

FRED UPTON
CHAIRMAN

HENRY A. WAXMAN
RANKING MEMBER

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE

2125 Rayburn House Office Building
Washington, D.C. 20515
Majority (202) 225-2927
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January 8, 2013

Ms. Mary Mazanec
Director
Congressional Research Service
The Library of Congress
Washington, D.C. 20540

Dear Ms. Mazanec:

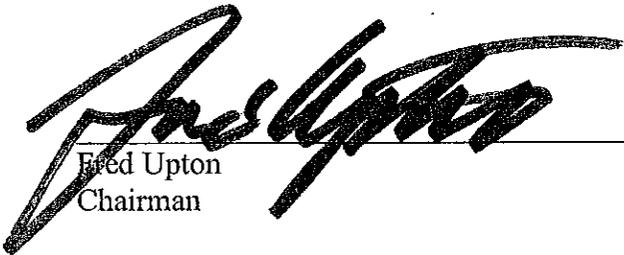
We highly value the Congressional Research Service (CRS) for its authoritative, unbiased, and objective analysis presented (as your website promises) "in a manner that is fair, considered, and reliable." We do not think that your reports of October 7, 2011, June 19, 2012, and December 5, 2012, on H.R. 2273, the Coal Residuals Reuse and Management Act, meet these standards.

In our view, these reports, particularly the report of December 5, 2012, evince a fundamental philosophical disagreement between CRS and the legislation's supporters on how Congress should structure environmental policy. CRS and we agree that Congress cannot write every detail into the statute. Where we differ is that our legislation places confidence in the States to supply that detail; CRS argues that the Environmental Protection Agency (EPA) should do that. We see this implicit bias in the CRS argument as coloring the rest of the report and leading to several factually incorrect assertions about the legislation. Those misconstructions, combined with the uncanny timing of the release of your reports, may have been fatal to enactment of legislation in the 112th Congress.

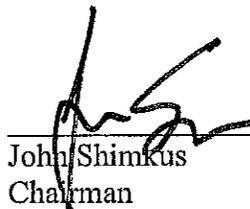
Thoughtful members of our Committee from both parties discussed this legislation carefully in open mark-up June 16, 2011, and July 11-13, 2011. Based on the quality of the discussion, we know they understood it clearly and believed it would result in an effective program for regulating coal ash. Likewise, a bipartisan group of Senators (twelve Democrats and twelve Republicans) worked carefully for weeks on the legislation, making several changes before introducing it last summer as a stand-alone Senate bill. They, too, understood what they were writing and endorsing based on their policy judgments as elected officials. However, at several key moments as the bill was about to be considered, other rank-and-file Representatives and Senators shaped their opinion based only on the CRS analyses. Those conclusions, which we perceive to contain an implicit bias based on the policy preference of a single analyst, complicated consideration of the legislation, including a potential vote by the full Senate in December at the end of the 112th Congress.

This experience is an unfortunate aberration from the excellent work that we have relied upon for years from CRS. Our staff has shared details of our concerns with yours, but we think we should discuss it directly with you to explore how it came about and what we can do to correct the situation. Please contact Ms. Bits Thomas of Chairman Upton's staff at (202) 225-3761 to arrange an appointment at our earliest mutual convenience. Thank you for your consideration.

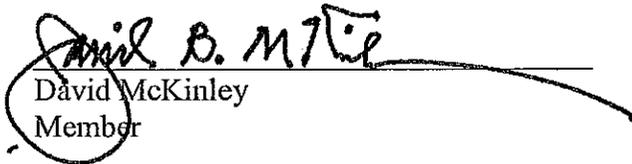
Sincerely,



Fred Upton
Chairman



John Shimkus
Chairman
Subcommittee on Environment and the Economy



David McKinley
Member

cc: The Honorable James H. Billington
Librarian of Congress