

Ellison LaMalfa Rangel Woodall Young (AK) Zeldin  
 Emmer (MN) Lamborn Ratcliffe Yoder Young (IA) Zinke  
 Engel Lance Reed Young (IN)  
 Eshoo Langevin Reichert  
 Esty Larsen (WA) Renacci  
 Farenthold Larson (CT) Ribble  
 Farr Latta Rice (NY)  
 Fattah Lawrence Rice (SC)  
 Fincher Lee Richmond  
 Fitzpatrick Levin Rigell  
 Fleischmann Lewis Roby  
 Fleming Lieu, Ted Roe (TN)  
 Flores LoBiondo Rogers (AL)  
 Forbes Loeb sack Rogers (KY)  
 Fortenberry Lofgren Rohrabacher  
 Foster Long Rokita  
 Foxx Loudermilk Rooney (FL)  
 Frankel (FL) Love Ros-Lehtinen  
 Franks (AZ) Lowenthal Ross  
 Frelinghuysen Lowey Rothfus  
 Fudge Lucas Rouzer  
 Gabbard Luetkemeyer Roybal-Allard  
 Gallego Lujan Grisham Royce  
 Garamendi (NM) Ruiz  
 Garrett Luján, Ben Ray Ruppersberger  
 Gibson (NM) Russell  
 Gohmert Lummis Ryan (OH)  
 Goodlatte Lynch Sánchez, Linda  
 Gosar MacArthur T.  
 Gowdy Maloney, Sanchez, Loretta  
 Graham Carolyn Sanford  
 Granger Maloney, Sean Sarbanes  
 Graves (LA) Marchant Scalise  
 Grayson Marino Schakowsky  
 Green, Al Massie Schiff  
 Green, Gene Matsui Schrader  
 Griffith McCarthy Schweikert  
 Grijalva McCaul Scott (VA)  
 Grothman McClintock Scott, Austin  
 Guinta McCollum Scott, David  
 Guthrie McDermott Sensenbrenner  
 Hahn McGovern Serrano  
 Hanna McHenry Sessions  
 Hardy McKinley Sewell (AL)  
 Harper McMorris Sherman  
 Harris Rodgers Shimkus  
 Hartzler McNerney Shuster  
 Hastings McSally Simpson  
 Heck (NV) Meadows Sinema  
 Heck (WA) Meehan Sires  
 Hensarling Meeks Slaughter  
 Hice, Jody B. Meng Smith (MO)  
 Higgins Messer Smith (NE)  
 Hill Mica Smith (NJ)  
 Himes Miller (FL) Smith (TX)  
 Hinojosa Miller (MI) Speier  
 Holding Moolenaar Stefanik  
 Honda Mooney (WV) Stewart  
 Hoyer Moore Stivers  
 Hudson Moulton Stutzman  
 Huelskamp Mullin Swallow (CA)  
 Huffman Mulvaney Takano  
 Huizenga (MI) Murphy (FL) Thompson (CA)  
 Hultgren Murphy (PA) Thompson (MS)  
 Hunter Nadler Thompson (PA)  
 Hurd (TX) Napolitano Tiberi  
 Hurt (VA) Neal Tipton  
 Israel Neugebauer Titus  
 Issa Newhouse Tonko  
 Jackson Lee Noem Torres  
 Jeffries Nolan Trott  
 Jenkins (KS) Norcross Tsongas  
 Jenkins (WV) Nugent Upton  
 Johnson (GA) Nunes Valadao  
 Johnson (OH) O'Rourke Van Hollen  
 Johnson, E. B. Olson Vargas  
 Johnson, Sam Palazzo Veasey  
 Jolly Pallone Vela  
 Jones Palmer Velázquez  
 Jordan Pascrell Vislosky  
 Kaptur Paulsen Wagner  
 Katko Payne Walberg  
 Keating Pearce Walden  
 Kelly (IL) Pelosi Walker  
 Kelly (MS) Perlmutter Walorski  
 Kelly (PA) Perry Walters, Mimi  
 Kennedy Peters Walz  
 Kildee Peterson Waters, Maxine  
 Kilmer Pingree Weber (TX)  
 Kind Pittenger Webster (FL)  
 King (IA) Pitts Welch  
 King (NY) Pocan Westerman  
 Kinzinger (IL) Poe (TX) Westmoreland  
 Kirkpatrick Polis Whitfield  
 Kline Pompeo Williams  
 Kline Posey Wilson (FL)  
 Knight Price (NC) Wilson (SC)  
 Kuster Price, Tom Wittman  
 Labrador Price, Tom Wittman  
 LaHood Quigley Womack

Amash Wasserman Watson Coleman  
 Schultz  
 Babin Graves (GA) Rush  
 Becerra Graves (MO) Salmon  
 Blackburn Gutiérrez Smith (WA)  
 Brady (PA) Herrera Beutler Takai  
 Davis, Danny Joyce Thornberry  
 Duckworth Lipinski Turner  
 Ellmers (NC) Poliquin Wenstrup  
 Gibbs Roskam Yarmuth

NAYS—3

NOT VOTING—24

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1415

Mr. TAKANO changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POLIQUIN. Mr. Speaker, on rollcall No. 117, I was unavoidably detained. Had I been present, I would have voted “yes.”

SATISFYING ENERGY NEEDS AND SAVING THE ENVIRONMENT ACT

GENERAL LEAVE

Mr. WHITFIELD. 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. 3797.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 640 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. 3797.

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

□ 1417

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. 3797) 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, with Mr. WESTMORELAND 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 Kentucky (Mr. WHITFIELD) and the gentleman from

New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

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

It is not often that Congress has the opportunity to help an industry that creates both jobs and energy while also improving the environment, and it is especially rare when we can do that at no cost to the taxpayer. H.R. 3797, the SENSE Act, accomplishes all this. That is why we are here today, and that is why I urge my colleagues to vote “yes” on this legislation.

Mr. Chairman, I yield 5 minutes the gentleman from Pennsylvania (Mr. ROTHFUS), the author of the legislation.

Mr. ROTHFUS. I thank the chairman for yielding, and I thank him for the support that he and the Energy and Commerce Committee have expressed for H.R. 3797, the Satisfying Energy Needs and Saving the Environment Act, also known as the SENSE Act.

Mr. Chair, the SENSE Act is a vitally important effort that I have championed in various forms for my nearly 3 years in Congress. This bill recognizes the overwhelming success of the endangered coal refuse-to-energy industry in making my district in western Pennsylvania and others across coal country healthier and cleaner places to work and live.

Without the SENSE Act, coal refuse-to-energy facilities will close, and their environmental mediation efforts will end. Contrary to the claims of this legislation’s supposedly environmentalist opponents, the SENSE Act is a pro-environment bill.

As many of you know, the coal industry has been an important part of the economy in Pennsylvania for many generations. 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 in cities and towns, close to schools and neighborhoods, and in fields across the countryside. This has led to a number of environmental problems that diminish the quality of life for many people in the surrounding areas. Vegetation and wildlife have been harmed, the air has been polluted, and acid mine drainage has impaired nearby rivers and streams.

I have been to many of these sites and seen firsthand the environmental danger they pose. Coal refuse piles can catch fire, causing dangerous and uncontrolled air pollution. Runoff from these sites can turn rivers orange and leave them devoid of life.

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

We needed an innovative solution to this tough challenge. A commonsense compromise was necessary to get the job done and protect the environment. That is where the coal refuse-to-energy industry comes in. Using advanced technology, this industry has been able to use this previously worthless material to generate electricity. This activity powers remediation efforts that have so far been successful in removing over 200 million tons of coal refuse and repairing formerly polluted sites across the Commonwealth and other historic coal regions.

Thanks to the hard work of the dedicated people in this industry, landscapes have been restored, rivers and streams have been brought back to life, and towns across coal country have been relieved of unsafe and unsightly waste coal piles.

They do say that a picture paints a thousand words, and that is what I have here. In the foreground you have a waste coal pile that is under the process of remediation. In the background, the green hillside used to look just like the black foreground that you see here. This has been reclaimed. This is what is happening across Pennsylvania as we restore these hillsides.

It is important to note that private sector leadership on this issue has saved taxpayers millions of dollars in cleanup costs. That is why Pennsylvania's abandoned mine reclamation groups have endorsed my bill, and that is why we have also earned the support of clean water advocates.

Unfortunately, intensifying and inflexible EPA regulations threaten to bring much of the coal refuse industry's activity to a halt. This would leave billions of dollars of vital cleanup unfinished, lead to thousands of job losses, and endanger our energy security.

The SENSE Act addresses challenges arising from the implementation of two existing rules: MATS, the Mercury and Air Toxics Standards, and CSAPR, known as the Cross-State Air Pollution Rule.

Though all coal refuse-fired power generators can meet—can meet—the mercury standard under MATS, many facilities will be unable to meet the rule's new hydrogen chloride or sulfur dioxide standards. Contrary to what critics allege, the SENSE Act simply provides operators with alternative MATS compliance standards that are strict but achievable.

Similarly, although coal refuse-fired power generators were provided sufficient sulfur dioxide allocations in phase 1 of CSAPR's implementation, these facilities were allocated insufficient credits in phase 2, which is set to begin in 2017. The SENSE Act seeks to provide coal refuse-fired power generators with the same allocations levels in phase 2 as in phase 1.

My bill also contains provisions to ensure that this change does not simply create a profit center for the industry. Credits allocated as a result of the

SENSE Act's implementation must go to covered plants, specifically those that use bituminous coal refuse, and they cannot be sold off to other operators.

The CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. Mr. Chairman, I yield the gentleman from Pennsylvania an additional 1 minute.

Mr. ROTHFUS. In the last Congress, I merely attempted to exempt these facilities from MATS compliance with SO<sub>2</sub> and HCl. Building upon my efforts, Senators TOOMEY and CASEY from the Commonwealth of Pennsylvania offered a bipartisan amendment providing similar treatment for these plants within the context of both MATS and CSAPR. While this proposal was supported by a bipartisan majority of Senators, it failed to achieve the supermajority necessary to pass.

What we are looking to achieve today is much narrower and far more limited than our effort in the last Congress, which received bipartisan support. This should not be a controversial or bipartisan issue. We want to hold this industry to high standards, but standards they can actually achieve.

My bill will help keep the coal refuse industry in business so that the local community, economy, and 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.

I thank the chairman for his time and cooperation with this vital piece of legislation.

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

Mr. Chairman, I rise in opposition to H.R. 3797. Once again, this House is using valuable time to consider a bill that has no chance of becoming law.

H.R. 3797, the Satisfying Energy Needs and Saving the Environment Act, or the SENSE Act, is an unnecessary bill that undermines public health and the environment. Unfortunately, this is no surprise. Throughout this Congress and the previous one, House Republicans have brought many bills to the floor that undermine the Clean Air Act, which also undermines public health and environmental protection. But this bill deserves special recognition because it also undermines States' authorities and picks winners and losers in the emission reduction effort.

H.R. 3797 denies a State's right to decide which tradeoffs to make in allocating emission credits among different facilities in its jurisdiction. It allows waste coal-burning facilities to generate more pollution, forcing other facilities, including traditional coal-fired utilities, to find greater emission reductions.

The legislation undermines two important public health rules issued under the Clean Air Act. The first is the Cross-State Air Pollution Rule, or CSAPR, and the second is the Mercury and Air Toxics Standards, or MATS,

rule. These rules will help reduce toxic air emissions, including sulfur dioxide, hydrochloric acid, and mercury, which makes the air cleaner and safer to breathe for all of us.

CSAPR uses an emissions trading mechanism to incentivize utilities and other facilities to reduce harmful air pollutants. These market-based mechanisms have been very successful at reducing pollution at the lowest cost. Facilities that become cleaner, either by becoming more efficient, installing pollution control equipment, or by switching to another fuel, generate valuable pollution credits, and they can use these credits or sell them to other facilities.

Unfortunately, this legislation undermines the proven market mechanism used in CSAPR. If the SENSE Act were to become law, there would be far less incentive to reduce pollution because the bill effectively reduces the value of making emission control investments.

With respect to the second rule, the MATS rule, the bill's advocates claim that waste coal plants deserve special consideration due to the nature of the fuel that they burn. They argue that these plants are being used to clean up waste coal piles, the coal refuse and other materials that were left over from past coal mining operations. This waste causes land and water pollution problems in many former coal mining areas.

While there may be benefits to burning waste coal to generate electricity, it can and should be done in a manner that avoids undue air pollution. Otherwise, the problems that now exist on land and in the water will simply be transferred to the air and spread out over a larger area. Mercury, in particular, is a highly toxic substance that does not break down. It is associated with serious health impacts, including neurotoxicity and cancer.

The operators of waste coal facilities asked EPA to consider their facilities separately from other coal plants, but EPA found these facilities are able to comply with these rules and there is no justification for treating waste coal facilities differently from other coal-fired generation facilities—and the courts agreed. These are coal-burning utilities, and they can use existing pollution control technologies to reduce their emissions.

So, Mr. Chairman, under the conditions of CSAPR, States have the authority to design their own emission allocation. Today, a State can allow waste coal facilities to emit higher levels of pollution and impose stricter pollution limits on other facilities if they choose to do so, but this legislation eliminates the State's flexibility and imposes a one-size-fits-all solution on the States. This legislation is essentially coming to the floor to benefit fewer than 20 facilities that exist in a handful of States, with most of the facilities located in Pennsylvania.

The States already have the ability to provide waste coal facilities with additional emission credits or other assistance if they choose to do so. So the SENSE Act creates more problems than it solves. It is unnecessary. It undermines the incentive to produce cleaner air, which is essential to improving public health and the environment, and it undermines State authority.

The White House strongly opposes the bill and has issued a veto threat saying that it would threaten the health of Americans. I agree, and I urge my colleagues to join me in voting against this bill.

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

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 3797, the Satisfying Energy Needs and Saving the Environment Act, or the SENSE Act.

Mr. Chairman, coal refuse is an aboveground waste product of coal mining that can pose a number of environmental and safety threats to our country. To address these threats, specialized power plants, known as coal refuse-to-energy plants, were developed to recycle their waste product while generating affordable, reliable electricity to the American people.

□ 1430

Yet, the EPA has continually written rules and regulations that will ultimately shut down these specialized plants.

The Agency's Cross-State Air Pollution Rule and their Mercury and Air Toxics Standards include certain emission limits that are just not achievable for coal refuse-to-energy plants.

These EPA regulations will cost and result in billions of dollars in environmental cleanup. This could all be prevented by refuse-to-energy plants.

That is why H.R. 3797 is so important. It will provide targeted modifications to the EPA rules as they apply to coal refuse-to-energy plants.

There are no major initiatives. There are no new laws being created. We are only making target modifications to EPA's Cross-State Air Pollution Rule and their Mercury and Air Toxics Standards so Americans can receive safe, affordable energy, keep their jobs, and have a cleaner environment.

I urge my colleagues to support H.R. 3797 so that we can make sure that we continue to create more jobs while making our environment cleaner.

Mr. PALLONE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DOYLE), my colleague.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Chairman, I want to thank my ranking member, Mr. PALLONE, for the time.

I rise in opposition to the SENSE Act.

This bill, introduced by Congressman ROTHFUS from my home State, is an effort to help coal refuse plants, most of which are located in the State of Pennsylvania.

Industry estimates that coal waste piles cover approximately 170,000 acres of Pennsylvania, left over from coal-mining operations that stopped decades ago.

Coal refuse plants then turn this coal waste into a small portion of Pennsylvania's energy portfolio and play an important part in remediating and rehabilitating the environment.

Left alone, these waste coal fields can pollute the groundwater and contaminate other water sources. They can also, if sparked by an ATV, lightning, or other occurrences, burn unabated and release dangerous pollutants at eye level.

For years, these waste coal plants have provided an important service, turning environmental hazards into energy. Accordingly, they have enjoyed many years of bipartisan support in my home State.

I want to say at the outset I appreciate what Mr. ROTHFUS is trying to do. This is an important issue in our State, and it needs to be addressed. The problem is it is his solution that I can't support.

This bill seeks to make it easier for these plants to comply with two regulations, CSAPR and MATS. It does this not by funding new technology to make plants cleaner or more efficient, reducing costs of operation, or changing electricity contracts.

Instead, what the SENSE Act does is two things. It fundamentally changes CSAPR by playing favorites with power sources and then rolls back important standards under MATS.

By extending phase 1 implementation standards for SO<sub>2</sub> for only these plants, but not increasing the overall cap, the SENSE Act prioritizes coal refuse plants over all other sources of electricity.

All other sources in my home State have to make up for the extra credits coal refuse plants get to keep. This is bad policy and bad practice. You can't rob Peter to pay Paul in complying with regulations.

The SENSE Act would significantly increase the proportion of SO<sub>2</sub> credits allocated to coal refuse plants. I have seen estimates that the percentage of SO<sub>2</sub> credits allocated to these plants would actually double. Again, all other plants in my State would then have to make up the difference.

The SENSE Act also removes an important option provided to States under CSAPR: the ability to draft and submit their own compliance plan.

At this point, our State has chosen not to take this option, but we shouldn't remove Pennsylvania's and other States' abilities to craft their own implementation plans. The SENSE Act just creates alternative implemen-

tation standards for coal refuse plants under MATS that are weaker on protecting our air.

What comes next? I know we have implementation dates for NO<sub>x</sub> standards that could be tough across the coal industry in my own State. Are coal refuse plants going to come back and say they need another carveout, another exception? This just sets a bad precedent.

But it is not just a bad precedent. It is a dangerous precedent. CSAPR and MATS protect the air we breath and help mitigate the impact that we have on our climate. If every single source of power was allowed to make exceptions to rules and regulations, we would be in deep trouble.

There are coal refuse plants that burn both bituminous and anthracite waste coal that have said they will be able to comply with CSAPR and MATS. There are only 19 of these facilities in the entire country.

Fourteen of them are in Pennsylvania, and five of those plants say they can comply with CSAPR and MATS as currently written. They may need to add some new technology and improve their processes, but that is the nature of the power industry in the 21st century.

It is changing. We have to adapt. Bills that roll back or modify these regulations I just don't believe are the right way forward. I think there may be alternative ways forward on this tough issue.

Like I said earlier, these plants provide an important environmental benefit to my home State, and I would like to see it continue.

We should look at all available options, whether it is States drafting their own implementation plants, whether it is providing a tax credit for the processing of this coal based on its environmental benefit, incentivizing other plants to co-fire with waste coal, or adding new fuel sources at existing waste coal plants.

I want to work with my colleagues on both sides of the aisle to take a hard look at this and try to come up with a solution that we can all agree to because this is a critical issue.

I want to thank my colleague from Pennsylvania for bringing much-needed attention to waste coal. I hope that we are able to work together on this issue in the future. But, for now, the SENSE Act is not the right solution to the problem, and I must oppose it.

Mr. WHITFIELD. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I want to commend Mr. ROTHFUS once again for introducing this important legislation.

We find ourselves here today because the EPA in the Obama administration has been more aggressive than any EPA in history.

I might say that the Supreme Court recently issued a stay on the clean energy plan because it was so extreme, so unprecedented, that even legal scholars

like Professor Larry Tribe at Harvard University said that the clean energy plan was like tearing up the Constitution of the U.S., that what they are doing under that plan is so extreme.

What we are talking about here is we are talking about 19 coal refuse-to-energy facilities operating in America. They employ about 1,200 people directly, about 4,000 people indirectly, and they have a payroll of about \$84 million a year. Each one of these plants, on average, is less than 100 megawatts.

The amount of emissions is very small. But the fact that they are able to use coal refuse that has been accumulating for years and years and years as America burned coal to produce electricity—we have a lot of waste refuse out there. These plants are cleaning it up. We know that, without this kind of cleanup, taxpayer dollars would be used to do it.

It is true that they have some emissions. It is also true that there is a tremendous environmental benefit by cleaning it up, not to mention the jobs that are created.

Now, people always say: Well, if you change this rule at all, if you adjust what EPA has done at all, you are going to make it more harmful to Americans who are breathing the air.

In our hearings about this particular issue, the Mercury and Air Toxics rule, I want to point out that the EPA admitted that its own Mercury and Air Toxics rule would not generate significant mercury reduction benefits and, in fact, attributes nearly all of that rule's benefits to the indirect reductions in fine particulate matter that is regulated in another part of the Clean Air Act.

EPA itself has admitted that allowing these plants to operate and the adjustments to be made is not a significant issue.

If you consider the fact that—actually, the U.S. Court of Appeals rendered a decision because a lawsuit was brought about EPA not forming a special subcategory for these coal refuse plants and they said it was not a violation of the Clean Air Act, that a subcategory was not set up by EPA.

But if you read the opinion, EPA certainly could have set up a special category for these coal refuse plants and decided not to do it.

The reason we are here today is because we have a job. We are the party, we are the body, that wrote the Clean Air Act, and we disagree with the EPA on this particular issue.

We are saying 19 plants, 14 in one State, 1,200 jobs directly, 4,000 jobs indirectly, \$84 million in a payroll, and EPA itself says this is not a major environmental issue.

We make the argument that the benefits of cleaning up these abandoned sites would offset the minute lack of reduction in the MATS rule and the SO<sub>x</sub> rule.

For those reasons, I respectfully would say that I think, overall, the

benefits are much greater by adopting the SENSE Act as authored by Mr. ROTHFUS.

I reserve the balance of my time.

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

Mr. Chairman, I wanted to respond to some of the Republican claims regarding the MATS rule.

The Energy and Commerce Committee held a legislative hearing on the SENSE Act on February 3 of this year. At that hearing, we heard testimony regarding the ability of waste coal units to meet the requirements of the MATS rule.

As Mr. Walke testified, when waste coal plants owners filed lawsuits challenging the MATS rule, claiming it was “virtually impossible to meet the acid gas and sulfur dioxide limits,” the court had little trouble rejecting these arguments unanimously.

The judge pointed to the evidence and data submitted to EPA showing that many of the waste coal units could already meet the rule's acid gas standard or alternative sulfur dioxide standard.

The court also noted that some of these already-compliant plants are among the best performers in reducing hydrogen chloride emissions among all coal-burning power plants around the country.

If the majority, along with the bill's proponents, are trying to say that the bill is needed because all of the currently operating waste coal units can't meet the MATS standards, that is not how the Clean Air Act works.

The Clean Air Act's use of maximum achievable control technology for setting air pollution standards takes a reasonable approach.

It says that EPA should set emission limits based on the emission levels already being achieved by similar facilities in the real world.

For existing sources, EPA bases the emission standards for each pollutant on the average emissions achieved by the best performing 12 percent of facilities.

Congress, in setting up its program, did not want to merely maintain the status quo. They wanted all facilities within an industrial sector to make the necessary upgrades to reduce their emissions in line with the best performing units.

The advocates of this bill claim that coal refuse facilities should be treated differently from other coal fuel-generation facilities and that the technology and fuel used would prevent these facilities from meeting the MATS standards for acid gases and sulfur dioxide, but that is simply not true.

First, under the MATS rule, facilities have a choice of meeting either the acid gas standard or the sulfur dioxide standard. They don't have to meet both.

But, second, there is emission control technology available today that can bring these waste coal facilities into compliance with the rule.

I see no justification for allowing these facilities to emit more pollutants than other similar facilities.

I reserve the balance of my time.

□ 1445

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

I want to point out, once again, that we are here because Congress wants to make the decision that the EPA should set up subcategories in this particular instance. Both the Clean Air Act and the EPA regulations promulgated under it, on a routine basis, divide regulated entities into separate categories, but the EPA was unwilling to do it in this case primarily because coal was involved. It is no secret that when the President was running, in an editorial interview in San Francisco, he made the comment publicly that he would bankrupt the coal industry; and that actually is happening.

Mr. Chairman, I yield an additional 3 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS), the author of this bill.

Mr. ROTHFUS. I thank the chairman.

Mr. Chairman, there are only 19 plants we are talking about here and four States that are involved. There are some plants out there that can comply—there is not a question about that—but there are only a few of them, and we are looking at a number of plants that do not have the capacity to comply with these one-size-fits-all standards.

While the State should be looking at this, the SENSE Act does what the EPA should have done in creating these categories. It could take up to 2 years, Mr. Chairman, for the EPA to get back as to any kind of modification. The State could propose a change, but then it has to wait and wait and wait, and while it waits, we will see power plants close that do not have this technology.

There is something called a “margin” in business, Mr. Chairman. You take a look at the expense of doing things, you look at the cost of things, and you look at the income. Once the expense or the cost exceeds the income, plants' businesses go out of business. People lose jobs. That is what we are talking about. In this case, not only do people lose jobs, but the tremendous environmental cleanup stops that is taking place.

Pennsylvania estimates it would take \$2 billion to clean up these waste coal sites. I have walked the fields where they have been cleaned up in Allegheny County and in Cambria County. I have seen hillsides on which deer now graze where it used to be just a martian landscape, and I have seen rivers that used to be orange that now have fish in them. This is an industry that has been cleaning up these sites without the taxpayers picking up the tabs.

Every State in this country is having budget issues and is trying to find resources to address critical things like

environmental cleanup. This is something that is working. When you have one size fits all, where the EPA refuses to make an accommodation because it does not recognize the tremendous benefit that these facilities are bringing to Pennsylvania, that is what this legislation seeks to change.

There is no free pass here for these plants. They will still be measured and they will still have to comply, but this is a customization to something that is achievable, and it is a customization that I would argue is what the EPA should have been doing all along.

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

Mr. MICHAEL F. DOYLE of Pennsylvania. I thank the gentleman.

Mr. Chairman, I just want to say to my friend from Pennsylvania that I agree with a lot of what he said as far as the value of these coal refuse sites. No one is debating that. Certainly I am not. This is almost a Pennsylvania exclusive piece of legislation given the fact that 14 of the 19 sites are in our State, and I believe about five of those can comply at this point.

The problem I have with the gentleman's proposal is that when one takes emission credits and gives them to the coal refuse plants in excess of what they get, it is coming out of somebody else's allocation. In western Pennsylvania, where we are both from, most of our electricity is from coal-fired utilities. What one is doing, in effect, is taking those emission credits from other coal-fired utilities to give them to this small number of coal refuse plants, and that is going to cost others' margins on those utility sites. It will affect their margins because now they have to work harder to clean up their emissions because they don't have these credits because they have gone to the coal refuse plants. That is a big problem I see, especially in a State like ours that still has a lot of coal-fired electricity generation.

I think there are better ways forward. I think we would be better served in our State to push our State legislature and the Governor's office, too, to come up with a State implementation plan that allows for some flexibility and takes into account what goes on at these plants, because this is primarily a Pennsylvania issue. As I said in my remarks before, there are other ways, I think, to solve this problem.

Look, the President has issued a SAP. He is going to veto this bill. So this piece of legislation isn't going to become law. Yet I am not standing here to say that I think we should stop our efforts to do something to keep this resource, because it is cleaning up a lot of sites in Pennsylvania, and there is a benefit to the environment. There is a lot of water pollution potential for leaving these sites as they are.

I want to work with the gentleman, and I say to him that, while this piece of legislation may not ever become

law, I extend my offer to work with the gentleman in constructive ways, both with our Governor and State legislature, and in alternative ways to attack this problem that doesn't take emission credits from other coal-fired utilities in our State.

Mr. WHITFIELD. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS), the author of the legislation.

Mr. ROTHFUS. Mr. Chairman, it would be great for Pennsylvania to come up with a customization on its own, but that would take a couple of years for approval from the EPA. In the meantime, these plants will be closed.

Few, if any, conventional coal plant owners have expressed concerns about the SENSE Act. Bear in mind, we are talking about an overall allocation for SO<sub>2</sub> and a reconfiguring within that overall allocation. So there is not going to be an increase in SO<sub>2</sub>; it will be a mere customization and allocation, and it should have been done and should have been allowed by the EPA.

While the President may have issued a veto threat, my hope is, before the President would follow through on such a veto threat, that he would come to western Pennsylvania, that he would walk the hills with me, that he would see the streams that have come back to life, that he would talk to Tim and talk to Bill and talk to the men and women at these plants who are taking care of their families, so they can say, "Mr. President, we need some help here. Our communities have been economically distressed. We are sustaining our communities with these jobs. We are raising our kids with these jobs. What we don't like, Mr. President, are these one-size-fits-all edicts coming out of Washington, D.C., that give our States and communities the burden of complying—totally excluding the benefits that have been happening on the ground."

Again, to see these places that have been reclaimed is remarkable. It is my hope that the President would visit those places before he follows through on any kind of veto threat.

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

Mr. MICHAEL F. DOYLE of Pennsylvania. I will not consume any more time after this. I don't want to play Chip and Dale with the gentleman all day.

Mr. Chairman, let me just say that our President has been to Pittsburgh probably more than to any city in the country, and I have been with him many times when he has been there. I have walked on these sites, too. I have one up in Harmar Township. I have seen them. I know what the gentleman is talking about, and I think it is a problem we need to address. The SENSE Act is really a one-size-fits-all kind of solution, not current law. Cur-

rent law gives States flexibility, and I think that is what is important.

I would just say to my friend that this is a real problem and a real concern in our home State, and I reiterate my willingness to work with him on a solution.

Mr. WHITFIELD. Mr. Chairman, there are no additional speakers on my side of the aisle.

I reserve the balance of my time to close.

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

Mr. Chairman, in closing, I include in the RECORD the Statement of Administration Policy.

#### STATEMENT OF ADMINISTRATION POLICY

H.R. 3797—SATISFYING ENERGY NEEDS AND SAVING THE ENVIRONMENT (SENSE) ACT—REP. ROTHFUS, R-PA, AND SIX COSPONSORS

The Administration strongly opposes H.R. 3797, which would threaten the health of Americans by requiring changes to the Environmental Protection Agency's (EPA) Cross-State Air Pollution Rule (CSAPR) and the Mercury and Air Toxics Standards (MATS) for electric generating units (EGUs) that use coal refuse as their main fuel source. Specifically, H.R. 3797 would restrict the market-based approach currently used to allocate sulfur dioxide emission allowances issued under the CSAPR, thereby raising the costs of achieving the pollution reduction required by the rule. The bill also would undermine the emissions limits for hazardous acid gases from those established under the MATS, leading to increased health and environmental impacts from increased emissions of hydrogen chloride, hydrogen fluoride, other harmful acid gases, and sulfur dioxide.

CSAPR and MATS protect the health of millions of Americans by requiring the reduction of harmful power plant emissions, including air toxics and emissions that contribute to smog and fine particle pollution. The pollution reductions from CSAPR and MATS will prevent thousands of premature deaths, asthma attacks, and heart attacks. An important feature of the CSAPR is its trading program which allows power plants to meet emission budgets in different ways, including by trading emissions allowances between emission sources within a State and some trading across States. This market-based approach reduces the cost of compliance while ensuring reductions in air pollution for citizens across the CSAPR region.

H.R. 3797 would create an uneven playing field by picking winners and losers in CSAPR compliance. The bill establishes a special market of CSAPR allowances for EGUs that burn coal refuse and prohibits the trading of allowances allocated to coal refuse EGUs, which would interfere with and manipulate market conditions. By doing so, H.R. 3797 would: (1) economically advantage coal refuse EGUs over other EGUs by giving them allowances that would otherwise have been allocated to others; (2) reduce compliance choices for other State units; and (3) distort the economic incentives of coal refuse EGUs to reduce emissions. Further, the allowances allocated to coal refuse EGUs would be unavailable for use by any other sources, resulting, in the aggregate, in less efficient and more costly CSAPR compliance. Additionally, H.R. 3797 would interfere with existing opportunities under the CSAPR for each State to control the allocation of allowances among its EGUs.

If the President were presented with H.R. 3797, his senior advisors would recommend that he veto the bill.

Mr. PALLONE. The sponsor of the legislation mentioned the President's

coming to visit, but I think if you look at the Statement of Administration Policy, it is quite clear that what the President is essentially saying is that he doesn't want the Congress to pick the winners and the losers. He wants the States—in this case, Pennsylvania—to have the flexibility to make their own decisions.

It is not a question of what the President decides. It is clear that he is vetoing this legislation or would veto this legislation because he thinks that the flexibility is already there under the law and that the States should make those decisions rather than having Congress pick the winners and losers.

I am not going to read the whole thing, Mr. Chairman, but I did want to just read the section that relates to that, if I could, from the Statement of Administration Policy.

It reads:

“H.R. 3797 would create an uneven playing field by picking winners and losers in CSAPR compliance. The bill establishes a special market of CSAPR allowances for EGUs that burn coal refuse and prohibits the trading of allowances allocated to coal refuse EGUs, which would interfere with and manipulate market conditions. By doing so, H.R. 3797 would: (1) economically advantage coal refuse EGUs over other EGUs by giving them allowances that would otherwise have been allocated to others; (2) reduce compliance choices for other State units; and (3) distort the economic incentives of coal refuse EGUs to reduce emissions. Further, the allowances allocated to coal refuse EGUs would be unavailable for use by any other sources, resulting, in the aggregate, in less efficient and more costly CSAPR compliance. Additionally, H.R. 3797 would interfere with existing opportunities under the CSAPR for each State to control the allocation of allowances among its EGUs.”

Again, I think the Statement of Administration Policy is based on the idea that there is flexibility under the law and that States are in the best positions to make these decisions. I think it is quite clear, and I agree with everything that is in this veto message as being the basis for why we oppose the legislation; so I urge my colleagues to oppose the bill.

I yield back the balance of my time.

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

I would just reiterate, once again, far from undercutting States, the SENSE Act offers the best solution for States. The EPA, in these two regulations, is dictating to the States what can and cannot be done. Even if the States wanted to take additional action, they would have to meet the requirements of those regulations. The SENSE Act makes minor modifications to the Cross-State Air Pollution Rule and to the Mercury and Air Toxics Standards, and it does not raise the cap of the emissions.

I have a great deal of respect for both of the gentlemen on the other side of the aisle who have different views on this subject; but I can tell you the generating plants that are burning coal to produce electricity have not talked to us at all about being concerned about the SENSE Act. They are overwhelmingly concerned about the clean energy plan, which is basically going to change every aspect of the way they do business if the courts do not rule it in violation of the Clean Air Act.

In closing, as a Member of Congress and as Congresspeople, we do have the responsibility to step in and change some parts of the Clean Air Act if we view it as being in the best interest of the American people. Because these coal refuse plants have already cleaned up, recycled, over 200 million tons of coal refuse by combusting it to produce electricity and because the overall caps are not going to be raised, there are going to be minor modifications, we are going to continue to clean up these refuse piles. We are going to continue to protect 1,200 direct jobs, 4,000 indirect jobs, \$84 million in payroll.

It seems to me that the benefits far outweigh the negative aspects of this legislation. For that reason, I would respectfully request my colleagues to support H.R. 3797 and pass this legislation.

I yield back the balance of my time.

Mr. BARLETTA. Mr. Chair, I rise in support of legislation that's important to my part of Pennsylvania, and to all of the coal-producing regions of this country.

The SENSE Act, offered by my colleague from western Pennsylvania, Mr. ROTHFUS.

This bill is a long time coming.

In my part of the country, we are familiar with “coal refuse”—a mixture of low-quality coal, rock, and dirt, which is left behind after mining.

This coal refuse has a much lower energy content, and for years it could not be processed efficiently or economically.

As a result, piles of it were left behind, which led to a variety of detrimental results: loss of vegetation and wildlife, and concentrated levels of acid drainage into local streams and ponds.

But the technology has advanced, and we can now reclaim that waste—the private sector can use the coal waste product to burn and generate electricity.

What's left over after that can be used to restore the natural landscape, or refill abandoned mines.

But, once again, the Environmental Protection Agency couldn't stand this type of progress.

They came up with the MATS Rule—the Mercury and Air Toxics Standards rule.

This sets certain unattainable levels for the industry.

The SENSE Act provides relief from these unrealistic limits.

It seeks to establish an alternative compliance standard for coal refuse facilities based upon the removal and control of Sulfur Dioxide.

Now, in some parts of the country, and in some speeches on the campaign trail, it has become fashionable to attack the coal indus-

try, and make its people out to be the bad guys.

As a candidate, our current president promised to bankrupt the coal industry.

And he has made a tremendous effort to do just that—including this MATS Rule from his EPA.

Just in the last few days, the frontrunner on the Democratic side promised that as president, she would put coal mines and coal miners out of work.

Now, all of that might sound pretty good in certain focus groups, or around the cocktail party circuit, but let me tell you . . . where I come from, it sounds pretty devastating.

The coal industry—in no small part—helped build this country and make it a world leader.

It generates cheap electricity for millions of people.

And for many tens of thousands of people back home in Pennsylvania, it still provides a good living, and it puts food on the table.

This bill makes sense—common sense.

It provides a use for coal refuse, generates electricity, and protects jobs.

And it will allow us to reclaim land previously mined, which means it has a positive impact on the environment.

And when that land is reclaimed, it can again be put to use, and placed back on the tax rolls, making it good for local government.

I urge support for the SENSE Act.

Mr. UPTON. Mr. Chair, today we have another opportunity to say yes to energy and protect jobs with H.R. 3797, the SENSE Act. This sensible bill will help coal refuse-to-energy facilities continue their work producing energy while addressing the nation's coal refuse problem.

Vast mounds of coal refuse sit near many abandoned coal mines throughout coal country, and they pose a serious threat to air and water quality as well as to public safety. But through American ingenuity, coal refuse-to-energy plants have been developed that actually use this harmful waste product to generate electricity. The end product is ash, which is environmentally safe and used to reclaim the land.

There are 19 such plants in operation today that are producing energy and jobs while providing a practical solution to the coal refuse problem that would otherwise cost billions of dollars to address.

Unfortunately, there are two EPA rules targeting all coal-fired power plants that are causing some problems. Coal refuse-to-electricity plants are very different than conventional coal-fired plants and may not be able to meet these EPA rules which are geared toward the conventional plants. As a result, the future of these facilities and their environmental and economic benefits is now in danger.

Thankfully, Mr. ROTHFUS of Pennsylvania has spearheaded a solution. The SENSE Act still requires coal refuse-energy-plants to reduce their emissions, but creates new compliance methods more appropriate for this technology. This would allow these plants to continue operating, to the great benefit to the communities where these facilities are located.

The SENSE Act is about as commonsense as they get. I urge all my colleagues to support this pro-energy, pro-jobs, and strongly pro-environment bill.

□ 1500

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. 3797

*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) CROSS-STATE AIR POLLUTION RULE.—The terms “Cross-State Air Pollution Rule” and “CSAPR” mean the regulatory program promulgated by the Administrator to address the interstate transport of air pollution in parts 51, 52, and 97 of title 40, Code of Federal Regulations, including any subsequent or successor regulation.

(7) ELECTRIC UTILITY STEAM GENERATING UNIT.—The term “electric utility steam generating unit” means either or both—

(A) 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; or

(B) an electricity generating unit or electric generating unit, as such terms are used in CSAPR.

(8) PHASE I.—The term “Phase I” means, with respect to CSAPR, the initial compliance period under CSAPR, identified for the 2015 and 2016 annual compliance periods.

(b) APPLICATION OF CSAPR TO CERTAIN COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNITS.—

(1) COAL REFUSE ELECTRIC UTILITY STEAM GENERATING UNITS COMBUSTING BITUMINOUS COAL REFUSE.—

(A) APPLICABILITY.—This paragraph applies with respect to any coal refuse electric utility steam generating unit that—

(i) combusts coal refuse derived from the mining and processing of bituminous coal; and

(ii) is subject to sulfur dioxide allowance surrender provisions pursuant to CSAPR.

(B) CONTINUED APPLICABILITY OF PHASE I ALLOWANCE ALLOCATIONS.—In carrying out CSAPR, the Administrator shall provide that, for any compliance period, the allocation (whether through a Federal implementation plan or State implementation plan) of sulfur dioxide allowances for a coal refuse electric utility steam generating unit described in subparagraph (A) is equivalent to the allocation of the unit-specific sulfur dioxide allowance allocation identified for such unit for Phase I, as referenced in the notice entitled “Availability of Data on Allowances of Cross-State Air Pollution Rule Allowances to Existing Electricity Generating Units” (79 Fed. Reg. 71674 (December 3, 2014)).

(C) RULES FOR ALLOWANCE ALLOCATIONS.—For any compliance period under CSAPR that commences on or after January 1, 2017, any sulfur dioxide allowance allocation provided by the Administrator to a coal refuse electric utility steam generating unit described in subparagraph (A)—

(i) shall not be transferable for use by any other source not located at the same coal refuse-fired facility as the relevant coal refuse electric utility steam generating unit;

(ii) may be transferable for use by another source located at the same coal refuse-fired facility as the relevant coal refuse electric utility steam generating unit;

(iii) may be banked for application to compliance obligations in future compliance periods under CSAPR; and

(iv) shall be surrendered upon the permanent cessation of operation of such coal refuse electric utility steam generating unit.

(2) OTHER SOURCES.—

(A) NO INCREASE IN OVERALL STATE BUDGET OF SULFUR DIOXIDE ALLOWANCE ALLOCATIONS.—For purposes of paragraph (1), the Administrator may not, for any compliance period under CSAPR, increase the total budget of sulfur dioxide allowance allocations for a State in which a unit described in paragraph (1)(A) is located.

(B) COMPLIANCE PERIODS 2017 THROUGH 2020.—For any compliance period under CSAPR that commences on or after January 1, 2017, but before December 31, 2020, the Administrator shall carry out subparagraph (A) by proportionally reducing, as necessary, the unit-specific sulfur dioxide allowance allocations from each source that—

(i) is located in a State in which a unit described in paragraph (1)(A) is located;

(ii) permanently ceases operation, or converts its primary fuel source from coal to natural gas, prior to the relevant compliance period; and

(iii) otherwise receives an allocation of sulfur dioxide allowances under CSAPR for such period.

(c) 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 CHAIR. No amendment to the bill shall be in order except those printed in part B of House Report 114-453. 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. PALLONE

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 114-453.

Mr. PALLONE. Mr. Chairman, I offer my amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 2(a)(6), 2(a)(8), and 2(b) and redesignate accordingly.

Amend section 2(a)(7) to read as follows:

(7) 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.

The CHAIR. Pursuant to House Resolution 640, 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.

This is a targeted amendment that strikes section 2(b) from the bill. This section deals with EPA's Cross-State Air Pollution Rule, also known as CSAPR. This is one of the most important Clean Air Act rules in recent years. It protects the health of millions of Americans by requiring upwind States in the eastern and central United States to reduce power plant emissions that cause air quality problems in downward States.

As I have mentioned before during general debate, an important feature of CSAPR is the trading program that allows sources in each State to meet emission budgets in many different ways, including trading of emission allowances. This approach reduces the overall cost of compliance, while ensuring reduction in air pollution.

I mentioned previously during general debate that the Committee on Energy and Commerce held a legislative hearing on this bill on February 3. At that hearing, the EPA and John Walke from the Natural Resources Defense Council provided testimony that described a number of policy and technical issues with this section of the bill, and I just want to touch on a few of them now.

First, by allocating emission allowances to waste coal units that cannot be traded, the SENSE Act would eliminate economic incentives to reduce toxic air pollution at these waste coal units.

Second, by reallocating allowances from other sources within the State to waste coal units and then limiting the ability to transfer or trade these additional allowances to other facilities, the bill would choose winners—that is, the waste coal plants—and losers—that is, all other coal plants in a given State.

Third, by interfering with the conditions of the CSAPR market, compliance costs would increase for covered facilities.

Now, the SENSE Act would also remove a State's right to determine the appropriate method of compliance with CSAPR. To be more specific, currently, under the Clean Air Act, an individual State may choose to reduce emissions from power plants based on EPA's CSAPR framework, or they can choose to comply with the rule by reducing emissions based on a framework the State develops and the EPA approves.

One of the most egregious aspects of the bill's CSAPR provision—and it is one that I am surprised my Republican colleagues would support—is that, if the bill were to become law, it would actually take this power away from the States and give it to the EPA. Or, to put it another way, the SENSE Act would wrest control away from States

to make these basic decisions for the first time in the 39-year history of the Clean Air Act's interstate air pollution program.

EPA also pointed out that the SENSE Act would deny States control over allocations of allowances by rendering any submitted State plan with a different allocation to these units unapprovable. So why supporters of this bill would want to change a successful EPA program to make it less flexible and more costly is beyond me. The CSAPR provisions of the bill make unnecessary changes to the rule since States already have the power to help out waste coal plants if they want to.

So, again, I urge my colleagues to join me in supporting this amendment to strike the CSAPR portion of this SENSE Act.

I reserve the balance of my time.

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

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

Mr. WHITFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, this amendment is not warranted because any change in a State's compliance cost will be very low. There are only 19 coal refuse-to-energy facilities in the United States, mostly small, under 100 megawatts, and only a subset will avail themselves of the bill's provisions. We are only talking about four States: West Virginia, Pennsylvania, Utah, and Montana.

The bill merely reallocates emission allowances under the Cross-State Air Pollution Rule from other plants to coal refuse-to-energy facilities. This will help ensure the continued operation of these plants but is unlikely to have much of a cost impact.

As was stated in an earlier debate, this bill does what the EPA should have done. It creates provisions that are realistic and achievable for coal refuse-to-energy facilities. Both the Clean Air Act and the EPA regulations promulgated under it routinely divide regulated entities into separate categories that are treated differently based on their unique characteristics.

Coal refuse-to-energy facilities have many such unique characteristics and should have been treated as a separate category in EPA rulemakings. It was discretionary for them not to, the Court held, but that doesn't mean they should not have. And it is the policy-making branch of this government, this Congress, this Article I branch, where the people should have a say in how they are governed. They were not accommodated in the EPA rulemakings, and the SENSE Act addresses that omission.

Any modest costs, Mr. Chairman, are more than offset by the jobs, energy, and especially the environmental benefits of keeping the coal refuse-to-energy fleet in operation. States' environmental regulators estimate the cost of addressing coal refuse to be approxi-

mately \$2 billion in Pennsylvania alone, and that is just for cleanup.

When one of these coal piles catch fire and the damage that is done—and when they are on fire, there is no control, Mr. Chairman. There is no control. Nothing is being eliminated as these waste coal piles burn. When the waste coal is being used by the energy industry in these plants, there are controls in place.

Finally, with respect to giving States flexibility, everything has to be approved by the EPA, Mr. Chairman. That is illusory. It could take 2 years for the EPA to approve a State plan. In the meantime, the plants close, the progress stops, and the people lose their jobs.

I would urge a vote “no” on this amendment.

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

Mr. PALLONE. Mr. Chairman, I urge support for the 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. 2 OFFERED BY MR. PALLONE

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 114-453.

Mr. PALLONE. Mr. Chairman, as the designee of the gentleman from New York (Mr. ENGEL), I offer amendment No. 2.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, after line 23, insert the following new paragraph:

(3) APPLICABILITY.—This subsection shall not apply with respect to a State if the Governor of the State, or the head of the authority that implements CSAPR for the State, makes a determination, and notifies the Administrator, that implementation of this subsection will increase the State's overall compliance costs for CSAPR.

The CHAIR. Pursuant to House Resolution 640, 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.

Last month, the Energy and Power Subcommittee held a hearing that identified numerous flaws in the SENSE Act, and this amendment is designed to correct two of them.

If the SENSE Act were to become law, waste coal facilities would be able to emit more than their fair share of pollution under the Cross-State Air Pollution Rule, known as CSAPR. Specifically, section 2(b) of the SENSE Act



would reserve emission credits for waste coal plants, thereby prohibiting them from being traded under the CSAPR trading system.

According to Janet McCabe, the Acting Assistant Administrator for the Office of Air and Radiation at EPA, this would remove the economic incentives to reduce emissions and ultimately increase the cost of compliance. Section 2(b) would also interfere with the State's right to determine how to best comply with the rule, instead putting those decisions in the hands of the EPA Administrator. Not only are these changes harmful, but they are also unnecessary because the State that wishes to give a break to waste coal units can already do so under the rule.

So this bill, as written, would take longstanding State authority, transfer it to the Federal Government, and then use that authority to pick winners and losers; and it does all of this while increasing the cost of compliance. This amendment would allow a State to opt out of section 2(b) of the SENSE Act if it determines that implementation of the subsection would increase the State's overall compliance cost.

I urge my colleagues to protect the integrity of the CSAPR rule and support this amendment.

I reserve the balance of my time.

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

The CHAIR. The gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, I would just point out that what we are looking at here is that the SENSE Act seeks to accomplish what the EPA should have done in creating special categories.

Again, if you are looking at compliance costs, any costs are going to be low. And then when you combine that with the requirement to seek EPA approval and the delays that that would incur, these plants will be closed, the environmental progress will stop, and challenged communities will be further challenged.

These are solid, good-paying, family-sustaining jobs in these plants. We know that while some plants are in compliance, others are not.

So, again, this SENSE Act seeks to do what the EPA should have done from the very beginning and create appropriate categorization.

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

Mr. PALLONE. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from New Jersey has 3½ minutes remaining.

Mr. PALLONE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I rise in opposition to the underlying bill but in support of the Engel amendment. It is perfect, good sense giving

the Governor of a State the ability to opt out of the section of the bill that modifies the Cross-State Air Pollution Rule if the Governor determines that implementing those provisions would increase the overall cost of complying with the rule.

There goes, if you will, the underlying problem of this bill. There has been no determination as to the burden of this particular bill, and I oppose it.

I oppose it in particular because the bill would undermine the emissions limits for hazardous acid gases from those established under the MATS, leading to increased health and environmental impacts from increased emissions of hydrogen chloride, hydrogen fluoride, and other harmful acid gasses and sulfur dioxide.

Specifically, the CSAPR and MATS protect the health of millions of Americans by requiring the reduction of harmful power plant emissions, including the air toxics and emissions that contribute to smog and fine particle pollution. The pollution reduction from CSAPR and MATS have real-life impacts: prevention of thousands of premature deaths, asthmatic attacks, and heart attacks.

I would offer to say, as a member of the Homeland Security Committee, we are always dealing with toxics as it relates to chemical plants and protecting the homeland in the area of security, but we also need to protect them in the area of good quality health care.

I would argue that this bill would economically advantage coal refuse EGUs over other EGUs, reduce compliance choices for other State units, and distort the economic incentives of coal refuse EGUs to reduce emissions. Also, the allowances allocated to coal refuse EGUs would be unavailable for use by any other sources.

I ask my colleagues to oppose this legislation. I don't believe that this bill will be considered in the Senate. I don't believe that it will be considered for signature by the White House.

I would offer to say that, besides the budget and the appropriations process that is ongoing, we in this Congress need to deal with the restoration of the Voting Rights Act and provide for section 5. Let's get to work on things impacting the American people, creating more jobs, as opposed to providing poor quality of life, poor quality of air for our citizens throughout this Nation.

Once again, I support the Engel amendment.

Mr. Chair, I rise in strong opposition to H.R. 3797—Satisfying Energy Needs and Saving the Environment (SENSE) Act.

I oppose this unwise and unnecessary legislation for several reasons.

H.R. 3797, would threaten the health of Americans by requiring changes to the Environmental Protection Agency's (EPA) Cross-State Air Pollution Rule (CSAPR) and the Mercury and Air Toxics Standards (MATS) for electric generating units (EGUs) that use coal refuse as their main fuel source.

In doing this, H.R. 3797 would restrict the market-based approach currently used to allo-

cate sulfur dioxide emission allowances issued under the CSAPR, thereby raising the costs of achieving the pollution reduction required by the rule.

This bill also would undermine the emissions limits for hazardous acid gases from those established under the MATS, leading to increased health and environmental impacts from increased emissions of hydrogen chloride, hydrogen fluoride, other harmful acid gases, and sulfur dioxide.

Specifically, CSAPR and MATS protect the health of millions of Americans by requiring the reduction of harmful power plant emissions, including air toxics and emissions that contribute to smog and fine particle pollution.

The pollution reductions from CSAPR and MATS have real life impacts: prevention of thousands of premature deaths, asthma attacks, and heart attacks.

Let me also underscore that an important feature of the CSAPR is its trading program which allows power plants to meet emission budgets in different ways, including by trading emissions allowances between emission sources within a State and some trading across States.

This market-based approach reduces the cost of compliance while ensuring reductions in air pollution for citizens across the CSAPR region.

I oppose H.R. 3797 because it would create an uneven playing field by picking winners and losers in CSAPR compliance.

Indeed, this bill establishes a special market of CSAPR allowances for EGUs that burn coal refuse and prohibits the trading of allowances allocated to coal refuse EGUs, which would interfere with and manipulate market conditions.

Specifically, H.R. 3797 would: economically advantage coal refuse EGUs over other EGUs by giving them allowances that would otherwise have been allocated to others; reduce compliance choices for other State units; and distort the economic incentives of coal refuse EGUs to reduce emissions.

Also, the allowances allocated to coal refuse EGUs would be unavailable for use by any other sources.

This will result in the aggregate, in less efficient and more costly CSAPR compliance.

Finally, I oppose H.R. 3797 because it would interfere with existing opportunities under the CSAPR for each State to control the allocation of allowances among its EGUs.

Instead of wasting time supporting this bill, I urge my colleagues to join me in focusing on more important issues affecting our nation: more jobs for Americans in the energy and other sectors, energy security and independence and utilization of innovation in energy to solve some of the contemporary issues we face in our country.

□ 1515

Mr. WHITFIELD. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, I would just respond to the gentlewoman from Texas. She mentioned the word "burdensome." What is really burdensome is the way that these rules are being applied. When the EPA had a chance to do a customized approach, they chose not to.

Why is it burdensome? It is burdensome because there are plants that will not be able to comply, which means the environmental progress that we have seen will stop, which means that their jobs will be lost.

I do note that there is bipartisan support for this initiative. Both Senators CASEY and TOOMEY, on the other side of this Capitol, from the Commonwealth of Pennsylvania—one a Republican, one a Democrat—recognize the practicality of this approach. They recognize that the legislation makes sense.

For that reason, Mr. Chairman, I urge a “no” vote on the amendment.

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

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

Mr. Chairman, I would urge a “yes” vote on this amendment.

The underlying bill is another unnecessary special interest bill that undermines Clean Air Act regulations. The bill, if it were to reach the President's desk, will be vetoed.

We should be using our time to move forward with the many other issues that need to be addressed in this Congress. Our water infrastructure is in dire need of repair and maintenance. We have Superfund and brownfield sites that need to be cleaned up and returned to productive use. States need support for modernizing and hardening the electricity grid, and there are still many Americans who are unemployed or underpaid for the work that they are doing. All of these things, especially the infrastructure issues, must be addressed by Congress. They impact every person, every State, and every industry in the country.

Instead of wasting time on bills like the SENSE Act, we should get to work on these important issues that will support economic growth and job creation throughout the country.

Mr. Chairman, 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 MR. BERA

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 114-453.

Mr. BERA. 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 11, after line 17, insert the following new section:

**SEC. 3. GAO REPORT.**

Not later than 90 days after the date of enactment of this Act, the Comptroller General

of the United States shall issue a report detailing the increase in emissions of sulfur dioxide and other air pollutants that will result from implementation of this Act and the effect of such emissions on public health.

The CHAIR. Pursuant to House Resolution 640, the gentleman from California (Mr. BERA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BERA. Mr. Chairman, my amendment is simple. It would require the Government Accountability Office, a nonpartisan government watchdog, to complete a report on the impact this legislation would have on public health.

I look at this from the perspective of a doctor and public health expert, and one of my guiding principles as a doctor is to make sure we protect the public health.

Coal refuse plants not only increase the amount of pollution in our air, they also use a power source which is less efficient than normal coal and contains higher levels of mercury. Exposure to sulfur dioxide and other pollutants such as mercury have been known to increase risks of cardiovascular disease and respiratory illnesses, including aggravated asthma, bronchitis, and heart attacks.

My amendment would require the GAO to investigate whether this legislation would increase emissions of sulfur dioxide and other pollutants.

I strongly believe the EPA plays an important role in protecting the health of our families and our environment from dangerous pollutants. While we should be mindful about the impact of regulations on our economy, we have a responsibility to address urgent threats to the planet, such as climate change, and we have a responsibility to make sure legislation that is being passed protects our public health.

This legislation before us today would hamper the EPA's ability to limit dangerous pollution and protect public health, and it will also slow down our transition to clean energy. That is why I introduced my amendment today, to ensure that we know the true impact this bill would have on public health and on our environment.

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

Mr. WHITFIELD. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. WHITFIELD. Mr. Chairman, I do rise in opposition to this amendment. This amendment would require a GAO report detailing an increase, if any, in sulfur dioxide and other emissions and the effect of implementing the legislation on public health.

Now, this legislation has come about because of two EPA rules—the Cross-State Air Pollution Rule and the Mercury and Air Toxics Standards rule—and I might say that the SENSE Act does not change in any way the caps on

the sulfur dioxide. That would basically remain the same. Coal refuse-to-energy plants are negligible emitters of mercury. In fact, EPA testified that by closing down the coal refuse plants, there would not be any significant benefit on the mercury side. All of the benefits come from the reduction in fine particulate matter, and we are not addressing that.

I would point out once again that 214 million tons of this refuse have already been cleaned up. If we allow these regulations to go into effect and these plants close down, those refuse piles will not be cleaned up, 1,200 people will lose their jobs, 4,000 indirect people will lose their jobs, and \$84 million in payroll will be lost.

EPA has admitted that there is no significant environmental benefit, and they had the opportunity to set up a special category for these coal refuse plants, all of which are less than 100-megawatt plants. They are very small. There are only 19 in the country, 14 in one State.

The gentleman from Pennsylvania and others from Pennsylvania have asked Congress to intervene to help them on this matter. For that reason, I would respectfully oppose the gentleman's amendment and ask that the amendment be defeated.

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

Mr. BERA. Mr. Chairman, I urge my colleagues to support this amendment. It is a no-nonsense amendment that will allow us to know the impact on public health.

I yield back the balance of my time.

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

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

Mr. BERA. 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 California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 114-453.

Mr. PETERS. 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 11, after line 17, insert the following new section:

**SEC. 3. PUBLIC NOTICE.**

Not later than 90 days after the date of enactment of this Act, the Administrator shall give notice of the anticipated effects of this Act on air quality to all States, municipalities, towns, tribal governments, or other governmental entities in areas that—

(1) include or are adjacent to a coal refuse electric utility steam generating unit to which this Act applies; or

(2) are likely to be affected by air emissions from such a unit.

The CHAIR. Pursuant to House Resolution 640, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS. Mr. Chairman, the existing Cross-State Air Pollution Rule set new standards for the emission of sulfur dioxide based on public health risks.

Under this rule, States can choose to comply by adapting new technologies or employing cleaner energy sources. Today's bill would raise the acceptable levels threshold for sulfur dioxide emissions from one source, coal waste plants, allowing them to pour more of these pollutants into our air.

It props up coal waste plants, thereby undermining flexibility for States to meet public health targets. It also distorts the ability of the market to determine which energy sources are most sustainable, cost effective, and meet the public's need.

The underlying bill would pick winners and losers by favoring waste coal-burning power plants at the expense of other power sources. If coal waste plants can adapt and reduce their emissions to help States meet these targets, then they should do so; but short of that, the market is determining that there are more efficient ways to produce energy.

Congress should not subsidize any energy source that does not compete with innovative and cleaner options that also better protect our children's health; but if this bill is going to raise these limits and allow more pollutants to be emitted, we should be honest with the communities that will be affected. My amendment requires the EPA to inform the general public and municipalities adjacent to waste coal plants about the anticipated effects of this bill on air quality not later than 90 days after its enactment.

According to the American Lung Association, sulfur dioxide can cause breathing problems, exacerbate asthma symptoms, and reduce lung function. Exposure to sulfur dioxide has been connected to an increased risk of hospital admissions, especially among children, seniors, and people with asthma. This puts families' health at risk in the communities downwind and nearby.

Last month I visited Flint, Michigan, with my colleagues, where we saw the devastating effects of keeping the public in the dark.

Americans have a right to know how this legislation is going to affect the quality of the air they breathe.

I urge my colleagues to support my amendment.

I yield back the balance of my time.

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

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

Mr. ROTHFUS. Mr. Chairman, if we could take a look at this amendment,

this amendment would require the EPA Administrator to notify affected States and localities of any anticipated effects of the legislation on air quality.

The issue is the SENSE Act prohibits any increase in covered emissions, so any impact on air quality will be very limited. The SENSE Act mandates that sulfur dioxide emissions stay within the EPA-approved caps so there can be no increase above approved levels.

Coal refuse-to-energy plants are negligible emitters of mercury, and the bill requires emissions reductions of hydrogen chloride and other compounds only at a rate achievable for this type of facility.

The proposed amendment is one-sided, as it ignores the air and water quality benefits from reducing the coal refuse problem, including reducing the risk of heavily polluting coal refuse fires that can affect many State and local governments. For example, this amendment would not require the EPA Administrator to notify affected communities of what happens when a coal refuse pile catches on fire and there is an uncontrolled release of pollutants into the environment.

We should be focused on ensuring that these innovative refuse-to-energy facilities can continue to operate and reduce the serious water and air quality problems posed by coal refuse.

I urge a "no" vote on this amendment.

I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. VEASEY

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 114-453.

Mr. VEASEY. 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:

At the end, add the following new section:  
**SEC. 3. EFFECTIVE DATE.**

This Act may not go into effect until the Administrator certifies that implementation of this Act will not cause or result in an increase of emissions of air pollutants that adversely affect public health, including by increasing incidents of respiratory and cardiovascular illnesses and deaths, such as cases of heart attacks, asthma attacks, and bronchitis.

The CHAIR. Pursuant to House Resolution 640, the gentleman from Texas (Mr. VEASEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. VEASEY. Mr. Chairman, I rise today in support of my amendment to H.R. 3797, the so-called Satisfying Energy Needs and Saving the Environment Act. This bill is anything but that.

What this bill does do is that it gives special breaks under two very important Clean Air Act rules and allows

certain power plants to spew out as much nasty pollution as they wish to. These power plants, which use waste coal, still emit all the toxic substances a regular coal plant does, and they absolutely should not get a pass.

If the SENSE Act passes, it will significantly affect air quality. This is not some radical assertion, and it has stood up to the scrutiny of the courts. These rules, the Cross-State Air Pollution Rule and the Mercury and Air Toxics Standards rule, are two important rules for protecting public health from toxic air pollutants like mercury and sulfur dioxide.

If this bill were to become law, waste coal facilities would be able to pollute at a higher rate than any other power plants. There are many pieces of particulate matter emitted by coal plants, such as sulfur dioxide, mercury, and others, and science has clearly shown that air pollutants such as these cause severity when it comes to asthma, bronchitis, and even can contribute to heart attack risk. My amendment protects the most vulnerable from these adverse health effects.

□ 1530

My amendment today would ensure that public health is front and center in this conversation, which it needs to be. Air quality is an issue that affects the most vulnerable among us.

When you think about it, children, pregnant women, and the elderly are some of the members of our society that are most at risk when it comes to respiratory diseases from toxic emissions, such as sulfur dioxide. My amendment ensures that the effects of air quality are taken into account before enactment of the SENSE Act.

Mr. Chairman, I know a thing or two about this. I don't know how often you get to Dallas-Fort Worth, but when you come to our area, despite all the jobs and prosperity that we have, we have some of the absolute worst smog in the entire country.

This amendment would serve to protect vulnerable populations by ensuring their health is not in danger if this bill becomes law.

Also, only after their health has been deemed safe may the Administrator of the Environmental Protection Agency allow this law to go into effect.

There are so many different economic costs when it comes to asthma, Mr. Chairman. The Centers for Disease Control and Prevention alone estimates that asthma costs the United States \$56 billion each year when it comes to treating people for asthma, particularly our young children with asthma.

So at the end of the day, what I want to do, Mr. Chairman, is make sure that the least that we do in this House is to make sure that everybody can breathe clean air. I don't think that that is asking for too much.

If my Republican colleagues truly believe the public health of our Nation will not be affected by this bill, they

will have no problem voting for my amendment.

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

Mr. WHITFIELD. Mr. Chairman, I claim time in opposition to the amendment.

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

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

I would remind everyone that we are talking about 19 coal refuse plants around the country. They have already cleaned up 214 million tons of coal refuse that are creating significant environmental problems.

The SENSE Act does not change or increase in any way the sulfur dioxide emission caps. So it does not have any impact on that.

The EPA itself said that the only benefit from their Cross-State Air Pollution Rule and their sulfur dioxide emission rule would be the reduction in particulate matter, which is regulated in another aspect of the Clean Air Act, and the SENSE Act does not affect or have any impacts on that.

So even the EPA has said that this is not really an issue of polluting or endangering the clean air. They simply made a decision that they were not going to have a subcategory to deal with these plans.

The gentleman's amendment would require the EPA Administrator to certify that the act would not result in the increase in emission of air pollutants. They have already basically said that.

One thing that he does not look at in his amendment is the tremendous benefits that the public is receiving by the cleaning up of these coal refuse piles around the country.

So, for those reasons, we respectfully oppose the gentleman's amendment. I would remind everyone once again that the SENSE Act is designed to clean up these environmental problems, protect 1,200 direct jobs and 4,000 indirect jobs and an \$84 million payroll, all doing so without increasing any emissions toxics to the American people.

For that reason, I would respectfully oppose the gentleman's amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. VEASEY).

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

Mr. VEASEY. 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 Texas 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 B of House Report 114-453 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. PALLONE of New Jersey.

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

Amendment No. 3 by Mr. BERA of California.

Amendment No. 5 by Mr. VEASEY of Texas.

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

AMENDMENT NO. 1 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 166, noes 224, not voting 43, as follows:

[Roll No. 118]

AYES—166

|                |                |                  |
|----------------|----------------|------------------|
| Adams          | Fattah         | Meeks            |
| Aguilar        | Fincher        | Meng             |
| Amash          | Poster         | Moore            |
| Ashford        | Fudge          | Moulton          |
| Bass           | Gabbard        | Murphy (FL)      |
| Beatty         | Gallego        | Nadler           |
| Bera           | Graham         | Napolitano       |
| Beyer          | Grayson        | Neal             |
| Bonamici       | Green, Al      | Nolan            |
| Boyle, Brendan | Grijalva       | Norcross         |
| F.             | Hahn           | O'Rourke         |
| Brown (FL)     | Hastings       | Pallone          |
| Brownley (CA)  | Heck (WA)      | Pascrell         |
| Bustos         | Higgins        | Pelosi           |
| Capps          | Himes          | Perlmutter       |
| Capuano        | Hinojosa       | Peters           |
| Cárdenas       | Honda          | Pingree          |
| Carney         | Hoyer          | Pocan            |
| Carson (IN)    | Huffman        | Poliquin         |
| Cartwright     | Israel         | Price (NC)       |
| Castor (FL)    | Jackson Lee    | Quigley          |
| Castro (TX)    | Jeffries       | Rangel           |
| Chu, Judy      | Johnson, E. B. | Rice (NY)        |
| Cicilline      | Kaptur         | Richmond         |
| Clark (MA)     | Keating        | Ros-Lehtinen     |
| Clarke (NY)    | Kelly (IL)     | Roybal-Allard    |
| Clay           | Kennedy        | Ruiz             |
| Cleaver        | Kildee         | Ruppersberger    |
| Clyburn        | Kilmer         | Ryan (OH)        |
| Cohen          | Kind           | Sánchez, Linda   |
| Connolly       | Kirkpatrick    | T.               |
| Conyers        | Kuster         | Sanchez, Loretta |
| Cooper         | Langevin       | Sarbanes         |
| Courtney       | Larsen (WA)    | Schakowsky       |
| Crowley        | Larson (CT)    | Schiff           |
| Cuellar        | Lawrence       | Schrader         |
| Cummings       | Lee            | Scott (VA)       |
| Curbelo (FL)   | Levin          | Serrano          |
| Davis (CA)     | Lewis          | Sewell (AL)      |
| DeFazio        | Lieu, Ted      | Sherman          |
| DeGette        | Loeb sack      | Sires            |
| Delaney        | Lofgren        | Slaughter        |
| DeLauro        | Lowenthal      | Speier           |
| DelBene        | Lowe y         | Swalwell (CA)    |
| DeSaulnier     | Lujan Grisham  | Takano           |
| Deutch         | (NM)           | Thompson (CA)    |
| Dingell        | Luján, Ben Ray | Titus            |
| Doggett        | (NM)           | Tonko            |
| Dold           | Lynch          | Torres           |
| Doyle, Michael | Maloney,       | Tsongas          |
| F.             | Carolyn        | Van Hollen       |
| Ellison        | Maloney, Sean  | Vargas           |
| Engel          | McCollum       | Veasey           |
| Eshoo          | McDermott      | Vela             |
| Esty           | McGovern       | Velázquez        |
| Farr           | McNerney       |                  |

Walz  
Wasserman  
Schultz

Watson Coleman  
Wilson (FL)  
Yarmuth

NOES—224

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

NOT VOTING—43

|              |                 |                |
|--------------|-----------------|----------------|
| Babin        | Granger         | Scott, David   |
| Becerra      | Graves (MO)     | Sessions       |
| Blackburn    | Gutiérrez       | Sinema         |
| Blumenauer   | Hartzler        | Smith (NJ)     |
| Boustany     | Herrera Beutler | Smith (WA)     |
| Brady (PA)   | Johnson (GA)    | Takai          |
| Butterfield  | Joyce           | Thompson (MS)  |
| Costa        | King (IA)       | Turner         |
| Davis, Danny | Lipinski        | Visclosky      |
| Duckworth    | Marino          | Waters, Maxine |
| Edwards      | Matsui          | Welch          |
| Ellmers (NC) | Payne           | Wenstrup       |
| Frankel (FL) | Polis           | Zinke          |
| Garamendi    | Roskam          |                |
| Goodlatte    | Rush            |                |

□ 1555

Messrs. MESSER, WESTERMAN, Mrs. BLACK, Messrs. HUELSKAMP, HANNA, PEARCE, JORDAN, FITZPATRICK, and GENE GREEN of Texas changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SINEMA. Mr. Chair, during rollcall vote No. 118 on H.R. 3797, I was unavoidably detained. Had I been present, I would have voted "yes."

Ms. EDWARDS. Mr. Chair, during rollcall vote No. 118 on H.R. 3797, I was unavoidably detained. Had I been present, I would have voted "yes."

Stated against:

Mr. GOODLATTE. Mr. Chair, on rollcall No. 118, I was unavoidably detained. Had I been present, I would have voted "no."

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 CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 233, not voting 25, as follows:

[Roll No. 119]

AYES—175

Adams Cummings Hoyer
Aguilar Davis (CA) Huffman
Amash DeFazio Israel
Ashford DeGette Jackson Lee
Bass Delaney Jeffries
Beatty DeLauro Johnson (GA)
Bera DelBene Johnson, E. B.
Beyer DeSaulnier Kaptur
Bonamici Deutch Keating
Boyle, Brendan Dingell Kelly (IL)
F. Doggett Kennedy
Brown (FL) Dold Kildee
Brownley (CA) Doyle, Michael Kilmer
Bustos F. Kind
Butterfield Edwards Kirkpatrick
Capps Ellison Kuster
Capuano Engel Langevin
Cárdenas Eshoo Larsen (WA)
Carney Esty Larson (CT)
Carson (IN) Farr Lawrence
Cartwright Fattah Lee
Castor (FL) Foster Levin
Castro (TX) Frankel (FL) Lewis
Chu, Judy Fudge Lieu, Ted
Cicilline Gabbard Loeb sack
Clark (MA) Gallego Lofgren
Clarke (NY) Gibson Lowenthal
Clay Graham Lowey
Clever Grayson Lujan Grisham
Clyburn Green, Al (NM)
Cohen Grijalva Lujan, Ben Ray
Connolly Hahn (NM)
Conyers Hastings Lynch
Cooper Heck (WA) Maloney, Carolyn
Costa Higgins Carolyn
Courtney Himes Maloney, Sean
Crowley Hinojosa Matsui
Cuellar Honda McCollum

McDermott McGovern Meeks Meng Moore Moulton Murphy (FL) Nadler Napolitano Neal Nolan Norcross O'Rourke Pallone Pascarell Payne Pelosi Perlmutter Peters Pingree Pocan Poliquin Price (NC)
Rangel Rice (NY) Richmond Roybal-Allard Ruiz Ruppertsberger Ryan (OH) Sánchez, Linda T. Sanchez, Loretta Sarbanes Schakowsky Schiff Schrader Scott (VA) Scott, David Serrano Sewell (AL) Sherman Sinema Sires Slaughter
Quigley
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—233

Abraham Graves (GA) Murphy (PA)
Aderholt Graves (LA) Neugebauer
Allen Green, Gene Newhouse
Amodei Griffith Noem
Barletta Barletta Nugent
Barr Guinta Nunes
Barton Guthrie Olson
Benishek Hanna Palazzo
Bilirakis Hardy Palmer
Bishop (GA) Harper Paulsen
Bishop (MI) Harris Pearce
Bishop (UT) Hartzler Perry
Black Heck (NV) Peterson
Blum Hensarling Pittenger
Bost Hice, Jody B. Pitts
Boustany Hill Poe (TX)
Brady (TX) Holding Pompeo
Brat Hudson Posey
Bridenstine Huelskamp Price, Tom
Brooks (AL) Huizenga (MI) Ratcliffe
Brooks (IN) Hultgren Reed
Buchanan Hunter Reichert
Buck Hurd (TX) Renacci
Bucshon Hurt (VA) Rice (SC)
Burgess Issa Rigell
Byrne Jenkins (KS) Roby
Calvert Jenkins (WV) Roe (TN)
Carter (GA) Johnson (OH) Rogers (AL)
Carter (TX) Johnson, Sam Rogers (KY)
Chabot Jolly Rohrabacher
Chaffetz Jones Rokita
Clawson (FL) Jordan Rooney (FL)
Coffman Katko Ros-Lehtinen
Cole Kelly (MS) Ross
Collins (GA) Kelly (PA) Rothfus
Collins (NY) King (IA) Rouzer
Comstock King (NY) Royce
Kinzinger (IL) Kingzinger (IL) Russell
Cook Kline Salmon
Costello (PA) Knight Sanford
Cramer Labrador Scalise
Crawford LaHood Schweikert
Crenshaw LaMalfa Scott, Austin
Culberson Lamborn Sensenbrenner
Curbelo (FL) Lance Sessions
Davis, Rodney Latta Shimkus
Denham LoBiondo Shuster
Dent Long Simpson
DeSantis Loudermilk Smith (MO)
DesJarlais Love Smith (NE)
Diaz-Balart Lucas Smith (NJ)
Donovan Luetkemeyer Smith (TX)
Duffy Lummis Stefanik
MacArthur Stewart
Marchant Stivers
Marino Marino Stutzman
Massie Massie Thompson (PA)
McCarthy McCarthy Thornberry
McCaul McCaul Tiberi
McClintock McClintock Tipton
McHenry McHenry Trott
McKinley McKinley Turner
McMorris McMorris Upton
Rodgers Rodgers Valadao
McSally McSally Wagner
Meehan Meehan Walberg
Messer Messer Walden
Mica Mica Walker
Miller (FL) Miller (FL) Walorski
Miller (MI) Miller (MI) Walters, Mimi
Moolenaar Moolenaar Weber (TX)
Mooney (WV) Mooney (WV) Webster (FL)
Mullin Mullin Westerman
Mulvaney Mulvaney Westmoreland

Whitfield Williams Wilson (SC) Wittman
Womack Woodall Yoder Yoho
Young (AK) Young (IA) Young (IN) Zeldin

NOT VOTING—25

Babin Graves (MO) Roskam
Becerra Gutiérrez Rush
Blackburn Herrera Beutler Smith (WA)
Blumenauer Joyce Takai
Brady (PA) Lipinski Velázquez
Davis, Danny McNerney Wenstrup
Duckworth Meadows Zinke
Eillers (NC) Polis
Garamendi Ribble

ANNOUNCEMENT BY THE CHAIR

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

□ 1559

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

AMENDMENT NO. 3 OFFERED BY MR. BERA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BERA) 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 179, noes 235, not voting 19, as follows:

[Roll No. 120]

AYES—179

Adams Delaney Keating
Aguilar DeLauro Kelly (IL)
Ashford DelBene Kennedy
Bass DeSaulnier Kildee
Beatty Deutch Kilmer
Bera Dingell Kind
Beyer Doggett Kirkpatrick
Bishop (GA) Doyle, Michael Kuster
Bonamici F. Langevin
Boyle, Brendan Edwards Larsen (WA)
F. Ellison Larson (CT)
Brown (FL) Engel Lawrence
Brownley (CA) Eshoo Lee
Bustos Esty Levin
Butterfield Farr Lewis
Capps Fattah Lieu, Ted
Capuano Foster Loeb sack
Cárdenas Frankel (FL) Lofgren
Carney Fudge Lowenthal
Carson (IN) Gabbard Lowey
Cartwright Gallego Lujan Grisham
Castor (FL) Garamendi (NM)
Castro (TX) Gibson Lujan, Ben Ray
Chu, Judy Graham (NM)
Cicilline Grayson Lynch
Clark (MA) Green, Al Maloney, Carolyn
Clarke (NY) Green, Gene Carolyn
Clay Grijalva Maloney, Sean
Clever Hahn Matsui
Clyburn Hastings McCollum
Cohen Heck (WA) McDermott
Connolly Higgins McGovern
Conyers Himes McNerney
Cooper Hinojosa Meeks
Costa Honda Meng
Courtney Hoyer Moore
Crowley Huffman Moulton
Cuellar Israel Murphy (FL)
Cummings Jackson Lee Nadler
Curbelo (FL) Jeffries Napolitano
Davis (CA) Johnson (GA) Neal
DeFazio Johnson, E. B. Nolan
DeGette Kaptur Norcross

O'Rourke  
Pallone  
Pascrell  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Rice (NY)  
Richmond  
Ros-Lehtinen  
Roybal-Allard  
Ruiz  
Ruppersberger

Ryan (OH)  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Sherman  
Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
Takano

Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

Yoho  
Young (AK)  
  
Babin  
Becerra  
Blackburn  
Blumenauer  
Brady (PA)  
Davis, Danny  
Duckworth

Young (IA)  
Young (IN)  
  
Ellmers (NC)  
Graves (MO)  
Gutiérrez  
Herrera Beutler  
Joyce  
Lipinski  
Roskam

Zeldin  
Zinke  
  
Rush  
Smith (WA)  
Takai  
Waters, Maxine  
Wenstrup

Pascrell  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Rice (NY)  
Richmond  
Ros-Lehtinen  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)

Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Sherman  
Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
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

NOT VOTING—19

ANNOUNCEMENT BY THE CHAIR

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

□ 1604

Mr. HIMES changed his vote from “no” to “aye.”  
So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. VEASEY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. VEASEY) 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 182, noes 234, not voting 17, as follows:

[Roll No. 121]

AYES—182

NOES—235

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arletta  
Barr  
Barton  
Benishek  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Black  
Blum  
Bost  
Boustany  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Chaffetz  
Clawson (FL)  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comstock  
Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Crenshaw  
Culberson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dold  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Emmer (MN)  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
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  
Jones  
Jordan  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kline  
Knight  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
Lummis  
MacArthur  
Marchant  
Marino  
Massie  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Westerman  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder

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)  
Ross  
Rothfus  
Rouzer  
Royce  
Russell  
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)  
Westerman  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder

Adams  
Aguilar  
Ashford  
Bass  
Beatty  
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  
Ciilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Honda  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Curbelo (FL)  
Davis (CA)  
DeFazio  
DeGette

Delaney  
DeLauro  
DeBene  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael  
F.  
Edwards  
Ellison  
Engel  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Gibson  
Graham  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Hahn  
Hastings  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Hooper  
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  
Loebsock  
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

NOES—234

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arletta  
Barr  
Barton  
Benishek  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Black  
Blum  
Bost  
Boustany  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Chaffetz  
Clawson (FL)  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comstock  
Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Crenshaw  
Culberson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dold  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Emmer (MN)  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
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  
Jones  
Jordan  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kline  
Knight  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
Lummis  
MacArthur  
Marchant  
Marino  
Massie  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Westerman  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder

Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
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)  
Ross  
Rothfus  
Rouzer  
Royce  
Russell  
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)  
Westerman  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder

|               |                 |            |
|---------------|-----------------|------------|
| Yoho          | Young (IA)      | Zeldin     |
| Young (AK)    | Young (IN)      | Zinke      |
| NOT VOTING—17 |                 |            |
| Babin         | Ellmers (NC)    | Roskam     |
| Becerra       | Graves (MO)     | Rush       |
| Blackburn     | Gutiérrez       | Smith (WA) |
| Brady (PA)    | Herrera Beutler | Takai      |
| Davis, Danny  | Joyce           | Wenstrup   |
| Duckworth     | Lipinski        |            |

ANNOUNCEMENT BY THE CHAIR

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

□ 1608

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. WESTMORELAND, 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. 3797) 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, pursuant to House Resolution 640, reported the bill back to the House.

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

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

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

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

Ms. ADAMS. Mr. Speaker, I am opposed to the bill in its current form.

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

The Clerk read as follows:

Ms. Adams moves to recommit the bill H.R. 3797 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, add the following new section: **SEC. 3. EFFECTIVE DATE.**

This Act shall not take effect until the Administrator certifies that implementation of this Act will not result in an increase in air emissions that—

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

(2) 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. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. ADAMS. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to com-

mittee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, my amendment is a critical improvement that would help protect American children in our most vulnerable communities.

This unnecessary bill would weaken both the Cross-State Air Pollution Rule and the Mercury and Air Toxics Standards by allowing waste coal plants to emit more sulfur dioxide. Health risks from exposure to sulfur dioxide can cause breathing problems, reduced lung function, and asthma exacerbations.

I think about the children in Mecklenburg County that I represent who are already suffering from high asthma rates. This bill would further put their health at risk as well as the communities both near waste coal plants and downwind.

Communities with limited resources and political clout are often low-income communities and communities of color. We must ensure, together, that these communities and their unique needs have a voice when it comes to environmental health policy so that we bolster their resilience and reduce the impacts of future disasters.

As representatives of the people, only negligence and apathy could lead us to ignore the risks that this bill poses to human health and the environment.

If my amendment passes, it would make sure that an increase in emissions will not harm brain development or cause learning disabilities in infants or children and will protect our Nation's sources of public drinking water from mercury pollution.

Research shows that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, to learn, and to speak.

Have we not been paying attention?

Just look at North Carolina. It took a disastrous spill of coal ash into the Dan River to make it clear that we were not doing a good enough job to protect our communities and our waterways.

Look at the children and the families in Flint who will never be the same because we failed to protect their basic human right of access to clean water.

How could this be a 21st century issue in America? And what has this body done to help?

Not much.

When will it stop?

Republicans and Democrats, alike, voted in 1990 to strengthen the Clean Air Act to require dozens of industry sectors to install modern pollution controls on their facilities. Since then, EPA has set emissions standards that simply require facilities to use pollution controls that others in their industry are already using. But a few major industrial sources so far have escaped regulation, and the Republicans appear to be on a mission to help them continue to evade emissions limits on toxic air pollution.

This bill is just another Republican handout: weakening the rule and allowing more toxic air pollution and more of these types of health hazards. It favors polluting industries at the expense of Americans and air quality.

Moreover, the bill sets a very dangerous precedent that could open the floodgates to other special treatment bills, creating loopholes and lax treatment that may cause additional health hazards that the Mercury and Air Toxics Standards now prevent. This bill is toxic, and it will be the knife in our children's back.

My amendment will improve the bill by putting the health and safety of our Nation's children first instead of allowing Republicans to continue their assault on the health of our Nation. I urge my colleagues to support it.

□ 1615

Mr. ROTHFUS. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. ROTHFUS. Mr. Speaker, as the father of six children, I, too, am very concerned about environmental risk to our kids, and I am very concerned about the ending of the environmental progress of what we have seen in the refuse-to-energy industry to date.

Let me be clear. There is no change because of the SENSE Act in overall changes on SO<sub>2</sub>, and there is no issue with mercury because these plants already comply with the mercury requirements.

We need to consider the health of our communities if these facilities close. This is a reasonable, balanced, and commonsense approach. Let's not circle the wagons and say no to continued cleanup on the hillsides of Pennsylvania. Let's not say no to restoring streams. Let's not say no to the jobs that these plants represent.

Mr. Speaker, my district is in danger and my constituents are at risk unless this bill passes. Coal refuse piles that have persisted for generations catch fire and burn uncontrollably, spewing toxic pollutants into the air.

Acid mine drainage leaches into rivers and streams, turning them orange and destroying wildlife. Great mountains of coal refuse reminiscent of moonscapes feature prominently in the countryside, looming over towns, school yards, and farms.

Without the hard work of the men and women of the coal refuse-to-energy industry, work that includes painstaking remediation, this problem would be far worse. Yet, EPA regulations that are blind to this industry's unique circumstances threaten to bring their work to an end.

You would think our environmental regulatory agencies and conservation-minded Members of Congress would be eager to find a viable solution to addressing this environmental problem and protecting vulnerable communities across coal country.

Some Members of this body, it seems, choose not to acknowledge the challenges faced by the coal refuse-to-energy industry. They look past the overwhelming good done by these plants as they seek to impose their environmental orthodoxy.

It would seem, based on this afternoon's debate, that preventing uncontrolled coal refuse fires, ruined waterways, and environmental degradation is outweighed by an unflinching attachment to inflexible and unfair Washington environmentalist dogma.

Contrary to what the SENSE Act's opponents claim, these facilities will be forced to close if we fail to provide them with reasonable and achievable emissions limits.

It may interest some in this Chamber that the SENSE Act has typically been a bipartisan proposal. In fact, both of Pennsylvania's Senators—Republican PAT TOOMEY and Democrat BOB CASEY—previously introduced an amendment that was much broader than the conservative and restrained bill on the House floor today. Despite it being a far more aggressive proposal, the Casey-Toomey amendment earned the support of a majority of Senators.

Back home, organizations that work to actually address Pennsylvania's environmental issues have rallied to the SENSE Act. Both the Western and Eastern Pennsylvania Coalition for Abandoned Mine Reclamation have endorsed my bill. Watershed groups have also issued letters of support.

Some today have wrongly argued that the SENSE Act picks winners and losers, that it somehow advantages small, endangered coal refuse-to-energy facilities.

Somehow, in the minds of the bill's opponents, David became Goliath. They fail to see that the issue at hand concerns a small socially beneficial industry unfairly battered by an all-powerful regulatory giant and fighting for survival.

What is most striking about the opposition's mischaracterization is that the EPA has created winners and losers through its inflexible implementation of these rules in which they refuse to treat these plants as a separate category.

The SENSE Act merely recognizes what the EPA should have acknowledged a long time ago, that coal refuse facilities are different from traditional coal-fired power plants.

This bill eliminates the EPA's unfairness by giving these facilities a realistic chance of complying with air quality rules.

Some today have suggested that the States could simply address this issue on their own, that my bill gets in the way of State autonomy. In fact, States have little to no autonomy in administering CSAPR, since any requested change must be approved by the EPA.

According to the SENSE Act's opponents, the EPA, which has thus far refused to provide flexibility for these plants, would somehow have a change

of heart and decide to approve State-requested policy changes. I find that hard to imagine.

Some have also charged that the SENSE Act would threaten air quality, forgetting that this legislation specifically avoids causing any increase in State SO<sub>2</sub> allocations.

More importantly, without the remediation work fueled by this industry, the uncontrolled and environmentally catastrophic coal refuse pile fires that are far too common will only continue. The unregulated emissions from these fires are a greater concern to public health.

It is unfair that some in Washington have pursued an unfair and uncompromising orthodoxy on this issue and have derided in their zeal an overwhelmingly successful private sector solution to a pressing environmental challenge.

The SENSE Act is about protecting vulnerable coal country communities from pollution and environmental degradation. It is about standing up for over 5,200 family-sustaining jobs, many of which are in areas that have experienced economic hardship. These jobs come with names: Robert, John, Tim, James, Pat.

I urge approval of this legislation.

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

Ms. ADAMS. 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.

The vote was taken by electronic device, and there were—ayes 173, noes 236, not voting 24, as follows:

[Roll No. 122]

AYES—173

|                |             |                |
|----------------|-------------|----------------|
| Adams          | Clark (MA)  | Doyle, Michael |
| Aguilar        | Clarke (NY) | F.             |
| Ashford        | Clay        | Edwards        |
| Beatty         | Cleaver     | Ellison        |
| Bera           | Clyburn     | Eshoo          |
| Beyer          | Cohen       | Esty           |
| Bishop (GA)    | Connolly    | Farr           |
| Blumenauer     | Conyers     | Fattah         |
| Bonamici       | Cooper      | Foster         |
| Boyle, Brendan | Costa       | Frankel (FL)   |
| F.             | Courtney    | Fudge          |
| Brown (FL)     | Crowley     | Gabbard        |
| Brownley (CA)  | Cuellar     | Galleo         |
| Bustos         | Cummings    | Garamendi      |
| Butterfield    | Davis (CA)  | Graham         |
| Capps          | DeFazio     | Grayson        |
| Capuano        | DeGette     | Green, Al      |
| Cárdenas       | Delaney     | Green, Gene    |
| Carney         | DeLauro     | Grijalva       |
| Carson (IN)    | DelBene     | Hahn           |
| Cartwright     | DeSaulnier  | Hastings       |
| Castor (FL)    | Deutch      | Heck (WA)      |
| Castro (TX)    | Dingell     | Higgins        |
| Chu, Judy      | Doggett     | Himes          |
| Ciulline       |             | Hinojosa       |

|                |                  |                |
|----------------|------------------|----------------|
| Honda          | Maloney, Sean    | Sarbanes       |
| Huffman        | Matsui           | Schakowsky     |
| Israel         | McCollum         | Schiff         |
| Jackson Lee    | McDermott        | Schrader       |
| Jeffries       | McGovern         | Scott (VA)     |
| Johnson (GA)   | McNerney         | Scott, David   |
| Johnson, E. B. | Meeks            | Serrano        |
| Jones          | Meng             | Sewell (AL)    |
| Kaptur         | Moore            | Sherman        |
| Keating        | Moulton          | Sinema         |
| Kelly (IL)     | Murphy (FL)      | Sinema         |
| Kennedy        | Nadler           | Sires          |
| Kildee         | Napolitano       | Slaughter      |
| Kilmer         | Neal             | Speier         |
| Kind           | Nolan            | Swalwell (CA)  |
| Kirkpatrick    | Norcross         | Takano         |
| Kuster         | O'Rourke         | Thompson (CA)  |
| Langevin       | Pallone          | Thompson (MS)  |
| Larsen (WA)    | Pascrell         | Titus          |
| Larson (CT)    | Payne            | Tonko          |
| Lawrence       | Perlmutter       | Torres         |
| Lee            | Peters           | Tsongas        |
| Levin          | Pingree          | Van Hollen     |
| Lewis          | Pocan            | Vargas         |
| Lieu, Ted      | Polis            | Veasey         |
| Loeb sack      | Price (NC)       | Veale          |
| Lofgren        | Quigley          | Velázquez      |
| Lowenthal      | Rangel           | Vislosky       |
| Lowe y         | Richmond         | Walz           |
| Lujan Grisham  | Roybal-Allard    | Wasserman      |
| (NM)           | Ruiz             | Schultz        |
| Luján, Ben Ray | Ruppersberger    |                |
| (NM)           | Ryan (OH)        | Waters, Maxine |
| Lynch          | Sánchez, Linda   | Watson Coleman |
| Maloney,       | T.               | Wilson (FL)    |
| Carolyn        | Sanchez, Loretta | Yarmuth        |

#### NOES—236

|               |                 |             |
|---------------|-----------------|-------------|
| Abraham       | Fleming         | Loudermillk |
| Aderholt      | Flores          | Love        |
| Allen         | Forbes          | Lucas       |
| Amash         | Fortenberry     | Luetkemeyer |
| Amodei        | Fox             | Lummis      |
| Barletta      | Franks (AZ)     | MacArthur   |
| Barr          | Frelinghuysen   | Marchant    |
| Barton        | Garrett         | Marino      |
| Benishek      | Gibbs           | Massie      |
| Bilirakis     | Gibson          | McCarthy    |
| Bishop (MI)   | Gohmert         | McCaul      |
| Bishop (UT)   | Goodlatte       | McClintock  |
| Black         | Gosar           | McHenry     |
| Blum          | Gowdy           | McKinley    |
| Bost          | Granger         | McMorris    |
| Boustany      | Graves (GA)     | Rodgers     |
| Brady (TX)    | Graves (LA)     | McSally     |
| Brat          | Griffith        | Meadows     |
| Bridenstine   | Grothman        | Meehan      |
| Brooks (AL)   | Guinta          | Messer      |
| Brooks (IN)   | Guthrie         | Mica        |
| Buchanan      | Hanna           | Miller (FL) |
| Buck          | Hardy           | Miller (MI) |
| Bucshon       | Harper          | Moolenaar   |
| Burgess       | Harris          | Mooney (WV) |
| Byrne         | Hartzler        | Mullin      |
| Calvert       | Heck (NV)       | Mulvaney    |
| Carter (GA)   | Hensarling      | Murphy (PA) |
| Carter (TX)   | Hice, Jody B.   | Neugebauer  |
| Chabot        | Hill            | Newhouse    |
| Chaffetz      | Holding         | Noem        |
| Clawson (FL)  | Hudson          | Nugent      |
| Coffman       | Huelskamp       | Nunes       |
| Cole          | Huizenga (MI)   | Olson       |
| Collins (GA)  | Hultgren        | Palazzo     |
| Collins (NY)  | Hunter          | Palmer      |
| Comstock      | Hurd (TX)       | Paulsen     |
| Conaway       | Hurt (VA)       | Pearce      |
| Cook          | Issa            | Perry       |
| Costello (PA) | Jenkins (KS)    | Peterson    |
| Cramer        | Jenkins (WV)    | Pittenger   |
| Crawford      | Johnson (OH)    | Pitts       |
| Crenshaw      | Johnson, Sam    | Poe (TX)    |
| Culberson     | Jolly           | Poliquin    |
| Curbelo (FL)  | Jordan          | Pompeo      |
| Davis, Rodney | Katko           | Posey       |
| Denham        | Kelly (MS)      | Price, Tom  |
| Dent          | Kelly (PA)      | Ratcliffe   |
| DeSantis      | King (IA)       | Reed        |
| DesJarlais    | King (NY)       | Reichert    |
| Diaz-Balart   | Kinzingler (IL) | Renacci     |
| Dold          | Kline           | Ribble      |
| Donovan       | Knight          | Rice (SC)   |
| Duffy         | Labrador        | Riggle      |
| Duncan (SC)   | LaHood          | Roby        |
| Duncan (TN)   | LaMalfa         | Roe (TN)    |
| Emmer (MN)    | Lamborn         | Rogers (AL) |
| Farenthold    | Lance           | Rogers (KY) |
| Fincher       | Latta           | Rohrabacher |
| Fitzpatrick   | LoBiondo        | Rokita      |
| Fleischmann   | Long            | Rooney (FL) |



Ros-Lehtinen Smith (NJ) Walters, Mimi
Ross Smith (TX) Weber (TX) King (IA)
Rothfus Stefanik Webster (FL) King (NY)
Rouzer Stewart Westerman Kinzinger (IL)
Royce Stutzman Westmoreland Kline
Russell Thompson (PA) Whitfield Knight
Salmon Thornberry Williams Labrador
Sanford Tiberi Wilson (SC) LaHood
Scalise Tipton Wittman LaMalfa
Schweikert Trott Womack Pearce
Scott, Austin Turner Woodall Lamborn
Sensenbrenner Upton Yoder Lance
Sessions Valadao Yoho Pittenger
Shimkus Wagner Young (AK) Love
Shuster Walberg Young (IA) Lucas
Simpson Walden Young (IN) Luetkemeyer
Smith (MO) Walker Zeldin Lummis
Smith (NE) Walorski Zinke 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
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)
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus

Shuster
Simpson
Smith (MO)
Smith (NE)
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)
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

Slaughter
Smith (NJ)
Speier
Swalwell (CA)
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

NOT VOTING—24

Babin
Bass
Becerra
Blackburn
Brady (PA)
Davis, Danny
Duckworth
Ellmers (NC)
Engel
Graves (MO)
Gutiérrez
Herrera Beutler
Hoyer
Joyce
Lipinski
Pelosi
Rice (NY)
Roskam
Rush
Smith (WA)
Stivers
Takai
Welch
Wenstrup

□ 1626

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 231, noes 183, not voting 19, as follows:

[Roll No. 123]

AYES—231

Abraham
Aderholt
Allen
Amodi
Barletta
Cramer
Barr
Barton
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Crawford
Crenshaw
Cuellar
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Fox
Franks (AZ)
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)
Lultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Katko
Kelly (MS)
Kelly (PA)

NOES—183

Adams
Agullar
Amash
Ashford
Bass
Beatty
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan
Brown (FL)
Brownley (CA)
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
Cummings
Curbelo (FL)
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutsch
Dingell
Doggett
Dold
Doyle, Michael
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
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
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowe
Lujan Grisham
Luján, Ben Ray
Maloney
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
Poliquin
Polis
Price (NC)
Quigley
Rangel
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires

NOT VOTING—19

Babin
Becerra
Blackburn
Brady (PA)
Davis, Danny
Duckworth
Ellmers (NC)
Graves (MO)
Gutiérrez
Herrera Beutler
Joyce
Lipinski
Rice (NY)
Roskam

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1631

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING PENN STATE UNIVERSITY'S BIG TEN WRESTLING TITLE

(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 to congratulate the Penn State Nittany Lion wrestling team on earning its fifth Big Ten wrestling title in the past 6 years.

The Lions scored 150.5 points to win the title over Iowa earlier this month, which was just one-half point shy of its school record. Beyond the title itself, Penn State wrestler Zain Retherford was named Big Ten Wrestler of the Year, and Jason Nolf won the conference's Freshman of the Year award. Penn State coach Cael Sanderson was also named Coach of the Year.

With a Big Ten title on the books, the focus shifts this week to the NCAA National Championships in New York City. Nine members of the team will compete for the university's fifth national title in 6 years, mirroring their Big Ten success.

I wish these young men the best of luck as they compete in New York City this week, and I congratulate them on their achievement in securing the Big Ten title.

VICTIMS OF GUN VIOLENCE

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

Mr. PETERS. Mr. Speaker, Mountain, Alabama, November 16, 2015: Pamela Oshel, 49 years old.

Tyrone, Missouri, November 18, 2015: Darrell Dean Shriver, 68 years old; Garold Dee Aldridge, 52; Harold Wayne Aldridge, 50; Janell Arlisa Aldridge, 48; Julie Ann Aldridge, 47; Carey Dean Shriver, 46; Valirea Love Shriver, 44.

Manchester, Connecticut, December 8, 2013: Artara Benson, 46 years old;