

Moran	Richmond	Sutton
Murphy (CT)	Rothman (NJ)	Thompson (CA)
Nadler	Roybal-Allard	Thompson (MS)
Napolitano	Ruppersberger	Tierney
Neal	Rush	Tonko
Olver	Ryan (OH)	Towns
Owens	Sanchez, Loretta	Tsongas
Pallone	Sarbanes	Van Hollen
Pascrell	Schakowsky	Velázquez
Pastor (AZ)	Schiff	Visclosky
Payne	Schwartz	Walz (MN)
Perlmutter	Scott (VA)	Wasserman
Peters	Serrano	Schultz
Pingree (ME)	Sewell	Waters
Price (NC)	Sherman	Watt
Quigley	Sires	Waxman
Rangel	Smith (WA)	Welch
Reyes	Speier	Woolsey
Richardson	Stark	Yarmuth

NOT VOTING—26

Bachmann	Gonzalez	Polis
Bass (CA)	Johnson (GA)	Rivera
Becerra	Jordan	Sánchez, Linda
Benishke	Kildee	T.
Clay	Marchant	Schrader
Costello	McIntyre	Slaughter
Emerson	Meeks	Stutzman
Engel	Paul	Wilson (FL)
Giffords	Pelosi	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1048

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 793 I was unavoidably delayed. Had I been present, I would have voted "aye."

COAL RESIDUALS REUSE AND MANAGEMENT ACT

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2273 and to insert extraneous material.

The SPEAKER pro tempore (Mr. DENHAM). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2273.

□ 1049

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 consideration of the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels, with Mr. YODER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1050

Mr. SHIMKUS. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

Fifty percent of our Nation's electricity generation comes from coal. This means that we need to do something to address the long-term disposal issues presented by these wastes. This bill is a measured, appropriate, protective response to the issue of coal waste generated to safely, responsibly, and affordably provide heat to communities across the country.

The trash we throw out daily contains everything from milk cartons to household cleaning items and pesticides, all mixed and destined for the same destination. The chemical characteristics of coal ash put it somewhere in between these two extremes. For years, States have been successfully managing these nonhazardous wastes through their municipal solid waste programs.

Yet even though EPA has confirmed on multiple occasions that coal ash does not trigger its own toxicity test to be labeled as hazardous, regulation was proposed by the EPA in June 2010 that would do just that. EPA's regulation would have prevented coal ash from being governed under the municipal solid waste programs despite its nonhazardous nature and EPA saying in its proposed rule that it preferred the municipal solid waste option.

The results of EPA's regulations would have been devastating effects on jobs, higher utility rates at home, and crippling of a very successful emerging byproducts industry.

H.R. 2273 strikes the right balance to provide certainty to producers and recyclers of coal combustion byproducts at a time when recyclers do not have time to wait. It also facilitates a safe and appropriate disposal and monitoring of coal combustion byproducts.

The bill establishes, for the first time ever, comprehensive Federal standards specific to coal ash disposal. These new standards for the management and disposal of coal combustion residuals are based on existing Federal regulations issued by EPA to protect human health and the environment.

H.R. 2273 provides a benchmark for States to regulate under their existing municipal solid waste programs, which are already required to meet this Federal baseline of protection. These standards will include groundwater protection and detection and monitoring, liners at landfills, corrective action when environmental damage occurs, structural stability criteria, financial assurance, and recordkeeping.

EPA will continue to have an oversight role to ensure States are meeting their obligations. EPA will review the contents of a State permit program and determine whether it meets the

minimum specifications set in H.R. 2273. They will also review State implementation of permit programs to make sure States are implementing a permit program meeting the minimum specifications.

However, discretion will remain with the States to regulate coal ash even more stringently than the Federal standards set in H.R. 2273. And should a State fail to meet these baseline standards or decline to regulate coal ash, EPA has the authority under the bill to come into a State and operate a program.

H.R. 2273 received strong 3-1 bipartisan support when it was favorably passed out of the Energy and Commerce Committee. We have continued to work hard since then with colleagues on both sides of the aisle to clarify and address additional concerns reflected in the manager's amendment. This has resulted in a bipartisan product that empowers States, saves jobs, controls public and private costs, and protects people and the environment.

H.R. 2273 has endorsements by a diverse stakeholder community as well from the Environmental Council of the States, State environmental officials, the beneficial use community, labor unions, and a coalition of regulated stakeholders.

Mr. Chairman, some of our colleagues are going to oppose this bill based upon this information or misguided policy. That is unfortunate. We will hear plenty about that in this debate. I urge Members to pay attention to the debate as many of our Nation's environmental laws already apply to the concerns being raised. More laws requiring the same thing to be done that is required in other laws do not improve the environment nor the law. We need to be serious about that point.

Most importantly, our economy continues to struggle and businesses are trying to figure out how to get out from underneath the weight of overly burdensome regulations. H.R. 2273 is a jobs bill that gives us yet another chance in the House to regulatory certainty and unemployment relief with passage of H.R. 2273.

This bill protects the working men and women of this country. It encourages jobs in road building and construction industries and encourages an affordable and more secure standard of living in this country for all Americans and their families. This bill is worthy of all my colleagues' support.

I urge my colleagues to vote for H.R. 2273, and I reserve the balance of my time.

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

Today the assault on the environment in this body continues. Two weeks ago the House voted to repeal the health standards in the Clean Air Act and block the Environmental Protection Agency from regulating toxic emissions from power plants. Earlier

this week, we voted to block EPA from regulating toxic emissions from cement plants. And yesterday we voted to block the EPA from regulating toxic emissions from incinerators. Today we'll vote on whether to stop EPA from regulating toxic coal ash.

On December 22, 2008, a coal ash impoundment in Kingston, Tennessee, burst, releasing 5.4 million cubic yards of toxic sludge, blanketing the Emory River and the surrounding land and creating a Superfund site that could cost up to \$1.2 billion to clean up.

Last year, EPA proposed regulations to ensure stronger oversight of coal ash impoundments in order to prevent disasters like the one in Kingston and to prevent groundwater and drinking water from the threat of contamination. Today we are voting to stop EPA from acting.

The agency had proposed two alternatives for regulating coal combustion residuals: One proposal was to regulate these wastes under subtitle C of the Resource Conservation and Recovery Act, or RCRA, as a hazardous waste. The other proposal was to regulate under subtitle D of RCRA as a nonhazardous solid waste.

Under both proposals, there would be a minimum Federal standard developed to protect human health and the environment. Those standards would address wet impoundments, like in Kingston, and would also ensure that basic controls like the use of liners, groundwater monitoring, and dust control meet a minimum level of effectiveness.

But the legislation that is being brought to the floor today blocks both of these EPA proposals. It replaces those proposals with an ineffective program that won't ensure the safe disposal of coal ash.

At hearings in the Energy and Commerce Committee, we heard testimony about the devastating impacts contamination from coal combustion waste can cause. We learned of contaminated drinking water supplies, of ruined property values. We've learned about improper disposal of coal ash presenting catastrophic risks from ruptures of containment structures and causing cancer and other illnesses from long-term exposure to leaking chemicals.

But this legislation does not reflect what we learned about the dangers of improper disposal of coal ash. Under each of our environmental laws—until the Republicans repeal them—Congress has established a legal standard when delegating programs to the States. That was done, by the way, on bipartisan votes.

These standards are the yardstick by which it is determined whether a State's efforts measure up. They ensure a minimum level of effort and protection throughout the Nation. This approach has worked well because it prevents a race to the bottom by the States.

But this legislation does not include any legal standard at all to establish a

minimum level of safety. As a result, the public can have little confidence that this legislation, if enacted, will result in increased safety. And to the extent new safety requirements are established, nearly all of them can be waived at a State's discretion.

This legislation appears to create a new program for the safe disposal of coal ash. But the decisions of whether or not to provide a safe disposal or whether or not to protect groundwater or whether or not to protect against toxic dust blowing off disposal sites will remain State decisions. There will be no minimum Federal health standard.

□ 1100

The result will inevitably be uneven and inconsistent rules by the States. Some States will do a good job, others will do a poor job. And when they do a poor job, the public will pay the price—just as they do today.

If this legislation is adopted, no one should be fooled. This bill will not protect communities living near these waste disposal sites. It won't make high-risk impoundments of coal ash safe. It won't stop contamination of drinking water. And it won't create jobs. In fact, it won't do much of anything.

Like the cement and incinerator bills that the House has debated, this bill also violates the discretionary CutGo. CBO found the legislation will cost EPA \$2 million over the next 5 years. This cost is not offset in the legislation. So once again, for the third time in 2 weeks, the Republicans are abandoning their discretionary CutGo rule.

This legislation is deficient in both process and substance, and I urge all Members to oppose it.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. LATTA), a primary mover on this bill.

Mr. LATTA. I rise today in support of H.R. 2273. Designating coal ash as a hazardous waste, as the EPA proposed in June 2010, would raise energy prices for families and businesses and destroy a large coal ash recycling industry and all jobs associated with it. H.R. 2273 creates a unique regulatory infrastructure at the State level that provides strong environmental protection without all of the economic consequences of a hazardous waste designation. I have an email from the Ohio Environmental Protection Agency asking me to support this legislation and allow them to do their jobs in Ohio.

If this legislation is not passed and signed into law, the EPA will overturn 30 years of precedent and designate coal ash a hazardous waste, despite findings from the Department of Energy, the Federal Highway Administration, State regulatory authorities, and the EPA itself that the toxicity levels in coal ash are well below the criteria that requires a hazardous waste designation. In fact, in the EPA's May 2000

regulatory determination, they concluded that coal ash does not warrant regulation as a hazardous waste, and that doing so would be environmentally counterproductive.

It is estimated that meeting the regulatory disposal requirements under the EPA's proposal would cost between \$250 to \$450 per ton, as opposed to about \$100 per ton under the current system. In 2008, 136 million tons of coal ash was generated. That means not passing this bill could put an additional \$20 billion to \$47 billion burden on electricity generators that use coal.

Energy costs aside, about 45 percent of the coal ash generated is recycled, being used as an additive in cement, concrete, wallboard, roofing materials, road-based fill materials, and snow and ice control. While all of this is completely safe, designating coal ash as a hazardous waste would halt these beneficial uses, which the EPA estimates will lead to \$16.7 billion in increased costs per year, further damaging our economy. This legislation keeps those products on the market and avoids job losses in those industries.

For those reasons, I support the legislation.

Mr. WAXMAN. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I thank our ranking member for allowing me time to speak.

I rise to express my support for H.R. 2273, the Coal Residuals Reuse and Management Act. As a Member of Congress from basically an oil and gas and refinery and chemical plant area, for the last 8 months I have learned more about coal ash than I think I have ever wanted to.

We know that coal combustion waste can be responsibly recycled and beneficially used. Wisconsin recycles 97 percent of their coal ash. Encouraging beneficial reuse of coal ash ensures less of it in landfills, which is good for our environment and good for the economy. The great debate with coal combustion waste is how do we ensure we have enough environmental protections for coal ash disposal without discouraging beneficial use.

As ranking member of the Environment and Economy Subcommittee of Energy and Commerce, I believe the legislation before us today is a vastly improved version of the legislation considered by our subcommittee for markup, which would simply ban EPA from deeming coal ash as a hazardous material. This legislation would further be improved by the adoption of the Shimkus amendment, the manager's amendment, later.

Currently, there is a patchwork of State programs to regulate the disposal of coal combustion waste. H.R. 2273 for the first time establishes comprehensive, minimum Federal standards for coal ash management and disposal. Contrary to statements made, H.R. 2273 does include groundwater monitoring provisions. The legislation

applies existing requirements for groundwater monitoring and corrective action measures to coal combustion residuals. Facilities would be required to monitor and respond to any releases. In addition, States have the authority to require facilities that don't meet the standards to close.

Additionally, this legislation includes a provision championed by my good friend, Congressman DOYLE from Pennsylvania, which would ensure adequate closure standards for surface impoundments, including closure plans and drainage standards. I know some Members have concerns about the legislation, but we worked diligently with the majority and stakeholders to make improvements to the bill. There has been an assertion by some of my colleagues that the legislation does nothing to protect the environment. EPA has no current authority, and this bill for the first time sets those standards.

The assertions by some of my colleagues that this legislation does nothing to protect the environment are misleading at best. EPA has no authority now and this bill for the first time sets national standards.

No, this bill is not perfect. But part of legislating is moving the ball forward and we cannot continue to spend months working on legislation that is simply sent to the Senate to die.

I believe my colleagues on the Majority made significant improvements since their first draft of the bill and a good faith effort to address many of the concerns raised by the minority.

Mr. SHIMKUS. Madam Chairman, I yield 1 minute to a member of the subcommittee, the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act. H.R. 2273 is on the House floor as part of the Republican regulatory relief agenda to reduce job-killing government regulation on businesses. I view the apparent intention of the Environmental Protection Agency to regulate coal ash as a hazardous material as another decision by the agency to regulate business without the use of facts, science, or common sense. Everybody wants a clean environment. We all want clean air and clean water, but decisions on how to keep our environment clean should be based on science and not political rhetoric.

My State relies on coal and coal ash for jobs and electricity. I have heard from utilities in my district about the negative impact that regulating coal ash as a hazardous material would have on ratepayers and on employees. I am happy to support H.R. 2273 today to rein in an out-of-control EPA and to protect the interests of my constituents.

Mr. GENE GREEN of Texas. I yield 3 minutes to our colleague and committee member, Ms. CASTOR from Florida.

Ms. CASTOR of Florida. I thank my colleague from the Energy and Commerce Committee for yielding me time.

In December of 2008, the communities surrounding the Tennessee Valley Authority's coal-fired plant in Kingston, Tennessee, suffered one of the worst environmental disasters in the Nation's history—5.4 million cubic yards, or over 1 billion gallons, of coal ash sludge covered the neighborhood after a dam break. This was along the Emory River. It damaged 42 homes. That disaster raised a lot of questions and concerns about how coal ash is stored all across the country. In that case, the TVA had used an above-ground, unlined storage pond that broke loose after a heavy rain.

Some States have appropriate storage standards, like my home State of Florida. They're appropriate. But the problem is some States do not have the appropriate standard, so I believe EPA was right to begin an appropriate national review of guidelines for proper coal ash disposal.

The problem here is the GOP bill stops that effort in its tracks. The GOP bill is too liberal and too permissive. I have relayed to EPA that many actors in the field recycle coal ash material. In my hometown of Tampa, we send a lot of coal ash for the building of the new Panama Canal expansion. And it's used in wallboard. This needs to be encouraged. We want to see the beneficial reuse industry flourish. Recycled fly ash should not be labeled as hazardous, and I think it shouldn't even be labeled as special waste, and I encourage the EPA to take this approach. In fact, I proposed an amendment to support this approach after discussion with industry leaders, but the Republicans ruled it out of order.

□ 1110

Without it, the GOP bill goes too far. They're abdicating their responsibility to protect communities from disasters like Kingston. The bottom line is that we all have a responsibility to ensure that coal ash is disposed of in ways that protect communities across the country and protect human health. The GOP bill does not take that approach and does not take its responsibility seriously. It could allow a disaster like TVA's Kingston catastrophe to happen again.

Therefore, I urge my colleagues to oppose the bill.

Mr. SHIMKUS. Madam Chairman, I yield myself such time as I may consume.

I will just tell my friend from Florida, H.R. 2273 includes structural integrity inspection requirements on impoundments that do not exist today. They allow only those facilities that are structurally sound and operating in a protective manner to continue to operate.

In this Kingston debate, what is never mentioned is that in the cleanup of the Kingston spill, all that waste went into nonhazardous landfills because they were not hazards. This is really a debate about hazardous and nonhazardous. EPA has numerous

times ruled that coal combustion residual is not hazardous. That's why there's confusion.

I yield 2 minutes to my colleague, also a member of the committee, the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank the chair of the subcommittee.

Madam Chair, I rise in support of H.R. 2273, the Coal Ash Residuals Reuse and Management Act. By supporting H.R. 2273, I'm also rising in support of American jobs and environmental protection, a concept that may be lost on a few of my distinguished colleagues from the other side of the aisle.

This piece of legislation will, for the first time, establish minimum Federal requirements for the management and disposal of coal ash. Not only will H.R. 2273 provide certainty for State regulators as well as manufacturers that rely on coal ash as building material, it will keep coal ash out of our landfills and prevent unnecessary hikes in electricity rates.

EPA has delayed rulemaking because they're weighing two options: One, continue to regulate coal ash as nonhazardous; or, two, ignoring science to classify it as a hazardous waste.

EPA has already determined on numerous occasions that coal ash should not be classified as hazardous waste. They came to that conclusion most recently in 2000, over a decade ago, under the Clinton administration. In fact, EPA's finding went even further, arguing that "Regulating coal ash as a hazardous waste would be environmentally counterproductive because it would unnecessarily stigmatize coal ash and impede its beneficial use." Meanwhile, due to the uncertainty created by EPA's inaction on this rule, the coal ash industry is crashing.

Regulating coal ash as a hazardous waste flies in the face of years of scientific research and EPA's own findings. Coal ash as a hazardous waste would force unworkable requirements on our electric utilities, resulting in serious economic consequences for American job creators and American families.

I urge my colleagues to vote for American jobs and a clean environment. Vote for H.R. 2273.

Mr. GENE GREEN of Texas. Madam Chair, I yield 3 minutes to my colleague and a member of the committee, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Coal ash is a serious issue for this country and especially for Pennsylvania. Nearly all of my constituents get their power from coal, and with that power generation comes its byproduct—coal ash. It's an unavoidable part of our power generation in southwestern Pennsylvania.

And though the Commonwealth of Pennsylvania has some of the toughest coal ash disposal standards in the country, I have been convinced that coal ash needs to be federally regulated under the Resource Conservation and Recovery Act, known as RCRA.

Now, we've had the opportunity to vote on the coal ash issue several times this year. We've seen policy riders on appropriation bills and legislation that tied the hands of the Federal Government to regulate coal ash. I haven't supported a single one.

So let's be clear: I have no record of hamstringing EPA or limiting environmental protections. But there's been a lot of half-truths flying around about this bill, and I think we should clear things up. For the first time, coal ash disposal will be federally regulated under RCRA through programs run by the States. Though implemented by the States, the permit programs will be developed according to Federal standards from section 401(c) of RCRA, the section that must serve as the baseline for these State permit programs that require criteria necessary to protect human health and the environment.

We've also heard this bill will create a "race to the bottom" whereby utilities will ship their coal ash to States with the least stringent regulations. That's just not realistic. If this were a real concern, utilities in Pennsylvania would already be doing this, as we have very strict regulation of coal ash. But utilities in Pennsylvania don't ship their coal ash out of State because it's just not economically feasible to do so.

I'm pleased to hear good, informed debate this morning with important points being made by both sides. We've made significant improvements to this bill, and there is still more that can be done. But we need the chance to move legislation that will for the first time allow us to federally regulate coal ash. I believe this bill was the necessary vehicle to move that goal forward, and I encourage my colleagues to support it.

I yield to my colleague from Texas.

Mr. GENE GREEN of Texas. I thank my colleague.

I think what Congressman DOYLE was saying was, we're doing something here we don't do very often in this House: We actually have a bill that came out of committee that has bipartisan support. It moved the bill to where EPA does not have the authority under current law unless they label it toxic coal ash so the EPA has oversight. We're giving them oversight over what our States have been doing—in most cases, very good.

That's why this bill is something we haven't done on this floor very often in the last 10 months. We actually compromise and come up with good legislation. And we hope the Senate will pass it.

Mr. SHIMKUS. I yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Madam Chair, I rise in strong support of H.R. 2273, the Coal Residuals Reuse and Management Act of 2011.

Unfortunately, this legislation is necessary because last June the Obama administration proposed two new rules in its ongoing war on coal that could cost tens of thousands of jobs and tens

of billions of dollars to our GDP. The two new rules are a departure from decades of accepted practice of allowing States to regulate coal ash.

Furthermore, EPA's current actions fly in the face of two previous EPA studies—one study from the Clinton administration—which found that coal ash shouldn't be regulated by the EPA as a hazardous material.

Now, keep in mind these new rules will not only negatively effect the coal and the utility industries but also will lead to job losses and increased cost for the infrastructure and construction industries. Furthermore, coal residuals are a key component of many of the materials used by these trades. If the EPA is successful in classifying coal residuals as a hazardous material, the cost of the raw goods in these vital industries would skyrocket.

This bipartisan legislation not only stops the onerous proposed rule from going forward, but also allows States to regulate coal residuals by using an existing and successful Federal regulatory program. This compromise bill sets realistic and enforceable standards while leaving the regulation enforcement to the States. In fact, State environmental officials, including my home State of Ohio, see this type of regulation as a model for the future because it provides strong health and environmental protection with minimal Federal EPA involvement.

At a time when the President and the other side of the aisle are stumping for their so-called jobs proposal, Madam Chair, I find it confusing and ironic that this administration would propose rules that will cost tens of thousands of job losses and will lead to the loss of billions of dollars from America's GDP. This legislation will save the administration from themselves by saving jobs while still protecting human health and the environment.

I strongly urge my colleagues to support the legislation.

Mr. WAXMAN. Madam Chair, I just want to say to my good friends who feel that we've got to move the bill forward and we've got to get a better bill, I understand that, and this bill is going to move forward. But for those who really want a good bill, we're not getting one out of this House. It's better to vote "no" to show that you want a better bill than to vote "yes" for the small changes that the Republicans have given to some of our Democrats that may improve the bill on the margins, but the bill is not good enough for an "aye" vote.

I still urge Members to vote "no."

At this time I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

□ 1120

Mr. CONNOLLY of Virginia. I thank my friend.

Madam Chairman, the House majority has bought yet another anti-EPA bill to the House floor. Last week, the House passed legislation to increase

mercury and particulate pollution from cement factories, poisoning fetuses and increasing the incidence of diseases such as lung cancer and emphysema. This week, the House passed legislation to increase mercury and particulate pollution from industrial boilers. These follow some 125 other virulently anti-environmental bills, riders, and amendments that the majority has already tried to pass this year.

H.R. 2273, the legislation on the floor today, is but the latest assault on the environment and public health. This bill would block the EPA from issuing science-based standards to manage the disposal of coal ash. Unfortunately, the majority rejected language, which had the support of a number of utilities, which would have protected EPA's authority to issue health-based standards under the Clean Water Act. If the majority had protected rather than curtailed this authority to issue regulations based on science, not politics, then I could support the legislation before us today.

Mr. WAXMAN is offering an amendment which would protect the EPA's Clean Water Act authority. If that amendment passes, then perhaps most of us could vote for final passage of the bill.

Such standards clearly are necessary, or impoundments such as the one in Kingston, Tennessee, would not be failing. When that impoundment failed in Tennessee, it released a billion gallons of toxic sludge into the Clinch River. Fortunately, that impoundment was located downstream of most of the biodiverse portions of the Clinch, which contained unparalleled populations of freshwater mussels and other aquatic species. In fact, the Clinch has more species of freshwater mussels than the entire continent of Europe.

According to the Nature Conservancy, "The Clinch, Powell, and Holston Rivers run nearly parallel courses to the remote mountains and valleys of southwestern Virginia and northeastern Tennessee. These last free-flowing tributaries of the Tennessee River harbor the Nation's highest concentrations of globally rare and imperiled fish and freshwater mussels." These watersheds are the most biodiverse regions east of the Mississippi River, and among the top biodiverse places in all of the United States. H.R. 2273 would increase the risk of coal ash spills in the upper Clinch, Holston, and Powell Rivers, potentially causing many species to go extinct.

Human health is also at risk as a result of poorly regulated coal mining in Appalachia. Scientists from West Virginia University have conducted extensive research on the human health impacts of coal mining and local populations. They found that residents of coal mining regions have significantly higher rates of chronic heart, respiratory, and kidney illnesses. Coal mining regions of Appalachia have higher rates of cancer and premature mortality.

The Acting CHAIR (Mrs. BIGGERT). The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. CONNOLLY of Virginia. Imagine if Teddy Roosevelt had allowed a few gold miners in the Grand Canyon to block protection of that great American landmark. Imagine if loggers and shepherders had blocked designation of Yosemite as a National Park. Today, we confront a similar challenge—to protect one of America's great places, Appalachia, in the face of special interest assault.

I urge my colleagues to vote “no” on H.R. 2273.

Mr. SHIMKUS. Before I yield time to my colleague from Tennessee, let me ask the time remaining.

The Acting CHAIR. The gentleman from Illinois has 17 minutes remaining, and the gentleman from California has 13 minutes remaining.

Mr. SHIMKUS. Thank you, Madam Chairman.

I yield myself such time as I may consume.

Just to my friend from Virginia, I hope he will look at the manager's amendment, because in the manager's amendment it beefs up the list of constituents for groundwater detection and assessment monitoring specific to coal combustion residuals. This is something we received from your side of the aisle that they wanted more clarity. That's what the manager's amendment does on runoff aspects of the Clean Water Act.

The other thing is, if the toxic sludge, as you had defined it, was so toxic, why did it go into municipal landfills and not into toxic landfills?

The reality is the cleanup materials did not go into toxic landfills. So we just want to clear up some false statements here.

I would now like to yield 2 minutes to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Chair, I rise today in support of H.R. 2273. This bipartisan bill will protect the beneficial use of coal ash while also providing for consistent State regulatory authority to store and regulate coal ash under the Solid Waste Disposal Act.

My home State of Tennessee has seen the problems coal ash can cause. In December of 2008, TVA's coal-fired plant in Kingston, Tennessee, had the largest coal-related spill in U.S. history. This terrible disaster resulted in some 1.1 billion gallons of ash flooding parts of the Tennessee Valley. So there's no question we must have proper oversight. And, Madam Chair, I visited that site previously.

With that being said, the reality is coal ash is abundant and can be economical and versatile. The use of coal ash keeps electric costs low for the consumer and provides low-cost, yet durable, construction materials. From 1999 to 2009, 519 million tons of coal ash

were recycled—38 percent of all ash produced. Reusing ash decreases greenhouse emissions and also helps prevent spills that can result from its storage.

The bill we're considering today ensures the safe management and disposal of coal ash by ensuring existing regulatory standards are enforced without interfering with State regulations and storage standards. This will help prevent future disasters like the one in Kingston because it encourages investment in recycling and reuse of ash in a way that benefits contractors, consumers, and American job creators.

The Coal Residuals Reuse and Management Act is a bipartisan solution to the challenges that arise from coal ash. It safeguards the consumer and the environment without hurting the economy. It is imperative that we pass this bill, because if we do not, the administration's proposed regulations under the Resource Conservation and Recovery Act will move forward to classify coal ash as hazardous, increasing costs for the coal-fired plants, which would put thousands of jobs in jeopardy and drive up electricity costs.

American job creators cannot afford another regulatory burden. I urge my colleagues to support this bill.

Mr. WAXMAN. I yield myself such time as I may consume.

Madam Chair, I just wanted to make a correction for the record.

Some people have suggested that it's going to be considered a hazardous waste site if they dispose of this waste, and we don't believe that's true. We don't want to treat it as if it were household garbage without the guarantees to protect the public health and the environment. It can be something in between. It doesn't have to be considered hazardous waste. And that is exactly the kind of proposal that we ought to be looking at. And to say that we're considering it hazardous waste is an incorrect statement.

May I inquire how much time each side has?

The Acting CHAIR. The gentleman from California has 12½ minutes remaining, and the gentleman from Illinois has 14½ minutes remaining.

Mr. WAXMAN. Madam Chair, at this point I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I'd like to thank the ranking member of the Energy and Commerce Committee and the chair.

We're seeing a trend here in the House of Representatives, Madam Chair, attacking the EPA and not working on jobs. This bill does nothing to regulate coal ash in a way that protects the environment or public health. This bill wants to give regulatory power to States, but there is no national minimum standard for State permitting programs in this bill.

The municipal solid waste standards used by this dangerous piece of legislation are inadequate to protect our communities from dangerous toxins. Many of the toxins found in coal residuals are simply dangerous to public health and

are known cancer-causing agents. Just a few of the toxins found in coal ash include arsenic, chromium, lead, mercury, nickel, and a bunch of other stuff that's hard to pronounce.

This bill will allow these toxins to enter our drinking water in dozens of communities across the country. On top of releasing toxins into our drinking water, H.R. 2273 does nothing to promote recycling of coal ash. Instead, it promotes the indefinite storage of coal ash, which furthers the leaching of dangerous carcinogens and neurotoxins into our drinking water. Additionally, this bill denies the EPA from instituting a deadline or meaningful clean-up standard for disposal sites that have already contaminated groundwater.

It has been 40 weeks the Republican majority in the House has been in the majority, and we haven't voted on a single jobs bill, Madam Chair. This train of bills dealing with cement emissions, dealing with the TRAIN Act, dealing with Boiler MACT rules—and now, today, coal ash—suggests that the Republican majority believes that the problem to creating jobs in America is that Americans want to breathe clean air and drink clean water, and it's just too expensive to do.

□ 1130

This is a false statement, this is not true, and I hope that we reject this bill today.

Mr. SHIMKUS. Madam Chairman, I yield myself such time as I may consume.

Just to my friend from Minnesota, I would quote the United Mine Workers letter that says: According to a June study, there's an estimate of the 183,000 to 363,000 possible job losses if we do not pass this bill. So for those who really want to effect, there will be—I mean, this claim that this hurts the recycling when, then, you define coal combustion residuals as “toxic” is nonsensical. It really makes no sense.

If you really want to encourage recycling, this bill protects the recycling industry. It protects coal, fly ash from going into concrete. If you label this “toxic,” which is what EPA's trying to do, that's very misleading. And I think even my friends on the other side are having a hard time grappling with what the EPA's trying to do because that's the direction we want to do, they want to move it to.

With that, I would like to yield 2 minutes to my colleague from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I rise in support of this commonsense bill that is good for jobs and the economy. I thank my good friend Congressman SHIMKUS for his very important work on this bill.

What we're confronting here today is another classic example of EPA's regulatory overreach threatening jobs and livelihoods across the country. This is also an issue that concerns my constituents, as thousands of jobs are in industries using coal combustion residuals. But the jobs impact of this legislation is not limited to my district. It's nationwide.

I urge my colleagues on both sides of the aisle to support this pro-growth, pro-jobs bill.

Mr. WAXMAN. Madam Chair, the supporters of this bill claim that this legislation will save jobs. Their main evidence is a report by the Electric Power Research Institute that claims that regulating coal ash as hazardous waste would lead to the loss of 300,000 jobs, but this claim is wrong.

For example, the EPRI study estimates job loss by assuming that there would be 100 percent reduction in recycling and beneficial reuse. This assumption is based on no analysis whatsoever, and it's at odds with a survey done by the National Precast Concrete Association, which shows that 84 percent of their members would continue to use fly ash even if the waste were to be regulated as hazardous.

In fact, EPA has formally requested that EPRI issue a statement that corrects the misstatement and misrepresentations that were made in this report and which have been repeated here today. The EPRI study is flawed, should not be relied on.

We need to reject these arguments that in order to have jobs we need to allow contamination of our groundwater and allow human health to be jeopardized by coal ash impoundments.

I would now like to yield 2 minutes to the gentlelady from the State of Maryland (Ms. EDWARDS).

Ms. EDWARDS. Madam Chairwoman, it seems that hardly a day goes by in this Chamber when the Republican majority fails to create jobs, endangers public health, and deep sixes the environment, and today is no different.

Coal plants are usually accompanied by coal ash ponds and dry coal ash landfills, and they're disproportionately located in impoverished areas. Two-thirds of all of the ash ponds in the United States are located where household income is below the national median, according to Earthjustice. What that means is that poor people don't have a voice in what the majority is trying to do; and we can't rely on a voluntary patchwork of State regulations, which is what this bill would have us do.

Now, in my own home State of Maryland, we have a decent record of environmental regulations, but I can't say that about our neighboring States. We need a national way to look at how we're contaminating or not our environments. The contamination of groundwater at the Gambrills coal ash plant in Maryland resulted in the single largest fine ever imposed by our State's Department of the Environment, and a \$57 million settlement for the affected homeowners and businesses.

The problem is that money can pay for medical treatment and compensate for the loss of property value in the right way, but it can't bring back health. It can't reverse the developmental disabilities or preserve the sense of home for people who are displaced.

Now, I said some of the affected homeowners in that settlement, because even in this case we see discrimination. The neighboring population of Odenton, Maryland, is a rural African American community, and it's still battling contamination from the Turner Pit site belonging to the same power plant. Their drinking water aquifers and creeks feeding into the Patuxent River, which is an important source of potable water for the entire metropolitan Washington region, remains polluted.

They've seen no cleanup. They've yet to receive any compensation for lost health and property values. What they got instead is a steady supply of free bottled water, courtesy of the polluting power plant—I mean, it's absurd—and an extension of a shopping mall to cover the contamination site; not to cover the contamination, but to cover the contamination site.

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

Mr. WAXMAN. I yield the gentlelady an additional 30 seconds.

Ms. EDWARDS. Thank you.

What I'd like to say is that, given that we know that in poor minority populations they have the worst health outcomes by any measure and coal ash impoundments are disproportionately located in low-income communities that are less likely to have medical access to insurance and care, we have to be concerned. This body needs to be concerned. And if we pass this bill, we will unfairly expose these vulnerable communities to higher levels of threatening health and property risk than the rest of the population.

I think, Madam Chair, we can do a lot better; and in this Congress, we should be looking out for people, not failing to create jobs, contaminating their water, and poisoning their air.

Mr. SHIMKUS. Madam Chairman, I yield myself such time as I may consume.

I just want to remind my colleagues that they will be interested to know the EPA noted in its June 2010 proposed regulation for coal combustion residuals that municipal solid waste rules provide an appropriate, comprehensive framework for regulating coal combustion residuals. That's from the EPA, the same EPA people say we're trying to gut.

And I will continue to hold up the Veritas study that says, because of the recycling aspect of coal ash that goes into concrete, if you claim it to be toxic, you can no longer use coal ash in concrete for roads and for bridges and for buildings. That's the debate. And then when you tear down those structures, they would have to go in the toxic landfills. I also remind my colleagues that, from the spill, none of the spill cleanup went to toxic landfills.

With that, I yield 5 minutes to my colleague from West Virginia (Mr. MCKINLEY), the author of the legislation.

Mr. MCKINLEY. Madam Chairman, I rise today in support of this bipartisan,

pro-job, pro-environment, pro-health legislation. After 30 years of debate, of charges and countercharges, we can finally get this done.

Just as an example of the disparity and misrepresentation here, we talked about mercury. That was discussed earlier. Fluorescent light bulbs in our homes contain mercury in a higher concentration than coal ash, but yet our fluorescent light bulbs are disposed of in a way that we're going to take care of now under this bill.

In fact, there are two parts of this bill. The first part removes the stigma of the EPA classifying fly ash as a hazardous material. Several studies by the EPA have concluded time and time again that the chemical characteristics within coal ash are nonhazardous.

We've already heard the advantages of the recycling.

But I just want to remind the gentleman from California that during the subcommittee markup, he supported the Baldwin amendment that prohibited the EPA from regulating coal ash as a hazardous material, yet he continues to refer to coal ash as toxic. This is simply unacceptable. One cannot have his cake and eat it, too.

The second part of the bill, which deals with disposal, was worked on with Democrats, State agencies, and a cross section of stakeholders during subcommittee, full committee, and before this bill came to the House floor.

□ 1140

Ultimately, should this legislation become law and new scientifically based factors arise, this legislation will allow for the flexibility of the States and the EPA to work together to adjust the coal ash program accordingly. If a State has no program, fly ash impoundments will not be permitted by the EPA until they do. If a State opts not to have a fly ash program, the EPA will have primacy. If the government should lower the drinking water standard at any time because of changes in chemical characteristics such as those found in coal ash, then the States will have to comply with those new standards.

But should a State, such as proposed in California, decide to lower their standards below the federal level, then they have the option to do that under the 10th Amendment.

H.R. 2273 simply allows for a flexible system, a working relationship with the State and Federal Governments to carry out a long overdue coal ash program at the State level with stringent requirements for liners, groundwater monitoring, financial assurance, dam safety and integrity, and most of all, protection of health and the environment. All of this will be achieved with assistance, approval, and oversight by the EPA.

I ask all of my colleagues to support this bipartisan, pro-job legislation.

Mr. WAXMAN. Madam Chair, may I inquire how much time we have remaining?

The Acting CHAIR. The gentleman from California has 7 minutes remaining. The gentleman from Illinois has 8 minutes remaining.

Mr. WAXMAN. The gentleman from West Virginia, who just spoke, said that I was inconsistent because I voted for the Baldwin amendment in my committee, so I can't have my cake and eat it too. Well, I want to assure you that I don't want a cake made out of coal ash. Coal ash has a lot of chemicals in it that I think most people would understand raise a problem of toxicity—arsenic, antimony, barium, beryllium, cadmium, lead, mercury, hexavalent chromium, nickel, selenium, and thallium. These metals are toxic and pose both acute and chronic threats to human health and the environment. So don't give me a cake to eat made out of coal ash.

It seems to me that what we're hearing, for example, from the gentleman from Illinois, that the waste in Kingston was not disposed of in a hazardous waste landfill, and he offered this as proof that these materials are not hazardous. Well, these materials contain these toxic constituents, and if they're not disposed of properly, they will harm human health and the environment. Proper disposal does not mean disposal in a hazardous waste landfill. It means disposal in dry landfills that have the necessary safeguards.

Those safeguards are not in this bill. We've offered to work with the Republican majority to clarify this issue and to find a middle ground that I think in substance could solve those concerns. But they, again, are not interested in working with us, and so they're moving forward with a bill that does not live up to its billing.

At this point I would like to yield 4 minutes to the gentleman from Virginia (Mr. MORAN), who is the chairman of the Appropriations Subcommittee that deals with these very issues.

Mr. MORAN. I thank the very distinguished leader from California (Mr. WAXMAN).

Over 30 years ago, Congress accepted the legal responsibility to protect human health, conserve our natural resources, reduce waste, and ensure that waste is managed in an environmentally sound manner. That's the underpinning of what this argument is about.

Now, every year, America generates about 61 million metric tons of coal ash and slag and about 17 million metric tons of coal sludge from utility and industrial boilers. Now, Mr. WAXMAN mentioned what's in this sludge and slag, and that's why we're raising this argument, because it contains all the chemicals Mr. WAXMAN referred to—arsenic, chromium, cobalt, lead, and mercury. In fact, it includes radioactive elements including uranium, thorium, and radium.

This material is very toxic. But we also know that coal ash, slag, and sludge have a number of beneficial

reuses in concrete, roads, and roofing. And EPA is not trying to ban the beneficial reuse of coal ash. In fact, EPA proposed two separate possible regulations so that you could have a robust dialogue on the most effective means of coal ash disposal. EPA wants to ensure that the ultimate decision is based upon the best available science and technical data, and is taken with the fullest public input. EPA had extensive public involvement—thousands of public comments and eight public hearings around the country.

Now, this legislation would deprive EPA of the ability to use the best available science in its decisions, and it would negate those thousands of public comments that have been received since the rule's proposal. It would block the current progress on federal safeguards before the regulations have been finalized.

Now, what's the problem with the approach that has been made by the other side? Well, it would create a patchwork of compliance with up to 50 different State-by-State regulations, and it would block federal enforcement of what is clearly a national problem.

It's a national problem because States with lax coal ash disposal requirements—and there will probably be economic competition to reduce the requirements as much as possible—those States would be allowed to pollute the streams and rivers of downstream States, and the Federal Government would be powerless to do anything about it. That's why these interstate impacts are the very reason federal regulation is appropriate, necessary and, in fact, is our legal responsibility.

We understand that many people are concerned about this. Granted. And a number of claims have been made that it would ban the ability to develop concrete and road material and so on. But this rule has not been finalized. EPA has received so many comments and suggestions that it would seem that we are in a situation where we can structure a rule that not only takes care of the concerns but protects the public health.

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

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. MORAN. I would have to say, as important as it is to protect jobs, it's important to protect lives. We have a responsibility to protect lives. You heard what's in this material. You can see why it's a national responsibility. So let's fulfill that national responsibility. Rely on EPA to use scientific findings. Let's protect the public health and do the right thing and defeat this legislation.

Mr. SHIMKUS. Madam Chairman, I yield myself such time as I may consume.

To my friend from Virginia, he is correct that some States have laxer standards. In fact, your Governor sent us a letter in which I quote, "H.R. 2273 is a realistic approach to dealing with CCR,

although it would require effort to implement in Virginia."

So our point is this is going to help those States that are weak to implement higher standards. That's just your Governor, but that's what he says in a letter to us in support of this legislation.

If you label something "toxic," it's not going to be reused, I can guarantee you, just because of the threat to the coal combustion residual community. The recyclers have no market. Who wants to build a school with concrete when the EPA may, 6 months or a year from now, say, That concrete is all toxic? So it's already had a negative impact in that job sector, and we've quoted studies both back and forth.

□ 1150

The manager's amendment requires an assessment for all of these constituents that you identified. I would just highlight the fact that just because it's a constituent doesn't mean it's hazardous.

This blue line is the hazardous level.

The green is the amount.

You could make the claim that there is hazardous material in Honey Nut Cheerios. The question is: What's the amount? And that's what this gets to is the amount.

EPA has consistently said this doesn't raise to the standard of toxic. Even under the Clinton administration, when I served here, their EPA said it doesn't rise to the standard. The fear of EPA involvement is what's causing a problem in the recycling sector. Where is all this waste going to go? It's going to fill up the landfills. In 2 years, all the landfills will be filled up unless we continue to recycle this coal fly ash.

Mr. MORAN. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Virginia.

Mr. MORAN. As we know, airstreams and rivers and other bodies of water don't stop at a State's border. If that is the case, how is it fair for one State to let that pollution go into a downstream State's water? That's our concern.

Mr. SHIMKUS. Reclaiming my time, the manager's amendment that will be debated will talk about, for the first time, an analysis on run-on and runoff, which was the recommendation from the folks on your side of the aisle for us to consider, which we have now included. We'll take that up in the manager's amendment debate when we get to the amendment.

Mr. WAXMAN. Will the gentleman yield?

Mr. SHIMKUS. You have a lot of time, but I would be happy to yield. But I do want to have time to close.

Mr. WAXMAN. Thank you very much.

You've made the claim that we're trying to define this and label it as hazardous, which is a stigma. I understand that and I agree with that point, but I don't think we ought to deny that

there are in coal ash relatively high concentrations that are hazardous and that, if they're improperly managed, they could leach out and pose a substantial present or potential hazard.

Mr. SHIMKUS. Reclaiming my time, that's why this new standard under the municipal and solid waste act will have liners for the first time. Right now, there are no liners. That's a better argument from past years, but this is a fix. This is a fix to that issue of leaching out. This is a fix to the possibility of the damage because we're going to be able to look at that in working in conjunction with the EPA, and of course, the people closest to the citizens are the State and local levels.

Mr. WAXMAN. If the gentleman will continue to yield, your point is not accurate for existing impoundments; it would apply to future impoundments. And we think for existing impoundments they ought to have the lining and all the other protections as well.

Mr. SHIMKUS. I thank the gentleman.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from California has 1 minute remaining, and the gentleman from Illinois has 4 minutes remaining.

Mr. WAXMAN. I yield myself the balance of my time.

I just want to point out that neither of us wants the stigma of the coal ash being called hazardous because, in many ways and places, it can be reused, and it would be very important to do that. But we want to make sure that all of these sites have the adequate protections.

I want to read a quote from EPA because people said EPA wants to label it as hazardous. They wrote:

Many of these metals are contained in coal ash at relatively high concentrations such that, if coal ash were improperly managed, they could leach out and pose a substantial present or potential hazard to human health or the environment. The risk assessment that was conducted confirms this finding, as do the many damage cases that have been documented.

I seek to put into the RECORD a statement of administrative policy. The administration opposes this bill because it is insufficient to address the risks associated with coal ash disposal and management, and it undermines the Federal Government's ability to ensure that requirements for the management and the disposal of coal combustion residuals are protective of human health and the environment.

I yield back the balance of my time and urge a "no" vote on the bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 12, 2011.

STATEMENT OF ADMINISTRATIVE POLICY
H. R. 2273—COAL RESIDUALS REUSE AND MANAGEMENT ACT

(Rep. McKinley, R-WV, and 32 cosponsors)

The Administration opposes H.R. 2273, as reported by Committee, which is insufficient

to address the risks associated with coal ash disposal and management, and undermines the Federal government's ability to ensure that requirements for management and disposal of coal combustion residuals are protective of human health and the environment.

The 2008 failure of a coal ash impoundment in Kingston, Tennessee, which spilled more than five million cubic yards of coal ash and will require approximately \$1.2 billion for clean-up, is a stark reminder of the need for safe disposal and management of coal ash to protect public health and the environment. The Administration has assessed structural stability at active coal ash impoundments and has identified 49 units in 12 states as having a "high hazard potential" rating should they fail.

The Administration supports the development, implementation, and enforcement of appropriate standards for facilities managing coal ash, while encouraging the beneficial use of this economically important material. Any approach to managing coal ash would need to include: (1) clear requirements that address the risks associated with the coal ash disposal and management; (2) consideration of the best science and data available; (3) adequate evaluation of structural integrity; (4) protective solutions for existing as well as new facilities; and (5) appropriate public information and comment.

Because H.R. 2273 is deficient in these areas and would replace existing authorities with inadequate and inappropriate minimum requirements, the Administration opposes the bill.

Mr. SHIMKUS. Madam Chairman, I yield myself the balance of my time.

This has been a good discussion and a good debate. With regard to the State border issue in our opening statements and comments, what we highlighted was the fact that current Federal law applies to hazardous material. CERCLA still applies, and EPA air quality standards still apply. Those laws are still in effect across States. If they are having an impact, EPA has authority under CERCLA and under RCRA, with imminent and substantial endangerment, to take action to force a remedy and cleanup.

So our debate has always been that that's covered. Let's try to address the impoundment issue, the leaching issue, some standards. The Municipal Solid Waste laws are very, very successful. I would argue, if you want to talk about toxicity, there are probably many more chemicals in a municipal solid waste landfill than the 7 to 12 that you mentioned in coal combustion residual; and out of the 80 tests, the standards are much lower than the toxic standard under this test.

So this is a focus on jobs. This is a focus on recycling. That sector is being ravaged just by the threat. This is an important bill, and I am glad my colleague from West Virginia has brought this to this Chamber. It has been a great debate, and I look forward to the amendment discussion.

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

Ms. DEGETTE. Madam Chair, legitimate conversation and good-faith negotiations surrounding whether or not we can find a way to allow states to continue regulating coal ash seemed to bear fruit in the Energy and Com-

merce Committee for the first time in a while around here. So when we voted in July to send the Coal Residual Reuse and Management Act to the floor, I voted "yes." I'm proud to say my colleagues on both sides of the aisle and I have continued trying to find a workable solution on this issue.

The concept behind this bill is good—in the face of uncertainty surrounding coal ash disposal and management, we could cut through the red tape and craft a bill that would require—for the first time—that all units receiving coal combustions residuals (CCRs) obtain a state-issued permit that meets enforceable minimum federal requirements.

At the mark-up I, along with other minority members, requested a Committee hearing before floor consideration so that we could examine more fully the potential impacts of the most recent changes to the bill. My goal was to reach an agreement on specific bill language that would clearly require all units to obtain a permit, and if the EPA found this permit to be deficient, to allow the EPA to work with states to bring their permit programs up to a standard that ensured protection of human health and environment.

In the intervening time, negotiations continued, as you see with the Manager's Amendment introduced by my colleague Mr. SHIMKUS. I was encouraged by my conversations with friends on both sides of the aisle which reinforced that we share the same goals. In conversations with the Colorado Department of Public Health and Environment, the state body in Colorado responsible for managing CCRs, I learned that they supported H.R. 2273 because they believed it would allow them to continue with their strong program, and would raise standards in states with deficiencies. Yet the outstanding question, of whether any future EPA Administrator would have the authority to enforce the requirements we all seemed to agree should be in place, remains unanswered.

We need more time to negotiate this bill, especially if anyone reasonably expects it to be passed in the Senate and signed into law by President Obama. I remained committed to the bipartisan process that brought this bill to this point, but cannot vote to approve of the bill's language for the following reasons.

First, even with the changes in the Manager's Amendment, I cannot safely say that this bill would uphold a legal standard to protect human health and environment. This legal standard should be stated explicitly in the bill under the permit program specifications. Currently, under the Manager's Amendment, protection of public health and the environment is mentioned in reference to the revised criteria in the bill that originally applied to municipal solid waste. But a state permit program is not required to incorporate these revised criteria, and, furthermore, it is unclear whether the revised criteria would protect public health and the environment when applied to CCRs instead of municipal solid waste.

Second, I believe this legislation should clearly describe when and how EPA can get involved if a state permit program does not uphold human health and environmental protections. As currently drafted, it is unclear whether the EPA could provide written notice and an opportunity to remedy deficiencies if a permit program does not meet specifications described under the revised criteria. In one subsection, the language implies the EPA

could provide notice; yet in another section, the EPA is limited to evaluating the sufficiency of only the minimum requirements. Further, if a state chooses not to implement a permit program, the EPA can only design a program that enforces the minimum requirements, but not any of the revised criteria.

Because this bill directly creates new regulation without expert guidance from the Administration, Congress must hold this language to an even stricter standard. I believe Colorado could operate a permit program under this proposed language that would protect human health and the environment, and I want to thank them for their good work and assistance on this issue. Unfortunately, I do not believe every state's permit program could be required to meet this basic requirement. I believe this is a bipartisan issue and that I can work through these differences with my friends across the aisle, but in this form I cannot support H.R. 2273, the Coal Combustion Residuals Reuse and Management Act.

Mr. BILIRAKIS. Madam Chair, I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act, a bill which would prevent the EPA's burdensome regulations from drastically raising the price of electricity in my state of Florida. H.R. 2273 protects public health and the environment through the auspices of state run programs which safely regulate coal combustion residuals. As we have heard during the course of this debate, if the EPA is successful in classifying coal ash as a hazardous waste there is not only the potential of hundreds of thousands of jobs being lost, but also the likelihood that the cost of electricity will skyrocket. I know my constituents can't afford more hard times during this unprecedented economic downturn.

I'm proud to report that in the Tampa Bay area a responsible partner is helping to preserve jobs, enhance public health and protect the environment—the Tampa Electric Company recycles nearly 98 percent of all coal combustion residuals—which is one of the highest recycling rates in the nation among large power generators. These CCRs are recycled into concrete, roof shingles, asphalt, wallboard and a number of other useful items. Rather than clogging up landfills, the CCRs provide a variety of benefits and jobs.

I commend Tampa Electric for its good stewardship. Their recycling program has offset electricity costs over the past 19 years to the tune of \$55 million. Let's pass H.R. 2273 to allow Tampa Electric and other companies nationwide to continue employing Americans, keeping energy costs low and protecting the environment by allowing CCRs to be managed as nonhazardous.

Mr. SENSENBRENNER. Madam Chair, I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

Once again, the Environmental Protection Agency, EPA, is on a path to destroy jobs, and increase costs on every American household. It is puzzling to see the EPA attempt to regulate coal combustion residuals, CCRs, as a hazardous waste, when the EPA, the Department of Energy, the Federal Highway Administration, the Department of Agriculture, the Electric Power Research Institute, state agencies, members of academia, and many others who have studied CCRs for nearly three decades concluded that coal ash does not warrant regulation as a hazardous waste.

Under the Clinton Administration, the EPA determined that coal ash rarely, if ever, exhibits a hazardous waste characteristic. They ultimately concluded that states can safely manage coal ash under federal non-hazardous rules. Additionally, the EPA stated in its 2000 regulatory determination that regulating coal ash as a hazardous waste would be environmentally counterproductive because it would unnecessarily stigmatize coal ash and impede its beneficial use for reducing greenhouse gases. If the EPA under the Clinton Administration concluded that moving forward with regulating CCRs as a hazardous waste would increase greenhouse gas emissions, then why are so many of my colleagues on the other side of the aisle supportive of the current Administration's actions? If I recall, we spent a good amount of time debating legislation in 2009 to reduce greenhouse gas emissions.

In my home state of Wisconsin, this rule will have a significant impact on many different sectors. The concrete paving industry in Wisconsin uses coal ash on almost 100 percent of its projects. The use of coal ash enhances the performance and durability of concrete, which ultimately increases its lifespan. Additionally, given Wisconsin's cold winters, the use of coal ash in its concrete is even more important due to the reduction of the permeability of the concrete by 50–75 percent, allowing the concrete to better resist the freeze-thaw environment.

This regulation will also significantly affect the electric utility industry. Instead of recycling the coal ash produced as a byproduct from coal-fired power plants, the industry will be forced to dispose of the ash in landfills, costing billions. This could potentially lead to the closing of a number of coal plants, creating serious reliability and cost concerns. Additionally, the increased costs to the utility sector will ultimately be passed along to the American consumer.

The legislation before us is a commonsense approach to addressing coal ash. States are best able to determine the approach to regulating CCRs. While this legislation will set a federal baseline standard, states will be allowed to exceed these standards if they so choose. Additionally, this legislation assesses the structural integrity of land disposal sites, addressing the concerns that some may have with preventing another spill like that which occurred in 2008. I strongly support passage of H.R. 2273, and urge my colleagues to support this bill.

Mr. VAN HOLLEN. Madam Chair, coal-based power plants account for roughly one half of all electricity generation in the United States and produce about 135 million tons of coal combustion waste annually. This enormous waste stream contains toxins like arsenic, lead and mercury that can contaminate drinking water and threaten public health—which is why the EPA is in the process of developing regulations to ensure that it is either responsibly recycled or disposed of properly.

Rather than letting EPA complete its work, H.R. 2273 directs each state to create its own coal waste management permitting program, without any legal standard to ensure a minimum level of public safety. Moreover, if a state decides not to enforce the standards it puts in its own permitting program, there is little EPA can do about it.

Madam Chair, as the 2008 Kingston disaster demonstrated, coal ash is dangerous, inadequately regulated, and dispersed through-

out the country. In order to protect the public health and avoid a regulatory race to the bottom, we as a nation must establish and enforce a minimum federal level of safety and protection for all of our citizens.

This regulation takes us in precisely the opposite direction. Accordingly, I urge a "no" vote.

Mr. DEFAZIO. Madam Chair, in December 2008 an impoundment holding disposed ash waste generated by the Tennessee Valley Authority broke open, creating a massive spill in Kingston, TN. The spill covered the surrounding land and Clinch River with one billion gallons of coal fly ash, displaced residents, and resulted in \$1.2 billion in cleanup costs.

The accident underscored the need for rules to ensure structural stability and safety of coal ash impoundments.

In response, the Environmental Protection Agency proposed the first-ever regulations to ensure the safe disposal and management of coal ash from coal-fired power plants under the nation's primary law for regulating solid waste, the Resource Conservation and Recovery Act, RCRA.

In June 2010, the EPA presented two regulatory options: regulating coal ash as hazardous waste under Subtitle C or regulating coal ash as a non-hazardous waste under Subtitle D. The EPA has not established a deadline for the final rule.

I have serious concerns that designating fly ash as a hazardous material, the result of regulating coal ash under Subtitle C, could have major impacts on the recycling and reuse of fly ash to manufacture wallboard, roofing materials and bricks, and especially concrete.

In 2008 alone, the concrete industry used 15.8 million tons of fly ash in the manufacturing of ready mixed concrete making it the most widely used supplemental cementing material. When combined with cement, fly ash improves the durability, strength, constructability, and economy of concrete.

It also has huge environmental benefits. Using coal ash—and industrial byproduct—in concrete results in longer lasting structures and reduction in the amount of waste materials sent to landfills, raw materials extracted, energy required for production, and air emissions, including carbon dioxide.

A "hazardous" designation of fly ash could put these benefits in jeopardy. It could make fly ash storage and transportation more expensive, and create a legal environment that would deter cement manufacturers from recycling fly ash in cement production.

The result would not only be devastating for the cement manufacturing industry and American jobs, it could also divert millions of tons of coal fly ash from beneficial uses to surface impoundments like the one that broke open in Kingston, Tennessee.

For these reasons, my preference is for EPA to regulate fly ash under Subtitle D of the Resources Conservation and Recovery Act. This would ensure we have strong regulations for surface impoundments of coal ash needed to protect public health and the environment without inhibiting the recycling and reuse of coal fly ash.

It is also for these reasons that I am supporting H.R. 2273. The Coal Residuals Reuse and Management Act is not a perfect bill. In fact, this bill could have been much simpler and likely noncontroversial if my Republican colleagues had just legislated Subtitle D of

RCRA. It is my hope that the U.S. Senate will take this more targeted approach.

Nonetheless, H.R. 2273 does clarify that coal fly ash should not be regulated as a hazardous waste and establishes minimum state disposal requirements. In my state, this would mean the Oregon Department of Environmental Quality would develop appropriate rules for the handling of coal fly ash for the only coal plant in the state—PGE's Boardman Power Plant—and for the many Ready Mix Producers throughout Oregon that use coal fly ash as a necessary ingredient in the manufacturing of concrete.

I support strong regulations for the disposal and storage of coal ash. But, these regulations can and should be completed without jeopardizing the recycling and reuse of fly ash. By voting for H.R. 2273, I am voting in favor of moving forward with regulation and providing the EPA with needed direction.

Mr. QUIGLEY. Madam Chair, it is absolutely untenable that there are currently no federally enforceable regulations specific to coal ash.

This lack of federally enforceable safeguards is what led to the disaster in Tennessee, where a dam holding more than 1 billion gallons of toxic coal ash failed.

This spill destroyed 300 acres, dozens of homes, killed fish and other wildlife, and poisoned the Emory and Clinch Rivers.

Living near an unlined coal ash waste pond and drinking water contaminated with arsenic can be more dangerous than smoking a pack of cigarettes a day, according to a risk assessment done by the EPA.

People living near unlined coal ash ponds where water is contaminated by arsenic and ash is mixed with coal refuse have an extremely high risk of cancer, up to 1 in 50.

This is 2000 times greater than EPA's acceptable cancer risk.

So, we can burn coal, creating sodium, thallium, mercury, boron, aluminum and arsenic which is pumped out of the factory and into the air.

Or, we can stop stripping our land, polluting our air and waters and do what's right.

The first step is to establish comprehensive, federally enforceable safeguards that protect human health, wildlife, and the environment.

The measure we consider today fails to establish a national legal standard for coal ash.

The bill also places significant limits on the ability of the EPA to conduct an independent review of state programs.

When it comes to matters of public health there are no such things as good compromises.

As Randy Ellis, a Republican and County Commissioner for Roane County, Tennessee, the county where the TVA spill happened, said earlier this week—the environment is truly a non-partisan issue.

I stand here in opposition to this bill as neither a Democrat nor a politician, but someone who believes that this bill neither protects our public health, nor does it make our country better.

I urge my colleagues to do what's right and oppose H.R. 2273.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coal Residuals Reuse and Management Act".

SEC. 2. AMENDMENT TO SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

"(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program.

"(b) STATE ACTIONS.—

"(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section (except as provided by the deadline identified under subsection (d)(2)(B)), the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.

"(2) CERTIFICATION.—

"(A) IN GENERAL.—Not later than 36 months after the date of enactment of this section (except as provided in subsections (f)(1)(A) and (f)(1)(C)), in the case of a State that has notified the Administrator that it will implement a coal combustion residuals permit program, the head of the lead State agency responsible for implementing the coal combustion residuals permit program shall submit to the Administrator a certification that such coal combustion residuals permit program meets the specifications described in subsection (c)(1).

"(B) CONTENTS.—A certification submitted under this paragraph shall include—

"(i) a letter identifying the lead State agency responsible for implementing the coal combustion residuals permit program, signed by the head of such agency;

"(ii) identification of any other State agencies involved with the implementation of the coal combustion residuals permit program;

"(iii) a narrative description that provides an explanation of how the State will ensure that the coal combustion residuals permit program meets the requirements of this section;

"(iv) a legal certification that the State has, at the time of certification, fully effective statutes, regulations, or guidance necessary to implement a coal combustion residuals permit program that meets the specifications described in subsection (c)(1); and

"(v) copies of State statutes, regulations, and guidance described in clause (iv).

"(3) MAINTENANCE OF 4005(c) OR 3006 PROGRAM.—In order to adopt or implement a coal combustion residuals permit program under this section (including pursuant to subsection (f)), the State agency responsible for implementing a coal combustion residuals permit program in a State shall maintain an approved program under section 4005(c) or an authorized program under section 3006.

"(c) PERMIT PROGRAM SPECIFICATIONS.—

"(1) MINIMUM REQUIREMENTS.—The specifications described in this subsection for a coal combustion residuals permit program are as follows:

"(A) The revised criteria described in paragraph (2) shall apply to a coal combustion residuals permit program, except as provided in paragraph (3).

"(B) Each structure shall be, in accordance with generally accepted engineering standards for the structural integrity of such structures, designed, constructed, and maintained to pro-

vide for containment of the maximum volumes of coal combustion residuals appropriate for the structure. If a structure is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient, the head of such agency has authority to require action to correct the deficiency. If the identified deficiency is not corrected, the head of such agency has authority to require that the structure close in accordance with subsection (h).

"(C) The coal combustion residuals permit program shall apply the revised criteria promulgated pursuant to section 4010(c) for location, design, groundwater monitoring, corrective action, financial assurance, closure and post-closure described in paragraph (2) and the specifications described in this paragraph to surface impoundments.

"(D) Constituents for detection monitoring shall include boron, chloride, conductivity, fluoride, pH, sulphate, sulfide, and total dissolved solids.

"(E) If a structure that is classified as posing a high hazard potential pursuant to the guidelines published by the Federal Emergency Management Agency entitled 'Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams' (FEMA Publication Number 333) is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient with respect to the structural integrity requirement in subparagraph (B), the head of such agency has authority to require action to correct the deficiency. If the identified deficiency is not corrected, the head of such agency has authority to require that the structure close in accordance with subsection (h).

"(F) New structures that first receive coal combustion residuals after the date of enactment of this section shall be constructed with a base located a minimum of two feet above the upper limit of the natural water table.

"(G) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to inspect structures and implement and enforce such permit program.

"(2) REVISED CRITERIA.—The revised criteria described in this paragraph are—

"(A) the revised criteria for design, groundwater monitoring, corrective action, closure, and post-closure, for structures, including—

"(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding design requirements described in section 258.40 of title 40, Code of Federal Regulations; and

"(ii) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding groundwater monitoring requirements described in subpart E of part 258 of title 40, Code of Federal Regulations;

"(B) the revised criteria for location restrictions described in—

"(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, sections 258.11 through 258.15 of title 40, Code of Federal Regulations; and

"(ii) for existing structures that receive coal combustion residuals after the date of enactment of this section, sections 258.11 and 258.15 of title 40, Code of Federal Regulations;

"(C) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for air quality described in section 258.24 of title 40, Code of Federal Regulations; and

"(D) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations.

"(3) APPLICABILITY OF CERTAIN REQUIREMENTS.—A State may determine that one or

more of the requirements of the revised criteria described in paragraph (2) is not needed for the management of coal combustion residuals in that State, and may decline to apply such requirement as part of its coal combustion residuals permit program. If a State declines to apply a requirement under this paragraph, the State shall include in the certification under subsection (b)(2) a description of such requirement and the reasons such requirement is not needed in the State. If the Administrator determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the Administrator may treat such State determination as a deficiency under subsection (d).

“(d) WRITTEN NOTICE AND OPPORTUNITY TO REMEDY.—

“(1) IN GENERAL.—The Administrator shall provide to a State written notice and an opportunity to remedy deficiencies in accordance with paragraph (2) if at any time the State—

“(A) does not satisfy the notification requirement under subsection (b)(1);

“(B) has not submitted a certification under subsection (b)(2);

“(C) does not satisfy the maintenance requirement under subsection (b)(3); or

“(D) is not implementing a coal combustion residuals permit program that meets the specifications described in subsection (c)(1).

“(2) CONTENTS OF NOTICE; DEADLINE FOR RESPONSE.—A notice provided under this subsection shall—

“(A) include findings of the Administrator detailing any applicable deficiencies in—

“(i) compliance by the State with the notification requirement under subsection (b)(1);

“(ii) compliance by the State with the certification requirement under subsection (b)(2);

“(iii) compliance by the State with the maintenance requirement under subsection (b)(3); and

“(iv) the State coal combustion residuals permit program in meeting the specifications described in subsection (c)(1); and

“(B) identify, in collaboration with the State, a reasonable deadline, which shall be not sooner than 6 months after the State receives the notice, by which the State shall remedy the deficiencies detailed under subparagraph (A).

“(e) IMPLEMENTATION BY ADMINISTRATOR.—

“(1) IN GENERAL.—The Administrator shall implement a coal combustion residuals permit program for a State only in the following circumstances:

“(A) If the Governor of such State notifies the Administrator under subsection (b)(1) that such State will not adopt and implement such a permit program.

“(B) If such State has received a notice under subsection (d) and, after any review brought by the State under section 7006, fails, by the deadline identified in such notice under subsection (d)(2)(B), to remedy the deficiencies detailed in such notice under subsection (d)(2)(A).

“(C) If such State informs the Administrator, in writing, that such State will no longer implement such a permit program.

“(2) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), such permit program shall consist of the specifications described in subsection (c)(1).

“(3) ENFORCEMENT.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures and the Administrator may use such authorities to inspect, gather information, and enforce the requirements of this section in the State.

“(f) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—

“(1) STATE CONTROL.—

“(A) NEW ADOPTION AND IMPLEMENTATION BY STATE.—For a State for which the Administrator

is implementing a coal combustion residuals permit program under subsection (e)(1)(A), the State may adopt and implement such a permit program by—

“(i) notifying the Administrator that the State will adopt and implement such a permit program;

“(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

“(iii) receiving from the Administrator—

“(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and

“(II) a timeline for transition of control of the coal combustion residuals permit program.

“(B) REMEDYING DEFICIENT PERMIT PROGRAM.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(B), the State may adopt and implement such a permit program by—

“(i) remedying the deficiencies detailed in the notice provided under subsection (d)(2)(A); and

“(ii) receiving from the Administrator—

“(I) a determination that the deficiencies detailed in such notice have been remedied; and

“(II) a timeline for transition of control of the coal combustion residuals permit program.

“(C) RESUMPTION OF IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(C), the State may adopt and implement such a permit program by—

“(i) notifying the Administrator that the State will adopt and implement such a permit program;

“(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

“(iii) receiving from the Administrator—

“(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and

“(II) a timeline for transition of control of the coal combustion residuals permit program.

“(2) REVIEW OF DETERMINATION.—

“(A) DETERMINATION REQUIRED.—The Administrator shall make a determination under paragraph (1) not later than 90 days after the date on which the State submits a certification under paragraph (1)(A)(ii) or (1)(C)(ii), or notifies the Administrator that the deficiencies have been remedied pursuant to paragraph (1)(B)(i), as applicable.

“(B) REVIEW.—A State may obtain a review of a determination by the Administrator under paragraph (1) as if such determination was a final regulation for purposes of section 7006.

“(3) IMPLEMENTATION DURING TRANSITION.—

“(A) EFFECT ON ACTIONS AND ORDERS.—Actions taken or orders issued pursuant to a coal combustion residuals permit program shall remain in effect if—

“(i) a State takes control of its coal combustion residuals permit program from the Administrator under paragraph (1); or

“(ii) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (e).

“(B) CHANGE IN REQUIREMENTS.—Subparagraph (A) shall apply to such actions and orders until such time as the Administrator or the head of the lead State agency responsible for implementing the coal combustion residuals permit program, as applicable—

“(i) implements changes to the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

“(ii) certifies the completion of a corrective action that is the subject of the action or order.

“(4) SINGLE PERMIT PROGRAM.—If a State adopts and implements a coal combustion residuals permit program under this subsection,

the Administrator shall cease to implement the permit program implemented under subsection (e) for such State.

“(g) EFFECT ON DETERMINATION UNDER 4005(C) OR 3006.—The Administrator shall not consider the implementation of a coal combustion residuals permit program by the Administrator under subsection (e) in making a determination of approval for a permit program or other system of prior approval and conditions under section 4005(c) or of authorization for a program under section 3006.

“(h) CLOSURE.—If it is determined, pursuant to a coal combustion residuals permit program, that a structure should close, the time period and method for the closure of such structure shall be set forth, in a schedule, in a closure plan that takes into account the nature and the site-specific characteristics of the structure to be closed. In the case of a surface impoundment, the closure plan shall require, at a minimum, the removal of liquid and the stabilization of remaining waste, as necessary to support the final cover.

“(i) AUTHORITY.—

“(1) STATE AUTHORITY.—Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

“(2) AUTHORITY OF THE ADMINISTRATOR.—

“(A) IN GENERAL.—Except as provided in subsection (e) of this section and section 6005 of this title, the Administrator shall, with respect to the regulation of coal combustion residuals, defer to the States pursuant to this section.

“(B) IMMINENT HAZARD.—Nothing in this section shall be construed to affect the authority of the Administrator under section 7003 with respect to coal combustion residuals.

“(j) MINE RECLAMATION ACTIVITIES.—A coal combustion residuals permit program implemented under subsection (e) by the Administrator shall not apply to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

“(k) DEFINITIONS.—In this section:

“(1) COAL COMBUSTION RESIDUALS.—The term ‘coal combustion residuals’ means—

“(A) the solid wastes listed in section 3001(b)(3)(A)(i), including recoverable materials from such wastes;

“(B) coal combustion wastes that are co-managed with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure;

“(C) fluidized bed combustion wastes;

“(D) wastes from the co-burning of coal with non-hazardous secondary materials provided that coal makes up at least 50 percent of the total fuel burned; and

“(E) wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.

“(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—The term ‘coal combustion residuals permit program’ means a permit program or other system of prior approval and conditions that is adopted by or for a State for the management and disposal of coal combustion residuals to the extent such activities occur in structures in such State.

“(3) STRUCTURE.—The term ‘structure’ means a landfill, surface impoundment, or other land-based unit which may receive coal combustion residuals.

“(4) REVISED CRITERIA.—The term ‘revised criteria’ means the criteria promulgated for municipal solid waste landfill units under section 4004(a) and under section 1008(a)(3), as revised under section 4010(c).’.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting

after the item relating to section 4010 the following:

“Sec. 4011. Management and disposal of coal combustion residuals.”.

SEC. 3. 2000 REGULATORY DETERMINATION.

Nothing in this Act, or the amendments made by this Act, shall be construed to alter in any manner the Environmental Protection Agency's regulatory determination entitled “Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels”, published at 65 Fed. Reg. 32214 (May 22, 2000), that the fossil fuel combustion wastes addressed in that determination do not warrant regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.).

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-244. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SHIMKUS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-244.

Mr. SHIMKUS. Madam 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:

Page 5, line 2, strike the semicolon and insert the following: “, including a description of the State's—

“(I) process to inspect or otherwise determine compliance with such permit program;“(II) process to enforce the requirements of such permit program; and

“(III) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program;

Page 5, line 5, strike “, regulations, or guidance” and insert “or regulations”.

Page 5, beginning on line 9, strike “, regulations, and guidance” and insert “and regulations”.

Page 6, line 13, insert “according to a schedule determined by such agency” after “correct the deficiency”.

Page 6, line 14, insert “according to such schedule” after “is not corrected”.

Page 6, line 21, insert a comma after “assurance, closure”.

Beginning on page 7, line 1, strike subparagraph (D) and redesignate subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively.

Page 7, line 17, insert “according to a schedule determined by such agency” before the period.

Page 7, line 18, insert “according to such schedule” before the comma.

Page 8, after line 5, insert the following new subparagraph:

“(G) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to address wind dispersal of dust from coal combustion residuals by requiring dust control measures, as determined appropriate by the head of the lead State agency responsible for implementing the coal combustion residuals permit program.

Page 8, line 21, insert “and corrective action” after “groundwater monitoring”.

Page 8, line 23, strike the semicolon and insert the following: “, except that, for the purposes of this paragraph, such revised criteria shall also include—

“(I) for the purposes of detection monitoring, the constituents boron, chloride, conductivity, fluoride, mercury, pH, sulfate, sulfide, and total dissolved solids; and

“(II) for the purposes of assessment monitoring, the constituents aluminum, boron, chloride, fluoride, iron, manganese, molybdenum, pH, sulfate, and total dissolved solids;

Page 9, line 16, strike “; and” and insert a semicolon.

Page 9, line 21, strike the period and insert a semicolon.

Page 9, after line 21, insert the following:

“(E) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for surface water described in section 258.27 of title 40, Code of Federal Regulations;

“(F) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for recordkeeping described in section 258.29 of title 40, Code of Federal Regulations;

“(G) for landfills and other land-based units, other than surface impoundments, that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-on and run-off control systems described in section 258.26 of title 40, Code of Federal Regulations; and

“(H) for surface impoundments that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-off control systems described in section 258.26(a)(2) of title 40, Code of Federal Regulations.

Page 17, line 23, strike “, in a schedule,”.

Page 17, line 24, insert “that establishes a deadline for completion and” before “that takes into account”.

Page 18, after line 20, insert the following:

“(C) TECHNICAL AND ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State agency that is implementing a coal combustion residuals permit program, the Administrator may provide to such State agency only the technical or enforcement assistance requested.

“(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

Page 20, line 11, insert “in accordance with the requirement of such section that the criteria protect human health and the environment” after “4010(c)”.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Illinois (Mr. SHIMKUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SHIMKUS. Madam Chairman, for the purpose of a colloquy, I would like to yield to the gentleman from West Virginia.

Mr. MCKINLEY. I thank the gentleman for yielding.

Before I agree to support the gentleman's amendment, I would like some clarification on one of the provisions it contains. It would amend the definition of “revised criteria” in the bill to read: “The criteria promulgated for municipal solid waste landfill units . . . as revised under section 4010(c) in accordance with the requirement of such sec-

tion that the criteria protect human health and the environment.”

Does the gentleman's amendment open the door, even a sliver, to EPA promulgating coal ash regulations not otherwise authorized in this bill under the guise of protecting human health and the environment; or for EPA to use the language as an arbitrary yardstick by which to judge State programs?

Mr. SHIMKUS. To my friend from West Virginia, my response is that it does not.

My amendment keeps that door to EPA alternative regulation closed and locked. The language the gentleman cites merely references law that is already on the books, as you heard in the general debate. Section 4010(c) of RCRA was enacted years ago to protect human health and the environment. My amendment merely clarifies that your bill does not change that.

Mr. MCKINLEY. Madam Chairman, the 4010(c) of RCRA also gives EPA authority to take into account the practicable capabilities of such facilities.

Does the gentleman's amendment alter that authority in any way?

Mr. SHIMKUS. Again to my colleague and friend from West Virginia, my amendment in no way reduces the administrator's authority to take into account facility capabilities. That authority is unchanged by both my amendment and your underlying bill.

Mr. MCKINLEY. With those clarifications, I will support the gentleman's amendment.

Mr. SHIMKUS. Madam Chairman, I reserve the balance of my time.

□ 1200

Mr. WAXMAN. Madam Chair, I claim time in opposition.

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

Mr. WAXMAN. I yield myself such time as I may consume.

To be fair, this amendment does make a few positive changes to the legislation. It adds some requirements to recordkeeping, groundwater monitoring, and runoff controls. But as with the underlying bill, this amendment makes a lot of promises and it just doesn't deliver.

Some of my colleagues believe they may have reached a major concession because this amendment adds a groundwater monitoring provision. And I'd agree, adequate detection and assessment monitoring is critically important to ensuring that when coal ash is disposed of we have the opportunity to protect groundwater from toxic contamination.

But Members should be aware that this amendment moves all of the groundwater monitoring provisions from paragraph (c)(1) to paragraph (c)(2). The effect of this change is to allow any State to waive the groundwater monitoring requirements at their discretion.

Fugitive dust has been talked about. This dust can pose a health risk because it is particulate matter that can

lodge deep in the lungs and also because it can contain the toxic constituents of coal ash. The Republicans refused to include a provision to address this issue in committee. So some of my colleagues may be pleased that this amendment includes a provision that mentions fugitive dust from coal ash disposal.

But this provision is almost a tautology. The provision merely states that the States have the authority to require dust control measures if the State determines it to be appropriate. The amendment does not require State permit programs to include dust controls. It does not provide authority for EPA to require dust controls when it is the implementing agency. If a State determines that nothing is appropriate, then nothing is required within that State.

Like the underlying legislation, this amendment is long on appearances but short on substance. Most importantly, this amendment fails to make improvements where improvements are most necessary.

First, the amendment fails to establish a legal standard that the coal ash permit program has to meet.

Second, the manager's amendment fails to ensure the structural integrity of wet impoundments. The amendment makes clear that wet impoundments can be used to hold storm water by exempting them from run-on control requirements, but it falls short of requiring that they be designed to safely hold that storm water. EPA has concluded that this legislation excludes several key design requirements that relate to long-term structural stability of the surface impoundment.

Third, the manager's amendment fails to ensure appropriate criteria for the disposal of coal ash. Rather than addressing the concerns raised by EPA about the agency's ability to revise and tailor disposal criteria to address the risks posed by coal combustion residuals, the amendment further limits EPA's potential role in helping the State by preventing EPA from offering technical assistance to States without a request from the head of a lead State agency.

And, lastly, the amendment does nothing to authorize meaningful review of State programs. EPA has raised extensive concerns about their ability to review State programs under this legislation to ensure protection of human health and the environment, and this amendment does not address those concerns.

The administration has announced its opposition to the legislation, stating that this bill is "insufficient to address the risks associated with coal ash disposal and management, and undermines the Federal Government's ability to ensure that requirements for management and disposal of coal combustion residuals are protective of human health and the environment."

Nothing in this amendment fixes those concerns. Madam Chair, I'm will-

ing to accept this amendment. It doesn't address the problems with this bill, but it doesn't make the bill appreciably worse. So I wouldn't oppose the amendment, but I don't want people to think that this amendment lives up to the billing that it really makes this bill good enough.

So I will not oppose it, and I reserve the balance of my time.

Mr. SHIMKUS. I appreciate the ranking member's accepting the amendment. We do think it improves the bill.

I would like to yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I thank the ranking member on our subcommittee for accepting the amendment.

This amendment does make the bill better, but if we're looking for the perfect, you're in the wrong place. A legislative process is not where you get perfection. We come together. We compromise.

This floor amendment by the ranking member actually makes the bill better than it was when it came out of committee, and I voted for it out of committee. So I'm glad he made it better with this amendment. But we'll never get perfection, whether it be the House, and I can guarantee, almost, not in the Senate.

But this bill is better by this amendment, and that's why I encourage its adoption.

Mr. SHIMKUS. I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE) to speak in support of the bill.

Mr. PEARCE. Madam Chair, I rise in support of the underlying bill, H.R. 2273.

Basically, we hear a lot about the President asking: Where are the Republican plans for jobs?

I could refer the President to the Western Caucus Jobs Frontier Report that was put out the same day as his speech on the floor that's got 40 pieces of legislation that would create exact jobs. But half the time we're in this body talking about jobs, we have to play defense; we have to keep the President from killing jobs, and that's basically what this bill does.

The EPA is going to implement regulations which, for instance, will have an effect in the Four Corners plant near Grants, New Mexico. It's going to be forced to comply with regulations, not to noticeably improve the quality of our air, but simply new regulations. And the coal ash from that plant is shipped around the country. It's shipped to cement factories in New Mexico and California.

As we shut off the ability to use this coal ash, then we're going to raise costs. We're going to create job-killing regulations that, in fact, are taking place across the country right now. If we look and break down the intent, really, there are several regulations that intend to kill coal mining in total. And so why don't we talk about the real intent of different regulations.

We're shutting down electric generation right now. Last year we saw rolling blackouts. We saw the power outages in New Mexico, and yet one of our plants that generates electricity is having to shut down 60 percent of its capacity.

So these are the things that are killing jobs; the President is doing this bill. The underlying bill, H.R. 2273, simply pushes back on those regulations.

The Acting CHAIR. The gentleman from Illinois has 15 seconds remaining.

Mr. SHIMKUS. I want to again thank the ranking member for accepting this, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-244.

Mr. WAXMAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, after line 5, insert the following new subparagraph:

“(H) The coal combustion residuals permit program contains criteria necessary to protect human health and the environment.”

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 1210

Mr. WAXMAN. Thank you, Madam Chair.

The Resource Conservation and Recovery Act, or RCRA, was passed to protect the public health and the environment from unsafe disposal of solid waste. It created duties reserved to the EPA and programs that could be delegated to the States. Like other environmental statutes, RCRA sets a legal standard of protectiveness for State-delegated programs. These standards are the yardstick by which it is determined whether a State's effort measures up, and they ensure our consistent level of effort and protection throughout the Nation.

This approach has worked well because it prevents a race to the bottom among the States in which a State willing to have the laxest protections becomes the dumping ground for the Nation. Congress has taken this approach for 40 years. We create a Federal floor of protection and allow States to go further as necessary. H.R. 2273 turns this approach on its head by saying that each State must have a program but that program can offer as little protection as the State chooses. Well, that's essentially the status quo.

The authors of this bill are attempting to model coal ash disposal on disposal of municipal solid waste. That's

what they claim. In the case of municipal solid waste, however, the legal standard is that the program must protect human health and the environment from the risks associated with municipal solid waste. But under this bill, this standard does not apply to coal combustion residuals.

If we want to hold State coal ash permit programs to that standard, the same standard to which State municipal solid waste permit programs are held, my amendment is the way to do it. Without this amendment, nothing in the bill ensures that permit programs, whether administered by the States or the EPA, will protect human health and the environment. They will not even have that as a goal.

Under the existing language, a State could put in place an insufficient program, one that threatens human health, and so long as they follow the required certification, they will meet their legal requirements. There would be no way for the public, for affected communities, or for the EPA to intervene to ensure the necessary safeguards. If we adopt this amendment, State plans will have to protect human health and the environment from the risks of unsafe coal ash disposal.

These are serious risks that this legislation should address. For example, groundwater has been contaminated from coal ash disposal in Virginia, South Carolina, Michigan, New York, Massachusetts, Indiana, North Dakota, and the list goes on. Fugitive dust from coal ash disposal has impacted neighboring communities; for instance, toxic dust has blown through people's homes in Gambrills, Maryland, harming the respiratory health of the public, and risks from the catastrophic failure of wet impoundments as serious as we saw in Kingston, Tennessee.

When EPA issued its proposed rules in June 2010, they cited more than two dozen proven cases of damage from coal ash disposal. Three of those sites are now on the national priority list for cleanup under Superfund, and the number of these incidents may be much higher. These risks are real and they are significant. If this legislation is going to address them, it needs to include a legal standard of protectiveness.

If my amendment is adopted, State programs will be required to protect human health and the environment. And if a State refuses to do so, when EPA steps in, the agency will have to implement a program that protects public health and the environment. It's a simple amendment, but it's the difference between trying to protect health and the environment and trying to protect the status quo.

I heard from my colleague and good friend from Texas saying the bill was better and the legislative process is not always to get to the perfect but to get a better bill. Well, it depends on what you consider good enough. This bill is not good enough. With this amendment, it will definitely be improved.

But it's not good enough to vote for a bill because it's better than it was when it wasn't good enough then. It's better to vote "no" and say "no" to a bill that's not good enough so you can get a better bill. And I think in the other body we'll get a better bill if we are willing to vote against this bill, say "no" until we get not the perfect bill, but a much better bill than what the proponents of this bill are saying is good enough, because I don't accept that conclusion.

I urge support for this amendment. I yield back the balance of my time.

Mr. SHIMKUS. Madam Chair, I seek time in opposition.

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

Mr. SHIMKUS. Thank you, Madam Chairman.

I appreciate the comments of my colleague from California because obviously there is a recognition that we have been talking, we have been trying to get some bipartisan support. As tough as that may seem in this Chamber and in this Congress, there is a recognition that we're trying. I think the ranking member gave us an "atta boy" just by allowing that voice vote on the manager's amendment, and I appreciate that.

Part of this debate is that if States are allowing any type of waste to affect their constituents, don't you think that the States are going to get involved? If you use the Maryland example, Maryland has aggressively changed its own permitting processes based upon those experiences. So they've done it. Again, States are closer to their people. I can imagine the calls State reps and State senators got when that occurred. The basic bill says coal combustion residual which doesn't rise to the level of toxicity should be treated as that in liners and the like. That's really the debate we have.

The EPA's technical assistance which was placed on the ranking member's committee's Web site mentions that this requirement could be implicitly inferred based upon the drafting of the bill. And I would just say on page 10, line 8, if the administrator determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the administrator may treat such State determination as a deficiency. And if it's a deficiency, then the EPA can then be involved.

So we think that the issue that my colleague from California has raised has been addressed, and we look forward to debate of the further amendments.

I yield back the balance of my time.

Mr. JOHNSON of Illinois. Madam Chair, the amendment addressed issues of public health which are critical, but the amendment was too vague and likely redundant. Accordingly, and unusually, a "present" vote would be appropriate. At the time of the vote, I was dealing with two constituents, and their problems with

Social Security and Post Office closure, and inadvertently missed the vote.

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

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

Mr. WAXMAN. Madam Chair, 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 California will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-244.

Mr. MARKEY. Madam Chair, I rise as the designee to offer amendment No. 3, the Carney amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, after line 5, insert the following new subparagraph:

"(H)(i) The coal combustion residuals permit program shall require that—

"(I) each surface impoundment meet the requirements applicable to existing and new structures under this section by a deadline of the date that is 5 years after the date of enactment of this section; and

"(II) each surface impoundment that does not meet all such requirements by such deadline close in accordance with the requirements of subsection (h).

"(ii) The head of the agency responsible for implementing the coal combustion residuals permit program may extend the deadline under clause (i) with respect to a surface impoundment in 1-year increments upon a showing of good cause, but in no case may the deadline be extended beyond the date that is 10 years after the date of enactment of this section.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. I thank you.

Just 3 days before Christmas in 2008, the coal ash impoundment—and "impoundment" is just another word for giant swimming pool—burst in Kingston, Tennessee, releasing 1.1 billion gallons of toxic sludge that blanketed the nearby Emory River. That toxic stew that flowed out, a billion gallons into the river, destroyed homes and 300 acres of surrounding land, creating a Superfund site that could cost up to \$1.2 billion to remediate. Since this incident, the EPA has identified 49 other giant pools of coal ash across the country that are designated as high hazard.

□ 1220

This means that if these impoundments were to fail, then it's not just the land that would be damaged, but human life would likely be lost.

This Republican bill purports to be a solution to what happened in Tennessee. It claims to create standards

for these giant pools that would ensure a TVA catastrophe won't happen again. But in fact it excludes safety requirements such as just accounting for earthquakes or surface erosion. And even worse, the very minimal requirements that are included in this bill only apply to new impoundments there are built starting 3 years after this bill is enacted. That's right. Nothing even starts for 3 years. And it's got to be brand new.

So more than 430 impoundments that we know of and are in use today are not even going to be covered by this bill. And they have been built by old standards, not by the new standards. That's like finding a fatal flaw in a car that's on the road, but only requiring car companies to fix the ones that have not yet been built and won't even come on the road for 3 years. Or, like finding E. coli in chicken on grocery store shelves. But rather than issuing a recall today for the stuff that's on the shelves, they say there are rules that are going to go in place 3 years from now so just let the contaminated poultry continue to be sold.

This amendment is a simple fix to this problem. It would require all impoundments to meet minimal safety criteria in this Republican bill. Those facilities that cannot meet basic requirements such as installing a liner so that this toxic coal sludge doesn't seep into the soil and the groundwater will have 10 years to close their doors.

Unless this amendment is passed, disposal of coal ash in unlined, unsafe pits will be allowed to continue. In Missouri, there is an unlined impoundment that has been leaking more than 50,000 gallons of toxic liquid a day since 1992. It would not have to be fixed. Let me repeat that. Fifty-thousand gallons of toxic liquid a day since 1992 has been leaking out of that toxic facility, and it wouldn't have to be fixed under that bill. What are you saying to the people in Missouri?

In Princeton, Indiana, a wet coal ash impoundment built in an earthquake fault area discharged dangerous slurry when an earthquake struck nearby last year. The spill contaminated a national wildlife refuge with selenium. A wetland that is home to an endangered bird species had to be drained and 50 tons of fish had to be buried. This Republican bill would allow that impoundment to continue receiving coal ash as well.

After the Kingston accident in 2008, the Tennessee Valley Authority approved a plan to voluntarily phase out all of their coal ash ponds in 10 years and to eliminate high-risk storage facilities that pose a danger to people and property if they were to fail. If they can do it, shouldn't the other companies be able to do it as well?

We shouldn't have to wait for another catastrophe like Kingston to happen before we require these basic safety measures to be employed at all coal ash ponds.

I encourage my colleagues to vote "yes" on this amendment.

I yield back the balance of my time. Mr. SHIMKUS. I rise in opposition to the amendment.

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

Mr. SHIMKUS. Thank you. My friend from Massachusetts has great rhetorical skills, and I have finally made it to the big time where I can do it as managing a bill and addressing amendments.

He wasn't on the floor when we talked about the letter from the Governor of Virginia, who admits that this bill is going to force the State of Virginia to do more. It's because of this bill, he says,—and I quoted it before—that will require effort to implement in Virginia, such as regulatory amendments for conformance, and notifying and seeking EPA approval.

So here is the Governor saying, We support this bill, and we know we're going to have to do more.

I think that's positive. We're talking about how H.R. 2273 already includes structural integrity requirements that would allow only those facilities that are operating in a protective manner to continue to operate. Moreover, EPA has just completed a nationwide evaluation—I'm sure you're going to be happy to hear this, Mr. MARKEY—and in this evaluation they said that they have found none, zero, zip of these impoundments to be unsafe.

Now, that's our own EPA. And we're glad that they're out. They're now checking these impoundment areas. I think a lot of this is a result of moving this bill and having now at least a standard for liners. I think from our testimony in subcommittee, liners are important. Liners are what we do in municipal solid waste. Liners are what we should do with coal combustion residuals. Well, this bill ensures that we have liners in the coal combustion residual ponds and facilities.

So I think it's a very exciting time. It protects jobs. It helps for, obviously, the recycling of this in the industry sector. It helps save jobs. I think the amendment only hurts the passage and movement of this bill.

I urge my colleagues to vote "no" on the Markey amendment, and I yield back the balance of my time.

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

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

Mr. MARKEY. Madam Chair, 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 Massachusetts will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY
The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-244.

Mr. MARKEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 23, insert “, after providing notice and opportunity to comment to the public and the Administrator,” after “may”.

The CHAIR. Pursuant to House Resolution 431, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Thank you, Madam Chair.

Two weeks ago, scientists at a massive facility in Europe announced that they may have discovered a particle that travels faster than the speed of light—a discovery that would turn Einstein's theory of special relativity upside down, a discovery that, if true, would revolutionize the way we see the world. The news spurred a massive amount of interest. Headlines read: “Back to the Future,” and media stories even speculated on how this discovery could be exploited to enable real-life time travel.

However, it seems Republicans have already figured out how to get around Einstein's theory, because today the House will vote on a piece of legislation that will blast us right back in time to the start of the Industrial Revolution. This bill says no matter what EPA learns about the sludge that comes out of coal-fired plants, no matter how high the concentrations of poisonous arsenic, mercury, or chromium, and no matter what EPA learns about how these materials find their way into our drinking water, EPA is forbidden to classify or regulate it as hazardous waste. EPA is forbidden to require that this toxic material be disposed of carefully.

This bill turns a blind eye to evidence of known hazards and takes us back to the Dark Ages, to a time before science was valued and before advanced knowledge transformed society. It takes us back to an era when mercury and arsenic, major components of coal ash, were used to cure toothaches and clear up your complexion. It takes us back to an era where children were sent deep into the bowels of the Earth to rip coal from the mines and to die early deaths.

The problem with continuing to push a 19th century technology like coal is that you then continue 19th century attitudes about public health and the environment. Instead of time travel through Einstein's theory of special relativity, Republicans are pushing to travel backwards in time to advance the coal industry's special interests.

□ 1230

While Republican efforts on time travel are unlikely to help us understand black holes, they will take us back to the era of black lung disease. Instead of allowing the coal industry

and Republicans to transport our country's environmental and public health standards back to the era of Charles Dickens, we should hold these industries to great-er expectations.

In December of 2008, hundreds of acres of land were buried in toxic sludge after a Tennessee Valley Authority coal ash containment pond collapsed in Tennessee, releasing 1.1 billion gallons of coal ash slurry, covering more than 300 acres of land in a gray poisonous muck, damaging homes and properties and tainting nearby rivers. The event was, quite literally, a poisonous lump of coal dumped on the nearby community just 3 days before Christmas.

This Republican bill purports to be a solution to what happened in Tennessee. It claims to create standards for coal ash containment ponds that would ensure structural integrity, but in fact it explicitly exempts those same coal ash ponds from key design requirements relating to their long-term stability.

This bill claims that States have to set up a rigorous drinking water monitoring regime and dust controls, but in fact the bill has no legal or enforceable standard for these State programs. And even more, any State at any time can waive any of these minimal permitting requirements and they don't have to tell anyone. That's right. When it comes to constructing a gigantic containment pond in your backyard, a State can choose to opt out of the requirements of this bill and no one—not the public or the EPA—would ever even know. This is just plain wrong.

We should not delegate this authority to the States and then turn around and let States hide behind a cloak of secrecy when making decisions about waste sites that may be hundreds of acres in size, receive millions of tons of waste, and which may be in operation for decades.

My amendment is very simple. It says that before a State can waive even the minimal criteria that this bill requires, that the State must first notify the public and the EPA and offer the opportunity for public comment. That is the least that we have as a responsibility to the public.

I urge an "aye" on the Markey amendment.

I yield back the balance of my time. Mr. SHIMKUS. I rise in opposition to the amendment.

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

Mr. SHIMKUS. Thank you, Madam Chairman.

A couple of things. The gentleman's well-meaning amendment requires public notice and comment, including from the administrator of the EPA, before the State submits its certification paperwork to the administrator of the EPA.

There's confusion as to what this bill does. For the first time, States have to conform to the EPA standards. I read

this before in another part of the debate on page 10. If the administrator determines—this is the administrator of the EPA. If the administrator determines that a State determination under this paragraph does not accurately reflect the need for the management of coal combustion residuals in the State, the administrator may treat such determination as deficient.

So there's really no purpose for my colleague's amendment. The EPA has the ability to say good State program, bad State program. The Governor of Virginia says we're already going to have to do more than we do now because of this bill. And section 7004(b) of RCRA requires public participation.

So part of our debate is: Why do we have to continue to put more laws on the books when those provisions are already covered under RCRA? Requires public participation in any enforcement of any regulation guideline, information, or program under this act, including at the Federal and State level. This requirement is not waived, it's not amended, it's not altered or affected under this piece of legislation. Those requirements under RCRA apply to H.R. 2273.

The gentleman's amendment is unnecessary, it's duplicative, and I ask my colleagues to reject it.

I yield back the balance of my time.

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

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

Mr. MARKEY. Madam Chair, 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 Massachusetts will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-244.

Mr. RUSH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, after line 20, insert the following new subparagraph:

“(C) ENFORCEMENT.—Notwithstanding subparagraph (A), if the Administrator determines that a structure is in violation of a State coal combustion residuals permit program under this section, and the State has not taken appropriate action to enforce such permit program with respect to such structure, the Administrator may inspect such structure and enforce the requirements of such permit program with respect to such structure.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Madam Chair, my amendment simply provides Federal enforce-

ment authority so that if the EPA administrator determines that a structure is in violation of a State coal combustion residuals permit program and the State has not taken appropriate action to enforce such permit program with respect to such structure, the administrator may inspect such structure and enforce the requirements of such permit program.

Madam Chair, as currently drafted, H.R. 2273 fails to require States to enforce their own permit requirements. The manager's amendment only requires States to describe their "process to enforce," but there is no hint, no requirement, not a syllable to actually enforce regulations. This built-in loophole in H.R. 2273 does not require adequate State inspection of coal ash ponds and landfills, and it allows States to set up voluntary regulatory programs, which will clearly not ensure the safe design, the safe operation, and the cleanup of the Nation's many toxic coal ash disposal sites.

Madam Chair, due to a well-noted case in my district of Crestwood, Illinois, where contaminated drinking water was piped into the homes of my constituents for over 20 years, between 1986 and 2007, without any intervention from either the State or Federal EPA agencies, I, for one, am very sensitive to this issue.

Since the beginning of this current Congress, the Republican majority has been on a never-ending, nonstop, forever-and-ever crusade against the EPA and our Nation's environmental protection laws on behalf of a few industries and to the detriment of the public good. However, for many of my constituents, there is no greater role for Congress to play than to protect their lives, their livelihoods, the livelihoods of their children, and the lives of their children by ensuring that all American citizens have access to clean air and clean water.

Madam Chair, I believe that it is a false choice to try to frame these tremendously important policy decisions under the paradigm of either clean air and water or jobs and employment. As leaders, it is our job, it is our responsibility to find the right balance when crafting legislation so that our constituents are not faced with these types of lose-lose situations and decisions.

I believe that my amendment will go a long way in trying to make this legislation far more balanced so that, at the very least, we allow the Federal Government, our government, to serve as the last backstop for the American people against companies that will seek to skirt the law without regard for the families and communities these companies would do harm to.

□ 1240

Madam Chair, many of my constituents, they don't have the money. They don't have the influence that industry has. So they're counting on us, this Congress, their Congressional representatives, to protect their interests,

to fight for them just as those who are fighting for the interest of a few corporations in this body are doing.

In fact, Madam Chair, I want to end with a quote from a letter dated July 11 that my office received from a number of ordinary American families who live by coal ash dumps all across this country.

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

Mr. RUSH. I urge all my colleagues to support this amendment.

Hon. FRED UPTON,
Chairman, House Energy and Commerce Committee, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Tomorrow, we understand that your committee will vote on a bill that would leave oversight of coal ash dumps to the states, and prevent EPA from taking action against polluters who threaten our groundwater. We know Congress has already heard from industry lobbyists, big contributors, and bureaucrats. But please hear our voices, since we live near these dumps, and put up with their pollution year after year.

We know what it is like to suffer through the daily onslaught of blowing ash, drink water from faucets contaminated with ash leachate, and see our wetlands and creeks poisoned with toxic metals like arsenic. We have complained again and again about the endless noise, dust and pollution from trucks dumping coal ash near us while we become more stressed out or sick and the value of our property plummets, with no real response from our states. Two years ago, we were promised that the US Environmental Protection Agency would finally set national standards to clean up these sites, and close the most dangerous ones.

Now we face legislation that would stop EPA in its tracks, and replace real standards with state "plans" that polluters could ignore without fear of enforcement by EPA. After what is already known about the danger from storing millions of tons of coal ash in unlined ponds, why would you tie the government's hands from ever stopping this practice?

Do our lives matter to you?

Is protecting coal ash "recycling" more important than our health or the quality of our water? Even those who believe that cannot seriously argue that shielding leaking dumps from EPA enforcement somehow makes recycling easier. And ash mixed with other wastes in leaking ponds—now a common practice—cannot be recycled at all.

What will you accomplish by requiring federal and state bureaucrats to review, and then approve, disapprove, and reapprove state plans that can never actually be enforced by EPA against polluters? If your own family's drinking water was being contaminated, would you think haggling over "plans" the right response?

States have had decades to clean up these dumpsites, and have done nothing—or next to nothing—as contamination has spread, even after the TVA spill put the issue on the national news. We know good, hard-working people in our state agencies, but budget cuts, political pressure, the power of local polluters, and the lack of any serious oversight or enforcement from EPA make their job impossible.

Put yourself in our place. Have you lived near a power plant's landfill or ash pond like we or our neighbors do, and found out that the water you and your children drink may be unsafe to drink? How long would you want to wait for your state agency to do something about the problem? Three years? Five years? Ten? We have waited that long, and are waiting still.

As the Americans who live next to our nation's ash dumps, our opinions should matter. These dumps should have permits that we can comment on. We need the right to comment on a solid waste plan. We should be able to object to any permit or plan that threatens our lives and property, and the government should be given a deadline to respond. Dumps that contaminate groundwater should be closed, and the groundwater cleaned up. And EPA should be able to crack down on polluters—without having to wade through endless "planning"—or the bill you pass will mean nothing.

As you consider this legislation, please don't forget about us. We are not 'against the coal industry.' We simply want the laws that are supposed to protect people to be enforced. We appreciate your time and consideration.

Sincerely,

Joe and Teresa Trotter, 117 South County Road 400 West, Sullivan, IN 47882.

George Adey, 4082 W Dunes Hwy, Michigan City, IN 46360.

Terry Miller and Barbara Handley-Miller, 4649 David Court, Bay City, MI 48706.

Patrick Race, 1004 N. Sheridan, Bay City, MI 48708.

Saleh and Hanadi Abu-Hussein, 8424 State Road 64, Princeton, IN 47670.

George Bink, 6125 E. County Line Rd., Racine, WI 53402.

Vicki Kuzio and Shirley Stribling, 3888 W. Dunes Hwy, Michigan City, IN 46360.

Ron and Patricia Riley, 8329 W 175 N, Princeton, IN 47670.

Daniel Brand, 5228 County Road A, Sheboygan Falls, WI 53085.

Mike and Rachel Slunder, 8245 W 175 N, Princeton, IN 47670.

Mary Tinsley, 325 Division St., Mount Carmel, IL 62863.

Vicki Hodgson, 15466 N 2250 Boulevard, Allendale, IL 62410.

Amy Bonsall, Labadie Environmental Organization, 4467 Boles Road, Labadie, MO 63055.

Cathy Schnur, 5337 Heatherfield Ct., Sheboygan, WI 53083.

Norm and Jill Buchmann, 6508 Running Horse Road, Racine, WI 53402.

Raymond and Yelissa Pfeiffer, 806 S Arbor St, Bay City, MI 48706.

Barbara Hugier, 8741 Foley Road, Racine, WI 53402, Oak Creek/Caledonia coal run power plant (WE).

Michael and Martha Blann, 4919 W County Rd 25 N, Sullivan IN 47882.

George Bink, 6125 County Line Rd, Racine, WI 53402.

Tammy Krapek, 1252 Williams Port Dr. #I, Westmont, IL 60559.

Kent and Loukia Verhage, 41 E 8th St, Chicago, IL 60605. We own a place in The Pines, 1709 Birch St, Michigan City, IN 46360.

Sharon and Richard Fineman, 145 Doberman Road, Chester, WV 26034.

Carrie and Keith Bodnar, 658 Johnsonville Road, Chester, WV 26034.

Helen M. Bowen, 174 Red Dog Road, Georgetown, PA 15043.

Gary and Kim Kuklish, 896 Narrows Road, LaBelle, PA 15450.

Yma and Rudy Smith, 826 First Street, LaBelle, PA 15450.

George and Colleen Markish, First Street, LaBelle, PA 15450.

Carmen Smith, 725 Maxwell Avenue, LaBelle, PA 15450.

Helen Byrd, Second Street, LaBelle, PA 15450.

Roberta Evans, 823 First Street, LaBelle, PA 15450.

Gary Craig, 174 Route 168, Midland, PA 15059.

Jarrett F. Jamison, 1085 Fort Martin Road, Madsville, WV 26541.

Tracey Heinlein, 824 Old Mill Creek Road, Hookstown, PA 15050.

Tom and Marcia Hughes, 956 State Route 168, Hookstown, PA 15050.

Emuel and Mary Lou Byard, 727 Johnsonville Road, Chester, WV 26034.

Rosella Diaz, 174 Johnsonville Road, Chester, WV 26034.

Monica Burkher, 6625 Kenmore Ave., Louisville, KY 40216, Cane Run Plant, Louisville.

James and Teresa Taylor, 2591 N 950W Owensville, IN 47665.

Barb and John Reed, Sr., 611 Georgetown Road, Georgetown, PA 15043.

John Reed, Jr., 4699 Route 30, Georgetown, PA 15043.

Tom and Norma Wilkinson, 242 Cullen Drive, Georgetown, PA 15043.

Terry Stout, 240 Cullen Drive, Georgetown, PA 15043.

Michael and Maryann Steffee, 325 South Main Street, Homer City, PA 15748.

James McGrath, P.O. Box 62, Eggleston, VA 24086.

Debbie and Curt Havens, 1134 Pyramus Road, Chester, WV 26034.

Marcy Carpenter, 268 Cullen Drive, Georgetown, PA 15043.

Tyra Collins, 264 Cullen Drive, Georgetown, PA 15043.

Kim and Larry Squires, 3204 US Route 30, Georgetown, PA 15043.

Frank and Loretta Reed, 339 Temple Road, Georgetown, PA 15043.

Fred and Glenna Bleigh, 430 Pole Cat Hollow Road, Hookstown, PA 15050.

Ray and Pam Reed, 444 Temple Road, Hookstown, PA 15050.

Keith and Jolene Shoenberger, 214 Washington Street, P.O. Box 6, Georgetown, PA 150.

Robert and Betsy Springer, 3750 W Co. Rd., 100 S Sullivan, IN 47882.

Stephen and Karen Fox, Formerly of: 1317 Murrey Dr., Chesapeake VA 23369, Current address: 3421 Cappahosic Rd., Gloucester, VA 23061.

Rhonda Kampmeyer, 145 Francis Drive, Georgetown, PA 15043.

Cathy Titlinger, 29970 Co. Rd. 14, Lamar, CO 81052.

Kathy Nelson, 661 Hill Road, Georgetown, PA 15043.

Petra and Bryan Haynes Family, St. Albans, MO 63069.

Dave and Gail Greeley Family, 674 Lewis and Clark Drive, Labadie, MO 63055.

Charlene Ward, Labadie, MO 63055.

Don Meyer, 1510 Osage Lane, Labadie, MO 63055.

Jeanette Andrews, 1928 Land of Promise Road, Chesapeake, VA 23322.

Jasmine Flinn, 1928 Land of Promise Road, Chesapeake, VA 23322.

Mr. MCKINLEY. I rise in opposition to the amendment.

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

Mr. MCKINLEY. Thank you.

To my colleague from Illinois, as the sponsor of this particular legislation and one of just two engineers in Congress that are licensed or capable of designing these structures, I wanted to make certain that in the bill there is the language that you're concerned about; that we do have the ability—under page 6, if you've not read the bill yet. But it talks about how that's to be designed, constructed, and maintained under this language.

So we have to make sure this bill, if we pass it, is going to be maintained and the State's going to look at it. If

there's a violation of that, then the EPA can step in. Because please understand that we've got numbers of protections written into this bill. The EPA enforcement inspection authority is already there.

Under page 18, if you've read the rest of the bill, it talks about imminent hazard. They can step in at any time under imminent hazard and take control over this if they have a problem with it. There's also the provision for law enforcement.

But, more importantly, if the EPA determines that a particular State coal combustion residual program is deficient—if it's deficient because of a lack of proper implementation, there are options available in the bill for the EPA to step in, administer, and enforce the program in that State.

My colleague, this amendment, although well intended, is unnecessary. It's not about giving the EPA authority it does not have and will not have. It's another vote of no confidence in the State, while, at the same time, encouraging the EPA to meddle in State matters.

Mr. RUSH. Will the gentleman yield?

Mr. MCKINLEY. I yield to the gentleman from Illinois.

Mr. RUSH. I want to thank the gentleman.

I have read the bill. And under this bill, if a State fails to do an adequate job of enforcing this program there is only one remedy: EPA has to take over the entire program. And we all know that having EPA take over a State's program is unlikely and highly undesirable.

My amendment creates an additional remedy for inadequate State enforcement that is more measured than taking over a State's program. It allows the EPA to enforce State requirements if a structure is in violation and the State isn't doing anything about it. Without this amendment, a State could fail to implement their program for coal ash disposal in a way that puts human health and the environment at risk, and there would be no discrete way for the EPA to intervene to provide the necessary safeguards.

Mr. MCKINLEY. Let me reclaim my time, if I could.

Again, with all due respect, I think there are at least three components there that you're overlooking in your amendment. One is that these dams are designed by professional engineers that are stamping and maintaining and seen by contractors. They have to see that those dams are maintained, those structures. So there's not a threat.

Second, you have the issue of imminent hazard under page 18. Please read the bill, and you'll see that they can step in at any time if they feel that there's a threat. They can step in and take care of that.

And then there are other provisions in there that allow other people to file class actions or individual actions against this if they feel it's being violated. So we've got three protections

already built into this bill to take care of the issue, which I agree you can be concerned about. But it's one thing we made sure was in this bill when it was drafted.

I yield back the balance of my time.

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

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

Mr. RUSH. Madam Chair, 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 Illinois will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-244.

Ms. JACKSON LEE of Texas. 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, add the following new section:

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall submit to Congress a report containing the results of a study to determine the long-term impacts of State coal combustion residuals permit programs on human health and the environment.

(b) DEFINITION.—For the purposes of this section, the term "State coal combustion residuals permit program" means a coal combustion residuals permit program implemented by a State under section 4011 of the Solid Waste Disposal Act (as added by this Act).

The Acting CHAIR. Pursuant to House Resolution 431, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the Chairwoman, and I thank the committee for its courtesies and the Rules Committee for their courtesies.

It would seem unusual to have a poster that says "Make It in America" on this discussion. But I think I'll lay the groundwork that we have no angst against the assets and natural resources that are in this particular country generating opportunities for work. But what my friends, in putting forward this legislation on the other side of the aisle, are asking us to do is to take a, if you will, word action and simply quash the EPA; take a sledge hammer and sledge-hammer the EPA.

And what we're saying is that there is a place for State regulations, and there is a place for the involvement of the Federal response.

Let me give you the most potent example. In 2008, failure of a coal ash impoundment in Kingston, Tennessee,

spilled more than 5 million cubic yards of coal ash and will require approximately \$1.2 billion for cleanup. It is a stark reminder that we must have mutual involvement of the State and the Federal Government.

Now, many of you may have seen the news clips on that story. I remember seeing a couple come out and look in utter amazement at the loss of their beautiful property and their home, wondering how they were going to recoup. We call that a natural disaster.

But the point in this legislation, even as I believe that we have the opportunity to grow economies with knowing how to do things in the right way, is that there is a failure to recognize the importance of the health and the safety of the American people.

My amendment is simply requiring the EPA to study the impact of these permits on our environment and health. This is a reasonable request, considering our use of coal generates 130 million tons of waste a year.

The bad part about it is that the Federal Government, the President of the United States, who has introduced a jobs bill which cannot get an iota of attention here, is indicating that this bill will be vetoed because, in fact, what it wants to do is to leave everything to the State without cooperation.

What I'm suggesting is, let's cooperate. And so my amendment says that the EPA will have a broad report containing the results of a study to determine a long-term impact of State coal combustion residuals permit programs on human health and the environment. It has nothing to do with shutdown, but it does have to do with saying that the EPA must have a role in the protection of the quality of life of all Americans.

So, for example, they have a responsibility, as the States do, to take care of Tennesseans or Illinoisans or Texans who happen to be in Texas. But remember, folks, we live in America. Most of us don't want to secede from the Union, if you will, or the Nation, and we want the protection of the Federal Government.

□ 1250

That \$1.2 billion involves the Federal Government in helping to clean up what was a disaster. My only point is that we are champions of Make It In America. We are champions. And on this poster, you will see a number of individuals—a hard hat, a teacher, and someone who is dealing with the health and safety of Americans. We are champions of this. That's why many of us want to vote on the American Jobs Act to create jobs for our teachers, our firefighters, and our law enforcement.

But I would share with you that these are also Americans whose quality of life we have to protect. And while we're Making It In America, while we're manufacturing, while we have the assets that this bill attempts to address, can we also respect the quality of life of our children and our seniors

and those who suffer from respiratory ailments and individuals that are pregnant and newborns and toddlers who may be impacted by this particular issue? Kingston, Tennessee, is a Superfund location, as we speak, because of that terrible disaster.

So I would ask my colleagues to support a simple amendment of cooperation. That cooperation is for the EPA study to assess the impact on not only those in a State, but on Americans. I believe that we're all in this together. We live in a great country, and we're all patriots.

I might conclude my remarks by saying for those who are on the front lines fighting for us, they would like us to recognize that it is important to keep America great. America is great as we build, keep the quality of life that allows our citizens to thrive and prosper, protect our seniors, protect our children, protect those families and protect businesses as they continue to try and do what is right for the American people. Make It In America the right way. That means the EPA must be able to do its job as well.

With that, I ask my colleagues to support the amendment.

Madam Chair, I rise today in support of my amendment #4 to H.R. 2273, "Coal Residuals Reuse and Management Act," as it requires the Environmental Protection Agency to conduct a study to determine the long-term impacts of State Coal Combustion Residuals Permit programs on human health and the environment.

As the Representative of the 18th Congressional District, located in Houston, Texas, I understand the role that the coal industry plays in our economy and will continue to play in the future. As Houston is the Nation's energy capital. Our Nation needs a concrete and viable strategy for gaining independence from foreign energy sources.

My amendment is simply requiring the EPA to study the impact of these permits on our environment and health. This is a reasonable request considering our use of coal generates 130 million tons of waste. Most of this waste consists of coal ash which is filled with many life-threatening substances. The manner in which this coal ash is stored can have an extreme impact on the environment, public health and public safety. If this bill prevents the EPA from issuing regulations on this ash, then the EPA should at least be allowed to review the effectiveness of state level programs.

I am well versed in the importance of addressing energy industry concerns. Houston is the fourth most populous city in the United States, and is home to nearly 3,500 energy companies and related firms. There is no denying the importance the energy industry has in creating jobs in Houston and across our Nation.

We must not forget that the coal industry in the United States is responsible for producing nearly half of our Nation's electricity. At the same time we must balance environmental and public health concerns. I understand the need to put the hard-working people back to work, and I believe it can be done in compromise with the Environmental Protection Agency.

Every industry has its share of risks. Industries that have a significant impact on the envi-

ronment, health and safety of people living in the United States must meet high standards to ensure that public health and the environment are protected. The waste produced by the coal industry should not receive special treatment.

Coal ash is the second largest industrial waste stream in the United States. Every year, over 130 million tons of coal ash is produced. This ash contains a significant list of cancer causing and neurotoxin chemicals including arsenic, lead, chromium, cadmium and mercury. Remember mercury has possible ties to causing birth defects in pregnant women.

This ash is stored in ponds and landfills around our Nation. Today, this bill is enabling states to attain permits in order to deal with this ash. It is important to remember that these byproducts can seep into our water and fly about our air. This cancer causing ash and we need to ensure that it is properly regulated.

As it stands most states do not have regulations in place to keep coal ash, or as I would like to call it toxic ash, safely away from our air and our drinking water. When this ash is stored in dry, lined impoundments it is perfectly safe; however when this ash finds its way into the nearly 500 wet ponds across our Nation, there are serious risks poised to those living near those locations.

I remember the *Exxon Valdez* oil spill and the BP oil spills. I was among the first voices calling for additional scrutiny and stiffening of safety measures. Well, in Kingston, Tennessee, the residents found up to a billion gallons of coal ash coating their community.

The Kingston, Tennessee, coal ash spill was 100 times larger than the *Exxon Valdez* oil spill and 5 times larger than the BP Deepwater Horizon oil spill of 2010. In its volume it is the largest environmental disaster in the United States. It will require approximately \$1.2 billion for clean-up. We all pay when these sites fail. This legislation does not include any language to increase new safety standards. These decisions are all going to be done at the state level. When you think about this, remember the residents of Kingston, Tennessee.

The Kingston disaster should cause each of us to take a look at how this coal ash is stored and managed. At least every three years since 2002 there have been major breaks in coal ash ponds, this has resulted in millions of pounds of toxic sludge entering our waterways and thereby our drinking water sources.

My amendment would require the EPA to study the long-term effects of these ponds and landfills on public health and the environment. It also requires that the EPA reports their findings to Congress.

We must take the steps necessary to address this potentially dangerous hazard. I understand that coal ash can be stored safely, I just want to ensure that it is stored properly.

Mr. SHIMKUS. I rise in opposition to the amendment.

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

Mr. SHIMKUS. Thank you, Madam Chairman.

Let me thank my colleague for offering an amendment to the bill.

A couple of things have been discussed during the debate. Obviously, she mentioned Kingston, Tennessee. What she has to remember is that was TVA. That was a government entity.

That wasn't a natural disaster. That was a manmade disaster by a Federal Government, in essence, an agency.

I've stated numerous times what this bill does. It sets a standard that the States have to comply with to get certified by the EPA. Of course, in that process, under Federal law currently and locally, there is an opportunity for comment.

In addition, EPA, within the last week, announced that soon it will be seeking comments under the Notice of Data Availability, or what is referred to as NODA, on the adequacy of State programs—this would fall directly in this; that's why this amendment is duplicative—as well as the State's comments on EPA's proposed rule for coal ash.

This NODA was not required by law and certainly was not the result of a statute. This is something that the agency is doing. While the study is found to be innocuous, it does have a cost to taxpayers and the agency, and so in that aspect.

My colleague also is following this a little bit. The debate is coal ash, or fly ash, which is in impounded areas that we are now going to have some standards and liners, is used in recycling. It's used in road construction. It's used in building schools. The whole reason why we're here today is to ensure that the recycling sector can still do that if the EPA continues to label it as "toxic," which does not meet the standard of a toxicity based upon an analysis.

I love this, "toxic sludge." You can pick up dirt, and there's toxic elements in the dirt. The question is: To what standard does it rise? And if it doesn't rise to the level of toxicity, then it's not considered. And that's what this debate is all about, allowing the recycling of this. And if we don't do this, all our landfills will be filled with coal ash, and then we'll have to build more landfills for municipal solid waste.

So that's why I appreciate my colleague from West Virginia in this great piece of legislation. The administration has not issued a veto threat for this, and I expect it to be well received in the other Chamber once it moves over.

With that, again, I ask my colleagues to reject the Jackson amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments printed in House Report 112-244 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. WAXMAN of California.

Amendment No. 3 by Mr. MARKEY of Massachusetts.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. RUSH of Illinois.

Amendment No. 6 by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 236, not voting 26, as follows:

[Roll No. 794]

AYES—171

Ackerman	Edwards	Lujan
Andrews	Engel	Lynch
Baca	Eshoo	Maloney
Baldwin	Farr	Markey
Barrow	Fattah	Matsui
Becerra	Filner	McCarthy (NY)
Berkley	Frank (MA)	McCollum
Berman	Fudge	McDermott
Bishop (NY)	Gibson	McGovern
Blumenauer	Green, Al	McNerney
Boswell	Green, Gene	Michaud
Brady (PA)	Grijalva	Miller (NC)
Brown (FL)	Gutierrez	Miller, George
Butterfield	Hahn	Moore
Capps	Hanabusa	Moran
Capuano	Hastings (FL)	Murphy (CT)
Cardoza	Heinrich	Nadler
Carnahan	Higgins	Napolitano
Carney	Himes	Neal
Carson (IN)	Hinchev	Olver
Castor (FL)	Hinojosa	Pallone
Chandler	Hirono	Pascrell
Chu	Hochul	Pastor (AZ)
Cicilline	Holt	Payne
Clarke (MI)	Honda	Perlmutter
Clarke (NY)	Hoyer	Peters
Clay	Inslee	Pingree (ME)
Cleaver	Israel	Price (NC)
Clyburn	Jackson (IL)	Quigley
Cohen	Jackson Lee	Rahall
Connolly (VA)	(TX)	Rangel
Conyers	Johnson (GA)	Richardson
Cooper	Johnson, E. B.	Richmond
Costa	Kaptur	Rothman (NJ)
Courtney	Keating	Roybal-Allard
Crowley	Kissell	Ruppersberger
Cuellar	Kucinich	Rush
Cummings	Lance	Ryan (OH)
Davis (CA)	Langevin	Sanchez, Linda
Davis (IL)	Larsen (WA)	T.
DeFazio	Larson (CT)	Sanchez, Loretta
DeGette	Lee (CA)	Sarbanes
DeLauro	Levin	Schakowsky
Deutch	Lewis (GA)	Schiff
Dicks	Lipinski	Schrader
Dingell	LoBiondo	Schwartz
Doggett	Loeb sack	Scott (VA)
Donnelly (IN)	Lofgren, Zoe	Scott, David
Doyle	Lowey	Serrano

Sewell	Thompson (CA)
Sherman	Thompson (MS)
Shuler	Tierney
Sires	Tonko
Smith (NJ)	Towns
Smith (WA)	Tsongas
Speier	Van Hollen
Stark	Velázquez
Sutton	Visclosky

NOES—236

Adams	Gohmert
Aderholt	Goodlatte
Akin	Gowdy
Alexander	Granger
Altmire	Graves (GA)
Amash	Graves (MO)
Amodei	Griffin (AR)
Austria	Griffith (VA)
Bachus	Grimm
Barletta	Guinta
Bartlett	Guthrie
Barton (TX)	Hall
Bass (NH)	Hanna
Benishak	Harper
Berg	Harris
Biggert	Hartzler
Bilbray	Hastings (WA)
Bilirakis	Hayworth
Bishop (GA)	Heck
Bishop (UT)	Hensarling
Black	Herger
Blackburn	Herrera Beutler
Bonner	Holden
Bono Mack	Huelskamp
Boren	Huizenga (MI)
Boustany	Hultgren
Brady (TX)	Hunter
Brooks	Hurt
Broun (GA)	Issa
Buchanan	Jenkins
Bucshon	Johnson (OH)
Buerkle	Johnson, Sam
Burgess	Jones
Burton (IN)	Kelly
Calvert	Kind
Camp	King (IA)
Campbell	King (NY)
Canseco	Kingston
Cantor	Kinzinger (IL)
Capito	Kline
Carter	Labrador
Cassidy	Lamborn
Chabot	Landry
Chaffetz	Lankford
Coffman (CO)	Latham
Cole	LaTourette
Conaway	Latta
Cravaack	Long
Crawford	Lucas
Crenshaw	Luetkemeyer
Critz	Lungren, Daniel
Culberson	E.
Davis (KY)	Mack
Denham	Stearns
Dent	Manzullo
DesJarlais	Marchant
Diaz-Balart	Marino
Dold	Matheson
Dreier	McCarthy (CA)
Duffy	McCaul
Duncan (SC)	McClintock
Duncan (TN)	McCotter
Ellmers	McHenry
Emerson	McKeon
Farenthold	McKinley
Fincher	McMorris
Fitzpatrick	Rodgers
Flake	Meehan
Fleischmann	Mica
Fleming	Miller (FL)
Forbes	Miller (MI)
Fortenberry	Miller, Gary
Fox	Mulvaney
Franks (AZ)	Murphy (PA)
Frelinghuysen	Murphy
Gardner	Myrick
Garrett	Neugebauer
Gerlach	Noem
Gibbs	Nugent
Gingrey (GA)	Nunes
	Nunnelee
	Olson

NOT VOTING—26

Bachmann	Flores
Bass (CA)	Gallegly
Bralley (IA)	Garamendi
Coble	Giffords
Costello	Gonzalez
Ellison	Gosar

Walz (MN)	Wasserman
Wasserman	Schultz
Waters	Watt
Watt	Waxman
Welch	Woolsey
Yarmuth	

Meeks	Polis	Sullivan
Paul	Reyes	Wilson (FL)
Pelosi	Slaughter	

□ 1322

Messrs. GRIFFITH of Virginia, POMPEO, HERGER, GRAVES of Georgia, DENHAM and FORTENBERRY changed their vote from “aye” to “no.”

Mr. BARROW changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Chair, on roll-call No. 794, had I been present, I would have voted “present.”

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIR (Mr. SCHOCK). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 231, not voting 29, as follows:

[Roll No. 795]

AYES—173

Ackerman	Doggett	Lee (CA)
Andrews	Doyle	Levin
Baca	Edwards	Lewis (GA)
Baldwin	Engel	Lipinski
Becerra	Eshoo	LoBiondo
Berkley	Farr	Loeb sack
Berman	Fattah	Lofgren, Zoe
Bishop (GA)	Filner	Lowey
Bishop (NY)	Fitzpatrick	Lujan
Blumenauer	Fortenberry	Lynch
Boswell	Frank (MA)	Maloney
Brady (PA)	Fudge	Markey
Brown (FL)	Garamendi	Matsui
Butterfield	Green, Al	McCarthy (NY)
Capps	Green, Gene	McCollum
Capuano	Grijalva	McDermott
Carnahan	Gutierrez	McGovern
Carney	Hahn	McNerney
Carson (IN)	Hanabusa	Michaud
Castor (FL)	Hastings (FL)	Miller (NC)
Chandler	Heinrich	Miller, George
Chu	Higgins	Moore
Cicilline	Himes	Moran
Clarke (MI)	Hinchev	Murphy (CT)
Clarke (NY)	Hinojosa	Nadler
Clay	Hirono	Napolitano
Cleaver	Hochul	Neal
Clyburn	Holden	Olver
Cohen	Whitfield	Pallone
Connolly (VA)	Holt	Pascrell
Conyers	Honda	Pastor (AZ)
Cooper	Hoyer	Payne
Costa	Inslee	Perlmutter
Courtney	Israel	Peters
Crowley	Jackson (IL)	Pingree (ME)
Cuellar	Jackson Lee	Price (NC)
Cummings	(TX)	Quigley
Davis (CA)	Johnson (GA)	Rahall
Davis (IL)	Johnson, E. B.	Rangel
DeFazio	Kaptur	Reyes
DeGette	Keating	Richardson
DeLauro	Kind	Richmond
Dent	Kissell	Rothman (NJ)
Deutch	Kucinich	Roybal-Allard
Dicks	Langevin	Ruppersberger
Dingell	Larsen (WA)	Rush
	Larson (CT)	

Ryan (OH) Sherman
 Sánchez, Linda Shuler
 T. Sires
 Sanchez, Loretta Smith (WA)
 Sarbanes Speier
 Schakowsky Stark
 Schiff Sutton
 Schrader Thompson (CA)
 Schwartz Thompson (MS)
 Scott (VA) Tierney
 Scott, David Tonko
 Serrano Towns
 Sewell Tsongas

Van Hollen
 Velázquez
 Visclosky
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Welch
 Woolsey
 Yarmuth

Gosar
 Johnson, Sam
 Jordan
 Kildee
 King (IA)
 Lance
 Lewis (CA)
 McIntyre
 Meeks
 Paul
 Pelosi
 Peterson
 Polis
 Shuster
 Slaughter
 Sullivan
 Wilson (FL)
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Shuler
 Sires
 Smith (NJ)
 Smith (WA)
 Speier
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Towns
 Tsongas
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Welch
 Woolsey
 Yarmuth

NOES—231

Adams
 Aderholt
 Akin
 Alexander
 Altmire
 Amash
 Amodei
 Austria
 Bachus
 Barletta
 Barrow
 Bartlett
 Barton (TX)
 Bass (NH)
 Benishek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Capito
 Cardoza
 Carter
 Cassidy
 Chabot
 Chaffetz
 Chandler
 Coffman (CO)
 Cole
 Conaway
 Cravaack
 Crawford
 Crenshaw
 Culberson
 Davis (KY)
 Denham
 DesJarlais
 Diaz-Balart
 Dold
 Donnelly (IN)
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers
 Emerson
 Farenthold
 Fincher
 Flake
 Fleischmann
 Fleming
 Forbes
 Franks (AZ)
 Frelinghuysen
 Gardner
 Garrett
 Gerlach
 Gibbs
 Gibson
 Gohmert
 Goodlatte
 Palazzo
 Paulsen
 Pearce
 Pence
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Reed
 Rehberg
 Reichert
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schmidt
 Schock
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Stutzman
 Terry
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner (NY)
 Turner (OH)
 Upton
 Walberg
 Walsh (IL)
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

NOT VOTING—29

Bachmann
 Bass (CA)
 Braley (IA)
 Coble
 Costello
 Ellison
 Flores
 Foxx
 Gallegly
 Giffords
 Gingrey (GA)
 Gonzalez

ANNOUNCEMENT BY THE ACTING CHAIR
 The Acting CHAIR (during the vote).
 There is 1 minute remaining.

□ 1327

So the amendment was rejected.
 The result of the vote was announced
 as above recorded.

AMENDMENT NO 4. OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Massachusetts (Mr.
 MARKEY) on which further proceedings
 were postponed and on which the noes
 prevailed by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 185, noes 223,
 not voting 25, as follows:

[Roll No. 796]

AYES—185

Ackerman
 Andrews
 Baca
 Baldwin
 Barrow
 Becerra
 Berkeley
 Berman
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boswell
 Brady (PA)
 Brown (FL)
 Buchanan
 Butterfield
 Capper
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Terry
 Castor (FL)
 Chandler
 Chu
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Courtney
 Crowley
 Cuellar
 Cummings
 Davis (CA)
 Davis (IL)
 DeFazio
 DeGette
 DeLauro
 Dent
 Deutch
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Edwards
 Engel
 Eshoo
 Farr
 Fattah
 Filner
 Fitzpatrick
 Fortenberry
 Frank (MA)
 Fudge
 Garamendi
 Gerlach
 Gibson
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hahn
 Hanabusa
 Hanna
 Hastings (FL)
 Heinrich
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hochul
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kaptur
 Keating
 Kind
 Kissell
 Kucinich
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Loebsack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maloney
 Markey
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McNerney
 Michaud
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Nadler
 Napolitano
 Neal
 Oliver
 Owens
 Pallone
 Pascarell
 Pastor (AZ)
 Payne
 Perlmutter
 Peters
 Pingree (ME)
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reichert
 Reyes
 Richardson
 Richmond
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schrader

Adams
 Aderholt
 Akin
 Alexander
 Altmire
 Amash
 Amodei
 Austria
 Bachus
 Barletta
 Bartlett
 Barton (TX)
 Bass (NH)
 Benishek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Capito
 Carter
 Cassidy
 Chabot
 Chaffetz
 Coffman (CO)
 Cole
 Conaway
 Cravaack
 Crawford
 Crenshaw
 Critz
 Culberson
 Davis (KY)
 Denham
 DesJarlais
 Diaz-Balart
 Dold
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers
 Emerson
 Farenthold
 Fincher
 Flake
 Fleischmann
 Fleming
 Forbes
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gardner
 Garrett
 Gibbs
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall
 Harper
 Harris
 Hartzler
 Hastings (WA)
 Hayworth
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Hiel
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Kelly
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kline
 Labrador
 Lamborn
 Lankford
 Latham
 LaTourette
 Latta
 Long
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Gunter
 Pelosi
 Peterson
 Poe (TX)
 Polis
 Slaughter
 Sullivan
 Wilson (FL)
 Adams
 Aderholt
 Akin
 Alexander
 Altmire
 Amash
 Amodei
 Austria
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 Berg
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 Bono Mack
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 Boustany
 Brady (TX)
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 Broun (GA)
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 Coffman (CO)
 Cole
 Conaway
 Cravaack
 Crawford
 Crenshaw
 Critz
 Culberson
 Davis (KY)
 Denham
 DesJarlais
 Diaz-Balart
 Dold
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers
 Emerson
 Farenthold
 Fincher
 Flake
 Fleischmann
 Fleming
 Forbes
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gardner
 Garrett
 Gibbs
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall
 Harper
 Harris
 Hartzler
 Hastings (WA)
 Hayworth
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Hiel
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Kelly
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kline
 Labrador
 Lamborn
 Lankford
 Latham
 LaTourette
 Latta
 Long
 Lucas
 Luetkemeyer
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Gunter
 Pelosi
 Peterson
 Poe (TX)
 Polis
 Slaughter
 Sullivan
 Wilson (FL)

NOT VOTING—25

Bachmann
 Bass (CA)
 Braley (IA)
 Coble
 Costello
 Ellison
 Flores
 Gallegly
 Giffords
 Gonzalez
 Gosar
 Jordan
 Kildee
 Lewis (CA)
 Lummis
 McIntyre
 Meeks
 Paul
 Gonzalez
 Pelosi
 Peterson
 Poe (TX)
 Polis
 Slaughter
 Sullivan
 Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1330

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 241, not voting 28, as follows:

[Roll No. 797]

AYES—164

Ackerman Hahn Owens
Andrews Hanabusa Pallone
Baca Hanna Pascrell
Baldwin Hastings (FL) Pastor (AZ)
Barrow Heinrich Payne
Becerra Higgins Perlmutter
Berkley Himes Peters
Berman Hinchey Pingree (ME)
Bishop (NY) Hinojosa Price (NC)
Blumenauer Hirono Quigley
Brady (PA) Hochul Rangel
Brown (FL) Holden Reichert
Butterfield Holt Reyes
Capps Honda Richardson
Capuano Hoyer Richmond
Carnahan Insee Rothman (NJ)
Carney Israel Roybal-Allard
Carson (IN) Jackson (IL) Ruppberger
Castor (FL) Jackson Lee
Chu (TX) Ryan (OH)
Cicilline Johnson (GA) Sanchez, Linda
Clarke (MI) Johnson, E. B. T.
Clarke (NY) Kaptur
Clay Keating Sanchez, Loretta
Cleaver Sarbanes
Clyburn Kucinich Schiff
Cohen Langevin Schrader
Connolly (VA) Larsen (WA) Schwartz
Conyers Larson (CT) Scott (VA)
Courtney Lee (CA) Scott, David
Crowley Levin Serrano
Cuellar Lewis (GA) Sewell
Cummings Lipinski Sherman
Davis (CA) Loeb sack Shuler
Davis (IL) Lofgren, Zoe Sires
DeFazio Lowey Smith (WA)
DeGette Lujan Speier
DeLauro Lynch Stark
Deutch Maloney Sutton
Dicks Markey Thompson (CA)
Dingell Matsui Thompson (MS)
Doggett McCarthy (NY) Tierney
Doyle McCollum Tonko
Edwards McDermott Towns
Ellison McGovern Tsongas
Engel McNerney Van Hollen
Eshoo Michaud Velázquez
Farr Miller (NC) Walz (MN)
Filner Miller, George Wasserman
Frank (MA) Moore Schultz
Fudge Moran Waters
Garamendi Murphy (CT) Watt
Green, Al Nadler Waxman
Green, Gene Napolitano Welch
Grijalva Neal Woolsey
Gutierrez Oliver Yarmuth

NOES—241

Adams Gibbs Nugent
Aderholt Gibson Nunes
Akin Gingrey (GA) Nunnelee
Alexander Gohmert Olson
Altire Goodlatte Palazzo
Amash Gowdy Paulsen
Amodei Granger Pearce
Austria Graves (GA) Pence
Bachus Graves (MO) Petri
Barletta Griffin (AR) Pitts
Bartlett Griffith (VA) Platts
Barton (TX) Grimm Pompeo
Bass (NH) Guinta Posey
Benishek Guthrie Price (GA)
Berg Hall Quayle
Biggart Harper Rahall
Bilbray Harris Reed
Bilirakis Hartzler Rehberg
Bishop (GA) Hastings (WA) Renacci
Bishop (UT) Hayworth Ribble
Black Heck Rigell
Blackburn Hensarling Rivera
Bonner Herger Roby
Bono Mack Herrera Beutler Roe (TN)
Boren Huelskamp Rogers (AL)
Boswell Huizenga (MI) Rogers (KY)
Boustany Hultgren Rogers (MI)
Brady (TX) Hunter Rohrabacher
Brooks Hurst Rokita
Broun (GA) Issa Rooney
Buchanan Jenkins Ros-Lehtinen
Bucshon Johnson (IL) Roskam
Buerkle Johnson (OH) Ross (AR)
Burgess Johnson, Sam Ross (FL)
Burton (IN) Jones Royce
Calvert Kelly Runyan
Camp Kind Ryan (WI)
Campbell King (IA) Scalise
Canseco King (NY) Schakowsky
Capito Kingston Schilling
Carter Kinzinger (IL) Schmidt
Cassidy Kline Schock
Carter Labrador Schweikert
Chabot Lamborn Scott (SC)
Chaffetz Lance Scott, Austin
Chandler Landry Sensenbrenner
Coffman (CO) Cole Sessions
Cole Conaway Shimkus
Onaway Costa Shuster
Cravaack Latta Simpson
Crawford LoBiondo Smith (NE)
Crenshaw Long Smith (NJ)
Critz Lucas Smith (TX)
Culberson Luetkemeyer Southerland
Davis (KY) Lummis Stearns
Denham Lungren, Daniel Stivers
Dent E. Stutzman
DesJarlais Mack Terry
Diaz-Balart Manzano Thompson (PA)
Dold Marchant Thornberry
Marino Tiberi
Dreier Matheson Tipton
Duffy McCarthy (CA) Turner (NY)
McCaul McCauley Turner (OH)
McClintock Upton
McCotter Vislosky
Emerson McHenry Walberg
McKeon Walden
McKinley Walsh (IL)
McMorris Webber
Rodgers West
Meehan Westmoreland
Mica Wilson (SC)
Miller (FL) Wittman
Miller (MI) Wolf
Miller, Gary Womack
Mulvaney Woodall
Murphy (PA) Yoder
Myrick Young (AK)
Neugebauer Young (FL)
Noem Young (IN)

NOT VOTING—28

Bachmann Gallegly Pelosi
Bass (CA) Giffords Peterson
Braley (IA) Gonzalez Poe (TX)
Cantor Gosar Polis
Cardoza Jordan Slaughter
Coble Kildee Sullivan
Cooper Lewis (CA) Whitfield
Costello McIntyre Wilson (FL)
Fattah Meeks
Flores Paul

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHAKOWSKY. Mr. Chair, during roll-call vote No. 797 on H.R. 2273, I mistakenly recorded my vote as "no" when I should have voted "aye."

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 235, not voting 24, as follows:

[Roll No. 798]

AYES—174

Ackerman Garamendi Moore
Andrews Gerlach Moran
Baca Gibson Murphy (CT)
Baldwin Green, Al Nadler
Barrow Green, Gene Napolitano
Becerra Grijalva Neal
Berkley Gutierrez Olver
Berman Hahn Pallone
Bishop (GA) Hanabusa Pascrell
Bishop (NY) Hanna Pastor (AZ)
Blumenauer Hastings (FL) Payne
Boswell Heinrich Perlmutter
Brady (PA) Higgins Peters
Brown (FL) Himes Pingree (ME)
Butterfield Hinchey Price (NC)
Capps Hinojosa Quigley
Capuano Hirono Rangel
Carnahan Hochul Holt
Carney Holt Reyes
Carson (IN) Honda Richardson
Castor (FL) Hoyer Richmond
Chu Insee Rothman (NJ)
Cicilline Israel Roybal-Allard
Clarke (MI) Jackson (IL) Ruppberger
Clarke (NY) Jackson Lee Rush
Clay (TX) Ryan (OH)
Cleaver Johnson (GA) Sanchez, Linda
Clyburn Johnson (IL) T.
Cohen Johnson, E. B. Sanchez, Loretta
Connolly (VA) Kaptur Sarbanes
Conyers Keating Schakowsky
Cooper Kissell Schiff
Courtney Kucinich Schrader
Crowley Lance Schwartz
Cuellar Langevin Scott (VA)
Cummings Larsen (WA) Scott, David
Davis (CA) Larson (CT) Serrano
Davis (IL) Lee (CA) Sewell
DeFazio Levin Sherman
DeGette Lewis (GA) Shuler
DeLauro Lipinski Sires
Deutch LoBiondo Smith (NJ)
Dicks Loeb sack Smith (WA)
Dingell Lofgren, Zoe Speier
Doggett Lowey Stark
Donnelly (IN) Lujan Sutton
Doyle Lynch Thompson (CA)
Edwards Maloney Thompson (MS)
Ellison Markey Tierney
Engel Maloney Tonko
Eshoo Markey Wasserman
Farr Matsui Towns
Filner McCarthy (NY) Tsongas
Frank (MA) McCollum Van Hollen
Fudge Moran McDermott Velázquez
Garamendi Murphy (CT) Welch
Green, Al Nadler Walz (MN)
Green, Gene Napolitano Wasserman
Grijalva Neal Woolsey
Gutierrez Oliver Yarmuth Schultz

□ 1334

So the amendment was rejected.

Waters Waxman Woolsey
Watt Welch Yarmuth

NOES—235

Adams	Goodlatte	Owens
Aderholt	Gowdy	Palazzo
Akin	Granger	Paulsen
Alexander	Graves (GA)	Pearce
Altmire	Graves (MO)	Pence
Amash	Griffin (AR)	Petri
Amodi	Griffith (VA)	Pitts
Austria	Grimm	Platts
Bachus	Guinta	Pompeo
Barletta	Guthrie	Posey
Bartlett	Hall	Price (GA)
Barton (TX)	Harper	Quayle
Bass (NH)	Harris	Rahall
Benishkek	Hartzler	Reed
Berg	Hastings (WA)	Rehberg
Biggart	Hayworth	Reichert
Bilbray	Heck	Renacci
Bilirakis	Hensarling	Ribble
Bishop (UT)	Hergert	Rigell
Black	Herrera Beutler	Rivera
Blackburn	Holden	Roby
Bonner	Huelskamp	Roe (TN)
Bono Mack	Huizenga (MI)	Rogers (AL)
Boren	Hultgren	Rogers (KY)
Boustany	Hunter	Rogers (MI)
Brady (TX)	Hurt	Rohrabacher
Brooks	Issa	Rokita
Broun (GA)	Jenkins	Rooney
Buchanan	Johnson (OH)	Ros-Lehtinen
Bucshon	Johnson, Sam	Roskam
Buerkle	Jones	Ross (AR)
Burgess	Kelly	Ross (FL)
Burton (IN)	Kind	Royce
Calvert	King (IA)	Runyan
Camp	King (NY)	Ryan (WI)
Campbell	Kingston	Scalise
Cansaco	Kinzinger (IL)	Schilling
Cantor	Kline	Schmidt
Capito	Labrador	Schock
Cardoza	Lamborn	Schweikert
Carter	Landry	Scott (SC)
Cassidy	Lankford	Scott, Austin
Chabot	Latham	Sensenbrenner
Chaffetz	LaTourette	Sessions
Chandler	Latta	Shimkus
Cole	Long	Shuler
Conaway	Lucas	Shuster
Costa	Luetkemeyer	Simpson
Cravaack	Lummis	Smith (NE)
Crawford	Lungren, Daniel	Smith (TX)
Crenshaw	E.	Southerland
Critz	Mack	Stearns
Culberson	Manzullo	Stivers
Davis (KY)	Marchant	Stutzman
Denham	Marino	Terry
Dent	Matheson	Thompson (PA)
DesJarlais	McCarthy (CA)	Thornberry
Diaz-Balart	McCaul	Tiberi
Dold	McClintock	Tipton
Dreier	McCotter	Turner (NY)
Duffy	McHenry	Turner (OH)
Duncan (SC)	McKeon	Upton
Duncan (TN)	McKinley	Visclosky
Ellmers	McMorris	Walberg
Emerson	Rodgers	Walden
Farenthold	Meehan	Walsh (IL)
Fincher	Mica	Webster
Flake	Miller (FL)	West
Fleischmann	Miller (MI)	Westmoreland
Fleming	Miller, Gary	Whitfield
Forbes	Mulvaney	Wilson (SC)
Foxx	Murphy (PA)	Wittman
Franks (AZ)	Myrick	Wolf
Frelinghuysen	Neugebauer	Womack
Gardner	Noem	Woodall
Garrett	Nugent	Yoder
Gibbs	Nunes	Young (AK)
Gingrey (GA)	Nunnelee	Young (FL)
Gohmert	Olson	Young (IN)

NOT VOTING—24

Bachmann	Giffords	Paul
Bass (CA)	Gonzalez	Pelosi
Braley (IA)	Gosar	Peterson
Coble	Jordan	Poe (TX)
Coffman (CO)	Kildee	Polis
Costello	Lewis (CA)	Slaughter
Flores	McIntyre	Sullivan
Galleghy	Meeks	Wilson (FL)

□ 1338

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mr. SCHOCK, 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. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels, and, pursuant to House Resolution 431, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CICILLINE. I have a motion to recommit at the desk, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CICILLINE. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cicilline moves to recommit the bill H.R. 2273 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following section:

SEC. 4. LIFE SAVING WARNING SYSTEM FOR CATASTROPHIC IMPOUNDMENT FAILURE.

(a) IN GENERAL.—Notwithstanding any other provision of this Act (including the amendments made by this Act), the Administrator of the Environmental Protection Agency shall require any person who owns or operates a surface impoundment described in subsection (b) to equip such surface impoundment with a sufficient system to monitor for, and notify persons of, a potentially hazardous condition that could lead to failure of the surface impoundment. In the event a potentially hazardous condition develops that could lead to such a failure, the person owning or operating such surface impoundment shall immediately—

(1) take action to eliminate the potentially hazardous condition;

(2) notify State and local first responders; and

(3) notify, prepare to evacuate, and evacuate, if necessary, local residents, personnel

from the owner or operator's property, and any other persons who may be affected by the hazardous condition.

(b) SURFACE IMPOUNDMENTS DESCRIBED.—A surface impoundment described in this subsection is a surface impoundment—

(1) that is subject to a coal combustion residuals permit program (as such term is defined in section 4011 of the Solid Waste Disposal Act, as added by this Act); and

(2) the failure or misoperation of which will probably cause loss of human life.

Mr. CICILLINE (during the reading). I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

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

Mr. CICILLINE. Mr. Speaker, this is the final amendment to this bill. It will obviously not result in any delay. Once this amendment is acted upon, we will immediately consider the bill.

Mr. Speaker, the people of the First Congressional District in Rhode Island, much like the men and women from districts and States across this country, sent me to Congress to focus on our most important priority as a Nation. That priority is getting people back to work and putting our economy back on track. And yet here we are again, spending the time and energy of this Congress not focusing on creating jobs or reviving our economy, but instead we're spending the time and energy of this body with another piece of legislation that threatens our environment and fails to protect the health of our communities.

If we're going to be forced by the Republican leadership to spend time in Congress considering legislation with the potential to devastate our environment and damage public health, then at the very least we should allow some semblance of common sense to prevail. At the very least, those of us in this Congress with a sense of responsibility for protecting the health and safety of our communities must impress upon others the inherent dangers in the legislation before us today, a bill that fails to set sufficient baseline standards for coal ash storage and disposal, which is why I'm offering a simple, straightforward amendment that could avert future tragedies, both human and environmental.

While the underlying premise of this bill threatens the public safety and health of communities, and while the provisions in this legislation set insufficient standards to ensure the adequate protection of our environment and public health, I, like many of my colleagues, am a pragmatist. I fully understand that, despite my opposition to this bill, H.R. 2273, it's going to pass the House today. But as a former mayor, I take the public safety of my community and monitoring and preparing for and managing disasters very seriously.

The key to this work, the element that saves lives and property, is early

warning. Local communities cannot absorb all of this responsibility themselves. Operators and owners must do their part. And while I oppose this bill, it's indefensible to let this legislation proceed without including commonsense emergency preparedness provisions, which is exactly what this amendment will do.

The 2008 coal ash impoundment failure in Kingston, Tennessee, spilled more than 5 million cubic yards of coal ash, and you can see it depicted in these photographs. Over 1 billion pounds of coal ash sludge swamped houses, filled rivers, and covered 300 acres of land. Three hundred acres of land covered in coal ash, a substance found to contain significant quantities of arsenic and other toxins.

Nearly 4 years ago, a coal waste impoundment on Buffalo Creek in West Virginia burst, unleashing a wave of floods more than 15 feet high, traveling at a rate of about 7 feet per second. The wave struck the community living below the impoundment without warning. Within just a few hours, 125 people were dead—including 30 infants and young children—more than 1,000 injured, and 4,000 people were left homeless. Mining officials had been monitoring the rising water levels in the impoundment for 4 days before it burst and yet never informed the men, women, and children in harm's way. This amendment will help ensure these human tragedies and catastrophic environmental disasters never happen again.

This amendment requires owners and operators of surface impoundments to equip their facilities with systems to monitor for potentially hazardous conditions that could lead to a failure of the impoundment. Further, should a potentially hazardous condition develop at surface impoundments, this straightforward, commonsense amendment will require owners and operators to take action to eliminate the hazardous condition, to notify first responders and take appropriate steps to notify and/or evacuate residents, personnel, and others who may be in harm's way.

In the United States right now, there are 49 toxic waste ponds at risk of catastrophic failure, just like the one that devastated Kingston, Tennessee. Each year, the United States generates 130 million tons of coal ash. We need to be prepared.

As the former mayor of Providence, which was the first municipality in the Nation to receive accreditation from the Emergency Management Accreditation Program, I understand the importance of preparedness and the responsibility that comes with it. Monitoring and early warning of potentially hazardous conditions save lives.

We need to make certain that if this legislation passes, it includes these commonsense safeguards that will avert another tragedy and devastation. It's the responsibility of this body to protect the health and safety of the

communities we serve and those affected by the legislation we pass.

I urge my colleagues to support this commonsense amendment and do all that we can to avoid this kind of disaster again.

I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I claim the time in opposition to the motion to recommit.

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

Mr. UPTON. Thank you, Mr. Speaker, and I do rise in opposition to the motion to recommit.

On this bill there are two camps in this body: There are Members who want to stop using coal for energy production as soon as possible and switch to other alternative energy forms; and then there is the group that recognizes that coal supplies half of our Nation's electricity and that, whether we like it or not, it will continue to do so for a fairly long time, so we need to manage as best we can the residuals left over after that coal is burned.

It's amazing what clever uses we have found for the coal ash that our power plants produce. Yes, it's used to strengthen concrete. In fact, the road builders report that road and bridge building costs will increase by \$100 billion over the next 20 years if we stop using coal ash in concrete. In fact, the standard, believe it or not, for the California highway authority is concrete strengthened with coal ash. The best wallboard, roofing shingles, even bowling balls contain coal ash.

But not all coal ash is beneficially used. That's why we need to make sure that what is disposed of will stay managed responsibly. Today States have a variety of standards for managing disposal of coal ash. The gentlelady from Wisconsin (Ms. BALDWIN) on our committee told us that her State finds uses for all of its coal ash. Other States have to deal with disposing of half or more of their coal ash.

Mr. MCKINLEY, the sponsor of this legislation, when he first joined our committee, he explained to us how the administration's proposals to regulate coal combustion residuals as though they are hazardous, were threatening the recycling industry. He asked us to support the bill to simply set those proposals aside.

We held a hearing on the bill and we heard from a variety of witnesses—from recyclers, from power plant operators, environmental groups, and others. But among the most important witnesses was a lady who spoke for the officials in every one of our 50 States who run the State solid waste management programs. She had a better idea. Explaining that States govern solid waste under stringent Federal guidelines, she asked: Why not do the same with coal ash? We States, she said, all run our solid waste programs just fine and are careful to meet the Federal standards for two reasons: First, we want to protect human health and the

environment; and, second, we don't want the EPA running our programs for us.

So we rolled up our sleeves and drafted such a program—bipartisan, by the way. We started with the Federal municipal solid waste rules themselves and saw that most of those would apply very well to coal ash. Even the EPA said municipal solid waste laws are a good model for safe management of coal ash. After all, these laws protect us from everyday household trash that includes battery acid, mercury, paints, electronic parts, and who knows what else. But then we looked again and saw that there are different issues with coal ash, so we added some provisions to take those differences into account and make this bill even more protective.

The result was the bill before us today that is endorsed by one of the broadest, most interesting coalitions that we've seen. The Environmental Council of the States, the 50 heads of the State environmental departments from Maine to California, strongly endorses the bill. So do the recyclers. And every Member, I'll bet, has heard from at least one of them. So do the power plant operators, the coal producers, the manufacturers, the cement industry, the private sector labor unions, and, yes, certainly the folks who pay their electricity bill.

So who's left out? Well, the opponents have really just one thing in common. They regret that coal is a big energy source, and they think that the sooner we can get off it, the better. They understand that to get there, you've got to stop the recycling first and then start regulating it as though it's hazardous. It's not.

□ 1350

Even Carol Browner said it's not. She said that in 1993, and she said that again in 2000.

This bill is a new approach. It's Congress setting the standards and the States making sure that they are met, as the States know best how to do.

I ask you to vote "no" on the motion to recommit and vote "yes" on final passage.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. CICILLINE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 172, nays 238, not voting 23, as follows:

[Roll No. 799]

YEAS—172

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inlee
Israel
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
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Cleaver
Clyburn
Cohen
Connolly (VA)
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Cummings
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Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Napolitano
Neal
Oliver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Israel
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
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Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kind
Kissell
Kucinich
Scott (VA)
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

NAYS—238

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Amash
Bilbray
Amodei
Austria
Hunt
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourrette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
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Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Bachmann
Bass (CA)
Braley (IA)
Coble
Costello
Flores
Gallegly
Giffords
Gonzalez
Jordan
Kilde
Lewis (CA)
McIntyre
Meeks
Paul
Pelosi
Peterson
Polis
Sewell
Sires
Slaughter
Sullivan
Wilson (FL)

Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
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McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Fudge
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)

NOT VOTING—23

Bachmann
Bass (CA)
Braley (IA)
Coble
Costello
Flores
Gallegly
Giffords
Gonzalez
Jordan
Kilde
Lewis (CA)
McIntyre
Meeks
Paul
Pelosi
Peterson
Polis
Sewell
Sires
Slaughter
Sullivan
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remain-

□ 1407

Mr. BROOKS changed his vote from "yea" to "nay."
So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 267, noes 144, not voting 22, as follows:

[Roll No. 800]

AYES—267

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Baca
Bachus
Baldwin
Berg
Biggert
Bilbray
Bilirakis
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilirakis
Bishop (GA)

Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Chaffetz
Kaptur
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourrette
Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Chaffetz
Kaptur
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourrette
Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Edwards
Ellison
Engel
Eshoo
Farr

NOES—144

Ackerman
Altmire
Andrews
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Edwards
Ellison
Engel
Eshoo
Farr

Fattah	Lipinski	Roibal-Allard
Filner	LoBiondo	Ruppersberger
Frank (MA)	Loebsock	Rush
Garamendi	Lofgren, Zoe	Sánchez, Linda
Green, Al	Lowe	T.
Grijalva	Lujan	Sanchez, Loretta
Gutierrez	Lynch	Sarbanes
Hahn	Maloney	Schakowsky
Hanabusa	Markey	Schiff
Hastings (FL)	Matsui	Schwartz
Heinrich	McCarthy (NY)	Scott (VA)
Higgins	McCollum	Serrano
Himes	McDermott	Sewell
Hinche	McGovern	Sherman
Hinojosa	McNerney	Shuler
Hirono	Michaud	Smith (NJ)
Hochul	Miller (NC)	Smith (WA)
Holt	Miller, George	Speier
Honda	Moran	Stark
Hoyer	Murphy (CT)	Thompson (CA)
Inslee	Nadler	Tierney
Israel	Napolitano	Tonko
Jackson (IL)	Neal	Towns
Jackson Lee	Olver	Tsongas
(TX)	Pallone	Van Hollen
Johnson (GA)	Pascarell	Velázquez
Johnson, E. B.	Payne	Wasserman
Keating	Peters	Schultz
Kucinich	Pingree (ME)	Waters
Langevin	Price (NC)	Watt
Larsen (WA)	Quigley	Waxman
Larson (CT)	Rangel	Welch
Lee (CA)	Reyes	Wolf
Levin	Richardson	Woolsey
Lewis (GA)	Rothman (NJ)	Yarmuth

NOT VOTING—22

Bachmann	Gonzalez	Peterson
Bass (CA)	Jordan	Polis
Braley (IA)	Kildee	Sires
Coble	Lewis (CA)	Slaughter
Costello	McIntyre	Sullivan
Flores	Meeks	Wilson (FL)
Gallely	Paul	
Giffords	Pelosi	

□ 1414

Ms. BROWN of Florida changed her vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 792, 793, 794, 795, 796, 797, 798, 799, and 800. Had I been present, I would have voted “aye” on rollcall vote Nos. 794, 795, 796, 797, 798, 799. I would have voted “no” on rollcall vote numbers 792, 793, 800.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION TO FILE REPORT ON H.R. 822, NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 5 p.m. on Thursday, October 20, 2011, to file a report to accompany H.R. 822.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT TO TUESDAY, OCTOBER 18, 2011

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Tuesday, October 18, 2011; that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, October 21, 2011; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, October 24, 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

IN MEMORY OF REVEREND FRED SHUTTLESWORTH

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. On October 5, civil rights legend Reverend Fred Shuttlesworth passed away while residing in Birmingham, Alabama. From 1961 to 2007, Reverend Shuttlesworth lived in Cincinnati, and when I first came here in '95, I had the distinct pleasure of representing him here in Congress.

Reverend Fred Shuttlesworth defied death numerous times while fighting against violent segregationists, even surviving the blast from 16 sticks of dynamite that were planted by unknown assassins. So devoted to this cause was he that he pledged to “kill segregation or be killed by it.” From freedom rides and sit-ins to pastor and founder of the Southern Christian Leadership Conference, Reverend Shuttlesworth was a tireless and fearless civil rights hero, who not only talked the “talk” but who walked the “walk” in places where few others were willing to go.

The enormity of Reverend Shuttlesworth’s achievements and contributions to American history cannot be overstated. Even Reverend Martin Luther King, Jr. once referred to him as “the most courageous civil rights fighter in the South.” Let us forever remember this great man of faith and the legacy he leaves for America.

God bless you, Reverend Shuttlesworth, and may God bless the Shuttlesworth family.

100TH ANNIVERSARY OF UNIVERSITY OF MISSOURI’S HOMECOMING CELEBRATION

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. This weekend marks the 100th anniversary of the University of Missouri’s homecoming celebration.

In 1911, University of Missouri Athletics Director Chester Brewer invited

Missouri alumni to come home to campus for the football game against the University of Kansas. The game was capped by a parade and spirit rally to celebrate the “coming home” of so many alumni. Thus started the tradition of “homecoming” at the University of Missouri, an event that has served as a model for homecoming celebrations across the country.

Each year, thousands of students and alumni come home to celebrate one of the university’s greatest traditions. Homecoming at Mizzou has gone beyond school pride and football. Through this event, Mizzou has broken the world record for the largest peacetime blood drive on a college campus, and has organized other large community service events. Moreover, the University of Missouri’s homecoming celebration was recently named the best homecoming in the Nation.

My wife, Debra, and I and three generations of my family are fortunate to be alumni of the University of Missouri. As a proud alum, I would like to congratulate the University of Missouri and generations of alumni on this historic milestone of 100 years of coming home to Mizzou.

IN MEMORY OF SYDNE MAE DURAND

(Mr. LANDRY asked and was given permission to address the House for 1 minute.)

Mr. LANDRY. Mr. Speaker, it is with great sadness that I rise today in memory of one of Louisiana’s great public servants, Ms. Sydnie Mae Durand.

As the parish in which I grew up lays her to rest today, it is notable to recognize that she grew up at a time when a woman’s place in the South was culturally in the home. She pioneered her way into a male-dominated oil and gas industry. She constructed and then walked proudly through the door that many women of south Louisiana would soon follow.

During the 37 years she devoted to the oil and gas industry, she found time to serve her community—again, leading women into politics locally by becoming the first woman to preside over the St. Martin Parish Council and then by becoming the first woman to be elected to serve as the District 46 State House representative, where she served for 16 years. Her passion involved health care, where she chaired the House Health and Welfare Committee and served on many other national and State boards that dealt with the health care needs of children.

While she will be missed by all, her work and legacy will continue to have a positive impact on the great State she leaves behind.

CHINESE CURRENCY

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. We need to follow the Senate’s lead in