



## [Dems' Climate Change Power Grab Hidden in Spending Bill](#)

Rep. Doc Hastings

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Using a massive \$410 billion spending bill as a cloak, Democrat leaders in Congress have been caught attempting to create almost limitless new federal powers to regulate climate change without any public notice, public comment, or public debate. The provision slipped into this bill would allow the Department of Interior to regulate all greenhouse gas emissions across the entire country based on the listing of the polar bear as “threatened” under the Endangered Species Act (ESA).

Democrats are distorting the intention of the ESA to give the federal government vast new climate change powers, and are trying to do it behind the backs of the American people by exempting their actions from multiple federal laws requiring public notice and participation in government decisions.

What is especially alarming is the significant threat this provision poses to job creation and our economy. All economic activity that results in greater greenhouse gas emissions would be in jeopardy of lawsuits. To illustrate the far-reaching potential economic consequences of this provision, it could even be used to stall, halt or block the “shovel ready” job-creating projects in the trillion dollar economic stimulus bill.

Unfortunately, House Democrats would not allow me to offer an amendment to strike out this provision. It’s now up to the Senate to take action this week to remove this dangerous language.

We all want to conserve and protect the polar bear. There’s no argument on that point. This provision, however, is not about the polar bear, but rather using the listing of the polar bear as a threatened species in order to regulate greenhouse gas activities throughout the U.S.

As the Washington Post commented last year, “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.”

Under this provision, any project or action that increases carbon dioxide or greenhouse gas emissions could face potential lawsuits if they do not consult with the U.S. Fish & Wildlife Service regarding potential impacts on global warming and harm of the polar bear. In certain circumstances, the Fish & Wildlife Service could stop the activity.

This reaches far beyond the scope of polar bears in the Arctic and could put jobs and

economic activity across the entire nation at risk. Projects that could be targeted include energy production, agricultural practices, increases in livestock numbers, or construction of new buildings and infrastructure projects such as schools, roads and bridges.

Think about it. A new factory that will create jobs is going to be built in the Midwest, do they really need to seek permission from the U.S. Fish & Wildlife Service to ensure that construction won't harm polar bears in Alaska?

This provision threatens the creation of new jobs in every state and 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."

Democrats evidently know this provision is extremely controversial, so they slipped it into this spending bill without any hearing, debate, or consideration by the Natural Resources Committee. 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.

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

Last week, the junior Democrat senator from Alaska wrote to Senate Democrat leadership expressing his deep concern and objections to this provision, stating that it should be removed from this legislation. That's exactly what should be done, and I encourage everyone to contact your senators and tell them to oppose this Democrat grab for vast new climate change powers.

*Rep. Hastings is the ranking member on the House Natural Resources Committee.*

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