

United States Department of State

Office of the Secretary of State
Washington, D.C. 20520

8/19/97

VIA FAX

TO: Ross Miller - Cabinet Affairs
FROM: Bisa Williams-Manigault 
SUBJECT: Climate Change Activities

Per our conversation today, I've listed below proposed dates of State Department activity on climate change. Please note that both Deputy Secretary TALBOTT and Under Secretary PICKERING are scheduled to travel during the early fall. They will include climate change points in their bilateral discussions.

September

Secretary ALBRIGHT and Treasury Secretary RUBIN meet to discuss climate change (9/15)

Under Secretary WIRTH makes Climate Change speech at Kew Gardens, London and meets with HMG officials (9/15-16)

U/S WIRTH is tentatively scheduled to travel to Saudi Arabia for climate change discussions (9/16-17)

Secretary ALBRIGHT raises climate change in bilaterals at the UNGA; U/S WIRTH also attends UNGA and climate change-related events (late September-early October)

October

U/S Wirth meets with New Zealand, Japan and EU representatives on climate change in Hawaii (10/3-4)

MEMORANDUM

To: Kris Balderston
Cabinet Affairs

Todd Stern
Staff Secretary

Fr: Alex Matthiessen *AM*
Office of the Secretary

Re: DOI's Upcoming Climate Change Events

Dt: August 20, 1997

Attached is the current schedule of events where the Interior Secretary, Deputy Secretary and USGS staff plan to address the issue of climate change.

Secretary Babbitt is scheduling a week of university engagements towards the end of September which will cover nearly every region of the country. He is also planning to meet with the editorial boards of *The New York Times* and CNN and may do an interview with the *Times*.

Please note that some of the scheduled events are tentative as are the specific sites for the Secretary's university tour.

DRAFT**Climate Change Public Awareness Opportunities
for Interior Department Officials****Tentative Schedule****Secretary Babbitt**

July 21	Diane Riem/NPR (interview)	Washington, DC
August 12	Ecological Society of America (speech)	Albuquerque, NM
week of Sept. 21	university tour on climate change (speeches)	possible sites: Univ. of Oregon, (Lewis & Clark), UC Davis, (UN-Reno), UoC-Boulder, (Denver), Univ. Of Wisconsin, (Univ. Of Mich.), CUNY, Univ. of Georgia (parentheses indicate alternate sites)
September	Editorial Board Mtg. or Interview with <i>The New York Times</i>	New York, NY
September 26	Editorial Board Mtg. w/ CNN	Atlanta, GA

Deputy Secretary Garamendi

August 20	California Roundtable Discussion on Recreation, Parks and Tourism (speech)	San Francisco, CA
September 3-5	Regional Workshop on Climate Change w/ the NSTC/Comm. on Nat. Res. & Env. (speech)	Tucson, AZ
September 6	Water Management Workshop for the Government of South Africa (speech)	South Africa
September 23	Cross-border Park Management Meeting (speech)	Banff, BC

U.S. Geological Service

USGS staff will make presentations at the following regional workshops which will focus on the local impacts of climate change as part of the National Assessments effort.

September 3-5	Southwest Regional	Tucson AZ
September 3-5	New England Regional	UNH, NH
September 9-11	Mid-Atlantic Regional	Penn State, PA
November 5-11	Upper Great Plains	UND, ND

United States Department of State

Office of the Secretary of State
Washington, D.C. 20520

8/19/97

VIA FAX

TO: Ross Miller - Cabinet Affairs
FROM: Bisa Williams-Manigault *BPM*
SUBJECT: Climate Change Activities

Per our conversation today, I've listed below proposed dates of State Department activity on climate change. Please note that both Deputy Secretary TALBOTT and Under Secretary PICKERING are scheduled to travel during the early fall. They will include climate change points in their bilateral discussions.

September

Secretary ALBRIGHT and Treasury Secretary RUBIN meet to discuss climate change (9/15)

Under Secretary WIRTH makes Climate Change speech at Kew Gardens, London and meets with HMG officials (9/15-16)

U/S WIRTH is tentatively scheduled to travel to Saudi Arabia for climate change discussions (9/16-17)

Secretary ALBRIGHT raises climate change in bilaterals at the UNGA; U/S WIRTH also attends UNGA and climate change-related events (late September-early October)

October

U/S Wirth meets with New Zealand, Japan and EU representatives on climate change in Hawaii (10/3-4)



United States Department of State

Washington, D.C. 20520

OFFICE OF LEGISLATIVE AFFAIRS (H)
FAX MESSAGE COVER SHEETLEGISLATIVE REFERENCE UNIT
TELEPHONE # (202) 647-4463
FAX TELEPHONE # (202) 647-4462DATE 7/28PLEASE DELIVER THE FOLLOWING PAGES TO:Name: TODD STERN

Office: _____

Telephone # _____ Fax Telephone # _____

NUMBER OF PAGES INCLUDING COVER: 10THIS FAX IS FROM:Name: JULIE NORTONOffice: HTelephone # 647-4641 Fax Telephone # _____ACTION REQUEST:CLEARANCE:
INFO ONLY:
URGENT:
PER YOUR REQUEST:MESSAGE: OUR POSITION PAPER / FIXES FOR THE PROVISION.

POSITION PAPER ON SECTION 1609 OF S. 903
(REPORT ON GREENHOUSE GAS EMISSIONS)

Patty
McNairy

Sec. 1609(a). ASSESSMENT OF PROPOSED AGREEMENT

DESCRIPTION OF SECTION

Subparagraph (1) would require the President to assess the affect on the U.S. economy and environment of any quantified objectives targets, policies, or measures proposed for the control, limitation or control of greenhouse gas emissions of Annex I Parties. Subparagraph (2) describes the elements that would be included in such assessment.

DEPARTMENT POSITION

The Department is opposed to this provision. As drafted, the provision would impose an unmanageable burden on the Executive Branch. As drafted, it is not clear whether the President would be required to produce an elaborate economic and environmental analysis of all proposals currently under discussion or only those proposals made by the United States. If the former were intended, it would not be possible or useful for the President to conduct such study of the dozens of proposals that are or may become part of the negotiating process. Subparagraphs (C) and (F) particularly impose an unreasonable burdens. For example, with respect to subparagraph (C), it would be very costly, time-consuming, and speculative to engage in an assessment of the ability of the thirty seven Annex I parties to meet particular schedules.

As described in the analysis of subparagraph (b), the Department opposes imposition of such a requirement six months before any vote by the parties to the FCC of the final negotiating text of a proposed new climate change agreement. As it is anticipated that such a decision would be taken in December and as the Executive branch is continuing to do the work necessary to make a realistic and workable proposal, such a deadline -- which has already passed -- is impossible and unreasonable.

COMPROMISE LEGISLATIVE LANGUAGE

With changes suggested below and with a reasonable deadline for such an assessment (see below), the Department would not oppose a redraft of the paragraph following two different approaches. (Options 1 and 2 below should be read together with their companion options in the analysis of subsection (b) below.)

OPTION 1: ASSESSMENT IS DUE AT TIME OF § 1609(b) NOTIFICATION

"(a) (1) ASSESSMENT - The President, to the extent practicable, shall assess the ~~affect~~ affect on the United States economy and environment of any quantified

- 2 -

objectives, targets, policies, or measures proposed by
the United States for the control, limitation, or
reduction of greenhouse gas emissions of Annex I
Parties.

. . . [Delete subsections (C) and (F)]."

OPTION 2: ASSESSMENT IS DUE AT REASONABLE TIME AFTER
DEVELOPMENT OF A U.S. PROPOSAL

"(a)(1) ASSESSMENT - The President, to the extent
practicable, shall assess the ~~affect~~ on the United
States economy and environment of any quantified
objectives, targets, policies, or measures proposed by
the United States for the control, limitation, or
reduction of greenhouse gas emissions of Annex I
Parties within a reasonable period after the
development of such proposal or proposals.

. . . [Delete subsections (C) and (F)]."

- 3 -

Sec. 1609(b). NOTIFICATION OF CONGRESS

DESCRIPTION OF SECTION

This paragraph would require the President not later than six months before any vote by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions to submit to Congress a comprehensive analysis of the affect of the proposed agreement on the United States economy and environment. To the extent practicable, the analysis shall include the text and negotiating notes of the proposed agreement.

DEPARTMENT POSITION

The Department is opposed to this provision. As drafted, the provision would impose an obligation that is impossible to meet, as it is already less than six months before the expected decision of the parties, now expected to occur in Kyoto this December. This provision is not required to preserve Congress' ability to determine what international obligations the United States will assume under such a treaty, as the treaty cannot enter into force for the United States without Senate advice and consent to ratification. The requirement in this provision, moreover, is unreasonable and unworkable, as preparation of such a report could only begin after the proposed agreement has been negotiated. A requirement that would be possible to meet and that would not interfere with the Executive's role in negotiating international agreements, would require a report in a reasonable period of time after the conclusion of the negotiations.

Currently, the relationship between subparagraph (a) (Assessment) and this paragraph is unclear. As there is no requirement on when the President should submit the assessment in subparagraph (a), it might be intended that it is the assessment that would be submitted in subparagraph (b). The problem is that the description of the notification in subparagraph (b) differs from the information required in the assessment subparagraph. To the extent that the final text differs from the U.S. proposal, it is dubious whether a costly and time-consuming analysis of an inoperative U.S. proposal would be warranted.

It should be noted that the parties might approve the final negotiating text by consensus, rather than by vote. Accordingly, the provision might only have operative effect if the phrase "any vote of" were changed to "any decision by" the

- 4 -

parties. Deleting the reference to voting would also remove a possible interpretation that this provision was attempting to preclude the Executive from approving the instrument. Such an interpretation would raise serious separation of powers concerns related to the President's Constitutional authority to conduct negotiations and to enter into agreements with foreign countries.

COMPROMISE LEGISLATIVE LANGUAGE

Although the Department would strongly favor deletion of this paragraph, it would not oppose a redraft along the lines of the two following options. (Note: These options should be read together with their counterpart options in the analysis of subparagraph (a) above.)

OPTION 1: §1609(a) AND (b) SUBMISSIONS ARE DUE AT THE SAME TIME

"(b) Notification of Congress. Not later than six months ~~before~~ after any/vote a decision by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions under the FCCC, the President shall submit to Congress a comprehensive analysis of the effect of the proposed agreement on the United States economy and the environment, including the assessments made in subsection (a). To the extent practicable, the submission shall include the text and the formal negotiating notes record of the proposed agreement."

OPTION 2: §1609(a) AND (b) SUBMISSIONS ARE DUE AT DIFFERENT TIMES

"(b) Notification of Congress. Not later than six months ~~before~~ after any/vote a decision by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions under the FCCC, the President shall submit to Congress a comprehensive analysis of the effect of the proposed agreement on the United States economy and the environment. ~~including the assessments made in subsection (a).~~ To the extent practicable, the submission shall include the text and the formal negotiating notes record of the proposed agreement."

CONSOLIDATED TEXTS OF OPTIONS 1 AND 2

OPTION 1: \$1609(a) AND (b) SUBMISSIONS ARE DUE AT THE SAME TIME

"(a) (1) ASSESSMENT - The President, to the extent practicable, shall assess the ~~effect~~ effect on the United States economy and environment of any quantified objectives, targets, policies, or measures proposed by the United States for the control, limitation, or reduction of greenhouse gas emissions of Annex I Parties.

. . . [Delete subsections (C) and (F)]."

"(b) Notification of Congress. Not later than six months ~~before~~ after any vote a decision by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions under the FCCC, the President shall submit to Congress a comprehensive analysis of the effect of the proposed agreement on the United States economy and the environment, including the assessments made in subsection (a). To the extent practicable, the submission shall include the text and the formal negotiating notes record of the proposed agreement."

OPTION 2: \$1609(a) AND (b) SUBMISSIONS ARE DUE AT DIFFERENT TIMES

"(a) (1) ASSESSMENT - The President, to the extent practicable, shall assess the ~~effect~~ effect on the United States economy and environment of any quantified objectives, targets, policies, or measures proposed by the United States for the control, limitation, or reduction of greenhouse gas emissions of Annex I Parties within a reasonable period after the development of such proposal or proposals.

. . . [Delete subsections (C) and (F)]."

"(b) Notification of Congress. Not later than six months ~~before~~ after any vote a decision by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions under the FCCC, the President shall submit to Congress a comprehensive analysis of the effect of the proposed agreement on the United States economy and the environment, ~~including the assessments made in subsection (a)~~ including the assessments made in subsection (a). To the extent practicable, the submission shall include the text and the formal negotiating notes record of the proposed agreement."

1 *Western Hemisphere, including an explanation*
2 *of how the alternative proposal will—*

3 *(i) improve upon current cooperation*
4 *and coordination of counter-drug efforts*
5 *among nations in the Western Hemisphere;*

6 *(ii) provide for the allocation of the re-*
7 *sources required to make significant*
8 *progress in disrupting and disbanding the*
9 *criminal organizations responsible for the*
10 *trafficking of illegal drugs in the Western*
11 *Hemisphere; and*

12 *(iii) differ from and improve upon*
13 *past strategies adopted by the United States*
14 *Government which have failed to make suf-*
15 *ficient progress against the trafficking of il-*
16 *legal drugs in the Western Hemisphere.*

17 *(2) UNCLASSIFIED FORM.—The report under*
18 *paragraph (1) shall be submitted in unclassified form,*
19 *but may contain a classified annex.*

20 **SEC. 1609. REPORT ON GREENHOUSE GAS EMISSIONS**
21 **AGREEMENT.**

22 *(a) ASSESSMENT OF PROPOSED AGREEMENT.—*

23 *(1) ASSESSMENT.—The President shall assess the*
24 *effect on the United States economy and environment*
25 *of any quantified objectives, targets, policies, or meas-*

1 *ures proposed for the control, limitation, or reduction*
2 *of greenhouse gas emissions of Annex I Parties.*

3 (2) *ELEMENTS.—The assessment under para-*
4 *graph (1) shall include—*

5 (A) *an assessment of the costs and benefits*
6 *to the United States economy and the environ-*
7 *ment of pursuing a policy of reducing greenhouse*
8 *gas emissions;*

9 (B) *an assessment of the schedules for*
10 *achieving reductions in greenhouse gas emis-*
11 *sions;*

12 (C) *an assessment of the ability of Annex I*
13 *Parties to meet the schedules identified under*
14 *subparagraph (B);*

15 (D) *an assessment of the effect of increased*
16 *greenhouse gas emissions by non-Annex I Parties*
17 *and all nonparticipating nations on the overall*
18 *effort to reduce greenhouse gas emissions;*

19 (E) *an assessment of the long-term impact*
20 *on the global economy and the environment of*
21 *increased greenhouse gas emissions by Annex I*
22 *Parties; and*

23 (F) *an assessment of consequences for em-*
24 *ployment, trade, consumer activities, competi-*
25 *tiveness, and the environment in the United*

1 *States of the requirements of paragraphs 3, 4,*
2 *and 5 of Article 4 of the FCCC regarding the*
3 *transfer by Annex I Parties of financial re-*
4 *sources, technology, and other resources to non-*
5 *Annex I Parties.*

6 (b) *NOTIFICATION OF CONGRESS.—Not later than six*
7 *months before any vote by the parties to the FCCC on the*
8 *final negotiating text of a proposed agreement to reduce*
9 *greenhouse gas emissions under the FCCC, the President*
10 *shall submit to Congress a comprehensive analysis of the*
11 *effect of the proposed agreement on the United States econ-*
12 *omy and the environment, including the assessments made*
13 *under subsection (a). To the extent practicable, the analysis*
14 *shall include the text and negotiating notes of the proposed*
15 *agreement.*

16 (c) *DEFINITIONS.—For the purposes of this section—*
17 (1) *FCCC.—The term “FCCC” means the Unit-*
18 *ed Nations Framework Convention on Climate*
19 *Change, with annexes, done at New York May 9,*
20 *1992.*

21 (2) *ANNEX I PARTIES.—The term “Annex I Par-*
22 *ties” means the Developed Country Parties of the*
23 *FCCC, including the United States, Canada, the Rus-*
24 *sian Federation, the European Union Countries, Aus-*
25 *tralia, Japan, and countries undergoing the process of*

1 transition to a market economy, as listed in Annex
2 I of the FCCC.

3 (3) *NON-ANNEX I PARTIES.*—The term “Non-
4 Annex I Parties” means the developing countries (in-
5 cluding China, India, South Korea, Malaysia, Brazil,
6 Mexico, other trading partners of the United States,
7 and the Small Island Countries) that are parties to
8 the FCCC but not listed in Annex I of the FCCC.

9 **SEC. 1610. REPORTS AND POLICY CONCERNING DIPLO-**
10 **MATIC IMMUNITY.**

11 (a) *ANNUAL REPORT CONCERNING DIPLOMATIC IMMU-*
12 *NITY.*—

13 (1) *REPORT TO CONGRESS.*—The Secretary of
14 State shall prepare and submit to the Congress, annu-
15 ally, a report concerning diplomatic immunity enti-
16 tled “Report on Cases Involving Diplomatic Immu-
17 nity”.

18 (2) *CONTENT OF REPORT.*—In addition to such
19 other information as the Secretary of State may con-
20 sider appropriate, the report under paragraph (1)
21 shall include the following:

22 (A) The number of persons residing in the
23 United States who enjoy full immunity from the
24 criminal jurisdiction of the United States under

United States Department of State *Developing Countries*Bureau of Oceans and International
Environmental and Scientific Affairs

Washington, D.C. 20520

DATE:

10/27/97

2 TOTAL PAGE(S)

FROM: WILLIAM E. DILDAY

TO:

TODD STERN
DAVID SANDAROW
BIL ANTHOLISSPECIAL ADVISOR FOR EAST
ASIAN AND PACIFIC AFFAIRSOFFICE OF REGIONAL POLICY
INITIATIVES (OES/RPI)

TEL NO: (202) 736-7374

TEL NO:

FAX NO: (202) 647-2746

E-MAIL: wdilday@state.gov

FAX NO:

FROM RAFE POMERANCE -

CLIMATE CHANGE

DRAFT POTUS TALKING POINTS
FOR CHINA SUMMIT.

URGENT

Climate Change

POTUS Talking Points

- As the largest and second largest greenhouse gas emitters, the U.S. and China share a special responsibility to address global climate change. Given its rate of development, China will become the largest emitter early in the next century, making your participation in a solution essential.
- Last week I announced the U.S. position for Kyoto -- stabilization of greenhouse gas emissions at 1990 levels by 2010, with further reductions to follow.
- Climate change is a global problem that requires a global solution. All countries have an obligation to take meaningful actions to limit emissions. Yet we recognize the importance of equity for developing countries.
- We would like to work with China constructively in the preparations for Kyoto. China is influential and is a leader in the G-77. Participation of developing countries is critical to a positive outcome in Kyoto.
- I urge you to consider three issues:

Joint Implementation with Credit. China should reconsider its opposition to this. JI with credit would open the door for foreign -- including U.S. -- investment in China. High tech energy efficiency projects -- financed largely by foreign countries -- would not only assist China in meeting its huge energy needs, but would also have the effect of reducing CO₂ emissions.

Commitments and Leadership. Consistent with its place as the second largest emitter and as a world leader, it would be very helpful for China to agree at Kyoto to negotiate quantitative goals to limit the growth of its emissions. We would recognize China's development in such an exercise. Such commitments would send a powerful, positive signal to the rest of the world.

Advancing the Discussions. We hope to engage more constructively with China in the deliberations occurring in Bonn and those that will take place in Kyoto.

- Climate change represents an opportunity for China and the U.S. to work together and to show leadership to the rest of the world community.