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CREATOR: Kenneth Peel [REDACTED] (Kenneth Peel [REDACTED]

UNKNOWN
(b)(6)

CREATION DATE/TIME: 1-AUG-2003 00:27:20.00

SUBJECT:: Fwd: Action alert: Energy bill cloture vote Friday morning

TO: Kenneth L. Peel (CN=Kenneth L. Peel/OU=CEQ/O=EOP@EOP [CEQ])
READ: UNKNOWN

TEXT:

(b)(6)

--- Myron Ebell [REDACTED] wrote:

> Subject: Action alert: Energy bill cloture vote Friday morning

> Date: Thu, 31 Jul 2003 09:56:45 -0400

> From: "Myron Ebell" <[REDACTED]>

(b)(6)

> To: "Myron Ebell" <[REDACTED]>

> ACTION ALERT

> Senate cloture vote on the energy bill, Friday morning

> Majority Leader Frist filed a cloture petition last night on S. 14. The
> vote will be Friday morning. It's a long shot to win, but we need to
> try to get as many votes as possible. Fifty-five votes on cloture puts
> us in a stronger position than forty-nine. And if cloture were invoked,
> then we would stop some really bad amendments. So I encourage you to
> contact Senators directly and to make any noise you can through e-mail
> alerts, press releases, radio interviews, etc. It's a simple message: A
> VOTE AGAINST CLOTURE IS A VOTE AGAINST AFFORDABLE ENERGY.

> TARGETS

> I'm working on a target list of Senators, but for right now the obvious
> targets are moderates in both parties: Collins, Snowe, Gregg, Specter,
> Fitzgerald, Breaux, Landrieu, Lincoln, Pryor, Bayh, Ben Nelson (Zell
> Miller, that great American, is undoubtedly with us.) Also, McCain
> needs to feel the heat, even though he's almost certain to vote no. If
> you have contacts in Arizona, please use them. And we need to remind
> the ethanol supporters from the upper Midwest that this is their one big
> chance to get the expanded ethanol mandate (Daschle has already asked
> the White House to support a stand-alone bill on ethanol. See E & E
> Daily story below. The White House needs to say No today if they
> haven't already.): Dorgan, Harkin, Conrad, Tim Johnson, Baucus, Levin,
> Stabenow, Durbin, etc. Message: It's do-or-die for ethanol. Think of
> those poor starving stockholders in ADM.

> The details of what's in the bill are listed below in bill Wichterman's
> e-mail.

> -----Original Message-----

> From: Wichterman, Bill (Frist) [mailto:Bill_Wichterman@frist.senate.gov]

> Sent: Thursday, July 31, 2003 8:32 AM

> Subject: Cloture Filed on ENERGY BILL

> A cloture petition was filed last night on Frist amendment #1432. The
> amendment was offered to a motion to commit S. 14 to the Senate
> Committee on Energy and Natural Resources with instructions to report
> back forthwith with the text of the Frist amendment included. Under
> the rules, the vote on the motion to invoke cloture will occur on Friday
> morning.

> Frist amendment #1432:

>
 > -- Text of S. 14 as reported by the Energy Committee, plus
 > -- Frist/Daschle ethanol amendment, already adopted by the Senate, plus
 > -- Bond/Levin CAFE amendment, already adopted by the Senate, plus
 > -- Domenici electricity substitute, which is still being considered on
 > the floor, plus
 > -- Finance Committee-reported energy tax title.

> E & E Daily, July 31, 2003

> Senate progress on energy stalls; Frist seeks to end debate
 > Colin Sullivan, Environment & Energy Daily senior reporter
 > Senate Majority Leader Bill Frist (R-Tenn.) late yesterday filed a
 > cloture motion to end debate on the Senate energy bill after a day of
 > partisan bickering over judicial nominations pushed the omnibus
 > legislation into the background.
 > The motion to invoke cloture will ripen the morning of Aug. 1, meaning
 > Senate Republicans have one day to rally the 60 votes necessary to cut
 > off the energy fight following 30 more hours of debate. Frist said he
 > plans to hold the energy cloture vote first thing in the morning on
 > Friday, still hoping to pass the massive bill (S. 14
 > <<http://thomas.loc.gov/cgi-bin/bdquery/z?d108:s.00014>>) despite
 > predictions that he will fail.
 > A clearly frustrated Frist came to the Senate floor late yesterday to
 > file the cloture petition. He admitted the Senate is "not on a course to
 > complete this bill in the next couple of days" given the long list of
 > Democratic amendments still waiting to be heard and the minority's
 > resistance to voting out the president's judicial nominees.
 > "The writing is on the wall," Frist said. "We have not had the progress
 > that we hope for on the energy bill."
 > Senate Democrats were confident they can defeat the cloture petition and
 > said they will continue to throw roadblocks in Frist's path as long as
 > he repeatedly tries to bring controversial judicial nominations to the
 > floor. The ranking member on the Senate Energy Committee, Jeff Bingaman
 > (D-N.M.), predicted the energy cloture motion will fail, all but
 > guaranteeing the suspension of the omnibus bill headed into the
 > month-long summer recess.
 > Another sign that energy may be on its last legs emerged yesterday when
 > Senate Minority Leader Tom Daschle (D-S.D.) sent a letter to President
 > Bush urging his support for a stand-alone ethanol mandate bill. Because
 > Daschle has long been a vocal advocate of a provision in energy
 > legislation that would triple the amount of ethanol used as a gasoline
 > additive, an attempt to split ethanol from the larger bill would appear
 > to spell S. 14's doom.
 > "This seems to be a sign that things are breaking down, and it looks as
 > though we may be looking at moving action into September," a utility
 > industry lobbyist said.
 > Democrats complained throughout the day that Frist had created his own
 > nightmare scenario by trying to ram energy through in one short week
 > while holding a series of cloture votes on nominations. "We have not
 > caused these stops and starts on this [energy] bill," said Senate
 > Minority Whip Harry Reid (D-Nev.).
 > Republicans countered that Democrats are slow-walking energy and
 > unfairly holding up key presidential appointments to the federal bench.
 > Regardless of who's to blame, halfway through a slow but steady debate
 > on electricity reform yesterday the Senate was forced to turn its
 > attention to Bush's nomination of Alabama Attorney General William Pryor
 > to the 11th U.S. Circuit Court of Appeals, which has been blocked by
 > Democrats. Because the Senate will vote early today on a Pryor cloture

> petition, the body set aside energy for much of the day and into the
> night so that senators could express their views on Pryor.
> Nevertheless, the Senate is scheduled to return to energy this morning
> following the Pryor vote. More electricity amendments are expected,
> after which the debate will likely turn to climate change and possibly
> Sen. John Edwards' (D-N.C.) amendment that would limit the scope of the
> Bush administration's regulatory overhaul of the New Source Review
> permit program.
> The Edwards measure and renewable portfolio standard amendments from
> Bingaman and Sen. Jim Jeffords (I-Vt.) will not come up during the
> electricity debate, Bingaman told reporters. When climate change
> appears, the first amendment will likely come from Sens. John McCain
> (R-Ariz.) and Joe Lieberman (D-Conn.), who have proposed establishing an
> economy-wide, greenhouse gas cap-and-trade program.
> Electricity amendments fail
> Before the energy debate stalled yesterday, the Senate held four
> roll-call votes on Democratic attempts to amend Senate Energy Committee
> Chairman Pete Domenici's (R-N.M.) electricity title. One from Sen. Maria
> Cantwell (D-Wash.) on power market manipulation failed outright, 48-50,
> while three other Democratic amendments were tabled.
> The narrow margin on the Cantwell amendment reflects widespread concern
> that Congress has not done enough to prevent energy market trading abuse
> in the wake of the 2000-1 California power crisis. The measure sought to
> ban many of the power and natural gas market manipulation schemes used
> during the crisis, making all forms of fraudulent market behavior
> unlawful.
> Domenici said the measure was unnecessary because federal energy and
> commodity regulators have cracked down on illegal trading and the
> Federal Energy Regulatory Commission has sufficient powers under S. 14
> to prevent Enron-type abuse. "We have plugged all the so-called
> loopholes so there won't be any Enron end-runs," he said.
> To answer the western power crisis, Domenici's power title beefs up the
> Commodity Futures Trade Commission's ability to punish price gougers and
> includes a provision that explicitly states that nothing in S. 14
> authorizes FERC to mandate utilities turn over power lines to regional
> transmission organizations. It also prevents FERC from implementing its
> "standard market design" reform plan until 2005.
> Among the amendments tabled yesterday was a Bingaman measure that would
> have clarified what the energy bill means when it says the standard
> market design, or any rules like it, cannot be implemented until 2005.
> Bingaman said the wording would unintentionally prohibit FERC from
> dealing with many issues linked to the stability of the power industry,
> but his amendment was tabled, 54-44.
> Also tabled were Bingaman attempts to strengthen FERC's merger review
> authority to include generation sector oversight and retain Public
> Utility Holding Company Act restrictions on electric utility holding
> company diversification. Both were presented as consumer protection
> measures in the absence of PUHCA, which the Senate bill repeals, as
> Bingaman tried to limit how utility holding companies can expand into
> other areas as well as restrain their ability to concentrate power in
> big mergers.
> When and if the Senate returns to electricity, amendments are expected
> from Cantwell and Sens. Dianne Feinstein (D-Calif.), Barbara Boxer
> (D-Calif.) and Mark Dayton (D-Minn.). While Dayton plans to take aim at
> one of the central features of Domenici's proposal with a provision that
> would retain PUHCA in full, it's unclear what the other amendments will
> address.
> Senior reporter Darren Samuelsohn contributed to this report.
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