

Learning about Legislation #45 - H.R. 9: the Climate Action Now Act

This explainer on the Climate Action Now Act comes courtesy of our environmental contributor, Andrea Wittchen, a partner at [iSpring](#).

H.R. 9, the Climate Action Now Act, passed the House on May 2, 2019, by a vote of 231 to 190. All Democrats and 3 Republicans supported the measure. The bill had been introduced on March 27, 2019, by Kathy Castor (D-FL14) and attracted 224 co-sponsors (all Democrats) including the following PA representatives:

- PA-01's Rep. Brian Fitzpatrick
- PA-02's Rep. Brendan Boyle
- PA-03's Rep. Dwight Evans
- PA-04's Rep. Madeleine Dean
- PA-05's Rep. Mary Gay Scanlon
- PA-06's Rep. Chrissy Houlahan
- PA-07's Rep. Susan Wild
- PA-08's Rep. Matt Cartwright
- PA-18's Rep. Mike Doyle

The bill has now been placed on the calendar of the Senate as of May 7, 2019, although its future looks doubtful based on highly negative comments by Senate Majority Leader Mitch McConnell.

The purpose of H.R. 9 is to require the President to develop a plan for the United States to meet its "nationally determined contribution under the Paris Agreement." The bill recites in great detail the content of the Paris Agreement and the commitments the United States made to the Agreement in 2015. In light of the current administration's intention to withdraw from the Agreement at the first opportunity (November 2020), the bill prohibits the use of any funds to advance that withdrawal.

The Plan further requires that the President, within 120 days of the enactment of H.R. 9, shall create a plan for how the U.S. will meet its nationally determined contribution under the Paris Agreement. As a refresher, that commitment was for a 26 to 28 percent reduction of greenhouse gas emissions below its 2005 level by 2025. The plan must be simultaneously made available to the Congress and the public. The instructions from the Congress include consideration of a number of the mechanisms in the Paris Agreement that would encourage and assist other partners to meet those targets as well as consideration of the plan's impact on various sectors of the American economy and population.

The President is also instructed to update the plan on an annual basis. There is a further call for education and communication with the public on climate change, training, public awareness and public participation and access.

An important component of the Plan is the requirement that successive updates to the plan must be made available to the public for a period of 90 days of public comment and those comments must be incorporated into the publication on regulations.gov.

A significant amendment that was passed as part of the Plan is the requirement that nothing in the Act "may be construed to require or prohibit the inclusion of a specific energy technology or technologies in the plan". This means that no particular "solution" gets preference over any other and unleashes the full creativity of American industry to come up with the most effective, efficient and profitable solutions.

The act requires 3 additional reports: after 6 months, a report on the effect of the Paris Agreement on clean energy job development in rural communities; after 6 months, a report on the potential impacts of a withdrawal by the U.S. from the Paris Agreement on the global economic competitiveness of the U.S. and on workers, and, after 1 year, a report by the Comptroller General on the impact of the plan on U.S. territories.

The bill is clear, direct and straightforward on why the U.S. needs to remain as a partner in the Paris Agreement. It puts the burden on the President to create a plan to make sure that we achieve its goals. Passage by the Senate and implementation would go a long way toward restoring our position as one of the global leaders in finding solutions to the climate crisis. It's definitely worth a call to Senator Casey's office to encourage him to support H.R. 9, although he has already expressed his support for our continuing engagement with the Paris Agreement. Senator Toomey is, of course, opposed to the Paris Agreement. Realistically, there seems to be little chance that this bill will even be considered by the Senate and, even if it would pass, would undoubtedly face veto by the President with a highly unlikely chance of override.