United States Senate

WASHINGTON, DC 20510

December 5, 2005

The President
The White House
Washington, DC 20510

Dear Mr. President

As you know, one of the most pressing issues facing humankind is the problem of human-induced global climate change. Between November 28 and December 9, 2005, 189 countries, including the United States, are meeting in Montreal, Canada to discuss future actions that can be taken under the United Nations Framework Convention on Climate Change (UNFCCC). That conference will be the 11th UNFCCC Conference of the Parties (COP 11). Simultaneously, 157 parties to the Kyoto Protocol, an extension of the UNFCCC, will be meeting and the United States will participate as an observer in that process, which will be the first Meeting of the Parties (MOP1).

The United States is a signatory to the UNFCCC treaty, which the Senate ratified in 1992 and which entered into force in 1994. Article 2 of that Convention commits the parties to achieving "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system." In addition, Article 4.2(d) requires that the parties review the adequacy of measures relating to the mitigation of climate change, beginning in 1998 and "thereafter at regular intervals."

We are writing to remind the Administration of its continuing legal obligation to participate in the COP negotiations in a constructive way that will aid in meeting the agreed-upon goal of "preventing dangerous anthropogenic interference with the climate system." In our view, a deliberate decision by the Administration not to engage in such discussions, solely because they may include the topic of future binding emissions reductions requirements, is inconsistent with the obligations of the United States as set forth in the UNFCCC treaty. In any event, the United States should, at a minimum, refrain from blocking or obstructing such discussions amongst parties to the Convention, since that would be inconsistent with its ongoing treaty obligations.

We would also like you to be aware that a bipartisan majority of the United States Senate has now agreed that human-induced climate change is real and that "mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere." On June 22, 2005, the Senate went on Record for the first time in support of mandatory limits on greenhouse gases by a vote of 53-44. The Resolution states that:

"It is the sense of the Senate that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that-

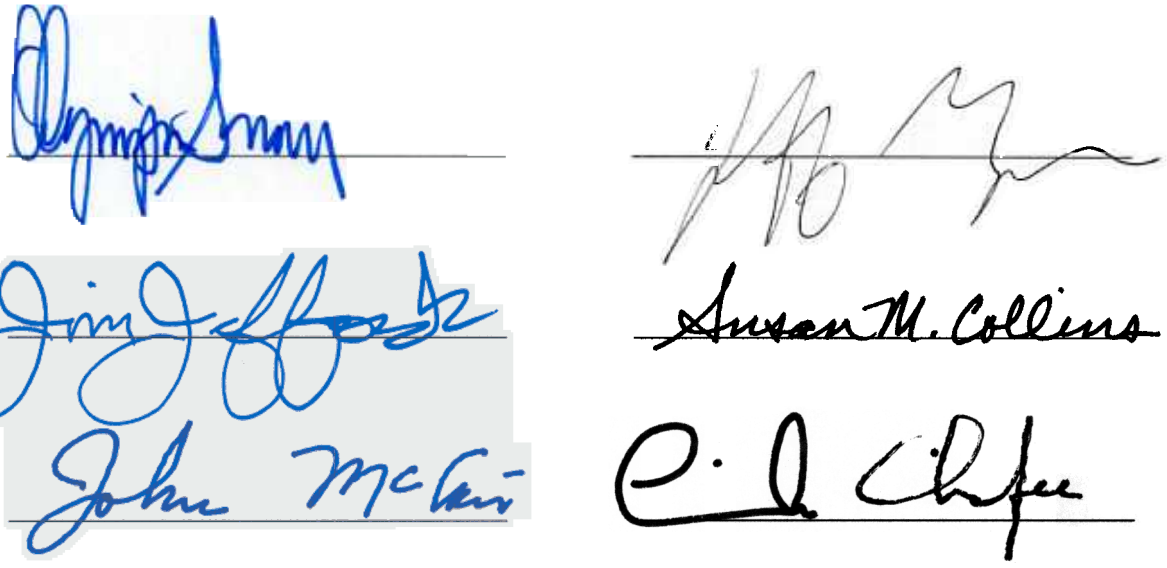
(1) will not significantly harm the United States economy; and

(2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions."

As this Sense of the Senate Resolution makes clear, the Senate intends, at some future date, to require a program of mandatory greenhouse gas limits and incentives for the United States. Moreover, that system will be designed to ensure comparable action by other nations that trade with the United States. This system, therefore, will build on the actions of the United States and other countries in implementing the UNFCCC. It is only a matter of time before Congress takes such action.

The United States Senate is on the path towards requiring mandatory commitments and reductions of greenhouse gases and supports working through and alongside the Framework Convention process. The Administration should remain mindful of that key fact in its negotiations with all Parties and comport any discussions about future obligations accordingly.

Sincerely,



cc: Secretary Condoleezza Rice

