

# DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

Mr. BISHOP of Utah. Mr. Speaker, pursuant to House Resolution 70, I call up the joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 70, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 38

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior relating to the "Stream Protection Rule" (published at 81 Fed. Reg. 93066 (December 20, 2016)), and such rule shall have no force or effect.*

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

## GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.J. Res. 38.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 4 minutes.

We are starting an historic week in the House, something that was replicated almost two decades ago, but we are doing it again and are using the Congressional Review Act to look at actual rules and regulations. What we are doing is the right thing.

In 1996, when this act was first passed, President Clinton, after signing it, said that this act would give congressional accountability for regulations. Even Harry Reid said that this act would be reclaiming for Congress some of its policymaking authority, and SANDER LEVIN of Michigan, at the time, also said that now we are in a position to do something ourselves. If a rule goes too far afield from the intent of Congress in its passing the statute in the first place, we can stop it. That is exactly what we are attempting to do, and this is one of the first of those activities we will be doing this week.

The Congressional Review Act actually has three purposes in mind. They said, if a rule has excessive costs, if a rule goes beyond the particular agency's statutory authority, and if a rule is duplicative or unnecessary, it should be reviewed by Congress and rescinded. That is exactly what we are going to do because this rule, commonly called the

stream protection rule, does all three of those criteria.

What I want to do is talk about this rule that was passed at the last minute by the former administration—it actually went into effect on the very last day of the administration—and say that it violates all of those three elements. The act itself—the rule itself—was done in secret. They had their own opaque study that they did without letting anyone know what the data was. We asked for it repeatedly, but the agency refused to tell us. Even in 2015, Congress passed a law in the Appropriations Act that mandated they tell us the data, the information. They simply ignored that law. They have refused to work with Congress in any particular way.

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Actually, it violates law. If this rule goes forward, it violates the NEPA law. If gone into implementation, it would violate the Endangered Species Act.

It violates a memo of understanding the Federal Government had with 10 States at the time. In fact, there are 14 States suing over this rule and regulation. We have the letters of support from 14 State attorneys general in support of what we are attempting to do here.

If put into effect, it clearly violates the Clean Water Act by its effort to redefine hydraulic balance, which this agency does not have the authority to do. It is given to other elements.

It also puts us at risk of litigation on a takings issue. There is precedent for that. It could happen again, all because of this ill-defined and unnecessary rule and regulation.

If we roll it back, there is still protection. There will always still be protection. In a Department of the Interior study, they clearly said that 93 percent of all the impact has already been taken care of and does not actually exist. It would be easy for us to do and it would put us back to a rule established in 1983 that is effective in protecting these areas. Ninety three percent of all streams have no impact by this issue whatsoever.

It also clearly says, under the report when this rule was being done, that the States that are legally supposed to be coordinated and be a part of the process were shut out of the process. It is one of the reasons why they are still suing, which means the memo of understanding signed by those States was ignored by the agency in coming up with this rule. The States that regulate 97 percent of the Nation's coal production, States and tribes that abate well over 90 percent of the abandoned mine problems—they have it in line, they have it ready, they are ready to move forward with it—they were simply shut out of the process. It is a poor process.

There was a former icon of this body, a great Member who once allegedly said: If I let you make the policy and you let me make the procedure, I will screw you over every time.

This is poor procedure that has produced a poor rule, which will result in poor policy. At best, this rule is redundant. It is clearly unnecessary, and it does have the potential of hurting people nefariously when it does not need to.

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

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

I rise in strong opposition to this resolution, which would put coal company profits ahead of clean water and public health. The stream protection rule has been in development for 7 years and puts in place modest, commonsense protections for people who live near coal mines.

This isn't just a rule to protect streams. This is a rule to protect people's health, to protect people's homes, and to protect the clean water that they rely on. These folks felt strongly enough about this rule to submit public comments.

The rule is designed to protect people like Donetta from West Virginia, who nearly lost her life when chemicals from coal fields found their way into her water supply and interacted with her medication in such a way that it nearly destroyed her liver.

The rule is designed to protect people like John from Alabama, who reports lakes that have turned gray and streams that have turned orange.

This rule is designed to protect people like David from Tennessee, who watched a creek near his grandmother's home become lifeless due to strip mining nearby.

This rule is designed to protect people like Josh from North Carolina, who can no longer fish in the streams near a family home and wants coal companies to be held accountable for the damage that they did.

This rule is designed to protect people like Jonita from Kentucky, a coal miner's daughter whose water supply is tainted with heavy metal and other toxins from coal sludge. She wrote: "Coal put the food on my table. It also put the poison in my water. Reasonable trade-off?"

I don't believe that Jonita or anyone else should have to make that trade-off. No one's water supply should be sacrificed in the name of higher bonuses for coal company CEOs. Those coal executives have made it their overriding goal to kill this regulation; and after spending nearly \$50 million on political campaign contributions over the past 6 years, they now have a Congress and a President to do it.

So for the first time in 16 years and just the second time ever, Republicans are going back to Newt Gingrich's playbook and trying to successfully use the Congressional Review Act simply because the coal industry feels like it shouldn't be held accountable.

But as we know, this is only the first of five regulations that we will be repealing just this week. Later today, they are going to get rid of the rule

that requires increased transparency on the part of oil, gas, and the mining industry. Later this week, we will be fighting for the right of oil and gas companies to pollute the air with methane.

This is the Republican agenda in the age of Trump; an attack on clean water, an attack on clean air, an attack on transparency, and an attack on human health. If you are a CEO or a wealthy Republican donor, this is great news; and you will love the next couple of years. But if you are an ordinary American that depends on their government to hold companies accountable through tough but fair enforcement of regulations, you should be extremely worried.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield to 3 minutes to the gentleman from Ohio (Mr. JOHNSON) to explain this joint resolution.

Mr. JOHNSON of Ohio. Mr. Speaker, make no mistake about it, the stream protection rule is not about protecting streams. It was designed for one purpose—to regulate the coal mining industry out of business. It is the centerpiece of the Obama administration's war on coal.

The simple truth is revealed when you begin to follow the Office of Surface Mining's 7-year approach to writing this job-killing rule, a process which began only after the previous administration discarded the rule's predecessor, a 2008 regulation that underwent 5 years of extensive environmental review and public comment.

That was just the beginning. Since then, millions of taxpayer dollars have been needlessly spent developing this rule. Contractors were hired to help rewrite the rule, but then subsequently fired when it was leaked that the initial revisions of the rule would cost thousands of jobs, and that was within the first few months of this attempted rewrite.

Unfortunately, estimated job losses have only skyrocketed since the final rule was released. What is troubling is that, throughout the rule's rewrite, the administration refused to visit mines or to actually assess the impact of the rule on operating mines.

There were attempts to cover up data that concealed the rule's true economic impact. The Office of Surface Mining also repeatedly refused to provide Congress with important documents it used to develop the rule, while keeping State regulating agencies charged with implementing this onerous rule in the dark and at arm's length throughout the entire rewrite.

Now, after 7 years of this politically motivated rewrite, the previous administration issued the final rule as they were leaving town, well after the American people—particularly those men and women in coal country—had sent a clear message to Washington. Politically motivated attacks on the livelihoods of those who keep the lights on will not stand.

The issuance of this rule, after all these facts are considered, proves what I said earlier. This rule is about one thing: regulating the coal industry and putting thousands of hardworking Americans that depend on the coal industry for their livelihoods in the unemployment line.

No one cares more about our streams that run through coal country than those who live there, and no public officials know better how to create a balance between protecting both jobs and the environment than those serving in local and State governments that represent coal-producing communities. It is certainly not the beltway bureaucrats in Washington.

I look forward to what I hope to be and should be a bipartisan vote supporting today's important resolution.

Mr. GRIJALVA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LOWENTHAL), the ranking member of the Committee on Natural Resources' Subcommittee on Energy and Minerals Resources.

Mr. LOWENTHAL. Mr. Speaker, I rise today to oppose H.J. Res. 38.

The science is clear: mountaintop removal mining is harmful to the health of people who live near these mines. Anyone with a computer can go to Google Earth and see the tremendous scars on the landscape from mining companies that blast the tops off mountains and then dump the waste into the valleys below. But largely invisible to the naked eye is the suffering of people who live in the nearby communities because of these harmful practices.

The stream protection rule will protect hundreds of vulnerable families and children who live near these sites from lung cancer, heart disease, kidney disease, birth defects, hypertension, and other health problems.

If the majority has a problem with this final rule, as they say they do, they should hold a hearing in the Natural Resources Committee to discuss its merits. There we would have an opportunity to talk to the administration and hear from those who are most affected by mountaintop removal mining.

Instead, they have decided to bypass regular order, go straight to the Congressional Review Act, which will take a chainsaw to this commonsense pollution rule. This is a reckless approach.

I urge my colleagues to take time to listen to the voices of the American people. Please put the health and safety of American families first and vote "no" on this reckless resolution.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. JENKINS), someone who has forgotten more about coal than I will ever know.

Mr. JENKINS of West Virginia. Mr. Speaker, I rise in support of this resolution. Like so many folks, I have been fighting this misguided rule for years. Miners have been fighting this rule for years. And States—bipartisan, Demo-

crat and Republican—have been fighting this rule for years.

Stopping this rule matters to West Virginians, to our miners, to our families, to our consumers. We produce 95 percent of our electricity from coal. It is reliable and it is affordable. Coal employs 20,000 West Virginians, and tens of thousands more make their living related to coal.

The loss of a coal job and the closing of a coal mine affects us all. Its severance tax revenues help to fund our schools, pay for our police and fire departments, and put money in the coffers of our local governments.

This rule would cost cities and counties \$6.4 billion in tax revenue over a year, with the decline in coal mining. That means even more cuts.

When we lose coal jobs, we lose other jobs as well. When coal families lose a paycheck, they aren't able to buy goods and services like they used to. That hurts small businesses, our shops, and our restaurants.

It is estimated that this rule would kill 281,000 coal jobs and related jobs in other fields. My State can't afford to lose any more jobs, and I know that goes for other coal States.

However, despite these facts and the objections of more than a dozen States, the Office of Surface Mining adopted a go-it-alone approach. They ignored input that contradicts their agenda. They withheld information on the rule and restricted States from reviewing it. Well, that ends today.

I thank Chairman BISHOP, I thank the House Natural Resources Committee, and I thank the leadership of the House for their support on this resolution. Thank you, Senator CAPITO and Leader McCONNELL, for your leadership in the Senate. We also have the support of the White House on this resolution.

With a simple majority vote in the House and the Senate, we will end this rule and stop this job-killing, anticoal agenda.

I urge support on this joint resolution.

Mr. GRIJALVA. Mr. Speaker, it should be noted for the record that the Republican majority conducted a 4-year investigation into the development of this rule, holding 12 hearings, issuing two subpoenas, collecting 25 hours of audio recordings and 13,500 pages of documents, but were unable to uncover any political interference or misconduct in the development of this rule.

I yield 1½ minutes to the gentleman from Michigan (Mrs. LAWRENCE).

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Mrs. LAWRENCE. Mr. Speaker, I rise today in strong opposition to H.J. Res. 38. This rule is a much-needed update to existing mining regulations. It ensures that communities that reside by mining operations monitor water pollution levels.

I am standing here today to continue to speak up and fight for clean water in

America. I promised that I would stand up and make sure that never again in America another community would be poisoned by the water. I say to you, Mr. Speaker, that miners deserve clean water as well.

This resolution monitors drinking water sources for pollution, such as lead and other toxic substances, and provides that information to the public. Have we learned something from Flint, Mr. Speaker?

This rule will also help protect land and forests by ensuring that companies restore the land and water sources that were impacted by a precious occupation in our country, and that is mining operations.

Let's defeat this resolution that prohibits commonsense rulemaking, protects the environment, and protects the rights of Americans to have access to clean, safe drinking water, while also creating jobs.

Mr. BISHOP of Utah. Mr. Speaker, I don't want to quibble over details, but we actually held 13 hearings and passed four bills over the last three Congresses about this particular rule and found countless problems with it. That is why we are here today.

I yield 3 minutes to the gentleman from West Virginia (Mr. MCKINLEY), who knows the real impact on his constituents that this rule will have.

Mr. MCKINLEY. Mr. Speaker, as chairman of the Congressional Coal Caucus, I rise today in strong support for this action.

After 8 long, tortuous years, our coal communities have endured a withering attack from Washington bureaucrats focused on this agenda of anticoal. What has been the result?

Across this country, in the coal fields of this country, 400 mines have closed down, 83,000 coal miners have lost their jobs, 246 power plants have closed down, and our electric utility bills have gone up 45 percent.

Then, right before President Obama left town, his administration punctuated its war on coal with this damaging further rule. This rule is nothing more than an organic manifestation of a Washington bureaucracy drunk with power. If it is left unaddressed, this rule would shut down an additional number of coal mines, and 78,000 men and women would lose their jobs because of this rule.

For the last 2 years, our Coal Caucus, bipartisan members, have made stopping this rule our number one priority, because it has nothing to do with the health of America, the safety of America, and the life of Americans.

Simply put, it was President Obama's attempt to drive a final nail into the coffin of an industry that made America great.

Look, enough is enough. This war on coal has to come to a stop, and I think this election set the tone for that.

Now that we finally have a President who understands the painful impact of excessive and unnecessary regulations, we should pass this CRA as quickly as possible so he can sign it.

It is time to give the families of the coal fields all across America a chance to get relief from the unelected bureaucrats in Washington.

I thank the chairman for his work in getting this. I thank him for the co-sponsorship that we have had with Congressmen JOHNSON and JENKINS to help us out on this, to get this before us. We have to do this for the people of West Virginia and around the country.

Mr. GRIJALVA. Mr. Speaker, if there is a war on coal, it is being led by the natural gas industry who produces a cheaper product at a lower cost. And if there is any trouble that coal is in, it is directly attributed to the free market and that competition.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUFFMAN), the ranking member of the Subcommittee on Water, Power and Oceans.

Mr. HUFFMAN. Mr. Speaker, I rise in opposition to this attempt to politically override the Interior Department's stream protection rule.

Much like the destructive mountaintop removal practice that this rule is designed to prevent, this Republican assault on the environment and the health of coal mining communities is a crude and dirty process.

Using the Congressional Review Act, a single hour in Congress is going to be enough to remove a rule that reflects 7 years of national public debate, including at least 30 stakeholder meetings, over 100,000 public comments. This blows up the regular legislative and regulatory process, ignores science, marginalizes public health, and puts coal communities at risk.

Let me be clear: when the coal dust settles on this devastating resolution, it certainly won't be Members of Congress who are left drinking polluted drinking water or battling lung cancer, heart disease, and birth defects.

Much like the coal executives who profit from exhausting and polluting the natural resources of these communities, the GOP will move on to the next target and look for the next way to let business off the hook, to let them externalize their costs to the environment, to local communities, and, ultimately, to the U.S. taxpayers who have to clean up the mess.

But communities in the Appalachian Mountains, vital salmon streams in Alaska, and much-needed water supplies across this country will be left dealing with the aftermath, while our Republican colleagues boast about having provided so-called regulatory relief.

For all the talk about coal jobs from Republicans and our new President, you would think they would care just a little about protecting the health of these coal miners and their families and their communities. And yet, when given a chance to protect the water quality of 6,000 miles of streams in coal country, this House is choosing to side with the polluting industry instead.

That is shameful, and we should oppose this wrong-headed resolution.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), who chaired most of our 13 hearings on this issue, and who represents a State that is suing because they were ignored in this rule, where they should have had their rights under the Clean Water Act, which is part of the problem we have here.

Mr. LAMBORN. Mr. Speaker, on December 20, 2016, the stream rule was finalized in the last days of the Obama administration by the Office of Surface Mining Reclamation and Enforcement, OSM. Ostensibly, the rule is about keeping American waterways clean. In reality, it is a power grab aimed at giving Federal regulators more authority to make coal too expensive for anyone to mine or use.

But no one should be surprised. In 2008, then candidate Barack Obama told the San Francisco Chronicle that while people would still be free to build a coal-powered electricity plant under his energy policies, it would bankrupt them because of the high costs his regulations would impose. And that is exactly what President Obama has tried to do.

Under the stream protection rule, Federal regulators will have expanded power to draw up new standards that make it harder to get a coal mining permit. OSM's Federal water standards would suddenly take precedence over the State standards that have long governed the industry under the Clean Water Act. The Fish and Wildlife Service would also gain the power to veto coal permits.

The aim is to take permitting power from States and impose a one-size-fits-all standard. When this process started, 10 States signed on to Interior's rule-making process as State cooperating agencies. But 8 of the 10 later withdrew because Interior wasn't interested in what they had to say.

The subcommittee I chaired held 13 hearings to expose the flaws behind this rule. The rule provides no discernable environmental benefits, while duplicating extensive existing environmental protections at both the Federal and State levels.

In fact, the rule's only purpose appears to be to support the environmental lobby's "keep it in the ground" platform, locking away up to 64 percent of our domestic coal reserves, putting tens of thousands of Americans out of work, and raising energy costs for millions of Americans.

I urge my colleagues to join me in supporting the joint resolution of disapproval under the Congressional Review Act.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BROWN), a member of the Natural Resources Committee.

Mr. BROWN of Maryland. Mr. Speaker, I rise in opposition to H.J. Res. 38. Today, I speak against eliminating the Department of the Interior's stream protection rule. The proposed rule is

about balancing the need to support our American coal industry with our responsibility to safeguard and protect our environment.

What is most concerning and simply outrageous is that this bill proposes to not only overturn the stream protection rule, but it would prohibit the Interior Department from ever issuing a similar rule in the future, even as technology advances and best practices to safeguard the environment improve.

The rule, which was drafted over 7 years, after 30 public meetings and over 100,000 public comments, is the first major update to surface mining regulations in more than 30 years, but is being rolled back without even a single hearing in this Congress, which doesn't follow regular order.

Mr. Speaker, Maryland has a rich history of coal mining, a history that predates our Nation's founding. Yet, for a decade, we have witnessed a slow decline in coal production and a shift toward cheaper and cleaner sources of energy. Nevertheless, the industry in Maryland continues to employ hundreds of people, produce nearly 2 million tons annually, and coal is the leading export commodity leaving the port of Baltimore. I support the coal industry in Maryland.

But in Maryland, where the streams from our mountain panhandle, coal country, flow into the Potomac and eventually the Chesapeake Bay, we have taken proactive steps to mitigate the environmental impact associated with mining, requiring companies to develop and follow reclamation plans, divert streams, treat acidic drainage with chemicals, and control erosion and runoff.

However, our efforts and requirements haven't kept up with modern technology and innovative best practices. And the proposed rule enables us to employ better technology to better achieve our environmental goals.

The Department of the Interior estimates that compliance costs will amount to a de minimis percentage of coal industry revenues, there will be a minimal impact on mining jobs, and it will create good-paying, green jobs. We will protect 6,000 miles of streams, 52,000 acres of forest, and reduce 2.6 million more tons of carbon dioxide emissions.

Mr. Speaker, representing families in the Chesapeake Bay watershed, I understand firsthand that once the ecologies of streams, rivers, and bays are degraded, they cannot be easily reclaimed.

Now is not the time to turn back or turn our back on technology that is available and that is offered up in this rule.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GOSAR), part of our committee who has heard the 13 hearings, understands this issue, and was part of the House when we voted four different times to be opposed to this particular rule.

Mr. GOSAR. Mr. Speaker, there is no question that President Obama put his own environmental legacy ahead of the well-being of the American people. The Obama administration squandered taxpayer money for 8 years attempting to force the stream protection rule down our throats.

The deception and lack of transparency utilized to implement this rule were unprecedented. Along with manipulating job loss numbers, the administration even changed the rule's name, thinking the American people might forget about it. But the fact is, you can't put lipstick on this pig. Whether you call it the stream buffer zone rule or the stream protection rule, the rule still stinks.

The American people who want good-paying careers have missed out on hundreds of thousands of jobs around the country as a result of President Obama's ideologically-driven war on coal. But today is a new dawn in America, and this job-killing, midnight regulation is now directly in the crosshairs of the Trump administration and of this Congress.

On behalf of all hardworking Americans, I urge my colleagues to vote to support this commonsense legislation.

Mr. GRIJALVA. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BEYER), a member of the Natural Resources Committee.

Mr. BEYER. Mr. Speaker, with respect, I quote Mr. MCKINLEY: "We have to do this for the people of West Virginia and around the country." And I agree, and this is why we need the stream protection rule.

It is a commonsense approach to minimizing the impacts to surface water and groundwater from coal mining.

In Appalachia alone, mountaintop removal has been responsible for the destruction of 2,000 miles of streams. Peer reviewed studies have linked mountaintop removal mining to cancer, birth defects, and serious health problems for residents living near these mining sites.

Just look at my Virginia map. The highest death rates in the State and the most chronic diseases are in the coal fields.

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I saw this firsthand while I was Lieutenant Governor of Virginia for 8 years, when mountaintop removal mining became the most prevalent coal mining technique in central Appalachia.

That is why this is so important. Communities near coal mining sites have a right to know what is in their water because it impacts their livelihood and their lifespan.

This rule includes commonsense monitoring of streams—many of which are important drinking water sources—for pollutants such as lead, selenium, and manganese. Basic monitoring for these toxins is essential, given their potential impacts on human health and the environment.

The rule also requires that streams and lands disturbed by surface coal mining be restored. This would result in the protection or restoration of approximately 6,000 miles of streams and 52,000 acres of forest over the next two decades.

This is really important because we know the contamination of streams by coal mining pollution threatens everything from fishing and outdoor recreation to small businesses like restaurants and farms that are relying on clean, safe water. This rule is an appropriate balancing act between our energy needs and our environmental protections, and it is also appropriately flexible to coal mining companies.

Most importantly, the Congressional Review Act doesn't make sense here. If you want to trim a tree, you don't chop it down and bury it under cement so it will never grow again. The Congressional Review Act is an extreme measure that would permanently damage our surface mining laws. We have heard that it was a product of more than 7 years of work and the chairman talks about the 13 hearings, but not one has been held in the 18 months since the rule was proclaimed.

The Congressional Review Act describes the vast amount of work that the Office of Surface Mining did in order to create this rule.

The SPEAKER pro tempore (Mr. WOODALL). The time of the gentleman has expired.

Mr. GRIJALVA. I yield the gentleman an additional 1 minute.

Mr. BEYER. Mr. Speaker, what is most dangerous is, because of the lack of clarity regarding the Congressional Review Act's prohibition on similar rulemakings, the agency may never take future efforts to update and improve surface mining regulations. Even if you don't like this surface protection rule, disallowing any future protections for the water and health of communities living near coal mining operations makes no sense at all.

I urge my colleagues to vote against this bill.

Mr. BISHOP of Utah. Mr. Speaker, I now have the pleasure of recognizing people who are not on our committee but still know how silly this rule actually is.

I yield 1 minute to the gentleman from Illinois (Mr. BOST.)

Mr. BOST. Mr. Speaker, the Obama administration antioal regulation was a solution in search of a problem. It wasn't intended to protect the environment. It was intended to put coal miners out of work. And, sadly, it has been successful in achieving that goal.

A study of the rule estimates it would destroy more than one-third of our coal jobs, and that nearly half of all coal resources would effectively be off limits to mining. In addition, the OSM rule has ignored clear congressional directives to share information with the States.

If ever there has been a time for Congress to act, this is it. I urge my colleagues to support this resolution.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MCEACHIN), the ranking member of the Natural Resources Committee, Subcommittee on Oversight and Investigations.

Mr. MCEACHIN. Mr. Speaker, I rise today in opposition to this resolution to overrule the stream protection rule, just as I would oppose any measure that threatened the quality of our drinking water.

Clean drinking water is a fundamental health need, and meeting that need is one of our most basic responsibilities in this Congress. We must not put special interests ahead of the health of our constituents.

The stream protection rule is very simple:

It strengthens and clarifies existing water quality protections with respect to mining.

It requires that affected streams be restored when mining is finished.

It gives communities accurate information about water quality so they can best protect themselves from pollution.

Mr. Speaker, these protections are not onerous, but their benefits are vast.

We have seen in Flint, Michigan, and elsewhere the painful consequences when people lack access to safe drinking water. We must do more to prevent that kind of suffering and damage. Nixing this rule would, instead, mean that we are doing less.

The stream protection rule is the product of a careful year's-long process. Countless stakeholders participated at two dozen public meetings, and regulators received tens of thousands of public comments.

Mr. Speaker, this rule was crafted in the sunshine, but we are about to overrule it in the dead of night. After all of that work, this resolution of disapproval did not even receive a committee hearing.

Mr. Speaker, if this body is seriously going to weaken vital drinking water protections, the American people deserve ample opportunities to inform themselves and to make their voices heard. This rushed-through proposal denies them that opportunity.

I find this measure to be very disturbing, and I find the process concerning. I urge all of my colleagues on both sides of the aisle not to go down this path.

Mr. BISHOP of Utah. Mr. Speaker, nice to know that 2:30 in the afternoon is the dead of night.

I yield 1 minute to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, a little over a year ago, I took a mile-long, 30-minute ride with coal miners into a 3½-foot-high coal mine in the mountains of Pennsylvania. I was reminded that day about the incredible work ethic of the folks in western Pennsylvania, the same work ethic that literally built this country in the 19th and first half of the 20th centuries.

The regulation we vote on today is one of the last rules that the Obama administration pushed out. This regulation has a single purpose: the demise of the coal industry and the thousands of middle class jobs that depend on it. This regulation is the culmination of former President Obama's ideological war on American energy that provides minimal benefit but tremendous cost.

I care about the miners and the workers I met with whose middle class jobs are at risk. I care about utility customers whose electric bills will go up because this regulation will take valuable American energy offline. I care about the communities that are hurt when these coal mines close.

This country continues to make tremendous progress on cleaning up the environment, progress that will continue without this job-killing regulation. If you care about the workers, if you care about these communities, you will vote "yes" on this CRA and block this job killer.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, I rise in opposition to this dangerous effort to block the stream protection rule, a commonsense proposal that has the potential to save lives and will improve the health, outcomes, and well-being of families over time throughout coal country.

This bottle of—I guess you could call it a liquid—wasn't taken from an industrial waste site or from the runoff of a landfill. This came from the drinking well of the Urias family's home in Pike County, Kentucky.

Despite what it looks like, there is water in there along with chemicals, toxic minerals, and known carcinogens, all present in this family's drinking water because of mountaintop removal.

The mountaintop removal process begins with beautiful mountains that look just like this. These are Appalachian Mountains near the West Virginia-Kentucky border.

First, they raze an entire side of the mountain, tearing trees from the ground and burning down any plant growth. From there, they use explosives to blast the tops off the mountains and push rock and dirt out, ultimately filling the surrounding streams and waterways with debris, blast materials, and other dangerous elements and minerals that end up in the drinking water of the Urias family and countless others throughout coal country.

This is what is left.

As we have noted during our fight for funding to help the families of Flint, Michigan, dealing with water contamination, this should not happen here in America in the 21st century; yet families in coal country have been dealing with this for 40 years. So you can imagine how many people's health has been jeopardized by this practice.

The stream protection rule that the House is about to block would serve as

one of the only safety measures that would protect these families from poisonous drinking water, higher rates of cancer, lung disease, respiratory illness, cardiovascular disease, birth defects, and the countless negative health effects that plague this region.

If my colleagues on the other side of the aisle want to block the safeguards of the stream protection rule, they should at least consider supporting my legislation, the Appalachian Communities Health Emergency Act, or ACHE Act. I introduced this bill earlier today with Representative SLAUGHTER to suspend new mountaintop removal permits until the Department of Health and Human Services can conduct a comprehensive Federal study of the health effects of this reckless mining method used in my State of Kentucky and throughout coal country.

I believe mountaintop removal should be banned, but at a minimum, we should halt all new permits until the safety of the residents in the surrounding communities is assured. Therefore, I urge my colleagues to oppose today's effort to block this potentially lifesaving rule and support the ACHE Act.

We have failed to protect the families in these communities, and passage of this bill will inflict another blow to their health and well-being. They deserve far better.

I will make a final offer to my colleagues on the other side. If anybody wants to come and take a drink out of this, I will withdraw the ACHE Act and vote for their legislation.

Mr. BISHOP of Utah. I am pleased to yield 1 minute to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, in the waning days of his Presidency, the Obama administration finalized the stream buffer rule, a final parting shot at the coal industry on his way out the door. Not once did the Office of Surface Mining visit and assess the economic impact of this rule on operating mines. In fact, in their analysis, they relied on "hypothetical mines."

These aren't hypothetical mines and they aren't hypothetical jobs that will be affected. In the real world, this rule could mean the end of coal production in Ohio and the end of thousands of good-paying jobs in countless communities like the one I grew up in.

Ohio will be directly impacted by this rule. Fifty-nine percent of our electricity comes from coal-fired power plants, and Ohio's coal industry employs thousands of hardworking Americans.

Mr. Speaker, I urge my colleagues to vote to stop this rule, to stop the war on coal, and to stop this rule which could cause hardworking Americans to lose their jobs. I urge my colleagues to support this joint resolution of disapproval under the Congressional Review Act.

Mr. GRIJALVA. I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Colorado (Mr. TIPTON), another State that was promised, in the Clean Water Act, to have authority which was taken away by this simple rule.

Mr. TIPTON. Mr. Speaker, the United States is blessed with a wealth of domestic energy resources, allowing our Nation to responsibly develop safe, abundant, and affordable energy to meet our own needs.

The Third District of Colorado has blue skies, clean water, while maintaining a healthy amount of responsible development of oil, natural gas, and coal production in its many communities.

According to the Energy Information Agency, coal accounted for approximately 60 percent of the electricity generated in Colorado in 2015; yet this vitally important resource that provides affordable energy and jobs to many of our families' homes has come under attack. Backed by radical interests, the government has issued new rules and regulations under the guise of environmental protections, but whose true intent is to bankrupt the coal industry with regulatory compliance.

The stream protection rule is a solution in search of a problem. Modern mining operations are already adept at avoiding impacts to watersheds, as the Office of Surface Mining's own numbers show. The industry is also already subject to a wide array of environmental statutes and regulations enforced by various Federal and State co-operating agencies.

I urge the passage of this resolution and encourage my colleagues to support it.

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

I would like to read a few lines from letters of opposition to this resolution. The first comes from a coalition of 75 national and local environmental groups who are strongly opposed to this bill.

They write: "This long awaited rule provides local communities with information they desperately need about water pollution caused by nearby coal mining operations, and includes several important protections for clean water and the health of communities surrounding coal mining operations. Any attack on the safeguards in the Stream Protection Rule is an attack on clean water and should be opposed."

Wildlife and sportsman groups are also opposed.

The National Wildlife Federation writes: "The Stream Protection Rule is an important water quality rule for our nation. It seeks to empower State regulatory authorities to ensure coal mining and reclamation best practices, taking into account their unique regional distinctions and impacts to local communities and wildlife.

"... any efforts to undermine the safeguards afforded by the finalized

Stream Protection Rule, a rule with years of stakeholder outreach and engagement, would be an attack on clean water and should be opposed."

Travel Unlimited says: "The rule is a worthy, sensible effort to reduce the huge impacts of mountaintop removal coal mining . . . on our Appalachian streams and rivers."

And it goes on and on. They all go on to point out the specific impact of mountaintop removal mining on fishing and wildlife and sportsmen.

"Mountaintop removal mining practices create a survival risk for brook trout and other wild trout populations, and impede efforts to restore brook trout in already degraded watersheds."

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

Mr. BISHOP of Utah. I am pleased to yield 1 minute to the gentleman from Kentucky (Mr. COMER), a new Member of Congress, who realizes that this rule is long on regulations and short on real new protections for people.

□ 1445

Mr. COMER. Mr. Speaker, I rise to speak in favor of repealing the stream protection rule.

I represent a coal-producing district whose economy has been devastated by the former President's and his renegade of unelected bureaucrats' war on coal.

Last year, a Presidential candidate boasted among a liberal political crowd that she would put a bunch of coal miners out of work. She went on to say that the government would then essentially come in and put those hardworking, out-of-work coal miners on welfare.

Well, Mr. Speaker, my coal miners don't want to be on government welfare. They want the government to get out of their way and let them work.

Because of senseless, onerous regulations like the stream protection rule, the liberals in Washington have succeeded in putting most coal miners out of work. I believe that with the passage of H.J. Res. 38 and a sensible energy policy created and implemented by businesspeople instead of bureaucrats, we can begin to bring coal jobs back to Kentucky and help provide the struggling economies in Kentucky's coal counties.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LAMALFA), one of the other members of our committee who has served for a long time and has heard many of these arguments before.

Mr. LAMALFA. Mr. Speaker, I rise today in support of the measure for congressional disapproval of the Department of the Interior's stream protection rule, which was created under the guise of protecting the environment but, instead, has been very harmful to American jobs.

They have attempted to cripple an industry—energy—that has provided

vast amounts of energy to States across this country for decades. My home State of California has had a long history of mining that has led to incredible economic growth and job opportunities for many of my local communities.

This one-size-fits-all approach fails to provide any regulatory certainty to industry and denies important tax revenue from energy extraction to the American taxpayer.

I appreciate my colleagues bringing this to the floor, and I hope we can sort through the rhetoric on this against energy jobs of a very important segment across the country that supplies so much of our energy currently, and can do it with safety and a mind for re-developing our economy.

Mr. GRIJALVA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, the opposition to this particular bill goes from coast to coast. We just heard from California. Now we will go back to the East Coast.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. YOHO).

Mr. YOHO. Mr. Speaker, I stand here today in support of the livelihood of an entire region of our country and industry that was unfairly targeted by the Obama administration in pursuit of an ideological agenda to do away with our Nation's abundant coal resources.

The previous administration targeted the coal industry and, by extension, the hardworking Americans employed by the industry under the guise of protecting the environment. We all want clear air and water for our Nation's prosperity, but this rule is so strict, it makes it impossible for companies to continue to operate. It results in layoffs, closed businesses, and ultimately an entire region unemployed.

Our Nation is blessed with an abundance of natural resources and we should utilize them all: oil, hydro-power, wind, solar, and yes, clean coal, too. We must be prudent about how we regulate our energy industries because when one sector is pushed out, it is the moms and dads at the end of the month paying their electric bill that feel the impact the most. All Americans will be affected, but it will be felt more by the ones who can least afford it.

That is why I am opposed to the rule, and I urge my colleagues to support the CRA.

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

The use of the Congressional Review Act has been categorized as reckless and extreme. The CRA was going to cause significant and lasting harm.

If successful, two things are going to happen: the regulation is void and the agency is prohibited from issuing another similar rule ever again.

I mention that because this is about health. It is about the health of the people living around those mining operations and it is about mountaintop removal and the documented analysis



that proves that it is a danger to health. It contaminates water and it is destructive to the environment.

It is curious that we had 13 hearings—I stand corrected—and an investigation that went on in perpetuity, it seemed like. Yet, once the rule was finalized and published in 2015, we never had another hearing on the item again, which begs the question: If the whole point was to delay and prevent this rule from ever taking effect and, more importantly, make it susceptible to the Congressional Review Act, mission accomplished for the majority.

But the long-term consequences of using the CRA on a rule that is designed to protect people's health, on a rule that is designed to make coal companies be transparent and disclose to the public, on a rule that every scientific analysis and the science is clear that this rule was indeed there to protect both people and communities, I think that is the permanent harm being done by this action today—denying the people in those communities to return to past practices that created the problem that we are dealing with and that this rule attempted to address that created that problem.

Now we return to those times where unregulated mountaintop removal causes the destruction to both human beings and the environment that we see as a legacy. I think it is not only disrespectful to the people of those regions, but it, again, puts their health and the well-being of both the environment and humanity in that area at major risk. It is not only reckless and extreme to use the CRA, it is also dangerous.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. BARR), who clearly understands the situation that this rule has presented.

Mr. BARR. Mr. Speaker, I appreciate the opportunity to speak in favor of this Congressional Review Act resolution on behalf of the thousands of fellow Kentuckians who have lost their jobs in the coal industry.

In eastern Kentucky, not far from where I live, it is not just a recession that they are experiencing. What is happening in eastern Kentucky is a little depression over the last several years. The stream protection rule would be the final death knell of a proud industry that has literally powered America for over a century.

When I talk to the men and women of eastern Kentucky about the prospects of losing even more jobs in an economically depressed place, it is just absolutely devastating. So I applaud the work of the committee and I applaud the work of this House to take this matter seriously to end this regulation that would put even more of my fellow Kentuckians in economic distress.

Instead of looking at environmental questions as a matter of the need to have more government central plan-

ning, let's solve environmental problems in a different way, through innovation and technology.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise in support of this resolution providing for a congressional disapproval of the stream buffer rule.

In my home State of Illinois, coal production employs roughly 5,000 workers and the industry contributes \$2 billion a year to our State's economy. In southern Illinois, these are some of the region's best-paying jobs.

Unfortunately, this rule was one of the final shots the Obama administration fired in their war on coal. Unless reversed, this rule is directly going to hurt our Illinois coal miners and those working at coal power plants and, in the end, consumers—those who pay the utility bills in this country.

The last administration refused to work in good faith with the States when finalizing the rule, even after Congress told them to do so in the 2015 omnibus bill.

I include in the RECORD a letter from the Illinois Department of Natural Resources in opposition to the rule.

ILLINOIS DEPARTMENT OF  
NATURAL RESOURCES,  
Springfield, IL, January 30, 2017.

Re The Stream Protection Rule and The Congressional Review Act.

Hon. PAUL RYAN,  
Speaker, House of Representatives,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR SPEAKER RYAN AND MAJORITY LEADER MCCONNELL: As the regulatory authority for administering the federal Surface Mining Control and Reclamation Act ("SMCRA") in the State of Illinois, the Department of Natural Resources ("Department") appeals Congress to use its power under the Congressional Review Act to disapprove the "Stream Protection Rule" ("Rule"), issued by the Office of Surface Mining Reclamation and Enforcement ("OSM") at 81 Fed. Reg. 93066 (Dec. 20, 2016).

The Rule's "one size fits all" approach to regulatory performance standards fails to incorporate important regional differences, such as local geology, hydrologic regime, and climate, as required under SMCRA. For example, stream loss has rarely been a problem in the State of Illinois given the regional hydrogeology of the Illinois Basin. To universally require long term upstream and downstream monitoring would place an undue burden on the State to continually review such data. The rule gives no discretion to state regulatory authorities.

Despite the claims of OSM in its Regulatory Impact Analysis, the Rule would place significant burdens and additional costs on state regulatory programs. Compliance with the rule would require the Department to revise and restructure its entire coal mining program and add \$600,000 to \$800,000 per year in staffing and equipment costs.

OSM's failure to properly consult with the State of Illinois and the other states has resulted in a burdensome and unlawful Rule that usurps states' authority as primary regulators of coal mining as intended by Con-

gress under SMCRA, and demands congressional action.

The Congressional Review Act provides Congress the authority to take action to avoid the harm imposed by the Rule. Accordingly, we respectfully request that you and your colleagues in the Congress pass a joint resolution disapproving the Final Stream Protection Rule under the procedures of the Congressional Review Act, S U.S.C. 801 et seq., so that it shall have no continuing force or effect.

Thank you for your careful consideration of this request.

Sincerely,

WAYNE A. ROSENTHAL,

Director, Department of Natural Resources.

Mr. RODNEY DAVIS of Illinois. In this letter, IDNR notes that the Office of Surface Mining failed to properly consult with the State of Illinois and the other States, resulting in a burdensome and unlawful rule that usurps States' authority as primary regulators of coal mining as intended by Congress and demands congressional action.

Mr. Speaker, rules like this are what the CRA is all about. I ask for your support.

Mr. GRIJALVA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 1 minute.

The stream protection rule has got to be the poster child for the Congressional Review Act's action. There are 400 changes to the bill. There are 400 changes in over 1,600 pages of regulations, and there is no new, real protection above and beyond what we were using since the Reagan administration.

But it does outline benefits and potential problems for 70,000 people directly with their jobs, for 300,000 people whose jobs are threatened in a ripple effect, and, unfortunately, for everyone else. Every time you turn a light on, your costs will be exacerbated because of this particular rule.

This rule affects the most vulnerable of our population and it hurts them. It is time for us to realize that it is time to stop making rules and regulations for an ideological approach, and, instead, new rules and regulations that help people, not hurt people, as this particular one does.

That is why this House, on four different occasions over the last three congresses, has voted against this particular proposal.

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

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

Mr. Speaker, our opposition to this action being proposed by the Republicans to eliminate the stream protection rule is, indeed, an action that goes against fundamental science, goes against the public health of the American people in those communities, and, overall, takes the Congressional Review Act and uses it as a bludgeon to keep generations and generations in those areas at risk in their health, their water, and the general environment in the area.

The issue of cost is an issue that comes up. The loss of jobs has been the creation of competition, not because of any proposed rule.

Second of all, when we were dealing with the horrors of black lung, we were dealing with issues of mine safety for coal miners and the struggles that their unions had to go through to get mine safety and healthcare protection for their workers.

At the time, I am sure, those were considered cost factors and why not do it. The cost factor here is about human life and it is about protection of water. I would suggest that that should be the priority of this Congress and not emboldening or enriching the mine operators and their profit line.

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

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

Mr. GRIJALVA. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), my friend.

Mr. DEFAZIO. Mr. Speaker, I have been involved for 28 years on the Natural Resources Committee on these issues.

What we are talking about today is simple here. Yes, it is cheaper. If you blow the top off a mountain and you dump it in the valley and you bury a stream, it is cheaper. Okay.

Is that what we are all about here? The most destructive, least environmentally responsible, but cheapest way of doing things?

If we are going to set the precedent here, I can think of a whole lot of other areas that relate to clean water, clean air, and things that are important to the American people and the sustainability of our environment that will go away because it would be cheaper. If we can just dump the waste out the back door of the factory, that is cheaper.

□ 1500

If we can just put whatever we want up the stack and people wear gas masks, that is cheaper. That is the major argument we are hearing today. This rule, a 100-foot buffer—a 100-foot buffer—for toxic materials around streams is too expensive. It is cheaper to blow the top off the mountain, get the coal out, and take all the overburden and other assorted stuff and dump it in the valley and bury the stream.

The only problem is then it rains. What happens when it rains? Well, you can either cap that whole thing and make it impermeable and then have big runoff downstream or, as it generally happens, the water percolates down through all the waste and becomes a toxic flow.

Now, you say, well, these are only seasonal streams. Well, seasonal streams run into other streams. What happens when you get those toxic flows is you kill the other streams. I am seeing this actually in my district, not from a coal mine, but from a foreign corporation which improperly mined and went bankrupt and left us with the

waste. I have seen the miles of stream that are killed from the toxics that are leaching out from the overburden from the mining that is done. This is an absurd place to say we are overregulated.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. Mr. Speaker, in his last month in office, President Obama fired one last shot in his war on coal. By finalizing the so-called stream protection rule, the Obama administration made it more difficult for an already distressed industry to provide a reliable and affordable energy source for our economy.

In reality, the only thing President Obama tried to protect was the jobs of bureaucrats at the expense of hard-working Americans. This rule adds no new environmental protections. It only duplicates what Federal and State regulators are already doing to protect the environment.

Additionally, this rule could close off as much as half of the U.S. coal reserves for mining. The bureaucrats writing this rule did not truly understand the impact of this because, in the 7 years they took to write it, no one bothered to visit an actual mine.

We cannot allow out-of-control bureaucrats to regulate an industry that employs thousands of Americans out of existence simply to save the radical liberal agenda. I urge my colleagues to join me in supporting this resolution of disapproval of yet another regulatory overreach by the Obama administration.

Mr. GRIJALVA. Mr. Speaker, I urge a “no” vote. I think the arguments have been made. The precedent being set tonight by this House is a dangerous and extreme precedent that we will all come to regret. I urge a “no” vote.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. ROGERS), the former chairman of the Committee on Appropriations.

Mr. ROGERS of Kentucky. I thank the chairman for yielding me this time.

Mr. Speaker, President Obama made it his mission to bankrupt the coal industry when he took office, and through a slew of job-killing regulations, he has nearly made good on that promise. His administration spent 7 years and over \$10 million in taxpayer dollars writing the stream protection rule. Even though the bipartisan 2016 omnibus appropriations bill directed the Interior Department to engage with the States before finalizing this rule, the agency refused to comply, leaving crucial voices out of the rule-making process.

Under this midnight regulation, at least half of the Nation’s coal reserves would be restricted from mining, and one-third of current coal-related jobs would be at risk. This would mean more devastating job losses in coal

communities across the country, especially in Kentucky, where we have already got nearly 13,000 miners out of work.

It is time to end the madness and give our communities in the coal areas a chance to rebuild. I urge support of this resolution.

Mr. GRIJALVA. Mr. Speaker, I have no other speakers. I yield back the balance of my time.

Mr. BISHOP of Utah. I yield myself the balance of my time to close.

Mr. Speaker, we have heard a lot of false science today, which is appropriate since the agency that concocted this rule refused to allow any of the data they used to make the rule to be made public. We asked for it. We asked for it in legislation. They simply refused to comply. Ninety-three percent of the sites are not having any impact on the streams, and the other seven percent we already had rules that covered them that did this protection. There is no real new protection in this particular act.

The States, which regulate 97 percent of the coal mines in the United States, were shut out of the process, which is why they are suing over it. This rule undercuts the State primacy that was provided in the Surface Mining Control and Reclamation Act.

What we are doing here today with this effort is to reestablish the article I authority that we have in the Constitution by saying we are responsible for the policy, not some agency of the executive branch.

Adopting this resolution protects the rights of States tasked with regulating the coal industry in their borders, and it also actually helps people. People are going to be harmed if this act is not repealed and actually goes into effect, and the most vulnerable of our populations are the ones who will suffer the most because of it.

Because of that reason, it is right for Congress to do our responsibility here and now and repeal this bad act that was done in secret that was not allowed to have the openness that we have requested in the past and that is simply redundant at best, totally unnecessary, and does the harm that it does to real people: 70,000 direct jobs, over 300,000 indirect jobs, as well as a higher cost to everyone who uses energy in this Nation.

I ask my colleagues to support the resolution of disapproval and vote for its final passage.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I stand in strong opposition to H.J. Res. 38, the resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

I would like to express both my support of the Stream Protection Rule as well as my deep concern over the use of the Congressional Review Act to derail smart regulations that protect our citizens’ health while simultaneously creating a precedent of recklessly obstructing federal rulemaking.



The Stream Protection Rule is an effective and sensible regulation that has undergone years of development in order to compel big polluters and industry actors to responsibly dispose of dangerous waste so that our water supply and ecosystems remain free of toxic pollutants. The attempt to dismantle this rule will cause irreparable harm to clean drinking water sources for millions of Americans. The Stream Protection Rule provides Americans with an environmental monitoring system that assures the cleanliness of the water.

The residents of the 4th District of Georgia, like many of the constituents of my colleagues, live alongside and depend upon rivers to be protected from harmful pollutants and toxic chemicals that are the product of mining and industrial run-off. Run-off from mining and industry sources contaminate stream water with various lethal toxins, including lead and arsenic. These pollutants not only impact the lives of people living in close proximity to the run-off sources of heavy pollutants, but all people who live downstream.

The water protected by this rule is the same water consumed by our families, including children and the elderly. Those exposed to carcinogens in their water can suffer from birth defects, cancer, and even death.

Clean and safe water is in the interest of all Americans, regardless of their income level or political party. It matters not whether a state is red or blue, access to clean water will always be necessary, and it should be mandatory. Clean water is a human right and this rule ensures our country can provide clean drinking water to its citizens.

I ask my colleagues this question: if the Stream Protection Rule is overturned are you prepared to tell your constituents and their families that their water will be less safe to drink or use?

I am not alone in my stance. More than 70 groups representing the interests of a wide-spread of American citizens have expressed their strong disapproval with this resolution. Two of these groups, the Savannah Riverkeeper and Altamaha Riverkeeper organizations, represent the environmental concerns of my home, the great state of Georgia. These groups along with dozens of others have expressed to our country's elected officials that a resolution of disapproval for the Stream Protection Rule would significantly jeopardize the well-being of millions of Americans.

By subjecting the Stream Protection Rule to the Congressional Review Act, we set a dangerous precedent in delegitimizing federal rulemaking procedure, while we elevate the interests of corporations over the health and safety of our citizens. The health of our nation's children must supersede the maximization of profits.

For the sake of the millions of Americans who rely on the safety regulations established by this rule, I strongly urge my colleagues to vote NO on the resolution. The citizens of our nation will thank you for putting their health first.

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

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 71, I call up the joint resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers", and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 71, the joint resolution is considered read.

The text of the joint resolution is as follows:

#### H.J. RES. 41

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers" (published at 81 Fed. Reg. 49359 (July 27, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and submit extraneous materials on the joint resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.J. Res. 41, introduced by

the gentleman from Michigan, (Mr. HUIZENGA), the chairman of the Subcommittee on Capital Markets and Government Sponsored Enterprises of the Committee on Financial Services.

This resolution disapproves a burdensome and controversial Securities and Exchange Commission rule that places an unfair burden on American public companies that is not applied to many of their foreign competitors.

Virtually every day we hear from many Americans about how this economy is just not working for them. It is just not working for working Americans like Keith from Dallas in my district who wrote me: "I am 53. I have a grown son who lives with me. It seems like the cost of everything keeps going up, yet wages do not keep pace."

The economic opportunities of Keith and millions of Americans like him are not helped by top-down, politically driven regulations that give many foreign companies an advantage over American public companies.

That is exactly what this Securities and Exchange Commission regulation that we are talking about today does. It forces American public companies to disclose inexpensive proprietary information that can actually be obtained by their foreign competitors, including state-owned companies in China and Russia. This is just one regulation out of thousands and thousands that are burdening our companies, our job creators, and are costing our households, by one estimate, over \$14,000 a year, Mr. Speaker.

Even though this is a Securities and Exchange rule, section 1504 of Dodd-Frank has nothing to do with investor protection nor anything else we were told the Dodd-Frank Act was supposed to do. As the acting chairman of the Securities and Exchange Commission has said, this rule "neither reforms Wall Street nor provides consumer protection and it is wholly unrelated, and largely contrary, to the Commission's core mission."

In addition, Mr. Speaker, the SEC estimates that ongoing compliance costs for this rule could reach as high as \$591 million per year. It is just an outrage, Mr. Speaker. That is \$591 million every year that could better be used to hire thousands more Americans in an industry where the average pay is 50 percent higher than the U.S. average. Literally we could be talking about 10,000 jobs on the line for this ill-advised rule. This is significant, given that millions of Americans, like Keith from my district, have not seen their wages increase while our economy has been stymied under the Obama administration.

Now, for those who claim that somehow by rolling back this rule, that this undermines anticorruption efforts, let me remind everyone that Mr. HUIZENGA's resolution, that the Foreign Corrupt Practices Act, which the SEC and the Department of Justice administer, already makes it illegal to pay former government officials when it comes to winning or maintaining business opportunities.