

## Calendar No. 79

116TH CONGRESS  
1ST SESSION**H. R. 9**

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IN THE SENATE OF THE UNITED STATES

MAY 6, 2019

Received; read the first time

MAY 7, 2019

Read the second time and placed on the calendar

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**AN ACT**

To direct the President to develop a plan for the United States to meet its nationally determined contribution under the Paris Agreement, 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 be cited as the “Climate Action Now  
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In Paris, on December 12, 2015, parties to  
9 the United Nations Framework Convention on Cli-

1       mate Change (UNFCCC) reached a landmark agree-  
2       ment to combat climate change and to accelerate  
3       and intensify the actions and investments needed for  
4       a sustainable low carbon future.

5           (2) The Paris Agreement’s central aim is to  
6       strengthen the global response to the threat of cli-  
7       mate change by keeping a global temperature rise  
8       well below 2 degrees Celsius above pre-industrial lev-  
9       els and to pursue efforts to limit the temperature in-  
10      crease even further to 1.5 degrees Celsius.

11          (3) The Paris Agreement specifies the need for  
12      a strong global response to climate change and when  
13      taking action, the need to respect, promote, and  
14      safeguard the right to health now and for future  
15      generations.

16          (4) The Paris Agreement acknowledges that all  
17      “Parties should, when taking action to address cli-  
18      mate change, respect, promote and consider their re-  
19      spective obligations on human rights, the right to  
20      health, the rights of indigenous peoples, local com-  
21      munities, migrants, children, persons with disabil-  
22      ities and people in vulnerable situations and the  
23      right to development, as well as gender equality, em-  
24      powerment of women and intergenerational equity”.

1           (5) The Paris Agreement notes the importance  
2           of “climate justice” when mitigating and adapting to  
3           climate change and recognizes “the need for an ef-  
4           fective and progressive response to the urgent threat  
5           of climate change”.

6           (6) The Paris Agreement requires all parties to  
7           put forward their best efforts through nationally de-  
8           termined contributions (NDCs) and to strengthen  
9           these efforts in the years ahead.

10          (7) The Paris Agreement further requires each  
11          party to update its nationally determined contribu-  
12          tion every 5 years, with each successive nationally  
13          determined contribution representing a progression  
14          beyond the previous nationally determined contribu-  
15          tion, and reflecting the party’s highest possible am-  
16          bition.

17          (8) The Paris Agreement recognizes that the  
18          ocean ecosystems covering more than 70 percent of  
19          the Earth’s surface have an integral role in climate  
20          balance. Seventy percent of nationally determined  
21          contributions under the Paris Agreement are ocean-  
22          inclusive, and 39 Paris Agreement signatories are  
23          focused on the inclusion of ocean action in nationally  
24          determined contributions through the Because the  
25          Ocean Initiative.

1           (9) The United States communicated its nation-  
2           ally determined contribution to achieve an economy-  
3           wide target of reducing its greenhouse gas emissions  
4           by 26 to 28 percent below its 2005 level in 2025 and  
5           to make best efforts to reduce its emissions by 28  
6           percent.

7           (10) A number of existing laws, regulations,  
8           and other mandatory measures in the United States  
9           are relevant to achieving this target, including the  
10          Clean Air Act (42 U.S.C. 7401 et seq.), the Energy  
11          Policy Act of 1992 (Public Law 102–486), and the  
12          Energy Independence and Security Act of 2007  
13          (Public Law 110–140).

14          (11) Essential in achieving this target is a  
15          thriving clean energy industry in the United States,  
16          which currently employs over 500,000 Americans.

17          (12) On June 1, 2017, President Trump an-  
18          nounced his intention to withdraw the United States  
19          from the Paris Agreement, which would leave the  
20          United States as the only UNFCCC member state  
21          that is not a signatory to the Paris Agreement.

22          (13) Article 8 of the Paris Agreement notes  
23          Parties recognize the importance of averting, mini-  
24          mizing and addressing loss and damage associated  
25          with the adverse effects of climate change, including

1 extreme weather events and slow onset events, and  
2 the role of sustainable development in reducing the  
3 risk of loss and damage such as strong winds from  
4 hurricanes and tropical storms, and flooding from  
5 storm surges and heavy rain, that inflict losses on  
6 various sectors of the United States economy.

7 (14) Under the terms of the Paris Agreement,  
8 the earliest possible effective withdrawal date by the  
9 United States is November 4, 2020. However, the  
10 United States is still obligated to maintain certain  
11 commitments under the Paris Agreement, such as  
12 continuing to report its emissions to the United Na-  
13 tions.

14 (15) The Paris Agreement further requires that  
15 parties “should strengthen their cooperation on en-  
16 hancing action on adaptation, taking into account  
17 the Cancun Adaptation Framework”, which includes  
18 “measures to enhance understanding, coordination  
19 and cooperation with regard to climate change in-  
20 duced displacement, migration and planned reloca-  
21 tion, where appropriate, at the national, regional  
22 and international levels”.

23 (16) Article 8 of the Paris Agreement states  
24 that “Parties recognize the importance of averting,  
25 minimizing and addressing loss and damage associ-

1       ated with the adverse effects of climate change, in-  
2       cluding extreme weather events and slow onset  
3       events”, such as sea level rise, saltwater intrusion,  
4       and flooding.

5           (17) The Paris Agreement is an example of  
6       multilateral, international cooperation needed to  
7       overcome challenges facing the international commu-  
8       nity, such as reducing emissions, promoting eco-  
9       nomic growth, and deploying clean energy tech-  
10      nologies.

11          (18) The Paris Agreement recognizes “the fun-  
12      damental priority of safeguarding food security and  
13      ending hunger, and the particular vulnerabilities of  
14      food production systems to the adverse impacts of  
15      climate change.”.

16          (19) The Paris Agreement recognizes that ad-  
17      aptation is a global challenge faced by all with local,  
18      subnational, national, regional and international di-  
19      mensions, and that it is a key component of and  
20      makes a contribution to the long-term global re-  
21      sponse to climate change to protect people, liveli-  
22      hoods, and ecosystems.

23          (20) American leadership encouraged wide-  
24      spread international participation in the Paris  
25      Agreement.

1           (21) American cities, States, and businesses are  
2           stepping up and pledging to meet the Paris Agree-  
3           ment goals in the wake of absent and uncertain  
4           United States Federal leadership.

5           (22) Article 8 of the Paris Agreement states  
6           that “Parties recognize the importance of averting,  
7           minimizing and addressing loss and damage associ-  
8           ated with the adverse effects of climate change, in-  
9           cluding extreme weather events and slow onset  
10          events” such as drought conditions and water scar-  
11          city.

12          (23) The Paris Agreement has driven innova-  
13          tion in developing cleaner, more reliable, and more  
14          affordable forms of energy, demonstrating that ad-  
15          dressing climate change and providing affordable en-  
16          ergy to American consumers are not mutually exclu-  
17          sive. The Paris Agreement encouraged the United  
18          States to develop a Mid-Century Strategy for Deep  
19          Decarbonization, which was submitted on November  
20          16, 2016. The Mid-Century Strategy for Deep  
21          Decarbonization stated that “energy efficiency im-  
22          provements enable the energy system to provide the  
23          services we need with fewer resources and emissions.  
24          Over the past several years, the United States has  
25          demonstrated that programs and standards to im-

1 prove the energy efficiency of buildings, appliances  
2 and vehicles can cost-effectively cut carbon pollution  
3 and lower energy bills, while maintaining significant  
4 support from U.S. industry and consumers.”.

5 (24) In its nationally determined contribution,  
6 the United States notes that pursuant to Executive  
7 Order No. 13693 (2015), the Federal Government  
8 has committed to reduce emissions 40 percent below  
9 2005 levels by 2025, and reaffirmed the Department  
10 of Defense’s goal to procure renewable energy across  
11 military installations and operations “to drive na-  
12 tional greenhouse gas reductions and support prep-  
13 arations for the impacts of climate change”.

14 (25) Article 10 of the Paris Agreement states  
15 that “Parties, noting the importance of technology  
16 for the implementation of mitigation and adaptation  
17 actions under this Agreement and recognizing exist-  
18 ing technology deployment and dissemination efforts,  
19 shall strengthen cooperative action on technology de-  
20 velopment and transfer.”.

21 **SEC. 3. PROHIBITION ON USE OF FUNDS TO ADVANCE THE**  
22 **WITHDRAWAL OF THE UNITED STATES FROM**  
23 **THE PARIS AGREEMENT.**

24 Notwithstanding any other provision of law, no funds  
25 are authorized to be appropriated, obligated, or expended



1 to take any action to advance the withdrawal of the United  
2 States from the Paris Agreement.

3 **SEC. 4. PLAN FOR THE UNITED STATES TO MEET ITS NA-**  
4 **TIONALLY DETERMINED CONTRIBUTION**  
5 **UNDER THE PARIS AGREEMENT.**

6 (a) IN GENERAL.—Not later than 120 days after the  
7 date of the enactment of this Act, the President shall de-  
8 velop and submit to the appropriate congressional commit-  
9 tees and make available to the public a plan for the United  
10 States to meet its nationally determined contribution  
11 under the Paris Agreement that describes—

12 (1) how the United States will achieve an econ-  
13 omy-wide target of reducing its greenhouse gas  
14 emissions by 26 to 28 percent below its 2005 level  
15 by 2025;

16 (2) how the United States will use the Paris  
17 Agreement’s transparency provisions to confirm that  
18 other parties to the Agreement with major econo-  
19 mies are fulfilling their announced contributions to  
20 the Agreement;

21 (3) how the United States may use multilateral  
22 and bilateral diplomatic tools, in addition to the ex-  
23 pert committee established under Article 15 of the  
24 Paris Agreement, to encourage and assist other par-

1       ties to the Agreement to fulfill their announced con-  
2       tributions;

3               (4) how the Paris Agreement’s loss and damage  
4       provisions would affect infrastructure resiliency in  
5       the United States; and

6               (5) how the plan takes into consideration popu-  
7       lations, regions, industries, and constituencies that  
8       could be affected by nationally determined contribu-  
9       tion under the Paris Agreement, and the failure to  
10      meet such contribution, including but not limited  
11      to—

12                       (A) American jobs, wage, and pay;

13                       (B) the cost of energy, such as electricity  
14      and gasoline, for consumers; and

15                       (C) the ability to develop and deploy new,  
16      innovative, domestically-produced technologies.

17      (b) UPDATES TO PLAN.—Not later than 1 year after  
18      the date of the enactment of this Act, and annually there-  
19      after, the President shall submit to the appropriate con-  
20      gressional committees and make available to the public an  
21      updated plan under subsection (a).

22      (c) EDUCATION AND PUBLIC AWARENESS.—

23               (1) IN GENERAL.—The plan under this section  
24      shall be consistent with Article 12 of the Paris  
25      Agreement, which states “Parties shall cooperate in

1 taking measures, as appropriate, to enhance climate  
2 change education, training, public awareness, public  
3 participation and public access to information, rec-  
4 ognizing the importance of these steps with respect  
5 to enhancing actions under this Agreement.”.

6 (2) RULE OF CONSTRUCTION.—Nothing in this  
7 Act may be construed to require or prohibit the  
8 President from including in the plan under this sec-  
9 tion, consistent with the prohibition described in sec-  
10 tion 438 of the General Education Provisions Act  
11 (20 U.S.C. 1232a), recommendations to support  
12 State and local educational agencies, in integrating  
13 instruction on human-caused climate change and the  
14 societal, environmental, and economic effects of such  
15 climate change into curricula taught in elementary  
16 and secondary schools under the control of such  
17 State and local educational agencies, in order to  
18 meet the goals and ambitions of the Paris Agree-  
19 ment to ensure climate education and awareness in  
20 schools.

21 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
22 DEFINED.—In this section, the term “appropriate con-  
23 gressional committees” means—

1           (1) the Committee on Foreign Affairs and the  
2           Committee on Energy and Commerce of the House  
3           of Representatives; and

4           (2) the Committee on Foreign Relations, the  
5           Committee on Environment and Public Works, and  
6           the Committee on Energy and Natural Resources of  
7           the Senate.

8           (e) STATE AND LOCAL ACTIONS.—Nothing in this  
9           Act shall be construed to prohibit States and cities from  
10          taking more ambitious actions to reduce greenhouse gas  
11          emissions than the actions described in the plan developed  
12          and updated under this section.

13          (f) PUBLIC COMMENT.—The President shall—

14                 (1) in making the plan under subsection (a),  
15                 and updates under subsection (b), available to the  
16                 public, and before submitting such plan and updates  
17                 to the appropriate congressional committees—

18                         (A) publish the plan or update, as applica-  
19                         ble, in the Federal Register; and

20                         (B) provide a period of at least 90 days for  
21                         public comment; and

22                 (2) after each such period for public comment,  
23                 continue to make the proposed plan or update, as  
24                 well as the comments received, available to the pub-  
25                 lic on regulations.gov (or any successor website).

1 (g) TECHNOLOGY NEUTRAL.—Nothing in this Act  
2 may be construed to require or prohibit the inclusion of  
3 a specific energy technology or technologies in the plan  
4 required by this section.

5 (h) RULE OF CONSTRUCTION.—Nothing in this sec-  
6 tion may be construed to require or prohibit the President  
7 from including or considering voluntary agricultural prac-  
8 tices to be undertaken by farmers and ranchers, thereby  
9 contributing to the development of soil organic matter, in-  
10 creasing carbon sequestration, reducing greenhouse gas  
11 emissions, and contributing to meeting the goals and am-  
12 bitions of the Paris Agreement.

13 **SEC. 5. REPORT.**

14 Not later than 6 months after the date of the enact-  
15 ment of this Act, the President shall produce a report that  
16 examines the effect of the Paris Agreement on clean en-  
17 ergy job development in rural communities.

18 **SEC. 6. REPORT.**

19 Not later than 6 months after the date of the enact-  
20 ment of this Act, the President shall enter into a contract  
21 with the National Academy of Sciences to produce a report  
22 that examines the potential impacts of a withdrawal by  
23 the United States from the Paris Agreement on the global  
24 economic competitiveness of the United States economy  
25 and on workers in the United States.

1 **SEC. 7. PARIS AGREEMENT DEFINED.**

2 In this Act, the term “Paris Agreement” means the  
3 decision by the United Nations Framework Convention on  
4 Climate Change’s 21st Conference of Parties in Paris,  
5 France, adopted December 12, 2015.

6 **SEC. 8. STUDY AND REPORT.**

7 Not later than 1 year after the date of enactment  
8 of this Act, the Comptroller General of the United States  
9 shall complete a study and submit a report to the Con-  
10 gress on the impact of the plan under subsection (a) on  
11 the United States territories, including the potential posi-  
12 tive and negative impacts on their economies, taking into  
13 consideration their unique energy needs and systems and  
14 the climate change vulnerabilities faced by communities in  
15 these jurisdictions.

Passed the House of Representatives May 2, 2019.

Attest: CHERYL L. JOHNSON,  
*Clerk.*



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