

That is why it matters how you have a construction standard for a waste pile. Isn't it smart to have such a standard in place and one that has been developed over hundreds of meetings over 6 years so that mining is much more compatible with clean streams and healthy people?

Another thing this rule does is it enhances restoration by strengthening bonding requirements. It is not unknown, unfortunately, that coal miners would just abandon the mine once their operations were finished, leaving all sorts of undone business that adds to the enormous contamination that even a small amount of mining can do.

In 1977, Congress passed a law saying that miners needed to restore the land after their mining operation was completed and that they needed to provide a bond up front to pay for the cleanup cost just in case the company decided it didn't want to follow through on the cleanup after it completed extracting the coal. Strengthening that and making sure the bonding process actually works right, that the bond is actually there to do the cleanup, makes a lot of sense.

Years ago, I was immersed in first developing housing with Habitat for Humanity and then building affordable multiplexes for a nonprofit, Human Solutions. Companies that were being paid to do their work had a construction bond. The bond made sure that if the company somehow disappeared in the middle of the night, the work was going to get done. That bond was very important to the nonprofit, that what they were investing in—the payments they made were actually going to result in what was contracted to be delivered. That is the same thing here. A company that comes in and says: We got permission to mine—it is saying to the public, with a good bonding system, yes, you can be confident that the cleanup work will be done. That needed to be strengthened because often it is not done. That is another piece of this puzzle.

Then there is another piece that is related to coal slurry and reducing the odds of coal slurry causing a lot of damage. Coal slurry is liquid waste generated when mined coal is washed off. You have a lot of water that is thickened with debris from washing the coal, and it can be held in a basin, but if the walls of that basin fail and that coal slurry gets into the streams, it does massive damage.

That transpired in Martin County, KY, 16 years ago. An estimated 306 million gallons of slurry spilled into two tributaries of the Tug Fork River. How much is 306 million gallons? It is a lot of swimming pools, almost more than you can imagine. Another way to look at it is it is 30 times larger than the *Exxon Valdez* oilspill, one of the worst environmental disasters ever.

There it is. It was a big, massive pond that spilled into the forests and into the rivers in that situation in Martin County. Overnight, one of the

tributaries, the Coldwater Fork, a 10-foot-wide stream, became 100 yards of slurry. In some places, the spill was over 5 feet deep. It spread out and covered people's yards on the banks. Hundreds of miles of the Big Sandy River were polluted as a result as the stuff washed down the stream. The Ohio River was polluted. The water supply for 27,000 people was contaminated.

It is not that it has just happened once; it has happened other times. It happened in Buffalo Creek Hollow, WV, in 1972. In that case, it was 132 million gallons of slurry. That is about a third of the size of the other spills, so I guess you could say that instead of being 30 times *Exxon Valdez*, it was only 10 times *Exxon Valdez*. But it did a lot of damage. It created a wave going downstream that was 30 feet high. Can you imagine how much material is required to create a wave of—a flash flood of coal slurry 30 feet high? This didn't happen away from human civilization; this wave of coal slurry killed 125 people. This wave of toxic coal slurry hit and injured over 1,000 more people—1,121 more people. It left 4,000 people homeless, wiped out their homes and their towns.

That is the type of damage that can occur, so why not have a rule that has looked at how these ponds are created and said, here is a standard so that the pond is not overloaded or overtopped or the wall does not collapse and cause a tidal wave that will kill more than 100 people or injure more than 1,000 or leave 4,000 people homeless. Having a standard is the logical thing to do. It helps the companies because then they know exactly what they need to do to make that pond safe.

Those are some examples of what is in this rule.

I think it is important to understand another factor. This rule requires careful mapping before the mining is done so that the restoration process can be held accountable to restore the contours that existed previously, or as close as you can get. Without an understanding of what the land looked like beforehand, it is hard to say what it should look like when it is restored.

Those are commonsense measures. That is it. Common sense. Common standards for safety, for protection of the streams and the wildlife and the people. Isn't that what we should be all about? Shouldn't we not be undoing that, as we will be in a couple of hours, in a deserted Senate Chamber in the middle of the night? That is wrong.

If you want to change these standards—and I say this to my colleagues, and I know many do care a great deal about the environment—then have the courage to do it in daylight. Have the courage to do it in a committee. Have the courage to invite the public in to testify. But here we are tonight, hiding from the population across America, undoing this important work for the safety of our people. That is wrong.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is my understanding that the Senator will take us through the closing script, and as a part of that, I will be recognized in the order to make my remarks.

With that understanding, I yield the floor.

What if I suggest that I begin my remarks, that you give me the high sign whenever the closing script is prepared—it is. Never mind.

I yield the floor.

The PRESIDING OFFICER. This is the high sign.

Mr. WHITEHOUSE. The high sign has been received.

The PRESIDING OFFICER. The Senator from Colorado.

MORNING BUSINESS

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, I was necessarily absent for the votes on the motion to proceed to legislative session and the motion to proceed to a joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule, H.J. Res. 38.

On vote No. 41, had I been present, I would have voted "nay" on the motion to proceed to legislative session.

On vote No. 42, had I been present, I would have voted "nay" on the motion to proceed to H.J. Res. 38.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULES OF PROCEDURE

Mr. ROBERTS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator STABENOW, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

115th Congress

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.