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ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives  
Committee on Energy and Commerce  
Washington, DC 20515-6115

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February 16, 2005

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The Honorable Joe Barton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Building  
Washington, D.C. 20515

Dear Mr. Chairman:

We have been pleased by your recent remarks indicating that you prefer a bipartisan approach to comprehensive energy legislation. Democrats want a robust energy policy and stand ready to work with you on such an approach. We note that this Committee reported legislation in the 107th Congress by a vote of 50-5, so clearly a bipartisan effort has a strong chance of success.

The decision of the Republican leadership to postpone consideration of the energy bill now gives us an opportunity to approach this legislation in a more thoughtful manner that will include a series of hearings on matters not yet considered by the Committee and from significant witnesses who have not testified. These matters include changes to the Clean Air Act, hydraulic fracturing, Department of Energy nuclear contractor issues, the Leaking Underground Storage Tank program, and electricity market fraud in the west coast market, to name a few. The Committee needs to hear from important witnesses affected by this legislation, such as the North American Electric Reliability Council, energy savings performance contractors, members of the Federal Energy Regulatory Commission, the Environmental Protection Agency, and communities affected by methyl tertiary butyl ether (MTBE) pollution.

While a bipartisan agreement could simplify any markup, all Members of the Committee still deserve the opportunity to improve the product through the regular order of markups. We would note that already most witnesses, including those from the Administration, have identified possible amendments, which in their view would improve the legislation.

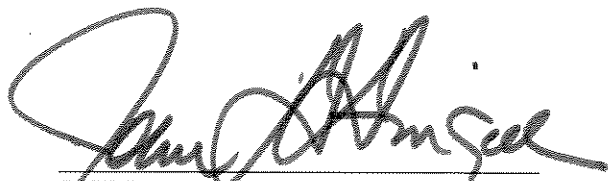
Finally, you surely understand our concerns over the process that this bill will follow. In the 107th Congress, we had bipartisan agreements in our Committee on several important and contentious issues, including hydroelectric licensing, electricity, and Price-Anderson.

The Honorable Joe Barton  
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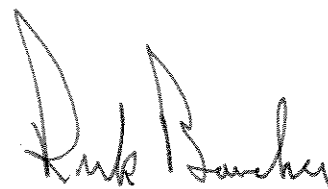
Unfortunately, in each of these cases, negotiations took place between certain House and Senate conferees that did not include any House Democrats in which the agreements were discarded. In the 108th Congress, Democratic conferees in the House and Senate were all excluded from the conference meetings, with the exception of a ceremonial meeting at the beginning, and a final meeting after all of the negotiations had concluded. If we are to engage in a bipartisan dialogue, we need to be assured that we will be treated fairly throughout the process from start to finish, and that our concerns and agreements will also be considered throughout.

Again, we look forward for the opportunity to work with you and all members of the Committee on Energy and Commerce on an energy bill we all can support.

Sincerely,



JOHN D. DINGELL  
RANKING MEMBER



RICK BOUCHER  
RANKING MEMBER  
SUBCOMMITTEE ON ENERGY AND  
AIR QUALITY

cc: The Honorable Ralph M. Hall, Chairman  
Subcommittee on Energy and Air Quality