

117TH CONGRESS 1ST SESSION

H. R. 395

To ensure transparency with Congress and the American people by requiring that the President report to Congress on a nationally determined contribution to the Paris Agreement prior to the submission of the nationally determined contribution to the United Nations Framework Convention on Climate Change Secretariat and to provide that nothing in the Paris Agreement may be used to establish or demonstrate the existence of a violation of United States law or an offense against the law of nations in United States courts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 21, 2021

Ms. Foxx (for herself and Mr. Graves of Louisiana) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure transparency with Congress and the American people by requiring that the President report to Congress on a nationally determined contribution to the Paris Agreement prior to the submission of the nationally determined contribution to the United Nations Framework Convention on Climate Change Secretariat and to provide that nothing in the Paris Agreement may be used to establish or demonstrate the existence of a violation of United States law or an offense against the law of nations in United States courts, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may cited as the "Protecting American Re-
- 5 sources, Innovation, and Sovereignty Act" or "PARIS
- 6 Act".
- 7 SEC. 2. RULES OF CONSTRUCTION RELATING TO PARIS
- 8 AGREEMENT.
- 9 (a) Relating to Paris Agreement.—Nothing in
- 10 the Paris Agreement may be used to establish or dem-
- 11 onstrate the existence of a violation of United States law
- 12 or an offense against the law of nations in United States
- 13 courts, including—
- 14 (1) to establish standing, a cause of action, or
- a source of damages as a matter of law; or
- 16 (2) to demonstrate whether an action by a Fed-
- eral agency is arbitrary or capricious, an abuse of
- discretion, or otherwise not in accordance with law.
- 19 (b) Relating to This Act.—Nothing in subsection
- 20 (a) may be construed to modify or limit any obligation
- 21 of the United States pursuant to an international treaty
- 22 that was ratified by the President with the advice and con-
- 23 sent of the Senate, including the United Nations Frame-
- 24 work Convention on Climate Change.

1	SEC. 3. ACTIONS TO ESTABLISH OR REVISE UNITED STATES
2	NATIONALLY DETERMINED CONTRIBUTION
3	UNDER THE PARIS AGREEMENT.
4	(a) In General.—Any action to establish or revise
5	the United States nationally determined contribution
6	under the Paris Agreement shall have force and effect only
7	if—
8	(1) before the President submits the nationally
9	determined contribution to the United Nations
10	Framework Convention on Climate Change Secre-
11	tariat, the President submits to Congress a report
12	that—
13	(A) describes the proposed action;
14	(B) includes a plan for the United States
15	to meet its nationally determined contribution
16	under the Paris Agreement that details—
17	(i) a complete description of measures
18	under the authority of the Federal Govern-
19	ment necessary to achieve the United
20	States nationally determined contribution,
21	including new or revised regulations, new
22	or revised authorities that require congres-
23	sional actions, and new or revised financial
24	incentives; and
25	(ii) how the United States will use the
26	Paris Agreement's transparency provisions

to confirm that other parties to the Agreement, including all major emitters, are fulfilling their announced contributions to the
Agreement;

(C) describes how the United States nationally determined contribution will impact the level of total global emissions, based on the most recent available global emissions data, and how the United States nationally determined contribution in the aggregate with the nationally determined contributions of other countries submitted under the Paris Agreement will result in a reduction of global emissions below 2005 levels by 2036 or by the date that is 15 years after the submission of the United States nationally determined contribution, whichever occurs later;

(D) if any measure described in subparagraph (B)(i) results in increased costs of energy produced or consumed in the United States or increased costs to manufacture or produce goods or resources in the United States, includes specific policy measures that will prevent—

1	(i) job displacement that would result
2	as a result of any such measure;
3	(ii) reduced global competitiveness of
4	goods and resources manufactured or pro-
5	duced in the United States as a result of
6	any such measure; and
7	(iii) leaked emissions, including new
8	or increased lifecycle greenhouse gas emis-
9	sions that will occur outside of the United
10	States, as a result of any such measure;
11	(E) includes a specific timeline for imple-
12	menting the specific policy measures described
13	in subparagraph (D) in a manner that such
14	measures are fully implemented and in effect
15	prior to or simultaneously with implementation
16	and effectiveness of the measures described in
17	subparagraph (B)(i) in order to ensure there is
18	no period of time when domestic jobs and man-
19	ufacturing will be negatively impacted by such
20	measures described in subparagraph (B)(i); and
21	(F) contains a determination of the Presi-
22	dent that the proposed action is in the national
23	interest of the United States; and
24	(2) during the 60-day period beginning on the
25	date on which the report is submitted under para-

- graph (1), a joint resolution of disapproval described in subsection (b) with respect to the proposed action is not enacted into law.
 - (b) Joint Resolution of Disapproval.—
 - (1) IN GENERAL.—In this subsection, the term "joint resolution of disapproval" means only a joint resolution of either House of Congress—
 - (A) the title of which is as follows: "A joint resolution disapproving the action of the President to establish or revise the United States nationally determined contribution under the Paris Agreement."; and
 - (B) the sole matter after the resolving clause of which is as follows: "Congress disapproves of the action of the President to establish or revise the United States nationally determined contribution under the Paris Agreement as proposed by the President in the report submitted to Congress under section 3(a)(1) of the Protecting American Resources, Innovation, and Sovereignty Act on ____ relating to ____.", with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

- 1 (2) Congressional procedures.—A joint 2 resolution of disapproval shall be considered in the 3 House of Representatives and the Senate in accord-4 ance with paragraphs (3) through (5) of section 5 135(e) of the Atomic Energy Act of 1954 (42 6 U.S.C. 2160e(e)).
- 7 SEC. 4. DEFINITIONS.
- 8 In this Act:

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- (1) Major emitter.—The term "major emitter" means any country, or defined group of countries that share a common nationally determined contribution under the Paris Agreement, that accounts for at least one percent of global greenhouse gas emissions based on most recent data as determined by the Department of State.
 - (2) Paris agreement.—The term "Paris Agreement" means the decision by the United Nations Framework Convention on Climate Change's 21st Conference of Parties in Paris, France, adopted December 12, 2015.

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