

November 21-23

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November 22, 2003

The Washington Post

Congratulations

IT'S RARE THESE DAYS to have an opportunity to congratulate the Senate, but we have one. On Friday morning, the Senate failed to muster the 60 votes needed to end a Democratic filibuster and pass the pork-packed energy bill. While the Senate majority leader, Bill Frist, has vowed to hold another vote on the bill in the next few days, he doesn't have an easy task. Not only does he need to persuade at least three senators to switch sides, he must do so in the days before Thanksgiving, when they'd surely rather be elsewhere.

He's made a start, of course, with the 13 Democrats who did allow themselves to be bought off and supported this legislation. Most, including Thomas A. Daschle (S.D.), the Senate minority leader, are from corn states that stand to benefit from the bill's egregious ethanol provisions. The two Louisiana senators, John Breaux and Mary Landrieu, also would have been made aware of just how many goodies for the state of Louisiana and its oil and gas industry were stuffed into the bill by Rep. W.J. "Billy" Tauzin (R-La.), chairman of the House Energy and Commerce Committee.

But to their immense credit, six Republican senators broke ranks with their leadership despite enormous political pressure to support a bill that oozed money, projects and favors for every state in the nation. Leading the pack was Sen. John McCain (R-Ariz.), who was inspired by his longstanding opposition to government pork to describe the legislation as a "Hooters and Polluters" bill, an allusion to the bill's rollback of environmental law and to a provision that appears to benefit a Louisiana shopping mall that will contain a Hooters restaurant. The two senators from Maine, Susan Collins and Olympia J. Snowe, also voted against it, on environmental grounds, as did Lincoln D. Chafee (R.I.). The two New Hampshire senators, Judd Gregg and John E. Sununu, joined them, in part because the law was deliberately designed to cut short a New Hampshire lawsuit against the producers of MTBE, a gasoline additive thought to poison drinking water, and in part out of honorable fiscal conservatism. We hope all of them have the nerve to stand up to whatever bribes and threats come their way in the next few days.

Economist

The \$100 billion turkey - The new energy bill

The no-lobbyist-left-behind bill has arrived

THANKSGIVING came early this year for the energy industry. After three years of talk, Congress has agreed on a massive energy bill, full of handouts to every imaginable corner of the business. Republican leaders rammed the bill through to help George Bush's re-election race. They may have gone too far.

As The Economist went to press, Democratic senators looked set to start a last-minute filibuster to delay the bill. They are still furious that the Republicans shut them out of the process of reconciling the Senate and House versions of their bill. But when John Dingell, the top Democrat on the House energy committee, compares reading the 1,100-page bill to "lifting the lid of a garbage can and smelling the strong smell of special interests", he is not merely making a partisan point. The "no-lobbyist-left-behind bill" has also been condemned by John McCain, the libertarian Cato Institute and the Wall Street Journal.

Is the law really that bad? Yes. Invoking the bogus notion of an energy-supply crisis, Republican leaders have doled out a fortune to energy lobbies. The biggest whack - some \$22 billion - goes to the oil-and-gas industry. Having lost the opportunity to drill for oil in the Arctic National Wildlife Refuge, it will get billions to build a pipeline to bring natural gas

from Alaska to Chicago. The nuclear industry gets more than \$7 billion. The coal industry picks up \$8 billion.

As for green projects, this is only an excuse for more pork. The most egregious example is cash for "renewable" ethanol, an ungreen fuel additive made from corn, which is much loved by farmers and thus by politicians (including many Democrats) who crave their votes. By contrast, the Republicans refused to tighten the Corporate Average Fuel Economy law, which dictates the fuel efficiency of new vehicles.

The few improvements are mostly to do with the electricity sector. Shamed into action by the great blackout in August, Congress has imposed reliability rules for the power grid. It has also repealed the Public Utilities Holding Company Act, an arcane law that has stifled the modernisation of the sector; if that goes, Warren Buffet, a celebrated investor, has promised to pour billions of dollars into the energy industry.

Yet do not be deceived. This is a ghastly bill, which, by the calculations of Aileen Roder of Taxpayers for Common Sense, could cost taxpayers \$96 billion over the next decade. The energy industry should have a good Thanksgiving - especially the company that has been granted tax credits to make fuel by compressing turkey carcasses.

November 21, 2003

THE WALL STREET JOURNAL

Archer-Daschle-Midland

If Republicans finally pass their extravagant energy bill this weekend, we hope they take a moment to thank the one man who above all others will have made it possible: Senate Minority Leader Tom Daschle.

The cornucopia of special interest energy payoffs slid through the House earlier this week but has hit a snag in the Senate. East and West Coast liberals complain it lacks conservation measures. A few Republicans are appalled by its billions of dollars in new subsidies. This unlikely alliance is close to the 41 votes it needs to defeat the bill with a filibuster.

Standing in their way is none other than that liberal giant, Mr. Daschle, who two days ago endorsed the bill. What has provoked this rare burst of bipartisanship? It happens that the South Dakotan is the co-author of an enormous new mandate in the bill requiring American drivers to more than double the amount of ethanol they buy. Facing a tough re-election race next year, the erstwhile prairie populist is

determined to raise U.S. fuel prices (by \$8.5 billion over each of the next five years) in order to feed the ethanol lobby. Keep in mind that much of this ethanol subsidy goes not to farmers but to giant agribusiness companies such as Archer-Daniels-Midland.

As early as July, the Senator was running ads back home promising that "Tom Daschle is close to passing new energy legislation that would triple ethanol production in South Dakota." And recently the National Corn Growers Association and the Renewable Fuels Association (the ethanol lobby) made it clear that any Midwest politician who votes against the bill will get a thorough shucking. Republican energy conference chair Pete Domenici also twisted the knife this week when he mused publicly that if this energy bill dies it's impossible to know whether this ethanol windfall "ever comes back."

We'd love to see the energy bill die, but where are the nation's soak-the-rich, anti-big business liberals when you really need them?



Latest energy bill is worst side of politics

The "leave no lobbyist behind" bill. That's how Sen. John McCain, R-Ariz., described the new energy bill teetering in the U.S. Senate.

There was some good news Friday, when enough senators voted in favor of continuing debate on the bill - as opposed to voting it up or down. Hopefully this will provide time for opposition - and outrage - about this seriously flawed bill to grow.

For some compromise-minded senators - like our two from South Dakota - there was enough good in the bill to support it, even while holding their nose.

We say send the whole piece of rubbish packing and start again.

There are just too many deals with the devil here to support this dreadful example of all that's wrong and self-serving in Washington.

True, there is a \$6 million incentive to ethanol producers to double the nation's output of the corn-based fuel by 2012. True, there is no provision to drill in the Arctic National Wildlife Refuge. True, there is a clean-coal demonstration project included in the bill as well as tax breaks for utilities reducing pollution at coal-burning power plants.

But that is about it. Not much in a bill that is estimated to cost this country between \$32 billion and \$95 billion over the next 10 years.

There is no real commitment here to reducing this nation's reliance on Middle Eastern oil and no real push to increase our use of renewable - and cleaner - power sources. In fact, there are no initiatives in the bill for wind energy and no new natural gas will be brought online.

What this bill does in spades is reward the same old oil, nuclear and gas companies and will send our already ballooning deficit

completely out of control.

The lowest, most venal aspect of this bill involves the shameless running of interference by some of our politicians for polluting manufacturers at the expense of the average - and, it must be said, polluted - citizen. The bill offers product liability protection for the manufacturers of MTBE, the gasoline additive that has been proven to contaminate drinking water supplies in 28 states. Not only does it pay such companies \$2 billion to "transition" out of this business, but, by making the protection retroactive, it also closes down lawsuits already in progress. That's right, a major lawsuit filed by New Hampshire against MTBE producers - where 1,500 communities now have polluted drinking water - would essentially be killed by this bill. God forbid politicians should ever take the side of the little guy!

Neither is there any incentive on the big auto makers to increase fuel efficiency.

So, we increase our reliance on oil from the Middle East. We make no concessions to the environment. And the old guard - who are not the future, or at least not being encouraged to look to the future - get most of the benefits.

We have promoted ethanol for years and understand the wonderful benefits this bill can bring to the area. But we do not believe one of the bill's sponsors when he said, "Remember, you don't kill this bill in pieces. You adopt it all or none."

That is perhaps the way Washington works, but it doesn't have to. Swallowing all this garbage along with the little good by way of increased ethanol production is not good for the country. With good leadership a good energy bill - good for the little guy, the environment and the country's coffers, that is - could be achieved.



Congress' energy boondoggle

You know that the 1,700-page Republican-dictated energy bill passed yesterday by the House of Representatives is a bad bill when even the conservative Heritage Foundation and the libertarian Cato Institute, reliably consistent supporters of the Bush administration, denounce it.

But the average American, who pays little heed to partisan Washington think tanks, knows instinctively this bill is outrageous because it hands \$17 billion in tax breaks to major financial supporters of the administration.

Perhaps the average American also remembers Vice President Cheney's energy task force, so instrumental in the creation of this bill, consisted largely of representatives of these oil, gas and coal interests. Cheney's refusal to give Congress and the public any information about his task force's deliberations was a red flag from the beginning.

Democrats, largely excluded from the deliberations that gave the bill its final shape, were told the bill would be voted on just two days after its 1,700 pages were made available for study. Not even the brightest politician can fully comprehend so many details in so short a time.

One Democrat called the bill "a hodgepodge of subsidies for the politically well-connected" and even Sen. John McCain, the Arizona Republican, called it "the leave no lobby behind" bill.

These tax breaks far exceed the \$8 billion in incentives the Bush administration told Congress last year it favored for energy producers. That, of course, was before the power failure that blacked out much of the Northeast and gave new impetus to the once-dormant energy bill.

The bill does provide incentives to consumers to buy energy-efficient appliances, but they are phrased in such a way that many otherwise suitable appliances will not qualify. For example, to qualify for a tax credit, a refrigerator-freezer must be a

frost-free model with at least 16.5 cubic feet of space for food storage. Anything less and there's no tax credit. Similarly, a homeowner buying a solar water heating system can get a \$1,000 tax credit, but not if the system heats a swimming pool.

Calling the bill a "missed opportunity," a senior policy analyst at the Heritage Foundation said "Congress should not be determining the energy winners and losers nor the appliance winners and losers ... if people want to pay extra for an energy efficient appliance they should" without tax credits influencing their decisions.

Regarding the bill's tax breaks for the producers of ethanol (a corn-based fuel), the Cato Institute spokesman declared: "There is a huge discrepancy between what Republicans say about the economy and actual Republican practices. If a technology has merit, there is no need to subsidize it, and if a technology does not have merit, no amount of government subsidy is going to give it merit."

But ideology aside, perhaps the most offensive provision of this bill is the one that exempts, retroactive to Sept. 5, Texas and Louisiana companies that manufacture a MBTE, a gasoline additive, from product liability even if they pollute drinking water, thus wiping out any existing lawsuits against these manufacturers.

Or perhaps the worst provision is the one that overturns a court ruling that a Louisiana power company had double-charged a competitor for use of its transmission system. It is no coincidence that the chairman of the House Committee on Energy and Commerce, Rep. W. J. "Billy" Tauzin, is from Louisiana.

The nation badly needs new energy legislation. It's outrageous that our political leaders have shown themselves so beholden to special interests that they're unable to produce a bill that genuinely serves the nation's needs.

THE BEACON JOURNAL

Energy overload

An energy bill so large must address key national priorities? Hardly -- and at a stunningly high cost, even for pork

Billy Tauzin, the chairman of the House Energy and Commerce Committee, could hardly contain himself, gushing that House approval of a comprehensive energy bill amounted to "a historic day for the American people and for our nation's energy future." Just days earlier, the Louisiana Republican found himself in something of the last refuge for a desperate lawmaker. He described the energy legislation as a whopping jobs bill (800,000 new jobs, he insisted). The boast revealed much about the final forging of legislation three years in the making.

A bill touted as an "energy strategy" will almost surely top 1,000 pages (as this one does), reflecting both the complexity and the breadth of the subject. What's more, passage will involve horse-trading, cementing support with the old-fashioned pork.

The trouble is, Tauzin and his colleagues failed to restrain themselves. At some point, gathering votes on Capitol Hill became more important than crafting a coherent approach. A wide-range of experts, from those siding with industry and to those allied with environmentalists, caution that the legislation will likely have little impact on the most pressing energy problems.

That is not to say the bill lacks helpful provisions. It contains incentives for energy alternatives and savings. It reflects a realistic approach to nuclear power, emphasizing the beneficial impact on global warming. Mandatory rules for the nation's electricity grid would encourage greater reliability.

Of benefit, too, are proposals left out of the bill. Oil exploration in the Arctic National Wildlife Refuge was not included. Neither was drilling for oil at off-shore locations.

A final vote looms in the Senate, and a senator

(say, Mike DeWine of Ohio) tempted to support the bill because of these positive features, plus the investment in clean-coal technology, should be aware the conservation provisions amount to three months of energy savings over the next 16 years. The improvements to the electricity grid do not include the necessary streamlining among grid operators, a need reinforced by the report on the August blackout released this week. Fuel-efficiency standards for cars and trucks will remain where they have been for years, awaiting the arrival (not expected soon) of fuel cells.

Telling is the bottom line for the many tax breaks. The president proposed a package totaling \$8 billion over 10 years. Congress has roughly tripled the amount -- in the neighborhood of \$25 billion. The many subsidies bring the overall cost (by one estimate) to \$100 billion. Much of the spending involves Congress picking winners and losers in the energy marketplace.

Items inviting further dismay include the easing of deadlines for cleaning up the air and exemptions from the Safe Water Drinking Act for oil drillers. One provision would make easier the export of enriched uranium (in the midst of a war on terrorism?). The servings of pork followed, including federal support for tourism, shopping and entertainment centers in Atlanta, Syracuse, N.Y., Lakewood, Colo., and Shreveport, La., yes, Tauzin country.

When a legislative frenzy builds in Washington, proponents wooing votes project by project, the question inevitably arises: Is the whole worthy of support in view of the ugliness of so many parts? In this instance, with the cost so high and so many priorities left for another day, the responsible answer is no.

November 21, 2003



Energy bill comes, alas

The decision by Senate Minority Leader Tom Daschle (D-S.D.) not to support a filibuster removed the last obstacle to passage and enactment of one of the worst bills in Congress in a long time, the energy bill.

The lure of home-state pork trumped everything. Daschle's spokesman said the senator would support the bill "because of ethanol and other provisions in the bill on efficiency."

A major part of the bill requires a near-doubling, to 5 billion gallons a year, of the use of the gasoline additive ethanol. It is made from corn and South Dakota is a major producer.

There has been no reason to use ethanol to

stretch the gasoline supply for 30 years now. With modern gasoline blends, there is no environmental benefit to using it, and some actual harm. It will raise the price of gasoline and benefit middlemen far more than farmers.

Alas, it is only one item of a cornucopia of subsidies and tax breaks amounting to \$23 billion over 10 years (that's the official estimate, which quite possibly is much too low) to almost every energy boondoggle imaginable, including a Louisiana shopping mall and its Hooters restaurant.

Some day, probably when budgets are really tight, Congress may realize the harm it does with these greasy handouts. Don't hold your breath.

the Charleston Gazette

Two fronts Special interests triumph

“THIS is not a perfect bill,” declared William Novelli, chief executive of AARP, as he capitulated to pressure from the Bush administration to back its Medicare prescription bill in Congress. That tepid endorsement, along with the reluctant support of some moderate and conservative Republicans, probably spells very bad news for Medicare, as Congress begins the process of handing the senior medical plan to private insurance companies and starving it of funds prematurely.

On a similar front, the energy bill now being pushed by the Republican leadership hands big rewards to oil and gas companies in the form of tax breaks, a fast-track approval process for drilling and leasing in environmentally sensitive areas, and exemptions from the Clean Water Act. It rewards the producers of all the dirtiest forms of energy and does almost nothing to promote cleaner, more modern technologies. And conservation is a concept, it seems, banished to the netherworld, where it can never pop up to scare the likes of Halliburton oil.

Both bills would hand over enormous bouquets to the friends and contributors to the Republican Party: big insurance and big energy. In both cases, the rest of Americans will suffer.

Republicans, it seems, have succeeded in linking the undermining of Medicare to a prescription benefit and scaring enough

Democratic senators into supporting it. All but the most committed seem set to cave in to the threat that, if they don't support the dismemberment of Medicare, they'll be accused of failing to cough up the longed-for drug benefit.

Both of these bad bills still have some fearless opponents. The New York Times quotes Republican Sen. John McCain's description of the energy bill as “leave no lobbyist behind” — and West Virginia's Sen. Robert Byrd observed sarcastically that the bill would do as much to improve America's energy security “as the administration's invasion of Iraq has done to stem the tide of global terrorism.”

Sen. Edward Kennedy, D-Mass., has not wavered in his opposition to the Medicare bribe, and South Dakota Sen. Tom Daschle, the Senate Democratic leader, said the AARP leaders will live to regret their decision to support the bill. Daschle's words are already proving true: AARP's message board on its Web site, only hours after the announcement, fairly bristled with messages that bore subject lines such as: “Traitor!” and “AARP betrays its members with sellout!”

Still, the mood seems to be leaning toward anticipated defeat. The filibuster talk has receded. Few, it seems, have the courage to stand up to this administration's bullying. The rest of this week will show Americans what the Democrats in Congress are made of.

November 21, 2003

The Charlotte Observer

An energy mishap Senate should reject bad bill loaded with extra freight

A stunningly costly energy bill -- estimates of its long-term cost go as high as \$140 billion -- before the U.S. Senate represents everything bad about a deeply dysfunctional Congress.

- It was developed largely in secret and presented as a done deal.

- It is overloaded with bad energy policy, weighted down with a batch of costly pork barrel projects.

- It primarily benefits the energy industry, makes taxpayers foot the bill for cleaning up pollution caused long ago by indifferent corporations and requires that anyone who wants to sue over poisoned water supplies had to have filed suit no later than two months ago.

- And it supercedes states' authority to handle their own affairs, taking a Congress-knows-best attitude and again narrowing the list of issues on which the 50 states can make their own decisions.

By whatever means it can, the Senate should reject this outrageous legislation. The bill, which has passed the House and was returned to the Senate for an up-or-down vote, is now tied up by a Senate filibuster as complaints grow about blatant unfairness.

Republican Gov. John Rowland of Connecticut calls it "clearly a trampling of states' rights" -- a phrase not ordinarily associated with energy policy or often used by a northern politician. But Gov. Rowland is exactly right. The bill would force state and local taxpayers to

pay the \$29 billion cost of cleaning up MTBE, a gasoline additive linked to cancer, in water supplies. It would give private utilities the right of eminent domain to place transmission lines regardless of state authority -- except, curiously, in Texas. And it would shift the cost of cleaning up leaking underground storage tanks to taxpayers and not those responsible even when they are known.

Worse yet, it directly threatens national air and water quality. It gives polluters more time to clean up smog, which adversely affects states and communities whose residents must breathe bad air. It exempts oil and gas construction activities from having to get a permit controlling stormwater runoff -- truly one of the dumbest ideas we've heard lately and sure to cause water quality problems. And it would exempt from the Safe Drinking Water Act the chemicals oil and gas developers inject into the ground while exploring for fuel.

There's very little good in this bill. Sen. Elizabeth Dole, R-N.C., did manage to exempt North Carolina from oil and gas exploration off our coast. She and Sen. John Edwards, D-N.C., worked for that concession, and it's important.

But the bill is still a bad one. It should be sent back to its authors for significant revisions -- especially to show more respect for the ability of states to deal with such questions as air pollution, land management and liability for damage. The Senate should muster the energy to rewrite this turkey -- or kill it outright.

THE PLAIN DEALER

Powered by pork

The energy bill is now spread before the Senate. It's an \$80 billion devil's baquet of subsidies, tax breaks and special-interest favors that almost certainly will pass because the members' political self-interests will compel a majority to support it, regardless of its evident cost and not-so-evident benefits.

Look at this steaming spread: Before you is the reality of the great federal support system that masquerades as a market-driven economy. There's something here for practically everyone. That - and not its avowed purpose of ensuring America's secure energy future - is why this 1,200-page monster, most of it unread by the senators, is so close to becoming law.

See? Here's a doubled portion of ethanol production. Its backers say ethanol provides a way to grow our own fuel. Scientists discount that, but one thing's for sure: Hundreds of thousands of America's farmers produce billions of bushels of the corn from which ethanol is made. There's no world market for that corn, but those farmers vote, so farm-state congressional Democrats and Republicans alike embrace ethanol production as yet another way to underwrite that senseless overproduction. So it costs motorists some \$7 billion; so what?

Then there's the \$18 billion in loan guarantees for a 3,500-mile pipeline to deliver natural gas from the North Slope of Alaska to Chicago. The gas is needed, but the pipeline could be built for a small fraction of that figure by connecting with existing Canadian pipelines. But that wouldn't bring pipeline jobs

to Alaskans.

Don't pass up the \$16 billion in tax credits finely tailored to benefit the energy companies that no doubt handed the completed language to the Republicans who crafted this hodgepodge of give-aways.

And then there's the Shreveport Hooters. One rasher of pork dripping from these pages involves helping finance a mall in that Louisiana city that would feature an outlet of this singular restaurant chain - a development of "energy" unrequested by most Americans.

And for manufacturers of the once-popular gasoline additive methyl tertiary-butyl ether, there's an exemption from product-liability suits either filed or under consideration in nearly half the states. In their defense, those manufacturers say they simply provided a specified ingredient; that contamination of water sources was a result of its mishandling by those who transported and sold it. But that, some senators say, is a question that the courts, not Congress, should decide. We agree.

Once, there was a Republican Party that claimed fiscal responsibility, that said it despised deficits, that promoted free-market solutions. Then that party won both houses of Congress and the presidency. The result is an energy bill that, like the farm bill before it, gives the lie to all those statements of lofty principle. It demonstrates, as though further proof were needed, that staying in office is, for most in Congress, their highest calling. Staying in office is what a preponderance of the energy bill's language is about.



Congress, go home

Eleventh-hour legislating produces bad laws that don't help the nation

It's a shame that there's nothing analogous to the medical profession's Hippocratic oath — first, do no harm — for members of Congress. If there were, Congress would have to adjourn today for the rest of the year, leaving undone a laundry list of major legislative packages, most of which have been so badly mangled in the congressional sausage maker that recessing now would be a welcome reprieve, rather than a reason for recriminations.

Learning what we have about the major pieces of unfinished business still pending before Congress — an energy package, Medicare bill, omnibus appropriations package and what's left of the president's Healthy Forest Initiative — we have increasingly come to fear the prospect of their making their way to the president's desk. We think the nation is probably better off if they wouldn't, based on the notion that no bills are better than bad ones.

All of these bills are either a distorted facsimile of what was originally intended, and what's really needed, or so loaded down with pork, special-interest handouts and hidden and poorly understood provisions that they will almost certainly do more harm than good — all at extraordinary cost to taxpayers.

Legislators desperate to look like they are doing something constructive will naturally say that passage of these measures, while they aren't perfect, is nonetheless a step in the right direction.

But that's self-serving pap.

The Medicare bill is an ill-conceived expansion of an already out of control entitlement program which does little to reform or fix what's broken but much to hasten the day of its financial insolvency.

Even worse, it's a tawdry and cynical exercise in vote-chasing by both parties, a pander to senior citizens that will heap huge financial burdens on younger Americans as the costs of a new prescription benefit balloon in years to come.

The energy bill, as we indicated last week, is an incoherent mash of proposals and provisions which should not be confused with an energy "policy," and in which the bad provisions almost certainly outweigh the good. The bill includes a sop to an array of Washington special interests and is a corporate welfare blank check that most likely will do little to benefit taxpayers or energy consumers, or enhance America's energy self-sufficiency.

We believe the best way to boost domestic energy production and diversity is to reduce government red tape, end the manipulation of free markets, and fashion a consistent and predictable public lands policy. But Congress largely took the opposite approach, apparently believing America can subsidize and regulate its way to energy self-sufficiency, much to the

delight of hundreds of Washington's top lobbyists.

The Healthy Forest Initiative, though trumpeted as a triumph of bipartisanship, has emerged a belated and diluted halfmeasure which doesn't go far enough in streamlining regulations that have led to analysis paralysis in federal land agencies, and still vests too much power over public lands policies in the squeaky wheels that have made protest a profession.

In typical Washington fashion, the bill proposes spending more than a quarter-billion dollars annually doing wildfire prevention work that would pay for itself if structured properly. The bill also reportedly mandates special treatment for "old growth" forests, while never adequately defining a term that means different things to different people — an ambiguity that will undoubtedly be used as a loophole to undermine the law's effectiveness.

A few conscientious members of Congress rightly demanded that the forest initiative be stripped of several nongermane provisions that were tacked on, including a change in laws concerning cock fighting and the use of the word "ginseng."

But the fact that these extras were slipped in is emblematic of the shameless way some members of Congress will exploit any opportunity to advance selfish narrow interests and turn virtually any piece of legislation into a pork-barrel pull cart.

And where, speaking of pork, do we begin on the subject of the "omnibus" spending measure Congress is preparing to ram through, consolidating all the appropriations bills it couldn't bother to complete in the time legally allotted? The regular use of such tactics is one primary reason that federal discretionary spending is rising with record speed and budget deficits have returned with a vengeance.

Is all the eleventh-hour scrambling a symptom of Congress' stricken conscience about not getting the people's work done earlier in the session? Yes, if you still believe George Washington chopped down the cherry tree. Next year being a presidential election year, it's really all about what political consultants call "positioning," in which both parties lay the groundwork for the attacks and counterattacks to come in the battle for the White House and Congress.

It's true that not much usually gets done by Congress in a presidential election year, so there's a practical reason for the rush as well. But it's mostly an exercise in generating fodder for next year's partisan food fight.

So Congress, please, for the sake of us taxpayers, leave this business undone and go home for the holidays. We won't accuse you of being a do-nothing Congress — we promise. And as we sit down for the annual feast on Thursday, we might even give thanks for it, and count it as one of our blessings.

The Day

A Disgusting Energy Bill Federal Energy Legislation Throws a Party for Special Interests and Hands Taxpayers the Bill

The federal energy bill is a brilliant catastrophe. It is brilliant because it has so many baubles and goodies as to make it irresistible to many congressmen and senators across the country. There are tens of billions of dollars in subsidies and tax credits. That's why it passed the House of Representatives last week. Even Congressman Rob Simmons, R-2nd, voted for the bill because it appropriates money for fuel cell research, a Connecticut industry, and would give Connecticut \$70 million for home heating assistance for those of low income. He also liked the bill because it does not include provisions to drill for oil in the Arctic National Wildlife Refuge.

Shame on Rep. Simmons, for what's bad in the bill far outweighs the good.

Ultimately the bill is a catastrophe, unworthy of Congressman Simmons' vote and certainly not worth passage in Congress. Differences in the House and Senate versions of the bill were haggled over for months between Sen. Pete V. Domenici, R-N.M., and lead House conferee, Rep. Billy Tauzin, R-La., both Republicans. Democrats were locked out of the process, a departure from what few half-hearted gestures of bipartisanship take place in Congress.

Buried in this bill's 800-plus pages is a line that would allow the Cross Sound Cable, laid between Connecticut and Long Island, to remain permanently unless Congress acts to turn it off. This cable was not buried to the required depth and was only allowed to operate because of the August blackout. It should not be operating now, and a bill that allows companies to operate in violation of state regulations has no place in a federal bill.

Another clause would allow the installation of a new natural gas pipeline across Long Island Sound, a move Connecticut opposes because it would tear up shellfish beds and put the pipe across the Thimble Islands. What is such a provision doing in this bill?

The bill repeals a law passed in 1935 that limits the number of holding companies gas and electric utilities can buy. This legislation originally passed because, in the early 1930s, 45 percent of the nation's electricity was controlled by just three companies. The law is outdated, but it kept Enron from buying more than one utility — in the ensuing debacle, something we can all be grateful for. Taking away regulation while putting nothing in its place is irresponsible.

The bill has an incredible \$25 billion in tax credits and subsidies, more than triple what President Bush asked for. It

grossly rewards undeserving corporations and industries at taxpayer expense. In light of these, the \$325 million the legislation sets aside for conservation efforts — one of the reasons Rep. Simmons' office said he supported the bill — is laughable. Here are a few examples:

- Subsidies for ethanol, made from corn, are simply out of control, and this bill takes the insanity to new heights. According to New Hampshire Republican Sen. Judd Gregg's office, the last farm bill had \$26 billion over a six-year period in subsidies for ethanol. Not content with that, this energy bill adds a \$2-billion tax credit for ethanol, and adds money for research as well as building facilities.

- The legislation has \$1 billion to purchase land to protect the shoreline, which may be a laudable goal having little, if anything, to do with energy. But 90 percent of the money is earmarked for Louisiana.

- There's \$1.1 billion to not only build, but also operate, an advanced reactor hydrogen cogeneration plant in Idaho. Are we still a capitalist country? Does operating a business require risk? Not if you have the right connections.

- The legislation sets a deadline of 2015 for phasing out from gasoline the additive MTBE, added since the 1990s because it reduced air pollution. But despite the fact that MTBE has disastrously polluted water supplies and wells across the country, including in Connecticut, the bill retroactively absolves companies which manufactured the chemical from any liability and gives them an additional \$2 billion tax subsidy.

- It's got \$2 billion in tax deductions for oil and gas companies.

- It's got \$500 million for a new loan program for the oil and gas industry to encourage new technology. The terms of the loan — repayment and interest rates — are left to the Secretary of Energy and loan recipients. Isn't this sweet?

This country needs to reduce its dependence on oil. It needs to conserve. It needs to assure that the country is gearing its tax policies to encourage the development of and use of alternative energy sources that really work.

Connecticut's Sen. Christopher Dodd was correct when he said Friday, "This bill is not about progress, it is not about security, it is not about economic prosperity, it is not about clean technology and it is not about responsible energy policy."

He's right. Let's pray that the Senate topples this Christmas tree before the voters have to pay for it.

CONTRA COSTA TIMES

Santa stiff taxpayers

HO, HO, HO. SANTA arrived early for some in Congress this year. Old St. Nick's gift comes in the guise of a new national energy policy. While many energy concerns will win, the taxpayers will lose.

The 1,700-page bill spends \$100 billion in 10 years, but does little to improve the nation's energy outlook. It does not attempt to break off our love affair with foreign oil and fossil fuels. Its efforts to reduce our dependence on oil includes tossing fractional amounts of money or incentives toward things such as fuel-cell and clean-coal research and hydrogen projects. In fact the oil, natural-gas and coal industry would receive two-thirds of all tax breaks in the bill -- about \$17 billion worth.

If one expected the power grid issue to be an important factor in this bill, because of the Northeast blackout in August or our own crisis in 2000, one would be wrong. This bill addresses the power grid issue by promising to deal with it later. It does, however, seek to repeal the act that prevents utility mergers. Some contend that consolidation may be needed to create efficiency along the grid system.

Don't be fooled by the bill's neglect in dealing with polluters. Energy's link to pollution is not lost on legislators. Provisions in the bill will undermine the Clean Air Act, Clean Water Act, Environmental Policy Act

and Safe Drinking Water Act, and these will dirty our air, water and land.

MTBE makers even make out well. They will not only be given \$2 billion in aid, but are to be given a pass that will retroactively prevent cities and states from suing them for poisoning the water; taxpayers will have to pick up both the tab for cleaning up the water supplies and the one for the aid. The industry also is given 12 more years to sell MTBE. Merry Christmas!

Four representatives wrangled new coal-based power plants for their states. Others really twisted Santa's arm and were able to fluff the bill with such energy concerns as a mall, a riverfront development, an office complex and subsidies for universities in their states. Neither reduced pollutants nor higher fuel efficiency for the auto industry is a concern of this bill. Energy conservation is not a concern. There seems to be no desire for more use of alternative energy sources.

It would be irresponsible of the Senate to pass this bill. It must ignore the White House's desire to push this through before Congress adjourns for the holidays. No energy bill would be better than what has come after three years of primarily secret meetings. The results are bad for taxpayers and anyone breathing in this nation. More energy was generated writing, maneuvering and voting on this bill than will be saved by it.

November 22, 2003

The Courier-Journal

LOUISVILLE, KENTUCKY

Leaving lobbyists behind

War in Iraq turns out to be a fiscal bargain, compared to pacification of America's energy interests. The latest Iraq bill was a mere \$87.5 billion. The cost of the giveaways Republican congressional negotiators tried to foist off this week in the name of energy security was more than \$100 billion.

The bill is unlikely to make anyone more secure, with the exception of incumbent members of Congress and several of the nation's greediest special interests, and Americans should be cheering that a Senate filibuster blocked it yesterday.

A bill that would actually increase America's energy security and independence would require automakers to build vehicles that use less fuel. This bill doesn't do that. An energy policy aimed at security would promote renewable energy standards. This bill does not. Any bill aimed at energy security would provide a clear blueprint for a dependable electrical grid. This bill doesn't.

There are many things the bill would do, of course, though they have little to do with energy, conservation or security. Specifically, it would provide so much pork that Sen. John McCain, R-Ariz., aptly described it as a "no lobbyist left behind" bill.

Not surprisingly in George W. Bush's Washington, most of the \$23 billion in tax breaks would go to the oil, gas and coal industries. These industries also would benefit from the bill's failure to address global warming and from its rollbacks of environmental safeguards, release from financial responsibility for cleaning up leaking underground storage tanks and postponements

of ozone attainment standards.

At the same time, the House-Senate conferees who produced this monstrosity brazenly set about trying to buy passage vote by vote, ranging from the stunning (\$18 billion of federal loan guarantees for a new gas pipeline from Alaska that could be constructed more cheaply through Canada) to the bizarre (an indoor rainforest and million-gallon aquarium in Iowa) to the laughable (a riverfront Hooters in Bossier City, La.).

They even figured to buy off Senate Democrats, who generally were livid at being shut out of the drafting of the final bill.

So the final version put key Democrats from Midwestern farm states, including Senate Minority Leader Tom Daschle of South Dakota, in a tough spot by mandating a doubling of the use of corn-based ethanol as a gasoline additive.

But it didn't work yesterday, and taxpayers should hope the Republicans' effort to muscle up two more votes fails. If it does, maybe they'll set about enacting the realistic energy policy this nation desperately needs if it's ever to reduce its dependence on foreign fuels.

This one had its genesis in Vice President Dick Cheney's secret energy task force three years ago, and we can probably safely assume that his cronies in the fossil-fuels businesses got pretty much everything they told him they wanted, except the right to drill in the Arctic National Wildlife Refuge. That, it turned out, was just too hot a political potato.

But we can't know for sure because the meetings were secret, and the Vice President has fought tirelessly to keep them that way.

No wonder.

November 23, 2003

Dayton Daily News

Energy bill process is too polluted

WHEN PROPONENTS OF A PENDING ENERGY bill failed to break a Senate filibuster Friday, Republican leader Bill Frist immediately said the hunt for votes would continue.

He only needed a couple more. He might find somebody he could do a favor for. Some attention focused, for example, on two Democratic senators from West Virginia who might be tempted to vote for anything that beefed up the sagging pension funds of the steel industry.

To get the votes that way would be to continue in the spirit of the energy bill, which is designed to have something for everybody. There's \$13 billion worth of tax breaks and favors for the oil, gas and coal industries. There's \$5 billion for renewable energy resources, such as wind and solar energy. There's a mandate for use of ethanol in gasoline, which is popular in farm states and won 13 Democratic supporters for the bill. There's protection from certain lawsuits for a particular industry. And there are smaller favors by the dozens.

The result is a bill that has been criticized outside of Congress from both the right (for its spending and its interference in the energy marketplace)--and the left (for fostering pollution and favoring the old-fashioned sources of energy). But it's popular among

politicians. It breezed through the House of Representatives and had 58 Senate supporters as of Friday.

The legislative process involved here--rounding up votes with handouts--is time-honored. But so is criticism of that process, especially among Republicans. Says generally conservative writer Andrew Sullivan, "How any principled, small-government, free-market Republican could vote for this vast waste of public money is beyond me. But we're beginning to realize that the GOP has nothing to do with small government or fiscal sobriety. It's a vehicle for massive debt and catering to the worst forms of corporate welfare. Thank God for McCain."

Sen. John McCain, R-Ariz., who often opposes bills he feels are larded with undo federal handouts, opposes the bill.

The fundamental purpose of the bill is, in President George W. Bush's view, to stimulate the production of energy. That's a good goal, in a time when the nation is getting more nervous all the time about dependence on Arab oil.

But, given that it's a goal nearly everybody shares, there must be a better--cleaner, less polluting--way to do it. Whether or not the bill fosters pollution as much as environmentalists say, the legislative process is, in this case, a little too polluted.

The Daytona Beach
**News-
Journal**

**Hazardous energy bill
Industry wins, public health and environment lose**

Lucky for the energy bill making its way through Congress, it doesn't have to meet current environmental standards to circulate. It might otherwise have to be declared the legislative equivalent of a Superfund site. President Bush would still be safer to wear a hazmat suit should he decide to sign it. The bill is that toxic.

Some examples: Smog-prone cities may continue polluting longer than the Clean Air Act allows. Coal, oil and gas companies will get up to \$17 billion in taxpayer subsidies that would encourage more exploration and consumption of fossil fuels over conservation and clean technologies. (The nuclear power industry qualifies for some of those subsidies.) Oil and gas industries would be exempt from meeting clean water standards when their construction projects pollute stormwater runoffs. Polluters won't have to worry about contaminating drinking supplies with the poisonous gasoline additive known as MTBE. States would also be forbidden from suing companies to help pay for MTBE cleanups. Offshore drilling would get federal tax breaks and other incentives.

Various forms of radioactive waste would be "reclassified" so that it may be dumped in regular landfills. Public lands, including national parks, would become the sandboxes of energy, mining and timber companies. Oil and gas drilling, hydroelectric projects, high-voltage power lines, logging in national forests – the energy bill vastly expands allowances for it all, even providing logging companies \$50 million a year in taxpayer subsidies to raze trees and burn them for energy.

In all, the bill provides industry \$25.7 billion in tax breaks and incentives over 10 years. President Bush had asked for \$8 billion. The 1,700-page bill teems with special provisions designed to benefit specific companies or exempt specific regions from meeting environmental standards. One Oklahoma mine in

particular is granted a hazardous waste exemption so that it may store radioactive waste in concrete containers and dispose of them cheaper than through hazardous waste landfills. Southern Michigan would be exempt from meeting air pollution standards while the Environmental Protection Agency conducts a "study."

And on go the toxic exemptions, the hazardous pork provisions, the subsidies to dirty energy industries masked as incentives for progress.

The breadth of the bill's potential damage to public lands, public health, coastal areas and even the national treasury is difficult to overstate. Like a USA Patriot Act for the environment, only much larger, the bill is a ream of fine print whose consequences will become more apparent little by little. It was left up to a Republican, Sen. Susan Collins of Maine, to sum up its robber-baron provisions: "It favors special interests, it contains billions of dollars in wasteful subsidies, and it fails to promote energy conservation." But too late to make a difference.

Collins was one of six Republicans and almost three dozen Democrats, among them Florida Sen. Bob Graham, threatening to block the bill. But special favors proved irresistible to those whose vote would have been critical for a bill-blocking filibuster. Senate Minority Leader Tom Daschle gave in on Thursday. His state – South Dakota -- is big in corn production. The bill (which also makes a significant push for research in clean energy such as hydrogen and fuel cells) would double the use of corn-based ethanol. That decided it for Daschle, and with his weighty cave-in, any likely chance of stopping the bill. A vote will probably take place today, and "a collection of the dreams of special interests," as Graham calls it, will head toward the president for his signature.

The whole nation might as well be fitted for a hazmat suit.

November 23, 2003



Energy bill suffers from too much pork

Democratic filibuster mercifully halts a package larded up with special interest giveaways

Senate Democrats did their Republican colleagues a favor by successfully filibustering a porked-up energy bill. The GOP should give thanks for the gift and go home for the holiday, rather than try to revive a bill that stinks so bad of special interest pay-offs that it was condemned by both environmental liberals and free market conservatives.

There were a few good measures in the energy package that should be held onto when Congress takes up the matter again. Most notable is an agreement to spare automakers from job-killing increases in federally mandated fuel economy standards.

Also, the bill would have allowed the federal government to intervene in interstate power transmission line siting, putting an end to the not-in-my-back-yard tactics that threaten to choke off electricity supplies. It also protected oil refiners from lawsuits over groundwater pollution caused by the fuel additive MTBE, which was mandated and approved for use by the federal government.

But that's where the good stuff ends. Any benefits are overwhelmed by the massive giveaways.

The initial goal of the \$72 billion bill was to assure America's energy future. It missed that mark by a mile. Rich oil and gas reserves in Alaska, the Rocky Mountains and along the Continental Shelf were not opened for drilling, as initially proposed.

Instead, the bill provides for \$23 million in tax subsidies to the oil, gas and coal industries to explore other methods of increasing energy supplies.

Also in the bill are \$2 billion in tax credits for the use of renewable fuels like windmills and solar panels, currently the most expensive and least reliable way to produce energy. And there is \$2 billion to prod the sales of alternative fuel vehicles that the marketplace so far has rejected.

There's also a provision doubling the use of corn-based ethanol, a gasoline additive that is expensive to produce and does almost nothing to reduce the dependence on oil. But it does keep farm state voters smiling.

The list goes on, including \$18 billion in loan guarantees for a new Alaskan pipeline, and a few million more to build a shopping mall in New York powered by soybeans.

Had this bill passed and been signed into law, America would have been no less reliant on foreign oil, and no closer to matching its demand for energy with its production of energy.

Congress could have done better than this, and should have.

America needs a comprehensive energy plan. This bill isn't it. Congress should stop looking at the energy package as an opportunity to reward its friends, and get back to work on a focused bill whose only goal is to assure reliable and affordable energy supplies.

The Express-Times

Energy swill

Stalled bill is nothing but pork to feed oil,
power industries' bottom lines

The pork-laden energy bill currently stalled in the U.S. Senate is a 1,200-page monster that could generate some interesting bumper stickers: "We saved the caribou (for now)." "Damn the mpg, start your humvee." And "What blackout?" Does anyone recall the hydrogen car research that President Bush so passionately endorsed in his State of the Union address? It turns out it was hot air. The really combustible, readily available accelerant in Washington is tax breaks for fossil fuel providers, and this week that pump was primed by Congress. The House approved a bill, but by Friday the Senate could not muster the 60 votes needed to end the debate and bring it to a vote.

Thank goodness for the holdouts. This bill is a blatant bottom-line enhancer for the oil and power industries -- which wouldn't be a bad thing if it made a serious effort to develop renewable fuel sources, get companies to work together to shore up an aging power grid, and set realistic gas-mileage goals,

particularly for SUVs and other large passenger vehicles that are exempt from federal efficiency guidelines.

But instead of pushing conservation and alternative fuels, this bill gives us more of the same. True, it wouldn't authorize oil drilling in the Arctic National Wildlife Refuge, but it more than makes up for that concession with deregulation and subsidies, including more than \$15 billion in tax bonuses to the oil, gas, coal and nuclear industries. Another biggie is an exemption from liability for contaminating land and water supplies with MTBE, a toxic gasoline additive.

Sen. John McCain, R-Ariz., one of a few Republican senators standing in the way of the energy bill, described this clunker with his own kind of bumper-sticker: "No lobbyist left behind."

Regardless, President Bush and Republican leaders are dressing up this bill as necessary to ensure national security.

Security for whom?

Herald

Principled senators should stop energy bill

When House and Senate Republicans went behind closed doors to draft a compromise energy bill, you knew Democrats wouldn't like the finished product.

Turns out, even some Republicans can't stand this poor excuse for a policy, one that employs a feeding frenzy of special favors designed to get just enough Democratic votes for final passage.

Republican Sen. John McCain labeled the bill the "No Lobbyist Left Behind" act. Fellow Republican Susan Collins of Maine captured in a nutshell what's wrong with the bill: "It favors special interests, it contains billions of dollars in wasteful subsidies, and it fails to promote energy conservation."

Democratic Rep. Rick Larsen of Lake Stevens may have put it best when he said, "We needed a George Jetson energy policy, and instead we got one built by Fred Flintstone."

This legislation is irresponsible both in its content and in the way it was drafted. Republican leaders shut Democrats out of negotiations, plopping the 1,100-page bill on Democrats' desk just three days before Tuesday's final vote in the House. After passage there, only the Senate can stop it, and a filibuster appears to be the only way.

But it will be hard to muster the 40 votes that will take, because the bill is cynically laden with enough pork to draw the support of a few Democrats. For example, Senate Minority Leader Tom Daschle will vote for the bill because it contains a costly ethanol subsidy that will help him get re-elected in corn-producing South Dakota.

A major energy bill should be visionary, putting an emphasis on developing renewable energy sources and on conservation. This legislation does little of either, instead focusing on incentives for oil, gas, coal and nuclear production. Rather than moving us toward a new era of cleaner, more sustainable energy, it represents business as usual -- in energy consumption as well as special-interest politics.

One of the few positive aspects of the bill is that it holds off an effort to create Regional Transmission Organizations, which would likely dilute the economic benefit the Northwest depends on from hydropower. The bad, however, far outweighs the good.

Sen. Maria Cantwell said on the Senate floor this week that the nation would be better off with no bill at all. She's right. Principled senators should stop this sham and force a fresh start.

The Journal Gazette

A wretched energy bill

The energy bill facing a final vote in Congress reflects special interest politics at its worst. The bill should be defeated.

Failure to adopt an energy bill would be better than the crude, short-sighted legislation Congress is considering. Members have stuffed the bill with unwise, wasteful provisions tailored to meet the needs of narrow interests with lavish sums of money to donate to re-election campaigns.

The nation cannot afford the bill's \$25.7 billion in tax breaks as the federal budget ruptures from earlier tax cuts, skyrocketing military spending, homeland security expenses and possible passage of a prescription drug benefit for Medicare.

A case can be made for more spending on alternative fuels and energy conservation that would lessen American dependence on oil from the Mideast and other foreign sources. But most of the money in the bill is reserved for more dubious initiatives.

One of the most glaring examples of pandering to lobbyists from the energy industry comes from a provision that frees oil companies from lawsuits requiring them to clean up groundwater contaminated in the production of MTBE, a chemical added to gasoline to reduce air pollution.

"Thousands of cities, counties, public water utilities, and city public works agencies are going to get stuck with a huge cleanup bill unless senators speak out against this oil industry bail-out," the Association of Metropolitan Water Agencies said in a press release. "If Congress chooses to protect the

MTBE industry, it will turn the 'polluter pays' concept upside down."

Senate Minority Leader Tom Daschle's support of the bill gives a good example of how sound energy policy has been sacrificed to political calculations. Daschle abandoned his fellow Democrats' plans for a filibuster over the MTBE provision, citing other provisions in the bill that would double the production of ethanol. Daschle is up for re-election next year and corn-derived ethanol is a major issue in his home state of South Dakota.

Sen. Byron Dorgan, D-N.D., had criticized Republicans for writing most of the bill in secret with help from energy industry lobbyists. Then the Republicans inserted a provision opening the way for construction of a coal-fired power plant in Dorgan's home state. Now he supports the bill.

The bill is also notable for what it doesn't contain. Worthwhile proposals for increasing fuel mileage standards in vehicles, moving the United States closer to the rest of the world in addressing the threat of global warming and setting a clear course for improving the nation's electrical grid are all missing from what was supposed to be the most ambitious attempt at setting energy policy in 10 years.

Instead, the bill has turned into a feast for special interests, aptly titled "leave no lobbyist behind" by U.S. Sen. John McCain, R-Ariz.

Fiscal sobriety and the nation's urgent unmet energy needs demand that the bill be defeated. Congress should either start over immediately or wait until after voters are heard from in the 2004 elections.

A PULITZER PRIZE-WINNING NEWSPAPER

GREAT FALLS TRIBUNE

Here's hoping the energy bill stays stalled

The massive energy bill that has Congress tied in knots as it tries to break for the holidays can't stand the test of scrutiny.

Even its chief sponsor, Sen. Pete Domenici, R-Ariz., knows it.

That's why he kept the whole thing secret since House-Senate negotiations began almost four months ago, trying to reconcile differences in the two houses' bills.

We should add that those closed-door "negotiations" included no Democrats, even though by most counts Dems represent about half of the nation's citizens.

We're not sure what that is, but it's not democracy.

Domenici explained his secrecy and the fact that he was giving the unwashed among congressional members just a few days to digest the 1,200-page bill by saying:

"We know that as soon as you start reading the language, we're duck soup."

In other words, dear colleagues, if you know what's in the bill, you won't vote for it, so we're going to make you vote for it before you know what's in the bill.

That's insane.

We know making law is likened to

making sausage ("You don't want to watch," and yada yada), but we wouldn't touch this sausage with a 10-foot pole.

And we're extremely disappointed in Montana's senators for voting Friday to block a filibuster that should stall the legislation.

Below on this page, we'll take a look at some of the minuses and pluses of the Energy Policy Act of 2003.

We think it has more negatives than positives, and we knew going into this weekend that there were aspects of the bill we simply couldn't abide.

We therefore asked Gail Abercrombie of the Montana Petroleum Association to detail her organization's support of the legislation, and she graciously obliged. Her counterpoint column also is below; we hope the combination of our words and hers helps readers understand the energy bill.

As for the legislation, it has passed the House, and Senate Majority Leader Bill Frist says he will take another run at getting the Senate to approve it as soon as he thinks he has the votes to overcome the filibuster (he was two votes short on Friday).

We hope he doesn't succeed.

November 21, 2003

Hartford Courant.

Energy Bill: A Grab Bag

Sen. John McCain calls comprehensive energy legislation now before Congress the "leave-no-lobbyist-behind" bill and said it resembles an "Iranian bazaar" because of the billions of dollars of sweet treats it offers to energy producers. He is right in vowing to oppose the bill on the Senate floor unless major changes are made. The bill has passed the House and is slated for action in the Senate today.

Short-term increases in domestic production of oil, coal and natural gas could be expected if the legislation is enacted. The package also imposes reliability standards on large electricity providers in hopes of preventing the kind of large-scale blackout that affected the Northeast in August. That's good.

But the proposal strips some existing environmental protections and stints on conservation measures. Most disappointing, there are no requirements to improve auto mileage. The bill's provisions seem to fall short of one of President Bush's key goals: to lessen the United States' dependence on foreign oil. There is little in the measure to appreciably dampen energy consumption.

The energy package offers an estimated \$23 billion in tax breaks, mostly for the oil, gas, nuclear and coal industries to stir more domestic

production of energy. There are much smaller incentives aimed at improving energy efficiency in homes and for such things as expanding the generation of power through wind.

In a victory for environmentalists, the bill omits a cornerstone of Mr. Bush's energy policy: drilling for oil in the Arctic National Wildlife Refuge. GOP leaders who wrote the bill knew that including the controversial provision would probably doom the measure's chances for passage. The public opposes by a wide margin oil and gas development in that part of the Alaska wilderness.

But that's about the only olive branch handed to Americans worried about the environment. Bill drafters offer producers of MTBE, a gasoline additive that is said to contaminate underground water supplies, an exemption from product liability lawsuits during its 10-year phase-out. That's outrageous - an unwarranted gift to MTBE's producers. The bill also weakens some clean air and clean water protections and clears the way for more oil and gas drilling on public lands.

The energy bill lacks balance. It is tipped too far toward production at the expense of the environment and conservation. At the very least it should have required greater fuel efficiency in cars.

November 21, 2003

HonoluluAdvertiser.com

House energy bill: an embarrassment

One measure of how badly the U.S. House has failed the nation's energy interests: While our lawmakers have been busy crafting loopholes to make American cars less gas-efficient than they are now, the Chinese are about to impose fuel-economy standards on new cars and SUVs that will be significantly stronger than ours.

The fact that this is more about reducing dependency on oil than global warming or the environment does not diminish the lesson.

Hawai'i Rep. Ed Case blasted the energy bill, calling it "a disgrace epitomizing everything that's wrong with our national political process today." He joined Rep. Neil Abercrombie on the losing side of the 246-180 vote.

Aside from refraining from approval of oil drilling in the Alaska wilderness — one of the few things this bill got right — this is a throwback bill that promotes 20th-century coal,

gas, oil and nuclear industry programs at the expense of 21st-century conservation and renewable energy.

One of the bill's biggest boondoggles supports production of ethanol from corn as a gasoline additive. It arguably takes more energy to produce the additive than it saves in fuel efficiency.

House Republicans crafted the bill behind closed doors, giving their Democratic colleagues and the public only 48 hours to read its 1,700 pages before it came to a vote. Had they had time to see and understand this bill, taxpayers would have revolted.

The bill, which critics say will cost more than \$100 billion, now goes to the Senate, where it may encounter enough resistance to derail it, including from some disgruntled eastern Republicans. We urge Sens. Akaka and Inouye to help defeat this turkey.



Energy bill More than enough to go around

Democrats in the Senate, particularly shaken by a provision in the comprehensive energy bill that would give manufacturers of a gasoline additive protection from lawsuits over groundwater contamination, threatened to filibuster this week to block a vote.

But pork has a way to feed high-profile defections from well-placed protest. And it did again on Wednesday, when Sen. Tom Daschle, Democratic leader in the Senate and otherwise one of the most outspoken critics of White House folks behind this bill, said he could overlook his concerns on MTBE contamination to vote for a bill that offers such hefty subsidies for ethanol production. Ethanol is derived from corn, an important staple in South Dakota, where Daschle faces re-election next fall.

Daschle isn't the only one enticed by giveaways in the first extensive energy bill since 1992. It's legislation clearly bent on spreading enough tax breaks and big-business incentives over 10 years to grease it through Congress.

Tripped up for two years over whether or not to allow drilling in Alaska's Arctic National Wildlife Refuge, the White House stripped that no-win idea from the package to preserve the thick

incentives left for friends in the oil, gas and coal business, including speedier permitting processes and eased environmental controls.

The fact that the bill is still short on far-ranging conservation efforts and renewable resources -- including no significant increases in fuel efficiency for vehicles -- probably won't hurt it any further. It won't, at least, under the guise of what Sen. John McCain has been calling the No Lobbyist Left Behind Act.

The trade-offs in the energy bill should give senators more than just second thoughts. We've supported increased ethanol production -- which would be a boon to our corn-fed region -- but the idea of giving industry a free pass on product liability for drinking water threats caused by MTBE leaking from underground tanks is particularly unsettling. As Sen. Dick Durbin, a Democrat from the corn-rich Illinois, said: "I've been for ethanol for 21 years, and I just can't do this. That's a bargain with the devil."

Since the bill sailed through the House on Tuesday, critics have railed: No wonder this legislation, initiated in private by Vice President Cheney, spent so much time behind closed doors. They're right. Out in the open, it reeks of the worst a pork-producing Washington can pump out.

The Star-Ledger

THE NEWSPAPER FOR NEW JERSEY

China's good example

For years, activists have pressed for tougher automobile mileage standards, saying these would cut pollution and reduce dependence on foreign oil. It's common sense, even patriotic stuff. Now the tougher standards are finally coming.

Not in America. In China.

China's new rules will be significantly stricter than those in the United States. And the Chinese won't rig the game by providing loopholes for gas-guzzling SUVs and minivans.

American automakers and their servants in Congress have fought such reasonable changes for years, which is one reason the average mileage for the nation's fleet has dropped to its lowest level since 1980. We have the technology to do much better. What's missing is the political will.

China is no paragon of environmental virtue. This is about self-interest, albeit with a far-sightedness that has escaped American leaders. The Chinese economy has been growing on steroids as it has snatched manufacturing jobs

from the United States and other high-wage countries. Workers have more money than ever before, and China's leaders know that an automobile boom is on its way. Think America after World War II.

In the last decade, China has gone from being an oil exporter to importing about a third of its needs. That is just about the percentage America imported back in the early 1970s, when an oil embargo created four-hour gasoline lines and an energy crisis that helped push the nation into a punishing recession.

China's planners don't want to leave themselves vulnerable by relying on imports for more than half their oil, which is what we do now. They want to slow the trend while they may still have a chance.

Detroit and Japan are salivating at the chance to meet the burgeoning Chinese demand for cars and SUVs. If that means they will finally start producing cars that are super-efficient, you will know whom to thank.

Not Washington. Beijing.

The Oregonian

Find the energy to kill the bill

Senators should not let pork or haste drive their vote on a fatally flawed and bloated bill on the nation's energy

United States senators of both parties are having last-minute doubts about the \$32 billion energy bill before them. They should. This pork-stuffed turkey doesn't deserve to become law.

We have long urged Congress to pass a comprehensive energy bill. The nation needs better reliability standards for its electricity transmission system, higher fuel-economy standards, greater investment in renewable energy and more incentives to conserve power. We've also urged greater protection for the Bonneville Power Administration, which controls about 75 percent of the Northwest power grid.

This 10-year package of tax breaks and incentives accomplishes some of that. But the cost is too great -- both in the drain on the U.S. Treasury and in the backward lurch for the nation's energy policy.

Last summer's massive blackouts in the Northeast renewed Congress' interest in the languishing energy bill. Along with the prescription-drug package, the bill is one of the major pieces of go-home legislation before Congress adjourns for Thanksgiving.

Distressingly, the bill has grown into something even President Bush might not recognize. The price tag is nearly three times larger than the White House once said it would support. The bill is 1,148 pages of tax breaks for the oil, gas, coal and nuclear industries, garnished with costly goodies for the home states of undecided senators and topped with a few conservation-laced treats.

It is tempting to be swayed by the good news within this bill. The latest version does include

provisions that could lead to better reliability for electricity transmission. The Bonneville Power Administration won't be forced by federal regulators to participate in a regional transmission organization, which would protect Northwest ratepayers rightly worried about higher rates under that system.

In other good news, the bill would protect the Arctic National Wildlife Refuge from drilling. President Bush pushed hard for drilling on Alaska's north coast, but Congress dropped the politicized plan for now.

But the bill's bad news is impossible to stomach. It would extend the nation's dependence on nonrenewable, polluting industries. It would extend liability protections and offer at least \$6 billion to the nuclear-power industry. It would shield the makers of a gasoline additive from liability lawsuits, though the additive is known to contaminate drinking water. It lacks better fuel-economy standards. It would exempt oil and gas companies from key provisions in the Clean Water Act.

And it would do very little to prevent consumers from a future Enron manipulating the markets.

We're no strangers to Congress' habit of turning bills into wish lists and rushing them through quickly. Many legislators appreciate the advantages of being able to say later, with a straight face, they weren't fully aware of the consequences of the bills they passed.

But senators know enough about this fat bundle of tax breaks trussed up as an energy bill. They know they shouldn't expect their constituents to swallow it.

November 21, 2003

PENSACOLA News Journal

PensacolaNewsJournal.com

'Free market' getting costly in Washington

When The Wall Street Journal can't decide whether it's more disgusted with the Republicans or the Democrats, you know the pork is being sliced in thick slabs in Congress. And with the energy bill, they're using a saw because carving knives aren't big enough.

"The GOP leadership has greased more wheels than a NASCAR pit crew" the conservative newspaper opined this week, calling the deal-laden energy bill "one of the great logrolling exercises in recent congressional history."

"Logrolling" is an old term that means "I'll vote for yours if you'll vote for mine."

In this case, they've voted for about \$72 billion in new spending (not counting \$23 billion in "tax giveaways" to the oil, gas, coal and nuclear industries). All of which will, of course, be piled atop the growing federal debt.

The conference bill was approved Tuesday by the House, 246-180, including a "yea" by Rep. Jeff Miller, R-Chumuckla, who calls himself a fiscal conservative. It is especially disappointing given that the bill also grants exemptions from liability to oil companies and refineries that make and use MTBE, a gasoline additive that is polluting water supplies in 28 states -- including here in Miller's district.

The Escambia County Utilities Authority rushed to file a lawsuit in October on the

contamination in hopes of sparing its customers from having to foot the entire cleanup cost -- but the bill backdates the exemption to Sept. 5, apparently nullifying ECUA's effort.

Congress has stuffed the bill with three times the subsidies that President Bush said he would accept -- but no one expects a veto. Every big energy player in Washington is getting a tax break or other subsidy, all courtesy of a GOP leadership that claims to believe in the free market (paid for courtesy of the American taxpayer).

Forty-six House Democrats bellied up to the trough, too. And the Republicans need them -- the better to avoid having to explain all by themselves why the deficit-ridden federal government should be giving big, profitable energy companies subsidies to do what they would do anyway.

Senate Democrats and a few Republicans are threatening to filibuster the bill -- but without Minority Leader Tom Daschle, D-S.D., bought off with huge ethanol subsidies.

The Journal notes that the "energy" projects in the bill include a "green" mall in New York, riverfront shops in Bossier City, La., and an indoor "rainforest" and aquarium in Iowa. Also there is a huge subsidy for a natural gas pipeline from Alaska that the gas companies wouldn't build if left to the discipline of the free market.

We urge Sens. Bob Graham and Bill Nelson to oppose this bad bill.

Journal Star

Energy bill has become pork-filled monstrosity

In the month before Christmas,
Congress giveth thee:
A natural gas pipeline,
New nuclear plants,
Twice as much ethanol,
Wells that pump marginally,
Energy-efficient traffic lights,
Coastal erosion repairs,
Fuel made of restaurant grease,
A Hooters for Louisiana,
A rainforest for Iowa,
A soybean-powered mall,
Softer pollution standards,
And protection for MTBE.

The proposed federal energy bill which subsidizes all of the above may not be everything Congress' true loves have in mind, but it comes close.

"A hodgepodge of subsidies for the politically well-connected," Sen. Ron Wyden of Oregon called it. "A bargain with the devil," said Illinois' Dick Durbin, referring to the \$2 billion bailout of those who have polluted water supplies with the fuel additive MTBE. But leave it to John McCain, the Arizona Republican, to deliver the best line. He dubs the proposal the "Leave No Lobbyist Behind Act."

If what is otherwise known as the federal energy bill passes the Senate today (the House approved it Tuesday), you will know why, and it's not because it will make the nation less dependent on foreign oil. It is because it oils the powerful.

The bill awards \$23 billion in tax breaks, two-thirds going to fossil fuel producers. The total is nearly three times what President Bush sought, but he says he'll sign it anyway. Since

the legislation is some 1,100 pages long, it's hard to be sure, but Taxpayers for Common Sense says it spends \$95 billion altogether. It does little to promote conservation or renewable energy, some \$1.5 billion in incentives. It ignores the fact that the single most important step the United States can take to shrink oil imports is to raise fuel efficiency standards; no such proposal is in this legislation. You might expect that from a bill that began with a secret task force formed by a vice president who refused to make its work public and that was finished in an equally secret series of huddles.

Some of the power producers who would get the biggest boost are Midwesterners, who would benefit greatly from a doubling of the federal ethanol mandate to five billion gallons a year. There would be \$2 billion in road fund subsidies to compensate for lost gas taxes. Given ethanol's legitimate role in cutting petroleum consumption, and the national interest in keeping farmers on the land, this is one of the bill's better provisions. But our regional biases are showing.

The most worthwhile section addresses the nation's electricity grid reliability. The Federal Energy Regulatory Commission would get authority to intervene in controversies over transmission lines, and reliability rules would be imposed. If this section were a partridge that could be separated from the whole pear tree, it would be worthy of adopting.

Unfortunately, it doesn't work that way. And not all of the drummers drumming, or all of the pipers piping, can turn this into a gift worth keeping. It would take more energy than we have to imagine a greater monstrosity.

November 23, 2003

The Philadelphia Inquirer

The Energy Bill

Senators should kill bill for good

The junker of an energy bill ran out of gas Friday. Despite last-minute arm-twisting from the White House, it pattered to a stop a couple votes shy of handing out billions to industry, degrading the environment, and running up the budget deficit.

Congratulations to senators who want something better for the United States, including Democratic Sens. Jon Corzine and Frank Lautenberg of New Jersey and Joseph Biden and Tom Carper of Delaware.

And Pennsylvania Republicans Rick Santorum and Arlen Specter? They chose their party over their state.

Perhaps they missed an important nuance in the debate. This bill became more a regional than a party battle. The Northeast had the least to gain in perks and pork and the most to lose

in public health and air and water quality. That's why five Northeastern Republicans crossed party lines to oppose the bill.

Specter had raised the right objections in letters this fall to Energy Committee Chairman Pete Domenici (R., N.M.), but he lacked the courage to follow through.

Unfortunately, this wreck of a bill may not be permanently parked.

Senate Majority Leader Bill Frist promises another vote, perhaps tomorrow. While the energy bill can't be altered - it requires an up or down vote, as is - other deals are on the table. To quote Sen. John McCain (R., Ariz.), king of the one-liner in this sordid mess: "The store is open." The leadership is expected to make all kinds of promises to woo votes.

If anyone does any rethinking, it should be senators who voted like Specter.

November 21, 2003

The Philadelphia Inquirer

Energy Bill Shoot this turkey

The energy bill is a pork-laden industry payoff that promotes yesterday's technology, scars sensitive landscapes, and pushes America further into a budget deficit.

It's a turkey. Senators can talk from now through pumpkin pie next Thursday, and this bill isn't getting any better. They should vote it down.

Sen. Pete Domenici (R., N.M.), who helped shape the final bill, rightly confessed last week that "as soon as you start reading the language, we're duck soup."

What worried him? Maybe the \$23.5 billion in tax breaks to fossil-fuel interests. Or payoffs to farm states through ethanol subsidies. Or the grab bag of goodies to buy individual votes.

Perhaps it's because Republicans punted

instead of tackling the long-term reliability of the nation's electrical grid. And gave a "get out of jail free" card to makers of MTBE, which has polluted the water supply of 1,500 communities.

Domenici spent much of yesterday sidestepping tough questions on the Senate floor. He absurdly claimed this omnibus bill was Congress' sole chance to address energy issues - as if the issues couldn't come up again in separate bills, as they should have in the first place.

This bill isn't good energy, fiscal or environmental policy. It pits region versus region - with the Northeast having the least to gain and the most to lose.

Pennsylvania, New Jersey and Delaware's senators should do what's right for their states. Vote no on it.

The Providence Journal

Pork for Christmas

For those who cynically see politics as little more than an amalgamation of narrow and rich special interests, the energy bill that recently passed in the House and is now awaiting a Senate vote is the perfect case-in-point.

The bill, originally supposed to solve such pressing national problems as energy blackouts, fuel-supply shortages, and price spikes, has instead degenerated into an 1,100-page bonanza of special-interest tax credits and subsidies, most of which go to the coal, oil and natural-gas industries (which, last time we checked, wasn't in any particular need of almost \$20 billion in tax breaks).

Sen. John McCain (R.-Ariz.), who said he will support a Senate filibuster to avoid a vote on this awful bill, has called it the "no-lobbyist-left-behind bill."

Some proposals in the bill are blatant corporate giveaways. For example, the House-approved version would limit the liability for companies that make MTBE, a fuel additive that pollutes drinking water. It would delay the deadlines for certain states to comply with clean-air requirements. It would repeal the Public Company Utilities Holding Act (PUHCA), a New-Deal era law designed to protect utility ratepayers.

Other proposals are blatantly designed to attract the support of specific lawmakers. Massive subsidies for ethanol, produced from corn and soy, could help win support from farm state lawmakers, such as Tom Daschle, the Democratic minority leader, from South Dakota. Loan guarantees for a power-plant using lignite coal from the Great Plains sweeten the deal for North Dakota Senators

Byron Dorgan (D) and Kent Conrad (D).

Money for "clean coal," meanwhile, appeals to legislators from coal states like West Virginia, Kentucky and Pennsylvania. Go down the list, and there's a pet project for everybody and their biggest donors. But add it up and the cost will be almost \$72 billion.

Which is an awful lot of money to spend, considering what terrible public policy this bill is. Indeed, the bill is an abject failure in dealing with real national energy concerns. For example, it fails miserably in directing the necessary upgrades and reliability standards for the national energy grid, whose dangerously worn-out condition was on display this August during a major blackout. And though bill supporters assert that massive subsidies to coal, oil and gas companies can help us reduce our dependency on foreign sources of energy, they are blatantly ignoring a much cheaper and long-term solution to this pressing problem -- improvements in the fuel efficiency of our vehicle fleet, which accounts for a vast majority of our oil consumption.

If we can say anything good about this bill, it does offer a few nods to renewable sources of energy and hydroelectric power initiatives. But these tax credits and incentives are woefully minor when compared to the embarrassingly generous treatment of coal, oil, and gas, and fall way short of what is needed to clean up our energy economy.

We urge senators to reject this early Christmas present to rich polluters and instead to take a long, hard, and honest look at how America can develop new clean, efficient, reliable, and independent ways to power our economy.



Energy bill is weak on solving problems

The bill favors the oil, coal and gas industries and give short shrift to aiding in the development of conservation and energy alternatives.

Despite its size more than \$30 billion by most estimates the energy bill produced by a Republican-controlled conference committee and passed last week by the U.S. House allots only a pittance toward actually solving the nation's energy problems.

It should come as no surprise to anyone that two-thirds of the bill's approximately \$23 billion in tax breaks and subsidies go to the oil, gas, coal and nuclear industries. After all, both President Bush, who has been pushing for passage of an energy bill, and Vice President Dick Cheney, who met secretly with energy industry executives early in his tenure, are former oil men and would be expected to take care of their own.

The bill contains a huge amount of political pork, causing Sen. John S. McCain of Arizona, one of the rare Republicans to find fault with the measure, to quip, "It's a leave-no-lobbyist-behind bill."

But what is really disheartening about the bill is that it allocates only \$1.5 billion to promote energy efficiency and conservation. Another \$5.2 billion in tax breaks will go toward developing renewable energy sources, such as corn-based ethanol.

Fossil fuels are finite, and the government needs to be encouraging reduced dependency on them rather than rewarding the oil, coal and gas industries for continuing to deplete them.

Oil, gas and coal will be needed for years to come, but unless the government begins to promote conservation and alternative forms of energy now, those reserves will be used up much quicker than they need to be.

But, as we have discovered, finding alternative energy sources will not be easy. Wind and solar energy have limited applications. Hydrogen-powered automobiles have safety issues.

More research is needed, which is why the amount provided for that purpose in the bill is far too inadequate if reducing dependency on fossil fuels is ever to be achieved.

"This is a grab-bag of goodies for special interests at a time when we desperately need a comprehensive energy policy to deal with the very real energy problems our nation faces," said Sen. Charles E. Schumer, a New York Democrat.

But giving short shrift to reducing dependency on fossil fuels is not the only worrisome aspect of the bill.

Under a provision of the measure, manufacturers of MTBE, an additive designed to make gasoline burn cleaner that has tainted water supplies around the country, would be protected from product-liability lawsuits.

More than \$100 million in lawsuits concerning MTBE have been settled, and many more are pending. The bill would void the more than 20 lawsuits filed after Sept. 2, including one filed by New Hampshire.

The bill would ban MTBE from gasoline, although the president could lift the ban, but it also would give makers of the additive \$2 billion to phase out of the business.

"It's a raw deal for the public," said Katie McGinty, head of the Pennsylvania Department of Environmental Protection.

In fact, energy customers aren't expected to reap very many benefits from the measure at all. The one exception might be the stabilization of soaring natural gas prices after construction of the proposed Alaska-to-Chicago pipeline, but that's at least five years away.

The bill is the first major overhaul of the U.S. energy policy in a decade. That's why it's disappointing that it does so little to help us prepare for a future in which there will be less and less oil, coal and gas.

THE ROANOKE TIMES

Averting the next blackout Transmitting electricity is a natural monopoly. It should be regulated as such

Improper procedures at America's fourth-largest investor-owned utility, according to a report Wednesday by a U.S.-Canadian government task force, were largely to blame for the Aug. 14 power outage that cut off electricity to 50 million people in eight states and Canada.

Ohio-based FirstEnergy Corp., the report said, failed to meet standards in areas ranging from the mundane (not trimming trees near transmission lines) to the technically complex (computer shortcomings).

But considerable fault also should be pinned on the federal government, for allowing electricity deregulation to proceed without adequate attention to regulating the transmission part of the industry.

The transmission standards that FirstEnergy reportedly failed to meet are voluntary. A good provision in the otherwise terrible energy bill now in the U.S. Senate would change that. Though the energy bill should be laid to rest, the enforceable-standards provision should be removed from it and passed as a separate measure.

That alone, however, will not solve the broader challenge of fixing what then-Energy Secretary Bill Richardson a few years ago termed this country's Third World system of transmitting electricity. The challenge is made only more pressing by the prospect of huge interregional transfers of power under a deregulated regime of electricity generation.

Moving to a First World transmission system will require, among other things, a better appreciation of the fact that transmitting electricity, as opposed to generating it, is clearly a natural monopoly.

For a natural monopoly like electricity transmission, the obvious models are pre-deregulation electrical utilities, businesses vigorously regulated in exchange for the privilege of a guaranteed rate of return. The costs of upgrading and maintaining the transmission infrastructure should be borne by those who rely on it - the deregulated generators directly, and ultimately the ratepayers who consume the electricity that the generators produce.



A bitter bill

Bloated U.S. energy legislation fails to look toward the future

The energy bill approaching the finish line in the U.S. Senate is long on tax breaks for energy producers and short on new solutions and conservation measures.

It does not deserve passage. Congress is missing an opportunity to improve the country's energy policy at a time when a new approach is direly needed.

Instead, the energy bill, which was born in secret sessions led by Vice President Dick Cheney and attended by industry heads, represents more of the same.

New federal regulation of high-voltage power lines, which could prevent future massive blackouts, and permanent protection for the Finger Lakes from fuel drilling are lonely bright spots in the legislation, which is expected to go to a Senate vote today.

Amid pages of tax cuts for domestic fuel producers, relaxation of regulation and pollution laws, and regional pork projects, there are few conservation initiatives and little support for alternative fuels.

Twenty-three billion dollars of the more than \$25 billion in tax cuts will go to producers of nonrenewable fossil fuels such as coal, gas and especially oil. This approach is

shortsighted.

While stability in the Middle East seems little more than a dream, decreasing American dependence on oil, foreign and domestic, should have been a priority. More investment is needed in renewable resources, such as wind and hydroelectric and solar power.

An obvious failing of the energy bill is that fuel efficiency standards for vehicles were hardly considered.

With the rising popularity of vehicles like the Hummer H2, which averages little more than 10 miles per gallon, it is clear that more must be done to curb the American appetite for energy. It is the highest in the world.

Support for the bill, which coasted through the House with a relatively bipartisan vote, was gained mainly in exchange for regional projects, which have caused the cost of the legislation to swell to three times its original figure.

It's unlikely that this bill, the first energy legislation in 10 years, would leave the country better off than it was before.

Lawmakers could have done more to prepare the country's energy policy for the future.



The best and worst from Congress

We interrupt your regularly scheduled programming dominated by the Iraq war, protests in Britain and Michael Jackson to inform you of four pieces of important legislation that Congress hopes to approve before Thanksgiving. Two should pass as they are, but the other two will do more harm than good. They are also examples of how bills can be distorted when lawmakers cravenly pander to special interests in order to influence votes back home.

The Medicare bill. It's heading for votes in the House and Senate, and we hope it fails. The House version scored high marks for features that included price competition, cost containment and saving accounts. But the compromise bill falls far short of incorporating the market reforms the program needs to escape the clutches of those whose ultimate goal is to nationalize the health care system.

We've never been comfortable with the idea of a prescription drug entitlement for everyone. If Congress' real purpose was to assist seniors without the means of keeping up with rising drug costs, it could have done so for far less than \$400 billion over 10 years. And with so many baby boomers joining the Social Security and Medicare rolls soon, there's a good chance \$400 billion isn't the ceiling.

Which is why introducing competition into Medicare is so desperately needed. The House proposed nationwide price competition between government and private drug plans beginning in 2010. But the "compromise" deal watered it down to a pilot program in six cities, thanks in part to Colorado Sens. Wayne Allard and Ben Nighthorse Campbell, who unfortunately wanted to strip direct competition, including the pilot

program, from the bill entirely.

The energy bill. Congress' first attempt at comprehensive energy legislation since 1992 was more than three years in the making and is another squandered opportunity. The bill's \$25.7 billion price tag doesn't include an estimated \$23 billion in tax giveaways to the nuclear, oil and gas and coal industries. And to win votes in the Farm Belt, it mandates doubling ethanol use that will add \$8.5 billion to gasoline prices over each of the next five years.

Another greasy piece of pork is \$350 million in tax exempt "green bonds" for development projects. Rep. Bob Beauprez is grabbing millions for a shopping mall in Lakewood, though that's not nearly half as bad as Sen. Chuck Grassley's bid to use the bonds to build a tropical rain forest in his home state of Iowa.

Mutual fund oversight. We like a bill the House passed Wednesday to curb trading abuses and increase oversight of the \$7 trillion mutual-fund industry. Denver-based Janus and other firms have yet to account for practices that have hurt fund values for millions of long-term investors. A Senate version should be fine-tuned to keep compliance costs low.

Healthy Forests Restoration Act. Finally and happily, the prospects look brighter than ever that Congress will approve a compromise version of Rep. Scott McInnis' forest act, under which environmental and judicial reviews would be streamlined and the use of lawsuits curtailed to permit thinning projects on fire-prone federal land. Our only lament is that it's taken three long years to pass such much-needed legislation and that only the recent California fires, which scorched 740,000 acres and claimed 24 lives, spurred lawmakers to act.

November 21, 2003



San Antonio Express-News

So-called energy bill not worth approval

To say that the comprehensive energy plan before the Senate today is either comprehensive or a plan is little short of laughable.

The Bush-Cheney approach to energy planning, as aided and abetted by Republican Sens. Pete Domenici of New Mexico and Billy Tauzin of Louisiana, is not unlike a heedless holiday shopper rushing through the aisles at Target and tossing gifts at random into an overflowing cart.

For this metaphorical shopper, the only "plan" is to make sure that the wealthy relatives get a cornucopia of big-ticket items (wouldn't want to jeopardize the inheritance, you know), and the kids get something — anything — to keep them from whining.

So it is with the Domenici-Tauzin approach, building on Vice President Dick Cheney's notorious secret meetings with energy industry honchos three years ago.

The power planners in Congress made sure, first, to plug into the package billions in tax breaks to power producers (oil, coal, gas and nuclear). These groups just happen to be major campaign contributors.

Then they set about tossing in goodies to entice wavering Republicans and skeptical Democrats. For example, lawmakers from Midwestern farm states, including Senate Minority Leader Tom Daschle of South Dakota, have been wooed, and won, by generous subsidies for corn-based ethanol.

Given the generous tax breaks, the bill is

calculated to cost \$23.5 billion over 10 years. Energy companies would receive three-fourths of the tax incentives.

"It favors special interests, it contains billions of dollars in wasteful subsidies, and it fails to promote energy conservation," Sen. Susan Collins, R-Maine, told the New York Times.

Despite the opposition of the Maine senator, joined by a handful of her Republican colleagues and a number of Democrats, the 1,700-page bill is likely to pass. The bulging goody basket is just too enticing to pass up. It should not be approved.

If it is, this will be the Scarlett O'Hara approach to energy planning: "I'll think about it tomorrow."

A comprehensive energy plan worthy of the name would reduce the nation's dependency on foreign oil by, among other things, imposing more stringent fuel economy standards on cars and sport utility vehicles. (China can do it; why can't we?)

A serious plan would encourage efforts to save energy and clean the air by making homes, offices and factories more energy-efficient. It certainly wouldn't reward some of the biggest polluting companies in the nation, as this bill does.

An energy plan that was actually comprehensive would make sure that renewable energy sources — wind, solar, biomass — received more support.

This is not a comprehensive energy plan, and it should not pass.

November 21, 2003

San Francisco Chronicle

Energy bill giveaway

THE U.S. SENATE should reject the unabashed boondoggle known as the "energy bill."

Sen. Dianne Feinstein, D-Calif., on Thursday called it "one of the worst pieces of legislation I have seen."

It probably should not be a surprise that a measure written behind closed doors would turn into a special-interest grabfest. But the gluttony in this bill is audacious even by Washington standards.

The bill is projected to cost \$72 billion in federal spending and another \$23 billion in tax breaks over the next decade, according to the group Taxpayers for Common Sense.

What's worse, large chunks of the money will be directed in ways that will work against the environment, against consumers, against conservation and against energy independence.

The ethanol mandate is one of the more

egregious examples of the way the bill rewards special interests at the expense of the public good. The government would be requiring an increase in ethanol consumption -- a gift to corn farmers, especially the agribusiness giant Archer Daniels Midland, which controls 46 percent of the ethanol market -- that will almost certainly result in higher gas prices and elevated smog levels.

Oil and gas companies also would receive an array of protections from environmental reviews and lawsuits. The bill does nothing to improve fuel efficiency standards or address global warming. It does not do nearly enough to promote conservation or renewable technologies.

The Senate should reject an energy bill that is weighted toward taking care of existing oil, coal and nuclear energy companies -- while burdening taxpayers and the environment.

November 22, 2003

SAN GABRIEL VALLEY **TRIBUNE** www.sgvtribune.com

Polluters should foot bill

WE always have supported the principle that polluters should pay for cleanup. It is the driving force behind ground-water cleanup agreements either completed or in-process in Azusa-Baldwin Park, El Monte and South El Monte, Puente Valley, Whittier Narrows and at the Jet Propulsion Laboratory in La Canada Flintridge all where rocket fuel, or carcinogenic compounds used in the 1940s and '50s have contaminated the underground water supply. Extracting these chemicals and enabling water suppliers to re-open closed wells is indeed a costly venture but a necessary one in order to guarantee our region's water quality and future water supply.

For example, NASA and JPL should pay for a \$15-million treatment facility so two closed wells of Pasadena Water and Power could start pumping again.

Likewise, Aerojet in Azusa has been ordered to pay for cleanup by the U.S. Environmental Protection Agency for a massive cleanup facility being built that will rid wells of pollution. Others, such as Carrier Corp., has agreed to participate in cleanup in the Puente Valley. The model of cooperation goes to a group of 13 smaller companies in South El Monte led by Cardinal Industries who've voluntarily agreed to put up \$4 million for initial cleanup. The list of polluters paying for cleanup is finally growing. We're seeing our way out of this half-century-old toxic quagmire.

But there is a new threat to our ground

water from a defective gasoline additive called MTBE, which is leaking from underground tanks and spreading rapidly into some water supplies, mostly in Santa Monica and in Orange County. Nervous water purveyors in our region say they have not detected MTBE but are worried because of its volatile nature. It travels quickly, permeating the water supply with a turpentine-like smell. Health officials cannot determine a "safe level" of MTBE.

Again, we believe those responsible should pay for the cleanup, not the taxpayers. That's why the national energy bill which lets the makers of MTBE off the hook by shielding them from product liability lawsuits is wrong.

We've already seen how companies in South Lake Tahoe can pay for MTBE cleanup. The courts held Shell, Texaco, Tosco, Lyondell Chemical (Arco Chemical) and Equilon Enterprises responsible for MTBE; they've agreed to put up \$60 million for cleanup of water wells. In the world of environmental law, that is progress. Let's not take away a cleanup revenue stream by shielding those responsible for contaminating our water supply.

Why would the federal government under Superfund law hold companies responsible for cleanup today that acted legally and according to the law in the 1940s and 1950s, yet absolve those companies that may have acted negligently under more recent environmental laws? That is a double standard that is bad policy and bad law.

The Republican.

However its sliced energy bill's a turkey

Government leaders are concerned that the nation is becoming too dependent on oil imports, so they are taking steps to impose stringent fuel efficiency standards on new cars.

And, under pressure from the government, automakers agreed to the new standards because, as one executive put it, "we had no choice."

So who are these concerned government leaders?

The Chinese.

China is preparing to impose fuel efficiency standards for new cars that are tougher than those in the United States, another super power that depends far too much on oil imports from unstable countries in the Middle East.

The U.S. could learn a thing or two from the Chinese on energy policy.

We applaud the coalition of Democrats and Republicans that blocked approval of a major energy bill in the Senate on Friday.

As we noted last week, the Bush administration-sponsored energy bill would revive the nuclear power industry, provide major tax breaks to energy companies,

encourage greater use of fossil fuel in power plants, and it would fail to ban the kinds of wholesale electricity manipulation masterminded by Enron Corp.

And, unlike what's happening in China, the bill would make no major changes in the fuel efficiency standards for new cars.

It would reward energy producers, punish the environment, and is so loaded with favors that Sen. John McCain, R-Ariz., called it a "Thanksgiving turkey" stuffed with goodies for special interests.

One of the bill's most alarming provisions is a partial liability waiver for producers of the fuel additive methyl tertiary-butyl ether, or MTBE, from lawsuits alleging contamination of water supplies.

Proponents will attempt to recycle this bill, and present it again with only modest changes.

Without any significant changes, it will still be a bill that gives billions of taxpayer dollars to polluting industries without strengthening America's energy independence.

Congress should kill the bill and begin again.

How do you say conservation in Chinese?

November 21, 2003

THE TAMPA TRIBUNE

Administration's Energy Bill Fails On A Variety Of Counts

Supporters of the administration's energy bill abandoned their effort to open up the Arctic National Wildlife Refuge to drilling, but the legislation passed by the U.S. House still contains a number of features that threaten the environment, taxpayers and the public health.

The bill, likely to be voted on by the Senate today, poses a particular danger to Florida. It would shred the Coastal Zone Management Act, weakening states' ability to contest offshore drilling plans that pose a threat to their coasts. It would streamline environment reviews, rewarding states that encouraged offshore drilling, while withholding funds from states that sought to protect their coasts.

Another threat to Florida is the measure's demand that gasoline refiners use 5 billion gallons of ethanol by 2012. Ethanol, made of corn, is a clean-burning fuel, and this is one of the bill's few attempts to develop an alternative to petroleum. But the dictate is worrisome because ethanol cannot be transported by pipelines. Its distribution is limited.

As Hillsborough Rep. Jim Davis points out, it makes no sense for Florida refiners to use ethanol, which is produced in the Midwest and cannot be piped here. Thus, Floridians would be forced to pay Midwest states a tax for a product they cannot use. One study put the cost to consumers of the ethanol mandate at \$6.7 billion.

Indeed, the cost of the entire bill to consumers and taxpayers will be heavy. It provides \$23 billion in tax incentives to energy producers, mostly the oil industry, over 10 years. The Congressional Budget Office estimate the bill's cost at \$32 billion over 10

years. Some consumer groups put the figure far higher.

This might be merited if the legislation would help the nation achieve greater energy independence while also developing clean and efficient fuels. But the measure simply aims to boost the oil and gas industry while doing little to develop alternative fuels or implement conservation practices.

The bill would demolish a number of environmental and public health protections, especially clean water safeguards. For instance, the legislation exempts all oil and gas construction activities, including road building, from having to obtain a permit controlling stormwater runoff. The underground injection of chemicals during oil and gas development would be exempted from regulations designed to protect drinking-water sources.

And while the legislation would spare the Arctic Refuge, it would recklessly open up public lands to exploitation with little public review or oversight.

Indeed, on almost every front, the energy bill would weaken or eliminate environmental rules or health safeguards. It frequently shifts the cost of pollution cleanup from the guilty party to taxpayers. And it would rob local elected officials of control over energy projects that affect their constituents.

It's true sacrifices will have to be made as the nation pursues new energy sources. Not every place can be kept pristine. But the nation deserves a balanced and farsighted energy policy, not one that would give the petroleum industry just what it wants - a nation with few other energy options.

THE TENNESSEAN

A distorted energy bill

The many sweeteners put into the energy bill can't hide the fact that it is basically a giveaway to big business.

The bill offers \$23 billion in tax breaks, the majority of which go to businesses in the energy field. The House passed the final proposal 246-180, but on Friday the Senate fell three votes short of the votes needed to end debate and take a final vote. Majority Leader Bill Frist, who supports the bill, vowed to bring it up again.

It is not the energy bill the nation needs.

Proponents of the plan, which was hammered out behind closed doors over two and a half weeks, point to specific goodies they believe will appeal to certain lawmakers and voters. For example, the bill advances the agenda of ethanol, the alternative fuel popular in farm states: That adds appeal to Midwestern senators. Likewise, it includes measures meant to shore up the power grid system: That appeals to areas affected by the August blackout. It also offers tax breaks to

individuals who buy certain energy-efficient appliances, but those breaks pale in comparison to the breaks that go to companies involved in coal, gas and oil.

One of the most egregious examples is a provision that grants liability protection to manufacturers of MTBE, a gasoline additive that has been found to contaminate drinking water in 28 states. Congress has grown very fond of giving liability protection in several realms of business. Energy gets a big one here.

The bill is yet another example of how legislation is being crafted primarily within the confines of a conference committee, where special interests find it easy to get their way, because they gain the ear of the key lawmakers doing the bill-writing.

The American people get steamrolled by Washington's ties to the energy industry with this bill. It would help if Congress would show the same concern about average citizens and the environment. But special protection for manufacturers that pollute water says it all.

Texarkana Gazette

Opinion

Christmas in D.C. Proposed energy bill heavy on paybacks, light on change

Sen. John McCain, R-Ariz., calls the energy bill submitted by his fellow Republicans the "Leave No Lobbyists Behind Act." He's not entirely correct, but not entirely off the mark either.

There are some good things in the bill. A plan to thwart further power blackouts, such as what occurred in the Northeast this year, includes repealing the Public Utility Holding Act, which limited industry mergers. Consolidation, which many energy observers say is necessary to make electricity grids more efficient and reliable, was not possible under the act.

Whether bowing to pressure or reality, GOP negotiators struck from the proposed bill a plan to drill for oil in the Arctic Wildlife Refuge. Environmental concerns aside, the proposition that oil taken from the refuge would curb American dependence on foreign oil was highly optimistic, if not overly unrealistic. Nonetheless, the bill authorizes drilling in other environmentally sensitive areas.

Additionally, federal financial support will be offered to spur construction of a trans-Alaska gas pipeline that in the future should bring up natural gas reserves and abate high spikes in prices due to demand outstripping available supply.

But beyond these small improvements, the proposed energy bill looks more like a giant bag of goodies for the oil and gas industries, special interests and vote-ensuring pork projects for the folks back home. All combined, the subsidies for special interests in this bill will reach \$23 billion, far more than President Bush had asked for and far more than American taxpayers should stand for.

One of the more questionable subsidies will

be applied to ethanol production, a popular project for Midwest lawmakers-Republicans and Democrats alike-despite its expensive production costs and limited popularity among taxpayers, who will foot the bill for a fuel alternative that isn't much better environmentally than regular gasoline.

On another partisan front, makers of MTBE-a gasoline additive that has contaminated groundwater supplies where it was present-will be immune from liability lawsuits. States and communities now cannot sue MTBE manufacturers to recover cleanup costs, and that's another bill taxpayers will have to absorb, thanks to Rep. Tom Delay of Texas and Billy Tauzin of Louisiana, both of whom were protecting MTBE manufacturers in their respective states.

To make matters worse, this particular energy bill contains virtually no provisions regarding oil conservation, incentives for alternative fuels and renewable energy or controlling pollution.

Because the White House is pushing to have this bill passed and signed before Thanksgiving, there's little time for a serious, comprehensive review of the bill by those who will be expected to vote on it. It was a product conceived in a cloak of secrecy, and apparently with industry-not the environment and not the taxpayers-in mind.

We need a good energy bill, but not one that is overburdened with gifts and goodies for industries and special interests that have sufficient political clout to design legislation that serves their own purposes. But those voices apparently were the primary ones heard by bill designers.

November 21, 2003

Toledo, Ohio

THE BLADE

One Of America's Great Newspapers

A costly energy policy

A plan that purports to be a major overhaul of the nation's energy priorities was initially crafted in secret by an energy task force led by Vice President Dick Cheney. The resulting energy bill was shaped by closed-door negotiations between House and Senate Republicans.

So it is hardly surprising that the massive energy legislation on its way to becoming law is business-friendly and hugely lopsided in favor of traditional fossil fuel and nuclear energy industries. Those who might object to billions in corporate welfare being earmarked for energy companies were effectively shut out of the legislative and policy-making process.

Congressional skeptics kept in the dark on the final negotiated version of the energy bill could only approve or reject it. Giving input to balance energy industry incentives with consumer, environmental, conservation, and renewable energy concerns, was out of the question.

"This bill was written in secret and kept from the light of day," grumbled Rep. John Dingell, Democrat of Michigan. "And like lifting the lid of a garbage can, you get a strong smell."

The Congressional Budget Office estimated the bill's total cost at \$32 billion over 10 years, including about \$23 billion in straight tax subsidies to oil, gas, and coal producers. That amount is nearly three times what the White House said it could accept earlier this year but the President will sign it anyway.

And why not? Two-thirds of the incentives will go to administration supporters in the coal, oil, and natural gas industries. Plus, to win friends and votes among Democrats, the bill has special-interest goodies for practically everyone, especially those representing sizable agricultural constituencies.

Midwestern corn growers get more than \$3 billion in subsidies to boost production of corn-based ethanol, whose use would be doubled in gasoline. There are \$8.8 billion in tax cuts for the oil and gas industry, \$18 billion in loan guarantees for construction of an Alaska-to-Chicago natural gas pipeline, and \$165 million in tax breaks for new nuclear power plants.

A few, much smaller, incentives to encourage energy-efficient homes, hybrid gas-electric cars, and wind power were thrown into the bill at the last moment.

A favor shown producers of the gasoline additive MTBE stunned environmentalists across the country. MTBE (methyl tertiary butyl ether) is a suspected carcinogen that has contaminated water supplies in more than 1,500 communities in 28 states.

But House Majority Leader Tom Delay insisted that a legal waiver for MTBE makers be part of the energy bill. It shields makers of MTBE from product liability lawsuits when the gasoline additive pollutes drinking water.

Sen. Charles Schumer, Democrat of New York, called the lawsuit protection for MTBE producers "one of the most abusive provisions I've seen come down the pike."

But that's not all. Another provision threatens to make air pollution worse by extending for years the clean-up deadline for smog-bound cities. Environmentalists argue the wording is so broad it could hamper clean-up efforts throughout the country when new smog standards are enacted next year.

Republicans who wrote the legislation are boasting that the bill will create a million new jobs. But unless they have another secret plan they're not sharing, Americans looking for progressive energy policy strong on conservation, fuel efficiency, and clean environment, got the short end of the deal.

November 21, 2003

Star-NewsOnline

Wilmington, North Carolina

Energy bill mugs the public

The U.S. Senate may rob you today and give the money to the oil, gas, coal and electric companies. Their campaign contributions got them invitations to secret meetings with Vice President Dick Cheney, and now their investments in the Bush campaign are about to pay gigantic dividends – tax breaks, financial “incentives” and other subsidies and favors.

Deficit? What deficit?

The so-called “energy” bill not only would subsidize more nuclear and coal power plants and override state opposition to high-tension lines. It also would stop Americans and their state officials from suing companies that pollute drinking water with the cancer-causing gasoline additive MTBE. The Wrightsboro residents whose legal action got them \$36 million from Conoco couldn’t file such a suit again.

Written by House and Senate Republicans and their lobbyist friends in yet more secret sessions, this 1,100 page legislation saw the light of day only Monday. Nobody, probably including the negotiators, could possibly understand all of it or where it might lead.

Yet Republicans whooped it through the House the very next day. Backers were expected to try ramming it through the Senate today.

You might have hoped that the Democrats would block these multi-billion-dollar giveaways and environmental assaults, or at least demand a full airing of the more

important provisions.

Dream on. Dems were bought off with more giveaways and favors designed to make them popular with the voters back home.

Tom Daschle, the Democrats’ leader in the Senate, was purchased easily enough: the bill’s doubling of ethanol – made from corn grown by farm-state Honorables – was all it took. If people in 28 states can’t drink the water from their taps, too bad.

By the way: The electric companies that claim tax deductions for supposedly making the grid more reliable won’t have to provide evidence that those deductions are justified.

The overworked, understaffed Internal Revenue Service will have only three years to catch any cheating – and Congress is providing not one more dollar for additional enforcement. The way the people who run the country these days see it, power companies are to be trusted, while poor families are to be audited.

Almost by accident, the bill includes some provisions that might actually reduce our dependence on oil and make our energy system more reliable. But those provisions are swamped by giveaways and favors. Energy experts and economists across the political spectrum are aghast.

Of course, Congress has a long and shameless history of passing irrational, extravagant and corrupt giveaways that betray the public.

This one wins the prize.