

October 19, 2015

Cosponsor Senate Resolution regarding Senate review of upcoming climate agreement

Dear Colleague:

As Senators, we have sworn to uphold and defend the Constitution, and one of the important duties we have is to provide advice and consent on major bi-lateral and multi-lateral agreements. A strong Legislative Branch is important for our republic. While the Executive Branch may take the lead in implementing foreign policy and negotiating international agreements, Article 2, Section 2, Clause 2 of the Constitution clearly states the Senate's role with respect to treaties. During the 105th Congress, the Senate overwhelmingly expressed its desire to have a say in reviewing climate change protocols, in regards to the Kyoto Protocol. Now that a follow-on protocol will be negotiated this year in Paris, the Senate should once again have a say. It is not yet clear whether President Obama intends to view any agreement that may come out of the Paris conference as a solely executive agreement, but our Resolution would remind him of past precedent for Congressional review. Additionally, Senate advice and consent of the Paris Protocol as a treaty would be consistent with the criteria noted in the U.S. State Department's Foreign Affairs Manual, Chapter 11, section 723.3 which considers factors such as, "past U.S. practice as to similar agreements", "proposed duration", "degree of formality desired", and "extent to which the agreement involves commitments or risks affecting the nation as a whole."

Therefore, today, I will be filing a Senate Resolution to reassert the Senate's Constitutional role in treaty review, and I invite you to join me as a cosponsor. This simple resolution would acknowledge and adhere to past Senate precedent for review of treaties—in this case, declaring that any agreement reached at the upcoming Paris climate change negotiations should follow the precedent established by the Senate's call to review the 1997 Kyoto Protocol. Just as the Senate did with the Kyoto Protocol, this resolution expresses that any legally binding climate agreement negotiated at the Paris conference must be submitted to the Senate for treaty review—and importantly, subject to advise and consent.

I hope you will join me in supporting this effort to protect the balance of power within our government and the Senate's right to review treaties. A copy of the resolution is attached. Please contact Alex Zemek with Senator Paul's staff at 202-228-0653 or Alex_Zemek@hsgac.senate.gov with questions or to be added as a cosponsor.

Sincerely,

Rand Paul, M.D.
United States Senator