

## **Energy Industry's Recommendations to Bush Became National Policy**

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WASHINGTON, March 27 — A review of documents released this week by the Department of Energy showed that several recommendations from energy industry representatives were written into the White House's national energy report and into an executive order signed by President Bush.

At a news conference today, lawyers for the Natural Resources Defense Council, said they had found the industry's recommendations among thousands of heavily edited documents released this week by the Energy Department. The environmental advocacy group sued the agency 11 months ago to obtain the records on its work regarding the national energy policy.

In one example cited by the natural resources council, the American Petroleum Institute, a trade group that represents the country's largest oil companies, submitted a proposed draft executive order on energy policy to the Energy Department on March 20, 2001. Two months later, Mr. Bush signed an executive order that the council's lawyers said was nearly identical in structure and language to the trade group's proposal. The executive order concerned government regulations that affect energy supply and distribution.

"Big energy companies all but held the pencil for the White House task force as government officials wrote a plan calling for billions of dollars in corporate subsidies, and the wholesale elimination of key health and environmental safeguards," John H. Adams, the president of the council, said at a news conference today.

Sharon Buccino, a senior lawyer at the resources council, said, "The oil companies seem to be putting words in our president's mouth."

White House officials said the energy report was the product of a balanced process that heard advice from a wide array of interests.

"As we have said before, we received input and ideas from a variety of sources, whether it be an industry group or an environmental group, an individual citizen or a member of Congress," said Anne Womack, a White House spokeswoman. "Of course, those ideas and suggestions were reviewed and those that were meritorious were discussed by the energy working group. If they were consistent with the goals of the group to provide more energy to the American people in a cleaner, safer way, then we incorporated those ideas into the final product."

Ms. Womack said she did not know whether the American Petroleum Institute's suggested executive order was used to draft Mr. Bush's May 18 executive order.

The resources council was one of several organizations that sued federal agencies for the release of records related to work on Vice President Dick Cheney's national energy policy, which was made public last May and then was used for an energy bill passed by the House of Representatives. Mr. Cheney has refused to release a list of industry executives who advised the administration, and the General Accounting Office, an investigative arm of Congress, has filed a lawsuit against the vice president to gain access to the list.

But a picture of the task force's work has begun to emerge through thousands of documents released this week. They show that some senior administration officials, including the energy secretary, Spencer Abraham, heard advice exclusively from executives and lobbyists from large energy corporations.

In another example cited by the resources council today, a lobbyist for the Southern Company, among the country's largest utilities, sent an e-mail message to a senior Energy Department official suggesting "another issue" should be added to the energy plan: a revision of the Clean Air Act. The suggestion was adopted in the national energy policy, which was released on May 17. Lawyers for the council said the recommendation had weakened enforcement actions against large utility companies, including the Southern Company.

A review by The New York Times of thousands of pages of documents released to the council and other groups found a stream of policy papers and e-mail messages to the Energy Department from the American Petroleum Institute, the leading lobbyist for the domestic oil industry.

Among the steps the petroleum institute advocated, was an executive order from the president to highlight a law that the industry group said was already on the books but was not being enforced. The institute's top lobbyist, Jim Ford, sent an e-mail message dated March 20, 2001, to Joseph Kelliher, who was the policy adviser at the Energy Department. The message included a draft executive order. Mr. Ford wrote that it was imperative that agencies consider the energy implications of environmental and other regulatory actions.

On May 18, the day after the release of the energy policy, Mr. Bush signed an order calling for just that. One passage that defines what regulatory action is needed at other federal agencies reads very similarly to a passage in the draft order the petroleum institute submitted.

The petroleum institute's president, Red Cavaney, said today that his organization had been calling for such an executive order since spring 2000. **Mr. Cavaney said that his group thought an executive order would highlight part of a law, the Environmental Policy Act, that called for federal agencies to analyze the impact of regulations and laws on energy supplies and prices.**

The institute had submitted draft executive orders on other issues to the Clinton administration in the late 1990's, but they were ignored, Mr. Cavaney said. He contended that the institute did not get much of what it wanted in the draft order that it shared with the Bush administration. He pointed out that the Bush executive order on a topic important to the institute and the similarity of some of the language used may be coincidental.

"What we gave them was our best view of what we thought would make this system most efficient," Mr. Cavaney said. "What we got in and didn't, only the administration can answer that since they had the deliberative process."

The organizations and companies whose influence the resources council cited maintained that they were pushing for their best interests, an approach the council conceded was to be expected. The industry groups said it was up to the administration to determine whose opinions would get the most consideration.

"It's very flattering to think that one e-mail can determine energy policy," said Laura Gillig, a spokeswoman for the Southern Company.

Also today, the resources council asked a federal judge to compel the administration to immediately turn over 15,000 pages not released by the Energy Department this week.