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**Statement of Representative F. James Sensenbrenner, Jr.
Chairman, U.S. House of Representatives Observer Delegation to COP 6**

The Hague, the Netherlands

November ²⁰21, 2000

Good afternoon, everyone. My name is Representative Jim Sensenbrenner of Wisconsin.

I am serving as the Chairman of the U.S. House of Representatives Observer Delegation to COP 6.

Appearing with me today are: Representative Ken Calvert of California, Chairman, House Science Subcommittee on Energy and Environment; Representative Nick Smith of Michigan, Chairman, House Science Subcommittee on Basic Research; Representative Eddie Bernice Johnson of Texas, Ranking Minority Member, House Science Subcommittee on Basic Research; Representative Joe Barton of Texas, Chairman, House Commerce Subcommittee on Energy and Power; and Representatives Jo Ann Emerson of Missouri and Joe Knollenberg of Michigan, who serve on the House Appropriations Committee.

Many of you—and particularly those of you from the foreign press— may have questions about the role of this observer group. So I would like to begin with a couple of facts about the American political system.

First, under the U.S. Constitution, the Executive Branch—namely, the President—has the sole authority to negotiate treaties, such as the Kyoto Protocol. Congress, as a coequal branch, does not play a formal role at this point.

Second, before a treaty can enter into force, the President must submit it to the Senate for its advise and consent to ratification. Such advise and consent requires a two-thirds majority of all Senators who are present and voting.

Third, if the Senate ratifies a treaty, then both the House and Senate must agree on enabling legislation that must be signed by the President and enacted into law in order to implement the treaty. Thus, it is at the latter stage of a long process that the House plays its more formal role.

Because of the enormous potential impacts of the Kyoto Protocol, as well as the likely complexities of any enabling legislation, the House has been closely following these negotiations for several years. Indeed, most of the Members of Congress here today also attended COP 3 in Kyoto and COP 4 in Buenos Aires.

Over three years ago, before the Kyoto Protocol, the U.S. Senate passed by a vote of 95-0 Senate Resolution 98, the Byrd-Hagel resolution, which says that the United States should not be a signatory to any Protocol that would: (1) “mandate new commitments to limit or reduce greenhouse gas emissions” for Developed Countries “unless it also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions” for Developing Countries “within the same compliance period”; or (2) “result in serious economic harm” to the U.S. economy.

This resolution set bare minimal standards by which the U.S. Senate would agree to ratify any climate treaty. The Kyoto Protocol has already failed one of these standards—namely, no developing country participation. Even more disturbing, COP 6 has thus far refused to reconsider this fundamental flaw in the Protocol.

In order to begin addressing the second basic standard—no serious economic harm to the U.S. economy—there must be full and unfettered use of the so-called Kyoto Mechanisms and sinks.

Unfortunately, to date, COP 6 appears to be making little progress on this. The European Union—headed by France—is opposing the full use of the Kyoto Mechanisms by the United States. This is particularly ironic in the case of the European Union, which will use its so-called “bubble” to allow some of its Member States to increase their emissions by as much as 27 percent, while the United States will be facing more than a 30 percent reduction in energy use by the 2008-2012 timeframe to meet its target.

The European Union and its allies are also working to limit the use of sinks, even though a ton of carbon absorbed by a sink is equivalent to a ton a carbon of emission reductions.

As if these incredible burdens were not enough, yesterday we observed the chilling spectacle of the President of France calling the Kyoto Protocol “a genuine instrument of global governance.”

It seems that at some point an environmental treaty seeking to address an important issue was transformed into a Trojan Horse for a global governance scheme that promises to shackle the world economy.

Until these and other fundamental flaws in the Kyoto Protocol are addressed in a manner that meets the requirements of the Byrd-Hagel resolution, I don’t see how COP 6, COP 7, or even a COP 700 will produce a treaty acceptable to the people of the United States and their elected representatives.

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