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.

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.

In the Committee of the Whole

Accordingly, the House resolves 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 reads 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 339, 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:

The EAB is an extension of the EPA that hears and adjudicates appeals pertaining to permit decisions and civil penalty decisions of the agency. Very frankly, EPA 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 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 the 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 in doing this, let the appeal, this amendment. I believe it's the correct thing.

I reserve the balance of my time.

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 reversing, overruling, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic coast.

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 resources 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. What’s going to happen if this legislation is 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.

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. 215. Nothing 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. 1881) for an order requiring the production of library circulation records, library patron lists, book sale 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, association and political freedom. This amendment will not prevent the government from obtaining this type of information 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.”

This would include business records, library records, tax records, educational records, 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. Congress of the United States 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 reason for 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, a section 215 order 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.

The amendment pertains only to library records.

When we last considered this amendment a number of years ago, it passed
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 gathering laws. Applications for FISA warrants 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.”

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 lending 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 section described in the amendment.

Mr. FORTENBERRY. Mr. Chairman, in 2008, this body passed the Child Soldiers Prevention Act. It was part of the William Wilberforce Human Traficking 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 have access to public education and not be 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 severe 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 being preyed upon by 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 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 worked the country of Chad. It was a very good 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 mission that was 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.

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 pervasive 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. 1. The amounts otherwise provided by this Act are hereby reduced by 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 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 $14,000,000, and by $52,000,000, 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 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 cut 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.

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 my own State of Florida, with the largest of all such waiting lists, 3,276 individuals languish without access to antiretroviral medication 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 must 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.

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’s money in the long-term.

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, I urge my colleagues to support increased funding for our nation’s ADAP by voting in favor of my amendment.

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

Ms. DELAURO. 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 workable, 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. 56 OFFERED BY MR. FORTENBERRY

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

The Acting CHAIR. The Chair 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. 303. 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 2021. 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 concerns they raised are very real. Let’s not 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 sort of 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 overtaken by the Supreme Court.

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. 56 OFFERED BY MR. POE OF TEXAS

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

The Acting CHAIR. The Chair 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. 303. None of the funds made available by this Act may be used for or in sterilization campaigns.

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. 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 statute 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 consumers up to $300 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 refiners than I do in southeast Texas; and the regulatory process, the overregulation of the EPA comes 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 not 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.
The Environmental Protection Agency's carbon regulation putsch continues, but apparently abusing the clean-air laws of the 1970 Clean Air Act is not...
administration with this requirement, contrary to the law of Congress, since Congress has not passed a cap-and-trade philosophy, will put those refiners 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. Please, is this really going to impose this crazy legislation upon us at the cost of our jobs and jack up the cost of our energy?

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 is 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 Clean Air Act that makes it so important for us?

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

Mr. MORAN. Mr. Poe of Texas, 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 prospect 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—which was an EPA joint 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 illegal for 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 clean up our air. That's 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 Republican lawmakers—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 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 plain 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 because of the 5–4 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, they said, look, only a 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 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 the polluting industry and 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.

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

Mr. MORAN. 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. 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. Well, let me point out that CO2, the greenhouse gas that is most under discussion, is not a pollutant under the classical definition of the...
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 our life. They 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 a theory based on 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 are 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 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 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 gentleman from Texas has 45 seconds. I urge my fellow Members of this House to support this amendment to the Clean Air Act.

Mr. POE of Texas. I yield 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 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 a 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 about 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.

The gentleman from Texas has 45 seconds remaining.

Mr. POE of Texas. It is my understanding that the committee is going to move a stand-alone 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

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