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FRIDAY, OCTOBER 28, 2005

THE WEEKLY CLOSER

FROM THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
MAJORITY PRESS OFFICE

VOLUME 1, NUMBER 14

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QUOTE OF THE WEEK...

"If animal-rights nuts can get away with this brand of personal intimidation, extremists of all ideologies will take note. What began in the rat-hugging left will grow on the extreme right and the extreme left."

Debra J. Saunders
["Kill the researcher"](#)
The San Francisco Chronicle
October 27, 2005

INHOFE, EPW COMMITTEE MAJORITY REJECT MINORITY'S PUSH TO SOCIALIZE GAS PRODUCTION

Senator James Inhofe (R-Okla.) and the other Majority members of the Environment and Public Works Committee rejected an attempt by Senate Democrats Wednesday to socialize petroleum refining in the United States, defeating a substitute amendment offered by Ranking Member Jeffords that would have placed the Environmental Protection Agency (EPA) in charge of designing, building and operating refineries at taxpayer expense.

"What the minority proposed today as a 'solution' to expanding refinery capacity amounts to socializing gas production in this country, essentially a Clinton Health Care prescription to control gas prices with the EPA in charge," Senator Inhofe said. "I have said all along that opponents to sensible legislation that will expand refinery capacity and help lower gas prices only seek to politicize the issue for points leading into the next election cycle. We offered a solution to help alleviate the pain in the pocket book for all Americans, and the best solution our colleagues on the other side could offer in return was changing the name of the EPA to the 'Environmental Petroleum Agency' and anointing Administrator Johnson the next 'Big Oil' magnate. The last thing the American consumer needs is socialized gas production."

The Committee rejected the Jeffords substitute amendment on a straight majority/minority line vote of 10-8.

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COMMITTEE MINORITY REJECTS SENSIBLE APPROACH TO EXPAND REFINERY CAPACITY AND LOWER GAS PRICES

On Wednesday, Senator Inhofe indicated that he and Gas PRICE Act co-sponsors will continue to push for passage of the bill that would help encourage the expansion of refinery capacity in the United States, and stabilize and lower gas prices across the country.

“I am disappointed that the Committee’s minority decided to play politics with the pocket books of the American consumer in rejecting the sensible provisions contained within the Gas PRICE Act,” Senator Inhofe said. “Something needs to be done to encourage the expansion of refinery capacity, and we’ll continue to pursue a legislative remedy to that effect. As I’ve made clear, socializing gas production, as the Democrats in the Committee would have preferred in their failed substitute amendment today, is not the answer. We intend to regroup and determine in short order what our next step will be to move the Gas PRICE Act forward.

“During the meeting, I mentioned that one of the concerns we’ve been hearing about is the fear of a conference with the Barton Bill, which was actually referred to the Energy Committee. While the Gas PRICE Act is not a companion piece to any legislation, I would emphasize again that the fear of a conference is no excuse not to legislate.”

Members of the Committee voted 9-9 to retain the legislation in the Committee.

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SENATE DEMOCRATS MISUNDERSTAND, CRITICIZE EDA PROCESS

On Wednesday, Senator Inhofe criticized Gas PRICE Act opponents’ misunderstanding of the process by which the Economic Development Administration (EDA) assists communities with funding to help improve infrastructure and encourage economic development.

“As Chairman of the EPW Committee for the past three years and as a former mayor, I am more than familiar with the tremendous job the Economic Development Administration does in working to assist local communities suffering from economic hardship and the loss of jobs,” Senator Inhofe said. “Local governing boards, consisting of the best and brightest from each community, approach the EDA for assistance to help overcome economic disparity. Unfortunately, certain Senate Democrats are proposing to exclude any individual with ties to any business or association that receives federal grants, or those working for a business or industry themselves, from the EDA process. Doing so effectively ensures that nobody who knows what they’re doing will be involved, leaving the best qualified individuals out of the process.

“If you follow that kind of logic, groups such as the Smithsonian, Nature Conservancy, and even the NRDC, would not qualify for any federal grants or funding because of business interests represented on their boards. Surely my colleagues on the other side would agree with me this is not their intention. It is far more likely that today’s commentary demonstrates a desperate attempt by Democrats to oppose and attack legislation in order to disguise political motivations to oppose any or all sensible solutions to rising energy prices.”

Refiners Do Not Receive Subsidies Under the Gas PRICE Act

S. 1772 directs the Economic Development Administration (EDA) to provide additional resources to communities, not to industry as some claim, facing BRAC-related job loss to consider building refineries on those sites. Those resources would help finance infrastructure improvements or modifications that would likely have to be made regardless of what type of business were to move to the location. Improvements made with EDA grants in the past have included access roads, sewers, wastewater treatment capacity increases, and rail spurs. EDA grants are offered to defer the costs to local governments only, not to any private industry.

BRAC Communities and the EDA

The EDA assists communities with economic recovery in the aftermath of a severe and sudden dislocation of jobs. Sections 209(c)(1) and 702 of the Public Works and Economic Development Act of 1965 (PWEDA) provide for activities to assist with the transition of military and Department of Energy sites to alternative uses that will spur economic development and job creation:

SEC. 209. GRANTS FOR ECONOMIC ADJUSTMENT. (42 U.S.C. § 3149)

(c) PARTICULAR COMMUNITY ASSISTANCE.— Assistance under this section may include assistance provided for activities identified by communities, the economies of which are injured by—

(1) military base closures or realignments, defense contractor reductions in force, or Department of Energy defense-related funding reductions, for help in diversifying their economies through projects to be carried out on Federal Government installations or elsewhere in the communities;

SEC. 702. AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE CONVERSION ACTIVITIES. (42 U.S.C. § 3232)

(a) IN GENERAL.—In addition to amounts made available under section 701, there are authorized to be appropriated such sums as are necessary to carry out section 209(c)(1), to remain available until expended.

(b) PILOT PROJECTS.—Funds made available under subsection (a) may be used for activities including pilot projects for privatization of,

and economic development activities for, closed or realigned military or Department of Energy installations.

Under the PWEDA statute, which the Gas PRICE Act does not modify, an eligible recipient for assistance is defined as:

- an economic development district;
- an Indian tribe;
- a State;
- a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;
- an institution of higher education or a consortium of institutions of higher education; or
- a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

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INHOFE INTRODUCES ANIMAL ENTERPRISE TERRORISM ACT

Senator Inhofe has introduced legislation that will enhance the effectiveness of the U.S. Department of Justice’s response to recent trends in the animal rights terrorist movement. S. 1926, the Animal Enterprise Terrorism Act, was drafted with technical assistance from counter-terror experts at the Department of Justice and the Federal Bureau of Investigation.

“The chilling testimony embracing assassination and destruction that we heard from the ‘spokesman’ of the Stop Huntingdon Animal Cruelty eco-terror group only points to the need for a tightening of current law for authorities to be able to prevent future activities, and to better investigate and prosecute eco-terror cases,” Senator Inhofe said. “S. 1926 specifically addresses the ‘tertiary targeting’ tactic employed by eco-terrorists by prohibiting intentional damage of property belonging to a person or organization with ties to an animal enterprise. Currently, only the animal enterprise itself is covered by law. The bill also increases penalties for intentional economic disruption or damage, and for intentionally causing bodily harm or placing a person in reasonable fear of death or bodily harm.”

On Wednesday, the Committee convened a [hearing](#) on eco-terrorism, specifically examining the Stop Huntingdon Animal Cruelty group.

The Animal Enterprise Terrorism Act:

- **Amends the Animal Enterprise Protection Act** and enhances the effectiveness of the Department of Justice’s response to recent trends in the animal rights terrorist movement.

- Addresses the “**tertiary targeting**” or “**third party targeting**” **system** used by animal rights terrorists by prohibiting the intentional damaging of property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise. Previously, only the animal enterprise itself was covered by the law.
- **Prohibits veiled threats** to individuals and their families. It prohibits intentionally placing a person in reasonable fear of death or serious bodily injury to that person or their family because of their relationship with an animal enterprise.
- **Increases penalties** for intentionally causing economic disruption or damage and for intentionally causing a person bodily injury or intentionally placing a person in reasonable fear of death or bodily injury.
- **Broadens the definition of animal enterprise** to include a commercial enterprise that uses or sell animals or animal products for profit or otherwise including animal shelters, breeders, pet stores, and furriers.
- Makes crimes under the Animal Enterprise Terrorism Act eligible for **Title 3 electronic surveillance**.
- Defines the term “economic damage,” which includes the **loss of property, costs associated with a lost experiment, or lost profits**.
- Defines the term “economic disruption,” which means **losses or increased costs resulting from threats, acts of violence, property damage, trespass, harassment, or intimidation taking against a person or entity on account of their relationship with an animal enterprise**. This does not include lawful boycott.

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IN THE NEWS...

The New York Times

E.P.A. Backs Bush Plan to Cut Air Pollution by Power Plants

Michael Janofsky

October 28, 2005

[Excerpts]

WASHINGTON, Oct. 27 - After its apparent demise in Congress six months ago, the Bush administration’s plan to reduce air pollution from power plants returned to life on Thursday as the Environmental Protection Agency said the

plan would cost less than competing proposals.

The assessment came after Stephen L. Johnson, the agency administrator, presented members of the Senate Environment and Public Works Committee with a detailed comparison of the administration plan, known as Clear Skies, and several others. All of the bills that were analyzed by the E.P.A. staff are intended to curb emissions of nitrogen oxides, sulfur dioxide and mercury.

Mr. Johnson concluded that any legislation was preferable to the current regulations, which apply only to the eastern half of the country and have come under a barrage of legal challenges. But in defending legislation as a preferred alternative to regulations because statute is less vulnerable to litigation, he argued only for the administration approach although he hinted that he would be open to compromise.

“A number of legislative proposals are on the table,” he told reporters after his meeting on Capitol Hill. “The Clear Skies proposal is far superior to regulation and litigation. There are a number of strengths and a number of issues with each proposal, but I look forward to working with Congress to work them out.”

Mr. Johnson’s latest expression of support for the administration plan drew the same reactions as when he testified for it earlier in the year. Industry groups applauded him; environmental groups attacked him. And committee members seemed little swayed from their original positions.

“Now that we have an apples-to-apples comparison of our legislative proposals along with the existing E.P.A. regulations, I feel we can again move forward with reaching an agreement with the other side on a way to pass a cost-effective Clear Skies bill this Congress,” said the committee chairman, Senator James M. Inhofe, Republican of Oklahoma and sponsor of the administration plan. ...

Mr. Inhofe’s bill was the only approach to reducing emissions that reached a committee vote, failing in April on a 9-to-9 tie. Some committee members did not want to vote for the bill without the detailed comparison with other plans. Some opponents wanted legislation that included limits on emissions of carbon dioxide, a chemical that scientists believe contributes to global warming. The bills sponsored by Mr. Jeffords and Mr. Carper included carbon dioxide caps; Mr. Inhofe’s bill did not.

Mr. Johnson said his preference for the administration approach was based on a more favorable balance between projected costs to industry and projected health benefits. He said the Jeffords and Carper bills were too expensive, even though they would generate greater savings in health care costs.

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IN CASE YOU MISSED IT...

The San Francisco Chronicle

Kill the researcher

Debra J. Saunders

(click [here](#) to listen to Ms. Saunders' *Chronicle* Podcast on this topic, or visit <http://sfgate.com/cgi-bin/blogs/sfgate/indexn?blogid=5>)

October 27, 2005

[Excerpts]

... Animal-rights fanatics have figured out that you beat medical research that uses animals not by going after the researchers, but by going after those who do business with the researchers. They cow Wall Street, not by flying into buildings, but by trashing members' clubs.

[Mark] Bibi knows what it is like to be a target. Anonymous thugs vandalized his house, smashed his car's windshield and made nasty phone calls to his home in the middle of the night.

Skip Boruchin, the only trader who refused to be scared out of business with Life Sciences Research, testified about the relentless intimidation he and his family endured. Activists painted his yard red with slogans such as "Skip is a murderer." On line, they called him a "child pornographer." One Web site instructed people to send sex toys to his ninetysomething mother at an assisted-living home. Another Web site listed the names, phone and Social Security numbers of 19 neighbors, and threatened to publicize information about their credit cards or medical history.

Violence? Well, there were the two bombs set at Chiron's Emeryville offices in 2003. Agents believe the second bomb was timed to go off as first-responders arrived. The FBI also believes the violence is escalating.

Jerry Vlasak, a Southern California physician who is spokesman for the North American Animal Liberation Press Office, also testified Wednesday. Vlasak dismissed the intimidation of Boruchin and others as "getting a little spray paint on the wall."

Committee Chairman James Inhofe, R-Okla., questioned Vlasak about a statement Vlasak had made defending the assassination of medical researchers. Once again, Vlasak justified violence. For "people who are hurting animals and who will not stop when told to stop," he answered, one option would be murder, a "morally justifiable solution."

If anti-abortion fanatics were behind this vandalism, the Life Sciences saga -- not to mention Vlasak's support for killing medical researchers -- would be the stuff of countless editorials. But because the fanatics say they stand for beagles

-- not Bibles -- the cognoscenti barely take notice. They're too busy complaining about how GOP limits to federal funding might crimp research to notice that some zealots advocate killing medical researchers.

If animal-rights nuts can get away with this brand of personal intimidation, extremists of all ideologies will take note. What began in the rat-hugging left will grow on the extreme right and the extreme left. . . .

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