

REMEMBERING TOM BERNIS

(Mr. RODNEY DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise, today, to remember Tom Bernis, a friend and respected community leader, who passed away last month.

After graduating college, Tom established the firm Bernis, Clancy and Associates, which has grown into one of today's premier engineering firms in the area. Over the course of his career, Tom was considered by many to be an expert in civil engineering. He found great joy in his profession and shared it with others through teaching.

However, Tom is, perhaps, most known for his impact on the community. He was a member of over a dozen clubs, boards, and civic organizations, many of which he served as president or chairman. He served as village engineer for five different central Illinois towns throughout his lifetime and was also actively involved in his congregation, St. Patrick's Roman Catholic Church, for over 50 years.

In 2000, Tom became a Member of the Illinois House of Representatives, where he represented Illinois' 104th House District.

Tom knew what it meant to serve. He lived his life in a way that put others before himself, always looking for ways to help, to get involved, and to improve his community.

I am inspired by the legacy of Tom Bernis and the numerous lives he touched throughout central Illinois. I pray for his wife, Jeannie, and their family during this difficult time.

HONORING DORIS A. DAVIS

(Ms. BARRAGÁN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BARRAGÁN. Mr. Speaker, on this International Women's Day, I rise to honor the life of the Honorable Doris A. Davis, who passed away last month, after providing decades of public service to the city of Compton.

After serving as Compton's first African-American city clerk, Ms. Davis then went on to become the first African-American mayor of a major metropolitan city in the country.

During her time in office, Mayor Davis worked tirelessly to increase tax revenues and job opportunities in Compton.

Upon leaving office, she founded the Daisy Child Development Centers, a nonprofit organization that provided assistance to single parents and families in and around Compton.

Mayor Davis was always an active participant in our community—belonging to over two dozen organizations, including the NAACP, the Urban League, and the League of Women Voters—and her legacy of public service will live on.

ESTABLISH A UNIFORM RULE OF NATURALIZATION

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, this morning, I wish to commend Attorney General Jeff Sessions and the Trump administration for finally taking action against California's lawlessness on sanctuary cities and immigration practices.

California is clearly violating Federal immigration laws. States don't get to dictate to the Federal Government when and where these laws are enforced.

California needs to be held accountable for their willful defiance of Federal immigration law and its sanctuary State insurrection.

Several laws have been passed by the Federal Government over the years on immigration. Actually enforcing a law on the books, arresting and deporting illegal immigrants shouldn't be shocking. The Supreme Court has held that immigration regulation was a Federal responsibility exclusively in 1876.

Under the Obama administration, Arizona, in order to try to fix the immigration problem in this country, passed a bill called S.B. 1070, but the Supreme Court ruled that they couldn't enforce the border themselves.

Now we have California going the other direction, trying to cause no enforcement to be done on immigration in our State. The Federal Government is ruling and working to overcome that as well.

So I commend Attorney General Sessions for taking action on California's lawlessness.

HONORING DR. GEORGE NIELD

(Mr. BRIDENSTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRIDENSTINE. Mr. Speaker, I rise today to honor my friend, Dr. George Nield, on the occasion of his retirement as the FAA Associate Administrator for Commercial Space Transportation.

Dr. Nield has been a tireless advocate for a commercial space industry that is more robust than ever and has been a great partner for those of us on the Hill who have worked to create an environment where the commercial space industry can thrive.

Dr. Nield is a graduate of the United States Air Force Academy, and his time in the Air Force included assignments as an engineer at the Space and Missile Systems Center and Air Force Test Center, and as an assistant professor at the Air Force Academy.

He later held many roles at NASA, managing the Flight Integration Office for the Space Shuttle program, and later working on the International Space Station program. Prior to com-

ing to the FAA, Dr. Nield was a senior scientist in the advance programs group of Orbital Sciences Corporation, now Orbital ATK.

George Nield has long understood the important role space plays in our country and dedicated his career to ensuring that the United States is the world's preeminent spacefaring nation. For the past 10 years, he has devoted himself to an industry that helps the United States Government complete its missions, grow our economy, and improve the quality of life for all Americans and those around the world. Our country is losing an important advocate for space. I wish him well in his retirement.

SENSE ACT WILL HELP RESTORE PENNSYLVANIA LANDS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in support of the Satisfying Energy Needs and Saving the Environment Act, also called the SENSE Act.

The SENSE Act will have a tremendous impact on the Commonwealth of Pennsylvania. Decades of historic mining has left behind piles of coal refuse or waste coal, which is essentially a worthless material, but its presence has led to environmental degradation in many cases.

Today, the coal refuse-to-energy industry uses waste coal to generate affordable energy. This means hundreds of good-paying jobs and remediated waste coal piles across the Commonwealth.

Pennsylvania is home to 14 of the 19 coal refuse-to-energy plants in the United States. And we have already seen enormous environmental and economic benefits thanks to this industry. We are keeping Pennsylvanians employed and working to restore our beautiful streams and countryside.

Mr. Speaker, one-size-fits-all government regulations do not work.

The SENSE Act crafts responsibly tailored regulations to address the application of an EPA rule for electric generating units that utilize coal refuse to generate electricity and serve critical environmental cleanup and remediation purposes.

Mr. Speaker, I urge my colleagues to support this commonsense legislation.

SATISFYING ENERGY NEEDS AND SAVING THE ENVIRONMENT ACT

Mr. SHIMKUS. Mr. Speaker, pursuant to House Resolution 762, I call up the bill (H.R. 1119) to establish the bases by which the Administrator of the Environmental Protection Agency shall issue, implement, and enforce certain emission limitations and allocations for existing electric utility steam generating units that convert coal refuse into energy, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). Pursuant to House Resolution 762, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, shall be considered as adopted, and the bill, as amended, shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 1119

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Satisfying Energy Needs and Saving the Environment Act” or the “SENSE Act”.

SEC. 2. STANDARDS FOR COAL REFUSE POWER PLANTS.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BOILER OPERATING DAY.—The term “boiler operating day” has the meaning given such term in section 63.10042 of title 40, Code of Federal Regulations, or any successor regulation.

(3) COAL REFUSE.—The term “coal refuse” means any byproduct of coal mining, physical coal cleaning, or coal preparation operation that contains coal, matrix material, clay, and other organic and inorganic material.

(4) COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNIT.—The term “coal refuse electric utility steam generating unit” means an electric utility steam generating unit that—

(A) is in operation as of the date of enactment of this Act;

(B) uses fluidized bed combustion technology to convert coal refuse into energy; and

(C) uses coal refuse as at least 75 percent of the annual fuel consumed, by heat input, of the unit.

(5) COAL REFUSE-FIRED FACILITY.—The term “coal refuse-fired facility” means all coal refuse electric utility steam generating units that are—

(A) located on one or more contiguous or adjacent properties;

(B) specified within the same Major Group (2-digit code), as described in the Standard Industrial Classification Manual (1987); and

(C) under common control of the same person (or persons under common control).

(6) ELECTRIC UTILITY STEAM GENERATING UNIT.—The term “electric utility steam generating unit” means an electric utility steam generating unit, as such term is defined in section 63.10042 of title 40, Code of Federal Regulations, or any successor regulation.

(b) EMISSION LIMITATIONS TO ADDRESS HYDROGEN CHLORIDE AND SULFUR DIOXIDE AS HAZARDOUS AIR POLLUTANTS.—

(1) APPLICABILITY.—For purposes of regulating emissions of hydrogen chloride or sulfur dioxide from a coal refuse electric utility steam generating unit under section 112 of the Clean Air Act (42 U.S.C. 7412), the Administrator—

(A) shall authorize the operator of such unit to elect that such unit comply with either—

(i) an emissions standard for emissions of hydrogen chloride that meets the requirements of paragraph (2); or

(ii) an emission standard for emissions of sulfur dioxide that meets the requirements of paragraph (2); and

(B) may not require that such unit comply with both an emission standard for emissions of hydrogen chloride and an emission standard for emissions of sulfur dioxide.

(2) RULES FOR EMISSION LIMITATIONS.—

(A) IN GENERAL.—The Administrator shall require an operator of a coal refuse electric utility

steam generating unit to comply, at the election of the operator, with no more than one of the following emission standards:

(i) An emission standard for emissions of hydrogen chloride from such unit that is no more stringent than an emission rate of 0.002 pounds per million British thermal units of heat input.

(ii) An emission standard for emissions of hydrogen chloride from such unit that is no more stringent than an emission rate of 0.02 pounds per megawatt-hour.

(iii) An emission standard for emissions of sulfur dioxide from such unit that is no more stringent than an emission rate of 0.20 pounds per million British thermal units of heat input.

(iv) An emission standard for emissions of sulfur dioxide from such unit that is no more stringent than an emission rate of 1.5 pounds per megawatt-hour.

(v) An emission standard for emissions of sulfur dioxide from such unit that is no more stringent than capture and control of 93 percent of sulfur dioxide across the generating unit or group of generating units, as determined by comparing—

(I) the expected sulfur dioxide generated from combustion of fuels emissions calculated based upon as-fired fuel samples, to

(II) the actual sulfur dioxide emissions as measured by a sulfur dioxide continuous emission monitoring system.

(B) MEASUREMENT.—An emission standard described in subparagraph (A) shall be measured as a 30 boiler operating day rolling average per coal refuse electric utility steam generating unit or group of coal refuse electric utility steam generating units located at a single coal refuse-fired facility.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from New York (Mr. TONKO) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1119.

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

There was no objection.

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

Mr. Speaker, coal-fired electric generation has been the subject of many costly regulations, and we are already seeing an economic impact on conventional coal facilities. But, today, we are focusing on a relatively small number of very unconventional facilities that take environmentally damaging waste coal, burn it to produce electricity, and then use the resulting ash to remediate the land.

The more you learn about H.R. 1119, the Satisfying Energy Needs and Saving the Environment, the SENSE, Act, the more you will agree that these facilities are worth saving, which is what this bill does. I thank my colleague, KEITH ROTHFUS from Pennsylvania, for sponsoring this innovative measure, and I urge all of my colleagues to support it.

Decades of coal mining in Pennsylvania, and other States, have led to a legacy of massive piles of waste coal that contributes to water and air pollution in communities where they are located.

□ 0915

The cost of eliminating this waste coal has been estimated at \$2 billion for Pennsylvania alone, so absent a massive new program, it almost certainly won't get done.

Fortunately, coal refuse-to-energy plants have been developed and built in several communities with waste coal. These plants burn waste coal to produce electricity, and the resulting ash is then used to remediate the land. Thus far, these plants have eliminated 214 million tons of waste coal and restored thousands of acres and 1,200 miles of rivers and streams.

The electricity and the jobs created by these plants are really just a bonus compared to the tremendous environmental benefits; nonetheless, coal refuse-to-energy plants are now under threat. Although these plants utilize a specialized process, EPA has decided to treat them no differently than conventional coal-fired power plants. As a result, the Agency has jeopardized the continued operation of these facilities by setting standards that are not appropriate for them.

The SENSE Act addresses the problem by providing an alternative compliance mechanism for the compounds regulated under the Mercury and Air Toxic Standards, which is commonly known as the MATS. The bill still requires stringent emission reductions at these waste coal-to-energy plants, but ones that are achievable at these facilities.

I should note that earlier versions of the SENSE Act also included changes to the Cross-State Air Pollution Rule, or CSAPR, but those provisions have been taken out of the version we are voting on today.

The result of this bill would be that these coal refuse-to-energy plants can continue operating, which would be a big win for the environment as well as for jobs in the communities in Pennsylvania and other States where they are located.

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

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to H.R. 1119, the Satisfying Energy Needs and Saving the Environment, or SENSE, Act.

The SENSE Act continues the theme of the floor this week, giving unnecessary preferences to a handful of special interests at the expense of clean air and people's health.

The SENSE Act would weaken requirements of EPA's Mercury and Air Toxic Standards, or MATS, for power plants that burn waste coal by enabling a weaker compliance option for hydrochloric acid and sulfur dioxide

emissions. To make matters worse, the bill prevents EPA from strengthening these standards for waste coal plants in the future even if pollution control technologies become significantly better or less expensive.

I think we are all proud of the record of the Clean Air Act. As a nation, we have made significant progress since the 1970s, reducing air pollution while growing our economy.

This bill is against the spirit of the Clean Air Act and the bipartisan amendments that have followed. We should not lock in an insufficient standard when progress is still possible.

Polluters should be pushed to do better, especially when comparable facilities are meeting those given standards; but instead, these power plant owners would prefer to get special treatment and a pathway for meeting the weaker standards for many, many years to come. All the while, these plants will produce harmful air pollution.

This is not only dangerous but unnecessary. The health risks of these pollutants are well documented, and it is, in fact, possible for waste coal plants to meet EPA's MATS. A number of waste coal units have achieved the standards, and pollution control technologies exist that would enable non-compliant facilities to meet them, too.

EPA's MATS have already been examined by the courts, which would not grant an exclusion for waste coal utilities. The courts did not agree with waste coal plant owners that these standards were impossible to meet.

EPA established that 8 out of 19 waste coal units nationwide could meet the rules' acid gas standard or alternative sulfur dioxide standard already. So now those companies are coming to Congress to circumvent the court process.

Last year, every Democrat on the Energy and Commerce Committee opposed this bill. Those members understood that this bill is simply not fair. It picks winners and losers in States with waste coal plants, it disadvantages traditional coal-fired power generators, and it will allow for more hazardous air pollution. That isn't a good deal for the power generators that are already compliant with the standards, and it is a terrible deal for the people who have to live with more dangerous air pollution.

Mr. Speaker, I urge all Members to vote "no" on the SENSE Act, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. ROTHFUS), the author of this legislation.

Mr. ROTHFUS. Mr. Speaker, I thank Chairman SHIMKUS for leading and his help with this important legislation.

This is going to be an interesting debate. This is a debate about one size fits all coming out of Washington, D.C., and the failure of folks in this town at regulatory agencies to not appreciate

the nuance of what is going on in the rest of the country.

I have been on these waste coal piles of western Pennsylvania. I have seen streams that are dead. I have seen hillsides scarred. I have seen restoration. I have seen streams come back to life. I have seen hillsides come back to life.

This Satisfying Energy Needs and Saving the Environment, SENSE, Act, makes sense for those who live outside the Capital Beltway.

The SENSE Act is a vitally important effort that I have championed in various forms throughout my time in Congress. The bill recognizes the huge success that the coal refuse-to-energy industry is making in Pennsylvania, and especially my district, to make it a healthier and cleaner place to live.

Without the SENSE Act, five coal refuse-to-energy facilities in western Pennsylvania and West Virginia will close, and their environmental remediation efforts will end.

Despite what the bill's opponents say, the SENSE Act is, first and foremost, a pro-environment bill, but it is also a pro-jobs bill, a pro-union jobs bill, because it is union workers who are going to be thrown out of work when these plants close. And it is a pro-taxpayer bill because the environment is being cleaned up without a contribution from the taxpayers.

The coal industry has a long and storied history in Pennsylvania. Not only has it been an important part of the economy for generations, but Pennsylvania coal helped the U.S. and our allies win two world wars.

Historic mining activity, unfortunately, left behind large piles of coal refuse. These piles consist of lower quality coal mixed with rock and dirt.

For a long time, we did not have the technology to use this material, so it accumulated in large piles outside of cities and towns, close to schools, neighborhoods, and in fields across coal country. This has led to many environmental problems that diminished the quality of life for people in these areas surrounded by these piles. Vegetation and wildlife have been harmed, the air has been polluted, and acid mine drainage has impaired nearby rivers and streams.

I have seen these sites firsthand, as I said, and the environmental danger they pose.

Coal refuse piles can catch fire. Think about that. They can catch fire with no limitations at all. It is an unmitigated disaster when these things catch fire—uncontrolled air pollution. Many are already smoldering, giving off toxic emissions, again, without any controls whatsoever.

Runoff from these sites literally turn rivers orange, leaving them devoid of life.

The cost to clean up all of this is astronomical. Pennsylvania's environmental regulator estimates that fixing abandoned mine lands could cost over \$16 billion, over \$2 billion of which would be needed for coal refuse piles alone.

We needed an innovative solution to this tough challenge, a commonsense compromise. This was necessary to get the job done and to protect the environment. That is where the coal refuse-to-energy industry comes in.

Using advanced technology, this industry has been able to use previously worthless material to generate electricity. This activity is what powers remediation efforts and has successfully removed over 200 million tons of coal refuse, reclaiming polluted sites across Pennsylvania and other historic coal regions.

Thanks to the hard work of the dedicated people in this industry—again, many union workers in this industry—landscapes have been restored, rivers and streams have been brought back to life, and many towns have been relieved of hazardous waste coal piles.

Here is an example of what this industry has been able to do. Here you have an abandoned waste coal pile, but through the restoration efforts, the countryside has been reclaimed. This is a picture of success done without taxpayer money, improving the environment.

I want to highlight again private sector leadership on this issue that has saved taxpayers millions of dollars in cleanup costs; and if the SENSE Act becomes law, taxpayers will continue to save millions.

I should also note that the waste-to-energy industry pays millions in tax dollars, too, something that my colleagues should be mindful of, because many of the plants in these areas are areas where there is still a struggle economically. Multiple groups have previously endorsed the SENSE Act, including Pennsylvania's abandoned mine reclamation groups and clean water advocates.

Unfortunately, intensifying and, importantly, inflexible EPA regulations threaten five plants in western Pennsylvania and West Virginia. This would leave hundreds of millions of dollars of vital cleanup unfinished, lead to job losses, and leave many localities exposed to the harmful conditions waste coal piles pose.

Mr. Speaker, we are talking a handful—a handful—of plants.

The sky is falling. The catastrophic scenario the opponents of this legislation are arguing about, they don't appreciate the nuance of what we are trying to do here. The SENSE Act, as it has been amended, addresses a significant challenge arising from the implementation of the existing rules, including those under the Mercury and Air Toxic Standards.

Importantly, these plants comply with mercury emission standards. There is an issue with how they deal with HCL, hydrogen chloride, and sulfur dioxide, SO₂.

This is a targeted piece of legislation, a customization, as it were, to recognize the important and vital work that this industry has been doing. Contrary to what critics allege, the SENSE

Act simply provides operators with additional alternative MATS compliance standards, but it is still strict and it is still achievable.

Despite opponents' claims, this bill is not a sweetheart deal for the coal refuse-to-energy industry. This bill only prevents a few plants from being regulated out of existence. This industry represents a tiny fraction of the energy industry, but it provides enormous environmental benefits.

Again, this legislation brings a stark contrast to the difference between elites in this town and what is out there in flyover country, that you cannot even go in and see the specific issue and that you have to apply this one size fits all because you are operating from some ideological framework. It is really unfortunate, because it is the environment that is going to hurt; it is jobs that are going to be lost.

The industry works with the Pennsylvania Department of Environmental Protection to identify especially dangerous piles and prioritize remediation.

Mr. Speaker, the amended version of this bill accurately reflects the spirit of previous SENSE Act versions, and I thank my colleagues on the Energy and Commerce Committee for their work on it.

It is my hope that we can continue to build support for this bill, especially in the Senate, where Senators TOOMEY and CASEY, Republican and Democrat, have previously offered a bipartisan amendment relating to it in the past. Despite that prior bipartisan Senate support, previous efforts have failed to achieve the supermajority necessary to pass, but I am hopeful that the SENSE Act can win enough support to pass both Chambers.

What we are looking to achieve today is this: a narrow and limited addition to existing rules for a very small but pro-environment industry.

This should not be a controversial or partisan issue. We want to hold this industry to high standards, but to standards they can actually reach. But for the EPA emission extension that expires in 2019, current regulations discount the environmental remediation benefits this industry provides.

□ 0930

My bill will help keep the coal refuse industry in business so that local communities, economies, and the environment will continue to reap the benefits.

The people who live near coal refuse piles and all of the communities downstream of these hazards expect us to find a solution. Many workers at the endangered power plants, folks throughout the supply chain, and their families, are counting on us to protect their livelihoods. We owe it to them to pass the SENSE Act, including people like Bill Turner.

Bill is a shift supervisor at the Colver refuse facility in Cambria County. He has worked at Colver for over two decades. He has also lived close to coal

refuse piles. Bill and his colleagues at Colver are proud of the reclamation work they do. He has put three kids through college thanks to his job. I know I have said this before, but his children even played soccer on a field reclaimed from a coal refuse pile because of this industry. Bill said it would be a travesty if the coal waste-to-energy industry disappeared.

Another industry worker is Dennis Simmers. He is an engineer at Colver. For him, this issue is personal. He said three generations of his family lived in the shadow of a large coal refuse pile. Unfortunately, his relatives died without ever seeing this environmental catastrophe corrected. He said: "There is a real shot now that I will see it in my lifetime."

Finally, I would like to recognize Vince Brisini, who testified at the Energy and Commerce Subcommittee hearing last fall. Vince not only worked for the Pennsylvania Department of Environmental Protection, but he also lives next to a waste coal pile. Like Bill and Dennis, he has devoted so much of his time and energy, both professionally and personally, to solving this problem.

Madam Speaker, we owe it to the environment to keep these five endangered plants open. We owe it to people like Dennis and Bill and Vince to see if we can solve the waste coal problem during this generation. The SENSE Act will help ensure that that remains a probability. I urge my colleagues to support this commonsense, pro-environment bill.

Mr. TONKO. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE), a longtime member of the Energy and Commerce Committee and a thoughtful and passionate voice for the greater Pittsburgh area, and for that matter, all of Pennsylvania and our Nation.

Mr. MICHAEL F. DOYLE of Pennsylvania. Madam Speaker, I rise in opposition to the SENSE Act. This bill is an unnecessary and permanent carve-out for waste coal plants that forfeits scientific and industrial progress.

Waste coal plants may be unfamiliar to many of my colleagues here in Congress because the vast majority of them are located in my State, Pennsylvania. These plants take waste coal left over from mining anytime before the late 1970s and use it as fuel. You see, these areas were mined before laws required reclamation or remediation of mine damage.

I would just like to remind my colleagues who rail against government regulation all of the time, that the reason we have this environmental catastrophe is because there were no regulations before the late 1970s. This is what happens when we have industry, no government regulations, we get environmental catastrophes and now we are left to clean up the mess.

These piles of waste coal have sat covering hundreds of thousands of

acres in my home State of Pennsylvania for decades because there was no regulation. Many don't realize, Pennsylvania has produced more coal than any other State. Our mines powered the country while our steel mills built it into the world's greater industrial nation, the arsenal of democracy through two world wars.

But now my home State remains saddled with the leftovers, the legacy of nearly 200 years of unregulated mining. These piles can directly affect people's health, their communities, and their environment. These abandoned sites can contaminate local water sources with harmful runoff, or combust and release toxins into the air at eye level.

Now, I have seen mining sites reclaimed because of these plants, and the turnaround is remarkable. Over decades of operating, they have cleaned up about 4 to 6 percent of the total affected lands across our State, and they have dramatically improved the land at those sites.

They are an important but minor accessory to the use of abandoned mine land reclamation funds. Let me provide some context to that. The Pennsylvania Department of Environmental Protection estimates that, using abandoned mine land reclamation funds, the State and outside organizations have reclaimed 70,000 acres in my home State. The most recent industry estimate I have seen on waste coal plants reclaims approximately 200 acres a year.

Now, let's hear the arguments in favor of this bill. Waste coal plants help facilitate remediation of abandoned mine sites. Some plants say they are having a hard time meeting clean air standards, so let's loosen those standards forever.

But my problem is, we know plants can meet these Clean Air Act protections. Many already are. The scientists at EPA have determined this, and the Federal courts have upheld the EPA's ruling. In fact, the largest plant in Pennsylvania can meet the standards that this bill undermines.

I understand it can be difficult to upgrade emission controls technologies in current market conditions. I understand that, with the many issues that are at the nexus of the energy versus environment debate when one side wins and the other side loses. But coal refuse plants present us with an exciting opportunity to have a true win-win. This bill does not.

This bill says, let's sacrifice our air quality and the air quality of States downwind, and let's give these plants a pass. Let's sacrifice progress for a few companies' convenience, and let's stick it to those companies that have already invested in upgrading their plants, and let's do this forever.

I believe the environmental issues and the energy challenges our country and the planet face will be solved through technological progress and innovation, through scientific advancement and thoughtful policy. For that reason, I oppose this bill.

Let me be clear. Pennsylvania has inherited and shoulders a debt, the collective legacy from our Nation's unregulated industrial past. This debt is levied on our land, our children, and our communities. We need help, and we deserve help, to continue righting this wrong. That requires strong environmental stewardship, increased abandoned mine land reclamation funds. The RECLAIM Act would provide greater R&D into making fossil fuels cleaner, and the list goes on.

I want to applaud my colleague on the other side of the aisle for highlighting the importance of this issue. This legislation, however, is not the answer. It is still not the answer, and I urge my colleagues to vote against it so that we can try a different, smarter approach.

I think we can make great progress on this issue in the coming months. I would welcome cooperation and input from colleagues on both sides of the aisle in doing so. Let's do this the smart way, the right way. Let's not penalize companies that are spending the money to comply, by helping a few companies that claim they don't want to.

Mr. SHIMKUS. Madam Speaker, I yield myself such time as I may consume before I yield to Mr. ROTHFUS just to get things straight here.

Let's see. We can remediate environmental hazards by private sector dollars. I think that is good, saving the AML for other sites that can't use private sector dollars. We have a revenue stream to pay for that remediation. We have good-paying jobs and, as my colleague said, union jobs.

I am from a coal-producing State everyone knows, deep southern Illinois. We have a local tax base to protect. Again, it protects the abandoned mine funds.

When I was a young boy, I had a motorbike, and one of the places to ride which kind of scared me—I did it a couple of times—was on what we would call a slag hill.

What is a slag hill?

A slag hill is an abandoned mine refuse pile.

So many of us have lived in and around these sites.

This opportunity to take this and turn it into this, without taxpayer dollars, is a win. And the gentleman stole my line. The SENSE Act does make sense for jobs, for a tax base, for remediation, both in land and water, and protecting the abandoned mine funds to go to those sites that don't have a reclamation facility that can produce power and put it on the grid. So I am pleased to be down here and fighting with my colleague, Congressman ROTHFUS.

Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Madam Speaker, I would like to make a couple of points here. Without this relief, the plants are going to close. This is not a broad-

based industry carve-out. This is for a subset of plants.

When you look at the economics of running a plant, you are looking at income, you are looking at cost. The fact is, we are seeking a nuanced approach to recognize the environmental benefit that these plants have provided, the hundreds of jobs, family-sustaining jobs that are at stake. It is just frustrating to hear my colleagues just insist on this one-size-fits-all, seemingly we are incapable of appreciating a nuance.

We don't rail against regulation. We rail against overregulation. Regulation is important. It is necessary. It should be responsible. It should be prudent. It should meet a cost-benefit analysis.

I talked about right regulation, not deregulation; right regulation. You pick the regulation to fit the circumstance that you are in.

A picture paints a thousand words. That paints a thousand words right there, and the EPA has even recognized the benefit of this industry here. A quote from the EPA: "Coal refuse piles are an environmental concern because of acid seepage and leachate production, spontaneous combustion, and low soil fertility. Units that burn coal refuse provide multimedia environmental benefits. . . ."

Let me say that again. The EPA said: "Units that burn coal refuse provide multimedia environmental benefits by combining the production of energy with the removal of coal refuse piles and by reclaiming land for productive use. Consequently, because of the unique environmental benefits that coal refuse-fired EGUs provide, these units warrant special consideration. . . ."

Let me say that again. The EPA said: "These units warrant special consideration," because of the unique environmental benefits they provide.

That is what the SENSE Act is about.

Up in Cambria County, where they have a number of these piles, there are streams that flow into the Conemaugh River, that flows into the Kiskiminetas River, that flows into the Allegheny River, that flows into the Ohio River. This industry is cleaning up those tributaries, preventing acid seepage into the Conemaugh, into the Kiskiminetas, into the Allegheny, and the Ohio.

This bill makes sense, and I would urge my colleagues to seriously consider it because this is an area where people can come up out of their trenches and find common ground, something that makes common sense, reaches common sense. It is pro-environment. The sky is not falling, as some of the opponents might say. And it saves jobs and union jobs.

Mr. TONKO. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE).

Mr. MICHAEL F. DOYLE of Pennsylvania. Madam Speaker, let me just say to my friend—and he is my friend—

that none of us have a problem with these plants. They are providing an important service. The largest one in our State is complying.

What I don't understand is, when the majority of these plants can comply and are in the process of complying, why do you want to pass a law that would exempt them from having to do that?

□ 0945

It seems that when we have this debate, we only define "burden" as one way. When I hear my colleagues talk about the burden, it sort of has a singular dimension: money, dollars and cents on a business, on an individual, on a taxpayer.

What about the burden of lower air quality? Is it not burdensome to the health of our students, the elderly, folks with asthma to breathe in higher levels of particulate matter? What about those folks?

When we have an opportunity and we have the technology to have these plants continue to remediate sites, but to do so in a more environmentally friendly way, why would we not want to do that, especially when there are only 14 of these sites in Pennsylvania, and the majority of them are in the process of complying or are complying?

You know, this bill is the same bill you brought here last year that didn't pass the Senate. This bill is not going to become law either. I would just encourage my friend to sit down with members of the Democratic Party, sit down with these stakeholders, and let's work on a solution that is futuristic, not one that takes us back to the past.

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

The EPA quote that Congressman ROTHFUS mentioned about they should deserve special consideration was not this EPA. In fact, it was authored by, in 2011, an EPA under the Obama administration, and the Administrator at that time was Lisa Jackson.

So we are not, in today's world, saying these plants should have special considerations. We are in the last administration's world. And we just believe that that is correct. We believe that we have got to consider the benefits, and the benefits are remediation of these slag mounds, restoration of land, sometimes for recreational activities, protecting our water supply.

Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ROTHFUS), author of the bill.

Mr. ROTHFUS. Madam Speaker, I want to talk about some burdens, burdens like uncontrolled release of toxins into the air when these piles catch fire, uncontrolled seepage into rivers.

This subset of plants, my colleague from Pennsylvania makes the point about some of these plants are in compliance. There is such a thing as economies of scale. And when any business is in operation, you are looking at costs

and expenses. You are looking at revenue. And when the costs and expenses exceed the revenue, you go out of business.

Unless we are able to do a customization for these handful of plants, they will close. Hundreds of people will lose their jobs. The cleanup they are doing will stop. While some other plants may continue to operate and continue the good work, that is great, but it is going to go at a slower pace. It is going to cost taxpayers more because less will be cleaned up.

This industry, so far, has cleaned up 200 million tons of waste coal in Pennsylvania, and that is just the start of the work that needs to be done. My hope is that it is all going to be cleaned up in our lifetimes.

So, no, this isn't forever. This isn't forever.

This, again, is taking a look at a situation we have in Pennsylvania, that we want to recognize the good work that is going on there and, again, when you look at the EPA under the Obama administration, talking of the unique environmental benefits that these plants provide and that they warrant special consideration.

Again, I just urge my colleagues to come up. Let's get out of our trenches. Let's take a look, meeting, you know, in the middle here. Support this legislation. Save these jobs. Save these union jobs. Let these plants stay open, and let's continue to clean up western Pennsylvania.

Mr. TONKO. Madam Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE).

Mr. MICHAEL F. DOYLE of Pennsylvania. Madam Speaker, let me just say to my friend that at the rate of 200 acres a year, it will be well into the year 3000 before we reclaim all these sites. So when I say, "forever," there is not going to be any of us sitting here today around to see it, nor will our children, nor will our grandchildren, at that rate.

And, by the way, the quote you give from the EPA regarding that was under a different rule, not the rule that we are talking about. This boils down to companies that are already spending the money and complying. Where is the fairness to those companies, their bottom line, their workers, when they are complying with this rule?

And then you want, literally, a handful of companies not to comply? And when you talk about customizing a solution, what you are talking about is no rules. I mean, you are basically saying they don't have to comply with anything. So the answer to these 19 plants that operate in the entire United States, of which better than half are in the process or already complying, is to tell the ones that aren't complying there are no rules.

Every year, our technology gets better. Every year, technology gets cheaper. Why would we want to give a lifetime exemption to a handful of compa-

nies that are reclaiming 200 acres a year? And at that rate, we are going to be into the year 3000. Why would we say you never have to comply with any rules, when most of those companies are? It just doesn't make a lot of sense to me.

No one is saying anything bad about these plants. They are providing a valuable service. They can do it in a much more environmentally friendly way because technology is allowing that to happen. And all the EPA and their scientists who study this and the Federal courts, which upheld their decision, are saying is let's make the environment even cleaner.

We have seen what happens to our State when there is no regulation. It is called "environmental catastrophe." Let's not go back to saying no environmental regulation to this handful of companies that aren't complying.

The SPEAKER pro tempore (Ms. CHENEY). Members are reminded to direct their remarks to the Chair.

Mr. SHIMKUS. Madam Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. ROTHFUS), the author of the language.

Mr. ROTHFUS. Madam Speaker, I thank the gentleman for yielding.

I wonder if my friend from Pennsylvania has really taken a look at the legislation, because there are rules that apply. The entire bevy of environmental rules apply to these plants, and the SENSE Act is going to leave those in place, all the rules.

What the SENSE Act does is take a look at two factors—two factors—hydrogen chloride and sulfur dioxide. That is it. And it says, if you are in compliance with hydrogen chloride, you will be deemed to be in compliance with sulfur dioxide, or, conversely, if you are in compliance with sulfur dioxide, you will be deemed in compliance with hydrogen chloride. Everything else is applicable. Everything else is applicable.

This is why I talk about a customization for a small handful of the plants. The group that represents these plants supports this legislation. The workers in these plants support this legislation. The people who live next to these coal piles support this legislation.

But to suggest that this legislation means no rules for these plants is just not accurate. All the rules apply to these plants. We are seeing a small tweak because, again, when you look at the economics of running a business, running a plant, you are looking at cost; and if you are going to impose the cost to put the additional mechanics within the plant, it is not going to happen. Those plants are going to close. That is what we are looking at.

So, again, I would appreciate if folks who take a look at this legislation understand that these plants are still subject to strict regulation both at the Federal and State level and that this is a minor tweaking of one rule. While

the EPA may have been discussing the benefit of these plants in the context of another rule, the fact remains the same: these units warrant special consideration. If it is true under one rule, it is going to be true under all rules because of, again, the unique environmental benefits that these plants provide.

Mr. TONKO. Madam Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE).

Mr. MICHAEL F. DOYLE of Pennsylvania. At the risk of beating this horse to death—and this will be my final remarks—I would just say to the Speaker that there are many of these plants that are complying with this rule, and I commend those plants that are doing that.

It is not fair to those plants that are complying that we exempt those plants that aren't complying or don't want to comply because they don't want to spend the money to do so. The idea that all of these plants are going out of business if they are forced to do that is simply not based in any reality.

I would encourage the gentleman and the Speaker to reconsider this bill, which is going nowhere. It may pass the House, but it is not going any further than that. Let's sit down and work together on a bipartisan basis to come up with a rule that utilizes the best and latest technologies, that continues to improve and get cheaper, help work with these companies that may need a little assistance in complying and help them comply, and then we truly do have a win-win situation.

Mr. SHIMKUS. Madam Speaker, I believe I have the right to close, and I reserve the balance of my time.

Mr. TONKO. Madam Speaker, I yield myself the balance of my time.

I have no other speakers. I just would make mention that some 18 groups that are public interest groups have joined together in a letter opposing this legislation, suggesting and indicating strongly that it pits waste coal-burning plants against coal-burning plants, that it creates a public health situation that is an outcome that is negative for our constituents, and it basically cites that the courts have reviewed some of the requests made earlier and denied those requests because they felt that technology was available.

I include the letter in the RECORD.

MARCH 6, 2018.

DEAR REPRESENTATIVE: On behalf of our millions of members, the undersigned organizations urge you to oppose the amended Satisfying Energy Needs and Saving the Environment Act, or SENSE Act (H.R. 1119). This bill would weaken health safeguards for Americans on behalf of special interest groups and result in more toxic air pollution and health hazards.

The SENSE Act would provide a giveaway to power plants that burn waste coal under EPA's Mercury and Air Toxics Standards (MATS). The bill favors waste coal-burning power plants at the expense of other in-state coal power plants and the public through blunt political favoritism.

Specifically, the SENSE Act would permanently exempt power plants that burn waste coal from having to meet certain pollution limits. Power plants, including waste coal plants, are already meeting these standards—passing this bill would be a free giveaway to polluters, and nothing more.

And the courts agree.

When waste coal plant owners filed lawsuits challenging the MATS standards in the first place, they claimed it was “virtually impossible” to meet the acid gas and sulfur dioxide limits set in MATS. The court rejected the plants’ arguments.

The judges pointed to clear evidence that waste coal plants already were meeting these limits. EPA had evidence demonstrating that 8 out of 19 waste coal units nationwide already could meet the rule’s acid gas standard or alternative sulfur dioxide standard. In fact, the court noted that not only were the plants meeting these supposedly “impossible” standards, but some of these plants were “among the best performers” in achieving hydrogen chloride reductions among all coal-burning units under the rule.”

Doomsday claims to justify this bill are just that. Waste coal plants have already had more time than other power plants to come into compliance with MATS. Rewarding laggards who continue to drag their feet, even after already getting special treatment, would undermine all pollution reduction programs and disincentivize compliance.

Were this bill to become law, the result will be dirtier air for communities. Indeed, the SENSE Act drags health standards down to the level of the laggards—resulting in greater harms for Americans living in states with waste coal plants as well as in their downwind neighboring states. This bill is not only bad policy—it is unjustified. It favors the very dirtiest of polluting facilities at the expense of Americans, air quality, and responsible power plants who have already taken steps to clean up their air pollution. Worst of all, it will lead to greater toxic pollution and health harms to Americans. We urge you to oppose the SENSE Act.

Sincerely,

Center for Biological Diversity; Clean Water Action; Climate Hawks Vote; Earthjustice; Environment America; Environmental Defense Fund; Friends of the Earth; GreenLatinos; Hip Hop Caucus; Interfaith Power & Light; League of Conservation Voters; Moms Clean Air Force; National Parks Conservation Association; Natural Resources Defense Council; Power Shift Network; Public Citizen; Sierra Club; Southern Environmental Law Center.

Mr. TONKO. Madam Speaker, much like the bill considered by the House yesterday, the SENSE Act would provide so-called relief to a handful of companies by shifting the burdens of pollution onto the public. Congress should not be in the business of putting the profits of polluters before the health of our constituents.

The reality is, by allowing these plants to pollute more, we would be doing just that. It will result in greater harm to Americans living in States with waste coal plants as well as in their downwind neighboring States, such as my home State of New York.

EPA’s MATS are achievable and provide considerable health benefits. Why shouldn’t waste coal plants have to comply? The courts think they should. We shouldn’t have to choose between a giveaway to a couple of special interests over clean air.

Again, I urge my colleagues to oppose this bill, Mr. Speaker, and I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of my time to close.

This has been a great debate. We don’t have debates on the floor too much. I want to thank my colleague from Pennsylvania. He is a good friend. I think it was well conducted.

Just to close, these are specialized plants for twofold purposes. The first purpose is to clean up coal refuse sites, which are all over, again, and it keeps them from having the piles on the ground. And if they catch on fire, there is no controlling technology for that.

It keeps them from leaching into our streams, as Congressman ROTHFUS said numerous times, which is why EPA, again, has said these units warrant special consideration. That is what this legislation does.

Again, not a Trump EPA, but an Obama EPA made that statement.

□ 1000

If that 200 acres is in your backyard, that is an important 200 acres to clean up.

Mr. ROTHFUS brought this down.

If those 200 acres are here, you want this? This is a pretty good deal—paid for not by the taxpayers, but paid for by this industry that is using this technology to take the coal refuse and create electricity.

As I said once before in this debate, if you have remediation of environmental hazards, if you have a revenue stream to pay for it, if you have good-paying jobs, you create a local tax base, and you protect the Abandoned Mine Land fund, this SENSE Act makes sense.

Mr. Speaker, I ask my colleagues to support the bill, and I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, ask anyone who lives in or near communities with waste coal piles from abandoned mines and they will tell you that they can be a significant environmental hazard. They can leak acidic water into rivers and streams. They can sometimes catch fire, burn uncontrollably for months and result in both damage and heavy emissions. And they can be an economic drag on any community that has to deal with them.

The good news is that a process exists that can take this byproduct and use it to produce electricity. The result of that process is an environmentally-safe ash that can be used to remediate the land from which the waste coal was taken. It has worked well, and there are numerous examples of contaminated lands and streams being restored because of these coal refuse-to-energy plants.

Given the substantial environmental benefits of coal refuse-to-energy plants, I believe we have an obligation to work to keep them open. That is why I urge support for H.R. 1119, the SENSE Act.

Unfortunately, these plants are at risk of being tripped up by EPA regulations aimed at conventional coal-fired power plants. Specifically, EPA’s Mercury and Air Toxics standards did not distinguish between conventional coal-fired plants and these coal refuse-to-energy plants that operate very differently. The EPA’s

standard as written for one of the targeted compounds, hydrogen chloride, or HCL, would be difficult for these facilities to consistently meet.

The bill before us today, H.R. 1119, the SENSE Act, addresses these concerns and provides an alternative compliance mechanism for HCL that still requires substantial emissions reductions, but one that is achievable for these facilities.

By finding a use for potentially dangerous and damaging coal refuse piles, coal refuse-to-energy plants provide affordable energy and a tremendous environmental benefit. The SENSE Act is commonsense, and I urge my colleagues to support this bill that benefits both consumers and the environment.

Mr. PALLONE. Mr. Speaker, I rise in opposition to H.R. 1119, the “Satisfying Energy Needs and Saving the Environment Act”.

The SENSE Act continues yesterday’s latest effort by Republicans to undermine the commonsense protections found in the Clean Air Act in order to give special breaks to polluters at the expense of public health. The winner of today’s Republican special breaks are power plants that burn waste coal.

The SENSE Act would give power plants that burn waste coal for energy a free pass on critical public health protections that keep dangerous toxins out of the air.

It does this by giving waste coal power plants a carve-out from the pollution control requirements of EPA’s Mercury and Air Toxic Standards—or MATS Rule. This rule represents the first national standards to address power plant emissions of toxic air pollutants like mercury, arsenic, dioxin, sulfur dioxide and hydrochloric acid.

The SENSE Act provides a weaker compliance option for MATS that would give waste coal facilities license to pollute more than they should. And, the bill would lock in this weaker standard for the foreseeable future.

That means a small number of waste coal units would be allowed to avoid controlling harmful pollution in perpetuity, regardless of any subsequent developments in control technologies, or new information on the health effects of their pollution. Passing this bill means waste coal power plants would never have to clean up their act, putting the health and safety of those nearby and downwind in jeopardy.

So, why are we even discussing such a ridiculous sweetheart deal? Because the waste coal industry says they need, and deserve, a legislative earmark, just for using the coal that wasn’t good enough to burn in other power plants.

But that claim doesn’t pass the smell test.

EPA determined, and the D.C. Circuit Court agreed, that since emissions from waste coal units are no different than emissions from other coal-fired power plants, there is no justification for special treatment. Many of the waste coal plants already meet the requirements of the MATS rule, because in reality, waste coal plants are among the best performing coal-fired power plants in the country.

I see no justification for giving waste coal plants the ability to pollute more than other facilities, as the SENSE act would allow.

These special breaks are especially offensive to me since I represent a downwind state. Pollution generated west of New Jersey moves into our air shed threatening the public health and welfare of my constituents. It also increases the burden on New Jersey businesses that would ultimately be required to do

more and spend more to compensate for the extra pollution generated by these plants.

The Republicans claim that EPA is over-regulating business. But, time and again, the courts have found that EPA is actually failing to regulate pollutants known to cause harm. This Mercury and Air Toxics rule has been in development and litigation for nearly 20 years—the time it takes for a child to reach adulthood. That's more than enough delay, enough mercury, and enough toxic air pollution. It's time to clean it up.

Republican-led attacks on clean air protections will not create jobs, nor will they magically build infrastructure. All a Yes vote on this dirty air bill will do is boost profits for Republican allies, and make it easier for corporate polluters to contaminate the air in our neighborhoods. Meanwhile our children's health is threatened and their future is sold out, all in the name of more corporate profits.

I strongly oppose the SENSE Act, and urge all of my colleagues to join me in voting No.

The SPEAKER pro tempore (Mr. WOMACK). All time for debate has expired.

Pursuant to House Resolution 762, the previous question is ordered on the bill, as amended.

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

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

Mr. KILDEE. Mr. Speaker, I am opposed.

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

The Clerk read as follows:

Mr. Kildee moves to recommit the bill H.R. 1119 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of section 2, add the following new subsection:

(c) LIMITATION.—This Act does not apply with respect to any coal refuse electric utility steam generating unit associated with air pollution that—

(1) harms brain development or causes learning disabilities in infants or children;

(2) increases the risk of cancer;

(3) causes respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis; or

(4) increases mercury deposition to lakes, rivers, streams, and other bodies of water, that are used as a source of public drinking water.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan is recognized for 5 minutes in support of his motion.

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

Mr. Speaker, this bill is the latest attempt by Republicans to undermine the Clean Air Act and give breaks to special interests, this time to power plants that burn waste coal.

The bill undermines the Mercury and Air Toxics Standards, the MATS rule, one of most important protections for public health from toxic air pollutants from waste coal-burning power plants.

Simply put, the bill would mean more pollutants being put into our air and our water by waste coal power plants.

And on that point, there is really no disagreement. That is the point of the legislation, to allow more pollutants to be put into the air.

But not only would this bill give waste coal power plants permission to pump more pollution into our air, it also prohibits higher standards from being enacted, even if future technologies are invented to help control toxic pollution emissions better.

My motion would protect public health and prevent more pollutants, toxic substances like mercury, sulfur dioxide, and other hazardous particles, from being released into the air and into the water.

These harmful substances impact brain development. They cause cancer. They harm respiratory systems. They pollute our lakes, our streams, our rivers, where people get their drinking water.

As this body has heard me discuss many times, I know firsthand what happens when we fail to protect our environment and when we fail to protect our water supplies.

We know what happened in my hometown of Flint, a city of 100,000 people, including thousands of children, poisoned by lead in their drinking water because of callous decisions by government that put the balance sheet approach, the dollars and cents that would accrue in this case to an operator, ahead of the interests of health.

For 4 years, the people I represent have not had access to safe drinking water because of decisions that were made by government that allowed the water to be contaminated with high levels of lead, a dangerous neurotoxin with irreversible and damaging effects on children.

America is the wealthiest, most prosperous country in the world. It is a shame that the people of my hometown can't turn on their taps and trust the water coming out.

What happened in Flint is the result of policymakers, again, putting the balance sheet ahead of the interests of people. We can't measure every question on the ledger of a corporation. We have to think about the health of our people.

Just looking at those short-term effects can lead to really bad choices. What happened in Flint is absolutely tragic. We ought to take that lesson and make sure that we do everything we can to prevent the consequences of ignoring environmental protections, the consequences on people.

Flint is not an anomaly. Flint is a warning.

What happened there could happen to lots of people all across the country if

we don't take care to ensure that we protect public health and strike a reasonable balance between the interests of the companies that are, unfortunately, unwilling to comply as other companies have, as other operators have, with existing standards. The public interest has to come first. We should be protecting our constituents from pollutants, not enacting law that explicitly allows for more pollutants to go into our air and water. It is the wrong direction for us.

As my colleague Mr. DOYLE said, Democrats and Republicans can figure out solutions to these problems, but the solution is not to take a step back and pass legislation that rather than empowering organizations and communities to protect air and water says these rules are too hard for some to adhere to; and because they are unwilling to spend the resources necessary to protect public health, we just say: Well, then it is okay.

We know what happens when government takes that approach. There are human consequences—consequences that we can't ignore, consequences that are made clear by the experience of my hometown. I don't wish that on anyone in Michigan or Pennsylvania, or anyone else.

Mr. Speaker, this Congress ought to do what it can to protect people from that ever happening to them. I urge my colleagues to support this motion to recommit, stand up for kids, stand up for the people who live in those communities who breathe that air, who depend on clean water. Support this motion to recommit.

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

Mr. SHIMKUS. Mr. Speaker, I rise in opposition to the motion.

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

Mr. SHIMKUS. Mr. Speaker, this is really a great debate, and I appreciate my colleague coming down here to offer this.

I am not sure he was here for the whole debate, but these coal refuse sites sometimes catch on fire. And you want to talk about pollution and hazards? These power plants clean those up.

Some of these coal refuse sites leach into the groundwater, the streams, the tributaries, so that the water is yellow. These power plants clean them up.

The Obama administration, under Lisa Jackson, said that these units "warrant special consideration."

Why?

Because they are remediating all of these environmental hazards. They are not like a typical power plant. They are meeting environmental standards, as the author has said.

This bill is supported by the Small Business and Entrepreneurship Council, the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation. Actually, the abandoned mine reclamation is not on the taxpayers' dollar, it

is on the power plants' dollar. We are saving money in the Abandoned Mine Land Fund. And the Western Pennsylvania Coalition for Abandoned Mine Reclamation. So, you see, the eastern and the western side of Pennsylvania.

It is like the Phillies and the Steelers. Right? There is always going to be a divide there in Pennsylvania.

Cambria County Conservation District, the Blacklick Creek Watershed Association. Here is a watershed association supporting this piece of legislation. The Anthracite Region Independent Power Producers Association.

As I have said a couple of times during this debate, this is what this is about: You remediate environmental hazards, and you take land like this and turn it into land like this at no government cost.

That is why this is the step forward. This is the reasonable approach. The revenue stream is paid for by corporate America. You have got good-paying jobs. You have got a local tax base.

Some of these power plants, if this power plant leaves a county, that is their major employer. That is their major tax base. What are they going to do? Raise local taxes to meet their schools', counties', and municipal's obligations?

The SENSE Act makes sense. This motion to recommit is trying to obviously defeat this bill. This is a sensible bill.

Mr. Speaker, I ask my colleagues to vote against the motion to recommit, 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.

Mr. KILDEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 181, nays 225, not voting 24, as follows:

[Roll No. 100]

YEAS—181

Adams	Carbajal	Crist
Aguilar	Carson (IN)	Crowley
Barragan	Cartwright	Cuellar
Beatty	Castor (FL)	Davis (CA)
Bera	Castro (TX)	Davis, Danny
Beyer	Chu, Judy	DeFazio
Bishop (GA)	Cicilline	DeGette
Blumenauer	Clark (MA)	Delaney
Blunt Rochester	Clarke (NY)	DeBene
Bonamici	Clay	Demings
Boyle, Brendan	Cleaver	DeSaulnier
F.	Clyburn	Deutch
Brady (PA)	Cohen	Dingell
Brown (MD)	Connolly	Doggett
Brownley (CA)	Cooper	Doyle, Michael
Bustos	Correa	F.
Butterfield	Costa	Ellison
Capuano	Courtney	Engel

Eshoo	Lee	Rice (NY)
Espallat	Levin	Rosen
Esty (CT)	Lewis (GA)	Roybal-Allard
Evans	Lipinski	Ruiz
Foster	Loeb	Ruppersberger
Frankel (FL)	Loeb	Rush
Fudge	Lofgren	Ryan (OH)
Gallego	Lowenthal	Sanchez
Gomez	Lowey	Sarbanes
Gonzalez (TX)	Lujan Grisham,	Schakowsky
Gottheimer	M.	Schiff
Green, Al	Lujan, Ben Ray	Schneider
Green, Gene	Lynch	Schrader
Grijalva	Maloney,	Scott (VA)
Gutiérrez	Carolyn B.	Scott, David
Hanabusa	Maloney, Sean	Serrano
Hastings	Matsui	Sewell (AL)
Heck	McCollum	Sherman
Higgins (NY)	McEachin	Sinema
Himes	McGovern	Sires
Hoyer	McNerney	Smith (WA)
Huffman	Meeks	Soto
Jackson Lee	Meng	Speier
Jayapal	Moore	Suozzi
Jeffries	Moulton	Swalwell (CA)
Johnson (GA)	Murphy (FL)	Takano
Johnson, E. B.	Nadler	Thompson (CA)
Jones	Napolitano	Thompson (MS)
Kaptur	Neal	Titus
Keating	Norcross	Tonko
Kelly (IL)	O'Halleran	Torres
Kennedy	O'Rourke	Tsongas
Khanna	Pallone	Vargas
Kihuen	Panetta	Veasey
Kildee	Pascrell	Vela
Kilmer	Payne	Velázquez
Kind	Pelosi	Visclosky
Krishnamoorthi	Perlmutter	Wasserman
Kuster (NH)	Peters	Schultz
Langevin	Peterson	Waters, Maxine
Larsen (WA)	Pingree	Watson Coleman
Larson (CT)	Pocan	Welch
Lawrence	Price (NC)	Wilson (FL)
Lawson (FL)	Quigley	Yarmuth
	Raskin	

NAYS—225

Abraham	Donovan	Joyce (OH)
Aderholt	Duffy	Katko
Allen	Duncan (SC)	Kelly (MS)
Amash	Duncan (TN)	Kelly (PA)
Amodei	Dunn	King (IA)
Arrington	Emmer	King (NY)
Babin	Estes (KS)	Kinzing
Bacon	Farenthold	Knight
Banks (IN)	Faso	Kustoff (TN)
Barletta	Ferguson	Labrador
Barr	Fitzpatrick	LaHood
Barton	Fleischmann	LaMalfa
Bergman	Flores	Lamorn
Biggs	Fortenberry	Lance
Bilirakis	Fox	Latta
Bishop (MI)	Frelinghuysen	Lewis (MN)
Bishop (UT)	Gallagher	LoBiondo
Blackburn	Garrett	Long
Blum	Gianforte	Loudermilk
Bost	Gibbs	Love
Brady (TX)	Gohmert	Lucas
Brat	Goodlatte	Luetkemeyer
Brooks (AL)	Gosar	MacArthur
Brooks (IN)	Gowdy	Marchant
Buchanan	Granger	Marino
Buck	Graves (GA)	Marshall
Bucshon	Graves (LA)	Massie
Budd	Graves (MO)	Mast
Burgess	Griffith	McCarthy
Byrne	Grothman	McCaul
Calvert	Guthrie	McClintock
Carter (GA)	Handel	McHenry
Carter (TX)	Harper	McKinley
Chabot	Harris	McMorris
Cheney	Hartzler	Rodgers
Coffman	Hensarling	McSally
Cole	Herrera Beutler	Meadows
Collins (GA)	Hice, Jody B.	Meehan
Collins (NY)	Higgins (LA)	Mitchell
Comer	Hill	Moolenaar
Comstock	Holding	Mooney (WV)
Conaway	Hollingsworth	Mullin
Cook	Huizenga	Newhouse
Culberson	Hultgren	Noem
Curbelo (FL)	Hunter	Norman
Curtis	Hurd	Nunes
Davidson	Issa	Olson
Davis, Rodney	Jenkins (KS)	Palazzo
Denham	Jenkins (WV)	Palmer
Dent	Johnson (LA)	Paulsen
DeSantis	Johnson (OH)	Perry
DesJarlais	Johnson, Sam	Pittenger
Diaz-Balart	Jordan	Poliquin

Posey	Sanford	Upton
Ratcliffe	Scalise	Valadao
Reed	Schweikert	Wagner
Reichert	Scott, Austin	Walberg
Renacci	Sensenbrenner	Walden
Rice (SC)	Sessions	Walker
Roby	Shimkus	Walorski
Roe (TN)	Shuster	Walters, Mimi
Rogers (AL)	Simpson	Weber (TX)
Rogers (KY)	Smith (MO)	Webster (FL)
Rohrabacher	Smith (NE)	Wenstrup
Rokita	Smith (NJ)	Westerman
Rooney, Francis	Smucker	Williams
Rooney, Thomas	Stefanik	Wilson (SC)
J.	Stewart	Wittman
Ros-Lehtinen	Stivers	Womack
Roskam	Taylor	Woodall
Ross	Tenney	Yoder
Rothfus	Thompson (PA)	Yoho
Rouzer	Thornberry	Young (AK)
Royce (CA)	Tipton	Young (IA)
Russell	Trott	Zeldin
Rutherford	Turner	

NOT VOTING—24

Bass	DeLauro	Pearce
Black	Gabbard	Poe (TX)
Bridenstine	Gaetz	Polis
Cárdenas	Garamendi	Richmond
Costello (PA)	Hudson	Shea-Porter
Cramer	Lieu, Ted	Slaughter
Crawford	Messer	Smith (TX)
Cummings	Nolan	Walz

□ 1035

Messrs. MEEHAN, CHABOT, HIGGINS of Louisiana, HARRIS, ROYCE of California, and DIAZ-BALART changed their vote from “yea” to “nay.”

Mr. GONZALEZ of Texas changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 100 regarding the Motion to Recommit on H.R. 1119. Had I been present, I would have voted “yes.”

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. TONKO. 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 215, noes 189, not voting 26, as follows:

[Roll No. 101]

AYES—215

Abraham	Brooks (AL)	Culberson
Aderholt	Brooks (IN)	Curtis
Allen	Buck	Davidson
Amodei	Bucshon	Davis, Rodney
Arrington	Budd	Denham
Babin	Burgess	Dent
Bacon	Byrne	DeSantis
Banks (IN)	Calvert	DesJarlais
Barletta	Carson (IN)	Diaz-Balart
Barr	Carter (GA)	Donovan
Barton	Carter (TX)	Duffy
Bergman	Chabot	Duncan (SC)
Biggs	Cheney	Duncan (TN)
Bilirakis	Coffman	Dunn
Bishop (GA)	Cole	Emmer
Bishop (MI)	Collins (GA)	Estes (KS)
Bishop (UT)	Collins (NY)	Farenthold
Blackburn	Comer	Ferguson
Blum	Comstock	Fleischmann
Bost	Conaway	Flores
Brady (TX)	Cook	Fortenberry
Brat	Cuellar	Fox

Frelinghuysen LaMalfa
Gallagher Lamborn
Garrett Latta
Gianforte Lewis (MN)
Gibbs Long
Gohmert Loudermilk
Gonzalez (TX) Love
Goodlatte Luetkemeyer
Gosar MacArthur
Gowdy Marchant
Granger Marino
Graves (GA) Marshall
Graves (LA) Massie
Graves (MO) McCarthy
Griffith McCaul
Grothman McClintock
Guthrie McHenry
Handel McKinley
Harper McMorris
Harris Rodgers
Hartzler McSally
Hensarling Meadows
Herrera Beutler Meehan
Hice, Jody B. Mitchell
Higgins (LA) Moonenar
Hill Mooney (WV)
Holding Mullin
Hollingsworth Newhouse
Huizenga Noem
Hultgren Norman
Hunter Nunes
Hurd Olson
Issa Palazzo
Jenkins (KS) Palmer
Jenkins (WV) Paulsen
Johnson (LA) Perry
Johnson (OH) Peterson
Johnson, Sam Pittenger
Jones Posey
Jordan Ratcliffe
Joyce (OH) Reichert
Katko Renacci
Kelly (MS) Roby
Kelly (PA) Roe (TN)
King (IA) Rogers (AL)
King (NY) Rogers (KY)
Kinzinger Rohrabacher
Knight Rokita
Kustoff (TN) Rooney, Francis
Labrador Rooney, Thomas
LaHood J.

NOES—189

Adams DeSaulnier
Aguilar Deutch
Amash Dingell
Barragán Doggett
Beatty Doyle, Michael
Bera F.
Beyer Ellison
Blumenauer Engel
Blunt Rochester Eshoo
Bonamici Espallat
Boyle, Brendan Esty (CT)
F. Evans
Brady (PA) Faso
Brown (MD) Fitzpatrick
Brownley (CA) Foster
Buchanan Frankel (FL)
Bustos Fudge
Butterfield Gallego
Capuano Gomez
Carbajal Gottheimer
Cartwright Green, Al
Castor (FL) Green, Gene
Castro (TX) Grijalva
Chu, Judy Gutiérrez
Cicilline Hanabusa
Clark (MA) Hastings
Clarke (NY) Heck
Clay Higgins (NY)
Cleaver Himes
Clyburn Hoyer
Cohen Huffman
Connolly Jackson Lee
Cooper Jayapal
Correa Jeffries
Costa Johnson (GA)
Courtney Johnson, E. B.
Crist Kaptur
Crowley Keating
Curbelo (FL) Kelly (IL)
Davis (CA) Kennedy
Davis, Danny Khanna
DeFazio Kihuen
DeGette Kildee
Delaney Kilmer
DelBene Kind
Demings Krishnamoorthi

Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smucker
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

Peters
Pingree
Pocan
Poliquin
Price (NC)
Quigley
Raskin
Reed
Rice (NY)
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sanchez
Sanford
Sarbanes

Bass
Black
Bridenstine
Cárdenas
Costello (PA)
Cramer
Crawford
Cummings
DeLauro

Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Smith (NJ)
Smith (WA)
Soto
Speier
Stefanik
Suzoi
Swalwell (CA)
Takano

NOT VOTING—26

Gabbard
Gaetz
Garamendi
Hudson
Lieu, Ted
Lucas
Messer
Nolan
Pearce

Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

Poe (TX)
Polis
Rice (SC)
Richmond
Shea-Porter
Slaughter
Smith (TX)
Walz

□ 1044

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

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to establish the bases by which the Administrator of the Environmental Protection Agency shall issue, implement, and enforce certain emission limitations for existing electric utility steam generating units that convert coal refuse into energy.”

A motion to reconsider was laid on the table.

Stated against:

Mr. CARSON of Indiana. Mr. Speaker, during rollcall vote No. 101 on H.R. 1119, I mistakenly recorded my vote as “yea” when I should have voted “nay.”

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 101 regarding the “Satisfying Energy Needs and Saving the Environment Act” (H.R. 1119). Had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Mr. HUDSON. Mr. Speaker, I was at a medical appointment with my son and was unable to vote, had I been present, I would have voted “nay” on rollcall No. 100 and “yea” on rollcall No. 101.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I am pleased to yield to the gentleman from California (Mr. MCCARTHY), my friend, for the purpose of inquiring of the majority leader the schedule for the week to come.

(Mr. MCCARTHY asked and was given permission to revise and extend his remarks.)

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on Monday, no votes are expected in the House. On Tuesday, the House will meet at noon for morn-

ing hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business tomorrow.

One worth highlighting is H.R. 4909, the Student, Teachers, and Officers Preventing School Violence Act, sponsored by former sheriff, Representative JOHN RUTHERFORD.

Mr. Speaker, all Members of this House were saddened and horrified by the tragic events in Parkland, Florida. Sheriff Rutherford’s bill will provide local communities with critical resources to upgrade our schools and keep our children safe. I look forward to the House speaking with one bipartisan voice next week and passing this important bill without delay.

Mr. Speaker, the House will also consider several bills from the Financial Services Committee. This includes two bills sponsored by Representative SCOTT TIPTON: H.R. 1116, the TAILOR Act; and H.R. 4545, the Financial Institutions Examination Fairness and Reform Act; as well as H.R. 4263, the Regulation A+ Improvement Act, sponsored by Representative TOM MACARTHUR.

Taken together, these bills will consider House Republican’s work to create an economic environment that is both pro-competition and smart and balanced in its regulatory approach.

Finally, Mr. Speaker, additional legislative items are possible, including potential legislation making further appropriations for FY 2018. I will be sure to inform all Members as soon as any additional items are added to our schedule.

Mr. HOYER. Mr. Speaker, I thank the majority leader for that information.

Mr. Speaker, throughout the last year, we have continually run up against deadlines on how we were going to keep the government of the United States operating properly.

The omnibus is currently being discussed. The negotiations for the omnibus were made possible by the fact that a significant number of Democrats voted for it, while a significant number of Republicans voted against it. It was a bipartisan statement proceeding.

That omnibus needs to be passed by March 23. We are not scheduled to be here, Mr. Speaker, on March 23. That does not mean that we might not go over, but it means that it needs to pass the House and the Senate and be sent to the President prior to or on March 22.

Negotiations are, unfortunately, not proceeding as effectively as I would hope they would. I am hopeful that there will be a clean bill from either