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Executive Order Followed Energy Industry Recommendation, Documents Show

By DON VAN NATTA Jr.

WASHINGTON, April 3 — President Bush signed an executive order last year that closely resembles a written recommendation given to the administration two months earlier by the American Gas Association, according to documents released by the Bush administration.

The executive order called for the creation of an interagency energy task force to accelerate the time it takes for government agencies to review corporations' applications for permits for energy-related projects, like power plants and the exploration of oil and natural gas on public lands. Mr. Bush signed the order last May.

The language in Mr. Bush's executive order is similar to a passage in a proposed energy bill sent in March 2001 to the Energy Department by officials at the American Gas Association, the trade group that represents large natural gas companies and has given more than \$500,000 to the Republican Party since 1999.

Establish a task force "to streamline regulation of exploration and production on federal lands," the gas association wrote in its recommendation. The executive order established a task force "to monitor and assist the agencies in their efforts to expedite their review of permits or similar actions, as necessary, to accelerate the completion of energy-related projects."

Officials of the gas association said they were thrilled to learn that their proposed legislation had been adopted by the president as an executive order, bypassing the much more time-consuming process of trying to get the provision passed as part of the energy bill being considered by the Senate.

"We considered it a very welcome step because it was an action we had been calling for for some time to streamline the process for pipeline certification," said Daphne Magnuson, a spokeswoman for the association.

In January 2000, the association began lobbying the Clinton administration for a similar law or executive order, but that administration rejected the recommendation.

White House officials said today that the executive orders Mr. Bush signed reflected the administration's commitment to reducing the bureaucratic and duplicative permit process that can often delay new energy production projects for years.

"The goal of the executive order is to expedite the permit process," said Anne Womack, a White House spokeswoman. "While you are meeting all these regulatory guidelines, you are also giving companies the chance to build clean burning power plants more quickly. This is completely consistent with the goal of the energy task



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force, which was to provide more energy to the American people in a clean and safe manner."

The American Gas Association is among the most generous energy industry supporters of the Republican Party, contributing a total of \$505,348 since 1999, according to Federal Election Commission data compiled by the Center for Responsive Politics.

Environmental groups have complained that they had almost no say in the formulation of the national energy policy.

The proposal for the task force was one of two executive orders Mr. Bush signed on May 18, 2001, the day after the White House released its national energy report. The second order closely tracks a draft executive order submitted by the American Petroleum Institute, a trade group that represents the nation's largest oil companies. That order involved government regulations that affect energy supply and distribution.

Officials of environmental groups said they were outraged that the president signed two executive orders that had been recommended by large industry trade groups. Both orders, they say, benefit the energy industry.

"I see this as yet another example of the energy industry holding the pen for the president," said Sharon Buccino, a senior lawyer at the Natural Resources Defense Council, which sued for the documents released last week by the Energy Department.

The council discovered the parallels in language between the trade association groups' proposals and the two executive orders.

Ms. Womack, the White House spokeswoman, said the energy report was the product of a balanced process that heard the voices of a wide array of experts.

"We obviously received a tremendous amount of input from a great variety of sources, corporations, environmental groups, trade groups, labor unions, individuals and members of Congress," she said. "And those suggestions were examined and if there was merit to them, they were discussed and sometimes components of them ended up in the energy plan."

Ms. Magnuson of the American Gas Association said, "I know that we provided this material to the Bush administration, but we also aggressively provided it to the Clinton administration, to Secretary Bill Richardson, to Vice President Gore."

The documents reflecting the trade association's recommendation were in the 11,000 documents released last week by the Energy Department, which was ordered by a federal judge to do so. For 11 months, the administration had refused to release thousands of pages of documents related to the formulation of its national energy plan. Lawsuits have been brought by several public interest groups that are trying to determine whether industry executives influenced the writing of the administration's energy plan.

The General Accounting Office, the investigative arm of Congress, has sued Vice President Dick Cheney to get lists of corporate executives who helped the administration formulate its energy policy.

Ms. Womack said there was an important distinction between the American Gas

Association's recommendation and the president's executive order. The trade group had asked specifically for a provision involving the "regulation of exploration and production on federal lands (including federal waters and the Outer Continental Shelf)." Ms. Womack pointed out that the recommended provision was not used in the president's executive order.

"It's an important distinction," she said, arguing that not everything the gas association recommended was included in the executive order.

The American Gas Association submitted its proposed legislation on energy policy to the Energy Department on March 22, 2001.

Darrell Henry, the director of public affairs for the trade group, wrote a memorandum to Joseph Kelliher, who was then a Department of Energy policy adviser, that outlined the group's "energy policy principles." Part of its proposal was an interagency task force that would "streamline regulation."

Two weeks later, Mr. Henry sent an e-mail message to Andrew Lundquist, the executive director of the energy task force.

Then, on May 4, 2001, Energy Secretary Spencer Abraham met with three officials of the American Gas Association in his office, according to Mr. Abraham's calendar, which was included in documents released by the Energy Department last week.

Two weeks later, the White House's national energy policy was released. In Chapter 3, the task force recommended that the president issue an executive order that would establish an interagency task force "to ensure that federal agencies responsible for permitting energy-related facilities are coordinating their efforts."

The next day, Mr. Bush followed that recommendation, signing the executive order called "Actions To Expedite Energy-Related Projects."