unemployment insurance extension today.

□ 1230

ELECTING A MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mrs. MCMORRIS RODGERS. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration by the House.

The Clerk read the resolution, as follows:

H. RES. 523

Resolved, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—Mr. Jolly.

COMMITTEE ON VETERANS' AFFAIRS—Mr. Jolly.

Mrs. MCMORRIS RODGERS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PREVENTING GOVERNMENT WASTE AND PROTECTING COAL MINING JOBS IN AMERICA

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill H.R. 2824.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 501 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. 2824.

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

□ 1231

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. 2824) to amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes, with Mr. WOODALL 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 Washington (Mr. HASTINGS) and the gentleman from New Jersey (Mr. HOLT) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

It is well-known the Obama administration has waged a long-running war on coal, which last year a White House adviser admitted ''is exactly what's needed,'' but this is not only a war on coal. It is a war on jobs, our economy, affordable energy, small businesses, and the household budgets of American families. Already faced with higher home heating costs, middle class families will be further squeezed if the Obama administration is successful in its attempts to shut down coal production.

One of the ways the administration has carried out this war on coal is through the reckless rewrite of a coal production regulation, the 2008 Stream Buffer Zone Rule. Shortly after taking office, the Obama administration discarded the 2008 rule that went through 5 years of extensive public comment and environmental review. Since then, the administration has spent over 10 million taxpayer dollars in working to rewrite this rule, including hiring new contractors, then only to dismiss those same contractors once it was publicly revealed that the administration's proposed rewrite would cost 7,000 jobs and cause economic harm in 22 States. A report released by our House Natural Resources Committee staff in September of 2012, following years of oversight and investigations, exposed the gross mismanagement of the rulemaking process, potential political interference, and widespread economic harm the proposed regulation would cause.

Earlier this year, the U.S. Department of the Interior's Office of Inspector General, or IG, released a report with similar findings. However, what is more troubling is that the IG has identified significant ongoing problems with the rulemaking process. To make matters worse, they are refusing to disclose those problems to us here in Congress. For example, there is an entire section of the report that we have received, entitled ''Issues with the New Contract,'' that have been almost completely blacked out. Despite our repeated requests, Deputy Inspector General Mary Kendall has refused to give Congress an unredacted copy of this report. In a letter, she states that the Department of the Interior decided that it should be withheld from the committee.

The IG is charged with being an independent watchdog for Congress. It is completely unacceptable and inappropriate for the IG to be taking orders from the Interior Department, especially about what information to withhold from us here in Congress.

Mr. Chairman, I don't take what I am going to say lightly. That is why, today, I have issued a subpoena to the Department's Inspector General Kendall for this information that she has withheld from us. If the IG discovered ongoing issues with the way the Department is currently conducting this rulemaking process, they have a responsibility and a duty to share that information with Congress now. The committee is not asking the IG for materials produced by the Department, but we are asking for materials and interviews produced by the IG's staff.

The Obama administration's rulemaking process has been and continues to be an unmitigated disaster. Despite having spent millions of taxpayer dollars, they have absolutely nothing to show for it and, to date, haven't even produced a draft. Meanwhile, States, industry, and America's coal miners are left in limbo, unsure of what the operating rules are on the ground. Without the 2008 rule, we are left with a rule that was put in place in 1983.

That is why we are here today—to consider H.R. 2824, the Preventing Government Waste and Protecting Coal Mining Jobs in America Act. This legislation will put an end to the years of ongoing waste and dysfunction. It will put in place a responsible process to ensure there is no rush to recklessly regulate.

First, Mr. Chairman, it stops the administration's unnecessary rewrite and implements the 2008 Stream Buffer Zone Rule that I mentioned took 5 years to put in place. It then directs the Department to responsibly study the impact of the rule for a prescribed period of time prior to initiating another new rule. This will provide certainty to the economy, to the individual States, and allow a clear examination of what may be needed and changed in the future. This bill will make certain that a new rule is written properly.

Now, some will attempt to criticize this bill for the fact that it puts in place the 2008 rule that was vacated on a very narrow technical ground by a Federal judge last month. There is really nothing new here, however, because this is the exact outcome that the administration has been seeking for over 5 years—to get rid of the 2008 rule. But let's be clear what the court ruling and, subsequently, the Department's actions really mean.

The court ruling strikes down the more protective 2008 rule and sets us back 30 years to a less restrictive 1983 rule. The 2008 rule is more modern and more protective in limiting the impacts of coal mining than the 1983 rule, but one Federal judge ruled that the 2008 rule must be set aside due to a narrow procedural technicality. This judge ruled, because the 2008 rule didn't have formal consultation with the Fish and Wildlife Service on possible impacts to endangered species, the entire rule

should be set aside and, thus, revert back to the 1983 rule.

Mr. Chairman, for the record, there were multiple meetings and discussions and consultations with Fish and Wildlife in proposing the 2008 rule regarding species when the 2008 rule was written, and it was done in a published and transparent fashion over a multiple-year period. Comments were taken and recommendations were made, but the bureaucratic process wasn't done precisely so, and as a result, this judge struck it down. Compare this conscientious effort, which was done to protect species in the 2008 rule, with the fact that there was absolutely zero consultation of protecting species in the 1983 rule.

What could be the responsible thing to do? Clearly, it would be to implement the more modern and protective 2008 rule. What does the Obama administration say? It says let's go back to 1983. Why should we go back? It simply makes no sense to discard a modern rule, where we know the ESA consultation took place, for a 30-year-old rule that we know had no ESA consultations.

Perhaps we should look to the people whom the Obama administration hired to write a rule of its own. In case notes that the committee obtained from the IG's office during their investigation, it quotes one of the current contractors, admitting, ''The 1983 rule was less restrictive than the 2008 rule.'' In the same case notes, it also states about the current contractor that, although she is a Democrat, the Stream Protection Rule appears to be an ''effort to kill coal mining.'' There you have it—straight from the mouth of the person who is working on the current rewrite—an admission that the new rule is an effort to ''kill coal mining.''

That is why we must take action today to stop this administration. Not only are they attempting to impose a new coal regulation that will destroy thousands of American mining jobs, but they have also wasted 5 years and over 10 million taxpayer dollars on a process that has been completely dysfunctional and misguided.

Enough is enough. Republicans want to create an America that works, and that requires access to affordable energy. If we do not stop the administration from implementing its new coal regulation, thousands of Americans will be out of work, and home heating costs for working middle class families will rise.

Let's pass this legislation to protect American taxpayer dollars, to protect American jobs, and to end this administration's reckless, wasteful rewrite by putting in place a responsible process that will allow a proper new rule to be written.

With that, I reserve the balance of my time.

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

I rise in strong opposition to this legislation that would ignore the poisonous environmental impacts of mountaintop removal mining and would attempt to force States to adopt a discredited and vacated midnight Bush administration rule.

Mountaintop removal mining is a serious environmental health threat in Appalachia. Companies literally blast the tops off of mountains, scoop out the coal, and dump what is left over—what used to be the mountaintop and the mining residue—into the valley below. In the process, landscapes are scarred; wild habitat is destroyed; mountain streams are buried; fish are killed; and the long-suffering people living in the valleys suffer as they are left with degraded water.

It is not simply my opinion or the warnings of a few fringe environmental groups. This is what the science tells us. In a paper published in the journal Science a few years ago—a preeminent scientific journal—dozens of scientists laid this out very clearly. Building on a wealth of recent scientific data from a variety of researchers, they wrote:

> Mountaintop mining in the valley fills revealed serious environmental impacts that mitigation practices cannot successfully address.

Now, the chairman today is talking about detailed procedural matters. He is wrong on that. The real point is the health of the people in the valleys. These scientists described:

> When streams are buried, water emerges from the base of the valley fills, containing a variety of solutes that are toxic and damaging to biota, and that the recovery of biodiversity in mining waste impacted streams has not been documented.

In other words, the recovery that they talk about does not exist in fact. It has not been shown to be possible.

□ 1245

Most frighteningly for the people who live with these impacts in their backyards, the scientists write:

> Adult hospitalizations for chronic pulmonary disorders and hypertension are elevated as a function of county-level coal production . . .

They know it comes from this.

To continue the quote:

> . . . as are the rates of mortality, lung cancer, chronic heart, lung, and kidney disease.

Hospitalizations, hypertension, lung cancer, heart disease, kidney disease, increased flooding. Water with dangerous concentrations of toxic metals? Yes. That is what the science says. And the destruction of forests and streams.

These are the impacts of mountaintop removal mining that Congress should be addressing today. This is what we should be holding hearings on and writing legislation about.

We should be making the protection of people and the environment of the Appalachian region our top priority and making the mining companies act responsibly, not just cheaply. But the Republicans, Mr. Chairman, don't seem to want to talk about any of these impacts. They prefer to keep their heads in the sand and the gravel and the toxic waste when it comes to this issue.

Instead of the real impacts of mountaintop removal mining, they are focusing on imagined impacts of a rule that hasn't even been released yet. They imagine a war on coal, they imagine a political conspiracy to subvert the rule that the Bush administration put in place in the last minutes of their administration, instead of seeking to guarantee clean water for all Americans.

So they spent years trying to uncover that conspiracy, all the while forcing the Department of the Interior to spend tens of thousands of hours of staff time and millions of taxpayer dollars in order to comply with their commands—and now their subpoenas. And they have come up empty.

The inspector general for the Department of the Interior confirmed in December there were no political shenanigans. There was no misconduct. There was a poor choice of contractors, yes, and a debate among career staff about the proper way to move forward.

Could it have been handled better? Maybe. But there was no misconduct.

Meanwhile, the rule put in place by the Bush administration—the very rule that this bill would force States to adopt—was thrown out by a Federal court 2 weeks ago because the real misconduct was from the Bush administration, which decided that it didn't even need to consider the effects that destroying streams and rivers would have on threatened and endangered species. They did not do the consultation that is required under the law.

So this bill would overturn the court's decision, forcibly enact a rule that was improperly developed in the first place, and forbid the Obama administration from actually doing something to protect the streams from being buried and to protect the people who live there.

This bill would forbid them from actually doing something to protect forests, fish, wildlife, and humans. It would forbid them from actually doing something to protect the health of the people in these communities. This bill would create its own reality through an amendment added at the last minute that would deem the 2008 rule to have met the requirements of the Endangered Species Act that the court said they did not meet.

Now ''deem'' is a word that is not in common use. It certainly is a strange word the way it is used here in Congress. By ''deem,'' they mean they would declare in legislation that the Endangered Species Act was observed and that consultation had taken place, even though it wasn't and it hadn't. That is preposterous.

I wish we could do the same thing to environmental destruction caused by mountaintop removal mining and to the contaminated water and to the health impacts by simply saying, by legislation, that contamination never

happened. Those people were never affected. Their health never deteriorated. They didn't die. But we can't do that.

This bill does nothing to protect people from the destructive impacts of mountaintop removal mining. It is strongly opposed by a coalition of environmental groups like the Southern Environmental Law Center, the Sierra Club, the League of Conservation Voters, the National Parks Conservation Association, and many more.

It is not just me standing here talking about it. It is not even just these scientists. It is many more.

Once again, I want everyone to understand that the real issue here today is not bureaucratic procedure. It is not even when a rule might have been issued and what went into making up that rule. What is at stake today is safe water for people, the health of the population, and an environment that can save us all.

I urge my colleagues to defeat this bill, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN), the subcommittee chairman of the House Natural Resources Committee dealing with this legislation.

Mr. LAMBORN. I thank the chairman.

Mr. Chairman, I rise in strong support of H.R. 2824, the Preventing Government Waste and Protecting Coal Mining Jobs in America Act. This critical piece of legislation, which was introduced by Representative BILL JOHNSON and myself, is designed to save taxpayer dollars and protect American jobs by putting the Office of Surface Mining on a responsible path forward for managing and regulating coal mining in America.

So far, the Obama administration has spent nearly 10 million taxpayer dollars rewriting a coal production rule and the 2008 Stream Buffer Zone Rule, but the 2008 rule was never fully implemented. The administration is conducting this rewrite without ever providing justification for the need for a new rule.

The $10 million does not include the money spent on attorneys fees and costly litigation or the internal costs borne by the agency. Even more critically, it does not include the costs to the families of the thousands of workers who have been displaced or seen work delayed by the regulatory inaction of the Department.

The legislation before us today is very simple. It would cripple the Obama administration's war on coal by ending their unnecessary rewrite and it would require the Office of Surface Mining to implement the 2008 Stream Buffer Zone Rule. This rule was developed over 5 years through an open, public, multimillion-dollar process and requires consultation on endangered species where necessary.

Under this legislation, H.R. 2824, once all the plans have been approved, the effects of the new regulations will be analyzed for a period of 5 years. On completion of this analysis, the Office of Surface Mining is required to report back to us on the effectiveness of the rule, impact on energy production, and to identify and justify anything that should be addressed through a new rulemaking process.

If the Obama administration had followed this process from the beginning, taxpayers would have 9 million more dollars, thousands of unemployed Americans would likely have jobs, and we would be far along in the process of understanding the impacts and environmental benefits of the 2008 rulemaking. Unfortunately, this administration's first act was to discard the rule and plunge head first into a failed, wasteful, and never-ending rulemaking process.

This legislation will stop the massive ongoing waste, saving the taxpayers money. It will stop the administration from continuing with a reckless rulemaking process and imposing a needless regulation that will directly cost thousands of hardworking American jobs and cause significant American economic harm.

This bill will also provide regulatory certainty for an important domestic industry—an industry that not only provides great family-wage jobs with good benefits, but also provides affordable energy for the American people and the Nation's manufacturing base.

I urge my colleagues to support this critical legislation.

Mr. HOLT. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), the ranking minority member of the Resources Committee.

Mr. DEFAZIO. I appreciate the gentleman's statement and leadership.

What are we doing here today? We are going to take a rule established by Ronald Reagan, the first modest attempt to protect water quality, stream quality, forests, and other environmental values in cases of strip mining mountaintop removal.

So the Republicans today are going to overrule the judgment of Ronald Reagan, preempt him with a rule that basically says it is okay to blow the top off a mountain, dump it into a stream, and it doesn't affect water quality because the stream doesn't exist anymore. Except there is a little problem. The water does still leach through all the toxic soils and it does cause problems downstream. But let's not worry about that too much.

Secondly, they are going to preempt states rights. Hey, the party of states' rights. They are all for local control. They hate those one-size-fits-all Federal rules, don't they? No, not today.

We are going to impose a Bush administration midnight rule which a court found to be laughable in terms of its compliance with Federal law. They are going to impose that on all the States of the United States of America as the law of the land. We are going to preempt the judgment of any State that wants to do more to protect water quality than allow the tops to be blown off mountains and mining waste dumped into streams and saying there is no problem. But we will study it for 5 years, as we heard previously. Okay, sure. How much harm will happen in that time?

So those are a few of the problems and the inconsistencies I see here today. We are preempting a Reagan rule that was quite modest and not overly burdensome on the industry. It should have been improved upon. The Bush administration tried to totally undo it. It was laughed out of court. The Obama administration fumbled and messed up writing a new rule with an incompetent contractor. And now we are going to impose the Bush rule on all the States.

They are going to deem, as we heard earlier—that is, pretend—that it meets the Endangered Species Act, and give that pretension the force of law. What they are saying is there were at least two or three people in the Bush administration who had a conversation. That meant they talked about the Endangered Species Act, so that meets the intention of the Endangered Species Act.

Finally, they are talking about a war on coal. We will hear from some well-intentioned people later here today who are going to talk about the potential job impact of this, and I appreciate that. There has to be a balance. But this is not a balance.

This is yet another imaginary war being waged by the Obama administration on coal. A war on Christmas, a war on coal, a war on jobs, a war on whatever. At least it is not an overseas war that is unnecessary in Iraq that cost us many thousands of lives and trillions of dollars.

But the war on coal? When the Obama administration came into office, there were 5,000 less jobs in coal mining than there are today.

The CHAIR. The time of the gentleman has expired.

Mr. HOLT. I yield the gentleman an additional 2 minutes.

Mr. DEFAZIO. The Obama administration leased out 2.1 billion tons of coal in the Powder River Basin in its first term. That is twice what the Bush administration leased in the 4 years before that. Recent accounts from the GAO lead us to believe that maybe they were a little too cozy with the industry and in fact that those deals were a little too sweet for that 2.1 billion tons of coal.

So that is a war on coal? No. What they are talking about is actually less coal is being used to produce electricity.

Now they are also the party of market forces and capitalism. Well, guess what? Market forces and capitalism have reduced the use of coal. Natural gas was really, really, really cheap a couple of years ago. Coal used to generate electricity. It totally tanked. It

had nothing to do with the Obama administration. It had to do with market forces, and they worship the market. I hope they are not trying to undo market forces here and have some kind of socialist dictate.

So what has happened is coal use has bumped up a little bit as natural gas has become a little bit more expensive. But that was about economics and not policy.

The bottom line here is should we allow, without any regulation, blowing the tops off mountains, dumping them into valleys, filling in streams, and pretend it has no impact on the environment. And I would say ''no.''

□ 1300

Mr. HASTINGS of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. JOHNSON), the author of this legislation.

Mr. JOHNSON of Ohio. Mr. Chairman, today, I rise in strong support of H.R. 2824, the Preventing Government Waste and Protecting Coal Mining Jobs in America Act, legislation that I introduced with my friend and colleague, Congressman DOUG LAMBORN.

This important legislation addresses the administration's flawed, waste of taxpayer money, and job-killing rewrite of the Stream Buffer Zone Rule.

Immediately upon taking over in 2009, the administration began their efforts to rewrite the Stream Buffer Zone Rule, even though a new rule that took 5 years to codify had just been finished in 2008.

From the beginning, the Office of Surface Mining and the Department of the Interior fumbled the ball, and it has been a train wreck and lack of leadership over the past 5 years.

Nearly $10 million of taxpayer money has been wasted by the administration in their attempts to destroy thousands of direct and indirect jobs and cause electricity prices to skyrocket.

We know from the administration's own estimates that their preferred rule would cost 7,000 direct coal jobs and thousands more indirect jobs, not to mention that States like mine in Ohio would see their electricity prices skyrocket thanks to increased coal prices.

We also know, from the whistleblower contractors that worked on the rule, that the political appointees in the Office of Surface Mining tried to cover up these job loss numbers because they knew how politically damaging they would be in the runup to the 2012 election year.

In fact, a political appointee threatened the contractors that there ''would be consequences'' if the contractor refused to change the numbers.

Furthermore, a recent report from the inspector general at the Department of the Interior confirmed these findings and even quoted the President-appointed and Senate-approved Director of OSM, saying that we need to ''fix the job loss numbers.''

Is this the type of good government that the American people expect of our leadership, a rulemaking process that sees political appointees threatening contractors and cooking the books to get a preferred outcome?

Under the leadership of Chairman DOC HASTINGS, the Natural Resources Committee has been aggressively investigating the malfeasance and flawed rewrite of this rule. In a serious threat to the separation of powers spelled out in the Constitution, the administration has largely ignored requests and subpoenas for relevant documents.

This is just another example of a Presidency and administration ignoring the will of the people and abusing power.

That is why this legislation is so important, Mr. Chairman. It will ensure that my constituents in eastern and southeastern Ohio, along with other hardworking Americans employed by the coal industry all across the country, can keep their jobs and continue to mine and use the coal that powers our manufacturing engine here in America.

It directs the States to implement the 2008 rule, a rule that had tens of thousands of comments and was thoroughly vetted before being thrown aside by the incoming administration.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. JOHNSON of Ohio. After 5 years, the States would be asked to report back with a description in detail of any proposed changes that should be made to the rule.

This legislation ensures that the States that are directly impacted by the proposed rule would have an actual say-so in the process, instead of a topdown approach from the Office of Surface Mining.

Despite what some may say, it does not stop the administration from protecting waterways or the environment.

Mr. Chairman, the rewrite of this rule has cost the taxpayers nearly $10 million and threatens to shut down underground coal mining in America, killing thousands of jobs in the process.

I thank Chairman HASTINGS and Congressman LAMBORN for their leadership on this important issue, and I urge all of my colleagues to support this legislation.

Mr. HOLT. Mr. Chairman, I am pleased to yield 3 minutes to my friend from Kentucky (Mr. YARMUTH), a champion for people's health, for wildlife and the environment, an outspoken critic of destructive mining practices, and the sponsor of the Appalachian Communities Health—emphasis on health—Emergency Act, a bill on which I am pleased to join him as a cosponsor.

Mr. YARMUTH. Thank you, Mr. HOLT, for yielding.

Mr. Chairman, this bottle is filled with water from a well near a mountaintop removal mining site in eastern Kentucky. In case you can't see it, the water is orange.

This is what comes out of the taps in Appalachian communities where the water is contaminated by dangerous mine waste, which fills their wells and flows through the streams in their yards.

It is the result of an inadequate law that is failing to protect public health and safety near mountaintop removal mining sites; but today, rather than examining ways to strengthen that law and begin to address the public health crisis that accompanies mountaintop removal mining in Appalachia, we are debating a bill that would make it worse.

Mining communities already have more instances of chronic pulmonary disorders and hypertension, as well as higher mortality rates, lung cancer rates, and instances of chronic heart, kidney, and lung disease. Proximity to mountaintop removal mining operations also correlates with a higher risk of birth defects and damage to the circulatory and central nervous systems.

Yet, instead of finding ways to better balance public health and safety with coal mining—or at least working to prevent mining companies from turning our water supply this shade of toxic orange, we are debating a bill to roll back what little protection the Federal Government currently offers these Appalachian communities.

I sympathize with my colleagues' desire to protect jobs in the coal fields, and the loss of 75 percent of eastern Kentucky coal mining jobs due to mechanized mining over the past several decades has brought challenges; but a rule to protect waterways that has been in effect since 1983 is not the source of those challenges, nor is addressing the public health crisis that has unfolded in Appalachia as a result of mechanized mining.

No one here would risk their health by drinking this water. If any of my colleagues want to prove me wrong, I invite them to come have a sip.

It is bad enough that children who live in mining communities color their streams orange when they draw their environment, but it is tragic that the water they drink is denying them the healthy future they deserve.

We are risking the health of families in mining communities in Kentucky and throughout Appalachia by continuing to ignore the toxic orange water that pollutes their drinking supply.

I urge my colleagues to stand up for public health and vote against this legislation.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. CRAMER), a member of the Natural Resources Committee.

Mr. CRAMER. Mr. Chairman, I thank Chairman HASTINGS and Chairman LAMBORN and my friend from Ohio, Mr. JOHNSON, for introducing this important legislation.

I had the great honor, for nearly 10 years prior to coming to Congress, to be on the North Dakota Public Service Commission, where we carried the SMCRA laws and enforced the Federal SMCRA laws on behalf of our lignite coal industry that employs thousands of people.

We had a little over 100,000 acres under permit, mined 30 million tons of coal every year, and burned it to generate electricity, very low-cost electricity.

We had a great relationship with our Federal Government, our Federal partners. We did it in partnership. They appreciated and honored State primacy. We carried out the letter and the spirit of the law very well.

As a consequence, we have clean streams; clean water; clean air; good, rich topsoil; as well as the jobs that come with it.

We don't have mountains, so a rule that was designed by somebody to deal with mountain removal mining doesn't really match the prairie of North Dakota, which is always the problem with one-size-fits-all regulations; and that is what we find so offensive back home, is when the Federal Government tries to fix every problem with one piece of legislation or one regulation.

We were very familiar—I worked with the 2008 rule. It works just fine. It involved stakeholder involvement. It involved consultation with stakeholders. We are missing that in this particular case.

Quite honestly, I guess when you talk about the war on coal, and some might want to deny that one exists, you might believe that if it was just one rule occasionally; but in the context of the aggregate of all of the rules and regulations and laws coming down from this administration, it is hard not to believe that there is an attempt to unilaterally disarm our economy and the global marketplace with a war on coal.

I encourage my colleagues to join me in voting for this important piece of legislation.

Mr. HOLT. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL), my good friend.

Mr. RAHALL. I thank my dear colleague from New Jersey for yielding me the time.

Mr. Chairman, I do rise in support of the pending legislation, H.R. 2824; and to my good friend, the chairman of the committee, DOC HASTINGS, I commend him for bringing this bill to the floor of the House.

As he knows, I am the only Member left in this body that served on the original conference committee that wrote H.R. 2, which was enacted as the Surface Mining Control and Reclamation Act of 1977, otherwise known as SMCRA.

Due to the nature of my congressional district and my years of service on the Natural Resources Committee, I am very familiar with SMCRA and what it requires.

This law has numerous performance standards governing the coal surface mining and reclamation process. These standards govern everything from the handling of excess spoil to the period for which successful revegetation must take place prior to bond release.

One fundamental aspect of the performance standards is that the mine area be reclaimed to its approximate original contour, with one exception. The law is clear, and it provides for an exception from the approximate original contour requirement in the case of mountaintop removal operations if certain conditions are met.

A stream buffer zone rule is not included among the many SMCRA performance standards. Such a rule was not contemplated by the conferees on H.R. 2 back in 1977. This rule was a manifestation of the bureaucracy.

That is not to say that there should not be such a rule, but any such rule must work within the statutory framework of SMCRA.

The effort by the current administration to replace the 2008 stream buffer zone promulgated by the Interior Department does not meet that test. It is clear, at least to me, that the effort by the current administration to revise the 2008 rule is aimed at halting a mining practice that is specifically condoned by SMCRA.

Fundamentally, there is no question; this debate is about jobs. It is about good-paying jobs in West Virginia and other areas of the Appalachian region.

Mr. Chairman, it is about our economy, whether it be providing needed flat land for agriculture or industrial facilities or saving millions of dollars by providing a readymade roadbed for a new highway, as has been done, and is continuing to be proposed in Mingo County, in the congressional district I am honored to represent.

In conclusion, Mr. Chairman, I urge passage of the pending measure, the Preventing Government Waste and Protecting Coal Mining Jobs in America Act. I commend, again, the chairman of the committee, and I commend my colleague from Ohio (Mr. JOHNSON) for his introducing this bill as well.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLY), a new Member, not necessarily a brand-new Member, but a newer Member.

Mr. KELLY of Pennsylvania. Mr. Chairman, I rise today in really strong support of H.R. 2824.

I think if we go back to the President's original candidacy, he said: Listen, if you want to continue to make electricity using coal-fired power plants, you can do it, but we are going to bankrupt you.

There is no question about the war on coal. It is factual. Now, we come here today, and I think that—the area of the country that I represent is western Pennsylvania. It is hard to look at a source that is so abundant, so accessible, so affordable, so reliant, and so sustainable that keeps our energy costs lower and creates thousands of jobs.

The administration's efforts have not only eliminated people who are mining coal, they have absolutely eliminated entire communities and wiped them off the face of the Earth.

Now, we look at a piece of legislation, and we say wait a minute. In 2008, we had a rule that received certification from the Environmental Protection Agency and complied fully with the Clean Water Act.

So the question becomes: How good does the coal energy have to become in order to receive a pat on the back from the administration?

The answer is they can never reach that level. They will never be accepted. It will never be part of our energy strategy. It will never lead America to be independent from every place else in the world.

All you have to ask yourself is: What in the world are we doing to the people we represent?

This is not a Republican strategy or a Democrat strategy. This is an American strategy. If it is truly about energy and about creating jobs and protecting our environment, it is all there, gentleman, and has been there for years.

□ 1315

Why would the administration spend $10 billion to get an answer that didn't comply with what they thought it was going to be? So automatically, the answer has to be: These folks didn't do the test the right way. They didn't come up with the results that we needed, so we are going to get rid of them and get somebody else in here.

Mr. Chairman, the lights are going out across this country. Our position in the world is being challenged right now, in a country that has been so blessed for so long with abundant, affordable, and accessible energy, and to sit back and say: You know what? They are getting better, but they are never going to be good enough for us; they are never going to quite reach that metric they have to reach.

In fact, the bottle of water the gentleman just showed, I have got to tell you: Take a bottle of Fiji water off the shelf; it won't comply either.

So we have got to start asking ourselves, where is it that they are going with this? Is this a way to prop up an agenda by the administration or is this a way to prop up the American success story? Are we going to go forward and truly achieve independence from energy from anyplace else in the world other than our own or are we going to continue to fight over things that don't make sense to the American people but yet somehow make sense in this House?

Listen, what we are doing today just makes sense. We have already run the traps on it. We have already run the tests. We have done all the metrics. Coal is good for America. Coal has always been good for America. Coal has

cleaned itself up incredibly and will continue to do so. These are the most responsible people. I would invite some of my friends who have never been down in a coal mine, travel with me to western Pennsylvania. Go down in the Bailey mine. Go down 700 feet and see how they are scrubbing coal, and then say to me that they are not doing it the right way.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield an additional 30 seconds to the gentleman.

Mr. KELLY of Pennsylvania. Mr. Chairman, I really want to ask my colleagues today, let's take a real good look at this, at what we are doing. In a country that so badly now is looking for leadership across all phases so that we can retain our position in the world, let's take a look at where we are today with this coal strategy. If it is truly a war on coal and if it is truly a war we can't win, then I say that is not why we came here.

I strongly urge the passage of H.R. 2824.

Mr. HOLT. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Virginia (Mr. MORAN), a Member of this body who has been a leader on countless environmental issues, my friend from Virginia who knows the harmful effects that mountaintop removal mining has had in his own State and throughout the Appalachian region.

Mr. MORAN. I thank my very good friend from New Jersey for yielding to me, and I thank my very good friend from Arizona.

Mr. Chairman, I do rise in opposition to this so-called Preventing Government Waste and Protecting Coal Mining Jobs in America bill. I know that is what this bill's sponsors have tried to suggest, but the fact is that this promotes destructive mountaintop mining removal and it doesn't protect jobs.

The goal of this bill is to require all States to incorporate a now vacated 2008 rule that was issued in the very last days of the Bush administration and was then struck down by a U.S. Federal court. It was an eleventh-hour regulation that was designed to repeal Reagan-era protections for streams and waterways from the impacts of mountaintop mining by providing a buffer zone for waste disposal. Its vague and permissive language sets an alarmingly low bar when it comes to protecting communities and wildlife habitats near mountaintop mining operations.

The reality is that this midnight rulemaking of the Bush administration would only hasten further environmental destruction and increase the volume of toxic chemicals entering our water supply.

This bill before the House represents a transparent attempt to resurrect an already rejected rule by forcibly enacting it across this country, thereby putting communities nearby coal mining plants at risk while undoing necessary protections from pollutants.

But in addition to resurrecting this stream buffer zone rule, H.R. 2824 comes with a 5-year mandatory implementation period that conveniently prohibits the Department of the Interior from issuing any new regulations to protect streams.

So the public should be deeply troubled by what is a blatant disregard for public health. Americans living near coal mining operations are going to be harmed by this. Our legal process is jeopardized, and certainly the integrity of already fragile ecosystems will be put at risk.

The CHAIR. The time of the gentleman has expired.

Mr. HOLT. I would gladly yield an additional 1 minute to the gentleman from Virginia.

Mr. MORAN. I very much thank my good friend.

An environmental impact statement found that between 1985 and 2002, nearly 2,000 miles of streams were buried or destroyed by mountaintop removal. Not surprisingly, peer-reviewed scientific studies continued to confirm the devastation on the surrounding environment and wildlife habitats of the numerous toxic chemicals, like arsenic and mercury, that enter into streams as mountaintops are blasted and bulldozed away.

We found in a 2011 study that cancer rates were twice as high in communities exposed to the effects of mountaintop mining. In the journal Science, we found, likewise, chronic pulmonary disorders in coal country. A 2011 study of births in Appalachia from 1996 to 2003 found that counties near mountaintop mining areas had substantially higher rates of multiple types of birth defects.

Congress should welcome regulations that are going to save and enhance American lives, not put them in jeopardy; and unfortunately, this bill gives a green light to remove mountain summits and dump their waste into nearby valleys and streams.

The fact is that coal has been the mainstay of Appalachia's economy for more than 100 years, but it has yet to make the region prosperous. We are talking about jobs. We need healthy people, and we need healthier environments. So I urge a rejection of this legislation.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I appreciate my colleague yielding.

Mr. Chairman, I rise in strong support of the Preventing Government Waste and Protecting Coal Mining Jobs in America Act introduced by my colleague from Ohio.

Mr. Chairman, there is a war on coal by the Obama administration. It is being carried out every day throughout this country in many ways through rules and regulations imposed by radical agencies like the EPA, and so what we are doing here is pushing back and saying: Enough is enough. Stop killing jobs in America, Mr. President. Stop increasing energy costs for American families, hardworking taxpayers who are struggling in this bad economy.

The President continues to pursue this global warming agenda. It is snowing outside of the Capitol right now as we speak in support of this bill, and they are still talking about global warming and imposing more regulations that are killing—killing—American jobs.

If you look at the sue-and-settle process that has brought us to this point, that really is the reason behind legislation like the bill we are bringing up today. The sue-and-settle process that the Obama administration is using through agencies like the EPA, in this case, has resulted in 7,000 lost jobs and is wreaking havoc in 22 States. Just one rule.

This isn't a bill that was passed through Congress. The President loves bragging about he has got a pen and a phone, yet he is using Federal agencies, not law passed by the people's House, debated in the open public view. Behind closed doors, they are going and trying to impose these radical regulations that are killing jobs in America. The President is going to spend days and days on the campaign trail, a campaign trail that never ends. He never leads and governs. He runs around campaigning, and his latest mantra is to talk about unemployment benefits. Mr. Chairman, the best unemployment benefit is a good job.

The American people don't want to be getting unemployment checks from the Federal Government—they want jobs—and yet this administration, through its war on coal and so many other radical regulations, is killing jobs in America. Enough is enough. This legislation helps to undo the damage that President Obama's radical policies are wreaking through our economy.

Again, I commend my colleague from Ohio for bringing this legislation forward. I think we will see a very strong bipartisan vote in support of helping get jobs back in our economy.

Mr. HOLT. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA), my good friend and colleague from the Natural Resources Committee who has been a leader on standards and enforcement in mining and knows as well as anyone the time and energy that has been wasted in the committee's investigation of this stream protection rule, time that could have been spent protecting the environment and the people's health.

Mr. GRIJALVA. I thank my colleague from New Jersey for yielding me the time.

Mr. Chairman, it is our singular responsibility, as Members of Congress, to protect the health and well-being of the American people. Voting ''yes'' to this legislation would do just the opposite. H.R. 2824 is not only poisonous to

our pristine rivers and waterways, but harmful to the health and well-being of the American people.

H.R. 2824 is wrong at many levels. First, it seeks to lock in a 2008 Bush administration rule that virtually eliminates the buffer zone protecting streams from mine waste. Just last month, a Federal court ruled that the 2008 rule that this legislation seeks to lock in was unlawful because it risked the federally protected endangered and threatened species.

But the problem with this bill isn't limited to just endangered and threatened species. The bill would also violate the purposes and objectives of the Clean Water Act and those of the Surface Mining Control and Reclamation Act to minimize harm from surface mining. These are a few laws and regulations to protect rivers and waterways in our communities and ultimately ensuring public health and well-being. H.R. 2824 is about eliminating our environmental safeguards and deteriorating our public health to provide legal loopholes for private mining companies.

The effect of polluted waterways to our communities is catastrophic and costly. This year, we have already witnessed a few incidents. First, the chemical spill in Elk River in West Virginia in January. Then the coal spill in Dan River in North Carolina in February. While both these incidents remain unsolved and are being investigated, they have forced tens of thousands of residents to go without clean and safe water for weeks—and this legislation seeks to grant immunity to those violations.

The bill will not only pollute more rivers and waterways and risk millions of Americans being without clean and safe water, but worse, it will poison millions of Americans. The question I want to ask my colleagues in this Chamber is: What kind of government poisons its own people? Is that the government we are?

So with that, I urge Members who care about its people to oppose this poisoned legislation.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes, again, to the gentleman from Colorado (Mr. LAMBORN), the chairman of the subcommittee dealing with this legislation.

Mr. LAMBORN. I thank the full committee chairman.

Mr. Chairman, my colleagues on the other side seem to continue living in the past. This bill isn't about the Bush administration. This bill is about the rampant failure of the Obama administration and its inability to craft a reasonable rule on coal mining. They have spent 5 years and nearly $10 million on this rewrite. And for what? What have they produced? Absolutely nothing. Their waste-ridden, failed effort is apparently nothing more than a sham facade over a real agenda—to kill coal mining.

You don't have to take my word for it. This is a direct quote from an inspector general investigator's interview with a current DOI contractor working on the rule, Emily Medine. She said the rule appears to be ''an effort to kill coal mining.''

Also, the Department has continued to insist on falsifying the baseline to reduce the stated impacts of their rulemaking. As you can see from the interview with the current contractor, over here, OSM continues to insist that companies use the more restrictive but never implemented 2008 rule as a baseline in an effort to hide the real economic impacts of whatever rule they want to come up with. Again, don't take my word for it. Right here, OSM's own contractor says that by using the more restrictive 2008 rule, they will show fewer job losses.

That is our choice today: a rule fine-tuned over 5 years with a clear process for future rulemaking and certainty for jobs and affordable energy, which we have now, or, if we follow this path, a continued waste of taxpayer dollars to pursue an agenda to kill coal mining.

I choose jobs and affordable energy for American families. Please support H.R. 2824.

Mr. HOLT. Mr. Chair, I yield myself such time as I may consume.

This is an actual photograph of actual water coming from an actual mountaintop removal site. I hope that the camera captures the color of the green hills that used to be there and the orange water that is there now. A stream this orange might be good for dyeing Easter eggs but not for drinking.

Now, earlier, I referred to the studies by scientists that associated hospitalizations with these activities. I referred to hospitalizations, hypertension, lung cancer, heart disease, kidney disease, increased flooding, loss of habitat, damage to wildlife. The other side, the majority, keeps wanting to talk about procedures, so let's talk about procedures for just a moment.

□ 1330

The record is clear. These are the words of the Federal District Court. The record is clear. The 2008 rule may affect or threaten endangered species or critical habitat. Further, the court goes on, the errors in this rule constitute a—in their words—serious deficiency and not merely a procedural defect.

Mountaintop removal mining is a serious environmental and health threat in Appalachia. That is what we should be talking about today, not about creating legislation that will deem reality to be different than it actually is, that will declare this stream clear flowing, that will declare these mountains green and verdant, that will declare that the Endangered Species Act was observed when it wasn't, that will declare that this rule will protect the environment and human health when it won't.

No amount of legislative deeming will make this reality change. What will make this reality change would be good, strong regulations with good, strong enforcement with an emphasis not on speed and cheapness but on people's health and an environment that can sustain us. That is what we should be talking about.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Thank you, Mr. Chairman.

I come to the floor to support H.R. 2824, the Preventing Government Waste and Protecting Coal Mining Jobs in America Act. I thank my colleagues Congressman JOHNSON and Chairman DOC HASTINGS for their hard work and leadership on this very important issue.

The Obama administration has consistently put mandates ahead of jobs and energy security. Instead of promoting the American-made energy that powers our factories, small businesses, warehouses, and offices, Washington bureaucrats have wasted nearly $10 million to overhaul coal mining regulation.

Three years ago, the Obama administration's own experts estimated that these unnecessary and sweeping changes could kill 7,000 jobs. The urge to issue mandates was too strong and, instead of listening to reason, the administration fired its own advisers and kept on pressing. That is no way to promote economic recovery.

Mr. Chairman, today's legislation would halt the Obama administration's haphazard and disastrous rulemaking. Hoosiers deserve an all-of-the-above energy plan, not a red tape agenda. So I would urge my colleagues to support this legislation.

Mr. HOLT. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a most thoughtful and strong spokesperson on protecting our environment and people's health.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership.

Mr. Chair, there is nothing here in terms of what the administration has done that is ill-considered or reckless. I am sorry that there is opposition to protections that were put in place by the Reagan administration dealing with stream buffers, simple and common sense, which would indeed merit the support by virtually all of our colleagues.

We have seen that the last-minute efforts by the Bush administration to circumvent protections for mountaintop removal were rejected by the courts because they did not deal adequately with requirements of the Endangered Species Act. We are still facing the specter of taking the debris from mountaintop removal mining and putting it in our streams and waterways, and we would sentence our States to not be able to put in place

more effective and stringent protections if they wanted to but force them to follow this outdated and rejected proposal and wait until 2021 to be able to move forward.

Mr. Chairman, this is an expression, I think, of frustration on the part of some of my friends on the other side of the aisle for the fact that they are on the wrong side of history, they are on the wrong side of science, and they are on the wrong side of public opinion; and simply declaring that the administration is out of control or EPA is overreaching or there is a war on coal doesn't make it so.

People can see for themselves the devastation from mountaintop removal and the fact that we have been negligent as a country for years providing adequate protections.

The CHAIR. The time of the gentleman has expired.

Mr. HOLT. I yield the gentleman an additional 15 seconds.

Mr. BLUMENAUER. I would hope that the Chamber sees fit to reject legislation that is not going anyplace and that we stop the charade of initiatives that are conjuring up imaginary threats when we are not focusing on the clear and present dangers to the environment now, to community protection, and for health. Reject this legislation, and then let's get down to business on things that really will make a difference and that we can agree upon.

Mr. HASTINGS of Washington. Mr. Chairman, I would advise my friend from New Jersey I am prepared to close if the gentleman is prepared to close.

Mr. HOLT. I am prepared to close, as well.

Mr. HASTINGS of Washington. I reserve the balance of my time.

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

The other side speaks about technicalities. Is it a technicality to fail to consider the negative impact on wildlife and the environment? Is it a technicality to ignore the harmful health effects for people living in communities near mining operations? Is it a technicality that allows us to sacrifice people's clean drinking water so that large mining companies can save a few dollars as they blow up a mountain?

No. These are not technicalities. In fact, the U.S. district court a few weeks ago made it clear these were not technicalities. I will repeat, in their words: the way this was put together is a serious deficiency and not merely a strictly procedural defect. That is why the rule was vacated by the court. We should not be imposing that now. We should be looking after the health of our environment and the health of the people we were sent here to represent.

Mr. HASTINGS of Washington. Mr. Chairman, how much time remains on my side?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, to hear my friends on the other side of the aisle argue about this, they are making arguments that are pre-1977. Now, why do I say that? Because they are talking about their perception of mountaintop mining or surface mining probably in general. Well, it is precisely that argument that led to the Surface Mining Control and Reclamation Act of 1977 under the Carter administration—with a Democrat Congress, I might add. So that bill passed to allow for surface mining.

Now, there is always necessary rulemaking that comes after that, and the latest rulemaking prior to the turn of this century was in 1983 under the Reagan administration. So the Bush administration looked because of some court test that maybe we ought to rewrite this rule; and, Mr. Chairman, contrary to what my friends on the other side of the aisle said that that was a late-breaking rule, it took 5 years to put that together—5 years to put that together.

So, as a result, because of this court decision that ended up vacating because of the technicality of the 2008 rule, the issue before us is this: Do we put the 2008 rule in place, which is what the focus of this legislation is, and then look forward to further rulemaking, or do we vacate the 2008 rule and go back to 1983? That is what the choice is.

What I find that is so interesting about my colleagues on the other side of the aisle is that everybody acknowledges that the 2008 rule is more restrictive—more restrictive—but they want to go back to the 1983 rule. I find that hard to understand, but at least that is what appears to be their argument.

So, Mr. Chairman, we think the responsible way to do this is to take into consideration what the Bush administration did for 5 years, looking at proper rulemaking that, by the way, looked into the Endangered Species Act. That is something the '83 rule did not look at at all. So we think that is a better way to put that in place right now. It is a more restrictive rule that industry understands, the States understand, and it is probably better for energy certainty in this country.

So I urge my colleagues to vote for this legislation, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chair, I rise in strong opposition to H.R. 2824, the so-called "Preventing Government Waste and Protecting Coal Mining Jobs in America Act."

I oppose the bill because it would misdirect limited resources and limit State discretion in regulating industries within their borders.

The bill would require State surface coal mining regulatory agencies to implement the discredited 2008 Stream Buffer Zone Rule—promulgated by the Bush Administration—for a mandatory implementation period, which inadequately protects drinking water and watersheds from strip mining.

H.R. 2824 replaces sensible Reagan-era protections for streams and communities in Appalachia from mountaintop mining with the flawed 2008 Bush rule that has been rejected by a federal court, most states, and the Administration.

The bill puts families at risk by stopping the current updating of federal rules, wasting time and money, while delaying development of a responsible stream protection rule for years.

The bill allows big coal companies—many of whom export their coal—to reap larger profits, while families in Appalachia pay the price through with degraded water, flooding, and health impacts.

In opposing this misguided legislation I stand with a broad range of conservation and environmental groups, including American Rivers, Environment America, Clean Water Action, League of Conservation Voters, National Parks Conservation Association, Natural Resources Defense Council, National Wildlife Federation, and Sierra Club.

Mr. Chair, waste from mountaintop removal coal mining has buried over 2,000 miles of streams throughout Appalachia. This practice destroys wildlife habitat, contaminates surface and drinking water, and leads to flooding.

As a number of new studies show, there is an increased incidence of cancer, birth defects, lung disease, and heart disease for those living and working near these mines.

In December 2008, the Bush Administration finalized a last-minute rule that weakened Reagan-era protections for streams from the impacts of mountaintop removal mining. The Bush rule was challenged in court and in February 2014, the D.C. Circuit Court vacated the rule, finding that the Bush Administration's refusal to consider the impacts of stream fills on threatened or endangered species in drafting the rule had been illegal.

The bill before us seeks to write the midnight Bush rule into law and require all states to incorporate it into their state mining regulations.

Mr. Chair, it makes no sense to require the states to adopt a vacated rule that has already been vacated by a federal court, especially when the Obama Administration is in the process of finalizing a new stream protection rule providing for responsible development while protecting our communities and environment.

This new rule will reflect the significant technological and scientific advances in mining practices that avoid, minimize, and mitigate environmental damage from coal mining.

Mr. Chair, I support the amendment offered by Congressman LOWENTHAL that would keep in place implementation of the Reagan Administration rule. I also support the amendment offered by Congressman CARTWRIGHT that would ensure that states retain the ability to issue their own stream buffer rules.

But I do not support the underlying bill. I urge my colleagues to vote "no" on H.R. 2824 and reject this misguided, irresponsible, and harmful legislation.

Then let us finally get to work on the issues the American people care about.

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.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–41, modified by the amendment printed in part A of

House Report 113–374. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2824

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 ''Preventing Government Waste and Protecting Coal Mining Jobs in America''.

SEC. 2. INCORPORATION OF SURFACE MINING STREAM BUFFER ZONE RULE INTO STATE PROGRAMS.

(a) IN GENERAL.—Section 503 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1253) is amended by adding at the end the following:

''(e) STREAM BUFFER ZONE MANAGEMENT.—

''(1) IN GENERAL.—In addition to the requirements under subsection (a), each State program shall incorporate the necessary rule regarding excess spoil, coal mine waste, and buffers for perennial and intermittent streams published by the Office of Surface Mining Reclamation and Enforcement on December 12, 2008 (73 Fed. Reg. 75813 et seq.) which complies with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in view of the 2006 discussions between the Director of the Office of Surface Mining and the Director of the United States Fish and Wildlife Service, and the Office of Surface Mining Reclamation and Enforcement's consideration and review of comments submitted by the United States Fish and Wildlife Service during the rulemaking process in 2007''.

''(2) STUDY OF IMPLEMENTATION.—The Secretary shall—

''(A) at such time as the Secretary determines all States referred to in subsection (a) have fully incorporated the necessary rule referred to in paragraph (1) of this subsection into their State programs, publish notice of such determination;

''(B) during the 5-year period beginning on the date of such publication, assess the effectiveness of implementation of such rule by such States;

''(C) carry out all required consultation on the benefits and other impacts of the implementation of the rule to any threatened species or endangered species, with the participation of the United States Fish and Wildlife Service and the United States Geological Survey; and

''(D) upon the conclusion of such period, submit a comprehensive report on the impacts of such rule to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, including—

''(i) an evaluation of the effectiveness of such rule;

''(ii) an evaluation of any ways in which the existing rule inhibits energy production; and

''(iii) a description in detail of any proposed changes that should be made to the rule, the justification for such changes, all comments on such changes received by the Secretary from such States, and the projected costs and benefits of such changes.

''(3) LIMITATION ON NEW REGULATIONS.—The Secretary may not issue any regulations under this Act relating to stream buffer zones or stream protection before the date of the publication of the report under paragraph (2), other than a rule necessary to implement paragraph (1).''.

(b) DEADLINE FOR STATE IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, a State with a State program approved under section 503 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1253) shall submit to the Secretary of the Interior amendments to such program pursuant to part 732 of title 30, Code of Federal Regulations, incorporating the necessary rule referred to in subsection (e)(1) of such section, as amended by this section.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report. 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. LOWENTHAL

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 113–374.

Mr. LOWENTHAL. 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 1, beginning at line 16, strike ''December 12, 2008 (73 Fed. Reg. 75813 et seq.)'' and insert ''June 30, 1983 (48 Fed. Reg. 30312), except that this paragraph shall not apply to a State if the Governor of the State notifies the Secretary that such application would reduce stream protection from the level of protection achieved by the State program as in effect on the date of the enactment of the Preventing Government Waste and Protecting Coal Mining Jobs in America''.

The CHAIR. Pursuant to House Resolution 501, the gentleman from California (Mr. LOWENTHAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LOWENTHAL. Mr. Chairman, I yield myself such time as I my consume.

Mr. Chairman, my amendment is about protecting the health of those Americans who live near mountaintop removal coal mines. It is about keeping surface water from being contaminated; it is about keeping drinking water from being contaminated; and my amendment is about reducing the risk of cancer, birth defects, lung disease, and heart disease for families living near coal mines.

Mr. Chairman, all of these health problems have been conclusively linked to the mining practices of dumping the tops of mountains into streambeds. For example, in January 2010, the peer-reviewed journal Science published an article, entitled, ''Mountaintop Mining Consequences.'' And in that article, the authors, who were a dozen scientists from institutions across the country, concluded:

> Adult hospitalizations for chronic pulmonary disorder and hypertension are elevated as a result of county-level coal production, as are rates of mortality, lung cancer, and chronic heart, lung, and kidney disease.

Health problems are for women and men. So the effects are not simply the result of direct occupational exposure of predominantly male coal miners.

Mr. Chairman, in 1983, the Ronald Reagan administration completed rules that kept coal mining companies from dumping their overburden directly into streams. The rules required a buffer of 100 feet around waterways. The Reagan rule also allowed States to promulgate more protective rules, effectively creating a Federal floor of protection against stream contamination.

Right now, the Reagan rule is the regulation that the Office of Surface Mining Reclamation and Enforcement is operating under, and my amendment would keep the Reagan rule in effect.

So what does the majority bill do? It wipes away the Reagan rule and forces all States to adopt the 2008 Bush stream buffer rule. Instead of protecting streams, the Bush rule is a blank check for mining companies to dump their overburden directly into waterways. That's right. The Bush rule referenced in this bill has a gaping loophole that allows mining companies to dump mine waste into streams if avoiding disturbance of the stream is not reasonably possible.

And how is ''reasonable'' to be interpreted by the agency? Very loosely. An alternative to dumping mine waste into streams generally may be considered unreasonable, according to the agency, if its cost is substantially greater than the cost normally associated with this type of project.

Well, of course it is cheaper to dump mine waste into a nearby streambed than to properly treat and remove it elsewhere. Thus, given the agency's criteria, it will always be found cheaper and reasonable to dump coal mine waste into streams.

But it gets even better, Mr. Chairman. This is the same Bush rule that was struck down by the D.C. circuit court just this last month, and it is the same Bush rule that is really against the States' ability to promulgate stronger rules because it creates a ceiling that no State can exceed.

□ 1345

Mr. Chairman, my amendment would simply return to the Reagan rule to protect the health of families living near coal mines. I urge support of my amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

I find it hard sometimes to listen to this debate, especially when I hear my good friends on the other side of the aisle defending anything that the Reagan administration did. But they are doing it, so I will acknowledge that there is some substance there, but let me just go back to what I mentioned in my closing arguments.

SMCRA was passed in 1977. The Reagan rulemaking was 6 years after that. So there has not been an update on that rule—right now—for 30 years,

but it was more likely probably 20 years when the Bush administration thought it should be updated.

Now I want to get right to the heart of the matter and the reason that the environmental community does not like the 2008 rule and instead opts for the 1983 Reagan rule. They don't like it because the 2008 rule will provide clarity and certainty in the SMCRA process, which of course will free up job creation, meaning that there is going to be some certainty in coal production; rather, the environmental community would like to use loopholes that they found in the 1983 rulemaking to take people to court.

That is exactly why, from my perspective, that this amendment is offered, to go back to the Reagan times so there can be probably more litigation and less certainty in rulemaking of surface mining.

The gentleman mentioned, for example the 100-foot buffer zone. The Bush rule has a 100-foot buffer zone just like the Reagan rule. Nothing changed there. The only changes in the long run in rulemaking is certainty, and those who like to go to court don't like certainty. That is why I believe we have this improbable defense of anything that Reagan did, because they see that over a period of time there are ways that you can manipulate that to their advantage.

I think the Bush rule—which I said several times and is even acknowledged by the coal mining industry that it is more restrictive but has more certainty in it—is a better model, and it is precisely what this legislation does. It takes us to the 2008 rule.

This amendment takes us back to the 1983 rule, and I don't think that is a proper way to go. I urge rejection of this amendment.

I reserve the balance of my time.

Mr. LOWENTHAL. Mr. Chairman, I yield myself such time as I may consume. I want to respond to one thing that was just said. The 2008 Bush rule is not more protective than the 1983 Reagan rule. I have explained that. The 2008 Bush rule has huge exemptions within it, and that is why it is important that we go back and we adopt my amendment to take us back to the reasonable 1983 Reagan rule.

I yield the balance of my time to the gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. Mr. Chairman, I thank the gentleman from California for yielding.

I rise in support of the amendment by the gentleman from California (Mr. LOWENTHAL) which seeks to reinstate the 1983 Stream Buffer Rule. While the Reagan administration rule is not perfect, the 2008 Bush rule inserted unnecessary loopholes in the law and takes us in the wrong direction.

This commonsense Lowenthal amendment from the Natural Resources Committee would simply keep the best option we currently have in place instead of forcing the adoption of the 2008 rule, which the courts have already struck down. Thus, I urge my colleagues to support the Lowenthal amendment.

Mr. LOWENTHAL. I yield back the balance of my time.

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

Very briefly, and maybe we are caught here in semantics, but the issue—I have said several times and it has been acknowledged that the 2008 rule is more restrictive. My friend on the other side of the aisle and the author of the amendment said, ''Let me be clear, the 2008 rule is not as protective.''

I think when we are talking about protecting the environment, that ''restrictive'' and ''protective'' are probably synonymous in nature. So when we hear statements made by the industry that the 2008 rule is more restrictive, I take them at their word.

But, Mr. Chairman, I have to make this point and this point is very important because we need to have a certainty supply of energy in this country if we are going to have a growing economy. I am in favor of all of the above, and that certainly includes coal. Unless you have certainty in the regulations, you will not have an energy source.

As I have said right from the start—and as a matter of fact, many have acknowledged within the administration that this administration has a war on coal—this provides certainty. It is contrary to where the administration obviously wants to go because it does provide certainty with our energy production. So I would urge rejection of this amendment, which would take us back to a rule that would be more potentially litigious in nature to something that has certainty. With that, I urge rejection of the amendment.

I yield back the balance of my time.

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

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

Mr. LOWENTHAL. 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. 2 OFFERED BY MR. CARTWRIGHT

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 113–374.

Mr. CARTWRIGHT. 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 1, line 17, before the last period insert '', except that this subsection shall not apply to a State if, upon request from the Governor of the State, the Secretary finds that the State's existing program exceeds the standards established by such rule regarding excess spoil, coal mine waste, and buffers for perennial and intermittent streams''.

The CHAIR. Pursuant to House Resolution 501, the gentleman from Pennsylvania (Mr. CARTWRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

The underlying bill I seek to amend has been labeled today as Preventing Government Waste and Protecting Coal Mining Jobs in America. The true label for this bill ought to be the ''No Streams Protection'' bill.

Mountaintop removal coal mining is a process that has buried over 2,000 miles of streams throughout Appalachia, contaminating surface and drinking water, and destroying wildlife in Appalachia communities.

The practice is currently governed by a rule written by the Reagan administration. The Reagan rule needs to be updated, and this is what the Obama administration wants to set about doing. H.R. 2824 seeks to accomplish two things: to write into statute a stream buffer rule promulgated in December of 2008 by the Bush administration and then to prohibit the Obama administration from working on writing a new stream buffer rule for at least 5 years while precluding the States also from issuing their own more stringent rules.

Members ought to be aware that the Federal District Court of the District of Columbia handed down a decision on February 20, just last month, vacating the 2008 rule because the Bush administration refused to consider the impacts of coal mining on threatened or endangered species in writing the rule. As a result, the rule this bill would write into statute no longer exists.

It is also surprising that the Republicans would enact a bill that strong-arms States into forcibly adopting a Federal standard, completely preempting states' rights to enact their own rules.

That is why the amendment I am offering today protects states' rights by ensuring that all States are able to implement a stream buffer rule that can go beyond the national floor. States ought to have the ability to protect their natural resources at a level beyond the requirements of the Federal Government when they see that need. My amendment ensures that States maintain the ability to issue their own more stringent stream buffer rules, which this legislation is attempting to prohibit.

States should be able to maintain the ability to adequately protect their natural resources and health and safety of their local coal mining communities. Safe drinking water should be a right for everybody, and should not be subject to the Federal loopholes this bill would insert. States should have the right to close loopholes as they see fit.

It is important to remember that the amount of coal exported from this country is significant and growing. In fact, a record amount of coal was exported in 2012, over three times the amount exported one decade earlier. We don't need to relax our environmental and health protections for this industry. We don't need to jeopardize the health of the people and the once-pristine environment of Appalachia for the profits of these companies.

Finally, the claim that the Obama rule must be stopped because it is part of a so-called war on coal is obviously false. How can you make such a claim about a rule that doesn't even exist yet?

This bill is simply an attempt to resurrect a flawed 2008 Bush rule, rejected by a Federal court and the administration, which provides loopholes to the industry. It is poor public policy and a poor use of Congress' time given the pressing needs of this country.

My amendment protects states' rights from overreach by the Federal Government, protects Appalachia communities, protects our environment, and protects clean drinking water. My amendment allows States to do better by their citizens if they so choose, and I believe that is a goal that everybody ought to agree upon.

I urge Members to vote for this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LOWENTHAL).

Mr. LOWENTHAL. I thank the gentleman from Pennsylvania for yielding me this time.

I strongly agree with my friend that States must be given the right to implement a stream buffer rule that works for them, given the fact that local conditions will vary from State to State. What we are saying is that States should have the ability to protect their natural resources at a level beyond the requirements of the Federal Government when they see the need. What we are saying is that the Federal Government sets a floor, and the States have a right to protect their citizens from public health crisis and illness by setting their own requirements.

H.R. 2824 keeps the States from tailoring stream safeguards and requires the States to waste taxpayer dollars by adopting a rule that has been vacated by a Federal court.

Mr. Chairman, for these reasons I urge support of the Cartwright amendment.

Mr. CARTWRIGHT. I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, before I speak directly as to why we should not adopt this amendment, let me respond to the rhetorical question that my friend from Pennsylvania asked when he said:

How can you say that this administration rule, which hasn't been promulgated yet, will cost jobs?

Well, I would tell the gentleman, Mr. Chairman, that there were leaked documents of the first initial rewrite of the 2008 amendment, leaked documents that said that the contractor that was hired by the administration to rewrite the rule came back with the conclusion that 7,000 jobs would be lost in 22 States. So what was the response of the Obama administration? They fired the contractor; it was the wrong message.

Now they are still in the rulemaking process. But, Mr. Chairman, I have to tell you, I doubt that the philosophy has changed from that very way because they are trying to manipulate which rules to follow to minimize what we found out in the initial go-round.

So let me just talk about this amendment. This amendment is not only unnecessary, it is actually harmful to protecting states' rights. Under SMCRA of 1977, State regulations have to meet or exceed the new regulation issued by the Office of Surface Mining. The gentleman's amendment would eliminate the ability of States to meet these rules by mandating that States can only exceed the OSM rules. This ignores both the history of Federal-State regulations with regard to rulemaking but also the need for flexibility in the States to meet the OSM rules while protecting their own geology, hydrology, and community interests.

Again, States already have the ability to change regulations to meet or exceed Federal rules with regards to all aspects of the regulatory regime under SMCRA.

□ 1400

We should not limit the ability to have flexibility in meeting the new rules. This amendment would mandate that you could only change that by increasing it. I think, Mr. Chairman, that is the wrong way to go. I think the amendment is ill-advised.

I urge rejection of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CARTWRIGHT).

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

Mr. CARTWRIGHT. 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 Pennsylvania 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 113–374 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. LOWENTHAL of California.

Amendment No. 2 by Mr. CARTWRIGHT of Pennsylvania.

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. LOWENTHAL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. LOWENTHAL) 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 188, noes 231, not voting 12, as follows:

[Roll No. 138]

AYES—188

Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jeffries
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—231

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Bentivolio
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—12

Benishek
Camp
Campbell
Cohen
Duckworth
Hinojosa
Jackson Lee
Johnson (GA)
McCarthy (NY)
Miller, Gary
Olson
Schwartz

□ 1427

Messrs. TERRY, CULBERSON, and COLE changed their vote from ''aye'' to ''no.''

Messrs. MAFFEI and LARSON of Connecticut changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. CARTWRIGHT

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. CARTWRIGHT) 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 196, noes 225, not voting 10, as follows:

[Roll No. 139]

AYES—196

Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Holt
Honda
Horsford
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)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (SC)
Richmond
Rigell
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—225

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Bentivolio
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Palazzo
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Renacci
Ribble
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—10

Benishek
Camp
Campbell
Cassidy
Duckworth
Hinojosa
McCarthy (NY)
Miller, Gary
Olson
Schwartz

□ 1435

Mr. WALBERG changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CASSIDY. Mr. Chair, on rollcall No. 139, I was unavoidably detained. Had I been present, I would have voted "no."

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. WOODALL, 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. 2824) to amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes, and, pursuant to House Resolution 501, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. BERA of California. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. BERA of California. I am opposed to it in its current form.

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

The Clerk read as follows:

Mr. Bera of California moves to recommit the bill H.R. 2824 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 3, after line 20, add the following:

SEC. ____. MAKING IT IN AMERICA AND PROVIDING JOBS FOR UNEMPLOYED WORKERS.

Nothing in this Act limits, restricts, or prohibits the Secretary of the Interior or any State program from giving priority to—

(1) hiring unemployed workers, including veterans, who are actively seeking work and for whom unemployment taxes were paid during prior employment; and

(2) utilizing equipment and materials manufactured in the United States in mining operations, where practicable.

Mr. JOHNSON of Ohio (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

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

Mr. Speaker, instead of voting on divisive bills that threaten communities and their water supply with toxic mining waste, we need to focus on creating jobs and getting unemployed Americans back to work.

Mr. Speaker, we have no more urgent mission than getting our veterans back to work. That is our priority. American families want their leaders to work together, Democrats and Republicans, to rebuild an economy that works for the middle class, not more partisan politics.

Today, over 2 million unemployed Americans have been waiting for Congress to restore Federal emergency unemployment benefits since December.

Among veterans who have served since 2001, the unemployment rate is 9 percent. This is disgraceful. During these tough economic times Americans need to focus and Congress needs to focus on getting Americans back to work.

This amendment would do just that, allowing priority hiring of veterans and those who have received unemployment insurance. To help create more jobs, we also need to make more products here in the United States. There is a greater opportunity for our people to make it in America if we make things in America.

That means we need to focus on creating the best conditions for American businesses to manufacture their products, to innovate, and to create jobs right here in the United States.

Already, more and more U.S. companies are bringing overseas manufacturing back home. Let's continue to encourage these U.S. companies to continue to bring those jobs back here and to build things here in America. We have seen the American auto industry come back, Apple computers, alternative energy companies, just to name a few. We need to continue to encourage these companies to make their products here.

□ 1445

That is exactly what this amendment does, and it will help set us on a solid path forward to a future of greater economic competitiveness, more jobs, and longstanding, long-term economic success.

Let's show the American people what our priorities are. It is about creating jobs and getting Americans back to work and, most importantly, getting our veterans back to work. That is exactly what this amendment does.

I urge the adoption of this important amendment.

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

Mr. JOHNSON of Ohio. Mr. Speaker, I rise in opposition to the motion.

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

Mr. JOHNSON of Ohio. Mr. Speaker, this is simple. There are two competing views on the floor right now about the future of America.

One side believes that the key to America remaining the leader of the free world starts with a robust American economy, led by a strong and stable energy market; an America that then leverages a healthy economy and a strong energy market to help allies across the globe like Ukraine, Japan, and others; an America that can go toe-to-toe with the Russians as they leverage their energy resources to try and achieve their political ambitions; an America that creates energy jobs here at home in a way that balances the dual needs of a vibrant economy and a healthy environment.

Now, that other competing view would rather see American manufacturers and hardworking middle class families pay more for their electricity.

Mr. Speaker, that is not fair. The other side talks a big game about being for an all-of-the-above energy policy, but at every turn, it tries to shut down our fossil fuel production and use.

The other side would rather shut down our cheapest and most reliable form of energy and the thousands of jobs that go with it, in favor of taxpayer-subsidized windmills to heat our homes on cold days like today.

The other side's apparent unwillingness to leverage America's energy abundance to influence geopolitics is unwise. America's rivals and adversaries are watching.

Mr. Speaker, like I said, this is simple. What side of the coin do we want to stand on? The one that shoots ourself in the foot or the one that embraces our God-given energy advantage and leads?

To me, the choice is clear. I urge all of my colleagues to vote against this motion and to vote for final passage.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. BERA of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 224, not voting 10, as follows:

[Roll No. 140]

AYES—197

Barber	Beatty	Bishop (GA)
Barrow (GA)	Becerra	Bishop (NY)
Bass	Bera (CA)	Blumenauer

Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—224

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—10

Benishek
Camp
Campbell
Duckworth
Hinojosa
McCarthy (NY)
Miller, Gary
Olson
Schock
Schwartz

□ 1454

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3771. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Typhoon Haiyan in the Philippines.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to reiterate the announcement of February 26, 2013, concerning floor practice.

Members should periodically rededicate themselves to the core principles of proper parliamentary practice that are so essential in maintaining order and deliberacy in the House. The Chair believes that a few of these principles bear emphasis today.

Members should refrain from trafficking the well when another, including the presiding officer, is addressing the House.

Members should wear appropriate business attire during all sittings of the House, however brief their appearance on the floor might be.

Members who wish to speak on the floor should respectfully seek and obtain recognition from the presiding officer, taking the time to do so in proper form, including 1-minutes. The proper form would be to ask unanimous consent to address the House for 1 minute.

Members should take care to yield and reclaim time in an orderly fashion, bearing in mind that the Official Reporters of Debate cannot properly transcribe two Members simultaneously.

Members should address their remarks in debate to the presiding officer and not to others in the second person or to some perceived viewing audience.

Members should not embellish the offering of a motion, the entry of a request, the making of a point of order, or the entry of an appeal with any statement of motive or other commentary, and should be aware that such utterances could render the motion, request, point of order, or appeal untimely.

Members should attempt to come to the floor within the 15-minute period as prescribed by the first ringing of the bells. Members should be advised that if they are in the Chamber attempting to vote, the Chair will try to accommodate them. But as a point of courtesy to each of your colleagues, voting within the allotted time would help with the maintenance of the institution.

Following these basic standards of practice will foster an atmosphere of mutual and institutional respect. It will ensure against personal confrontation, among individual Members or between Members and the presiding officer. It will facilitate Members' comprehension of, and participation in, the business of the House. It will enable accurate transcriptions of proceedings. In sum, it will ensure the comity that elevates spirited deliberations above mere argument.

The Chair appreciates the attention of the Members to these matters.

□ 1500

PREVENTING GOVERNMENT WASTE AND PROTECTING COAL MINING JOBS IN AMERICA

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. 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. CARTWRIGHT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 192, not voting 10, as follows: