□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HUDSON) at 4 p.m.

## HOUR OF MEETING ON TOMORROW

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

## IMPROVING COAL COMBUSTION RESIDUALS REGULATION ACT OF 2015

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, H.R. 1734.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 369 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. 1734.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1602

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. 1734) to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment, with Mr. HULTGREN 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 New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

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

Mr. Chairman, in December of last year, EPA put out its final rule for coal ash. We applaud EPA's decision to regulate coal ash under subtitle D, confirming what we have been saying all along, that coal ash is not hazardous.

All you have to do is talk to any of the thousands of coal ash recyclers across the country, and they will tell you that not only is coal ash not hazardous, it is an essential component in their product. However, the rule remains seriously flawed; and implementation will result in confusion, conflict, and a lot of needless litigation.

A fundamental flaw with the rule is that it is self-implementing, which means that, now that EPA has finalized the rule, going forward, there will be zero regulatory oversight of coal ash by the EPA. What this means is that all of the requirements in the final rule, no matter how protective you believe they are, will be interpreted and implemented by the utilities with no oversight or enforcement by the EPA or the States.

This leads us to one of the other key flaws with the final rule, which is that it is enforceable only through citizen suits. Think about that; the final rule sets out a complex set of technical requirements for coal ash, but interpreting what they mean and how to implement them is left entirely to the regulated community with citizen lawsuits in Federal Court as the only mechanism for enforcement.

This will result in an unpredictable array of regulatory interpretations as judges throughout the country are forced to make technical compliance decisions that are better left to a regulatory agency.

Under current law, State permit programs will not operate in lieu of the final coal ash rule. Even if States adopt the final rule, regulated entities must comply with the requirements in the Federal rule and their State. This means, even if a utility was in full compliance with their State coal ash permit, they could and would be sued for noncompliance with the Federal rule.

The Western Governors' Association said it best in a letter to the House and Senate leadership on May 15 of this year:

> Unfortunately, EPA's final rule produces an unintended regulatory consequence in that it creates a dual Federal and State regulatory system. This is because EPA is not allowed under RCRA subtitle D to delegate the CCR program to States in lieu of the Federal program.
>
> Also, the rule does not require facilities to obtain permits, does not require States to adopt and implement new rules, and cannot be enforced by EPA. The rule's only compliance mechanism is for a State or citizen group to bring a citizen suit in Federal District Court under RCRA section 7002. This approach marginalizes the role of State regulation, oversight, and enforcement.

This brings us to where we are today, in need of legislative solution to address the fundamental flaws with the final rule. H.R. 1734 is the solution. The bill addresses the self-implementing aspect of the final rule, as well as the problem with citizen suit enforcement, by establishing enforceable permit programs that directly incorporate the technical requirements of the final rule.

The bill will ensure that every State has a coal ash permit program, that every permit program will contain all of the minimal Federal standards or something more stringent, and that the technical requirements of EPA's final rule are implemented with direct regulatory oversight and enforcement.

The bill requires owners and operators to take actions such as preparing a fugitive dust control plan and conducting structural stability inspections within 8 months from the date of enactment, which makes compliance with these and other requirements directly in line with the timeframe for compliance under the final rule.

Notably, H.R. 1734 also requires owners and operators to begin groundwater monitoring within 36 months from the date of enactment with State environmental agencies immediately ensuring compliance, rather than having to wait for the courts.

It treats inactive surface impoundments in exactly the same manner as the final rule; applies all of the location restrictions from the final rule to the new surface impoundments and expansions of existing impoundments; and will ensure all relevant information—including all information associated with the issuance of permits, all groundwater monitoring data, structural stability assessments, emergency action plans, fugitive dust control plans, information regarding corrective action remedies, and certifications regarding closure—be made available on the Internet.

H.R. 1734 expressly protects the ability to file citizen suits under RCRA while ensuring parties to a lawsuit demonstrate actual harm from the coal ash and not just that a utility allegedly violated the requirements of the rule.

Some say that the bill ''goes too far'' because it allows States to exercise flexibility and make site-specific, risk-based decisions. Others say that the bill is a ''giveaway'' to the utilities or that allowing the States to exercise the same flexibility available under other RCRA permit programs ''weakens'' the requirement of the final rule.

To that, we say H.R. 1734 simply gives the States the same authority to implement coal ash permit programs that they have for other RCRA subtitle D and even subtitle C permit programs.

We trust the States are in the best position to analyze the local conditions and make risk-based permit decisions. We also know EPA trusts the States because EPA relies on the States for the implementation and enforcement of RCRA.

As we have heard before from the Environmental Council of the States and the Association of State and Territorial Solid Waste Management Officials and from the States themselves, they welcome the new minimum Federal requirements, are up to the task of regulating coal ash, and strongly support H.R. 1734.

In addition to ECOS and ASTSWMO, H.R. 1734 enjoys support from a wide array of stakeholders, including Utility

Solid Waste Activities Group, Edison Electric Institute, the National Rural Electric Cooperative, American Public Power Association, the Western Governors Association I mentioned earlier, American Coal Ash Association, and the U.S. Chamber of Commerce.

I reserve the balance of my time.

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

Mr. Chairman, I oppose this legislation.

H.R. 1734, the Improving Coal Combustion Residuals Regulation Act of 2015 is both unnecessary and dangerous legislation. The administration opposes the bill; and, if it somehow passes Congress, it will be vetoed.

The bill is also opposed by over 180 environmental, public health, and civil rights groups, including the Sierra Club, the League of Conservation Voters, NAACP, NRDC, and Earthjustice.

They oppose this legislation because it would block EPA's final coal ash rule and roll back important protections for human health and the environment. EPA's rule has put these protections in place after years of hard work and public process.

Transparency requirements, groundwater protection standards, cleanup requirements, location restrictions, and liner requirements all will protect human health and the environment. These requirements are long overdue.

Mr. Chairman, we have known for years that unsafe coal ash disposal threatens groundwater, drinking water, and air quality. Contaminants can leach into groundwater and drinking water supplies or become airborne as toxic dust. Aging or deficient impoundments can fail structurally, resulting in catastrophic floods of toxic sludge entering neighboring communities.

Contamination can pose serious and widespread health risks. Just last year, a coal ash spill in North Carolina affected drinking water systems in Virginia. In 2005, a smaller spill in Pennsylvania affected drinking water systems in my home State of New Jersey.

Unfortunately, these incidents are not uncommon. EPA has now identified 157 damage cases from coal ash contamination. If EPA's rule is delayed or undermined, that number will likely continue to grow.

At the same time, Mr. Chairman, that EPA's rule includes many important protections, it is also balanced and responsive to industry concerns. When EPA solicited comments on their proposed rule, they heard from coal ash recyclers that they wanted a subtitle D, nonhazardous rule. That is what EPA finalized.

Those in the electric utility industry wanted a subtitle D rule that would not require them to retrofit their existing impoundments with liners. Again, that is what EPA finalized. States wanted a mechanism to set up their own programs to implement Federal standards and to have EPA approve them. EPA provided that in the final rule as well.

EPA's balanced rule has eliminated past justifications for coal ash legislation. Past concerns that EPA would not be able to finalize a coal ash rule no longer have merit because EPA has done so, and past concerns that EPA might regulate coal ash as hazardous no longer have merit because EPA finalized a nonhazardous rule and has no plans to reverse direction.

Past contentions that EPA needed legislation to effectively protect public health no longer have merit because EPA has confidence that the rule will be effective and protective. Past concerns over enforcement of a subtitle D rule have been addressed because EPA has established mechanisms to review and approve State programs enforcing the rule.

The bottom line, Mr. Chairman, is that legislation is not warranted. Even if it were, this bill would not be the vehicle because it dangerously eliminates or undermines necessary protections.

A number of amendments were to be filed to preserve some of the important requirements in EPA's final rule, and I understand that some of these may be accepted, but I want to stress that these amendments highlight only a subset of the problems with this bill. Even if all the amendments were adopted, the bill would still be unnecessary and a dangerous precedent for public health.

I urge everyone to oppose the bill, Mr. Chairman, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia (Mr. MCKINLEY), a real fighter for coal in the country.

Mr. MCKINLEY. Mr. Chairman, for 35 years, Congress has wrestled with how to deal with coal ash, an unavoidable byproduct of burning coal.

Every day, coal ash is produced in more than 500 coal-fired plants located in 49 States, spread across 207 congressional districts. Each one of those dots represents where every day in America coal ash is being produced. This issue is not a State issue; this is a national issue that needs to be addressed. Over 140 million tons of coal ash are produced annually in each one of those red dots.

I recently received a letter of support from the pulp and paper industry which recycles fly ash and employs nearly 900,000 people in 47 States. Their comment, they want to see this bill pass because, ''The EPA's proposed regulation provides a complicated approach to enforcing the regulation,'' and this bill ''provides clarity and certainty.''

Now, last year, in December, the EPA issued its regulation—indeed, they did—on fly ash. To its credit, the EPA addressed one of the more immediate concerns and opted, however, just for now, to regulate coal ash as a nonhazardous waste.

The question legitimately needs to be raised, and it has been: Why is this legislation needed?

It is two issues. First, the nonhazardous designation is not permanent; and, secondly, the only oversight mechanism in the rule is lawsuits.

□ 1615

Let's be more specific. The nonhazardous designation is merely applicable as long as this rule is not modified. Even in the preamble, the EPA indicates they may reverse their decision and ultimately regulate fly ash as a hazardous material.

More specifically from the rule, it says: The EPA is deferring its final decision because of regulatory uncertainties that cannot be resolved at this time.

This uncertainty could be devastating to recyclers. The science is settled on fly ash, and it should trump political and ideological interference. Are we living in a nation of rules and regulation or are we living in a nation of laws?

This bill ensures that the EPA will not be able to retroactively reverse its original decision. But secondly and equally and maybe more so important is the rule of this omission of specificity and the lack of State or Federal oversight of coal ash disposal. And remember what I just said, the lack of State or Federal oversight that is provided in the rule.

The way the rule is currently written, oversight will occur only through lawsuits, not through regulators.

The bill, however, addresses regulatory uncertainty by guaranteeing that every State will have a coal ash permit program in concert with the EPA, but with State oversight and that every program will meet the standards set forth under the proposed EPA rule. Nothing in the rule was omitted in the legislation.

Rather, the bill modifies the rule to allow States the flexibility to implement an adequate, sufficient, and successful coal ash permit program. It simply ensures that the lawsuits are not the only regulatory component.

Let me give you an example on how the language within the rule could be a problem. The rule states: The owner or operator of a CCR unit must install a sufficient number of wells to yield groundwater samples.

Mr. Chairman, who defines what ''sufficient'' is? One utility in one State may say it is 10 wells. In another State, it may be 20 or 30.

Under this rule, the decision will be handled by a Federal judge rather than a State environmental agency. That is what we corrected with this bill. This is not the fly ash bill from 30 years ago.

We have worked with the EPA in developing this legislation. Perhaps, Mr. Chairman, the administration hasn't read the bill because the bill, one, codifies the rule. It doesn't eliminate anything. It codifies the rule.

Secondly, it removes the uncertainty with the regulatory designation. Three, it enhances oversight. Fourthly, it requires every State to have a coal ash program.

The CHAIR. The time of the gentleman has expired.

Mr. SHIMKUS. Mr. Chair, I yield an additional 1 minute to the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. Mr. Chair, in so doing, in providing for the coal ash program, we finally have a national system for oversight of dams.

Think about that. We haven't had that up to this point. That is what caused the problem in the first place, was lack of dam safety.

Secondly, we are going to have enhanced water quality. We are going to have improved environmental considerations.

This rule will go into effect October 19 of this year. Without this legislative action, regulatory uncertainty surrounding the disposal of coal ash will continue as it has for 35 years.

It is imperative we pass this bill today and continue to move forward. The clock is ticking, and the time is now to finally put this issue behind us.

I encourage all of my colleagues on both sides of the aisle to put this issue to rest. We have come to a compromise with the EPA. The administration needs to come on board finally.

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

The gentleman from West Virginia seems to suggest that this legislation will improve enforcement of EPA's important coal ash standards.

If that were true, the public interest groups that have fought for strong standards for years would support it.

Democratic Members that have conducted strong oversight of coal ash disasters in the rulemaking process would also support it.

And the EPA, which has worked for decades to establish effective protective requirements, would support it.

Those environmental groups and public health groups strongly oppose this bill, I strongly oppose this bill, and the administration strongly opposes the bill.

That is because this bill is not needed to ensure effective enforcement of the EPA's coal ash rule, and it won't have that effect.

You may hear that EPA's rule will only be enforced through citizen suits, and that is simply not true. While citizen suits have been and will continue to be an important component of all environmental enforcement, States will play an important part in enforcing EPA's final coal ash rule.

They will do so either by bringing citizen suits themselves or by incorporating the requirements of EPA's rule into their State programs.

States want to take on this role. They told the EPA as much in comments on the coal ash proposed rule.

In response to those requests, EPA established in the rule a mechanism to review and approve State programs implementing these requirements.

EPA expects the States to make use of this mechanism and implement the rules requirements through approved programs. So the claim that enforcement will depend exclusively on citizen suits should not be believed.

You have heard also from the chairman of the subcommittee that EPA's rule will be plagued by dual enforcement.

This is the opposite of the claim that enforcement will happen only through citizen suits, but is often made by the same parties. This claim is also untrue.

The mechanism EPA set up in the rule will allow for States to get approval for their programs, meaning EPA will make clear that they have reviewed the State program and found that it is at least as stringent as the Federal requirements.

In other words, EPA will make clear that a facility complying with the State program is, without question, also complying with the Federal requirements.

Citizens groups are unlikely to bring suit against facilities in compliance. If they were to do so, such suits would not go very far.

So, Mr. Chairman, contrary to the claim that judges would be interpreting the requirements differently left and right, Federal judges would defer to EPA's expert evaluations of the sufficiency of State programs.

These enforcement concerns are not the real motivation for this bill. As I said, if this is about improving compliance and enforcement, it would have widespread support.

Instead, this bill is about undermining important health and environmental protections, and that is why it faces widespread opposition.

I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I yield 2 minutes to the gentleman from southwestern Indiana (Mr. BUCSHON), my colleague and next-door neighbor.

Mr. BUCSHON. Mr. Chairman, I rise today in support of H.R. 1734, the Improving Coal Combustion Residuals Regulation Act of 2015.

This legislation will have a direct impact on the constituents in the Eighth District because Indiana has more coal ash ponds than any other State.

I was concerned that the EPA's final rule on coal combustion residuals lacked clarity and did not adequately address enforcement of the Federal minimum standards for public health and safety.

H.R. 1734 fixes this by giving States like Indiana the authority to implement coal ash rules in a way that protects the environment, public health, and good-paying jobs rather than totally deferring to bureaucrats in Washington, D.C.

This legislation also reconfirms that recycling this nonhazardous material helps keep utility costs low, provides for low-cost, durable construction materials and reduces waste.

I urge my colleagues to support this commonsense legislation.

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

Under the proven model of environmental regulation, Congress sets the standard of protection the State programs must meet. EPA interprets that standard through rules or guidance so States know what they must do to achieve that level of protection.

States can demonstrate to EPA that they have in place programs adequate to provide the minimum level of protection required, and EPA retains backstop enforcement authority to ensure that State programs are enforced. This bill, Mr. Chairman, fails on each of these points.

Unlike EPA's rule, it does not contain any minimum Federal requirement to protect health and the environment. It undermines the minimum national safeguards in EPA's rule by introducing significant discretion. It fails to establish Federal backstop authority. Finally, it fails to define what facilities the bill covers instead giving States discretion to define the scope of their programs.

So this proposal will not ensure the safe disposal of coal ash, protect groundwater, or prevent dangerous air pollution, and it certainly isn't going to prevent another catastrophic failure like the one we saw in Kingston, Tennessee.

I continue to oppose the legislation, just as the administration does and just as environmental groups and public health groups do. I urge all of my colleagues to do the same.

I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, before I yield to my colleague from West Virginia, I would just like to mention that, when I mentioned the word ''RCRA,'' that is a municipal solid waste law.

What we are doing is the same thing that we did to RCRA: Federal standards, State implementation by the State EPA. It is the same thing, and all we are doing is codifying that, which means putting these rules and regulations in statute, in law, so it can't be changed.

I yield 2 minutes to the gentleman from West Virginia (Mr. JENKINS).

Mr. JENKINS of West Virginia. Mr. Chairman, I thank Chairman SHIMKUS and Congressman MCKINLEY for all of their hard work on this very important issue.

I rise to offer my strong support for this legislation. This bipartisan bill will provide certainty for more than 300,000 workers around our country, including thousands of coal miners in my State of West Virginia and southern West Virginia, in particular.

The recycling of coal ash material helps keep America's energy costs low. It helps to produce construction supplies that industries across our Nation rely on, such as materials for concrete and roofing.

The EPA's final rule did not address a number of issues, including State permitting requirements and oversight.

This bill puts the States in charge. It gives our States the enforcement authority to implement standards for the safe disposal of coal ash.

Our State and local officials know better than Washington bureaucrats

how to address the regulatory requirements of the rule.

I urge passage of this bill.

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

As someone who cares about beneficial reuse and wants to see the beneficial reuse flourish, I am listening to this debate.

And one might think that we are facing a stark choice, either vote for this bill or coal ash recycling will stop, but that is not the choice that we face.

When EPA issued its final coal ash rule, they finalized a nonhazardous regulation, exactly what the coal ash recycling industry sought, and the rule explicitly protects beneficial reuse.

Many Members of Congress sent letters and submitted comments to EPA during the comment period on the proposed rule in support of the subtitle, the option they ultimately chose.

In this bill, on the other hand, the decision between hazardous and nonhazardous would be moved to the State level, meaning that these materials could be regulated as hazardous in some States, but not others.

Now, how will that avoid the stigma so many in the industry have spoken of and how will it create the certainty they crave?

Even worse, this bill would eliminate important protections in EPA's final rule, meaning the number of damage cases is likely to continue to grow, and that will really create a stigma around these materials.

So, if we leave these ash ponds in place and another one fails, what will happen to the beneficial reuse industry?

The way to ensure a strong beneficial reuse industry is to ensure consistent regulation and safe disposal of CCR by allowing the EPA rule to be implemented.

Again, that is why I urge my colleagues to oppose this rule if they really want to see the beneficial reuse industry flourish.

I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, before I yield to my colleague from North Dakota, let me just respond in that, in the final rule, they didn't close the door to regulating coal ash as toxic.

They can re-regulate. They can promulgate a new regulation and then call it toxic. So then you have the fly ash and the concrete in the school and the school has to get torn down because it has got fly ash in it? It makes no sense.

So that is why we need to codify the science, which the EPA has twice, now three times, said coal ash is not toxic.

I yield 2 minutes to the gentleman from North Dakota (Mr. CRAMER).

□ 1630

Mr. CRAMER. Mr. Chairman, I appreciate the chairman's clarifying the statements just made from the other side. I think we all have the same goal, but the lack of certainty, when you put in rule that for today we are not going to determine it hazardous but we leave the thing open-ended just in case we change our mind, that is uncertainty. That is what we are talking about.

I come from a State, North Dakota, where, for nearly 10 years, I was a coal regulator. I regulated coal mining, among other things, including utilities, thank you very much. I appreciate the fact that we were able to mine our coal, burn it at the mine mouth, and generate some of the lowest cost electricity in the country largely because we are able to use the coal ash as a beneficial use for lots of things including, by the way, putting in the foundations of wind turbines.

We didn't need the Federal Government. We have been doing this since the 1970s. We didn't need the EPA's overreach to teach us how to do it. The regulation of coal ash disposal has been debated for decades—for decades. Fortunately, for those of us in North Dakota, we have done pretty well with it. We have had modern facilities and modern standards.

Our State regulators at the health department, along with the Public Service Commission, working with industry—and I stress ''working with industry''—to develop these standards and practices that have worked for all these decades really don't need further imposition of the Federal Government, and certainly not the EPA.

All of our regulations are tailored specifically to our coal types, specifically to the coal ash, specifically to our geology; and, frankly, this legislative approach may not be perfect, but it is better than the EPA's proposal, Mr. Chairman, which leaves way too many opportunities for extreme environmentalists to meddle, to use the courts to come in place throughout the years and impose much more extreme regulations.

I again thank the chairman for his leadership, and I thank the gentleman for introducing the bill.

Mr. PALLONE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. TONKO), the ranking member of the subcommittee.

Mr. TONKO. Mr. Chairman, once again, the House is considering a bill to set standards for coal ash disposal. Unfortunately, H.R. 1734 does not contain standards that will prevent the problems from poor disposal practices that have plagued communities across the country for far too long. H.R. 1734, the Improving Coal Combustion Residuals Regulation Act, largely maintains the status quo, a system that is operated by the States with no uniform Federal standards, and the status quo isn't good enough.

In the 35 years since Congress passed the Resource Conservation and Recovery Act, or RCRA, the Environmental Protection Agency has been studying the issue of coal ash disposal. During this same time, the regulation of these facilities has been done by the States, and communities in many States have experienced serious problems related to improper disposal of coal ash.

Spills resulting from coal ash impoundment failures have polluted water supplies, destroyed private and public property, and resulted in lengthy and expensive cleanup efforts. Action on this issue is long overdue.

Last December, the Environmental Protection Agency finalized a rule to strengthen the regulations on the disposal of coal ash. The final rule was published in the Federal Register in April. The rule was in development for many years. It is the result of an extensive public process. The Agency sorted through over 450,000 public-submitted statements during the comment period on this rule and held eight public hearings in communities across the country.

EPA's rule is responsive to industry concerns that officially clarifying coal ash as hazardous waste would harm coal ash recycling efforts that utilize coal ash in new materials and products, and the rule is responsive to the concerns of public health and environmental advocates. For the first time, the rule establishes minimum Federal standards that all coal ash disposal facilities must meet. H.R. 1734 does not do that.

H.R. 1734 enables States to do what some are doing now, that is, to allow continued operation of these facilities without sufficient safeguards. H.R. 1734 isn't about providing flexibility in achieving better standards. H.R. 1734 allows States to weaken a standard if facilities can't meet them.

The standards set by the rule provide a guaranteed floor of protection for all communities. What are these? Well, location restrictions. New or expanded areas of existing coal ash facilities must now be sited with consideration and defined buffers with respect to aquifers, wetlands, seismic impact zones, fault areas, and, indeed, unstable areas.

Liner design criteria are included to prevent leaching. The basic requirements in the rule to include both a geomembrane and a 2-foot layer of compacted soil can be met with an alternative design if the alternative would provide equivalent or better performance.

Structural integrity requirements are defined in the rule to prevent structural failures, such as the one that occurred in Tennessee in the year 2008, a failure that caused tremendous damage when an impoundment failed.

Operating criteria are included in the rule to prevent runoff and wind-blown dust, require periodic inspection and capacity limits, among other things.

The advocates for H.R. 1734 have expressed concerns about the enforcement of EPA's coal ash rule. H.R. 1734 is offered as a remedy to this problem. Well, there is no problem. The rule will be enforced by the States through their own authorities to operate their solid waste management programs. I think that is what H.R. 1734 envisions. The rule will also be enforced through citizen suits; and, by the way, States

sometimes bring these suits against private parties on behalf of their citizens.

Listening to the majority criticize an EPA regulation because of its weak EPA enforcement provisions is, indeed, unusual. It is certainly not a complaint the Agency hears very often. The coal ash rule represents a compromise amongst the stakeholders in this issue. H.R. 1734 simply does not.

It is not surprising there are those who are unhappy with certain provisions of this rule. H.R. 1734 is on the floor today at the urging of some of those stakeholders. Of course, the rule from either vantage point is not perfect.

Given the differing opinions on the role of Federal regulation of coal ash disposal and the nature of the standards that should apply to these facilities, that is not too surprising. But I do believe this legislation—in fact, any legislation—is premature.

Changes in regulation or in law take a long time, and hitting the restart button now will only lead to continued uncertainty and continued risk. We have had far too much of those already. I believe the rule should move forward. H.R. 1734 would prevent that from happening.

We have had 35 years of weak protection. It has cost us a great deal. It is time for a more rigorous and stringent approach that prevents spills, water pollution, air pollution, and exposures to toxic substances. It is time to put people's health and safety first.

EPA's coal ash disposal rule was years in the making. We should not discard the approach taken in EPA's rule before it has even been implemented or evaluated. EPA's rule emerged through an extensive public engagement and negotiation process and as a result of years of work invested by the interested parties and the Agency. The coal ash disposal rule should be implemented and given a fair chance to work. If it does not, we certainly retain the option of moving legislation forward.

H.R. 1734 is unnecessary, and H.R. 1734 offers far weaker protections than those of EPA's final rule. I oppose this bill, and I urge my colleagues to do the same.

Mr. SHIMKUS. Mr. Chairman, may I ask how much time remains for each side?

The CHAIR. The gentleman from Illinois has 12½ minutes remaining. The gentleman from New Jersey has 14 minutes remaining.

Mr. SHIMKUS. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOONEY).

Mr. MOONEY of West Virginia. Mr. Chairman, our coal industry is suffering in West Virginia because President Obama's regulations are artificially driving down demand for reliable and affordable coal.

With power plants closing and home energy prices rising, our miners are suffering and jobs are being cut due to this administration's continuous overreach and interference. That is why Representative DAVID MCKINLEY's bill, the Improving Coal Combustion Residuals Regulation Act of 2015 is so important to our communities in West Virginia. I am a proud original cosponsor.

I strongly support this legislation because it allows States to adopt and implement their own coal ash permitting systems as long as they meet basic Federal standards. The States, along with their local communities and hardworking coal miners, know best how to implement coal ash regulations and will ensure that water quality and the environment are protected.

Being able to recycle coal ash means we can turn our spent coal into useful products, like drywall and concrete. This means more mining jobs and a healthier economy for West Virginia and all of America.

I urge my colleagues to join us in voting for H.R. 1734, the Improving Coal Combustion Residuals Regulation Act of 2015.

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

Mr. Chairman, again, a major reason why so many Members on my side of the aisle oppose this bill is because of our concern that coal ash is, in fact, toxic. I just want to focus for a few moments on the reasons this issue is so important to many Members, i.e., the significant health risks posed by the toxic constituents in coal ash.

Coal ash contains arsenic, antimony, barium, beryllium, cadmium, lead, mercury, hexavalent chromium, nickel, selenium, and thallium. Those metals are toxic and pose both acute and chronic threats to human health and the environment. We have heard several claims today that coal ash is not toxic, but the risks posed by these materials, if not properly handled, are real and significant.

EPA finalized the rule for coal ash under subtitle via RCRA, the nonhazardous title, but even in that rule the Agency recognized the serious threats to public health, saying repeatedly that ash can leach toxic metals at levels of concern.

We now know of more than 150 documented damage cases from coal ash pollution. We saw what happened in Kingston, Tennessee. We saw what happened in the Dan River. We saw what happened in Martins Creek, Pennsylvania. The list goes on.

Some may try to dispute the empirical evidence, citing an old laboratory test for leaching that EPA used in 2000, but that test is not the state of the art and has not been for some time. In fact, in 1999, the Science Advisory Board criticized EPA's use of that test for coal ash, suggesting that a new test was necessary. In 2006, the National Academies criticized the leaching test as well, saying that it was not representative of real-world conditions and may greatly underestimate the leaching that occurs. EPA recognized this in their final rule.

I would caution my colleagues against relying too heavily on that outdated test or even on EPA's decision to regulate as nonhazardous. Coal ash is dangerous, and if it ends up in drinking water, groundwater, or air, it is toxic. That is why EPA's rule is so important and why this bill is so dangerous.

I urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, before I yield to my colleague from Florida, let me respond.

I am just trying to figure out whether the other side believes it is toxic or not toxic and if they trust the EPA or don't trust the EPA, because the EPA has ruled twice—in 1993 and 2000—that it was toxic. Then they roll out the final rule, which the other side is defending, and they say it is not toxic. The other side's debating point is really why we need the bill, because uncertainty is being created with the recyclable and reuse people.

What was just talked about should cause everyone who is in the recyclable and reuse industry to say, ''We were right; we need this bill'' because the EPA, in 1993 and 2000, and the final rule. That is one part of the reason why we need the bill is to close that loophole because, yes, it is kind of ironic for me to be supporting the EPA, but the EPA has said it is not toxic.

I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I rise today to support H.R. 1734, the Improving Coal Combustion Residuals Regulation Act. This commonsense legislation will ensure that coal combustion products are safely regulated by empowering the States to regulate it at fixed standards without overwhelming consumers' wallets. It also gives the EPA the authority to act to protect the public should a State fail to implement its own regulations.

□ 1645

Coal combustion products have become a significant sector of the economy, providing jobs and environmental and safety benefits. The recycling of coal combustion products reduces greenhouse gas emissions, extends the life and durability of the Nation's roads and bridges, and reduces the amount that must be disposed of in landfills or surface impoundments.

If EPA reverses its decision not to regulate coal ash as a hazardous material, as they are considering, the cost to Floridians could be astronomical because Florida law does not permit hazardous waste landfills. Utilities would then be forced to export the ash to neighboring States, the result of which would be higher out-of-pocket energy costs for my constituents. We can't have that.

Overregulating the recycling of coal combustible products will only serve to hurt the environment and increase the costs to consumers. These are things we should be avoiding, not promoting.

This legislation will protect jobs and provide certainty to States, utilities, and businesses that recycle coal combustible products.

I urge my colleagues to support this important piece of legislation.

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

In response to the chairman of the subcommittee, I just want to stress again that I don't think that you should rely on EPA's decision to regulate as nonhazardous, meaning that coal ash is considered nontoxic.

The fact of the matter is that the EPA has never said that it is not a toxic material, and they continue to say that it is dangerous. If it ends up in drinking water, groundwater, or air, it is toxic.

That is why I will take the time now, Mr. Chairman, to read from the SAP, or the Statement of Administration Policy, from the Executive Office of the President. Their main concern in issuing this Statement of Administration Policy is the impact on public health and the environment.

I just would like to read it. It says: ''The Administration strongly opposes H.R. 1734, because it would undermine the protection of public health and the environment provided by the Environmental Protection Agency's (EPA's) December 2014 final rule addressing the risks posed by mismanaged impoundments of coal ash and other coal combustion residuals (CCR). The 2008 failure of a coal ash impoundment in Kingston, Tennessee, and the 2014 coal ash spill into the Dan River in Eden, North Carolina, serve as stark reminders of the need for safe disposal and management of coal ash.

''EPA's rule articulates clear and consistent national standards to protect public health and the environment, prevent contamination of drinking water, and minimize the risk of catastrophic failure at coal ash surface impoundments. H.R. 1734 would, however, substantially weaken these protections. For example, the bill would eliminate restrictions on how close coal ash impoundments can be to drinking water sources. It would also undermine EPA's requirement that unlined impoundments must close or be retrofitted with protective liners if they are leaking and contaminating drinking water. Further, the bill would delay requirements in EPA's final CCR rule, including structural integrity and closure requirements, for which tailored extensions are already available through EPA's rule and through approved Solid Waste Management Plans.

''While the Administration supports appropriate State program flexibility, H.R. 1734 would allow States to modify or waive critical protective requirements found in EPA's final CCR rule. Specifically, H.R. 1734 authorizes States to implement permit programs that would not meet a national minimum standard of protection and fails to provide EPA with an opportunity to review and approve State permit programs prior to implementation, departing from the long-standing precedent of previously enacted Federal environmental statutes.

''Because it would undercut important national programs provided by EPA's 2014 CCR management and disposal rule, the Administration strongly opposes H.R. 1734. If the President were presented with H.R. 1734''—as before the House today—''his senior advisers would recommend that he veto the bill.''

That is the end of the SAP. The administration's opposition is primarily based on the concerns over public health and the environment that would undermine their rules.

Again, I think it is quite clear that the President, the White House, and the EPA are very concerned that this legislation would make it very possible for coal ash and toxic residue to get into the environment, whether it is through drinking water, air, groundwater, whatever. That is our primary concern, Mr. Chairman.

I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I have no further speakers, and I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, may I inquire how much time is remaining?

The CHAIR. The gentleman from New Jersey has 7½ minutes remaining.

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

Mr. Chairman, what is coal ash and what risk does it pose? Basically, it is the waste from burning coal and power plants or industrial facilities; and it contains high concentrations of toxic chemicals, as I said, including arsenic, lead, and mercury.

The unsafe disposal of coal ash presents serious risks to human health and the environment. Contaminants can leach into groundwater and drinking water supplies or become airborne as toxic dust. Aging or deficient coal ash impoundments can fail structurally, resulting in catastrophic floods of toxic sludge entering neighboring communities. Examples of these harms are numerous and well documented.

The EPA addressed these risks and published a final rule governing coal ash disposal in the Federal Register in April after decades of work, a robust public process, and consideration of over 450,000 public comments.

The rule sets out minimum national criteria for the disposal of coal ash carefully designed to ensure that no reasonable probability of adverse effects occur on the health or the environment, and the rule explicitly protects beneficial reuse or recycling of coal ash.

The GOP is saying that their bill, H.R. 1734, would merely codify EPA's rule; but that is simply not true. This bill would endanger human health and the environment by eliminating or changing crucial requirements in EPA's rule.

Some examples of protective requirements in the rule that would be eliminated by the bill are liner requirements for existing surface impoundments, closure requirements for deficient structures, location restrictions, groundwater protection standards, cleanup requirements, and transparency.

The bill undermines transparency requirements in EPA's rule, including specific requirements to make information publicly available online; and it introduces new exceptions to publication requirements.

Clearly, this bill would delay important health protections. The EPA rule requires coal ash disposal sites to quickly come into compliance with the rules requirements, with many requirements effective this October.

This bill establishes much longer timeframes for some requirements, with full compliance not required until 6 or 7 years after enactment. Even where the timeframes in the bill are close to those in the rule, they would be counted from the bill's date of enactment, leading to significant delays, compared to the rule.

There is no need for this legislation, Mr. Chairman. In the past, some argued that legislation was needed to prevent EPA from regulating coal ash as hazardous waste and to protect beneficial reuse, but EPA's final rule regulates coal ash as nonhazardous and specifically protects the beneficial reuse.

Some have also suggested that legislation is needed to prevent dual enforcement of State and Federal requirements, but the final rule includes a mechanism for EPA approval of State requirements specifically to address this concern.

Who opposes H.R. 1734? Well, again, the administration—I read the SAP—environment, public health and civil rights groups, Sierra Club, and NAACP; the list goes on. In North Carolina, where a recent spill devastated the Dan River, 25 State legislators have signed a letter of opposition to this legislation.

Again, Mr. Chairman, if you care about human health, if you care about the environment, if you want to make sure that coal ash disposal is not going to contaminate your groundwater, your air, or your drinking water, you should vehemently oppose this legislation.

I urge all of my colleagues to do so, and I yield back the balance of my time.

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

Mr. Chairman, a couple of things—first of all, drinking battery acid is toxic. Batteries are thrown into municipal solid waste landfills. States comply with Federal standards and enforce the protection of their citizens. That is all we are asking here.

I am glad you read the Statement of Administration Policy. I have a letter from ECOS and ASTSWMO. ECOS is the Environmental Council of the States. It represents all 50 States. ASTSWMO represents the Association

of State and Territorial Solid Waste Management Officials.

Every local government official that manages waste in this country and our territories supports this bill. They must think that there is a reason. I have got to believe that these local States are concerned about protecting their citizens. Otherwise, they wouldn't be elected.

California is an ECOS. Washington State is an ECOS. In fact, the next letter we have is from the Western Governors' Association, and it was unanimous to support this bill. Our friend, the Governor of Washington State, used to be on the committee. No one would say he is going to threaten and endanger his citizens.

The States can do this. They have State EPAs. Let's have a certificate program using Federal statutory guidelines so that we know the rules of the road. That is really all we are doing.

H.R. 1734 is the best solution for everyone. It is a solution for the EPA because their protective technical requirements for coal ash will be implemented through enforceable permits, and they will have a far more significant oversight role for coal ash than they would have under the rule.

It is a solution for the States because they will be able to immediately develop permit programs and know exactly what the permit programs must contain.

It is a solution for the regulated community because they will have the benefit of enforceable permits and regulatory oversight to help them interpret and implement the requirements.

It is a solution for the beneficial users because they will have the certainty that coal ash will continue to be regulated as a nonhazardous waste.

Finally, I would like to thank Mr. MCKINLEY for his longstanding leadership on this issue as we continue the process of trying to figure out how to effectively regulate coal ash.

I urge all my colleagues to support this bipartisan solution to effectively and affirmatively regulate coal ash, and I yield back the balance of my time.

Ms. CLARKE of New York. Mr. Chair, today, I rise to discuss my opposition to H.R 1734, Improving Coal Combustion Residuals Regulation Act of 2015. H.R. 1734 is an attack on the EPA's recently finalized minimum disposal standards for toxic coal ash and a threat to safety, health, and the environment.

Low-income communities bear an unbalanced share of the health risks from disposal of coal combustion waste, as with so many environmental issues. Almost 70 percent of coal ash impoundments are located in communities of color or low income communities.

Coal ash disposal sites directly impact the health, livelihood, and home values for the already poor and vulnerable communities living around these dump sites. More than 200 coal ash sites have already contaminated water in 37 states.

Supporting this act gives a cold shoulder to American families suffering from toxic coal ash-related health issues. It tells those families that Congress does not care about their health and environmental issues.

This bill will delay many of the EPA's coal ash rule's new health and safety protections, weaken the rule's mandate to close inactive ponds by extending the deadline for closure, eliminate the rule's guarantee of public access to information and public participation, and eliminate the rule's ban on storing and dumping coal ash in drinking water. The bill will also remove the national minimum standard for protection and cleanup of coal ash-contaminated sites, remove the rule's national standard for drinking water protection and cleanup of ash-contaminated sites, prohibit effective federal oversight of state programs, and prohibit EPA enforcement of state program requirements unless invited by a state.

This is why I am in support of the Butterfield/Rush/Clarke/Price/Adams Amendment, which attempts to improve this bill by allowing the Administrator of the EPA to prevent the underlying legislation from going into effect if it is determined to have a negative impact on vulnerable populations.

In summary, I oppose H.R. 1734 because it places the health of communities and environment in great danger and fails to guarantee consistent nationwide protection. I urge my colleagues to join me in protecting the American people by opposing this bill.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in support of H.R. 1734, the Improving Coal Combustion Residuals Regulation Act.

The Energy and Commerce Committee has looked at the issue of coal ash for the past several Congresses. I have and continue to advocate for coal ash to be regulated under Subtitle D of the Resource Conservation and Recovery Act (RCRA), which would ensure that the recycling of coal ash continues without disruption.

The beneficial reuse of coal ash is responsible for tens of thousands of jobs around the country—helping our economy and our environment.

I appreciate EPA's decision to regulate coal ash as a non-hazardous waste in its April final rule. However, I do have concerns with the other parts of EPA's new regulations. In particular, the rule is self-implementing, meaning that it does not require permits to be issued and the federal government will have no authority to enforce EPA's standards.

The best way forward is to create a state-based permitting program with minimum federal standards. This legislation does just that, taking many of EPA's requirements and folding them into state permitting programs. The program created by this bill would give states the flexibility to meet their unique conditions and empower state agencies to enforce environmental and safety requirements that will protect communities and the environment.

EPA will be authorized to step-in for states that do not create their own programs.

This chamber passed coal ash legislation with bipartisan support in 2011 and 2013. The legislation before us today is an improvement on those bills and provides stronger protections for human health and the environment.

Mr. Chair, I ask for colleagues on both sides of the aisle to come together and vote in support of this commonsense, bipartisan legislation.

Mr. UPTON. Mr. Chair, I rise today to again voice my strong support for H.R. 1734, the Improving Coal Combustion Residuals Regulation Act. We have been down this road before, and it has been bipartisan every step of the way. Versions of this legislation already passed the House on a number of occasions, and I believe that each Congress our thoughtful solution got better as we work to protect jobs, public health, and the environment. We worked closely with states as well as the administration, and we have a balanced solution before us today.

This legislation incorporates the EPA's final coal ash rule that was announced in December and eliminates the challenges to its implementation. It sets up a state-based regulatory program to ensure the safe management and disposal of coal ash.

States like my home state of Michigan have been, and will always be, better suited to implement rules and regulations because they understand local conditions. Folks who are on the ground are always better able to assess and handle a situation than bureaucrats in Washington.

We have received letters in support of this bipartisan bill from state legislators, governors, and laborers—the list goes on. The Western Governors Association wrote that they ''support congressional efforts to address problematic confusion'' created by EPA's final coal ash rule. They point out that the rule produces an unintended consequence by creating a dual federal and state regulatory system.

Why? Because EPA lacks authority to delegate the coal ash program to states in lieu of a federal program. Their letter also notes that EPA's rule ''does not require facilities to obtain permits, does not require states to adopt and implement new rules, and cannot be enforced by EPA.''

This bill is not about the fracas over burning coal. It's about who's on the Clean-up Committee. It's about who has the expertise and responsibility for protecting a state's natural resources and the health of a state's residents.

And it's not just Western Governors who understand this principle. The Environmental Council of the States, the nonpartisan association of state and territorial environmental agency leaders, has lent their strong voices to this effort, unanimously writing is support of H.R. 1734. This isn't just environmental chiefs from states with coal, or states with governors from the same party. It's all ECOS member states.

We have a thoughtful solution before us today, and I want to recognize the bill's author, Mr. MCKINLEY, and the subcommittee chairman, Mr. SHIMKUS, for their hard work. We have been at this for years and have struck the sweet spot. I urge all Members to vote ''yes'' on final passage and to vote with the gentlemen from Illinois on any amendments. I yield back.

Mr. CONYERS. Mr. Chair, I rise today in opposition to H.R. 1734, the majority's haphazard effort to delay and weaken regulation of coal combustion residuals—better known as coal ash.

Every year our coal plants consume nearly 800 million tons of coal. That consumption produces nearly 100 million tons of coal ash loaded with mercury, cadmium, arsenic, and heavy metals. These toxic compounds have led even conservative towns like Conway, South Carolina—where President Obama lost by 28 points to Governor Romney in 2014—to vote for coal ash removal.

The Environmental Protection Agency's Coal Combustion Residual (CCR) Rule, issued on December 19, 2014, seeks to remedy the problem that many communities have with coal ash. It prohibits storage in dangerous areas, like along fault lines and too close to the water table. It creates strong liner requirements to prevent leaching of toxic compounds. It requires groundwater testing of areas immediately next to coal ash storage sites. It requires companies to clean up their mess when their coal ash leaches out or spills into waterways. It requires disclosure and public notice of testing results and spillages.

H.R. 1734 would weaken most of these strong standards in favor state-run permitting programs. And those programs that would take years to create and would then require fewer protections for the public.

But the watered down standards are merely the surface problem with H.R. 1734—the fatal flaw is in how H.R. 1734 would delay and undercut any effort to enforce coal ash regulations.

Under current law, private citizens may bring lawsuits to enforce the Resource Conservation and Recovery Act of 1976 (RCRA). Since EPA promulgated the Coal Ash Regulation under RCRA, that means that the same people who care most about coal ash—those whose air and water are threatened—may sue to enforce EPA's Coal Ash provisions. H.R. 1734 changes that, creating a permitting program that could delay suits for more than five years.

Still, the Chairman of one Energy and Commerce Subcommittee describes H.R. 1734 as a win for coal ash accountability, because it ''breathes real-life enforcement authority into the standards.''

Nothing could be further from the truth.

North Carolina—ground zero in the fight against coal ash—provides a crystal clear example of the crony capitalist regulation and corrupt enforcement that H.R. 1734 would enshrine in law.

On February 2, 2014, Duke Energy spilled nearly 40,000 tons of coal ash into the Dan River. The spill by itself was a disaster. But it also called attention to a decades-old problem—coal ash leaching in less dramatic ways into North Carolina's waterways.

Newly-aware North Carolinians were furious and demanded action. Raleigh, NC-based Public Policy Polling found that 93% of North Carolinians wanted the state to force Duke Energy to clean up the Dan River; 83% favored forcing Duke Energy to clean up all their coal ash sites.

But that was not what happened. North Carolina met Duke Energy's Dan River spill not with enforcement, but with what looks a lot like ''constituent services.'' A three-decade Duke Energy employee occupied the North Carolina governor's mansion. North Carolina's environmental regulator delayed the enforcement proceedings—as they have done with other leaching-based contaminations—to the benefit of Duke Energy. When they finally assessed a fine—they hit Duke Energy with just $25 million against a company who made $3 billion that year. But that agreement also had no requirement that Duke Energy clean up their spill—directly contradicting the wishes of 93% of North Carolinians.

H.R. 1734 tells us to trust in state enforcement. But as we have already seen, it is far too easy for corrupt utilities to capture state regulators. H.R. 1734 repeals the EPA rule for one reason—it would work. And unlike coal ash leaching into our drinking waters, that is not something that unscrupulous special interest groups are going to tolerate.

I urge my colleagues to end the farce that H.R. 1734 represents; pull it from the floor like they did with the House Interior and Environment Appropriations; and figure out how they can help our communities instead of poison them.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The bill shall be considered as read.

The text of the bill is as follows:

H.R. 1734

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Improving Coal Combustion Residuals Regulation Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:



**SEC. 2. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.**

(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:

**''SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.**

''(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt, implement, and enforce a coal combustion residuals permit program in accordance with this section.

''(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)(3)(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 24 months after the date of enactment of this section (except as provided in subparagraph (B) and subsection (f)(1)(A)), 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 implementing agency shall submit to the Administrator a certification that such coal combustion residuals permit program meets the requirements described in subsection (c).

''(B) EXTENSION.—

''(i) REQUIREMENTS.—The Administrator may extend the deadline for submission of a certification for a State under subparagraph (A) for a period of 12 months if the State submits to the Administrator a request for such an extension that—

''(I) describes the efforts of the State to meet such deadline;

''(II) demonstrates that the legislative or rulemaking procedures of such State render the State unable meet such deadline; and

''(III) provides the Administrator with a detailed schedule for completion and submission of the certification.

''(ii) DETERMINATION.—If the Administrator does not approve or deny a request submitted under clause (i) by the date that is 30 days after such submission, the request shall be deemed approved.

''(C) CONTENTS.—A certification submitted under this paragraph shall include—

''(i) a letter identifying the lead State implementing agency, 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) an explanation of how the State coal combustion residuals permit program meets the requirements of this section, including—

''(I) a description of the State's—

''(aa) process to inspect or otherwise determine compliance with such permit program;

''(bb) process to enforce the requirements of such permit program;

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

''(dd) statutes, regulations, or policies pertaining to public access to information, including information on groundwater monitoring data, structural stability assessments, emergency action plans, fugitive dust control plans, notifications of closure (including any certification of closure by a qualified professional engineer), and corrective action remedies; and

''(II) identification of any changes to the definitions under section 257.53 of title 40, Code of Federal Regulations, for purposes of the State coal combustion residuals permit program, including a reasonable basis for such changes, as required under subsection (l)(5);

''(iv) a statement that the State has in effect, at the time of certification, statutes or regulations necessary to implement a coal combustion residuals permit program that meets the requirements described in subsection (c);

''(v) copies of State statutes and regulations described in clause (iv);

''(vi) a plan for a response by the State to a release at a structure or inactive surface impoundment that has the potential for impact beyond the site on which the structure or inactive surface impoundment is located; and

''(vii) a plan for coordination among States in the event of a release that crosses State lines.

''(D) UPDATES.—A State may update the certification as needed to reflect changes to the coal combustion residuals permit program.

''(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 lead State implementing agency shall maintain an approved permit program or other system of prior approval and conditions under section 4005(c) or an authorized program under section 3006.

''(c) REQUIREMENTS FOR A COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—A coal combustion residuals permit program shall consist of the following:

''(1) GENERAL REQUIREMENTS.—

''(A) PERMITS.—The implementing agency shall require that owners or operators of structures apply for and obtain permits incorporating the applicable requirements of the coal combustion residuals permit program.

''(B) PUBLIC AVAILABILITY OF INFORMATION.—Except for information with respect to which disclosure is prohibited under section 1905 of title 18, United States Code, the implementing agency shall ensure that—

''(i) documents for permit determinations are made publicly available for review and comment under the public participation process of the coal combustion residuals permit program;

''(ii) final determinations on permit applications are made publicly available;

''(iii) information on groundwater monitoring data, structural stability assessments, emergency action plans, fugitive dust control plans, notifications of closure (including any certification of closure by a qualified professional engineer), and corrective action remedies required pursuant to paragraph (2), collected in a manner determined appropriate by the implementing agency, is publicly available, including on an Internet website; and

''(iv) information regarding the exercise by the implementing agency of any discretionary authority granted under this section and not provided for in the rule described in subsection (l)(1) is made publicly available.

''(C) AGENCY AUTHORITY.—

''(i) IN GENERAL.—The implementing agency shall—

''(I) obtain information necessary to determine whether the owner or operator of a structure is in compliance with the requirements of the coal combustion residuals permit program;

''(II) conduct or require monitoring or testing to ensure that structures are in compliance with the requirements of the coal combustion residuals permit program; and

''(III) enter any site or premise at which a structure or inactive coal combustion residuals surface impoundment is located for the purpose of inspecting such structure or surface impoundment and reviewing relevant records.

''(ii) MONITORING AND TESTING.—If monitoring or testing is conducted under clause (i)(II) by or for the implementing agency, the implementing agency shall, if requested, provide to the owner or operator—

''(I) a written description of the monitoring or testing completed;

''(II) at the time of sampling, a portion of each sample equal in volume or weight to the portion retained by or for the implementing agency; and

''(III) a copy of the results of any analysis of samples collected by or for the implementing agency.

''(2) CRITERIA.—The implementing agency shall apply the following criteria with respect to structures:

''(A) DESIGN REQUIREMENTS.—For new structures, including lateral expansions of existing structures, the criteria regarding design requirements described in sections 257.70 and 257.72 of title 40, Code of Federal Regulations, as applicable.

''(B) GROUNDWATER MONITORING AND CORRECTIVE ACTION.—

''(i) IN GENERAL.—Except as provided in clause (ii), for all structures, the criteria regarding groundwater monitoring and corrective action requirements described in sections 257.90 through 257.98 of title 40, Code of Federal Regulations, including—

''(I) for the purposes of detection monitoring, the constituents described in appendix III to part 257 of title 40, Code of Federal Regulations; and

''(II) for the purposes of assessment monitoring, establishing a groundwater protection standard, and assessment of corrective measures, the constituents described in appendix IV to part 257 of title 40, Code of Federal Regulations.

''(ii) EXCEPTIONS AND ADDITIONAL AUTHORITY.—

''(I) ALTERNATIVE POINT OF COMPLIANCE.—Notwithstanding section 257.91(a)(2) of title 40, Code of Federal Regulations, the implementing agency may establish the relevant point of compliance for the down-gradient monitoring system as provided in section 258.51(a)(2) of title 40, Code of Federal Regulations.

''(II) ALTERNATIVE GROUNDWATER PROTECTION STANDARDS.—Notwithstanding section 257.95(h) of title 40, Code of Federal Regulations, the implementing agency may establish an alternative groundwater protection standard as provided in section 258.55(i) of title 40, Code of Federal Regulations.

''(III) ABILITY TO DETERMINE THAT CORRECTIVE ACTION IS NOT NECESSARY OR TECHNICALLY FEASIBLE.—Notwithstanding section 257.97 of title 40, Code of Federal Regulations, the implementing agency may determine that remediation of a release from a structure is not necessary as provided in section 258.57(e) of title 40, Code of Federal Regulations.

''(IV) AUTHORITY RELATING TO RELEASES, OTHER THAN RELEASES TO GROUNDWATER.—Notwithstanding sections 257.90(d) and 257.96(a) of title 40, Code of Federal Regulations, the implementing agency may, with respect to a release from a structure, other than a release to groundwater, authorize, for purposes of complying with this section, remediation of such release in accordance with other applicable Federal or State requirements if compliance with such requirements will result in the same level of protection as compliance with the criteria described in sections 257.96 through 257.98 of title 40, Code of Federal Regulations, taking into consideration the nature of the release.

''(V) GENERAL AUTHORITY RELATING TO GROUNDWATER MONITORING AND CORRECTIVE ACTION.—Notwithstanding sections 257.90 through 257.98 of title 40, Code of Federal Regulations, the implementing agency may authorize alternative groundwater monitoring and corrective action requirements provided that such requirements are no less stringent than the alternative requirements authorized to be established under subpart E of part 258 of title 40, Code of Federal Regulations.

''(VI) OPPORTUNITY FOR CORRECTIVE ACTION FOR UNLINED SURFACE IMPOUNDMENTS.—Notwithstanding section 257.101(a)(1) of title 40, Code of Federal Regulations, the implementing agency may allow the owner or operator of an existing structure that is an unlined surface impoundment—

''(aa) to continue to operate, pursuant to sections 257.96 through 257.98 of title 40, Code of Federal Regulations, until the date that is 102 months after the date of enactment of this section; and

''(bb) to continue to operate after such date as long as such unlined surface impoundment meets the groundwater protection standard established pursuant to this subparagraph and any other applicable requirement established pursuant to this section.

''(C) CLOSURE.—For all structures, the criteria for closure described in sections 257.101, 257.102, and 257.103 of title 40, Code of Federal Regulations, except—

''(i) the criteria described in section 257.101(a)(1) of title 40, Code of Federal Regulations, shall apply to an existing structure that is an unlined surface impoundment only if—

''(I) the unlined surface impoundment is not allowed to continue operation pursuant to subparagraph (B)(ii)(VI)(aa); or

''(II) in the case of an unlined surface impoundment that is allowed to continue operation pursuant to subparagraph (B)(ii)(VI)(aa), the date described in such subparagraph has passed and the unlined surface impoundment does not meet the requirements described in subparagraph (B)(ii)(VI)(bb);

''(ii) the criteria described in section 257.101(b)(1) of title 40, Code of Federal Regulations, shall not apply to existing structures, except as provided in subparagraphs (E)(i)(II) and (E)(ii); and

''(iii) if an implementing agency has set a deadline under clause (i) or (ii) of subparagraph (L), the criteria described in section 257.101(b)(2) of title 40, Code of Federal Regulations, shall apply to structures that are surface impoundments only after such deadline.

''(D) POST-CLOSURE.—For all structures, the criteria for post-closure care described in section 257.104 of title 40, Code of Federal Regulations.

''(E) LOCATION RESTRICTIONS.—

''(i) IN GENERAL.—The criteria for location restrictions described in—

''(I) for new structures, including lateral expansions of existing structures, sections 257.60 through 257.64 and 257.3µ091 of title 40, Code of Federal Regulations; and

''(II) for existing structures, sections 257.64 and 257.3µ091 of title 40, Code of Federal Regulations.

''(ii) ADDITIONAL AUTHORITY.—The implementing agency may apply the criteria described in sections 257.60 through 257.63 of title 40, Code of Federal Regulations, to existing structures that are surface impoundments.

''(F) AIR CRITERIA.—For all structures, the criteria for air quality described in section 257.80 of title 40, Code of Federal Regulations.

''(G) FINANCIAL ASSURANCE.—For all structures, the criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations.

''(H) SURFACE WATER.—For all structures, the criteria for surface water described in section 257.3µ093 of title 40, Code of Federal Regulations.

''(I) RECORDKEEPING.—For all structures, the criteria for recordkeeping described in section 257.105 of title 40, Code of Federal Regulations.

''(J) RUN-ON AND RUN-OFF CONTROLS.—For all structures that are landfills, sand or gravel pits, or quarries, the criteria for run-on and run-off control described in section 257.81 of title 40, Code of Federal Regulations.

''(K) HYDROLOGIC AND HYDRAULIC CAPACITY REQUIREMENTS.—For all structures that are surface impoundments, the criteria for inflow design flood control systems described in section 257.82 of title 40, Code of Federal Regulations.

''(L) STRUCTURAL INTEGRITY.—For structures that are surface impoundments, the criteria for structural integrity described in sections 257.73 and 257.74 of title 40, Code of Federal Regulations, except that, notwithstanding section 257.73(f)(4) of title 40, Code of Federal Regulations, the implementing agency may provide for—

''(i) up to 30 days for an owner or operator to complete a safety factor assessment when an owner or operator has failed to meet an

applicable periodic assessment deadline provided in section 257.73(f) of title 40, Code of Federal Regulations; and

''(ii) up to 12 months for an owner or operator to meet the safety factor assessment criteria provided in section 257.73(e)(1) of title 40, Code of Federal Regulations, if the implementing agency determines, through the initial safety factor assessment, that the structure does not meet such safety factor assessment criteria and that the structure does not pose an immediate threat of release.

''(M) INSPECTIONS.—For all structures, the criteria described in sections 257.83 and 257.84 of title 40, Code of Federal Regulations.

''(3) PERMIT PROGRAM IMPLEMENTATION FOR EXISTING STRUCTURES.—

''(A) NOTIFICATION.—Not later than the date on which a State submits a certification under subsection (b)(2), not later than 18 months after the Administrator receives notice under subsection (e)(1)(A), or not later than 24 months after the date of enactment of this section with respect to a coal combustion residuals permit program that is being implemented by the Administrator under subsection (e)(3), as applicable, the implementing agency shall notify owners or operators of existing structures of—

''(i) the obligation to apply for and obtain a permit under subparagraph (C); and

''(ii) the requirements referred to in subparagraph (B)(ii).

''(B) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

''(i) INITIAL DEADLINE FOR CERTAIN REQUIREMENTS.—Not later than 8 months after the date of enactment of this section, the implementing agency shall require owners or operators of existing structures to comply with—

''(I) the requirements under paragraphs (2)(F), (2)(H), (2)(I), and (2)(M); and

''(II) the requirement for a permanent identification marker under the criteria described in paragraph (2)(L).

''(ii) SUBSEQUENT DEADLINE FOR CERTAIN OTHER REQUIREMENTS.—Not later than 12 months after the date on which a State submits a certification under subsection (b)(2), not later than 30 months after the Administrator receives notice under subsection (e)(1)(A), or not later than 36 months after the date of enactment of this section with respect to a coal combustion residuals permit program that is being implemented by the Administrator under subsection (e)(3), as applicable, the implementing agency shall require owners or operators of existing structures to comply with—

''(I) the requirements under paragraphs (2)(B), (2)(G), (2)(J), (2)(K), and (2)(L); and

''(II) the requirement for a written closure plan under the criteria described in paragraph (2)(C).

''(C) PERMITS.—

''(i) PERMIT DEADLINE.—Not later than 48 months after the date on which a State submits a certification under subsection (b)(2), not later than 66 months after the Administrator receives notice under subsection (e)(1)(A), or not later than 72 months after the date of enactment of this section with respect to a coal combustion residuals permit program that is being implemented by the Administrator under subsection (e)(3), as applicable, the implementing agency shall issue, with respect to an existing structure, a final permit incorporating the applicable requirements of the coal combustion residuals permit program, or a final denial of an application submitted requesting such a permit.

''(ii) APPLICATION DEADLINE.—The implementing agency shall identify, in collaboration with the owner or operator of an existing structure, a reasonable deadline by which the owner or operator shall submit a permit application under clause (i).

''(D) INTERIM OPERATION.—

''(i) PRIOR TO DEADLINES.—Unless the implementing agency determines that the structure should close in accordance with the criteria described in paragraph (2)(C), with respect to any period of time on or after the date of enactment of this section but prior to the applicable deadline in subparagraph (B), the owner or operator of an existing structure may continue to operate such structure until such applicable deadline under any applicable regulations in effect during such period.

''(ii) PRIOR TO PERMIT.—Unless the implementing agency determines that the structure should close in accordance with the criteria described in paragraph (2)(C), if the owner or operator of an existing structure meets the requirements referred to in subparagraph (B) by the applicable deadline in such subparagraph, the owner or operator may operate the structure until such time as the implementing agency issues, under subparagraph (C), a final permit incorporating the requirements of the coal combustion residuals permit program, or a final denial of an application submitted requesting such a permit.

''(4) REQUIREMENTS FOR INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS.—

''(A) NOTICE.—Not later than 2 months after the date of enactment of this section, each owner or operator of an inactive coal combustion residuals surface impoundment shall submit to the Administrator and the State in which such inactive coal combustion residuals surface impoundment is located a notice stating whether such inactive coal combustion residuals surface impoundment will—

''(i) not later than 3 years after the date of enactment of this section, complete closure in accordance with section 257.100 of title 40, Code of Federal Regulations; or

''(ii) comply with the requirements of the coal combustion residuals permit program applicable to existing structures that are surface impoundments (except as provided in subparagraph (D)(ii)).

''(B) EXTENSION.—In the case of an inactive coal combustion residuals surface impoundment for which the owner or operator submits a notice described in subparagraph (A)(i), the implementing agency may extend the closure deadline provided in such subparagraph by a period of not more than 2 years if the owner or operator of such inactive coal combustion residuals surface impoundment—

''(i) demonstrates to the satisfaction of the implementing agency that it is not feasible to complete closure of the inactive coal combustion residuals surface impoundment in accordance with section 257.100 of title 40, Code of Federal Regulations, by the deadline provided in subparagraph (A)(i)—

''(I) because of complications stemming from the climate or weather, such as unusual amounts of precipitation or a significantly shortened construction season;

''(II) because additional time is required to remove the liquid from the inactive coal combustion residuals surface impoundment due to the volume of coal combustion residuals contained in the surface impoundment or the characteristics of the coal combustion residuals in such surface impoundment;

''(III) because the geology and terrain surrounding the inactive coal combustion residuals surface impoundment will affect the amount of material needed to close the inactive coal combustion residuals surface impoundment; or

''(IV) because additional time is required to coordinate with and obtain necessary approvals and permits; and

''(ii) demonstrates to the satisfaction of the implementing agency that the inactive coal combustion residuals surface impoundment does not pose an immediate threat of release.

''(C) FINANCIAL ASSURANCE.—The implementing agency shall require the owner or operator of an inactive surface impoundment that has closed pursuant to this paragraph to perform post-closure care in accordance with the criteria described in section 257.104(b)(1) of title 40, Code of Federal Regulations, and to provide financial assurance for such post-closure care in accordance with the criteria described in section 258.72 of title 40, Code of Federal Regulations.

''(D) TREATMENT AS STRUCTURE.—

''(i) IN GENERAL.—An inactive coal combustion residuals surface impoundment shall be treated as an existing structure that is a surface impoundment for the purposes of this section, including with respect to the requirements of paragraphs (1) and (2), if—

''(I) the owner or operator does not submit a notice in accordance with subparagraph (A); or

''(II) the owner or operator submits a notice described in subparagraph (A)(ii).

''(ii) INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS THAT FAIL TO CLOSE.—An inactive coal combustion residuals surface impoundment for which the owner or operator submits a notice described in subparagraph (A)(i) that does not close by the deadline provided under subparagraph (A)(i) or subparagraph (B), as applicable—

''(I) shall be treated as an existing structure for purposes of this section beginning on the date that is the day after such applicable deadline, including by—

''(aa) being required to comply with the requirements of paragraph (1), as applicable; and

''(bb) being required to comply, beginning on such date, with each requirement of paragraph (2); but

''(II) shall not be required to comply with paragraph (3).

''(d) FEDERAL REVIEW OF STATE PERMIT PROGRAMS.—

''(1) IN GENERAL.—The Administrator shall provide to a State written notice and an opportunity to remedy deficiencies in accordance with paragraph (3) if at any time the State—

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

''(B) has not submitted a certification as required under subsection (b)(2);

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

''(D) is not implementing a coal combustion residuals permit program, with respect to which the State has submitted a certification under subsection (b)(2), that meets the requirements described in subsection (c);

''(E) is not implementing a coal combustion residuals permit program, with respect to which the State has submitted a certification under subsection (b)(2)—

''(i) that is consistent with such certification; and

''(ii) for which the State continues to have in effect statutes or regulations necessary to implement such program; or

''(F) does not make available to the Administrator, within 90 days of a written request, specific information necessary for the Administrator to ascertain whether the State has satisfied the requirements described in subparagraphs (A) through (E).

''(2) REQUEST.—If a request described in paragraph (1)(F) is proposed pursuant to a petition to the Administrator, the Administrator shall make the request only if the Administrator does not possess the information necessary to ascertain whether the State has

satisfied the requirements described in subparagraphs (A) through (E) of paragraph (1).

''(3) CONTENTS OF NOTICE; DEADLINE FOR RESPONSE.—A notice provided under paragraph (1) shall—

''(A) include findings of the Administrator detailing any applicable deficiencies described in subparagraphs (A) through (F) of paragraph (1); and

''(B) identify, in collaboration with the State, a reasonable deadline by which the State shall remedy such applicable deficiencies, which shall be—

''(i) in the case of a deficiency described in subparagraphs (A) through (E) of paragraph (1), not earlier than 180 days after the date on which the State receives the notice; and

''(ii) in the case of a deficiency described in paragraph (1)(F), not later than 90 days after the date on which the State receives the notice.

''(4) CONSIDERATIONS FOR DETERMINING DEFICIENCY OF STATE PERMIT PROGRAM.—In making a determination whether a State has failed to satisfy the requirements described in subparagraphs (A) through (E) of paragraph (1), or a determination under subsection (e)(1)(B), the Administrator shall consider, as appropriate—

''(A) whether the State's statutes or regulations to implement a coal combustion residuals permit program are not sufficient to meet the requirements described in subsection (c) because of—

''(i) failure of the State to promulgate or enact new statutes or regulations when necessary; or

''(ii) action by a State legislature or court striking down or limiting such State statutes or regulations;

''(B) whether the operation of the State coal combustion residuals permit program fails to comply with the requirements of subsection (c) because of—

''(i) failure of the State to issue permits as required in subsection (c)(1)(A);

''(ii) repeated issuance by the State of permits that do not meet the requirements of subsection (c);

''(iii) failure of the State to comply with the public participation requirements of this section; or

''(iv) failure of the State to implement corrective action requirements required under subsection (c)(2)(B); and

''(C) whether the enforcement of a State coal combustion residuals permit program fails to comply with the requirements of this section because of—

''(i) failure to act on violations of permits, as identified by the State; or

''(ii) repeated failure by the State to inspect or otherwise determine compliance pursuant to the process identified under subsection (b)(2)(C)(iii)(I).

''(e) IMPLEMENTATION BY ADMINISTRATOR.—

''(1) FEDERAL BACKSTOP AUTHORITY.—The Administrator shall implement a coal combustion residuals permit program for a State if—

''(A) the Governor of the State notifies the Administrator under subsection (b)(1) that the State will not adopt and implement a permit program;

''(B) the State has received a notice under subsection (d) and the Administrator determines, after providing a 30-day period for notice and public comment, that the State has failed, by the deadline identified in the notice under subsection (d)(3)(B), to remedy the deficiencies detailed in the notice pursuant to subsection (d)(3)(A); or

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

''(2) REVIEW.—A State may obtain a review of a determination by the Administrator under this subsection as if the determination was a final regulation for purposes of section 7006.

''(3) OTHER STRUCTURES.—For structures and inactive coal combustion residuals surface impoundments located on property within the exterior boundaries of a State that the State does not have authority or jurisdiction to regulate, the Administrator shall implement a coal combustion residuals permit program only for those structures and inactive coal combustion residuals surface impoundments.

''(4) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program under paragraph (1) or (3), the permit program shall consist of the requirements described in subsection (c).

''(5) ENFORCEMENT.—

''(A) IN GENERAL.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1)—

''(i) the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals, structures, and inactive coal combustion residuals surface impoundments for which the Administrator is implementing the coal combustion residuals permit program; and

''(ii) the Administrator may use those authorities to inspect, gather information, and enforce the requirements of this section in the State.

''(B) OTHER STRUCTURES.—If the Administrator implements a coal combustion residuals permit program under paragraph (3)—

''(i) the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals, structures, and inactive coal combustion residuals surface impoundments for which the Administrator is implementing the coal combustion residuals permit program; and

''(ii) the Administrator may use those authorities to inspect, gather information, and enforce the requirements of this section for the structures and inactive coal combustion residuals surface impoundments for which the Administrator is implementing the coal combustion residuals permit program.

''(6) PUBLIC PARTICIPATION PROCESS.—If the Administrator implements a coal combustion residuals permit program under this subsection, the Administrator shall provide a 30-day period for the public participation process required under subsection (c)(1)(B)(i).

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

''(1) STATE CONTROL.—

''(A) NEW ADOPTION, OR RESUMPTION OF, AND IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(A) or 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, after the Administrator provides for a 30-day period for notice and public comment, that the State coal combustion residuals permit program meets the requirements described in subsection (c); and

''(II) a timeline for transition to the State 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 only the deficiencies detailed in the notice pursuant to subsection (d)(3)(A); and

''(ii) receiving from the Administrator—

''(I) a determination, after the Administrator provides for a 30-day period for notice and public comment, that the deficiencies detailed in such notice have been remedied; and

''(II) a timeline for transition to the State 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 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.

''(g) IMPLEMENTATION DURING TRANSITION.—

''(1) EFFECT ON ACTIONS AND ORDERS.—Program requirements of, and actions taken or orders issued pursuant to, a coal combustion residuals permit program shall remain in effect if—

''(A) a State takes control of its coal combustion residuals permit program from the Administrator under subsection (f)(1); or

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

''(2) CHANGE IN REQUIREMENTS.—Paragraph (1) shall apply to such program requirements, actions, and orders until such time as—

''(A) the implementing agency that took control of the coal combustion residuals permit program changes the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

''(B) with respect to an ongoing corrective action, the State or the Administrator, whichever took the action or issued the order, certifies the completion of the corrective action that is the subject of the action or order.

''(3) SINGLE PERMIT PROGRAM.—Except as otherwise provided in this subsection—

''(A) if a State adopts and implements a coal combustion residuals permit program under subsection (f), the Administrator shall cease to implement the coal combustion residuals permit program implemented under subsection (e) for such State; and

''(B) if the Administrator implements a coal combustion residuals permit program for a State under subsection (e)(1), the State shall cease to implement its coal combustion residuals permit program.

''(h) 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.

''(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 subsections (d), (e), and (g) of this section and section 6005, the Administrator shall,

with respect to the regulation of coal combustion residuals under this Act, defer to the States pursuant to this section.

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

''(C) ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State implementing agency, the Administrator may provide to such State agency only the enforcement assistance requested.

''(D) CONCURRENT ENFORCEMENT.—Except as provided in subparagraph (C) of this paragraph and subsection (g), the Administrator shall not have concurrent enforcement authority when a State is implementing a coal combustion residuals permit program, including during any period of interim operation described in subsection (c)(3)(D).

''(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.

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

''(k) USE OF COAL COMBUSTION RESIDUALS.—Use of coal combustion residuals in any of the following ways shall not be considered to be receipt of coal combustion residuals for the purposes of this section:

''(1) Use as—

''(A) engineered structural fill constructed in accordance with—

''(i) ASTM E2277 entitled 'Standard Guide for Design and Construction of Coal Ash Structural Fills', including any amendment or revision to that guidance;

''(ii) any other published national standard determined appropriate by the implementing agency; or

''(iii) a State standard or program relating to—

''(I) fill operations for coal combustion residuals; or

''(II) the management of coal combustion residuals for beneficial use; or

''(B) engineered structural fill for—

''(i) a building site or foundation;

''(ii) a base or embankment for a bridge, roadway, runway, or railroad; or

''(iii) a dike, levee, berm, or dam that is not part of a structure.

''(2) Storage in a manner that is consistent with the management of raw materials, if the coal combustion residuals being stored are intended to be used in a product or as a raw material.

''(3) Beneficial use—

''(A) that provides a functional benefit;

''(B) that is a substitute for the use of a virgin material;

''(C) that meets relevant product specifications and regulatory or design standards; and

''(D) if such use involves placement on the land of coal combustion residuals in nonroadway applications, in an amount equal to or greater than the amount described in the definition of beneficial use in section 257.53 of title 40, Code of Federal Regulations, for which the person using the coal combustion residuals demonstrates, and keeps records showing, that such use does not result in environmental releases to groundwater, surface water, soil, or air that—

''(i) are greater than those from a material or product that would be used instead of the coal combustion residuals; or

''(ii) exceed relevant regulatory and health-based benchmarks for human and ecological receptors.

''(l) EFFECT OF RULE.—

''(1) IN GENERAL.—With respect to the final rule entitled 'Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities' signed by the Administrator on December 19, 2014—

''(A) such rule shall be implemented only through a coal combustion residuals permit program under this section; and

''(B) to the extent that any provision or requirement of such rule conflicts, or is inconsistent, with a provision or requirement of this section, the provision or requirement of this section shall control.

''(2) REFERENCES TO THE CODE OF FEDERAL REGULATIONS.—For purposes of this section, any reference to a provision of the Code of Federal Regulations added by the rule described in paragraph (1) shall be considered to be a reference to such provision as it is contained in such rule.

''(3) EFFECTIVE DATE.—For purposes of this section, any reference in part 257 of title 40, Code of Federal Regulations, to the effective date contained in section 257.51 of such part shall be considered to be a reference to the date of enactment of this section, except that, in the case of any deadline established by such a reference that is in conflict with a deadline established by this section, the deadline established by this section shall control.

''(4) APPLICABILITY OF OTHER REGULATIONS.—The application of section 257.52 of title 40, Code of Federal Regulations, is not affected by this section.

''(5) DEFINITIONS.—The definitions under section 257.53 of title 40, Code of Federal Regulations, shall apply with respect to any criteria described in subsection (c) the requirements of which are incorporated into a coal combustion residuals permit program under this section, except—

''(A) as provided in paragraph (1); and

''(B) a lead State implementing agency may make changes to such definitions if the lead State implementing agency—

''(i) identifies the changes in the explanation included with the certification submitted under subsection (b)(2)(C)(iii); and

''(ii) provides in such explanation a reasonable basis for the changes.

''(6) OTHER CRITERIA.—The criteria described in sections 257.106 and 257.107 of title 40, Code of Federal Regulations, may be incorporated into a coal combustion residuals permit program at the discretion of the implementing agency.

''(m) DEFINITIONS.—In this section:

''(1) COAL COMBUSTION RESIDUALS.—The term 'coal combustion residuals' means the following wastes generated by electric utilities and independent power producers:

''(A) The solid wastes listed in section 3001(b)(3)(A)(i) that are generated primarily from the combustion of coal, including recoverable materials from such wastes.

''(B) Coal combustion wastes that are comanaged 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 that are generated primarily from the combustion of coal.

''(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.

''(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 all of the authorities, activities, and procedures that comprise a system of prior approval and conditions implemented under this section to regulate the management and disposal of coal combustion residuals.

''(3) ELECTRIC UTILITY; INDEPENDENT POWER PRODUCER.—The terms 'electric utility' and 'independent power producer' include only electric utilities and independent power producers that produce electricity on or after the date of enactment of this section.

''(4) EXISTING STRUCTURE.—The term 'existing structure' means a structure the construction of which commenced before the date of enactment of this section.

''(5) IMPLEMENTING AGENCY.—The term 'implementing agency' means the agency responsible for implementing a coal combustion residuals permit program, which shall either be the lead State implementing agency identified under subsection (b)(2)(C)(i) or the Administrator pursuant to subsection (e).

''(6) INACTIVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENT.—The term 'inactive coal combustion residuals surface impoundment' means a surface impoundment, located at an electric utility or independent power producer, that, as of the date of enactment of this section—

''(A) does not receive coal combustion residuals;

''(B) contains coal combustion residuals; and

''(C) contains liquid.

''(7) STRUCTURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'structure' means a landfill, surface impoundment, sand or gravel pit, or quarry that receives coal combustion residuals on or after the date of enactment of this section.

''(B) EXCEPTIONS.—

''(i) MUNICIPAL SOLID WASTE LANDFILLS.—The term 'structure' does not include a municipal solid waste landfill.

''(ii) DE MINIMIS RECEIPT.—The term 'structure' does not include any landfill or surface impoundment that receives only de minimis quantities of coal combustion residuals if the presence of coal combustion residuals is incidental to the material managed in the landfill or surface impoundment.

''(8) UNLINED SURFACE IMPOUNDMENT.—The term 'unlined surface impoundment' means a surface impoundment that does not have a liner system described in section 257.71 of title 40, Code of Federal Regulations.''.

(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.).

**SEC. 4. TECHNICAL ASSISTANCE.**

Nothing in this Act, or the amendments made by this Act, shall be construed to affect the authority of a State to request, or the Administrator of the Environmental Protection Agency to provide, technical assistance under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

**SEC. 5. FEDERAL POWER ACT.**

Nothing in this Act, or the amendments made by this Act, shall be construed to affect the obligations of an owner or operator of a structure (as such term is defined in section 4011 of the Solid Waste Disposal Act, as added by this Act) under section 215(b)(1) of the Federal Power Act (16 U.S.C. 824o(b)(1)).

The CHAIR. No amendment to the bill shall be in order except those printed in part C of House Report 114–216. 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 CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 114–216.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 13, strike ''subsection (l)(5)'' and insert ''subsection (l)(4)''.

Page 45, beginning on line 5, strike ''signed by the Administrator on December 19, 2014'' and insert ''and published in the Federal Register on April 17, 2015 (80 Fed. Reg. 21302)''.

Page 45, strike lines 15 through 20.

Page 45, line 21, through page 47, line 5, redesignate paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

The CHAIR. Pursuant to House Resolution 369, the gentleman from Illinois (Mr. SHIMKUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SHIMKUS. Mr. Chairman, my amendment makes a technical and conforming change to the bill. Let me explain.

The final rule amends part 257 of title 40 of the Code of Federal Regulations. EPA put out a prepublication version on the final rule on December 19, 2014, meaning that it was public, but had not yet been published in the Federal Register.

H.R. 1734 directly incorporates the requirements in the EPA's final rule, and so there are numerous citations in the bill to the Code of Federal Regulations because, as of the date of our full committee markup, the final rule had not yet been published in the Federal Register and thus did not have a final citation in the Code of Federal Regulations.

It was necessary to include in the bill a reference to the date of prepublication of the final rule and include a paragraph regarding references to the Code of Federal Regulations.

The final rule was published in the Federal Register on April 17, 2015; and as of that date, citations to the final rule were appropriately cited as citations to 40 CFR 257.

My amendment simply removes the paragraph from the bill that was added as a placeholder until a final rule was published in the Federal Register.

I urge all Members to support this amendment. I yield back the balance of my time.

□ 1700

The 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. PALLONE

The CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 114–216.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike page 9, line 1, through page 10, line 4, and insert the following:

''(B) PUBLIC AVAILABILITY OF INFORMATION.—The implementing agency shall ensure compliance with sections 257.106 and 257.107 of title 40, Code of Federal Regulations.

Page 47, strike lines 1 through 5.

The CHAIR. Pursuant to House Resolution 369, the gentleman from New Jersey (Mr. PALLONE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume in support of my amendment.

Mr. Chairman, this bill is dangerous for human health and the environment, in part, because it deletes or undermines important protections in EPA's final coal ash rule. The deleted requirements include location restrictions, like a bar on disposing of coal ash directly in contact with natural aquifers. The undermined requirements include groundwater protection standards and monitoring requirements, which States would be able to change as they see fit. And all of the requirements, including design, maintenance, and operation requirements, would be delayed.

My amendment, however, focuses on just one of these dangerous shortcomings, which I think is very important, and illustrates the fundamental issues with this bill. EPA's rule establishes a strong national floor for public disclosure of information. The rule specifies what information will be made available to the public and how it must be posted. Utilities will have to maintain pages on their Web sites that document their compliance with a wide range of criteria in the rule, including inspections and groundwater monitoring data.

These requirements will inform and empower communities and hold utilities accountable. Concerned citizens won't have to navigate an array of State agencies and offices to find out if the coal ash impoundment in their neighborhood is contaminating groundwater. Instead, they will able to go directly to the utility Web site and see all monitoring results.

Mr. Chairman, EPA testified before the Energy and Commerce Committee that these transparency requirements will be strong drivers of compliance, just as disclosure requirements have been under other environmental statutes. The Toxics Release Inventory is a great example. But this bill would eliminate these requirements.

Under this bill, there would be no national requirement to maintain a public Web site and to post all of this important data. So my amendment would simply restore these important requirements in EPA's final rule.

Mr. Chairman, I urge my colleagues to ask why this bill does away with this important compliance tool when its proponents suggest that the bill will improve compliance and enforcement. I think the answer is that this bill is not intended to increase compliance with the important standards EPA developed, but to allow the unsafe disposal of coal ash to continue. But it has already gone on for far too long.

I urge my colleagues to support this amendment to address one of the many shortcomings in the bill. I don't expect this amendment to pass, but I want to be clear that even if it does, the underlying bill will still be unnecessary and problematic. I will be urging a ''no'' vote when the question comes on final passage.

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

Mr. SHIMKUS. Mr. Chair, I rise to speak in opposition to the amendment.

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

Mr. SHIMKUS. Mr. Chairman, I share my colleague's concern for transparency, and I too want to make sure that the public has access to all relevant information. The State certification program would have State public access through the State EPA, and that is in this bill. So there is public access to information.

H.R. 1734 accomplishes the goal by making sure the public has access to information and guaranteeing that the public will be involved with the decisionmaking process because it requires public participation in the permitting process, and it requires States to make available on the Internet such information as: all groundwater monitoring data, information regarding structural stability assessments, emergency action plans and emergency response plans, fugitive dust controls, certifications of closures, corrective action remedies, and all documents associated with the permitting process.

I would like to point out that Mathy Stanislaus, Assistant Administrator for the Office of Solid Waste and Emergency Response at EPA, indicated at our legislative hearing that States making the information available on the Internet was just as good as requiring owners and operators of disposal units putting it on their Web site.

All that said, I understand my colleague's belief that the public would be

better served by having utilities create individual Web sites where the same information could be posted, and I offered to work with him to improve his amendment so that it would have accomplished his goal of having individual utility Web sites and removing references to confidential business information but would also have continued to ensure that States would make information available.

I regret that we were unable to come to an agreement. I am willing to work with the gentleman on this issue as we move forward, and I regret that I have to urge a ''no'' vote on his amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

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

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

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

AMENDMENT NO. 3 OFFERED BY MS. CASTOR OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 114–216.

Ms. CASTOR of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, strike lines 3 through 21.

Page 14, line 22, through page 16, line 10, redesignate subclauses (V) and (VI) as subclauses (IV) and (V), respectively.

The CHAIR. Pursuant to House Resolution 369, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chairman, my amendment requires the owners and operators of coal ash ponds to immediately clean up pollution from spills or disasters that involve their coal ash waste. The underlying bill inexplicably did not contain such a requirement.

I know that is hard to believe, in the face of the horrendous coal ash disasters of the past 2 years, that my Republican colleagues did not include such a requirement. So my amendment reinstitutes the requirement for cleanup of these disasters.

Now, the EPA rule requires an owner or operator of coal ash waste to respond immediately to a spill or release, whether it is through the air, water, or soil. The rule requires the polluter to alert both the local authorities and the public and to immediately prepare a cleanup plan. I mean, that is a fundamental concept of doing business, isn't it? Yet the Republican bill eliminates that requirement for owners and operators.

They would no longer have to be responsible for their pollution or a disaster? That is a scary proposition after the Dan River Duke Energy spill in North Carolina that spilled over 39,000 tons of coal ash and 140,000 tons of toxic wastewater, and after the TVA blowout that they say will cost over a billion dollars to remediate that community.

Now, there are over 600 coal waste disposal impoundments across the Nation, and more than 100 million tons of coal waste are generated each year.

In my home State of Florida, there are over 42 coal ash ponds at 8 power plants, 27 of which are unlined, and 13 landfills, 6 of which are unlined. My local power provider alone has 11 coal ash ponds and one landfill. Over 6.1 million tons of coal ash are generated in Florida each year, yet Florida does not really regulate coal ash ponds, and that is similar to a lot of communities across the country.

But we have learned the hard way that we need to have some basic standards to prevent these type of disasters. The EPA has identified 170 coal ash ponds and landfills that have contaminated groundwater, surface water, or otherwise increased risks of harm to human health over the past years.

These surface impoundments where coal ash is stored in ponds pose a threat, and even a threat to loss of life, if they fail. Coal ash ponds are located in 33 States, and 50 impoundments are currently considered high hazard, meaning that a failure would probably cause loss of human life.

One such impoundment was at the TVA Kingston Fossil Plant, which burst on December 22, 2008, releasing 5.4 million cubic yards of coal ash to the Emory and Clinch Rivers and surrounding areas, creating a Superfund site that could cost about $1.2 billion, they estimate.

The initial release of material created a wave of water and ash that destroyed three homes, disrupted electrical power, ruptured a natural gas line in the nearby neighborhood, covered railways and roadways, and necessitated the evacuation of a nearby neighborhood. This disaster forever changed the lives of farmers, ranchers, and families. More than 1 billion gallons of waste washed down the valley like a wave, covering more than 300 acres. The volume of ash and water was nearly 100 times greater than the amount of oil spilled in the Exxon Valdez disaster. Thankfully, no serious injuries were reported since this occurred at night while people slept.

And since 2008, we have had three major coal ash disasters, including the largest toxic waste spill in United States history.

In addition to the TVA disaster, the Dan River plant spill in North Carolina was absolutely horrendous. February 2014, a pipe burst beneath an unlined coal ash impoundment, sending over 82,000 tons of coal ash slurry into the Dan River, spreading 70 miles downstream.

The cost of cleaning up spills and leaking dumpsites has already snowballed, with six companies reporting liabilities that exceed $10 billion. And we want to let them off the hook? I don't think so.

We have got to correct this by adopting my amendment. Without Federal action to guide cleanup within a reasonable time, we are going to let folks off the hook, and that would not be fair. The chronic risks are significant. The risks to public and private property are significant. The risks to public health are too significant to ignore.

So Mr. Chairman, I urge my colleagues to adopt the Castor amendment. Vote ''yes'' to restore the rule's requirement to clean up releases of pollution caused by these coal ash impoundment ponds.

I reserve the balance of my time.

The CHAIR. The time of the gentlewoman has expired.

Mr. SHIMKUS. Mr. Chairman, I rise in opposition, although I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. SHIMKUS. Mr. Chairman, first of all, I appreciate my colleague bringing up this amendment. I just wish she, as a member of the committee, I wish we would have seen this in the markup of the full committee and the committee because maybe we could have just inserted it into the bill instead of having it as an amendment on the floor. I understand the gentlewoman's passion. I just wish, through regular order, we probably could have disposed of this in the committee process.

Having said that, the gentlewoman's amendment takes steps to more closely conform the bill to the EPA rule with respect to cleanup requirements, which is the entire intent of this bill. The intent of the bill is to codify the EPA rule, and so the gentlewoman's amendment helps us do that, and I appreciate that.

I agree with the gentlewoman that it approves a protectiveness of State permit programs. Again, the key thing about H.R. 1734, it creates State permit programs so that the States have Federal standards and they have an enforceable permit program which they can enforce, just like we do on solid waste.

I have no objection to the amendment. It is going to improve the bill, and I accept it on our side.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY

The CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 114–216.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, line 19, strike ''FINANCIAL ASSURANCE'' and insert ''POST-CLOSURE CARE AND FINANCIAL ASSURANCE''.

Page 27, line 24, strike ''section 257.104(b)(1)'' and insert ''subsections (b) and (c) of section 257.104''.

The CHAIR. Pursuant to House Resolution 369, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY. Mr. Chairman, I want to begin by thanking the majority for including my amendment offered to the coal ash bill considered in a previous Congress requiring States to have a strong and comprehensive emergency response plan in the unfortunate event of a spill or a leak.

As I said then, and believe even more now, we simply cannot count on a private company to be prepared for a spill. The State and local governments, who will be the first responders, must also be active partners. By requiring States to be prepared with their own emergency response plans, I think we are taking a modest step to ensure they are prepared to protect the communities.

Again, I acknowledge that and thank my colleagues.

□ 1715

It is in that same spirit of bipartisan, commonsense, and modest safeguards that I offer this amendment that would simply require that all inactive surface impoundments that begin closure procedures to put in place the same groundwater monitoring safeguards procedures required in the final Federal rule.

When we debated similar legislation in July of 2013, I spoke of the devastating 2008 failure of the coal ash impoundment in Kingston, Tennessee.

As a result of that breach, more than 5 million cubic yards of coal ash were released, covering more than 300 acres in toxic sludge, damaging and destroying homes and property, resulting in more than $1.2 billion in cleanup costs.

We must not forget the lasting health consequences as well, some of which are still unknown, resulting from that incident. Some residents will suffer from respiratory illnesses and other side effects.

Arsenic levels, where the Kingston coal ash runoff was disposed of, were measured at 80 times higher than the amount allowed under the Safe Drinking Water Act, and the EPA already has said such exposure significantly increases the risk of cancer over time.

What is even more troubling is these incidents continue to occur, most recently in my own home State of Virginia, where a neighboring North Carolina coal ash pond spilled more than 39,000 tons of toxic ash and 24 million gallons of wastewater into the Dan River.

Though much of the public and media attention of this spill was focused on North Carolina's regulatory shortcomings, Virginians were also left exposed to the dangers of that coal ash spill. It is estimated that only 2,500 tons of ash were removed, leaving over 90 percent of the coal ash in Virginia waters.

As a result of this incident, Virginia's Department of Environmental Quality has proposed a $2.5 million settlement against Duke Energy Carolinas, probably only a fraction of the ultimate cost of cleanup.

What has happened to communities in North Carolina, Tennessee, and Virginia can happen to any one of our communities that have or are near coal ash impoundment ponds.

Today across the Commonwealth of Virginia, there are more than 30 active and inactive ponds at 11 different sites, including one in my district, with an average of 47 years.

As more of these facilities transition from coal-fired plants to gas-fired and biomass and as we close down these surface impoundments, we need to make sure we are protecting our communities with proper postclosure procedures.

One of the easiest protections our constituents can expect is that we maintain rigorous groundwater monitoring as these legacy ponds and inactive surface impoundments move toward postclosure status.

However, I worry that, as this bill is written and, admittedly, as the EPA rule was finalized, regrettably, an unfortunate carve-out was made that threatens our communities.

Why is it that a site that closes under the rule's guidelines must monitor groundwater for 30 years, but one that is rushed to meet the 3-year deadline only has to monitor for a fraction of that same time? What could go wrong with that?

Buried on pages 125 and 126 of the April 17, 2015, Federal Register, EPA notes that it ''received few public comments on the proposed activities to conduct during the post-closure care. These commenters were supportive of the activities and specifically urged the rule to require the monitoring of groundwater throughout the post-closure care period. The Agency received no comments opposing the proposed postclosure care activities.''

I will remind my friends that more than 450,000 comments were provided on this rule.

It isn't often we can all agree on something. But I think we can agree our neighbors have the right to expect that the water they are drinking is safe.

So here is our opportunity to come together and support strong groundwater monitoring requirements at impoundment sites that keep all of our communities safe, and I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. MCKINLEY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. MCKINLEY. Mr. Chairman, when we analyzed all of the proposed amendments to H.R. 1734 earlier this week, we were eager to accept those amendments that might improve the legislation and make the State permitting process even stronger so we can ensure that the coal ash impoundments are closed in a safe and efficient manner. Unfortunately, this amendment would have the opposite effect.

This amendment would require that all inactive impoundments or legacy sites, as they are known, comply with the requirements in the final rule to conduct postclosure care, which includes the installation of groundwater monitoring.

While I appreciate and share my colleague's concerns about inactive surface impoundments, this amendment would not achieve what I believe is my colleague's goal of ensuring the timely closure of inactive surface impoundments.

In the final rule, the EPA recognized the need for efficient and timely closure of the inactive impoundments. In fact, the EPA incentivized the closure of legacy sites by ensuring that the utilities that are able to safely closed inactive impoundments within the 3-year deadline would not need to comply with any of the other requirements in the final rule, including groundwater monitoring.

This amendment would wipe out the EPA's incentive for utilities to complete closure of inactive surface impoundments in a timely manner by requiring that utilities comply with certain requirements immediately.

In addition, I think there is a broad agreement that the EPA final rule is protective with respect to taking steps to address inactive surface impoundments.

The gentleman's amendment goes farther than even what EPA determined would be protective to address the legacy site by requiring immediate compliance with certain requirements which, as I indicated, would remove the incentive for EPA to close inactive impoundments by the deadline.

Many of the inactive surface impoundments will be clean-closed. To explain that, that means that all of the coal ash will be removed from the impoundment. There is no need for 30 years of postclosure care for these particular impoundments.

So for all these reasons, Mr. Chairman, I urge my colleagues to vote ''no'' on this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

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

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

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

AMENDMENT NO. 5 OFFERED BY MS. ADAMS

The CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 114–216.

Ms. ADAMS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, after line 16, insert the following:

''(5) DRINKING WATER SUPPLY WELL SURVEY AND PROVISION OF ALTERNATE WATER SUPPLY.—

''(A) SURVEY.—Not later than 7 months after the date of enactment of this section, each owner or operator of a surface impoundment shall conduct a survey that identifies all drinking water supply wells within one-half mile down-gradient from the established waste boundary of the surface impoundment and shall submit the survey to—

''(i) the Administrator; and

''(ii) the implementing State, if applicable.

''(B) INCLUSIONS.—Each survey conducted pursuant to subparagraph (A) shall include well locations, the nature of water uses, available well construction details, and information regarding ownership of the wells.

''(C) DETERMINATION OF SAMPLING.—

''(i) IN GENERAL.—Not later than 4 months after an owner or operator submits a survey under subparagraph (A), the Administrator or the implementing State, as applicable, shall determine which wells identified in the survey the owner or operator will be required to conduct sampling and water quality analysis for, and how frequently and for what period sampling is required.

''(ii) REQUIRED SAMPLING.—The Administrator or the implementing State, as applicable, shall require sampling and water quality analysis described in clause (i) where data regarding groundwater quality and flow and depth in the area of the surveyed well provide a reasonable basis to predict that the quality of water from the surveyed well may be adversely impacted by coal combustion residuals.

''(D) SAMPLING.—

''(i) INITIATION.—Not later than 5 months after an owner or operator submits a survey under subparagraph (A), the owner or operator shall initiate any sampling and water quality analysis required pursuant to subparagraph (C) for constituents associated with coal combustion residuals, including, at a minimum, arsenic, lead, hexavalent chromium, vanadium, boron, thallium, molybdenum, and selenium.

''(ii) INDEPENDENT SAMPLING.—A property owner whose well has been selected for sampling and analysis may elect to have an independent third party selected from a laboratory certified by the Administrator or the implementing State, as applicable, conduct the sampling and analysis required under this paragraph in lieu of such sampling and analysis being conducted by the owner or operator of the surface impoundment.

''(iii) COSTS.—The owner or operator of the surface impoundment shall pay for the reasonable costs of any sampling and analysis conducted pursuant to this paragraph.

''(iv) RIGHT TO REFUSE SAMPLING.—Nothing in this paragraph shall be construed to preclude or impair the right of any property owner whose well has been selected for sampling and analysis to refuse such sampling and analysis.

''(E) ALTERNATE SUPPLIES OF DRINKING WATER.—If sampling and water quality analysis conducted pursuant to this paragraph indicates that water from a drinking water supply well exceeds groundwater quality standards for constituents associated with the presence of coal combustion residuals, the owner or operator of the surface impoundment, in addition to any other applicable requirement, shall replace such water—

''(i) with an alternate supply of potable drinking water, as appropriate, not later than 24 hours after the Administrator or the implementing State, as applicable, determines that there is such an exceedance; and

''(ii) with an alternate supply of water that is safe for other household uses, as appropriate, not later than 30 days after the Administrator or the implementing State, as applicable, determines that there is such an exceedance.

''(F) ANNUAL GROUNDWATER PROTECTION AND RESTORATION REPORT.—

''(i) IN GENERAL.—Not later than one year after the date of enactment of this section, and each year thereafter, each owner or operator of a surface impoundment required to conduct sampling and water quality analysis pursuant to this paragraph shall submit a report to the Administrator or the implementing State, as applicable, that includes a summary of all groundwater monitoring, protection, and restoration activities related to the surface impoundment for the preceding year, including any replacement of contaminated drinking water pursuant to this paragraph.

''(ii) PUBLICLY ACCESSIBLE INTERNET WEBSITE REQUIREMENT.—Not later than 30 days after submitting a report under clause (i), an owner or operator shall post the report on a publicly accessible Internet website established by the owner or operator in accordance with section 257.107 of title 40, Code of Federal Regulations.

''(G) RELATIONSHIP TO OTHER GROUNDWATER MONITORING REQUIREMENTS.—To the extent that any requirement of this paragraph conflicts with a provision of paragraph (2)(B), the requirement of this paragraph shall control.

Page 49, after line 7, insert the following:

''(6) IMPLEMENTING STATE.—The term 'implementing State' means—

''(A) a State that has notified the Administrator under subsection (b)(1) that it will adopt and implement a coal combustion residuals permit program; or

''(B) if a lead State implementing agency has been identified under subsection (b)(2)(C)(i) for such a State, such implementing agency.

Page 49, line 8, through page 50, line 17, redesignate paragraphs (6) through (8) as paragraphs (7) through (9), respectively.

The CHAIR. Pursuant to House Resolution 369, the gentlewoman from North Carolina (Ms. ADAMS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. ADAMS. Mr. Chairman, my amendment provides strong and consistent safeguards to inform communities about coal ash contaminants in their drinking water supply wells.

We have heard a lot of talk about regulatory certainty, certainty for utilities, certainty for coal ash recyclers.

But what about certainty for children and families who live near coal ash sites, certainty of transparency for their parents who rely on well water to prepare their children's meals and to bathe them at night?

These parents have the right to know if their water is safe to consume, and they have a right to access that information immediately.

And what about certainty of accountability to ensure that these families can expect an alternate water supply if it has been compromised by coal ash pollution?

North Carolina can give the Nation a lesson about what poor management of coal ash looks like. It took a disastrous spill of coal ash into the Dan River to make it clear that the protection of our communities and waterways could not rely on the goodwill of powerful utilities.

North Carolina learned the hard way that, when State regulators stick their heads in the sand to allow the unfettered disposal of coal ash, spills happen.

I would like to share with my colleagues the most recent update on well testing from North Carolina's Department of Environment and Natural Resources.

Out of 285 wells tested, 265 show contamination. That is more than 90 percent of the drinking water wells showing contamination.

This information is made possible to communities because of S. 729, a bill that the North Carolina General Assembly passed last year while I served in the legislature.

Following the Dan River spill, North Carolina now requires owners and operators of coal ash dams to identify all drinking water supply wells within one-half mile downgradient from the impoundments.

If sampling indicates high levels of contamination, the owner or operator must replace the contaminated drinking water with an alternate supply of water that is safe.

My amendment seeks to provide rural communities across the Nation with the same requirements that citizens in North Carolina now enjoy, requirements that will give them the certainty that their water is safe.

Americans in North Carolina and across the Nation have the right to access safe drinking water, especially rural communities who rely overwhelmingly on private wells as their main source of drinking water.

Finally, coal ash pollution often affects low-income communities who don't have the resources to go up against big utilities. Passing this amendment will give these communities the resources they deserve to protect themselves.

I urge my colleagues to join me in standing with the people of North Carolina and rural communities across the Nation who deserve transparency and nothing less.

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

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

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

Mr. SHIMKUS. Mr. Chairman, we applaud the activity of the State of North Carolina—and that is the whole benefit of H.R. 1734—because the Federal regulation proposed by EPA is a floor.

And through a State certification program, if the States want to ramp that up to a higher level, they can. So what North Carolina has done is able to be done under the current legislation.

But the amendment offered by the gentlewoman from North Carolina has a lot of problems, and that is why I rise in opposition.

It would require each owner of a surface impoundment to provide EPA or a State certain types of data about all drinking water supply wells, to pay for and perform groundwater sampling at these wells, provide alternate sources of water, and issue regular reports on these activities.

I understand the gentlewoman's concern, but I am not sure she gets there with this amendment.

She talks about providing certainty. Well, there is already certainty to do this under Federal law. Under the Superfund law, which we call CERCLA, EPA already has the authority to obtain information, access property, and inspect and sample wells if there is a ''reasonable basis to believe there may be a release or a threat of release.'' So there is already certainty under that law.

Not only does CERCLA already cover what the gentlewoman is proposing, but the Safe Drinking Water Act provides the same authority.

The amendment would require owners or operators of coal ash disposal units to provide an alternative source of drinking water if wells are found to exceed existing Safe Drinking Water Act standards.

But section 1431 of the Safe Drinking Water Act already allows EPA to require that alternative sources of drinking water be provided if EPA has information that a contaminant ''is likely to enter a public water system or an underground source of drinking water.''

So we already have that in Federal statute, especially if it ''may present an imminent and substantial endangerment to the health of persons.''

Beyond the duplication existing in the law that we already have, there are also concerns with the amendment.

The amendment focuses on drinking water wells that are one-half mile down-gradient from a surface impoundment. This seems an arbitrary determination, that for all States and for all impoundments, that that is where the groundwater is.

And that is definitely not true around the country. Can we be sure that this is the correct distance? Why was that number selected?

The amendment would require the owners or operators to provide an alternative source of drinking water within 24 hours.

While we completely understand the need to move quickly to provide a solution, it may not be feasible to secure an alternate source of drinking water within that short a period of time.

Perhaps of greater concern, the amendment includes key terms like ''drinking water supply well'' that are undefined, and the amendment would trump all other groundwater monitoring requirements required by the EPA final rule and State permit programs.

We are not trying to re-create existing authority. Rather, we are focused on getting the folks with the most experience and knowledge of this issue to address coal ash disposal units and ensure that they are not causing contamination.

But I assure you that H.R. 1734 already mandates that, if disposal units are causing problems, States will utilize all available authorities to ensure that their citizens have safe drinking water.

I urge my colleagues to vote ''no'' on this amendment.

I yield back the balance of my time.

□ 1730

Ms. ADAMS. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I support this amendment which would improve protection for human health and the environment nationwide, and I would like to thank my colleague from North Carolina for her hard work on this important issue and for offering this amendment.

The citizens and government of North Carolina recognize the seriousness of the risks posed by coal ash. They have experienced the devastation coal ash can cause, and that is why even Republicans in the State government have supported strengthening regulation of coal ash.

Representative ADAMS speaks from personal experience that many of us have been spared, but we should not wait for more coal ash disasters to adopt strong, preventive measures.

Mr. Chairman, I urge my colleagues to support the amendment and vote ''yes,'' but I do want to caution that, like my colleague, I will urge a ''no'' vote on final passage even if this amendment passes.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. ADAMS).

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

Ms. ADAMS. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. BUTTERFIELD

The CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 114–216.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 47, after line 5, insert the following:

''(m) EFFECT ON VULNERABLE POPULATIONS.—If the Administrator determines that implementation of this section would diminish protections for vulnerable populations, the requirements of this section shall have no force or effect.

Page 47, line 6, redesignate subsection (m) as subsection (n).

Page 50, line 17, strike the closed quotation mark and the final period.

Page 50, after line 17, insert the following:

''(9) VULNERABLE POPULATION.—The term 'vulnerable population' means a population that is subject to a disproportionate exposure to, or potential for a disproportionate adverse effect from exposure to, coal combustion residuals, including—

''(A) infants, children, and adolescents;

''(B) pregnant women (including effects on fetal development);

''(C) the elderly;

''(D) individuals with preexisting medical conditions;

''(E) individuals who work at coal combustion residuals treatment or disposal facilities; and

''(F) members of any other appropriate population identified by the Administrator based on consideration of—

''(i) socioeconomic status;

''(ii) racial or ethnic background; or

''(iii) other similar factors identified by the Administrator.''.

The CHAIR. Pursuant to House Resolution 369, the gentleman from North Carolina (Mr. BUTTERFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

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

Mr. Chairman, I rise in support of my amendment that will ensure that vulnerable communities are protected from the unsafe storage of coal combustion residuals known as coal ash.

My amendment is simple. It would prevent the coal ash regulation framework in this bill from going into effect if States fail to protect vulnerable populations from the adverse effects of haphazard coal ash storage. Vulnerable populations defined in the amendment include infants, children, adolescents, pregnant women, the elderly, racial or ethnic groups, and others identified by the EPA Administrator.

Mr. Chairman, the EPA estimates that 70 percent of coal ash impoundments are located in low-income communities. Coal ash impoundments lacking proper safeguards can fail, resulting in the leaching of harmful chemicals into surface and groundwater. Coal ash stored in pools have caused water contamination in 37 States.

In worst case scenarios, catastrophic failures cause coal ash slurry to flow directly into rivers, streams, ponds, and lakes. The largest coal ash spill in U.S. history occurred in 2008 in Kingston, Tennessee, when 5.4 million cubic

yards of toxic sludge spilled into a nearby river, causing a Superfund site which could cost $1.2 billion in remediation costs.

In February of 2014, 82,000 tons of coal ash spilled into the Dan River in Eden, North Carolina, near the district of Ms. ADAMS, who just spoke a moment ago, after a pipe burst, causing a coal ash impoundment failure. Costs for that cleanup are $300 million in the short term and could potentially have a much greater long-term impact.

Mr. Chairman, the majority of coal ash ponds are located in close proximity to vulnerable communities. It is important to protect those communities from being disproportionately affected by poor coal ash storage.

This commonsense amendment ensures that—if this bill were to go into effect—vulnerable populations are protected from the potentially adverse effects of coal ash exposure. Mr. Chairman, I urge my colleagues to support the amendment, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I reluctantly rise in opposition to the amendment.

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

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

Mr. Chairman, we first learned about this amendment before us late on Monday. Of course, I was struck by the gentleman's deep concern for vulnerable populations, people who, because of circumstances or physical attributes, are more at risk than others when it comes to certain environmental exposures.

The gentleman knows well that I share his concern. He knows it from our committee work earlier this year on the TSCA Modernization Act. We reached a unanimous committee position in this area, in fact, throughout the bill.

I reached out to him early Tuesday morning and tried to explain the gentleman's amendment was problematic as drafted; and we offered to work with him on a version that addressed his concern without, frankly, gutting the rest of our bill.

Despite hard work from both teams and staff all day Tuesday, we were not able to reach the agreement, so the gentleman opted to revert to his original proposal which is what we are considering now.

Mr. Chairman, I see three basic problems with the amendments as being offered.

First, it gives the EPA Administrator effective unilateral veto power over the entire coal ash bill upon any EPA finding that somewhere, somehow, a vulnerable subpopulation is not protected. This, of course, undoes the entire premise of the bill that brings together the best of the EPA-proposed rule and the states' expertise and dedication in regulating solid waste through permit programs.

Second, the gentleman defines ''vulnerable subpopulation'' by listing around 10 specific population groups for protection. Everyone on his list, I agree with, including, for example, infants, elderly, and persons based on racial or ethnic backgrounds; but when we include some on a list, we can wind up excluding others.

It is a basic principle of legislative drafting. I think we should be sure to include all vulnerable groups, and we suggested to the gentleman language to do just that. I regret that we were not able to reach an agreement.

Third, Mr. Chairman, I am not sure the gentleman's amendment passes constitutional scrutiny. I understand that we, in the Congress, have sweeping power to waive requirements of law; but I don't think we can give a single Administrator power to cancel a law altogether. In my view, only the President himself has that power, subject to override votes in the Congress.

I am willing to work this out with the gentleman, and we did try. I regret very much that this amendment does not reflect these efforts, so I have to urge a ''no'' vote.

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

Mr. BUTTERFIELD. It is true that we did make a valiant effort yesterday to try to reach some common ground on this amendment, and regrettably, we were not able to get there.

Mr. Chairman, I thank the gentleman for his courtesy and his willingness to have the conversation, and hopefully, we can continue to try to legislate in a way that will protect vulnerable communities from this type of activity.

Mr. Chairman, at this time, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the Energy and Commerce Committee.

Mr. PALLONE. Mr. Chairman, I rise to support this amendment. It raises an important point that should be part of our dialogue on all environmental issues, and I thank my colleague for offering it.

The unsafe disposal of coal ash poses serious risk to human health and the environment. Those dangers are particularly acute for the minority and low-income communities that often live near coal ash disposal sites.

Unfortunately, this dangerous bill would diminish protections for those communities most at risk. Important safeguards would be eliminated, and significant discretion would be given to States to choose whether or not other safeguards will apply.

This discretion will hurt hotspot communities for the same reason that they host these dangerous communities; it is because they do not have the political clout and voice that other communities have. We must recognize the disproportionate risks faced by vulnerable populations and ensure that those risks are addressed, and that is what this amendment does.

While I don't support the bill overall, Mr. Chairman, I do urge my colleagues to support this amendment and vote ''yes.''

Mr. BUTTERFIELD. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chair, I rise in support of the Butterfield-Rush-Clarke-Price-Adams amendment.

The December 2014 coal ash rule was a reasonable compromise between the EPA and the energy industry, based on sound science and three decades of research into the significant human and environmental health consequences of ash spills. I will oppose the underlying legislation because, as my colleagues have noted, it would unjustifiably eliminate, undermine, or delay the well-thought out protections included in this compromise rule.

Our amendment gets at another issue. There is a great risk that this legislation could be especially harmful to some of our nation's most vulnerable populations—and here I mean pregnant women, children, the elderly, low-income Americans—because nearly 70% of coal ash ponds are located in communities where the majority earns an income that falls below the national average, and where communities of color are disproportionately represented.

Our amendment is very simple—it would require the Administrator of the EPA to determine whether this legislation unfairly affects these vulnerable populations. If it does, its provisions would not go into effect.

Misguided deregulation is one thing; outright discrimination is another. Let's make sure that we're not prioritizing the energy industry's bottom line over the health and welfare of women, children, the elderly, and low-income Americans.

I urge my colleagues to support the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

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

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

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 114–216 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PALLONE of New Jersey.

Amendment No. 4 by Mr. CONNOLLY of Virginia.

Amendment No. 5 by Ms. ADAMS of North Carolina.

Amendment No. 6 by Mr. BUTTERFIELD of North Carolina.

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. PALLONE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 244, not voting 12, as follows:

[Roll No. 453]

AYES—177

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rice (NY)
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—244

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—12

Bass
Brady (PA)
Carter (TX)
Clawson (FL)
Franks (AZ)
Graves (MO)
Gutiérrez
Hinojosa
Huffman
Rangel
Richmond
Stivers

□ 1810

Messrs. BUCSHON and JODY B. HICE of Georgia changed their vote from ''aye'' to ''no.''

Ms. MENG, Messrs. PERLMUTTER, BRENDAN F. BOYLE of Pennsylvania, and DANNY K. DAVIS of Illinois changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Chair, on rollcall No. 453, had I been present, I would have voted "yes."

AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 177, noes 245, not voting 11, as follows:

[Roll No. 454]

AYES—177

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rice (NY)
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—245

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)

Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—11

Bass
Brady (PA)
Carter (TX)
Clawson (FL)
Diaz-Balart
Franks (AZ)
Graves (MO)
Gutiérrez
McDermott
Rangel
Richmond

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1815

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MS. ADAMS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. ADAMS) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 231, not voting 10, as follows:

[Roll No. 455]

AYES—192

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McGovern
McMorris Rodgers
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Zinke

NOES—231

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOT VOTING—10

Bass
Brady (PA)
Carter (TX)
Clawson (FL)
Franks (AZ)
Graves (MO)
Gutiérrez
Kaptur
McDermott
Rangel

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1820

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. BUTTERFIELD

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 240, not voting 13, as follows:

[Roll No. 456]

AYES—180

Adams
Aguilar
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—240

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—13

Bass
Brady (PA)
Carter (TX)
Clawson (FL)
Costa
Duffy
Franks (AZ)
Graves (MO)
Gutiérrez
Kinzinger (IL)
McDermott
Meeks
Rangel

□ 1825

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Chair, on rollcall Nos. 454, 455, and 456. I was detained doing a TV appearance with Rev. Al Sharpton on MSNBC, Had I been present, I would have voted "yes" on 454, 455, and 456.

The Acting CHAIR (Mr. CHAFFETZ). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. CHAFFETZ, 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. 1734) to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment, and, pursuant to House Resolution 369, he reported the bill back to the House with sundry amendments 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 any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were 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. FOSTER. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. FOSTER. I am in its current form.

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

The Clerk read as follows:

Mr. Foster moves to recommit the bill H.R. 1734 to the Energy and Commerce Committee, with instructions to report the same back to the House forthwith, with the following amendment:

Page 11, after line 16, insert the following:

''(D) PROTECTING DRINKING WATER AND THE GREAT LAKES.—The implementing agency shall require that all structures that are surface impoundments meet criteria for design, construction, operation, and maintenance sufficient to—

''(i) prevent any toxic contamination of groundwater; and

''(ii) protect sources of drinking water, including the Great Lakes, the largest freshwater system in the world.

Mr. SHIMKUS. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Illinois (Mr. FOSTER) is recognized for 5 minutes in support of his motion.

□ 1830

Mr. FOSTER. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to the committee. If adopted, the bill will immediately proceed to final passage as amended.

What this commonsense amendment does is something that I think we should all be able to agree is a good thing; it protects our drinking water. My motion to recommit would require that coal ash impoundments must be sufficient to prevent toxic contamination of groundwater and to protect all sources of drinking water, including but not limited to the Great Lakes.

Coal ash—the material left after coal is burned—contains many toxic elements, including arsenic, cadmium, chromium, lead, and selenium. Arsenic exposure can lead to nervous system damage, cardiovascular issues, urinary tract cancers, lung cancer, and skin cancer.

When people are exposed to lead, they may experience brain swelling, kidney disease, heart problems, nervous system damage, a drop in intelligence, or even death. If not handled properly, these toxins can and do leach from storage sites and contaminate nearby water sources.

I think my colleagues on both sides of the aisle can agree that we don't want our children drinking water contaminated with lead, arsenic, and other toxic compounds; but that is exactly what happens when these surface impoundments are not properly built, maintained, and monitored.

According to a 2010 EPA risk assessment, people living near unlined coal ash ponds have an increase in lifetime cancer risk as high as 1 in 50 caused by the arsenic contamination alone in their drinking water. I suspect that this is a much higher risk than any of us would accept for our families and ourselves.

I do not believe that it is an accident that coal ash ponds, as well as the coal plants that produce them, are disproportionately located in economically disadvantaged areas, placing the burden on those with few resources to defend themselves and the health of their families.

A 2011 report by the Environmental Integrity Project found that my home State of Illinois has the second most sites contaminated by coal ash in the country, and that Illinois EPA data showed groundwater contamination exceeding health standards at all 22 coal ash-related sites the Agency monitored.

We know that there are coal ash ponds contaminating groundwater. Some are located in Waukegan, Illinois, which borders Lake Michigan. Contamination in Illinois is not just a problem for the people of Illinois; it is a problem for the entire country.

Water crosses State boundaries in lakes, rivers, and underground aquifers. That is why coal ash should be regulated at the national level, but at a minimum, we should demand that groundwater and drinking water be protected.

The Great Lakes are the largest freshwater system in the world, and it is unconscionable that we are considering a bill today that would weaken protections for the water that many of us drink.

The vote on this motion to recommit is fundamentally about whether or not you believe that all people in our country deserve access to safe drinking water.

I urge my colleagues to vote ''yes'' on this motion and ''yes'' to protecting the health of millions of American families.

I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The reservation is withdrawn.

Mr. SHIMKUS. I claim the time in opposition.

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

Mr. SHIMKUS. We have had a good afternoon on debating the many amendments that have been brought forward. Let me just briefly, in this short time, talk about what we have done.

We have taken the recent EPA rule and codified it. In other words, we set it into statutory language so it can be enforceable. That allows States to set up State permitting programs that can be enforced.

We trust States with what we call the Solid Waste Disposal Act, which is RCRA, to protect the Great Lakes. I think we can trust the States, in working with minimal Federal standards, to do the same thing.

The EPA, three times, has determined that coal ash is not toxic—the EPA has determined three times. In 1993, in 2000, and with their recently released rule in December, they said coal ash is not toxic.

I am going to end on two letters that we mentioned in the bill markups and on the floor. We have the group called ECOS, Environmental Council of the States, which all the States' EPA directors; and also another group, called ASTSWMO, which is the Association of State and Territorial Solid Waste Management Officials, which is in all territories; and the Western Governors' Association. There is not a single dissent. The Western Governors' Association includes California, Oregon, and Washington State.

They all support H.R. 1734 because it actually does the opposite of what my colleague claimed. It strengthens the law. It codifies our ability to enforce the result so that our communities are safe.

I appreciate my colleague's motion. I ask my colleagues to reject it, and 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 noes appeared to have it.

RECORDED VOTE

Mr. FOSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 240, not voting 9, as follows:

[Roll No. 457]

AYES—184

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—240

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce

Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—9

Barton
Bass
Brady (PA)
Carter (TX)
Clawson (FL)
Franks (AZ)
Graves (MO)
Gutiérrez
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1842

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. PALLONE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 166, not voting 9, as follows:

[Roll No. 458]

AYES—258

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Bustos
Byrne
Calvert
Carter (GA)
Chabot
Chaffetz
Clay
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Fudge
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOES—166

Adams
Aguilar
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Grijalva
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Peters
Pingree
Pocan
Poliquin
Polis
Price (NC)
Quigley
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Bass
Brady (PA)
Carter (TX)
Clawson (FL)
Franks (AZ)
Graves (MO)
Gutiérrez
Rangel
Zinke

□ 1849

Mr. TAKAI changed his 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

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes on Wednesday, July 22, 2015. Had I been present, I would have voted ''yea'' on rollcall votes: 453, 454, 455, 456, and 457. Had I been present, I would have voted ''nay'' on rollcall votes: 450, 451, 452, and 458.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3009, ENFORCE THE LAW FOR SANCTUARY CITIES ACT

Mr. COLLINS of Georgia, from the Committee on Rules, submitted a privileged report (Rept. No. 114–223) on the resolution (H. Res. 370) providing for consideration of the bill (H.R. 3009) to amend section 241(i) of the Immigration and Nationality Act to deny assistance under such section to a State or political subdivision of a State that prohibits its officials from taking certain actions with respect to immigration, which was referred to the House Calendar and ordered to be printed.

## REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2646

Mr. MURPHY of Pennsylvania. Mr. Speaker, I request unanimous consent to remove the following Members as cosponsors of H.R. 2646: Representatives JOYCE BEATTY, RON DESANTIS, and ZOE LOFGREN.