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United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

June 4, 2009

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

Dear Chairman Boxer,

On Thursday, May 21, 2009, the House Energy and Commerce Committee voted H.R. 2454, "America's Clean Energy and Security Act of 2009," out of Committee by a vote of 33-25. The legislation poses sweeping changes to our nation's energy and environmental laws, and involves complex issues of state equities, federalism, and consumer choice, among others. The magnitude of this legislation was reflected by the lengthy Committee process, including nine hearings this year alone, eight of which were focused exclusively on legislative design and policy. The legislation was also subject to nearly 40 hours of debate during a four day markup the week of May 18th.

Recently, in your efforts to craft a Senate companion bill, you have begun to hold a series of workshops to review this legislation. While we commend you for your commitment to this issue, and look forward to continuing to participate, we have concerns that this informal process alone will deprive the American people and their elected representatives a public, transparent, and thorough review. We also do not want this process to be used to circumvent regular order in the Committee. As you know, regular order helps to preserve the jurisdiction of this Committee; to recognize the rights of the minority; and to invite witnesses and ask questions on the record in order for all sides to be heard.

The Committee on Environment and Public Works, on which we all proudly serve, has exclusive jurisdiction over air pollution and environmental policy in general. While we may disagree under these circumstances on various aspects of climate policy, we should all agree on preserving the jurisdiction of this Committee. For example, in the 111th Congress, four other Senate Committees have already held six hearings exclusively on climate policy and related matters, and more are scheduled. Topics being discussed at these hearings include essential design elements of a cap and trade system, which all greatly impact the cost to consumers and the environmental integrity of the proposed program. Certainly you will agree that such a challenging and technical environmental issue as climate change --affecting so many different people, at different income levels, in different lines of work in different parts of the country--deserves a thorough, on the record, review and vetting by this Committee. The credibility of our Committee requires no less.

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While this Committee has indeed held several hearings on the need for climate change legislation in both the 110th and this Congress, it has not held any hearings on the specific legislative design measures that such a policy will entail, including understanding the costs and benefits of auctioning versus allocating emission allowances, offset integrity, cost containment, and emission reduction targets, all of which will play a vital role in any functioning program. We ask that you ensure a sufficient number of public hearings and witnesses on both sides to review any specific legislative provisions that may be included in your bill and the many fundamental issues they involve.

Again, we acknowledge your commitment, as well as that of other very well-respected Members of the Senate, to this issue. It is our hope in the weeks ahead that you will commit to a fair, open, and transparent process that allows for maximum debate and discussion on the complexities associated with climate change legislation.

Sincerely,

James M. Inhofe
United States Senator

George V. Voinovich
United States Senator

David Vitter
United States Senator

John Barrasso
United States Senator

Mike Crapo
United States Senator

Christopher S. Bond
United States Senator

Lamar Alexander
United States Senator