

SA 4833. Mr. KERRY (for himself, Mrs. *Feinstein*, and Ms. *Snowe*) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, between lines 12 and 13, insert the following:

(25) a Federal climate program for the United States must respond in a timely fashion to the most up-to-date science on climate change, including scientific findings on the reductions in United States greenhouse gas emissions needed to avert the worst effects of climate change.

On page 471, strike lines 3 through 5 and insert the following:

(1) consider and incorporate existing findings and reports, including the most recent assessments from the U.S. Global Change Research Program and the Intergovernmental Panel on Climate Change; and

On page 471, line 24, strike ``and" at the end.

On page 472, line 7, strike the period at the end and insert ``; and".

On page 472, between lines 7 and 8, insert the following:

(G) the potential for abrupt changes in climate that occur so rapidly or unexpectedly that human or natural systems have difficulty adapting.

On page 475, between lines 5 and 6, insert the following:

(d) *Recommendations on Global and United States Emission Budgets.*--In addition to and taking into account the information required to be included under subsections (b) and (c), each report required to be submitted under subsection (a) shall include recommendations regarding--

(1) a global cumulative emission budget for the period beginning on the date of submission of the first report under subsection (a) and ending on December 31, 2050, that would likely achieve the goals of--

(A) preventing an increase in global average temperature of more than 2 degrees Celsius above the preindustrial average; or

(B) preventing an alternate temperature increase above the preindustrial average, if the Academy finds that such an alternate average temperature is the threshold above which warming is likely to cause dangerous interference with the climate system; and

(2) a range for the emission budget of the United States, for the period described in paragraph (1), that--

(A) is realistically consistent with remaining within the global cumulative emission budget recommended under paragraph (1); and

(B) takes into consideration emission reductions and other commitments by industrialized and developing nations under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

Beginning on page 475, strike line 6 and all that follows through page 478, line 17, and insert the following:

SEC. 1602. PRESIDENTIAL RECOMMENDATIONS.

(a) *In General.*--Not later than September 30, 2018, and every 3 years thereafter, the Administrator shall make public and submit to the President a report making legislative recommendations to achieve cumulative United States emission reductions through calendar year 2050 for the President to transmit to Congress.

(b) *Coordination With Other Agencies.*--In developing those recommendations, the Administrator shall coordinate with--

- (1) the Secretary of Energy;
- (2) the Secretary of the Treasury;
- (3) the Secretary of Commerce;
- (4) the Secretary of the Interior; and

(5) other relevant Federal officials, as determined by the Administrator, appointed to a position at level I of the Executive Schedule and listed in section 5312 of title 5, United States Code.

(c) *Basis.*--The recommendations submitted pursuant to subsection (a) shall be based on the most recent reports submitted by the National Academy of Sciences pursuant to section 1601.

(d) *Inclusions.*--The report shall include--

(1) recommendations for amendments to this Act to achieve cumulative United States emission reductions through calendar year 2050 that are realistically consistent with remaining within the global cumulative emission budget described in section 1601(d)(1), including measures that would--

- (A) adjust the definition of the term "covered entity" under this Act;
 - (B) adjust the scope of the compliance obligation established by section 202;
 - (C) adjust quantities of emission allowances available in 1 or more calendar years;
 - (D) establish other policies for reducing greenhouse gas emissions in addition to the policies established by this Act;
 - (E) establish policies for reducing nationwide emissions into the atmosphere of sulfur dioxide, nitrogen oxides, and mercury in excess of the reductions resulting from the implementation of this Act; and
 - (F) prevent or abate any direct, indirect, or cumulative increases in covered pollutants resulting from the use and trading of emission allowances or from transformations in technologies or markets; and
- (2) safeguards to achieve all the purposes of this Act in accordance with paragraph (1), including--
- (A) the accomplishment of robust growth and the creation of new jobs in the United States economy; and
 - (B) the protection of United States consumers, especially consumers in greatest need, from hardship.
- (e) *Consistency With Reports.*--The Administrator shall include with each submission of recommendations made pursuant to subsection (a) an explanation for each significant inconsistency between the recommendations and the most recent reports submitted by the National Academy of Sciences pursuant to section 1601.
- (f) *Presidential Recommendation to Congress.*--Not later than January 1, 2019, and every 3 years thereafter, the President shall submit to Congress the text of proposed legislation based on the recommendations submitted to the President pursuant to subsection (a).
- (g) *Ongoing Evaluation of Impacts.*--Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee that includes representatives of affected communities to advise the Administrator on the implementation of Executive Order No. 12898 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations) in implementing this Act.
- (h) *Effect on Other Authority.*--Nothing in this title limits the authority of the Administrator, a State, or any person to use any authority under this Act or any other law to promulgate, adopt, or enforce any regulation.

SEC. 1603. CONGRESSIONAL REVIEW OF PRESIDENTIAL RECOMMENDATIONS.

(a) *Definition of Implementing Legislation.*--In this section, the term "implementing legislation" means only legislation introduced in the period beginning on the date on which recommendations for legislation are submitted to Congress under section 1602(f), and every third year thereafter, and ending 60 days after such submission (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), which proposes the legislative changes recommended by the President under section 1602.

(b) *Referral.*--Implementing legislation described in subsection (a) shall be referred immediately to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) *Consideration.*--

(1) **IN GENERAL.**--Implementing legislation shall be considered by the committee to which the legislation is referred under subsection (b).

(2) **SENATE PROCEDURE.**--In the Senate--

(A) a committee to which legislation is referred under subsection (b) may be discharged from further consideration of the implementing legislation at the end of the period of 30 calendar days after the introduction of the legislation, upon a petition supported in writing by 30 Members of the Senate; and

(B) after that 30-calendar-day period, the legislation shall be placed on the calendar.

(d) *Motion to Proceed in Senate.*--

(1) **IN GENERAL.**--In the Senate, after the committee to which implementing legislation is referred under subsection (b) has reported the legislation or been discharged under subsection (c)(2)(A) from further consideration of the legislation, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the implementing legislation.

(2) **DEBATE AND POSTPONEMENT.**--A motion to proceed described in paragraph (1) shall not be debatable or subject to a motion to postpone, or to a motion to proceed to the consideration of other business.

(3) **MOTION TO RECONSIDER.**--A motion to reconsider the vote by which a motion to proceed under paragraph (1) is agreed to or disagreed to shall not be in order.

(4) **AGREEMENT.**--If a motion to proceed to the consideration of the implementing legislation is agreed to, the implementing legislation shall remain the unfinished business of the Senate until disposed of.

(e) *Procedure in House of Representatives.*--In the House of Representatives--

(1) the committee to which implementing legislation is referred under subsection (b) may be discharged from further consideration of the implementing legislation--

(A) at the end of the 60-calendar-day period beginning on the date of introduction of the legislation in the House of Representatives; and

(B) upon a petition supported in writing by 130 Members of the House of Representatives; and

(C) the implementing legislation shall be placed on the calendar, and called up on the floor of the House of Representatives, subject to the rules of the House of Representatives.

(f) *Effect of Section on Congressional Rules.*--This section--

(1) is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively;

(2) as such rulemaking power--

(A) is deemed to be part of the rules of each of the Senate and House of Representatives, respectively;

(B) shall be applicable only with respect to the procedure to be followed in the Senate or House of Representatives, respectively, in the case of implementing legislation described in subsection (a); and

(C) supersedes other rules only to the extent that the section is inconsistent with those other rules; and

(3) is enacted by Congress with full recognition of the constitutional right of either the Senate or House of Representatives to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.