118TH CONGRESS
S. 1035
1ST SESSION

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ending China’s Unfair Advantage Act of 2023”.

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”.
SEC. 2. PROHIBITION ON USE OF FUNDS FOR THE MON-
TREAL PROTOCOL ON SUBSTANCES THAT DE-
PLETE THE OZONE LAYER UNTIL CHINA IS
NO LONGER DEFINED AS A DEVELOPING
COUNTRY.

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

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

Notwithstanding any other provision of law, no Fed-
eral funds may be obligated or expended to fund the oper-
ations and meetings of the United Nations Framework
Convention on Climate Change, including it protocols or
agreements, or any fund established under the Convention
or its agreements, until the President certifies to the ap-
propriate congressional committees that the Parties to the Framework Convention have included the People’s Republic of China in Annex I of the Convention.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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