

U.S. HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE REPUBLICANS

CONGRESSMAN DOC HASTINGS, RANKING MEMBER

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Hastings Speaks on House Floor to Expose Democrat Grab for Vast New Climate Change Powers Hidden in Spending Bill

Provision Poses Threat to Economy and Jobs Across the Country

WASHINGTON D.C. – House Natural Resources Committee Ranking Member Doc Hastings (WA-04) spoke on the House floor today against the rule for H.R. 1105, the Omnibus Appropriations Act, highlighting a secret Democrat policy rider (Sec. 429) that threatens job creation and economic growth across the country.

Hastings yesterday attempted to offer an amendment to remove this rider, but was blocked by the Democrat Rules Committee.

The following are Hastings' floor remarks as submitted for the Congressional Record:

“Mr. Speaker, I rise in strong opposition to this totally closed rule that blocks every Representative from coming to this floor and offering an amendment to change or improve this bill, a bill that spends over \$400 billion dollars to fund virtually every non-defense function of the federal government.

In particular, I object as Ranking Republican on the House Natural Resources Committee to a provision in this omnibus spending bill that has absolutely zero to do with funding the government. **Section 429 of this legislation is a very dangerous policy rider that could seriously threaten new job creation and economic growth across our entire country. It was slipped into this bill behind closed doors by Democrat leaders as they wrote this massive piece of legislation.** I asked the House Rules Committee to allow me to offer an amendment here on the floor to remove this provision, so that we could have a vote on whether it should be in the bill or not. The Democrat Rules Committee blocked me from offering this amendment, and then they turned around and waived the standing rules of the House to protect this economy-threatening provision from being challenged in any way.

Section 429 of this bill allows the Secretary of Interior to withdraw, with no public notice and no public comment, two rules established during the Bush Administration that ensure the listing of the polar bear as “threatened” under the Endangered Species Act is not transformed into a vast new expansion of government power to impose greenhouse gas emission regulations across a broad array of economic activity occurring anywhere in the United State of America.

But this policy rider aims to do just that: **it empowers the Interior Department or a**

federal judge to limit potentially any carbon dioxide or other greenhouse gas emission in all fifty states using the polar bear and Endangered Species Act as the regulatory vehicle.

We all want to conserve and protect the polar bear. There's no argument on that point. We're not talking about reversing the listing of the polar bear as a "threatened" species.

That's not what Section 429 is about.

As the [*Washington Post*](#) commented last year, quote **"Though the polar bear deserves protection, the Endangered Species Act is not the means and the Fish and Wildlife Service is not the agency to arrest global warming."** end quote

So how does Section 429 work? With the withdrawal of the special rule for the polar bear, **any increase in carbon dioxide, or any greenhouse gas emission that might occur, would be subject to a potential lawsuit on the grounds that the action must first require consultation with the Fish & Wildlife Service to mitigate emissions.** In certain circumstances, the Fish & Wildlife Service can stop the activity.

What emits greenhouse gases? I'll name a few examples:

- It's building a new factory in Pennsylvania or a new school on an Indian Reservation. It's farming and cow herds.
- Most all of the "shovel-ready" projects in the trillion-dollar stimulus bill would be at risk

Democrats evidently know Section 429 is extremely controversial, so they slipped it into the appropriations bill without any hearing, debate, or consideration by the Natural Resources Committee. They waived all the public notice and public comment requirements when letting the Secretary change the rules.

That's right, this provision gives the Secretary the ability to make dramatic changes in rules and regulations with far-reaching consequences on our economy and to do it without having to comply with multiple, long-standing federal laws requiring public notice and public comment by the American people and knowledgeable scientists.

Evidently, Congress is not to be entrusted with an open and transparent process to consider the Democrats' proposal to regulate greenhouse gas emissions in the midst of the worst economic recession in decades.

Why the secrecy? Why are Democrat Leaders bypassing regular order and slamming the door on public comment?

The reason is obvious: **Section 429 cannot withstand public scrutiny. It threatens the creation of new jobs in every state. It can do real harm to our already troubled economy.**

But don't take my word for it. In 2007, an environmental group published an article

explaining a strategy on how to use Endangered Species Act lawsuits to stop individual projects emitting greenhouse gases. It selected the polar bear as a test case because it is a “high-profile” species, an “iconic example” of a species that causes a “media frenzy.”

This is a backdoor maneuver to use lawsuits to warp the original purpose and intent of the Endangered Species Act to invent vast new climate change powers for the federal government to control economic activity.

Section 429 of this legislation is being used to simply wipe away legitimately and reasonably written federal rules because it stands in the way of groups from filing lawsuits to stop, for example, a new road in Florida or New York on the grounds it might contribute to global warming that might harm polar bears in Alaska several decades from now.

This policy rider has no business being snuck into law in this massive spending bill. It deserves to be debated and it deserves to be taken out of this legislation before it’s enacted.

Democrats claim Section 429 is just an attempt to stop midnight rules completed at the end of the Bush Administration, yet these rules were written in full compliance of the law. While Democrats have written Section 429 to say, forget all the laws, forget public comment from the American people, we don’t have to follow laws, just wipe these legal rules off the books.

I want to make note that last night, the junior Democrat Senator from Alaska wrote to Senate Democrat leadership expressing his deep concern and objections to this provision, the harm it could do to economic activity, and that it should be removed from this legislation. That’s exactly what should be done and I ask my colleagues to support such action. I also ask unanimous consent that a copy of the Alaska Senator’s letter be inserted into the record.

Again, I strongly oppose this measure and urge my colleagues to open up the omnibus appropriations bill to amendment.”

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