

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
15 a source of damages as a matter of law; or

16 (2) to demonstrate whether an action by a Fed-
17 eral agency is arbitrary or capricious, an abuse of
18 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

1 to confirm that other parties to the Agree-
2 ment, including all major emitters, are ful-
3 filling their announced contributions to the
4 Agreement;

5 (C) describes how the United States na-
6 tionally determined contribution will impact the
7 level of total global emissions, based on the
8 most recent available global emissions data, and
9 how the United States nationally determined
10 contribution in the aggregate with the nation-
11 ally determined contributions of other countries
12 submitted under the Paris Agreement will re-
13 sult in a reduction of global emissions below
14 2005 levels by 2036 or by the date that is 15
15 years after the submission of the United States
16 nationally determined contribution, whichever
17 occurs later;

18 (D) if any measure described in subpara-
19 graph (B)(i) results in increased costs of energy
20 produced or consumed in the United States or
21 increased costs to manufacture or produce
22 goods or resources in the United States, in-
23 cludes specific policy measures that will pre-
24 vent—

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-

1 graph (1), a joint resolution of disapproval described
2 in subsection (b) with respect to the proposed action
3 is not enacted into law.

4 (b) JOINT RESOLUTION OF DISAPPROVAL.—

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

8 (A) the title of which is as follows: “A joint
9 resolution disapproving the action of the Presi-
10 dent to establish or revise the United States na-
11 tionally determined contribution under the
12 Paris Agreement.”; and

13 (B) the sole matter after the resolving
14 clause of which is as follows: “Congress dis-
15 approves of the action of the President to estab-
16 lish or revise the United States nationally deter-
17 mined contribution under the Paris Agreement
18 as proposed by the President in the report sub-
19 mitted to Congress under section 3(a)(1) of the
20 Protecting American Resources, Innovation,
21 and Sovereignty Act on ____ relating to ____.”,
22 with the first blank space being filled with the
23 appropriate date and the second blank space
24 being filled with a short description of the pro-
25 posed 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:

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

16 (2) PARIS AGREEMENT.—The term “Paris
17 Agreement” means the decision by the United Na-
18 tions Framework Convention on Climate Change’s
19 21st Conference of Parties in Paris, France, adopted
20 December 12, 2015.

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