

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Did you know the trade group for the gas industry was a corporate co-chair in 2011?

State Responses to Kyoto Climate Change Protocol

Summary

An Act prohibiting the proposal or promulgation of state regulations intended to reduce emissions of greenhouse gases, prior to ratification of the Kyoto climate change protocol by the United States Senate and enactment of implementing legislation by the United States Congress.

Model Legislation

Section 1. {Short Title} This act may be referred to as the Kyoto Protocol Act of 1998.

Section 2. {Findings and Purposes} The [House/Senate] of [State] hereby finds that:

(a) The United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change ("FCCC");

(b) A protocol to expand the scope of the FCCC was negotiated in December 1997 in Kyoto, Japan ("Kyoto Protocol"), requiring the United States to reduce emissions of greenhouse gases such as carbon dioxide and methane by seven percent from 1990 emission levels during the period 2008 to 2012, with similar reduction obligations for other major industrial nations;

(c) Developing nations, including China, India, Mexico, Indonesia, and Brazil, are exempt from greenhouse gas emission limitation requirements in the FCCC;

(d) Developing nations refused in the Kyoto negotiations to accept any new commitments for greenhouse gas emission limitations through the Kyoto Protocol or other agreements;

(e) With respect to new commitments under the FCCC, President William Clinton pledged on October 22, 1997, that "The United States will not assume binding obligations unless key developing nations meaningfully participate in this effort";

(f) On July 25, 1997, the United States Senate Resolution No. 98 by a vote of 95-0, expressing the Sense of the Senate that, inter alia, "the United States should not be a signatory to any protocol to or other agreement regarding, the Framework Convention on Climate Change...which would require the advice and consent of the Senate to ratification, and which would mandate new commitments to mitigate greenhouse gas emissions for the Developed Country Parties, unless the protocol or other agreement also mandates specific scheduled commitments within the same compliance period to mitigate greenhouse gas emissions for Developing country Parties;"

(g) The Kyoto Protocol fails to meet the tests established for acceptance of new climate

ALEC's Corporate Board

--in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

change commitments by President Clinton and by U.S. Senate Resolution No. 98;

(h) Achieving the emission reductions proposed by the Kyoto Protocol would require more than a 35 percent reduction in projected United States carbon dioxide and other greenhouse gas emissions during the period 2008 to 2012;

(i) Developing countries exempt from emission limitations under the Kyoto Protocol are expected to increase their rates of fossil fuels use over the next two decades, and to surpass the United States and other industrialized countries in total emissions of greenhouse gases;

(j) Increased emissions of greenhouse gases by developing countries would offset any potential environmental benefits associated with emissions reductions achieved by the United States and by other industrial nations;

(k) Economic impact studies by the U.S. Government estimate that legally binding requirements for the reduction of U.S. greenhouse gases to 1990 emission levels would result in the loss of more than 900,000 jobs in the United States, sharply increased energy prices, reduced family incomes and wages, and severe losses of output in energy-intensive industries such as aluminum, steel, rubber, chemicals, and utilities;

(l) The failure to provide for commitments by developing countries in the Kyoto Protocol creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from the United States to developing countries;

(m) Federal implementation of the Kyoto Protocol, if ratified by the United States Senate, would entail new Congressional legislation whose form and requirements cannot be predicted at this time, but could include national energy taxes or emission control allocation and trading schemes that would preempt state-special programs intended to reduce emissions of greenhouse gases;

(n) Piecemeal or other uncoordinated state regulatory initiatives intended to reduce emissions of greenhouse gases may be inconsistent with subsequent Congressional determinations concerning the Kyoto Protocol, and with related Federal legislation implementing the Kyoto Protocol;

(o) Individual state responses to the Kyoto Protocol, including the development of new regulatory programs intended to reduce greenhouse emissions, are premature prior to Senate ratification of that Protocol, in its current or amended form, and Congressional enactment of related implementing legislation;

(p) There is neither Federal nor [State] statutory authority for new regulatory programs or other efforts intended to reduce greenhouse gas emissions for purposes of complying with or facilitating compliance with the provisions of the Kyoto Protocol.

Section 3. {Restrictions on State Regulations Related to Greenhouse Gas Emissions}

(a) Effective immediately, the [Secretary/Administrator/Director] of the [State]

[Department/ Agency of Environmental Protection or any appropriate agency] shall not propose or promulgate any new regulations intended in whole or in part to reduce emissions of greenhouse gases, as such gases and emissions are defined by the Kyoto Protocol, from the residential, commercial, industrial, electric utility, transportation, agriculture, energy, or mining sectors;

(b) In the absence of a resolution or other act of the [House/Senate of ____] approving same, the [Secretary/Administrator/Director] of the [State], [Department/Agency of Environmental Protection or other appropriate agency] shall not submit to the U.S. Environmental Protection Agency or to any other agency of the Federal Government any legally enforceable commitments related to the reduction of greenhouse gases, as such gases are defined by the Kyoto Protocol;

(c) Nothing in this section shall be construed to limit or to impede state or private participation in any on-going voluntary initiatives to reduce emissions of greenhouse gases, including, but not limited to, the U.S. Environmental Protection Agency's Green Lights program, the U.S. Department of Energy's Climate Challenge program, and similar

State and Federal initiatives relying on voluntary participation;

(d) This Act shall remain in effect until repealed by an Act of the Legislature of the [State/Commonwealth] of [State], or until ratification of the Kyoto Protocol by the United States Senate and enactment of Federal legislation implementing the Kyoto Protocol.

*Adopted by the Natural Resources Task Force at the March 20, 1998 Task Force Meeting.
Approved by full the ALEC Board of Directors April, 1998.*

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECexposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media and Democracy's quick summary

ALEC issued the report "Global Warming and the Kyoto Protocol: Paper Tiger, Economic Dragon" in 2002, penned by the Cato Institute's Patrick Michaels, a climate change skeptic, and has since issued such reports as the 2007 "Kyoto Spawn: The Progeny of the Kyoto Protocol" and "April in Paris: Recent UN Climate Report is No Cause for Concern," both by Daniel R. Simmons, ALEC's in-house "Natural Resources Task Force Director" at the time. ALEC used studies such as these "to easily deflect progress on state-level emissions bills in more conservative states. . . . When Maine in 2003 became the first state to make a legislative commitment to reduce greenhouse gas emissions, ALEC responded in 2005 by helping push through legislation it helped draft to limit any global warming regulations to those deemed 'cost-effective' and requiring that special 'economic impact' statements be drawn up before any new global warming legislation could be passed, a law that the Natural Resources Defense Council called a 'double standard' to hamper its legislative efforts. . . . And when all else fails at the state level, ALEC can use its position as a 'representative' of state interests to advocate for the federal government shutting down rogue progressive state policy. Earlier Congresses have legally preempted state action on auto fuel efficiency and many energy standards, and ALEC has been supporting new federal laws to preempt state global warming laws" (Progressive States Network, "Governing the Nation from the Statehouses: The Rightwing Agenda in the States and How Progressives Can Fight Back," February 2006, pp. 9-10).

ALEC released a whole host of model legislation in 2007 leading up to this resolution in anticipation of the UN conference at Copenhagen. See ALEC's 2007 report, "Energy, Environment, and Economics" for a list. Earlier efforts to push through legislation at the state level in response to Kyoto resulted in six states-- Alabama, Illinois, Kentucky, Oklahoma, West Virginia and Wyoming— passing laws against any mandatory reductions in greenhouse gas emissions, according to the *New York Times* (Jennifer Lee, "The Warming Is Global but the Legislating, in the U.S., Is All Local," *New York Times*, October 9, 2003). More recently, in 2011 ALEC brags that 30 states have introduced, and 15 states have adopted, legislation based on its pending "Resolution Opposing EPA's Regulatory Train Wreck."