

to take up five amendments this evening, or this morning. There will not be recorded votes this evening. So Members that wish to would be able to leave, but we will debate five of the amendments under the UC and roll the votes until tomorrow.

Mr. Speaker, I also want to add briefly my thanks especially, along with Mr. DICKS, our thanks to Jennifer Miller on our side and David Pomerantz on the other side who are the ones who crafted this UC very diligently and very accurately, and we want to thank them especially for their work.

#### FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 0004

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. GINGREY of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 11 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Indiana (Mr. PENCE), had been postponed, and the bill had been read through page 359, line 22.

Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order which is at the desk.

AMENDMENT NO. 533 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, we must explore for and develop

the Arctic resources in an environmentally safe and sustainable manner, and we must allow that exploration work to proceed without bureaucratic impediments. This amendment accomplishes both.

This amendment would limit funds in the bill from being used by the Environmental Appeals Board, EAB, to invalidate any permit issued by the Environmental Protection Agency, EPA, for activities on the Arctic Outer Continental Shelf, OCS.

The EAB is an extension of the EPA that hears administrative appeals pertaining to permit decisions and civil penalty decisions of the agency. Very frankly, EAB is populated by environmental appeals judges who are lawyers associated with EPA or the Justice Department. This amendment does not circumvent the EPA's authority. Instead, it continues to give permitting decisions to the professionals in the regional office.

What this amendment will do is remove the ability for lawyers to overrule EPA permit writers. Over \$4 billion has been invested in trying to drill exploratory wells, and to date not a single well has been drilled because of one EPA air permit.

Mr. Chairman, I must say, this is an example of how an aid agency is trying to issue the permits correctly, but they have a board that can listen to someone who objects to it that rules against them. And we have, in fact, had a little over 680 leases in the Arctic Ocean, oil that we need being held up by bureaucrats. We will do this safely. The air will be clean. They're 80 miles from any human, other than those who work on these ships. And if you believe it's right to buy this oil from overseas, shame on you.

Again, we are spending close to \$40 billion this year or more buying foreign oil; 72 percent of our oil is coming from overseas. The right thing to do is allow us to take and explore and find out if that oil is there; and if it is, to develop it.

Remember, we're not the only ones in the Arctic anymore. Iceland, Greenland, China, Russia are all drilling. We're the only ones not involved; yet we have the best equipment, the best environmental wreckers in the Arctic. We have the proper equipment to do it safely. It's being held up by bureaucrats who don't want to issue the permits. EPA has said it's all right, but the review board says, no, it's not, within the agency itself. All it says, if they have the permit issued, then it should go forth, and let's get on to serving this country as we should for the benefit of this Nation, for the benefit of those so we don't have to go to war over in the Middle East over oil. So if you don't like what's going on over there, let's support this amendment. I believe it's the correct thing.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, the gentleman's amendment stops funding for—and I will quote—the Environmental Appeals Board to consider review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic coast.

□ 0010

Now, the gentleman has shared with us a specific situation, but his amendment goes considerably beyond that. The appeals board is the final decision-maker on administrative appeals under all major environmental statutes that the Environmental Protection Agency administers. It's an impartial body, independent of all agency components outside the immediate office of the administrator. To support this amendment is to take away people's right to petition their government. This is an impartial board that looks out for the regular citizen. In fact, they just took great care and ruled on the side of Alaskans and courageously ruled against EPA's issuance of a permit to Shell Oil.

I thought the gentleman and his side of the aisle would take sincere joy in any decision ruling against EPA. But that's not the case, apparently. I guess EPA is okay as long as it doesn't use any Federal funds and rules exactly the way that you want them to. And, in fact, EPA did rule the way that the gentleman wants, it's just that we have an appeals board. That appeals board is there for good reason, has been for some time.

I don't have to tell the gentleman, but I think the other Members of this body should know that the Environmental Appeals Board found that EPA's analysis of the effect on Alaskan Native communities of nitrogen dioxide emissions from the drilling ships was too limited, ordered the agency to redo the work. It doesn't mean that they can't drill. The analysis is incomplete. We should let that legal process work and stop interfering in long-standing regulatory and administrative processes. The amendment will be seen as an assault on the environment and an affront to the Alaskans who engaged in this case.

I'm disappointed that the gentleman's position would appear to favor Big Oil over the small Alaskan villages that are being protected in this reconsideration. It doesn't mean that there won't be drilling; it simply means that the analysis to enable that drilling needs to be full and complete.

I urge defeat of the amendment and reserve the balance of my time, Mr. Chairman.

Mr. YOUNG of Alaska. Mr. Chairman, I want to suggest one thing. The native communities in Alaska support this. They support drilling. I've had them in my office. And to say that, I

represent that State, not Alexandria, Virginia. And they've come to me and said we need it.

I yield to the gentleman from Idaho, the chairman of the appropriations committee, Mr. SIMPSON.

Mr. SIMPSON. Beginning in 2005, the Shell Oil Company purchased leases in the Beaufort and the Chukchi Seas located within the Arctic Outer Continental Shelf. The company paid over \$2.1 billion for these lease rights, a reflection of the potentially vast reserves off of Alaska's coast.

Shell applied for air permits from the EPA for its Beaufort leases in 2006 and for the Chukchi in 2008. The company went through a lengthy and burdensome administrative process. Shell's permits were initially approved, but subsequently overturned by the EPA's Environmental Appeals Board. Last year, the Appropriations Committee addressed the problem by including language in the FY 2010 conference report specifically directing the agency to allocate sufficient funds and personnel to process the OCS permits in a timely manner. This simply did not happen. The company is effectively at square one after spending millions of dollars and thousands of man-hours.

Shell announced just this month that it had cancelled plans for drilling in the Arctic in the 2011 drilling season, which is a very short drilling season. They have spent millions on this and done everything by the book. And the appeals board has decided that because they should have foreseen that the rules were going to change, that they shouldn't have issued these air permits.

I think it's an overreach by the EPA and by the appeals board, and I support this amendment and would encourage my colleagues to vote for it.

Mr. MORAN. Mr. Chairman, I would underscore some points previously made.

Number one, we are not taking a position on the merits of this case. It may very well be, I would not be surprised, in fact, personally, that ultimately the drilling off the Arctic coast would be approved. But this is like taking a case to the district court. The district court agrees with you, and then the plaintiff appeals, goes to the appeals court. The appeals court disagrees or says that there needs to be more information. That's exactly what this appeals board did. Now, presumably, that information is being gathered. It will be presented. And when it is, I don't know why the appeals board would not agree with the EPA decision.

The problem with this amendment is we're setting a precedent to say, if we don't like the appeals board, we like the district court decision, which is in this case EPA's decision, then we accept EPA's decision, ignore that appeals process. That's what we're opposed to. It seems to me we ought not be legislating that kind of judicial decision that affects many people's lives and incomes, clearly, and the environment without a full hearing.

What's going to happen if this legislation were passed is that the decision-making process that allows this drilling will be suspect and a permit will not be able to be fully issued without reservation. So for that reason, I would suggest that the right thing to do is to defeat this amendment, Mr. Chairman.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alaska will be postponed.

AMENDMENT NO. 524 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I rise as designee of the gentleman from Michigan (Mr. CONYERS) and I am pleased to offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I now yield myself such time as I may consume.

Mr. Chairman, this is a bipartisan amendment sponsored by Mr. CONYERS, Mr. PAUL, myself and Mr. JONES. The amendment would prohibit the use of any funds made available in this act to make an application for what's commonly known as a section 215 order requiring the production of library circulation records, library patron lists, book sale records or book customer lists. The amendment is very narrowly drawn to protect the privacy of all Americans from unwarranted governmental investigation in an area directly related to their beliefs and private thoughts.

What we read, where we read, what we listen to, our interests, the type of information we seek, our private tastes in art and music all tell a great deal about us. The right to be free from the prying eyes of government in these areas is absolutely necessary to protect our rights of free speech, religious liberty, liberty of conscience, freedom of association and political freedom. This amendment will not prevent the government from obtaining this type of in-

formation provided it obtains the constitutionally required warrant. What it will stop is the use of 215 orders which are issued by the secret Foreign Intelligence Surveillance Court under standards so loose it is almost impossible for the government to get turned down, instead of the normal warrant. In fact, the secret court has become a virtual rubber stamp for the government.

The amendment also will not stop the use of section 215 orders in other investigations such as surveillance of computer communications, even if conducted in libraries. Section 215 authorizes the government to obtain "any tangible thing" so long as the government provides a "statement of facts showing that there are reasonable grounds to believe that the tangible things are relevant to a foreign intelligence or an international terrorism or espionage investigation."

□ 0020

This would include business records, library records, tax records, educational records, or medical records. Before the enactment of section 215, only specific types of records were subject to the orders issued by the secret court, and the government had to show "specific and articulable facts giving reason to believe that the person to whom the record pertains is a foreign power or an agent of a foreign power." In other words, specific reason to believe that the person you were talking about is either a foreign agent or a terrorist.

This dragnet approach of section 215, which does not need those specific facts, allows the government to review personal records even if there is no reason to believe that the individual involved has anything to do with terrorism. This poses a threat to individual rights in the most sensitive area of our lives with little restraint on the Congress.

While Congress has decided to extend the life of section 215 that does all these things for the next few months, during which I hope we can take a closer look at it and, if not reform it, then do away with it, I think it entirely inappropriate for us to provide some reasonable protection for these very limited and sensitive areas and in effect cutting out library records from the section 215 extension that we just voted.

Do not believe the scare tactics that this amendment might impede investigations and might make us vulnerable to terrorism. The government has many tools with which to investigate terrorism and other types of wrongdoing. In fact, section 215 is rarely used. Search warrants and other investigative tools would still be available to the government. But in any event, most of section 215 is unaffected by this amendment and will continue. This amendment pertains only to library records.

When we last considered this amendment a number of years ago, it passed

this House overwhelmingly with bipartisan support. Today, Representative CONYERS and I offer it with two Republican colleagues, the gentleman from Texas (Mr. PAUL) and the gentleman from North Carolina (Mr. JONES). I urge my colleagues to support this amendment dealing only with the library records aspect of section the 215.

I reserve the balance of my time.

Mr. WOLF. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. As the gentleman from New York knows, Congress is considering temporary extension of the same Patriot Act authorities that are targeted in this amendment.

The reauthorization process, not in this CR, is the proper venue to consider any changes to existing intelligence-gathering laws. Applications for FISA orders seeking library circulation records and book sales records may only be approved by the Director of the Federal Bureau of Investigation, the Deputy Bureau of the Federal Bureau of Investigation, or the Executive Assistant Director for National Security. This authority cannot be further delegated.

There is absolutely no evidence that this authority has been abused or misused to unlawfully acquire library or business records.

This prohibition could create a safe haven for terrorists to utilize America's libraries and bookstores to conduct research or communicate with each other. I urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman from New York has 1 minute remaining.

Mr. NADLER. I will yield the 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Let me thank the gentleman from New York, and I thank the chairman of the subcommittee.

As the ranking member on the Subcommittee on Commerce and Justice, I rise in support of this amendment. I think that the prohibition is an appropriate one. It's a specific carve-out for library records related to American citizens.

These records still would be available under a warrant properly petitioned for and received through the secret court that handles these matters. But this would take away this administrative procedure which has been rarely used. And I agree with the gentleman from Virginia, there's no reason to believe that it would be abused in any way.

The real point here is that we as Americans find that our right to privacy, and particularly as relates to the library and our reading habits—that we do not have a circumstance that we have a fishing expedition by law enforcement.

So I support the prohibition amendment. And it did pass before by bipartisan vote; it's offered on a bipartisan basis, and I hope that the House favorably considers it.

Mr. WOLF. Mr. Chair, I urge a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 424 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to provide any of the following types of assistance to Chad: international military education and training (IMET), foreign military financing (FMF), provision of excess defense articles, foreign military forces capacity assistance (section 1206 of the National Defense Authorization Act for Fiscal Year 2006), and direct commercial sales of military equipment.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, in 2008, this body passed the Child Soldiers Prevention Act. It was part of the William Wilberforce Human Trafficking Victims Protection Act. The bill declared that the United States would not provide military assistance to countries found guilty of child conscription.

With broad bipartisan support, we declared that this is an affront to human dignity and an affront to civilization itself. We made it known that all children, no matter where they are, should be on playgrounds and not battle-grounds.

Mr. Chairman, it is very difficult for us to envision that a child would be put in military fatigues, a gun in their hand, and then forced to fight. But it does happen, and it does happen in the world today.

The government of Chad, to which we provide military assistance, was found guilty of using child soldiers in the 2010 State Department Trafficking-in-Persons Report. As the law we passed provided, Chad was granted a national security interest waiver in the hopes that Chad would take serious and aggressive strides toward ending this se-

rious human rights violation and be a valuable military partner with the United States. But we have to ask, where is the progress?

With the withdrawal of the U.N. mission in Chad at the end of last year, children as young as 13 years old are now being preyed upon as child soldiers. In this past week, the United Nations and a respected international human rights organization both issued reports warning of Chad's continued flouting of our law. The Washington Post, along with other international media outlets, has given attention to this issue as well in recent days.

Mr. Chairman, to use child soldiers is wrong. This is why we passed the law in the first place. Yes, we want a good military relationship with Chad. Chad is a valuable military partner. But to strengthen that partnership, the horrific abuse of children must end.

So I offer this amendment as a challenge to our Government. We are operating inconsistently. We passed a law saying one thing, but we continue military assistance with no apparent attentiveness to stopping the pernicious use of child soldiers.

Mr. Chairman, several years ago I was in the country of Liberia. I had the opportunity to visit the interior part of that country as well. Liberia had gone through a devastating civil war, and this particular area we were in had been caught in a very bad crossfire between rebel groups, and I was invited to visit a missionary school there run by a British Catholic priest.

As we entered the compound, the beautiful children came out and sang us a song and greeted us. And this priest told us that during the worst part of the war, he himself had been abducted, his children had been left unattended, and many had died of starvation. He showed me the mass grave.

□ 0030

But he also asked me to spend a few more minutes with him. We went to a classroom and he discretely pulled two young boys out of that classroom. He told me they had been child soldiers. One had been shot in the hip. The other had had his father killed while he was standing next to him. Both of the boys were withdrawn. They wouldn't look me in the eye. Clearly they were deeply wounded. But this priest wanted to thank me and to thank the American people for providing a little bit of assistance to him to help integrate these children back to some degree of normalcy.

So which way are we going to have it? We need to be consistent. On one side of the hallway we have a very good program to help heal those who have been victimized by child soldiers, but on the other side we are aiding a government that is not stopping this pernicious practice.

William Wilberforce, the British statesman and unyielding abolitionist, for whom our antihuman trafficking law is named, said this: "You may

choose to look the other way, but you can never say again that you did not know.”

Mr. Chairman, we must make it clear to the government of Chad that we now know, and we cannot look the other way.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to commend the gentleman for his outstanding work on this important issue. We want the gentleman to know that we are prepared on our side to accept his amendment.

Mr. FORTENBERRY. I appreciate that. Thank you for the kind words.

Mr. CARTER. If the gentleman will yield, we also will accept the amendment.

Mr. FORTENBERRY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”, by reducing the amount made available for “Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training”, by reducing the amount made available for “Department of Health and Human Services, National Institutes of Health”, and by increasing the amount made available for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”, by \$14,000,000, by \$14,000,000, by an additional \$14,000,000, and by \$42,000,000, respectively.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, this is the full year continuing appropriations act which would help people living with HIV/AIDS who cannot afford their treatment by reallocating additional funding to our Nation’s AIDS Drug Assistance Program.

It is unconscionable that, in 2011, we often have the resources to save lives but wait until a crisis before taking action. Just this month, thousands of Floridians living with HIV/AIDS were on the verge of losing access to their life-saving drugs as Florida’s ADAP ran out of money.

Current funding levels for ADAP are unsustainable.

Due to state budget cuts and an increase in the number of individuals who rely on ADAP for HIV/AIDS-related drugs and services, 10 states, including Florida, have had to create ADAP waiting lists and cut services.

As of February 3, my home state of Florida has accounted for over half of the 6,001 individuals on ADAP waiting lists nationwide (3,085 individuals). In fact, Florida has the third-highest HIV/AIDS population in the country and the highest rate of new infections.

Ensuring access to treatment remains key to combating HIV/AIDS. Antiretroviral drugs can increase the life expectancy of a person living with HIV/AIDS by at least 24 years.

When incorporated into comprehensive strategies, antiretroviral drugs can also help reduce the spread of HIV by up to 92 percent.

Currently, the lifetime cost of living with HIV/AIDS is \$618,900. If we do not take action now, the future costs of HIV/AIDS will amount to \$12.1 billion per year, with drugs making up 70 percent of the cost. We cannot afford to turn a blind eye to this crisis; the costs are simply too high.

My amendment reallocates \$14 million from each of the Fiscal Year (FY) 2011 administrative budgets of the Centers for Disease Control and Prevention (CDC), Health Resources and Services Administration (HRSA), and National Institutes of Health (NIH) in order to provide \$42 million to ADAP.

According to the Congressional Budget Office, if enacted, my amendment would save \$1 million in new FY 2011 expenditures. Furthermore, it would have no net budget authority effect for FY 2011.

Mr. Chairman, we can and must do better. I urge my colleagues to support increased funding for our nation’s ADAP by voting in favor of my amendment.

By reallocating desperately-needed funds to ADAP, we are helping states like Florida ensure that low-income individuals living with HIV/AIDS have access to the medications and services they need to stay alive while stemming the tide of new infections and saving our nation money in the long-term.

Mr. Chairman, I am pleased at this time to yield 1½ minutes to my distinguished colleague and very good friend and colleague from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

I rise today in support of Amendment 23 offered by Mr. HASTINGS, my good friend from Florida, which would help people living with HIV/AIDS afford treatment through the vital AIDS Drug Assistance Program. This program, known as ADAP, provides HIV-related prescription drugs to low-income people with HIV/AIDS who have limited or no prescription drug coverage.

This essential national program is undeniably in the midst of a devastating funding crisis. The combination of an economic recession, State budget cuts, and increased testing and diagnosis of HIV have created the perfect storm against ADAP’s fiscal situation—more patients are requiring ADAP treatment as the program has been emptied out. This has resulted in drastic cuts in services provided and

thousands in 10 different States have ended up on waiting lists to receive these necessary lifesaving drugs.

In my own State of Florida, with the largest of all such waiting lists, 3,276 individuals languish without access to affordable lifesaving treatment. Our State has lowered financial eligibility down to 300 percent of the Federal poverty level, while at the same time reducing the formulary for the patients who still qualify.

This is an enormous problem for a State with the third highest HIV/AIDS population and the highest rate of new infections in the country. You may be shocked to know that the new infection rate in south Florida is higher than in Africa. We cannot let this happen in our own backyard to our neighbors and our constituents.

Though our administration has demonstrated that funding ADAP is a priority, we just keep hitting the wall. Current funding levels for this program are unsustainable and we must do more to help. This amendment would help give the ADAP program a much-needed boost and help thousands of patients access the treatment they so desperately need.

In this budgetary climate, we must make smart and sensible decisions. Where we can afford to make an administrative haircut, if the tradeoff is saving lives, it is our moral imperative to do so. By reallocating these greatly needed funds to save ADAP, we ensure that people living with HIV/AIDS in our communities can access the treatment they need to stay alive while we stem the tide of new infections and save our Nation money in the long term.

I strongly urge you to support the efforts of this responsible and compassionate amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the gentleman’s amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I understand what Mr. HASTINGS is doing here and I, too, support the work of the AIDS Drug Assistance Program and what it does across the country, assuring that more than 500,000 Americans that cannot otherwise afford it receive the drugs that they need for the HIV virus. This is one of the critical services that is offered to many who cannot afford it. It helps to improve their health and to maintain the public’s health in general.

Just last year, the Department of Health and Human Services had to reallocate \$25 million to help States that had a lengthy waiting list, people hanging in limbo without access to the medication that we know will help them. And in these difficult economic times, more and more people find themselves also unable to afford treatment. More than 700 Americans were

put on that waiting list in 1 month in 2010.

Improving access to care is a priority for me and my colleagues, but this amendment is one that attempts to correct a piece of legislation that is not fixable. We simply cannot rob Peter to pay Paul.

This amendment will pull important resources from two accounts that the Republicans have already decimated that are critical to the public health of our country: the CDC, Centers for Disease Control, and the National Institutes of Health. I therefore encourage my colleague from Florida to work with me to defeat this reckless continuing resolution rather than amend a bill that is beyond repair.

Mr. CARTER. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. CARTER. We have no objection to this amendment and are prepared to accept the amendment.

Mr. HASTINGS of Florida. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 483 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for or in sterilization campaigns.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, recently a woman came to my children's school to talk about the healing power of forgiveness. She was a survivor of the 1994 Rwandan genocide when nearly 1 million people were mercilessly hunted, hacked and killed.

Now let's fast forward to the year 2007. In an ironic twist, Rwanda's President Kagame expressed his interest in reducing the number of births of children in that country by 50 percent. In recent weeks, confusing reports have surfaced as to whether the Rwandan Government had launched a campaign setting a target for hundreds of thousands of male sterilizations. While the reports which implied possible complicity of U.S.-funded organizations were subsequently dismissed, the con-

cerns they raised are very real. Let's note China's one-child policy, or Fujimori's Peru.

Mr. Chairman, the United States should be a champion for human dignity, and yet, sadly, we have our own sorted past with sterilization campaigns. In 1924, the State of Virginia passed what was called the Racial Integrity Act, which remained intact well into my own lifetime, until it was overturned by the Supreme Court.

□ 0040

I think the title "The Racial Integrity Act" speaks for itself; legislation so outrageous that then-Governor WARNER, now Senator WARNER, issued a statement of apology in 2002 saying, "We must remember the Commonwealth's past mistakes in order to prevent them from recurring."

Mr. Chairman, this is a proscriptive amendment, which I believe is consistent with current law, that seeks to prevent human rights abuse, that just says, No, we will not return to this shameful past, nor will we impose it on other people in other places with America's tax dollars.

This amendment, I believe, is a reasonable application and extension of the current law. It is important because sterilization campaigns involving a subtle element of real or perceived moral suasion directed at vulnerable individuals can easily blur the distinction between what is voluntary and involuntary. The question here is whether to take hard-earned taxpayer dollars and apply them in these campaigns—aggressive outreach efforts—to sterilize persons.

Mr. Chairman, while I recognize that this amendment has been ruled out of order, I do believe it is a reasonable application and extension of current law. However, I will accept the judgment of the Chair and withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 486 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. (a) None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from stationary sources that is issued or becomes applicable or effective after January 1, 2011.

(b) In this section, the term "stationary source" has the meaning given such term in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3)).

The Acting CHAIR. Pursuant to the order of the House of today, the gen-

tleman from Texas (Mr. POE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Thank you, Mr. Chair.

I'd like to thank my fellow Texans, Mr. BARTON and Mr. CARTER, for co-sponsoring and introducing amendment No. 466 in their commitment to block funding for new EPA greenhouse gas mandates.

This amendment will eliminate funding for the EPA to be used to implement, administer, or enforce any statutory or regulatory requirement pertaining to the emissions of greenhouse gases from stationary sources. This amendment will put an end to any backdoor attempt made by the EPA to regulate greenhouse gases to go around Congress and circumvent the will of the people. Americans have rejected this policy. Despite being rejected by Congress, the administration has ignored the will of the people and the law to further some political agenda.

It's absolutely necessary that Congress take immediate action to ensure that the EPA does not continue to destroy industry across the board in our country. We're in the midst of a massive economic downturn, and the last thing we need to do is to shoot ourselves in the foot with unnecessary, expensive new regulations that are on business and industry, not to mention Americans will be left holding the bag.

Past attempts to regulate greenhouse gases would cost American taxpayers up to \$200 billion a year, the equivalent of hiking personal income taxes up about 15 percent, or cost each American household an extra \$1,700.

This amendment, section 1746 of the CR, says that none of the funds made available to the EPA are to be used to enforce or promulgate any regulation relating to State limitation plan or permits. Further, amendment No. 466 takes the CR a step further, prohibiting the EPA from enforcing national regulation of greenhouse gases similar to the cap-and-trade regulation.

This amendment basically prohibits the EPA from overregulating not only the State of Texas but the rest of the States regarding greenhouse gases. Probably no Member of Congress represents more refineries than I do in southeast Texas; and the regulatory process, the overregulation of the EPA coming in and trying to now regulate the State of Texas regarding greenhouse gases is a detriment to the industry. The State of Texas regulates greenhouse gases. The State of Texas regulates the industry. It has done a good job. This is overreaching on the part of the EPA. And it's time for the EPA not to put industry out of business and put the refinery industry out of business.

This amendment will rein them in and prohibit them from implementing the so-called cap-and-trade philosophy on States such as Texas and other States.

[From the Wall Street Journal, Jan. 4, 2011]

THE EPA'S WAR ON TEXAS

The Environmental Protection Agency's carbon regulation putsch continues, but apparently abusing the clean-air laws of the 1970s to achieve goals Congress rejected isn't enough. Late last week, the EPA made an unprecedented move to punish Texas for being the one state with the temerity to challenge its methods.

To wit, the EPA violated every tenet of administrative procedure to strip Texas of its authority to issue the air permits that are necessary for large power and industrial projects. This is the first time in the history of the Clean Air Act that the EPA has abrogated state control, and the decision will create gale-force headwinds for growth in a state that is the U.S. energy capital. Anyone who claims that carbon regulation is no big deal and that the EPA is merely following the law will need to defend this takeover.

Since December 2009, the EPA has issued four major greenhouse gas rule-makings, and 13 states have tried to resist the rush. The Clean Air Act stipulates that pollution control is "the primary responsibility of states and local government," and while the national office sets overall priorities, states have considerable leeway in their "implementation plans." When EPA's instructions change, states typically have three years to revise these plans before sending them to Washington for approval.

This summer, the 13 states requested the full three years for the costly and time-consuming revision process, until the EPA threatened economic retaliation with a de facto construction moratorium. If these states didn't immediately submit new implementation plans to specification, the agency warned, starting in 2011 projects "will be unable to receive a federally approved permit authorizing construction or modification." All states but Texas stood down, even as Texas continued to file lawsuits challenging the carbon power grab.

Two weeks ago, EPA air regulation chief Gina McCarthy sent the Texas environmental department a letter asserting that the agency had "no choice" but to seize control of permitting. She noted "statements in the media" by Texas officials and their "legal challenges to EPA's greenhouse gas rules," but she cited no legal basis.

And no wonder. The best the EPA could offer up as a legal excuse for voiding Texas's permitting authority last Thursday was that EPA had erred in originally approving the state's implementation plan—in 1992, or three Presidents ago.

The error that escaped EPA's notice for 18 years was that the Texas plan did not address "all pollutants newly subject to regulation . . . among them GHGs [greenhouse gases]." In other words, back then Texas hadn't complied with regulations that didn't exist and wouldn't be promulgated for another 18 years.

The takeover was sufficiently egregious that the D.C. circuit court of appeals issued an emergency stay on Thursday suspending the rules pending judicial review. One particular item in need of legal scrutiny is that the permitting takeover is an "interim final rule" that is not open to the normal—and Clean Air Act-mandated—process of public notice and comment. So much for transparency in government.

The EPA claims its takeover is a matter of great urgency, but Texas is being preemptively punished for not obeying rules that don't exist today because the EPA hasn't finalized them. "Now, at this early stage, there's no specifics to tell you about the rules in terms of what we're announcing today, other than they will be done and we'll

move—take steps moving forward in 2011." Mrs. McCarthy told reporters on a conference call last week about the agency's "performance standards" for oil refineries, power plants, cement manufacturers and other such CO<sub>2</sub>-heavy facilities.

"It's way too early in the game right now to be talking about what we think the standards are going to look like," she added helpfully. "Today's announcement is just the fact we're going to move to those standards."

This and other permitting uncertainties have brought major projects in the U.S. to a standstill. The Texas takeover in particular is pure political revenge and an effort to intimidate other states from joining the Texan lawsuits. The reason states are supposed to run the clean-air process is that local regulators have the staff, capacity and expertise that Washington lacks. When the carbon rules eventually are issued, that means the takeover will extend the current moratorium even longer in Texas.

The EPA concedes that some 167 current projects will be affected, and many more in the future. Our guess is that all of them will be delayed for years and many will simply die. This is precisely the goal of a politically driven bureaucracy that wants to impose by illegal diktat the anticarbon, anti-fossil fuel agenda that the Obama Administration has been unable to pass by democratic consent.

With that, I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 10 minutes.

Mr. MORAN. Thank you, Mr. Chairman.

Mr. Chairman, this entire bill, this CR, is replete with amendment after amendment targeting the public's health and the environment. This is one of the worst, at least in its intent. As a practical matter, it's not clear why this amendment is being offered, really, as it appears to duplicate section 1746 of the underlying bill. But both section 1746 and this amendment are truly radical attempts to stop the Environmental Protection Agency from doing its job of protecting the health and welfare of every American.

This particular amendment would bar EPA from addressing carbon pollution, period—pollution which seriously endangers public health and the environment. It not only guts the Clean Air Act, but it also imposes a job-destroying construction ban in many States. According to the National Academy of Sciences and the premier scientific organizations of all the world major economies, man-made carbon pollution is changing the climate and is endangering the public's health and the environment.

The American Lung Association, the American Public Health Association, and thousands of doctors, nurses, and other public health professionals support EPA's action on this public health threat; but this amendment bars EPA from acting, from carrying out its legal responsibility. Under the Clean Air Act, companies building large new facilities like power plants and refineries need to make sure that they have

taken reasonable steps to reduce their carbon pollution because it's easier to control pollution from the beginning, the point where a facility is being built, rather than waiting and trying to retrofit it after it has been constructed.

All EPA is asking is that these large new facilities be energy efficient. They can meet the standard if they simply meet energy efficiency standards. The Poe amendment, though, would prevent EPA from implementing this commonsense requirement to protect the public health from the largest and most dangerous sources of carbon pollution.

EPA has also indicated it plans to set minimum Federal standards for the two largest sources of carbon pollution, which are power plants and oil refineries. This amendment would prevent EPA from even proposing these standards. Those standards are really a limitation on what they could and I think should be doing in terms of regulating pollution throughout the country. But they're going to stick to the two largest sources.

Ironically, given all of the rhetoric we've heard about environmental regulations hurting the economy, this Poe amendment is a job-destroyer. Under the Clean Air Act, a company wanting to build or expand a power plant or other facility has to get a permit for that facility's carbon pollution before beginning construction. The Poe amendment does nothing to change that. What it does do is take away EPA's authority to issue those permits. So that basically amounts to a construction ban.

□ 0050

This is more than a paperwork problem. In essence the Poe amendment will impose that de facto construction ban on jobs in all or parts of at least 13 States. And without the needed permits, construction cannot proceed. So a vote for the Poe amendment would be a vote not only against the Clean Air Act, it is a vote for a de facto construction ban. Thousands of jobs lost in States across this country. That's why we very strongly oppose the Poe amendment. We do support EPA's authority to cut carbon pollution and allow the construction of energy-efficient power plants, refineries and other facilities to proceed as planned.

I reserve the balance of my time.

Mr. POE of Texas. Contrary to what the gentleman says, in the State of Texas, the power plants, the refineries are already being regulated. They're being regulated by the State of Texas. And unless this amendment passes, the refineries, those that I represent probably more than any person in the United States—this new added burden by the EPA coming in will make those at the refineries lose their jobs. The administration has already done a good job of trying to close down the oil industry in the Gulf of Mexico by not lifting the permitting process. Now the



administration with this requirement, contrary to the law of Congress, since Congress has not passed a cap-and-trade philosophy, will put those refineries and workers at harm, and they will lose their jobs because of the new EPA regulatory process that is not necessary.

With that, I yield as much time as he wishes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

I rise in support of this amendment. I disagree with my friend across the aisle. I don't believe this amendment will be a job killer. I believe it will be a job protector. But more so, it's a faith protector in the opportunity to have a job.

When we were debating in Congress this very issue of cap and trade, back home where I live and all across the State of Texas and in other parts of the country where I was privileged to travel, people were asking, Please, are they really going to impose this crazy legislation upon us at the cost of our jobs and jack up the cost of our energy?

A lot of small businesses said, I don't know what to do, because this thing is looming out there. If it becomes law, I have the feeling it's going to put me out of business because I'm not going to be able to afford the disastrous cost it's going to take to keep me in operation. These are just small business owners.

Meanwhile, those in the refining and power industries looked at this thing and said, Good Lord, what is this going to do to us? How many people are we going to be able to keep on? And who are we going to have to lay off so we can meet these onerous requirements?

And the people of the United States and this Congress basically said no to the President and no to the Democratic majority of the last few years. So the result was a sigh of relief, not only in my hometown but in hometowns across America; a sigh of relief, because they looked at this thing and said, This doesn't make sense. They're trying to regulate the air we breathe. It just shocks people as to what it might do to their cost.

Now I just came tonight to ask one question, a very simple question, the question everybody in my district has been asking me. What is it about the word no that these folks don't understand? Because they have been told no, and I think it should remain no.

We should support this amendment.

Mr. POE of Texas. I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, may I inquire as to the remaining time on each side?

The Acting CHAIR. The gentleman from Virginia has 6 minutes remaining, and the gentleman from Texas has 3½ minutes remaining.

Mr. MORAN. Mr. Chairman, at this point I would yield 4 minutes to the distinguished gentleman from Washington, Mr. JAY INSLEE, one of the

House's premier experts on the issue of air pollution.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chair, anyone who has ever seen a child gasping for breath due to a persistent asthma problem, which are most of us in America, should be adamantly opposed to this amendment, because it would strip the legal right and obligation of Uncle Sam to protect our children's right to breathe.

Now I just heard something incredible from one of my Republican colleagues. They said they were astounded at the precept that Uncle Sam has that responsibility. Well, you know we've had that responsibility for 40 years. Under the guidance of the idea of Teddy Roosevelt and Republican Richard Nixon, we adopted the Clean Air Act 40 years ago, through a bipartisan effort. And that Clean Air Act has prevented 18 million cases of respiratory problems in our kids, 840,000 severe asthma hospitalizations and 200,000 deaths.

And as a result of that success, do you know what the Republican Party wants to do tonight? They want to effectively repeal the Clean Air Act when it comes to these gases. And these are not benign gases. Carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, sulfur hexafluoride, perfluorocarbons. They want to hide and say we're not repealing the Clean Air Act, we're just making it illegal to enforce it. It won't do to say we're going to make it illegal for the FBI to arrest terrorists.

Look, Americans are opposed to repealing the Clean Air Act, and they are opposed to the Republicans making it impossible for the EPA to do their job, by a 2-to-1 margin, and they're opposed to it for several reasons.

Number one, Republicans and Democrats both believe we have a legal obligation to protect our kids from asthma. It's that simple. And Republicans and Democrats share one common precept. We both like to breathe. And that breathing is now in question for our kids. It's incredible to me to think the Republicans are going to leave our kids breathless on occasion. That is breathless in itself.

Number two, this really is an attack on science, because the science is very clear on this. You quote from all the scientific research. Dr. Jacobson—and this I just want to quote—showed by cause and effect that carbon dioxide emitted regionally around the globe increases ozone, particle and carcinogen air pollution health problems in the United States. The science shows this is a problem. And we ought to embrace science as Republicans and Democrats instead of listening to the polluting industries, which want to give license to put untold, indefinite, infinite amounts of these carcinogens into our atmosphere. That is just plumb wrong.

The third reason Americans know this Republican effort to gut the Clean

Air Act is wrong. They are not attempting to revise a rule or modify a rule, or come to us with some common-sense effort to make it work. They are eliminating the ability of the Federal Government to protect the air we breathe in total—a one hundred percent elimination of the ability of EPA legally to follow this rule.

The Supreme Court ruled last year that this is a legal obligation. Some of my Republican colleagues said, yeah, that was only a 5-4 decision, so I guess we can ignore it. Well, that 5-4 decision seemed to have been good enough in Bush v. Gore for them. It ought to be good enough to follow the law of the land, which is to enforce this clean air law for the benefit of our children.

The fourth reason Americans are opposed to this Republican effort to stop EPA from doing its job. Americans know today we are in a race for job creation, and that race is with China.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MORAN. I yield the gentleman an additional 1 minute.

Mr. INSLEE. The fact of the matter is Americans know we are in a race today for job creation, and that is a race with China to find out who is going to sell the products and who is going to have the jobs in electric cars, in solar panels, in wind turbines, in efficiency, in electric charging stations, in new efficiencies to make our homes and businesses run more efficiently. And tonight the Chinese are laughing at us, that the Republicans would come here and take the pedal off the metal, which is the EPA, to try to drive investment to these new clean energy sources.

These are the jobs of the future. If we're going to have these jobs of the future, we have to start moving off of this pollution and stop accepting this pollution. We have to get in this global game. And if we get in this global game, we're going to win. The reason we're going to win is we're the country that went to the Moon, and we are the country with the innovative talent and the creative spirit and the business people that can grow these nonpolluting industries. But not if the Republicans get their way and just let pollution continue.

Let's reject this flawed attempt to gut the Clean Air Act.

□ 0100

Mr. MORAN. Mr. Chair, I reserve the balance of my time.

Mr. POE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), who knows as much about the Clean Air Act as anybody.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. So much to say, so little time.

Mr. Chairman, first, let me point out that CO<sub>2</sub>, the greenhouse gas that is most under discussion, is not a pollutant under the classical definition of the

Clean Air Act. I am creating CO<sub>2</sub> as I speak. The gentleman from Washington, who was just speaking, as he spoke, was creating CO<sub>2</sub>. If you have a carbonated beverage, the reason it bubbles and it is called "carbonated" is because of CO<sub>2</sub>. Greenhouse gases are necessary to human life. They're what keep the planet warm. They're what trap heat so we have an atmosphere that we can exist in.

There is not a definition of a health exposure to CO<sub>2</sub>. The theory that CO<sub>2</sub> is harmful is based on a theory that the amount of greenhouse gases, specifically CO<sub>2</sub>, in the upper atmosphere, as it increases, so many parts per billion somehow affect the ability of the Earth to accumulate or dispense heat. It is a theory. There is nobody in this country or anywhere in the world who has been harmed because of manmade CO<sub>2</sub>. You cannot point to cases of CO<sub>2</sub> poisoning.

So, when my friends who oppose this amendment talk about carbon pollution, they're using a definition that is very loose and very nebulous.

The second point is that there is no question that the Clean Air Act, as passed and as amended in 1990, did not include CO<sub>2</sub> as a criterion pollutant. Because of a case, Massachusetts vs. EPA, the Supreme Court ruled—and my friend from Washington was correct—5-4 that the EPA could make a decision to regulate CO<sub>2</sub>. Could—not should, not must—but could.

The Bush administration began a process to analyze that decision. The Obama administration came in, and within the first 90 days, issued an endangerment finding, not based on independent analysis, but based more on press releases as far as I can say. They said, yes, by golly, that CO<sub>2</sub> was a pollutant and that, yes, they could regulate it. They have since been trying to shoehorn CO<sub>2</sub> regulation into the tenets of the original Clean Air Act.

The amendment before us this evening that Mr. POE, Mr. CARTER, and I have promulgated simply says: Let's take a timeout on CO<sub>2</sub> regulation for the next 7 months. Let's actually define what the greenhouse gases are that we want to look at, and let's restrict the analysis to stationary sources on the regulations that are implemented after January 2011.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman an additional 20 seconds.

Mr. BARTON of Texas. There is no question that if you regulate CO<sub>2</sub> under the Clean Air Act you are going to destroy millions of jobs, which will cost hundreds of billions of dollars, without any real economic analysis to show that it is a harm.

So I support the Poe-Carter-Barton amendment, and I hope that the whole House will.

Mr. POE of Texas. I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, there are actually a couple of points that I would share with the gentleman who had been

the ranking member and who is now the senior member of the Energy and Commerce Committee.

The committee could pass legislation if they chose. I don't think this is the correct vehicle, a continuing resolution on funding activities, to be making law with regard to the Clean Air Act.

Secondly, as Mr. INSLEE informs me, the 5-4 decision of the Supreme Court said if you can show that there is an adverse health effect, then EPA is required by law to address that. That's what EPA is trying to do. That's what this amendment would prevent EPA from doing.

Now, it is not theory. Climate change is fact. It is real. Future generations will look back upon this generation and will wonder, how could our parents and grandparents have been so unmindful of the health effects that our families are experiencing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to extend for 30 seconds the remaining time on both sides.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MORAN. That is certainly fair. I thank the gentleman.

Mr. Chairman, there is an ongoing discussion as to theory and fact. We are convinced that the facts are there. They are science-driven facts. In fact, the melting of the polar ice cap has had a direct effect upon the concentration of moisture in the atmosphere, which is then causing the volatility: the extreme nature of the snowstorms, the flooding, even the droughts that we have been experiencing. There is no question but that in the last decade we have had the warmest years on record.

These are facts, but this is not the vehicle in which they should be debated and at 1 a.m. in the morning. I just simply would urge that we defeat this amendment. It is the wrong amendment and the wrong vehicle.

The Acting CHAIR. The time of the gentleman has again expired.

The gentleman from Texas has 45 seconds remaining.

Mr. POE of Texas. It is my understanding that the committee is going to move a standalone bill in the next few months on the very issue of CO<sub>2</sub>.

Mr. Chairman, this amendment is very simple. It prohibits the EPA from overreaching and from expanding its authority that Congress, in my opinion, has not given it to do. CO<sub>2</sub>. We all breathe CO<sub>2</sub>. Climate changes, but there is no evidence at all that it is manmade CO<sub>2</sub> that causes the climate to change. The climate has been changing, well, for thousands and thousands of years.

I urge my fellow Members of this House to support this amendment to rein in the oppressiveness of the EPA. States like Texas already regulate the

air through their State regulatory processes, so I ask that all Members support amendment No. 466.

Mr. POE of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. CARTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

□ 0110

#### APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. ROSS, Arkansas  
Mr. CHANDLER, Kentucky  
Mr. DAVID SCOTT, Georgia  
Ms. SCHWARTZ, Pennsylvania

#### APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida  
Ms. SLAUGHTER, New York  
Mr. MCINTYRE, North Carolina  
Mr. COHEN, Tennessee

#### PUBLICATION OF COMMITTEE RULES

RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 112TH CONGRESS

FEBRUARY 17, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to Clause 2 of Rule XI of the Rules of the House, I am