

targets and timetables for emissions reductions;

Whereas the Executive Branch has made clear through its public statements that it intends to negotiate a climate change agreement at COP-21 that contains legally binding provisions as well as non-binding provisions—including targets and timetables for emissions reductions—attached as an addendum or schedule to the legally-binding agreement;

Whereas the French Minister of Foreign Affairs, Laurent Fabius, who will host COP-21, has stated, “We must find a formula which is valuable for everybody and valuable for the U.S. without going to the Congress.”;

Whereas the Department of State developed guidelines known as the Circular 175 Procedure (C-175) to facilitate “the application of orderly and uniform measures to the negotiation, conclusion, reporting, publication, and registration of U.S. treaties and international agreements”;

Whereas C-175, *inter alia*, set forth eight factors for determining “whether any international agreement should be brought into force as a treaty or as an international agreement other than a treaty”;

Whereas the Executive Branch must give “due consideration” to the eight factors outlined in C-175, and “the utmost care is to be exercised to avoid any invasion or compromise of the constitutional powers of the President, the Senate, and the Congress as a whole”;

Whereas the eight factors are as follows: (1) the extent to which the agreement involves commitments or risks affecting the Nation as a whole; (2) whether the agreement is intended to affect State laws; (3) whether the agreement can be given effect without the enactment of subsequent legislation by the Congress; (4) past United States practice as to similar agreements; (5) the preference of the Congress as to a particular type of agreement; (6) the degree of formality desired for an agreement; (7) the proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement; and (8) the general international practice as to similar agreements;

Whereas COP-21 will be held in Paris, France from November 30 to December 11, 2015;

Whereas, at COP-21, the United States will be expected, *inter alia*, to commit billions of dollars in taxpayer money to fund the Green Climate Fund and other financial mechanisms to fund mitigation and adaptation projects in developing countries;

Whereas the Paris climate change agreement, either in the form contemplated by the President or in its current draft form released on October 5, 2015, by the Ad Hoc Working Group on the Durban Platform, reflects the characteristics of a treaty as set forth in C-175, and does not reflect the characteristics of an international agreement other than a treaty; and

Whereas, pursuant to commitments made by the Executive Branch to the Senate during the advice and consent process for the Convention the Executive Branch stated that any protocol containing targets and timetables would be submitted to the Senate: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) the statements made by the Executive Branch to the Senate during Senate consideration of the Convention and set forth in Executive Report 102-55 remain valid and in force and, accordingly, any agreement adopted at COP-21 containing targets and timetables, whether deemed “legally binding” or not, must be submitted to the Senate for ad-

vice and consent pursuant to Article II, section 2 of the Constitution;

(2) any agreement or decision made at COP-21 that contains targets and timetables—whether they are contained within a legally-binding instrument or attached as a non-binding schedule or addendum to a legally-binding instrument—shall be considered by the Congress to be an agreement “containing targets and timetables”;

(3) a decision by the Executive Branch made at COP-21 or any other venue to apply targets and timetables for reducing emissions of greenhouse gases to the United States would alter the “shared understanding” of the Convention between the Executive Branch and the Senate and would therefore require the Senate’s advice and consent;

(4) the Department of State developed the “Circular 175 Procedure” to determine how international agreements would be negotiated, and the eight factors contained in the Procedure strongly support the conclusion that any agreement made under the Convention that contains targets and timetables for reducing emissions of greenhouse gases must be submitted to the Senate for advice and consent;

(5) until all commitments on emissions targets and timetables made at COP-21 are submitted to the Senate for advice and consent and subsequently ratified by the Executive Branch, such commitments shall have no effect on the interpretation of United States law or the international obligations of the United States; and

(6) Congress should refuse to consider any budget resolutions and appropriations language that include funding for the Green Climate Fund or any affiliated body or financing mechanism unless and until all agreements on emissions targets and timetables reached at COP-21 are submitted to the Senate for advice and consent.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2855. Mr. ENZI (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 2856. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2857. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2858. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2859. Mr. LEE (for himself and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2860. Ms. COLLINS (for herself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2861. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2862. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2863. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2864. Mr. SCHATZ (for himself, Mr. KAINE, Ms. COLLINS, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2865. Mr. SCHATZ (for himself, Mr. KAINE, Ms. COLLINS, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2866. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2867. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2868. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2869. Mr. COONS (for himself, Mr. BOOKER, Mr. CARPER, Mr. MURPHY, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2870. Mr. MARKEY (for himself, Mr. THUNE, Mr. NELSON, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2871. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2872. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 2873. Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill S. 1550, to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes.

#### TEXT OF AMENDMENTS

SA 2855. Mr. ENZI (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2812 proposed by Ms. COLLINS (for herself and Mr. REED) to the bill H.R.