United States Senate

WASHINGTON, DC 20510

October 19, 2007

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Joseph I. Lieberman
Chairman
Subcommittee on Private Sector and Consumer
Solutions to Global Warming and Wildlife Protection
United States Senate
Washington, DC 20510

Dear Chairman Boxer and Chairman Lieberman:

Yesterday, Mr. Lieberman and Mr. Warner released 214 pages of language for a legislative approach to the climate change issue. The Subcommittee also has announced a single hearing with a single minority opposing witness on this legislation on October 24, 2007. We acknowledge the commitment Mr. Lieberman and Mr. Warner, both of whom we hold in the highest regard, have shown to this issue. The process by which the Committee will review this far-reaching proposal, however, is potentially troubling to us.

Certainly you will agree that a subject this technical – affecting so many different people, at different income levels, in different lines of work in different parts of the country – deserves a thorough review and vetting by the Committee. While the Committee has indeed held several hearings on the need for climate change legislation, it has held no hearings on the specific legislative language it intends to mark up. We ask that you ensure a sufficient number of hearings and witnesses on both sides to review the specific legislative provisions of your bill and the many fundamental issues it involves.

Complex environmental legislation establishing new emission control regimes typically includes multiple hearings on the legislative language and ample time for Members to review legislative language. For example, when the Committee was considering multi-pollutant emission reduction legislation under the Clear Skies Act, the Committee held three legislative hearings over a period of two months before proceeding to a markup. Under that considered process, the Committee was able to hear from the Environmental Protection Agency, state and local officials, union representatives, public interest groups, various trade associations, and representatives from financial institutions.

In addition, the Committee received in-depth analyses from both the Environmental Protection Agency and the Energy Information Administration. Extensive negotiations were also held at the staff level for all offices wishing to participate to ensure that all of the Committee Members' concerns were adequately considered and, where possible, addressed. This considered approach provided Members with the input and time necessary for meaningful participation in the Committee mark-up process.

Moreover, the Subcommittee on Environmental Protection followed a similar process during consideration of the 1990 Amendments to the Clean Air Act. From September 1989 to the final markup in December 1989, the Subcommittee held three legislative hearings, which provided Members with the valuable opportunity to question a wide variety of witnesses on the implications of specific provisions in the legislation.

We also note that, on environmental legislation of significant importance, the Committee has a history of expending the time and consideration necessary to achieve broad, bipartisan support before reporting legislation out of Committee. In the past, this has ensured that, when moving from full Committee to the Senate Floor, the legislation has matured sufficiently for consideration by the full Senate body. We believe this front-end work on consensus is even more important given the current demands on floor time and the underlying legislative atmosphere in general.

Again, we acknowledge the commitment on this issue that has been shown by two senior and very well respected Members of the Senate. We ask that you agree that this bill, on an issue this important, receive the number of hearings sufficient to hear from the array of stakeholders impacted by this bill and experts provided adequate time to review, analyze and model its provisions.

Sincerely,

James M. Inhofe
United States Senator

George V. Voinovich
United States Senator

David Vitter
United States Senator

John Barrasso
United States Senator

Larry E. Craig
United States Senator

Christopher S. Bond
United States Senator