



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

October 17, 2019  
(Senate)

## STATEMENT OF ADMINISTRATION POLICY

### **S.J. Res. 53—Providing for Congressional Disapproval of the Rule Submitted by the Environmental Protection Agency Relating to "Repeal of the Clean Power Plan"**

(Sen. Cardin, D-MD)

The Administration strongly opposes passage of S.J. Res. 53. This resolution would nullify Administration rulemaking and guidance regarding section 111(d) of the Clean Air Act (CAA). This rulemaking establishes achievable and realistic standards that enable States to reduce greenhouse gas emissions while providing affordable and reliable energy for all Americans.

This resolution would reinstate the Clean Power Plan (CPP), which was premised on a novel and expansive view of the EPA's statutory authority that was inconsistent with the CAA. The CPP sought to reduce emissions by effectively mandating expensive shifts in the balance of coal-, gas-, and renewable-generated power across the Nation's power grid. Instead of allowing market forces and technology to drive innovation, the CPP picked winners and losers across the energy industry. After the CPP was issued in October 2015, 150 entities, including 27 States, challenged the rulemaking as being unlawful, and in 2016, the Supreme Court issued a stay of the rule that blocked it from taking effect.

By contrast, the Trump Administration's Affordable Clean Energy (ACE) rule adheres to the CAA, provides States with new emission guidelines, and empowers States to choose the path to emissions reductions that is appropriate for their unique energy portfolio. The ACE rule also identifies efficiency improvements that can help existing coal-fired electric utility generating units meet and achieve realistic greenhouse gas emissions reductions. It will help ensure that the American public will have access to affordable and reliable energy.

By seeking to repeal a reasonable regulation and restore an overreaching, unlawful rule, S.J. Res. 53 would disrupt the rule of law and interfere with States' efforts to continue to reduce emissions.

**If S.J. Res. 53 were presented to the President, his advisors would recommend that he veto the bill.**

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