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Democrats Still Aren't Serious About Drilling

By JOHN SHADEGG

After a five-week paid vacation, Democrats are back in Washington and claiming that they want to do something about oil prices.

But the problem is that their plan, which passed the House yesterday and will likely come up for a vote in the Senate later this week, will not produce a single drop of oil.

Why? Because it does nothing about environmental groups that are suing to stop drilling.

The Democratic proposal is not a death-bed conversion, it's designed to solve their political problem. House Speaker Nancy Pelosi told her members in August that they can say they are in favor of drilling, but that she wouldn't allow a vote on a drilling bill. Now that she has been forced to, she knows her environmental allies will block new drilling from going forward.

The Sierra Club has told its members that it is "working to ensure that the final bill's focus is on real clean energy solutions rather than expanded offshore drilling." Democratic Rep. John Murtha, a Pelosi confidante, went further last week in noting that his party's not above cynical politics: "This is a political month. There's all kinds of things we try to do that will just go away after we leave." And Legislative Director for the Natural Resources Defense Council Karen Wayland has said "This is about politics, not necessarily about policy."

The green lobby, however, is not going away. EarthJustice, which employs over 150 people, has filed hundreds of lawsuits. On its Web site, it says "Because lawsuits can be so effective, we have a team of policy experts in Washington, D.C. that work hand-in-hand with our attorneys to stop legislative backlash . . ."

Indeed, incessant legal and administrative challenges make true the Democrat claim that oil from newly opened areas will not reach the market for years. These groups make use of a wide range of laws and regulations to challenge

development. And they will make sure that the Democrats' proposal is meaningless.

In February 2008, the administration issued 487 leases in Alaska's Chukchi Sea, which holds an estimated 15 billion barrels of oil and 76 trillion cubic feet of natural gas. The Sierra Club, the Center for Biological Diversity, and other groups used the National Environmental Policy Act and the Endangered Species Act to challenge and delay progress on all 487 leases. In a separate lawsuit, they challenged the entire national outer continental shelf (OCS) leasing program, seeking to block *all* future leases.

Even if a lease makes it through these challenges, it isn't clear sailing. Right now, there are 748 leases in the Chukchi and Beaufort Seas. Exploration activities in every single one were challenged in May of this year by EarthJustice in conjunction with others.

The Alaskan OCS contains 26 billion barrels of oil and 132 trillion cubic feet of natural gas. Not one offshore lease has escaped litigation.

And it's not just Alaska. Wild Earth Guardians and others recently filed suit to block energy exploration on all leases in recent sales in Kansas, New Mexico, Oklahoma and Texas. Last year, almost 50% of gas leases in the Rocky Mountain states were protested in court.

Environmental protections are necessary. But, there must be reasonable limits on litigation.

During the oil embargo in 1973, Congress waived environmental laws for the construction of the Trans-Alaska Pipeline. That waiver, Democratic Sen. John Tunney of California said at the time, "in no way dilutes or diminishes the applicability of NEPA [National Environmental Policy Act]." Rather, he said, it "brings into balance grave concerns of national security" with our nation's environmental safeguards. In 1996 and again in 2006, environmental laws were waived for the construction of fences along the southern border of the United States.

Absent provisions to stop abusive litigation, the bills Democrats support will not lead to oil production. Any serious energy plan would encourage the development of alternative and renewable fuels, and open the Arctic National Wildlife Refuge, the OCS and the Western U.S. to drilling. It also would put a stop to never-ending litigation. But that's not what Democratic leaders are offering.

We're told that the Democrats now favor drilling. That they have seen the light after feeling the heat all summer. What's really happening is we're mid-way through a political hoax.

Some 70% of Americans favor increased domestic drilling. Unfortunately, if Mrs. Pelosi and her party's leaders continue to play politics, we can be sure Americans won't get the energy they want.

Mr. Shadegg, a Republican, is a U.S. congressman from Arizona.

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