA-02	NOV MESS CHARGES	11/30/91	85.00
WH STAFF MESS	OCSA-01	NOV MESS CHARGES	11/30/91	21.15
ORGANIZATION TOTAL				222.45

file

THE WHITE HOUSE
WASHINGTON

January 15, 1992

MEMORANDUM FOR SAM SKINNER

FROM: KATHY SUPER *K.S.*

OK
2/12

SUBJECT: *10* Presidential Calendar -- State of the Union Rollout

At a meeting earlier today with Andy Card, Ede Holiday, Fred Malek, and Jim Lake we agreed on a number of proposals for Presidential activities between January 21 and February 15.

We are seeking your approval of these proposals so we can begin the necessary planning:

January 21

Announce FY '93 Head Start Funding (Head Start Center, Dundalk, MD) *AM*

January 22

Announce Computer Trade Agreement (White House) *2:00*

January 23

Announce FY'93 Environmental Initiatives (Teleconference to California) *Grady*

January 27

Drop-by release of Drug Control Strategy and release of drug use data (Room 450, OEOB) *Ede*

February 4

Economic Growth Event (Charlotte, NC) *OPL, Sched.*

February 6

Address on Health Care Reform (Washington, DC)

Health event (Cincinnati, OH) *HHS, Sched, Cal.*

February 7

Health care/prevention event (San Diego, CA) *HHS*
Roundtable with Small Business Leaders or Insurance Groups (San Diego) *OPL*

THE WHITE HOUSE
WASHINGTON

file

Show ✓
POTUS

January 16, 1992

THE CHIEF OF STAFF
has seen

MEMORANDUM FOR SAMUEL K. SKINNER
CHIEF OF STAFF

FROM: CONSTANCE HORNER
ASSISTANT TO THE PRESIDENT
AND DIRECTOR OF PRESIDENTIAL PERSONNEL

SUBJECT: Senatorial Reaction to Carol Hallett
(Senators Dole, McCain, and Packwood)

Senator Dole called today to leave word of his "strong support" for Carol Hallett. Dole said

- "opposition from one Senator (presumably Packwood) should not dissuade us" from nominating her;
- "she has the strong support of many Republicans"; and
- he realizes that McCain has a problem but doubts he would ever try to block the President's nominee.

McCain's complaint is that Carol came in to Arizona without letting him know; that she came with DeConcini; and that he was not notified of grant announcements. He said this happened "several times." Carol said she went in with DeConcini (her appropriations sub-committee chair) only once and had routinely provided grant announcements to McCain's office (but only routinely). In my view, McCain's objections are not strong and can be overcome at the right time by representations of intentions of future responsiveness.

Packwood's objection is considerably stronger, although not necessarily justified. He says he will "do everything [he] can to stop or delay her confirmation, and, if she is confirmed, will do everything [he] can to hamstring DOT." He says, "She absolutely betrayed me; she had the administrative discretion to do me a great favor and refused." Early in her tenure, Carol fined Nike, Packwood's constituent, about twenty million dollars. Packwood wanted an additional public comment period, delaying the decision for 18 months. He and Nike talked with Brady and Robson, who did not overrule Carol. When Carol called to tell Packwood she was going ahead with the penalty, Packwood asked her

to send a letter he could read on the floor. He found the letter she provided "condescending" and "offensive to [his] constituents."

I have attached the letter. There are phrases that go beyond legal and regulatory language to express moral commentary on Nike's behavior -- the tone is that of the outraged bureaucrat reading the riot act to Nike lawyers.

It is important, I think, to recognize that this happened very early in Carol's tenure. I recommend we talk with Fred McClure about how to handle this.

~~CONFIDENTIAL~~

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
PER E.O. 12958, SEC 3.3 (C)
bah 1/8/05



THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

April 13, 1990

ESS
FYI

Dear Senator Packwood:

Thank you for the opportunity to meet and discuss with you the various issues raised by your constituents, the Nike and Avia shoe companies, concerning the tariff treatment of the Nike "Air Jordan" athletic shoe. I genuinely share your concern that your constituents pay no more nor less than the amount of duties required by law. I must admit that I am troubled somewhat by your constituents' decision not to avail themselves of our invitation to utilize a "test case" procedure which would expedite judicial consideration of the entire matter. However, I also appreciate that you have a legitimate interest in the propriety of our actions in this matter.

I am confident that a review of the attached detailed discussion of the various technical issues raised by your constituents will convince you that Customs is applying the tariff laws properly and will withstand the most stringent scrutiny by any branch of the government. As a fundamental matter, putting aside for the moment your constituent's highly technical arguments, I must find that the Nike "Air Jordan" athletic shoe falls within the class of shoes Congress has clearly and consistently indicated was its primary focus in enacting the higher "protective" rates of duty. The Tariff Classification Study of November 15, 1960, which served as Congress' principal source of guidance in the enactment of these tariff provisions, noted that the tariff protection historically afforded the domestic footwear industry covered primarily two categories of shoes. The second category consisted "of such types as tennis oxfords worn for exercise, recreation and ordinary footwear in mild weather; lace-to-toe shoes, commonly called basketball shoes, but used also for other sports and gymnastics; and specialties designed for leisure, beach, and streetwear." Id. at p. 18 fn.1.

Belaboring the legislative history obviously would serve little purpose in convincing your constituents who would avoid the consequences of that protective legislation if possible. However, for your consideration, the following excerpt from the Tariff Classification Study of November 15, 1960 explaining these tariff provisions, may be useful:

In recent years. . . there have been imports of footwear which have the appearance and are in fact of a

~~CONFIDENTIAL~~

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
PER E.O. 12958, SEC 3.3 (C)

2

bsh 1/8/85

kind made by the domestic rubber footwear industry, but which, by some relatively minor change in construction, have avoided classification for duty purposes under the tariff provisions established by [law]. The Congress has twice enacted legislation "to close a loophole in the tariff laws by which foreign producers are, by artful manipulation of a product, avoiding an import duty imposed specifically for the protection of the domestic rubber-soled footwear industry.

* * *

In addition to the avoidance practices which tended to nullify the protection afforded under [the law]. . . technological developments in the plastics field and the [statutory] limitation. . . to footwear of natural rubber have resulted in a dilution of the protection afforded under that provision.

* * *

In view of the incentive for importers to find means of avoiding the higher protective duties imposed under [the existing law] for the protection of the domestic rubber footwear industry, of the legislative efforts to redefine the scope of the tariff provisions so as to more effectively provide such protection, and of the general inadequacy and undesirable and unnecessary complexity of the existing tariff provisions, a number of informal conferences have been held with representatives of importers and domestic producers, both before and after the public hearings, in order that revised provisions might be drafted which would clearly cover no more and no less than the classes of footwear in question [i.e. the classes of footwear noted above which include "lace to toe shoes, commonly called basketball shoes"] and which could not be successfully avoided. It is believed that this objective has been substantially accomplished in the proposed provisions of this subpart (see items 700.50, 700.55, and 700.60)." Id. at p. 18-20 (underscoring added).

Notwithstanding the fact that your constituent's shoes are within that class of footwear which Congress was attempting to cover in a fashion which "could not be successfully avoided," tariff laws allow importers to structure and engineer their imports to avoid such higher rates of duty. Your constituents claim that they have done so. However, their alleged engineering change appears to be more semantic than substantive. In its simplest terms, Nike's argument is that because their sole is split into an "outsole" and "midsole," the "midsole" should

~~CONFIDENTIAL~~DETERMINED TO BE AN
ADMINISTRATIVE MARKING
PER E.O. 12958, SEC 3.3 (C)

3

bah 1/8/05

not be viewed as part of the "sole" for tariff purposes. To allow an importer to avoid the higher rates of duty imposed by Congress on this class of shoes based upon such a relatively minor change in construction obviously would thwart the intent of Congress. Given the fact that Congress has so thoroughly expressed its concerns in this regard, (I do not believe either of us in good conscience) can claim that the tariff laws imposing the higher rate of duty do not apply to these shoes.

The apparent weakness of Nike's technical construction arguments I believe have lead it to other technical legal arguments which are quickly disposed of. It is not surprising that while Nike's counsel wishes to rely on such technical arguments, he is upset by the fact that, as an equally technical matter, we find that they lack merit.

While the attached detailed analysis of those issues should suffice to resolve your concerns, I must raise the following as a matter of more general concern. Counsel for Nike rests his case for the most part on the argument that Nike relied upon T.D. 83-116 in the manufacture of the Nike "Air Jordan" shoe. We have already discussed the fact that the T.D. expressly states that the guidelines "are set forth as an aid to Customs officers" and do not dispose of the classification of any particular shoes. I agree with you that, if such a response was based solely upon a self-serving justification from the branch of the government which issued the T.D., it would be overly bureaucratic. But our response was based upon existing case law. As counsel for Nike should have known, the U.S. Court of International Trade also reached that very conclusion in 1983 in the case of Pagoda Trading Co. v. U.S., 6 CIT 296 (1983). That court decision should have sent a very clear signal to the trade community that T.D. 83-116 should not be relied upon for purposes of engineering particular imports.

If, for arguments sake, we could disregard the court's opinion, I question the credibility of an importer of this class of shoes claiming that their engineering decisions with regard to such shoes were based on T.D. 83-116, given the genesis of that T.D. and the active participation of the importing community in that process. As the Federal Register notices clearly referenced in T.D. 83-116 establish, that entire deliberative process was initiated in response to concerns raised by the domestic footwear industry that Customs was improperly failing to classify certain shoes, other than athletic shoes but similarly constructed, at the protective higher rates of duty. No one doubted, at that time, that athletic footwear of the class imported by your constituent fell within the protective tariff provisions. The domestic industry argued that Congress intended the protective tariffs to apply even more broadly to other classes of footwear of similar construction and that Congress did not intend those protective tariff provisions to be applied only

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ADMINISTRATIVE MARKING
PER E.O. 12958, SEC 3.3 (C)
4 bah 1/8/85

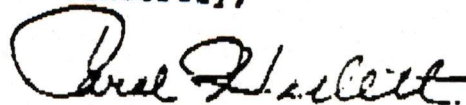
to the class of shoes of which your constituent's shoes clearly are a part.

After a lengthy process involving considerable public discussion, T.D. 83-116 elaborated and expanded somewhat Customs interpretation of these higher "protective" tariff provisions to include other footwear. Now Nike wants to claim that it "relied" on this relatively expanded interpretation as supporting its views that Customs interpretation of the tariff provisions was thereby being restricted or narrowed. (Their argument borders on the disingenuous.) The laws simply do not provide any relief based on such arguments. As you know, Nike always had the option, and eventually exercised the option, of obtaining a ruling that they could rely on. The fact that they have not sought to challenge that ruling seems indicative of the weakness of their position.

In summary, I find that, as an experienced importer, Nike must, or should, have known about the issues debated and which lead to the issuance of T.D. 83-116. Almost immediately after its publication, the U.S. Court of International Trade issued an opinion sending a clear signal to the trade community that the T.D. is not a "classification" ruling and, therefore, cannot be relied upon. Consequently, we believe Nike's arguments in this regard lack technical merit, as well as credibility. Furthermore, Nike has failed to raise any legitimate argument regarding the construction of its shoes which, as a matter of law, can be used to support a Customs ruling that the lower rate of duty applies.

I am convinced that for the reasons set forth above and attached hereto the position of the Customs Service would not change as a result of further public comment. To seek public comment on such a ruling can only delay the inevitable conclusion we must reach that as a matter of law our ruling is correct.

Sincerely,



Carol Hallett

The Honorable
Bob Packwood
United States Senate
Washington, D.C. 20510

Enclosure

file

THE WHITE HOUSE
WASHINGTON

January 17, 1992

SCHEDULE PROPOSAL FOR MR. SKINNER

THROUGH: DAVID F. DEMAREST, Jr.
Assistant to the President for Communications

DEBRA ANDERSON
Deputy Assistant to the President and Director
of the Office of Intergovernmental Affairs

FROM: DAVID J. BEIGHTOL, Jr.
Special Assistant to the President
for Intergovernmental Affairs

REQUEST: To meet with Governor Terry Branstad (R-IA).

BACKGROUND: Governor Branstad will be in town on Friday,
January 24 and would like to meet with Mr.
Skinner to discuss several important issues.

DATE: Friday, January 24, 1992.

TIME: Anytime between 8:15 a.m. and 10:45 a.m.

LOCATION: TBD.

REMARKS
REQUIRED: None.

MEDIA
COVERAGE: Closed.

Set up?

Yes —

No —

Handled 1-22
X



*1/21
Susan Cohen*

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503
January 17, 1992

*You really liked
this group. Set up?*

Memorandum for: Samuel K. Skinner
Chief of Staff

From: Michael R. Deland, Chairman
Council on Environmental Quality

Subject: Speaking invitation to President's Commission
on Environmental Quality

*yes —
no —
Hold ~~X~~ 1-21*

The next meeting of the President's Commission on Environmental Quality will be held on February 5, 1991. We have planned an informal dinner the evening before for Commission Members and a few Administration representatives at the Metropolitan Club. I very much hope you can attend and make some brief remarks following it.

This group represents a cross-section of business and industry and combined employs 1,235,000 Americans. It includes some of the country's most innovative and competitive enterprises. All are taking significant voluntary actions in support of the President's environment and conservation agenda. Many are known personally by the President and 20 of the 24 members have confirmed their plans to attend the meeting. They would enjoy very much hearing from you.

I was delighted you were able to join us at our first meeting as Secretary of Transportation. I have attached a list of the members to refresh your memory of the group.

PCEQ represents a departure from all previous Presidential advisory committees, because the President charged it to implement an action agenda to improve the environment, rather than simply to advise the government on environmental policy. In response to the President's challenge, PCEQ is launching voluntary private sector projects which make sound economic and environmental sense.

February 5 will be a decision-making meeting at which the Commission will adopt programs aimed at avoiding costs by preventing pollution, using energy more efficiently, improving stewardship of natural resources, and promote education.

Therefore I feel it important that the President meet with his Commission on February 5 and I have submitted a separate scheduling request. The President met with the Commission at its inaugural meeting in July, 1991 but did not participate in the second meeting in October, 1991.

I know the members would enjoy hearing from you.

*Hope you can make it. Also think
it would be a good use of 20 minutes - 1/2 hour
of the President's time 6
MIL*

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 23, 1991

The President today appointed the following individuals to be members of the President's Commission on Environmental Quality (PCEQ). Michael R. Deland will serve as chairman and William D. Ruckelshaus as vice chairman.

They are:

Edwin Lewis Artzt, Chairman of the Board and Chief Executive for Procter & Gamble Company in Cincinnati, OH.

Dr. Marquerite Ross Barnett, President of the University of Houston in Houston, TX.

Riley P. Bechtel, President, Chief Executive Officer and a Director of the Bechtel Group, Inc., in San Francisco, CA.

Dean L. Buntrock, Chairman and Chief Executive Officer of Waste Management, Inc. in Oak Brook, IL.

Richard A. Clarke, Chairman and Chief Executive Officer of Pacific Gas and Electric Company in San Francisco, CA.

Derrick Crandall, President and Chief Executive Officer of the American Recreation Coalition in Washington, DC.

Michael R. Deland, Chairman of the Council on Environmental Quality, Executive Office of the President, in Washington, DC.

Kenneth T. Derr, Chairman and Chief Executive Officer of Chevron Corporation in San Francisco, CA.

Robert Fri, President of Resources for the Future in Washington, DC.

Kathryn S. Fuller, President of the World Wildlife Fund in Washington, DC.

John A. Georges, Chairman and Chief Executive Officer for International Paper Company in Purchase, NY.

Dr. Paul Edward Gray, Chairman of the Corporation for the Massachusetts Institute of Technology in Cambridge, MA.

-more-

Gilbert M. Grosvenor, President and Chairman of the National Geographic Society in Washington, DC.

Allen F. Jacobson, Chairman and Chief Executive Officer of Minnesota Mining & Manufacturing Company (3M) in St. Paul, MN.

Fred Krupp, Executive Director of the Environmental Defense Fund in New York, NY.

Kenneth L. Lay, Chairman and Chief Executive Officer of Enron Corp. in Houston, TX.

Richard P. Mayer, Chairman and Chief Executive Officer of Kraft General Foods North America in Glenview, IL.

N. J. Nicholas, Jr., President and Co-Chief Executive Officer of Time Warner Inc. in New York, NY.

Patrick F. Noonan, President of the Conservation Fund in Arlington, VA.

Harold A. Poling, Chairman and Chief Executive Officer of the Ford Motor Company in Dearborn, MI.

Frank Popoff, President and Chief Executive Officer of The Dow Chemical Company in Midland, MI.

William D. Ruckelshaus, Chairman and Chief Executive Officer of Browning-Ferris Industries, Inc. in Houston, TX.

Adele Simmons, President of the John D. and Catherine T. MacArthur Foundation in Chicago, IL.

Dr. P. Roy Vagelos, Chairman, President and Chief Executive Officer of Merck & Co., Inc. in Rahway, NJ.

and John F. Welch, Jr., Chairman and Chief Executive Officer of the General Electric Company in Fairfield, CT.

#

THE PRESIDENT'S COMMISSION ON ENVIRONMENTAL QUALITY

FACT SHEET

On July 23, 1991, President Bush named 25 environmental, business, academic, and foundation leaders to serve as members of the President's Commission on Environmental Quality.

The Commission will develop and promote an action agenda to improve the environment in a way that integrates environmental, economic, and quality of life goals and emphasizes innovative private sector initiatives.

For the last 20 years, regulatory and legislative activity has helped protect the environment. While the Commission recognizes the necessity for government regulation, it intends to complement these efforts by focusing on ways in which the efficiency and creativity of market forces can help improve environmental quality.

ORGANIZATION

The Commission will meet regularly and report its progress to the President. The Chairman of the Council on Environmental Quality, Executive Office of the President, will serve as Commission Chairman. Committees will focus on the four action areas identified by the Commission. Subcommittees will identify opportunities for action and promote model programs for addressing these areas. The Commission will operate for 2 years, unless extended.

GUIDING PRINCIPLES

The Commission's guiding principles represent an innovative environmental agenda. They are:

- **Harnessing the power of the marketplace -- its vitality, flexibility, and efficiency;**
- **Encouraging people and institutions to act voluntarily;**
- **Fostering cooperative partnerships among governmental and nongovernmental groups and interests; and**
- **Disseminating useful information to all segments of society.**

-- MORE --

ENVIRONMENTAL QUALITY AGENDA

Bearing its mission and guiding principles in mind, the Commission has identified four areas ripe for action.

- **Pollution Prevention and Environmental Quality Management.** One of the most promising new trends is the incorporation of environmental thinking into daily management decisions. This often means preventing pollution in the first place rather than spending scarce resources to clean it up after the fact. Such management practices integrate concerns for cost savings, efficiency, and competition with the public demand for protection of the environment, health and safety.
- **Natural Resource Management.** Stewardship of natural resources is enhanced through cooperative management plans and public-private partnerships that transcend traditional land and water management practices. Innovative alliances are demonstrating the benefits of such partnerships, bringing together public agencies, resource managers, corporate partners, community leaders, and volunteers.
- **International Cooperation.** Linkages in environmental quality across international boundaries have become increasingly apparent. Environmentally sensitive business practices and technologies can improve conditions abroad, as well as at home. International cooperation is needed to reduce threats from global pollution, foster sustainable development, and improve international relations.
- **Education and Communication.** By tapping many existing channels of communication, the Commission can reach such groups as students, consumers, managers and opinion leaders, expand their understanding of environmental challenges and obligations, and help them translate their concerns into positive environmental action.

PROGRAM IMPLEMENTATION

The goals of the Commission will be implemented by establishing a leadership network of individuals who will devote time and resources to voluntary action and education programs; identifying successful models of what the private sector can accomplish on a cooperative voluntary basis; stimulating further action through information programs and technical assistance; and continuously improving performance through evaluation of such programs.

For Further Information: Contact Raphaele Semmes, Executive Secretary, President's Commission on Environmental Quality, 722 Jackson Place, Washington, DC, 20503, (202) 395-5750.

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D SkS

7/11



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20500

Michael R. Deland
Chairman

January 17, 1992

(202) 395-5080

**MEMORANDUM FOR MICHAEL J. BOSKIN
D. ALLAN BROMLEY
RICHARD G. DARMAN
BARBARA FRANKLIN
C. BOYDEN GRAY
CARLA A. HILLS
WILLIAM K. REILLY
JAMES D. WATKINS
ROBERT B. ZOELLICK**

70
later
later
1-22

FROM: MICHAEL R. DELAND
SUBJECT: MEETING WITH ENVIRONMENTAL ORGANIZATION LEADERS ON GLOBAL CLIMATE CHANGE

Leaders of nine major environmental organizations have written to the President (letter attached) and to each of us asking to discuss the climate change negotiations currently underway under the auspices of the United Nations.

Rather than responding to or meeting with the environmentalists separately, I propose we meet with them together. In the interest of saving time, I have scheduled a meeting with them on Tuesday, February 11, 4pm, in Room 476, Old Executive Office Building.

I hope your schedule will permit you to attend. Please notify my assistant, Susie Cohen (tel.: 395-5080; fax: 395-7329) at your earliest convenience.

Thank you very much.

Sam,

Recommend that the President and you meet with this group at some point. Don't think this is the right issue or timing for the President. However, your meeting with them now would send a strong positive signal...

cc: ✓ Samuel K. Skinner
Brent Scowcroft
Bobbie Kilberg

Would obviously accommodate your schedule
MIL

**Environmental Defense Fund • Friends of the Earth • National Audubon Society
National Parks and Conservation Association • National Wildlife Federation
Natural Resources Defense Council • Union of Concerned Scientists
Wilderness Society • World Wildlife Fund**

January 16, 1992

The President
The White House
Washington, DC 20500

Dear Mr. President:

As leaders of major national environmental organizations representing more than 8 million members, we request the opportunity to meet with you to discuss the ongoing negotiations over the treaty to prevent climate change.

We believe that whether the United States will commit to carbon dioxide reductions as part of an effective climate treaty at the United Nations Conference on Environment and Development, in June 1992, is among most important decisions you will face this year. We urge you to reconsider the Administration's current policy in these negotiations, and to announce a change in policy before the climate treaty talks reconvene in New York on February 17 for what will be their most important and high-profile session to date.

The climate protection negotiations are stalled primarily because the United States has thus far refused to endorse any emission limits for carbon dioxide, the most important global warming gas. Nearly all other western industrialized nations have made commitments to stabilize or reduce carbon dioxide emissions. On December 3, 1991, the OECD Ministers responsible for Environment and Development Cooperation issued a statement taking note that

"most OECD countries have committed themselves to stabilize CO₂ emissions, individually or collectively, in general by the year 2000 at 1990 levels, taking into account the differences in their starting points and approaches, and that those countries make a strong appeal to other OECD countries to do the same."

This is an area in which environmental and economic interests coincide. Research conducted by some of our organizations has found that the U.S. could cut carbon dioxide emissions 25% by 2005 and 70% by 2030, while reaping a net savings of \$2.3 trillion in energy costs over this period (a summary of this report is enclosed). Failure to make the investments needed to achieve these results will hurt the competitive position of American industry. Our major trading partners, including Germany and Japan, are committed to aggressive cost-saving energy efficiency programs and to R&D on renewable energy technologies that will make their factories more productive and their goods more attractive on world markets.

The President
January 16, 1991

Page 2

Reassessing our country's position in the climate talks offers your Administration the opportunity to regain a leadership position on an issue that is critical for both our domestic economy and the global environment. Public opinion research shows consistent public support for U.S. leadership on this issue.


We hope to have the opportunity to discuss these matters with you before the next climate treaty negotiating session in February. We will contact your staff about the possibility of scheduling a meeting this month or in early February.



Fred Krupp
Executive Director
Environmental Defense Fund



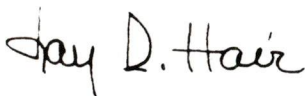
Brent Blackwelder
Acting President
Friends of the Earth



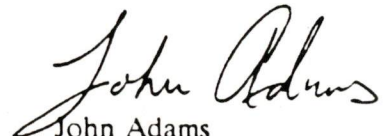
Peter Berke
President
National Audubon Society



Paul Pritchard
President
National Parks and
Conservation Association



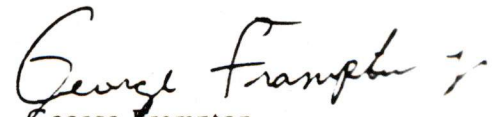
Jay Hair
President
National Wildlife Federation




John Adams
Executive Director
Natural Resources Defense
Council



Howard Ris
Executive Director
Union of Concerned Scientists



George Frampton
President
Wilderness Society



Kathryn S. Fuller
President
World Wildlife Fund

THE PRESIDENT HAS SEEN
1/23/92

THE WHITE HOUSE
WASHINGTON

January 22, 1992

MEMORANDUM FOR SECRETARY SKINNER

THROUGH: EDE HOLIDAY *EAH*

FROM: J. FRENCH HILL *JFH*

SUBJECT: RESULTS OF YESTERDAY'S FEDERAL RESERVE
BOARD OF GOVERNORS' MEETING ON HIGHLY
LEVERAGED TRANSACTIONS AND CAPITAL

> On January 21, 1992, the Federal Reserve Board of
Governors approved a resolution to phase-out the
supervisory definition of highly leveraged transactions
(HLT's) by June 30, 1992 and, in the interim, to allow
delisting of companies at a bank's discretion. In the
same meeting the Board approved a request to submit for a
30 day comment period, a proposal to achieve uniformity in
the treatment of certain assets -- Purchased Mortgage
Servicing Rights and Purchased Credit Card Relationships -
- for inclusion in regulatory capital.

These are two major changes in banking policy which
will aid in fighting the credit crunch. Our success is
due to John Robson's leadership of our Economic Policy
Council working group on the credit crunch.

File

MEMORANDUM

TO: Samuel K. Skinner
FROM: Honey Jacobs Skinner
RE: Invitation from the Agees
DATE: January 21, 1992

I received a phone call from Mary Agee. The Agees are planning to be in Washington, D.C. February 17-19 and would very much like to get together with us. Following are suggested get-together dates which Mrs. Agee asked us to consider:

February 17: Dinner
February 19: Dinner
February 17 or 18: During the day (lunch, tea)

Please let me know your thoughts. Thank you, Sam.

H.J.S.

/vln

cc: Sandy Bushue

Set up?

Yes
1/22
Held.

1/22 Told Maralyn to let Mrs. S. know this is held.

To: Steve Bando

See me

8

Please advise.

B/Q '92?

Send to Connie Horner? Send to

SKS:

file

THE WHITE HOUSE
WASHINGTON

DATE: January 27

TO: Sherrie Rollins

FROM: SAM SKINNER

See me, please.

pcw
1/27

THE WHITE HOUSE
WASHINGTON

January 24, 1992

MEMORANDUM FOR SAM SKINNER

FROM: SIG ROGICH

SUBJECT: BARRIE TRON, DIRECTOR OF PUBLIC EVENTS AND INITIATIVES

As you requested, the following is an overview on communications operations at the White House as it pertains to Barrie Tron.

In his three years at the White House, Barrie has produced and co-directed with me virtually all of the President's public service announcements, and other video and audio messages. This includes script writing, determining camera angles, lighting, and other visual characteristics. Barrie understands what the President likes and dislikes, and more importantly has a good working relationship with him.

Before coming to the White House, Barrie worked as the RNC's Director of Advertising and Political Communications during the 1988 campaign. As such, I believe that he is eminently qualified to act as liaison between the White House and the campaign for all of our filming needs. Currently, no one has that responsibility and it's a void which needs to be filled.

I would suggest a title of Special Assistant to the President and Director of Media Productions, and would further suggest that he be placed in media affairs or in communications.

If possible, I would like to further discuss this matter with you. Thank you for your time and attention to this request.

Tim M.
See me
S

file

THE WHITE HOUSE
WASHINGTON

DATE: January 28

TO: ✓ Tim McBride

FROM: SAM SKINNER

- Action
- Your Comment
- Let's Talk
- See Me
- FYI

PERSONAL AND CONFIDENTIAL

To: The Honorable Sam Skinner, Chief of Staff

From: David N. O'Steen, Executive Director, NRLC
Darla St. Martin, Associate Executive Director, NRLC
Douglas Johnson, Legislative Director, NRLC
(202) 626-8820, fax (202) 347-3668

Re: Consistency

Date: January 29, 1992

ENDORSEMENT OF PRESIDENT BUSH

On Saturday, January 25, the Board of Directors of the National Right to Life Committee (representing the 50 state right-to-life organizations, composed of about 3,000 local pro-life chapters) endorsed President Bush and Vice-president Quayle for re-election. NRLC will be announcing this action formally and publicly in the near future.

The Board's action allows NRLC to step up activities intended to educate tens of millions of Americans who oppose abortion regarding what is at stake in the 1992 election, and to motivate them to turn out for the Bush-Quayle ticket.¹

AVOIDING MEDIA TRAPS

Right now, our message regarding the urgent need to re-elect President Bush finds fertile soil among pro-life Americans, including evangelical Christians and practicing Catholics, because the mass media have made no secret of President Bush's consistent pro-life stance. However, it is important that you be aware that many liberal political journalists are also poised to seize upon, and exploit, any perceived episode of "backing off" or "flip flopping" by the President on any facet of the abortion issue.

We cite a trivial example to illustrate the media's mindset: following the

¹In the 1988 national ABC exit poll, 33% of respondents named "the candidates' stands on abortion" as "very important in making your presidential choice"-- a larger group than named any other issue. Of those who said abortion was "very important," 57% voted for Bush-Quayle, 42% Dukakis-Bentsen. This means that more than one-third of all Bush-Quayle voters--19% of the total electorate-- said that abortion was "very important" in determining their vote, while only 14% of the total electorate said abortion was "very important" and voted for Dukakis-Bentsen. Thus, the net benefit to Bush-Quayle (the "pro-life increment") was 5% of the total electorate. Moreover, a January 1992 poll by The Wirthlin Group found that 19% of the electorate will not support a pro-abortion candidate, while 12% will not support a pro-life candidate-- a net 7% benefit in favor of the pro-life candidate.

President's fine remarks to the March for Life on January 22, we got a call from a reporter for the *Wall Street Journal*. He had immediately compared the President's words with remarks given to the pro-life marches in earlier years, and thought it very significant that this year the President made no mention of a constitutional amendment. With some difficulty, we were able to convince him that this should not be regarded as evidence of a policy shift!

The danger posed by this media mindset is illustrated in an article on the "Catholic vote" that appeared in the Jan. 10 edition of the *National Catholic Reporter*. The following statement was attributed to prominent Catholic writer Fr. Richard John Neuhaus, director of the Institute of Religion and Public Life:

[A] majority of all Catholics who attend Mass regularly-- [which is] about half of all Catholics-- voted for Bush in 1988. He said that if Bush "waffles" on abortion in the face of pressure from pro-choice Republicans, including his new chief of staff, Sam Skinner, the negative effect could be "massive."

Please understand that we are not seeking reassurance regarding the President's position on federal policy issues. That position was clearly re-stated in his June 4 letter to Congress (attached), underscored by his veto of the DHHS bill in October, and most recently clearly articulated by you in two separate meetings with leaders of various organizations.

Rather, we are concerned about the possibility of an inadvertent mis-step on some abortion policy matter during the months ahead, blowing up into a major "flip flop" controversy in the press. If some pro-life policy was substantively weakened this year, by inadvertent Administration action or inaction, such a media flap would be inevitable. This would badly damage our subsequent efforts to mobilize the pro-life vote.

In order to avoid any such episode, clear channels of communication are essential. In this memo, we wish to speak to two specific policy matters that may soon come to your attention. In each case, a prominent Republican senator will approach the White House with a proposed "compromise" on an abortion-related issue. In each case, the proposal might appear on its face to be consistent with the President's position. But in each case, the so-called compromise would in fact NULLIFY a specific pro-life policy which the President has previously used his veto to defend.

TITLE 10-- THE CHAFEE TRAP

The toughest abortion-related policy battle of 1991 was over the DHHS regulations that prohibit counseling and referral for abortions in 4,000 clinics that receive funds from the \$150 million Title 10 family planning program. As you know, the President vetoed the \$205 billion DHHS appropriations bill in order to prevent enactment of language (the Porter Amendment) that would have nullified the regulations, and the House sustained that veto.

Pro-abortion advocacy groups, led by the Planned Parenthood Federation of America (PPFA), initially insisted that the regulations interfered with the "doctor-patient relationship," by "gagging" physicians and preventing them

from giving "medical advice" to pregnant women. This concern was addressed by the President in his letter of Nov. 5, 1991, and in his veto letter of Nov. 19, 1991, both of which made it clear that physicians-- and physicians only-- may continue to discuss abortion as part of bona fide medical counseling.

This clarification swung a sufficient number of members of Congress to sustain the veto. However, it in no way mollified PPFA or other pro-abortion groups, because almost all of the "pregnancy counseling" is done by non-physicians, such as nurse practitioners or volunteers, and little of the counseling has anything to do with medical problems. PPFA and its allies will be satisfied with nothing less than routine counseling for abortion as simply one of several "family planning options."

Earlier in 1991, Sen. John Chafee (R-RI) had approached the White House with what the press described as a "compromise" on the issue. The Chafee language was embraced by some members of the White House staff. Fortunately, there were good channels of communication between your predecessor and persons knowledgeable about the legal issues involved-- who explained to him how the purported "compromise" would gut the regulations. On the basis of these explanations, Chief of Staff Sununu rejected the Chafee proposal.

Weeks later, reports in various medical/health newsletters and pro-abortion newsletters confirmed that the Chafee proposal had in fact incorporated the policy outcome sought by Planned Parenthood. PPFA is an organization that holds as a non-negotiable operating principle that (in their words) "reproductive rights are indivisible," which means that they insist that abortion must be treated like any other method of birth control.

Predictably, Senator Chafee or others will soon approach the White House with a new "compromise" which, they will argue, is consistent with the position articulated by the President in his letter of November 5 and so forth. Just as predictably, the language will be Planned Parenthood's position with a little window dressing.

Pro-abortion leaders are openly speculating that such a proposal now may be well received at the White House. For example, the January 13 edition of the Alan Guttmacher Institute (Planned Parenthood) newsletter *Washington Memo* reported:

Given the departure of John Sununu, the roadblock to any compromise on a host of social issues, there may be more room for discussion with the new White House chief of staff, Samuel Skinner, who is reputed to be a political pragmatist rather than rigidly ideological. This will become important since one of the two remaining ways for overturning the gag rule is concession on the part of the President. [...] Republican congressional advocates of overturning the gag rule will likely reopen negotiations with the new White House staff...

The Guttmacher newsletter speaks the truth when it states that any language that Sen. Chafee, et al, will present to you, will "overturn" the pro-life regulations. Beneath all of their talk about "compromise," they are really insisting that the President reverse his position on a major abortion policy.

UNITED NATIONS POPULATION FUND-- THE SIMPSON-GREEN TRAP

You will also be approached with a purported "compromise" on the perennial issue of whether the U.S. should resume its participation in the United Nations Population Fund (UNFPA). In this case, the proposals will likely be promoted by Senator Simpson and Rep. Bill Green.

The Simpson-Green provision no doubt will be presented to you as something that meets "the President's objections to resuming U.S. aid for UNFPA," in the words of the newsletter of the Population Institute, a lobbying organization that receives substantial funding from the UNFPA. In reality, however, acceptance of the Simpson-Green language would incontrovertibly reverse the position that the President took in a 1989 veto letter strongly objecting to a similar "compromise" on the UNFPA.

The UNFPA has received no U.S. funds since 1985. That is because the UNFPA's participation in China's coercive population control program-- participation which is extensive and enthusiastic-- violates the Kemp-Kasten anti-coercion law.

The Kemp-Kasten law denies "population assistance" funds to any organization that "as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization."

We will not attempt to summarize here the mountains of evidence that China does have a national "program of coercive abortion or involuntary sterilization," since that is seldom disputed nowadays. Under the Kemp-Kasten law, the real issue was whether that UNFPA "supports" and/or "participates in the management" of the coercive program in China.

In 1985, USAID determined (on delegation from the President) that the UNFPA was in violation of Kemp-Kasten. That determination was challenged in a lawsuit by the UNFPA-funded Population Institute. In an opinion written by liberal Judge Abner Mikva, the U.S. Court of Appeals for the District of Columbia ruled that the evidence "amply supports" USAID's determination that the UNFPA "participates in the management of a program of coercive abortion or involuntary sterilization."

Since then, the UNFPA has repeatedly defended China's population program, and held it up as a model for other less-developed nations. Thus, no material fact has changed.

UNFPA's defenders in Congress have consistently attempted to change the subject. Annually, they have proposed amendments to gut the Kemp-Kasten law by eliminating the requirement that an organization refrain from supporting coercive programs if it wishes to be eligible for U.S. aid. These so-called "compromises" always have three main elements: (1) restoring U.S. funding to the UNFPA, even though (2) the UNFPA continues to participate in China's program, so long as (3) the UNFPA uses the U.S. money in nation's other than China.

In 1989, President Bush vetoed the entire foreign operations appropriations bill in order to prevent enactment of one such "compromise" on the UNFPA, the Mikulski Amendment.

The Mikulski Amendment would have earmarked \$15 million for the UNFPA, subject only to the requirement that U.S. funds be "segregated" from the China/UNFPA program on the UNFPA's books. The Mikulski Amendment would have allowed the UNFPA to support coercive programs in China or anywhere else, to any degree it desired, so long as the agency did not use U.S. funds directly for China's program.

In his veto message, the President clearly recognized that the Kemp-Kasten anti-coercion law was never intended merely to keep U.S. dollars pristine by somehow technically "segregating" them from coercive activities. Rather, the Kemp-Kasten law establishes a standard of behavior that organizations must meet if they wish to qualify for U.S. funding.

The President said:

... the so-called Mikulski Amendment ... would fatally weaken the integrity of the Kemp-Kasten anti-coercion provision by earmarking funds for the United Nations Fund, the only organization that has ever been determined to violate that provision. The Fund participates in and strongly defends the program of a particular foreign government which relies heavily upon compulsory abortion. This fund has received no United States assistance since 1985, precisely because of its involvement in this coercive abortion policy. The current bill thus represents a radical and unwarranted change in policy. The Mikulski Amendment is rendered no more acceptable by a clause which requires the Fund to keep its books in a manner so as to prevent the direct flow of United States assistance to the particular foreign government. The current Kemp-Kasten law tells all family planning organizations that they must refrain from supporting coercive programs, or the United States will direct its resources to alternative organizations which respect the fundamental principle of voluntariness. The bill would negate this essential human rights principle through substitution of a simple accounting requirement, and I find this unacceptable.
[Veto letter on H.R. 2939, Nov. 19, 1989]

The so-called "Simpson compromise" is no different in principle than the Mikulski Amendment. Like the Mikulski Amendment, it would effectively exempt the UNFPA from the Kemp-Kasten anti-coercion law. The Simpson language would earmark up to \$20 million for the UNFPA, even though the UNFPA continues to both "support" and "participate in the management of" China's coercive program. The Simpson amendment differs from the Mikulski Amendment only in its multiple so-called "safeguards" to prevent U.S. funds from being diverted to China. But again, this begs the question, because the specific destination of U.S. funds on the UNFPA's books has never been the issue.

The Simpson proposal would make the UNFPA's dispersal of the U.S. funds for specific projects contingent upon prior approval by the U.S. representative to the United Nations. This provision is irrelevant. By the time it would come into play, the U.S. would have already consigned up to \$20 million to an organization that supports and participates in the management of a program of coercive abortion and involuntary sterilization-- thereby negating the Kemp-Kasten anti-coercion law.

Our view of the Simpson language is shared by the authors of the Kemp-Kasten law. Last October, when the Simpson language was included in the conference report on the foreign aid authorization bill, Senator Kasten sent President Bush the enclosed letter, urging the President to veto the bill on that basis.

Moreover, on October 2, Deputy Secretary of State Eagleburger sent a letter to members of Congress saying "the President has made it clear" that the Simpson provision "will trigger a veto." (The House subsequently defeated the conference report on Oct. 30, 1991, making a veto unnecessary.)

In short, the Simpson language would gut the Kemp-Kasten anti-coercion law. Acceptance of this proposal would constitute a "radical and unwarranted change in policy" (to quote the 1989 veto message), and would directly contradict Mr. Eagleburger's Oct. 2 letter.

Therefore, we urge you to support the position clearly articulated by the President in his 1989 veto letter, and to reject any counsel from Sen. Simpson or others to adopt such a "compromise."

[It is important to note that every dollar withdrawn from UNFPA since 1985 have been re-programmed to other family planning agencies. USAID has provided specific listings of where the money has gone, and these are available upon request.]

We thank you for your consideration of our concerns regarding these important policy matters. We also thank you for affording us (David O'Steen) two recent opportunities to meet with you, in the company of other organizations that share many of our concerns.

We wish you every success during the critical days ahead.

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THE WHITE HOUSE

WASHINGTON

June 4, 1991

Dear Mr. Speaker:

Legislation is now being considered by several committees in both the House and Senate that would substantially change Federal policy with respect to abortion. Given the importance of this issue, I am writing to make sure there is no misunderstanding of my views or convictions.

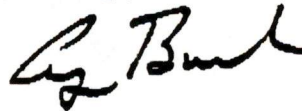
I have not reached these decisions easily or lightly. Abortion is a difficult, deeply emotional and very personal decision for all Americans. It is made even more difficult when the underlying issue is whether the Government -- and ultimately the American taxpayer -- is asked to pay for abortions and under what circumstances. Since 1981, the Federal Government has determined that taxpayer funds should be used for abortion in only the most narrow of circumstances: where the life of the mother is endangered.

Kemp-
Kasten
law

[Current law also prohibits contributions made to international organizations that fund coercive abortion programs. The Department of Defense prohibits abortions at U.S. military facilities, unless the life of the mother is endangered. And, the Department of Health and Human Services has promulgated regulations that prohibit the use of Federal family planning funds for abortion related activities.

I believe all these policies should continue. I will veto any legislation that weakens current law or existing regulations.

Sincerely,



The Honorable Thomas S. Foley
Speaker of the
House of Representatives
Washington, D.C. 20515

OCT 1 '91 18:23 FROM SENATOR KASTEN

PAGE:002

ROBERT W. KASTEN, JR.
WISCONSIN

United States Senate

WASHINGTON, DC 20510-4902

*Kasten urges veto of
"Simpson compromise"*

October 1, 1991

President George Bush
The White House
Washington D.C. 20500

Dear Mr. President:

I strongly urge you to reject a provision included in the foreign aid authorization bill which would nullify the Kemp-Kasten anti-coercion law and direct aid to the United Nations Fund for Population Activities (UNFPA).

Since 1985, the United States has prohibited the transfer of funds to the UNFPA because of its participation in China's program of forced abortions and involuntary sterilizations. In its 1990 report on human rights, the State Department found that China continues to employ coercion in its population control program, including harsh penalties for violations of their one-child law. It is unconscionable for the United States to support an organization which encourages such inhuman practices in the name of family planning.

Supporters of this provision insist that conditioning U.S. aid to the UNFPA will prevent it from supporting China's family planning program of coercive abortions and forced sterilization. This notion is ridiculous. Any aid given by the United States to the UNFPA will free up funds that will go straight to China.

Mr. President, I do not think the American people will tolerate their tax dollars being used to fund this inhuman policy of forced abortions and sterilizations. I know I cannot. I ask that you veto any bill which comes to your desk that modifies the terms of the Kemp-Kasten anti-coercion law.

Thank you for your attention to this matter.

Best regards,

Robert W. Kasten, Jr.

RWK/mch

PRESIDENTIAL STATEMENT

Bush Vetoes Foreign Aid Bill Over U.N. Agency Funding

On Nov. 19, President Bush vetoed the fiscal 1990 foreign aid appropriations bill (HR 2939) because of language that would have provided funds to a U.N. family-planning agency. The agency gives money to China, which is alleged to force women to undergo abortions and sterilization.

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval HR 2939, the appropriations bill for foreign operations, export financing, and related programs for the fiscal year 1990.

I do not take this action lightly. In a good faith effort to resolve the constitutional and other problems contained in the bill, the Administration has engaged in extensive negotiations with the Congress. Those negotiations have not succeeded, and serious problems remain. Consequently, I must veto this bill.

Several sections of the bill, and in particular Section 582, interfere with my constitutional authority to conduct the foreign relations of the United States. The bill would also require the expenditure of millions of dollars to support a United Nations fund that, in turn, strongly defends and supports a foreign nation's policy of coercive abortion. United States assistance to the fund reverses existing United States policy and is unacceptable. Section 582(a) would prohibit the obligation or expenditure of funds appropriated by the Act "for the purpose of furthering any military or foreign policy activity which is contrary to United States law." Section 582(b) would prohibit the use of funds appropriated by the Act "to solicit the provision of funds by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, for the purpose of furthering any military or foreign policy objective which is contrary to United States law." Subsequent provisions include a set of limiting definitions as well as a general limiting construction for the entire section.

Although I believe that the limiting provision may allow for a constitutional construction of Section 582, the section as a whole remains sufficiently ambiguous to present an unacceptable risk that it will chill the conduct of our Nation's foreign affairs.

Section 582 appears designed to prohibit, among other things, consultation between the United States and another sovereign nation regarding actions that nation may wish to undertake. It has, however, long been recognized — by the Framers, by the Supreme Court, and by past Congresses — that the President, both personally and through his subordinates in the executive branch, possesses the constitutional authority to communicate freely with representatives of foreign governments, and to encourage foreign nations to take such actions as the President believes are in our Nation's interest. Although Section 582(e) states that the section is not intended to limit the ability of the President or his subordinates to express their views, I am not convinced that this provision is sufficient to remove all constitutional doubt concerning Section 582. There would remain an unacceptable degree of uncertainty concerning what the section is intended to cover, and this uncertainty would inevitably restrict our contacts with foreign governments. I believe that this section impermissibly circumscribes a fundamental responsibility that the Constitution had entrusted to the President — the protection of our Nation's security through a vigorous representation of our interests abroad. I believe it is neither fair nor wise to make those who formulate and execute foreign policy serve the public under a vague and sweeping prohibition.

I am sensitive to the concerns that have prompted the adoption of Section 582. I have repeatedly emphasized in my meetings with the congressional leadership that through close consultation with the Congress I intend to build a new spirit of cooperation and

trust between the legislative and executive branches. Section 582, however, is inimical to that spirit of trust and would cast a shadow over the executive branch in the conduct of our foreign policy at a time when the course of world events necessitates great flexibility.

The bill would also require the use of appropriated funds to support the United Nations Fund for Population Activities, which supports and participates in the management of a program in a foreign nation that involves coercive abortion.

On October 6, 1989, I informed the Congress of my continued strong support of the Kemp-Kasten Amendment, also known as the Kemp-Inouye-Helms Amendment, which has applied to foreign operations appropriations since 1985. The Kemp-Kasten Amendment denies United States population assistance funds to any organization that, as determined by the President, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization. I stated that if this bill as ultimately presented to me by the Congress contained any language which would weaken the current Kemp-Kasten provision, or exempt the United Nations Fund or any other organization from its full application, I would veto the bill.

Let me restate my strong support for international family planning programs, and my view that the United States should support such efforts so long as they do not violate Kemp-Kasten or other established policies of the U.S. Government.

Unfortunately, the Congress has inserted in the bill the so-called Mikulski Amendment, which would fatally weaken the integrity of the Kemp-Kasten anti-coercion provision by earmarking funds for the United Nations Fund, the only organization that has ever been determined to violate that provision. The Fund participates in and strongly defends the program of a particular foreign government which relies heavily upon compulsory abortion. This fund has received no United States assistance since 1985, precisely because of its involvement in this coercive abortion policy. The current bill thus represents a radical and unwarranted change in policy.

The Mikulski Amendment is rendered no more acceptable by a clause which requires the Fund to keep its books in a manner so as to prevent the direct flow of United States assistance to the particular foreign government. The current Kemp-Kasten law tells all family planning organizations that they must refrain from supporting coercive programs, or the United States will direct its resources to alternative organizations which respect the fundamental principle of voluntariness. The bill would negate this essential human rights principle through substitution of a simple accounting requirement, and I find this unacceptable. The bookkeeping provision would clearly place the United States in the position of supporting a program that in turn supports coercive abortions, a program that is inconsistent with American values. Such support would undermine our position that family planning must be voluntary and would contradict the human rights character of our foreign policy around the world.

Although these provisions, standing alone, would lead me to veto this bill, many other provisions of the bill also pose constitutional problems. The Administration has discussed those provisions in detail in letters to both houses of Congress.

I look forward to working with the Congress to craft a bill that I can enthusiastically support and to passage of an appropriations bill that will facilitate our many foreign policy initiatives.

GEORGE BUSH

The White House
November 19, 1989.

*Records -
file*

THE WHITE HOUSE
WASHINGTON

January 30, 1992

MEMORANDUM FOR SECRETARY NICHOLAS F. BRADY
DIRECTOR RICHARD G. DARMAN

FROM: SAMUEL K. SKINNER

SUBJECT: TELEVISION COVERAGE IN LOCAL MARKETS

During the next several days it is important that we get our economic message and program into as many markets as possible. Dorrance Smith has developed a first rate program through our TV uplink system to get this kind of coverage. The two of you are the key administration spokespersons on our growth package. Therefore, I would appreciate it if you would cooperate with him as much as you can to get this message out.

✓ cc: D. Smith

Dictated From Air Force One



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20500

DCF HAS SEEN

2/1

Michael R. Deland
Chairman

January 31, 1992

(202) 395-5080

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: MICHAEL R. DELAND

SUBJECT: POSSIBLE REVISIONS TO MONTREAL PROTOCOL

① To Long Range Scheduling
② Tester
Any thoughts

The United States is significantly ahead of schedule for the phaseout of chlorofluorocarbons (CFCs) and related chemicals, as required under the Montreal Protocol on substances that deplete the stratospheric ozone layer. New scientific data makes it all but inevitable that the Protocol's phase-out schedule will be accelerated in the near future. Proposed revisions from U.S. industry, the U.S. environmental community, and other nations will be comparatively similar. The confluence of these factors presents an important opportunity for the President.

A strategic policy decision, coupled with a timely communications strategy, will establish US leadership on an important global environmental issue that has scientific certainty. The staff discussion of the policy will begin Monday at a meeting of the Global Change Strategy Group.

RECOMMENDATION:

- 1) Within the next week, the Administration determines desired revisions to the Montreal Protocol.
- 2) Within the next two weeks, the President publicly announces the proposed change.

RATIONALE:

- There is clear new **scientific evidence** on ozone depletion which demonstrates the need for revisions to the Protocol and is stimulating a series of proposals to emerge;
- The U.S. is already almost three years **ahead-of-schedule** under the phaseout schedule of the current Protocol;
- Both **U.S. environmental groups and industry** agree on the need for revision, and their proposals are likely to be relatively close to each other;
- Announcement of **other proposals** for amendments to the Protocol (from the EC and from UNEP) are imminent;
- The President and the U.S. will reap particularly significant gains from a policy proposal if it is made before the February climate convention negotiation session.

DISCUSSION:

Science: In October 1991, the United Nations Environment Program (UNEP) released the Executive Summary of its latest periodic assessment on stratospheric ozone layer depletion, as required under the Montreal Protocol. That summary noted:

- For the first time, evidence of significant ozone layer depletion in spring and summer (in addition to winter, as previously observed), in both hemispheres, and in middle and high latitudes -- with clear, although poorly quantified implications for health effects such as increased incidence of cataracts, cancer, and human immune system suppression;
- Major Antarctic ozone holes for four out of the last five years;
- Stronger causal links than ever before between the observed stratospheric ozone layer depletion and the chlorine and bromine contained in chlorofluorocarbons (CFCs) and related compounds.

U.S. is well ahead of Montreal timetable: Due to the combination of unilateral U.S. policy initiatives (such as the accelerated phaseout in the 1990 Clean Air Act Amendments and the fee under the FY 1991 budget agreement) and voluntary industry initiatives, the U.S. is well ahead of the phaseout schedule prescribed in the Montreal Protocol.

According to EPA, which has responsibility for compliance issues in the United States, during the year which ended June 30, 1991, the U.S. was phasing out the controlled gases 43% faster than required -- nearly the equivalent of a 1997 phaseout.

Environmental organizations, industry: Since the release of the UNEP assessment, governments, industry, and environmental organizations around the world have sped up efforts to assess options for acceleration of the Montreal Protocol's phaseout schedule.

In the U.S., under Section 606 of the 1990 Clean Air Act (CAA) Amendments, parties may petition the EPA Administrator to accelerate the phaseout if there is significant new scientific evidence. This new legal provision has been taken advantage of by a coalition of environmental groups. One or more industry groups are expected to follow suit soon. Under the CAA, EPA is required to respond to petitions within 180 days, a period which, in the case of the environmental organizations' petition, will terminate in June 1992.

Separate from the CAA petitions, major U.S. producers and users of CFCs have moved quickly to alternative substances, technologies, and processes. As one example, immediately after the release of the UNEP summary, DuPont (which represents

approximately 25% of global production of CFCs and approximately 50% of U.S. production) announced unilaterally that it would dramatically speed phaseout of CFCs (1997, instead of 2000 as required in the Protocol) and halons (1995, instead of 2000). DuPont now even plans to phase out one of the new CFC replacement substances (HCFC-22) by early in the next century.

Other major proposals are emerging: The government of the United Kingdom has just released an aggressive policy statement (CFCs and methyl chloroform - 1995, halons and carbon tetrachloride - 1995). The UK policy may serve as the basis for a European Community proposal for accelerating the timetables. In addition, UNEP will soon release its own proposal.

All such proposals will be discussed initially by the Montreal Protocol parties at an April 6-15 meeting in Nairobi. The Nairobi meeting serves as the prelude to formal debate on Protocol revisions at the Third Meeting of the Parties (November 16-25 Copenhagen).

The opportunity at hand: If the U.S. were to come forth with a strong initiative for strengthening the Montreal Protocol, the President and the U.S. would get credit for significant environmental leadership. Accelerating the phaseout by any increment will bring significant benefits in the form of reduced health and other environmental risks. Furthermore, given the relative convergence of industry and environmental group opinions, making such a proposal would be comparatively simple.

Finally, a presidential announcement in advance of the highly-visible next climate negotiating session (which starts February 18 in New York) would be especially beneficial, for the President could underscore the fact that he is responding promptly to clear scientific evidence.

CONCLUSION: Participants in the policy debate under the Global Change Strategy Group should be specifically directed to develop a U.S. initiative by Friday, February 7, in order to allow time for implementation of a communications strategy during the week of February 10, in advance of the climate change negotiating session.

cc: D. Allan Bromley
Bob Grady
Brent Scowcroft