

Clean Air Act. I am creating CO₂ as I speak. The gentleman from Washington, who was just speaking, as he spoke, was creating CO₂. If you have a carbonated beverage, the reason it bubbles and it is called "carbonated" is because of CO₂. 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 CO₂. The theory that CO₂ is harmful is based on a theory that the amount of greenhouse gases, specifically CO₂, 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 CO₂. You cannot point to cases of CO₂ 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 CO₂ 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 CO₂. 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 CO₂ was a pollutant and that, yes, they could regulate it. They have since been trying to shoehorn CO₂ 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 CO₂ 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 CO₂ 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 CO₂.

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. CO₂. We all breathe CO₂. Climate changes, but there is no evidence at all that it is manmade CO₂ 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