

October 26, 2015

Dear Representative,

On behalf of our millions of members, the undersigned organizations urge you to oppose H.R. 2834. The bill purports simply to recodify various environmental laws, including the Clean Air Act. In reality, the bill is a thinly veiled attempt to block the Obama administration's signature climate change initiative, the Clean Power Plan.

H.R. 2834 would re-enact an *incomplete version* of the Clean Air Act adopted by Congress and signed by President George H.W. Bush in 1990. The law adopted in 1990 included two provisions amending section 111(d) of the prior Clean Air Act. Both versions are contained in the Statutes at Large, the official and authoritative record of our laws. One version, however, was omitted from the U.S. Code codification. H.R. 2834 would effectively make the U.S. Code version the final version of the law, substantively altering the statute in an effort to put the Clean Power Plan in jeopardy.

Both versions of section 111(d) were duly enacted in 1990. They were passed by both chambers of Congress and signed into law by the President. Both versions reasonably authorize EPA's regulation of carbon dioxide emissions from existing power plants. The uncodified provision is especially clear in this regard. They are both part of the Clean Air Act.

Adopting this bill would repeal the uncodified provision of the 1990 law without debate or proper consideration. Opponents of the Clean Power Plan hope that by deleting this provision from our laws, they will tilt current litigation against the Clean Power Plan their way. Congress should not attempt to change the Clean Air Act in this underhanded way.

This bill is a blatant effort by polluters and their allies to bias current litigation against the Clean Power Plan. We are confident that the Clean Power Plan is authorized under the currently codified language, so the polluters' scheme will fail even if the bill were enacted. But even if H.R. 2834 would accomplish nothing, we urge you to oppose it as a backdoor attack on the Clean Power Plan.

Sincerely,

Earthjustice
Environment America
League of Conservation Voters
Natural Resources Defense Council
Sierra Club