

116TH CONGRESS
1ST SESSION

H. R. 9

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Climate Action Now
3 Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) In Paris, on December 12, 2015, parties to
7 the United Nations Framework Convention on Cli-
8 mate Change (UNFCCC) reached a landmark agree-
9 ment to combat climate change and to accelerate
10 and intensify the actions and investments needed for
11 a sustainable low carbon future.

12 (2) The Paris Agreement’s central aim is to
13 strengthen the global response to the threat of cli-
14 mate change by keeping a global temperature rise
15 well below 2 degrees Celsius above pre-industrial lev-
16 els and to pursue efforts to limit the temperature in-
17 crease even further to 1.5 degrees Celsius.

18 (3) The Paris Agreement specifies the need for
19 a strong global response to climate change and when
20 taking action, the need to respect, promote, and
21 safeguard the right to health now and for future
22 generations.

23 (4) The Paris Agreement acknowledges that all
24 “Parties should, when taking action to address cli-
25 mate change, respect, promote and consider their re-
26 spective obligations on human rights, the right to

1 health, the rights of indigenous peoples, local com-
2 munities, migrants, children, persons with disabil-
3 ities and people in vulnerable situations and the
4 right to development, as well as gender equality, em-
5 powerment of women and intergenerational equity”.

6 (5) The Paris Agreement notes the importance
7 of “climate justice” when mitigating and adapting to
8 climate change and recognizes “the need for an ef-
9 fective and progressive response to the urgent threat
10 of climate change”.

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

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

22 (8) The Paris Agreement recognizes that the
23 ocean ecosystems covering more than 70 percent of
24 the Earth’s surface have an integral role in climate
25 balance. Seventy percent of nationally determined

1 contributions under the Paris Agreement are ocean-
2 inclusive, and 39 Paris Agreement signatories are
3 focused on the inclusion of ocean action in nationally
4 determined contributions through the Because the
5 Ocean Initiative.

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

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

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

22 (12) On June 1, 2017, President Trump an-
23 nounced his intention to withdraw the United States
24 from the Paris Agreement, which would leave the

1 United States as the only UNFCCC member state
2 that is not a signatory to the Paris Agreement.

3 (13) Article 8 of the Paris Agreement notes
4 Parties recognize the importance of averting, mini-
5 mizing and addressing loss and damage associated
6 with the adverse effects of climate change, including
7 extreme weather events and slow onset events, and
8 the role of sustainable development in reducing the
9 risk of loss and damage such as strong winds from
10 hurricanes and tropical storms, and flooding from
11 storm surges and heavy rain, that inflict losses on
12 various sectors of the United States economy.

13 (14) Under the terms of the Paris Agreement,
14 the earliest possible effective withdrawal date by the
15 United States is November 4, 2020. However, the
16 United States is still obligated to maintain certain
17 commitments under the Paris Agreement, such as
18 continuing to report its emissions to the United Na-
19 tions.

20 (15) The Paris Agreement further requires that
21 parties “should strengthen their cooperation on en-
22 hancing action on adaptation, taking into account
23 the Cancun Adaptation Framework”, which includes
24 “measures to enhance understanding, coordination
25 and cooperation with regard to climate change in-

1 duced displacement, migration and planned reloca-
2 tion, where appropriate, at the national, regional
3 and international levels”.

4 (16) Article 8 of the Paris Agreement states
5 that “Parties recognize the importance of averting,
6 minimizing and addressing loss and damage associ-
7 ated with the adverse effects of climate change, in-
8 cluding extreme weather events and slow onset
9 events”, such as sea level rise, saltwater intrusion,
10 and flooding.

11 (17) The Paris Agreement is an example of
12 multilateral, international cooperation needed to
13 overcome challenges facing the international commu-
14 nity, such as reducing emissions, promoting eco-
15 nomic growth, and deploying clean energy tech-
16 nologies.

17 (18) The Paris Agreement recognizes “the fun-
18 damental priority of safeguarding food security and
19 ending hunger, and the particular vulnerabilities of
20 food production systems to the adverse impacts of
21 climate change.”.

22 (19) The Paris Agreement recognizes that ad-
23 aptation is a global challenge faced by all with local,
24 subnational, national, regional and international di-
25 mensions, and that it is a key component of and

1 makes a contribution to the long-term global re-
2 sponse to climate change to protect people, liveli-
3 hoods, and ecosystems.

4 (20) American leadership encouraged wide-
5 spread international participation in the Paris
6 Agreement.

7 (21) American cities, States, and businesses are
8 stepping up and pledging to meet the Paris Agree-
9 ment goals in the wake of absent and uncertain
10 United States Federal leadership.

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

18 (23) The Paris Agreement has driven innova-
19 tion in developing cleaner, more reliable, and more
20 affordable forms of energy, demonstrating that ad-
21 dressing climate change and providing affordable en-
22 ergy to American consumers are not mutually exclu-
23 sive. The Paris Agreement encouraged the United
24 States to develop a Mid-Century Strategy for Deep
25 Decarbonization, which was submitted on November

1 16, 2016. The Mid-Century Strategy for Deep
2 Decarbonization stated that “energy efficiency im-
3 provements enable the energy system to provide the
4 services we need with fewer resources and emissions.
5 Over the past several years, the United States has
6 demonstrated that programs and standards to im-
7 prove the energy efficiency of buildings, appliances
8 and vehicles can cost-effectively cut carbon pollution
9 and lower energy bills, while maintaining significant
10 support from U.S. industry and consumers.”.

11 (24) In its nationally determined contribution,
12 the United States notes that pursuant to Executive
13 Order No. 13693 (2015), the Federal Government
14 has committed to reduce emissions 40 percent below
15 2005 levels by 2025, and reaffirmed the Department
16 of Defense’s goal to procure renewable energy across
17 military installations and operations “to drive na-
18 tional greenhouse gas reductions and support prep-
19 arations for the impacts of climate change”.

20 (25) Article 10 of the Paris Agreement states
21 that “Parties, noting the importance of technology
22 for the implementation of mitigation and adaptation
23 actions under this Agreement and recognizing exist-
24 ing technology deployment and dissemination efforts,

1 shall strengthen cooperative action on technology de-
2 velopment and transfer.”.

3 **SEC. 3. PROHIBITION ON USE OF FUNDS TO ADVANCE THE**
4 **WITHDRAWAL OF THE UNITED STATES FROM**
5 **THE PARIS AGREEMENT.**

6 Notwithstanding any other provision of law, no funds
7 are authorized to be appropriated, obligated, or expended
8 to take any action to advance the withdrawal of the United
9 States from the Paris Agreement.

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

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

19 (1) how the United States will achieve an econ-
20 omy-wide target of reducing its greenhouse gas
21 emissions by 26 to 28 percent below its 2005 level
22 by 2025;

23 (2) how the United States will use the Paris
24 Agreement’s transparency provisions to confirm that
25 other parties to the Agreement with major econo-

1 mies are fulfilling their announced contributions to
2 the Agreement;

3 (3) how the United States may use multilateral
4 and bilateral diplomatic tools, in addition to the ex-
5 pert committee established under Article 15 of the
6 Paris Agreement, to encourage and assist other par-
7 ties to the Agreement to fulfill their announced con-
8 tributions;

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

12 (5) how the plan takes into consideration popu-
13 lations, regions, industries, and constituencies that
14 could be affected by nationally determined contribu-
15 tion under the Paris Agreement, and the failure to
16 meet such contribution, including but not limited
17 to—

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

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

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

23 (b) UPDATES TO PLAN.—Not later than 1 year after
24 the date of the enactment of this Act, and annually there-
25 after, the President shall submit to the appropriate con-

1 gressional committees and make available to the public an
2 updated plan under subsection (a).

3 (c) EDUCATION AND PUBLIC AWARENESS.—

4 (1) IN GENERAL.—The plan under this section
5 shall be consistent with Article 12 of the Paris
6 Agreement, which states “Parties shall cooperate in
7 taking measures, as appropriate, to enhance climate
8 change education, training, public awareness, public
9 participation and public access to information, rec-
10 ognizing the importance of these steps with respect
11 to enhancing actions under this Agreement.”.

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

1 ment to ensure climate education and awareness in
2 schools.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the Committee on Foreign Affairs and the
7 Committee on Energy and Commerce of the House
8 of Representatives; and

9 (2) the Committee on Foreign Relations, the
10 Committee on Environment and Public Works, and
11 the Committee on Energy and Natural Resources of
12 the Senate.

13 (e) STATE AND LOCAL ACTIONS.—Nothing in this
14 Act shall be construed to prohibit States and cities from
15 taking more ambitious actions to reduce greenhouse gas
16 emissions than the actions described in the plan developed
17 and updated under this section.

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

19 (1) in making the plan under subsection (a),
20 and updates under subsection (b), available to the
21 public, and before submitting such plan and updates
22 to the appropriate congressional committees—

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

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

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

7 (g) TECHNOLOGY NEUTRAL.—Nothing in this Act
8 may be construed to require or prohibit the inclusion of
9 a specific energy technology or technologies in the plan
10 required by this section.

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

19 **SEC. 5. REPORT.**

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

1 **SEC. 6. REPORT.**

2 Not later than 6 months after the date of the enact-
3 ment of this Act, the President shall enter into a contract
4 with the National Academy of Sciences to produce a report
5 that examines the potential impacts of a withdrawal by
6 the United States from the Paris Agreement on the global
7 economic competitiveness of the United States economy
8 and on workers in the United States.

9 **SEC. 7. PARIS AGREEMENT DEFINED.**

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

14 **SEC. 8. STUDY AND REPORT.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Comptroller General of the United States
17 shall complete a study and submit a report to the Con-
18 gress on the impact of the plan under subsection (a) on
19 the United States territories, including the potential posi-
20 tive and negative impacts on their economies, taking into
21 consideration their unique energy needs and systems and

- 1 the climate change vulnerabilities faced by communities in
- 2 these jurisdictions.

Passed the House of Representatives May 2, 2019.

Attest:

Clerk.

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