

117TH CONGRESS
1ST SESSION

H. R. 2578

To seek the renegotiation of the Paris Agreement on climate change or the negotiation of a new agreement, including the requirement for the Senate to provide its advice and consent to ratification of any such agreement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2021

Mr. GRAVES of Louisiana (for himself, Mrs. RODGERS of Washington, Mr. McCAUL, Mr. MCCARTHY, Mr. SCALISE, Mr. LUCAS, Mr. THOMPSON of Pennsylvania, Mr. WESTERMAN, Ms. FOXX, Mr. MCKINLEY, Mr. CARTER of Georgia, Mr. GONZALEZ of Ohio, Mrs. MILLER of West Virginia, and Mr. ARMSTRONG) 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 seek the renegotiation of the Paris Agreement on climate change or the negotiation of a new agreement, including the requirement for the Senate to provide its advice and consent to ratification of any such agreement, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may cited as the “Paris Transparency and
3 Accountability Act”.

4 **SEC. 2. SENSE OF CONGRESS THAT THE UNITED STATES**
5 **SHOULD NOT REENTER THE PARIS AGREE-**
6 **MENT ABSENT FURTHER NEGOTIATIONS AND**
7 **ADVICE AND CONSENT TO RATIFICATION OF**
8 **THE UNITED STATES SENATE.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) On May 9, 1992, the United States Senate
11 provided its advice and consent to ratification re-
12 garding the United Nations Framework Convention
13 on Climate Change (Framework Convention), which
14 entered into force on March 21, 1994.

15 (2) The Framework Convention was ratified
16 under the express limitation that a decision by the
17 Conference of the Parties to adopt targets and time-
18 tables would have to be submitted to the Senate for
19 its advice and consent.

20 (3) The Kyoto Protocol, completed at the 3d
21 Conference of the Parties (COP) to the Framework
22 Convention in December 1997 in Kyoto, Japan, con-
23 tains emissions targets and timetables, and was
24 signed by the Clinton Administration on behalf of
25 the United States but never submitted to the Senate
26 for its advice and consent to ratification.

1 (4) The United Nations Climate Change
2 website states: “The Paris Agreement is a legally
3 binding international treaty on climate change.”.
4 And yet this United Nations designated “legally
5 binding international treaty” has never been sub-
6 mitted to the United States Senate for advice and
7 consent as required of treaties under article II, sec-
8 tion 2 of the Constitution.

9 (5) The Paris Agreement and every article and
10 clause thereof was accepted by President Barack
11 Obama on behalf of the United States solely through
12 executive action, rather than submitted to the Sen-
13 ate for its advice and consent to ratification.

14 (6) Implementation of the Paris Agreement
15 would serve as justification for pursuing unilateral
16 and punitive policies harmful to United States eco-
17 nomic competitiveness, including significant job loss,
18 increased energy and consumer costs, risks to grid
19 reliability, or any combination thereof.

20 (7) When originally negotiating the Paris
21 Agreement, incoming Special Presidential Envoy for
22 Climate John Kerry stated, if . . . “all the indus-
23 trial nations went down to zero emissions, it
24 wouldn’t be enough, not when more than 65 percent

1 of the world's carbon pollution comes from the devel-
2 oping world”.

3 (8) The Paris Agreement allows the People's
4 Republic of China, the world's second largest econ-
5 omy and largest emitter of greenhouse gasses, to
6 continue as a developing country, and therefore jus-
7 tify energy and industrial policies that undermine
8 the economic and security interests of the United
9 States and its allies, and significantly increase emis-
10 sions in the foreseeable future.

11 (9) The People's Republic of China is on track
12 to increase its emissions by roughly 50 percent by
13 2030, consistent with the 2014 agreement with the
14 Obama Administration and its pledge under the
15 Paris Agreement.

16 (10) Since 2005 the People's Republic of China
17 increased emissions by four tons for every ton of
18 emissions reduced by the United States during the
19 same period.

20 (11) To protect the interests of the United
21 States and its citizens, prior to its submission to the
22 United States Senate for its advice and consent to
23 ratification, the Paris Agreement should be renegoti-
24 ated or new agreement negotiated to ensure the Peo-
25 ple's Republic of China reduces greenhouse gas

1 emissions at a pace and scale equivalent to that of
2 the United States.

3 (12) Through innovation and free market
4 forces, the United States has reduced its carbon di-
5 oxide emissions more than any other country in the
6 world, including the next 12 emissions-reducing
7 countries combined over the past 15 years.

8 (13) Between 1994 and 2018, global green-
9 house gas emissions grew significantly despite nearly
10 a quarter century of international climate agree-
11 ments and in spite of the United States, the Euro-
12 pean Union and other Organisation for Economic
13 Co-operation and Development (OECD) and G7 na-
14 tions reducing their emissions during the same time
15 period.

16 (14) The emissions reduction goals of the Paris
17 Agreement cannot be met without the development
18 and global deployment of affordable energy tech-
19 nologies, including storage, nuclear, and clean fossil
20 technologies, as well as commercial-scale carbon,
21 capture, utilization, and storage technologies.

22 (15) American economic growth and prosperity
23 is essential to the development and deployment of
24 these technologies to address global energy security
25 and reduction of global emissions. Punitive policies

1 such as taxes, mandates and regulations that in-
2 crease the cost of energy and American manufac-
3 turing will divert resources from the innovation of
4 affordable technologies necessary to reduce global
5 emissions.

6 (16) Global competitors to exported American
7 liquified natural gas, such as Russian produced nat-
8 ural gas, have lifecycle emissions up to 50 percent
9 higher than American exported liquified natural gas,
10 and domestic policies such as taxes, mandates, regu-
11 lations or banning of the domestically produced en-
12 ergy resource will result in higher global emissions
13 and run counter to the goals of international efforts
14 to reduce emissions all while hurting America's com-
15 petitiveness, security, and economic interests.

16 (17) The United States withdrew from the
17 Paris Agreement, pursuant to the terms of the
18 Agreement, which President Donald J. Trump first
19 announced on June 1, 2017, and took effect on No-
20 vember 4, 2020.

21 (18) On January 20, 2021, President Joseph
22 R. Biden, Jr., signed an Executive order providing
23 for the United States to reenter the Paris Agree-
24 ment.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the United States should not reenter the Paris
3 Agreement and Congress should refuse to consider any
4 budget resolutions and appropriations language that in-
5 clude funding for the Green Climate Fund or any affili-
6 ated body or financing mechanism—

7 (1) until the Paris Agreement is renegotiated,
8 or a new agreement is reached, in a manner that
9 would result in all major emitters, including the Peo-
10 ple’s Republic of China, reducing their greenhouse
11 gas emissions to levels comparable to the United
12 States; and

13 (2) unless such agreement—

14 (A) is submitted to the United States Sen-
15 ate for its advice and consent to ratification;
16 and

17 (B) subsequently approved by the United
18 States Senate exercising its responsibilities
19 under Article II of the Constitution of the
20 United States.

21 **SEC. 3. RULES OF CONSTRUCTION RELATING TO PARIS**
22 **AGREEMENT.**

23 (a) RELATING TO PARIS AGREEMENT.—Nothing in
24 the Paris Agreement may be used to establish or dem-
25 onstrate the existence of a violation of United States law

1 or an offense against the law of nations in United States
 2 courts, including—

3 (1) to establish standing, a cause of action, or
 4 a source of damages as a matter of law; or

5 (2) to demonstrate whether an action by a Fed-
 6 eral agency is arbitrary or capricious, an abuse of
 7 discretion, or otherwise not in accordance with law.

8 (b) RELATING TO THIS ACT.—Nothing in subsection
 9 (a) may be construed to modify or limit any obligation
 10 of the United States pursuant to an international treaty
 11 that was ratified by the President with the advice and con-
 12 sent of the Senate, including the United Nations Frame-
 13 work Convention on Climate Change.

14 **SEC. 4. ACTIONS TO ESTABLISH OR REVISE UNITED STATES**
 15 **NATIONALLY DETERMINED CONTRIBUTION**
 16 **UNDER THE PARIS AGREEMENT.**

17 (a) IN GENERAL.—Any action to establish or revise
 18 the United States nationally determined contribution
 19 under the Paris Agreement shall have force and effect only
 20 if—

21 (1) before the President submits the nationally
 22 determined contribution to the United Nations
 23 Framework Convention on Climate Change Secre-
 24 tariat, the President submits to Congress a report
 25 that—

1 (A) describes the proposed action;

2 (B) includes a plan for the United States
3 to meet its nationally determined contribution
4 under the Paris Agreement that includes—

5 (i) a complete description of measures
6 under the authority of the Federal Govern-
7 ment necessary to achieve the United
8 States nationally determined contribution,
9 including new or revised regulations, new
10 or revised authorities that require congres-
11 sional actions, and new or revised financial
12 incentives;

13 (ii) a description of how the United
14 States will use the Paris Agreement's
15 transparency provisions to confirm that
16 other parties to the Agreement, including
17 all major emitters, are fulfilling their an-
18 nounced contributions to the Agreement;

19 (iii) a description of how the United
20 States will utilize numerous energy
21 sources, including nuclear, fossil fuel, and
22 renewable technologies, to meet the nation-
23 ally determined contribution;

24 (iv) a description of any impact on
25 grid resilience and reliability that would re-

1 sult from policies necessary to meet the na-
2 tionally determined contribution;

3 (v) a description of how the nationally
4 determined contribution will promote the
5 availability of diversified energy supplies
6 and a well-functioning global market for
7 energy resources, technologies, and exper-
8 tise for the benefit of the United States
9 and United States allies and trading part-
10 ners;

11 (vi) a description of how the nation-
12 ally determined contribution will support
13 United States international efforts to al-
14 leviate energy poverty;

15 (vii) an analysis of the impact of in-
16 creased costs of energy or vital household
17 expenditures on low- or middle-income
18 families, and any disproportionate or in-
19 creased burden on such families, as a re-
20 sult of the nationally determined contribu-
21 tion;

22 (viii) a description of how the nation-
23 ally determined contribution will support
24 United States efforts to counter malign
25 Chinese, Russian, and other adversarial in-

1 fluence and domination over energy supply
2 chains; and

3 (ix) a description of how the nation-
4 ally determined contribution will impact
5 United States national security interests;

6 (C) includes, for any measure described in
7 subparagraph (B)(i) that could result in in-
8 creased costs of energy produced or consumed
9 in the United States or increased costs to man-
10 ufacture or produce goods or resources in the
11 United States, a description of specific policy
12 measures to prevent—

13 (i) job displacement that would result
14 as a result of any such measure;

15 (ii) reduced global competitiveness of
16 goods and resources manufactured or pro-
17 duced in the United States as a result of
18 any such measure; and

19 (iii) leaked emissions, including new
20 or increased lifecycle greenhouse gas emis-
21 sions that will occur outside of the United
22 States, as a result of any such measure;

23 (D) includes a specific timeline for imple-
24 menting the specific policy measures described
25 in subparagraph (C) in a manner that such

1 measures are fully implemented and in effect
2 prior to, or simultaneously with, the implemen-
3 tation and effect of the measures described in
4 subparagraph (B)(i) in order to effectively
5 counteract any negative impacts on domestic
6 jobs and manufacturing;

7 (E) includes an analysis of the nationally
8 determined contributions submitted with the re-
9 spect to the Paris Agreement by the Govern-
10 ment of the People's Republic of China and the
11 Government of the Russian Federation, the an-
12 ticipated effects on their respective domestic
13 greenhouse gas emissions, and the anticipated
14 effects on their respective global competitive-
15 ness;

16 (F) describes how the United States na-
17 tionally determined contribution will impact the
18 level of total global emissions, based on the
19 most recent available global emissions data, and
20 how the United States nationally determined
21 contribution in the aggregate with the nation-
22 ally determined contributions of other countries
23 submitted under the Paris Agreement will re-
24 sult in a reduction of global emissions below
25 2005 levels by 2036 or by the date that is 15

1 years after the submission of the United States
2 nationally determined contribution, whichever
3 occurs later; and

4 (G) contains a determination of the Presi-
5 dent that the proposed action is in the national
6 interest of the United States; and

7 (2) during the 60-day period beginning on the
8 date on which the report is submitted under para-
9 graph (1), a joint resolution of disapproval described
10 in subsection (b) with respect to the proposed action
11 is not enacted into law.

12 (b) JOINT RESOLUTION OF DISAPPROVAL.—

13 (1) IN GENERAL.—In this subsection, the term
14 “joint resolution of disapproval” means only a joint
15 resolution of either House of Congress—

16 (A) the title of which is as follows: “A joint
17 resolution disapproving the action of the Presi-
18 dent to establish or revise the United States’
19 nationally determined contribution under the
20 Paris Agreement.”; and

21 (B) the sole matter after the resolving
22 clause of which is as follows: “Congress dis-
23 approves of the action of the President to estab-
24 lish or revise the United States’ nationally de-
25 termined contribution under the Paris Agree-

1 ment as proposed by the President in the report
2 submitted to Congress under section 3(a)(1) of
3 the Protecting American Resources, Innovation,
4 and Sovereignty Act on _____ relating to _____”,
5 with the first blank space being filled with the
6 appropriate date and the second blank space
7 being filled with a short description of the pro-
8 posed action.

9 (2) CONGRESSIONAL PROCEDURES.—A joint
10 resolution of disapproval shall be considered in the
11 House of Representatives and the Senate in accord-
12 ance with paragraphs (4) through (6) of section
13 135(e) of the Atomic Energy Act of 1954 (42
14 U.S.C. 2160e(e)).

15 **SEC. 5. DEFINITIONS.**

16 In this Act:

17 (1) MAJOR EMITTER.—The term “major emit-
18 ter” means any country, or defined group of coun-
19 tries that share a common nationally determined
20 contribution under the Paris Agreement, that ac-
21 counts for at least one percent of global greenhouse
22 gas emissions based on most recent data as deter-
23 mined by the Department of State.

24 (2) PARIS AGREEMENT.—The term “Paris
25 Agreement” means the decision by the United Na-

- 1 tions Framework Convention on Climate Change's
- 2 21st Conference of Parties in Paris, France, adopted
- 3 December 12, 2015.

