

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

October 26, 2015

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Ed Whitfield  
Chairman  
Committee on Energy and Commerce  
Subcommittee on Energy and Power  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Upton and Chairman Whitfield:

We write with great concern in regard to the “Discussion Draft on Vehicle and Roadway Safety” that was the subject of a hearing last week before the Subcommittee on Commerce, Manufacturing, and Trade. A number of provisions in the majority draft directly amend the Clean Air Act, which falls squarely within the jurisdiction of the Subcommittee on Energy and Power.<sup>1</sup> To that end, we urge you to follow regular order and schedule legislative hearings and a markup in the Subcommittee on Energy and Power, or remove these sections entirely from the proposal.

Though we may disagree on the merits of the policies contained in the discussion draft, there is no doubt that the legislative draft contains numerous provisions that alter the Clean Air Act. Meanwhile, the provisions would make substantive changes to the Clean Air Act that have never been considered by the subcommittee of jurisdiction. One of the overarching purposes for having distinct subcommittees is to enable members to develop expertise in specialized fields

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<sup>1</sup> Energy and Commerce Committee Resolution and Oversight Plan, 114th Cong. (adopted Jan. 14, 2015)(sets forth jurisdiction of standing subcommittees, citing the Clean Air Act and air emissions as falling under the Subcommittee on Energy and Power); *see also* House Committee on Energy and Commerce, *Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce, Environmental Law Volume 1*, 107th Cong. (May 2001)(including the Clean Air Act, Clean Air Act Amendments of 1977 and 1990).

within the jurisdiction of the full committee as a whole. Failing to recognize the Subcommittee on Energy and Power's claim over legislation that touches the Clean Air Act would set a dangerous precedent and is especially troubling because amending the Clean Air Act is far too important and complex an endeavor to be undertaken lightly.

The Subcommittee on Energy and Power should hold at least one, if not more, hearings on the legislation. Subcommittee members must be afforded the opportunity to hear testimony from, and have the opportunity to question appropriate Environmental Protection Agency witnesses and other experts in order to adequately consider the discussion draft's likely effects on the Clean Air Act, its implementation, and on the environment generally. Further, we urge you to ensure that members of the Energy and Power Subcommittee have the opportunity to fully consider and debate these provisions of the discussion draft, prior to consideration of the legislation by the full Committee.

The rules of the Committee permit the Chairman to "refer the matter simultaneously to two or more subcommittees for concurrent consideration"<sup>2</sup> Alternatively, the rules also provide the ability to "designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence...."<sup>3</sup>

To be clear, our preferred course of action is that all provisions amending the Clean Air Act are removed from the "Discussion Draft on Vehicle and Roadway Safety." However, barring that course of action, regular order should be followed and the legislation referred to the Subcommittee on Energy and Power for full consideration.

Sincerely,



Frank Pallone, Jr.  
Ranking Member



Bobby L. Rush  
Ranking Member  
Subcommittee on Energy and Power

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<sup>2</sup> Rule X, of the Committee on Energy and Commerce 114th Congress.

<sup>3</sup> *Id.*