

118TH CONGRESS
1ST SESSION

S. 1035

To prohibit funding for the Montreal Protocol on Substances that Deplete the Ozone Layer and the United Nations Framework Convention on Climate Change until China is no longer defined a developing country.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2023

Mr. BARRASSO (for himself, Mr. SULLIVAN, Mr. LEE, Ms. LUMMIS, Mr. CORNYN, Mr. TILLIS, Mrs. CAPITO, Mr. BRAUN, Mr. BUDD, Mr. HOEVEN, Mr. RUBIO, Mr. VANCE, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To prohibit funding for the Montreal Protocol on Substances that Deplete the Ozone Layer and the United Nations Framework Convention on Climate Change until China is no longer defined a developing country.

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 “Ending China’s Unfair
5 Advantage Act of 2023”.

1 **SEC. 2. PROHIBITION ON USE OF FUNDS FOR THE MON-**
2 **TREAL PROTOCOL ON SUBSTANCES THAT DE-**
3 **plete the ozone layer until China is**
4 **no longer defined as a developing**
5 **country.**

6 Notwithstanding any other provision of law, no Fed-
7 eral funds may be obligated or expended to implement the
8 Montreal Protocol, including its protocols and amend-
9 ments, or any fund established under the Protocol, until
10 the President certifies to the appropriate congressional
11 committees that the Parties to the Montreal Protocol have
12 amended their Decision I/12E, “Clarification of terms and
13 definitions: developing countries,” made at the First Meet-
14 ing of the Parties to remove the People’s Republic of
15 China.

16 **SEC. 3. PROHIBITION ON USE OF FUNDS FOR THE UNITED**
17 **NATIONS FRAMEWORK CONVENTION ON CLI-**
18 **MATE CHANGE UNTIL CHINA IS INCLUDED**
19 **AMONG THE COUNTRIES LISTED IN ANNEX I**
20 **OF THE CONVENTION.**

21 Notwithstanding any other provision of law, no Fed-
22 eral funds may be obligated or expended to fund the oper-
23 ations and meetings of the United Nations Framework
24 Convention on Climate Change, including its protocols or
25 agreements, or any fund established under the Convention
26 or its agreements, until the President certifies to the ap-

1 appropriate congressional committees that the Parties to the
2 Framework Convention have included the People’s Repub-
3 lic of China in Annex I of the Convention.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Relations
10 and the Committee on Appropriations of the
11 Senate; and

12 (B) the Committee on Foreign Affairs and
13 the Committee on Appropriations of the House
14 of Representatives.

15 (2) **MONTREAL PROTOCOL.**—The term “Mon-
16 treal Protocol” means the Montreal Protocol on Sub-
17 stances that Deplete the Ozone Layer, done at Mon-
18 treal September 16, 1987.

19 (3) **UNITED NATIONS FRAMEWORK CONVEN-**
20 **TION ON CLIMATE CHANGE.**—The term “United Na-
21 tions Framework Convention on Climate Change”
22 means the United Nations Framework Convention
23 on Climate Change, adopted in Rio de Janeiro,
24 Brazil in June 1992.

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