



September 11, 2003

The Honorable Peter Domenici  
Chairman, Energy Bill Conference Committee  
Senate Hart Office Building, Room 328  
United States Senate  
Washington, DC 20510

The Honorable Billy Tauzin  
Chairman, Energy Bill Conference Committee  
Rayburn House Office Building, Room 2183  
United States House of Representatives  
Washington, DC 20515

RE: Required Recusals and Reform of Conference Committee  
Procedures in Light of Westar Energy Bribery Allegations in Last  
Year's Energy Bill Conference Committee

Dear Chairman Domenici and Chairman Tauzin:

Public Citizen respectfully requests the recusal of Co-Chairman Billy Tauzin and Energy and Air Quality Subcommittee Chair Joe Barton from the 2003 Energy Bill Conference Committee because of unresolved allegations of potential criminal bribery (exchanging votes for cash) during last year's energy bill conference committee.

We further request that you reform the conference process in a manner consistent with the openness and citizen participation that our democracy demands. U.S. energy policy is too important to our security and economy to be established in secret, backroom deals between lawmakers and regulated interests, and then simply rubber-stamped in pro forma public meetings.

Americans have witnessed repeated scandals, bankruptcies and system breakdowns in the energy sector over the past several years – from Enron's massive accounting fraud and cynical manipulation of the West Coast energy markets to the recent blackout in the Northeast. In some cases, the scandals have been the direct result of lax government oversight or legislative and regulatory exemptions that were obtained through lobbying and campaign contributions.

As noted in the attachment, the citizens of the United States are entitled to feel full confidence that our democratic processes will not be corrupted by the selling of legislative favors by a few members of a conference committee, meeting in secret.

The U.S. Supreme Court heard arguments this week on whether campaign contributions can be limited because they contribute to *either* the reality or the appearance of corruption of the legislative process.

There is a clear appearance of corruption on the part of Co-Chairman Tauzin and Rep. Barton (as well as House Majority Leader Tom DeLay) on behalf of Westar Energy in last year's energy bill conference committee, as detailed in the attachment. The public cannot know whether this appearance of corruption conforms with reality until there has been a complete and thorough investigation. Both the Department of Justice and the House Standards of Official Conduct Committee have been asked for some months to undertake such an investigation, but no action has been taken thus far.

Nevertheless, we believe that the appearance of corruption requires the recusal of both Co-Chairman Tauzin and Rep. Barton from this year's energy bill conference committee.

In addition, it appears that Westar Energy's requested regulatory exemption was arranged to be inserted into last year's House energy conference bill (even though it did not pass either chamber) outside the public conference committee process. Subsequently, Members targeted by Westar to receive campaign contributions or direct them to others voted to preserve this exemption in an on-the-record vote.

To prevent secret deals and special favors in this year's energy bill conference committee, Public Citizen requests that the conference committee this year be transparent in all its actions. We note here that the new management of Westar Energy has reformed its lobbying procedures as a result of last year's scandal to prevent any further potential lawbreaking; Congress surely should do the same.

Congressional rules require that conference committee meetings be held in public. Given the appearance of inappropriate industry influence on this legislation and the importance of national energy policy, Public Citizen therefore asks that as Co-Chairmen of the conference committee, you ensure that: (1) all meetings between two or more conference committee members relating to changing the energy bill be held in public, with advance public notice; and that (2) no single-company exemptions or favors be allowed to be inserted in the conference bill.

Thank you for your prompt action to restore the faith of the citizens of the United States in their government.

Sincerely,



Joan Claybrook, President  
Public Citizen

Attachment

cc: Speaker Dennis Hastert  
Representative Nancy Pelosi  
Representative Joel Hefley