

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

November 16, 2015

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Upton:

I am writing about your letter to the Environmental Protection Agency (EPA), dated November 2, 2015, regarding the codification of the Clean Air Act.<sup>1</sup> As I stated in my previous letter alerting you to a major encroachment on our committee's jurisdiction, H.R. 2834 clearly "goes beyond merely codifying existing statutes and instead makes substantive changes to provisions of law within the jurisdiction of the Committee on Energy and Commerce." I further urged you to "assert the Committee's jurisdiction so that we may formally review the bill and its potential impacts."<sup>2</sup> I am still awaiting a response to that request.

Your letter to EPA appears to indicate that you have decided to exercise the Committee's authority by opening an investigation into the Agency's actions in regard to this matter. The broad scope of your questions and your accusation that EPA has engaged in "efforts...to prevent the codification of an important provision in the Clean Air Act" demonstrate clearly that you believe the issues surrounding H.R. 2834 go far beyond the technical questions surrounding a typical codification. While I do not agree on the merits of your accusation or line of questioning, I do find them to be serious enough that Members – especially the Members of the Committee on Energy and Commerce – deserve to hear all of the facts related to this legislation prior to casting a vote on the floor. Therefore, it is only reasonable that any vote on legislation related to the codification of the Clean Air Act be postponed until the conclusion of such an inquiry.

In light of the above, I reiterate my request that you defend our Committee's jurisdiction and the prerogatives of all our Members by insisting that H.R. 2834 be referred to the Committee so that Members can appropriately consider its provisions. Furthermore, given the unusually zealous display of interest by the Majority in bringing H.R. 2834 to the floor in the near future, I also request that you insist on postponing any House vote until the conclusion of the

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<sup>1</sup> <http://energycommerce.house.gov/press-release/upton-murphy-whitfield-press-epa-agency-delay-routine-nonpartisan-codification-law>

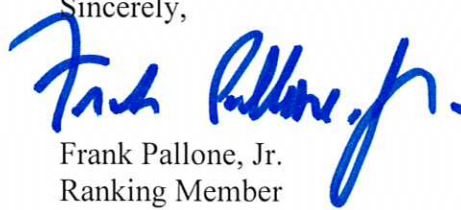
<sup>2</sup> Letter from Rep. Frank Pallone, Jr. to Rep. Fred Upton (October 27, 2015).

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Committee's investigation. If H.R. 2834 is, as some assert, a mere codification of the Clean Air Act no harm will be done by delaying consideration of the legislation until these issues are resolved fully. This would allow the House the opportunity to vote on non-controversial codification legislation without dissent as it has done with every other codification in recent memory.

I continue to look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.  
Ranking Member