

**Alaska Wilderness League \* American Rivers \* Clean Water Action  
Defenders of Wildlife \* Earthjustice \* Environment America  
Environmental Defense Fund \* Food & Water Watch \* Greenpeace  
League of Conservation Voters \* Natural Resources Defense Council  
Oceana \* Sierra Club \* Southern Environmental Law Center  
The Wilderness Society \* Western Environmental Law Center**

December 1, 2015

Dear Representative,

On behalf of our millions of members and activists, we urge you to oppose H.R. 8, the *North American Energy Security and Infrastructure Act of 2015*. At a time when our nation needs a forward-looking energy bill that will enable the smooth integration of new clean energy technologies into the system, this bill instead props up the fossil energy sector while weakening important environmental protections. The bill reverses course on energy efficiency standards, undercuts clean energy on the basis of faulty arguments about reliability and national security and completely fails to prepare our energy system to address the threat of climate change.

H.R. 8 is set to take our nation's energy policy in the wrong direction. It's no wonder that the bill has become more controversial and contentious as it has moved through the legislative process. What once was a bipartisan attempt to find common ground is now yet another damaging partisan exercise. The committee print of H.R. 8 included a handful of modest, positive provisions such as energy performance savings contracts for federal buildings, 21<sup>st</sup> century workforce development and efforts to modernize our nation's aging energy infrastructure building on recommendations in the Quadrennial Energy Review. Unfortunately, the manager's amendment would jettison these provisions while adding some that are harmful. The utter breakdown of consensus lawmaking in this bill is truly disappointing.

Some of the worst elements of the bill irresponsibly promote fossil fuel development while steamrolling over environmental protections. Title V and Sec. 1101 of the bill, for example, change the process of approving gas and oil pipeline infrastructure so that FERC, an agency with little environmental expertise, is placed in charge of environmental reviews and infrastructure passing through National Park lands no longer must be approved by Congress. Environmental reviews under the National Environmental Policy Act (NEPA) are also drastically curtailed. A similar approach is taken with hydropower relicensing in Subtitle C, which subordinates enforcement of the Clean Water Act and the Endangered Species Act, as well as state, local and tribal authorities to the demands of power generation. Additionally, the provision on handling conflicting rules during 'must-run' orders in Sec. 1102 places generation demands above all else – providing amnesty from all environmental laws to a power plant operator for a minimum of 90 days during 'emergency' conditions. Our nation's environmental laws are broadly supported by the public, which will not look kindly on these backward steps.

Perhaps even more stunningly, Title IV reverses course on energy efficiency, even though energy efficiency legislation that reduces waste and saves consumers money has long enjoyed bipartisan support. In fact, American Council for an Energy-Efficient Economy (ACEEE) estimates that the energy efficiency title would result in a net cost to consumers of roughly \$20 billion and would increase energy use by 20 quads through 2040. In particular, the building energy codes provisions would weaken the

current adoption process for state and local building energy codes and mandate a flawed, short-sighted metric in building energy codes costing consumers \$23 billion over the next 25 years.

Lastly, this bill puts a thumb on the scale in favor of dirty, fossil-fueled baseload generation in hopes of locking in this costly resource for decades to come instead of supporting a stronger transition to clean energy. Sec. 1108 locks capacity markets into an outdated, inflexible, and expensive definition of reliability that discounts the reliability values of cleaner energy and energy efficiency. This decision to lock in fossil fuels is repeated in Sec. 1107, which modifies PURPA reliability and investment choices, and Sec. 4116, which repeals the law mandating federal agencies phase out fossil fuels by 2030. Finally, the Energy Security and Diplomacy Title has a narrow definition of energy security that disadvantages clean energy in favor of fossil fuels. The approach taken throughout the bill favors fossil fuels above all other energy sources and virtually ignores the progress being made toward cutting carbon pollution and integrating clean energy resources in an affordable and reliable way.

Congress should work to address our nation's rapidly changing energy system by setting the United States firmly on the path to a more sustainable and clean energy future. Unfortunately, H.R. 8 weakens environmental law, ignores the impact of climate change, and lacks the necessary measures to help us meet our obligation to reduce carbon pollution and pass on a cleaner, healthier, safer planet to future generations. We urge Members of Congress to oppose this misguided legislation.

We further ask that you oppose any amendments that would do further harm to our air, land, water and wildlife when this bill is considered on the House floor.

Sincerely,

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