

105TH CONGRESS  
2D SESSION

# H. R. 3807

To prohibit the use of Federal funds to implement the Kyoto Protocol to the United Nations Framework Convention on Climate Change unless or until the Senate has given its advice and consent to ratification of the Kyoto Protocol and to clarify the authority of Federal agencies with respect to the regulation of the emissions of carbon dioxide.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1998

Mr. KNOLLENBERG (for himself, Mrs. EMERSON, and Mr. KLINK) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To prohibit the use of Federal funds to implement the Kyoto Protocol to the United Nations Framework Convention on Climate Change unless or until the Senate has given its advice and consent to ratification of the Kyoto Protocol and to clarify the authority of Federal agencies with respect to the regulation of the emissions of carbon dioxide.

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 be cited as the “American Economy  
5       Protection Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Article II, section 2, of the Constitution  
4 confers on the Senate the responsibility to evaluate  
5 a treaty's merits and its potential impacts on the  
6 United States and to give or withhold its advice and  
7 consent for treaties negotiated by the Executive  
8 Branch;

9 (2) the President, as the Chief Executive, is in  
10 the most effective position to negotiate on behalf of  
11 the United States, but does not have the independ-  
12 ent Constitutional authority to implement or provi-  
13 sionally apply a treaty absent the advice and consent  
14 of the Senate;

15 (3) the United States is a signatory to the 1992  
16 United Nations Framework Convention on Climate  
17 Change that under the 1995 Berlin Mandate specifi-  
18 cally exempts all Developing Country Parties, includ-  
19 ing China, Iran, Brazil, India, and South Korea;

20 (4) greenhouse gas emissions of Developing  
21 Country Parties rapidly are increasing and are ex-  
22 pected to surpass emissions of the United States and  
23 other countries as early as 2015;

24 (5)(A) on July 27, 1997, the Senate unani-  
25 mously voted that any new commitments to limit or  
26 reduce greenhouse gas emissions for the United

1 States also must include scheduled commitments to  
2 limit or reduce greenhouse gas emissions for Devel-  
3 oping Country Parties within the same compliance  
4 period; and

5 (B) the agreement reached in Kyoto, Japan, in  
6 December 1997 does not meet this standard; and

7 (6) implementation of the Kyoto Protocol could  
8 result in serious harm to the United States economy,  
9 including significant job loss, trade disadvantages,  
10 increased energy and consumer costs, or any com-  
11 bination thereof.

12 **SEC. 3. PROHIBITION ON USE OF FEDERAL FUNDS TO IM-**  
13 **PLEMENT KYOTO PROTOCOL.**

14 (a) IN GENERAL.—Federal funds shall not be used  
15 for rules, regulations, or programs designed to implement,  
16 or in contemplation of implementing, the Kyoto Protocol  
17 to the United Nations Framework Convention on Climate  
18 Change, done at Kyoto on December 11, 1997, unless or  
19 until the Senate has given its advice and consent to ratifi-  
20 cation of the Kyoto Protocol under Article II, section 2,  
21 clause 2 of the Constitution.

22 (b) AUTHORITY OF FEDERAL AGENCIES.—Notwith-  
23 standing any other provision of law, no Federal agency  
24 shall have authority to promulgate regulations to limit the  
25 emissions of carbon dioxide, after the date of enactment

1 of this Act, unless a law is enacted specifically granting  
2 such authority.

