

The Anti-Environment Record of the U.S. House of Representatives 113th Congress (1st Session)

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Prepared for:

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EXECUTIVE SUMMARY

The House of Representatives in the 112th Congress was the most anti-environment House in the history of the institution. In 2011 and 2012, the House voted 317 times to undermine protection of the environment. During the first half of the 113th Congress, the Republican-led House continued its anti-environment record, voting repeatedly to roll back environmental laws.

In 2013, the Republican-led House voted for the anti-environment position 109 times. House Republicans voted to block actions to improve air quality and cut carbon pollution; to expedite oil and gas drilling off America's coasts and on onshore federal lands; to slash funding for renewable energy and energy efficiency programs; to block federal efforts to improve water quality; and to allow more logging and mining on federal lands with limited environmental review.

Specifically, during the first half of the 113th Congress:

- House Republicans voted 20 times to weaken the Clean Air Act and block efforts to improve America's air quality, including passage of a bill that gives the Department of Energy the authority to veto Environmental Protection Agency rules designed to protect human health and the environment.
- House Republicans voted 20 times to block or hinder federal efforts to curb carbon
 pollution and prevent the worst impacts of climate change, including voting to prevent EPA
 from considering the damage caused by carbon pollution and climate change in agency
 rulemakings.
- House Republicans voted 51 times to protect the interests of the oil and gas industry at the
 expense of the environment and human health, including voting to fast-track the siting and
 construction of pipelines, including the Keystone XL tar sands pipeline; to increase onshore
 and offshore drilling while weakening environmental protections; and to hinder
 development and use of cleaner alternatives to oil.
- House Republicans voted 37 times to weaken the Clean Water Act and block efforts to improve the health of America's rivers, lakes, streams, and oceans, including voting to block funding for implementation of the National Ocean Policy.
- House Republicans voted 27 times to slash funding for clean energy and energy efficiency
 and to block implementation of policies to cut energy use and switch to cleaner energy
 sources, including voting to block the Department of Energy from implementing standards
 to improve the energy efficiency of light bulbs and ceiling fans.

In addition, the Republican-controlled House voted to allow more mining on public lands, to relax protections for national forests, and to weaken EPA authority to regulate coal ash.

The full database of votes is available at http://democrats.energycommerce.house.gov/.

AIR POLLUTION AND CLIMATE CHANGE

During the first half of the 113th Congress, the House voted 20 times to weaken the Clean Air Act and block efforts to improve America's air quality. During the same period, the House also voted 20 times to block or hinder federal efforts to curb carbon pollution and prevent the worst impacts of climate change. Eleven of the votes to stop action on climate change were also votes to weaken implementation of the Clean Air Act.

On July 24, 2013, the House debated H.R. 1582, the so-called Energy Consumers Relief Act. This bill indefinitely delays critical EPA rules to cut carbon pollution, to reduce emissions of sootand smog-forming pollutants, and to protect human health and the environment. The bill also gives the Department of Energy authority to veto EPA rules that the agency has proposed under the authority of the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and other cornerstone environmental statutes.¹

Rep. Henry Waxman (D-CA) offered an amendment to strike the language giving DOE the authority to veto EPA rules. House Republicans voted 222-1 to defeat this amendment.² Rep. Gerry Connolly (D-VA) offered an amendment to ensure that DOE would not have authority to veto EPA rules to protect air and water quality. House Republicans voted 219-1 to defeat this amendment.³ Similarly, Rep. Lois Capps (D-CA) offered a motion to exempt from the bill any EPA rules that reduce incidence of cancer, premature mortality, asthma attacks, or respiratory disease in children or seniors. House Republicans voted unanimously to defeat this motion.⁴

During the House floor debate on H.R. 1582, Rep. Tim Murphy (R-PA) offered an amendment to prevent EPA from considering the costs of climate change. Specifically, the Murphy amendment prohibits EPA from attributing any "social cost" to carbon pollution when evaluating the benefits of reducing emissions until Congress acts to specifically authorize EPA to do so. House Republicans voted 219-3 to pass Rep. Murphy's amendment.⁵

H.R. 1582 passed with all House Republicans voting in favor.⁶

¹ See Dissenting Minority Views on H.R. 1582, the Energy Consumers Relief Act (July 19, 2013) (online at http://democrats.energycommerce.house.gov/sites/default/files/documents/HR-1582-Dissenting-Views-2013-7-19.pdf).

² U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.444, Waxman Amendment to H.R. 1582 (Aug. 1, 2013) (Roll Call No. 428).

³ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.445, Connolly Amendment to H.R. 1582 (Aug. 1, 2013) (Roll Call No. 429).

⁴ U.S. House of Representatives, Roll Call Vote on Agreeing to Motion to Recommit H.R. 1582 (Aug. 1, 2013) (Roll Call No. 431).

⁵ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.447, Murphy Amendment to H.R. 1582 (Aug. 1, 2013) (Roll Call No. 430).

⁶ U.S. House of Representatives, Roll Call Vote on Final Passage of H.R. 1582 (Aug. 1, 2013) (Roll Call No. 432).

The House also voted twice to block federal efforts to cut emissions of methane, a potent global warming pollutant, from oil and gas drilling operations. On November 20, 2013, House Republicans voted 221-1 to prevent the Department of the Interior from issuing regulations to reduce methane emissions from oil and gas drilling operations on public lands. One day later, during debate on a bill to fast-track the permitting of natural gas pipelines, Rep. Paul Tonko (D-NY) offered an amendment to ensure that pipeline permit applicants demonstrate that they will minimize methane leaks to the extent practicable. House Republicans defeated this amendment, with only two voting in favor.

OIL AND GAS INDUSTRY

During the first half of the 113th Congress, the oil and gas industry benefited more than any other sector from the anti-environment votes cast by the Republican-controlled House of Representatives in the 112th Congress. During this period, the House voted 51 times to protect the interests of the oil and gas industry at the expense of the environment and human health, accounting for almost half–47%–of the anti-environment votes cast.

Votes to Fast-Track the Siting and Construction of Pipelines

On May 22, 2013, the House considered H.R. 3, a bill to expedite the approval of the Keystone XL tar sands pipeline. TransCanada's proposed Keystone XL pipeline would transport up to 830,000 barrels per day of tar sands crude oil from Alberta, Canada, to refineries in the Gulf Coast. This pipeline, which would almost double the quantity of tar sands fuel currently imported to the United States, raises serious environmental concerns because of the risks of leaks and spills and its implications for climate change. Extracting oil from tar sands is significantly more energy-intensive than producing a barrel of conventional oil, resulting in substantially higher greenhouse gas emissions than conventional fuel.⁹

H.R. 3 grants a regulatory earmark to TransCanada, effectively exempting the Keystone XL tar sands pipeline from all federal permitting requirements, including requirements that apply to every other construction project in the country. Reps. Nick Rahall (D-WV) and Peter DeFazio (D-OR) offered an amendment to strike the section of the bill that eliminates the requirement for a presidential permit to construct Keystone XL, waives certain environmental permitting

⁷ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.507, Holt Amendment to H.R. 2728 (Nov. 20, 2013) (Roll Call No. 601).

⁸ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.512, Tonko Amendment to H.R. 1900 (Nov. 21, 2013) (Roll Call No. 605).

⁹ U.S. Department of State, *Draft Supplemental Environmental Impact Statement for the Keystone XL Project* at ES-15 (Mar. 1, 2013).

¹⁰ See Dissenting Minority Views on H.R. 3, the Northern Route Approval Act (online at http://democrats.energycommerce.house.gov/sites/default/files/documents/HR-3-Dissenting-Views-2013-5-17.pdf).

requirements, and deems Keystone XL approved based on an outdated environmental review. The House Republicans voted unanimously to defeat it.¹¹

Rep. Henry A. Waxman (D-CA) offered an amendment to address the climate change impacts of the Keystone XL tar sands pipeline. Rep. Waxman's amendment provides that the bill will not go into effect unless the President finds that TransCanada or other oil sands producers will fully offset the added greenhouse gas emissions. The House Republicans voted unanimously to defeat it.¹²

The bill passed the House on May 22, 2013, with no Republicans voting in opposition. 13

On November 21, 2013, the House took up another bill to expedite pipeline permitting. H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, replaces the Federal Energy Regulatory Commission's existing natural gas permitting process with a new process that establishes rigid permitting deadlines, which could lead to truncated or inadequate environmental and safety reviews. Rep. John Dingell (D-MI) questioned whether the existing permitting process is even in need of reform and offered an amendment to replace the bill with a requirement that the Government Accountability Office complete a study on what, if any, delays are expected in issuing permits for the siting, construction, expansion, or operation of natural gas pipelines. House Republicans voted unanimously to defeat this amendment. House Republicans also defeated an amendment offered by Rep. Kathy Castor (D-FL) to strike the provision requiring FERC to automatically issue other agencies' environmental protection permits if those agencies miss the bill's rigid deadlines.

The House passed H.R. 1900 on November 21, 2013, with unanimous Republican support. 17

¹¹ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.70, Rahall Amendment to H.R. 3 (May 22, 2013) (Roll Call No. 173).

¹² U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.67, Waxman Amendment to H.R. 3 (May 22, 2013) (Roll Call No. 170).

¹³ U.S. House of Representatives, Roll Call Vote on Final Passage of H.R. 3 (May 22, 2013) (Roll Call No. 179).

¹⁴ See Dissenting Minority Views on H.R. 1900, the Natural Gas Pipeline Permitting Reform Act (online at

http://democrats.energycommerce.house.gov/sites/default/files/documents/Dissenting-Views-HR-1900-Natural-Gas-Pipeline-Act-2013-11-18.pdf.)

¹⁵ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.516, Dingell Amendment to H.R. 1900 (Nov. 21, 2013) (Roll Call No. 609).

¹⁶ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.513, Castor Amendment to H.R. 1900 (Nov. 21, 2013) (Roll Call No. 606).

¹⁷ U.S. House of Representatives, Roll Call Vote on Final Passage of H.R. 1900 (Nov. 21, 2013) (Roll Call No. 611).

Votes to Expedite Offshore Oil and Gas Drilling

In 2013, the House considered H.R. 2231, a bill to increase offshore oil and gas drilling in the United States with truncated environmental review. Specifically, the bill requires the Department of the Interior to craft a new five-year drilling plan that opens areas of the Outer Continental Shelf in the Atlantic and Pacific Oceans and offshore Alaska with limited environmental review.

Rep. Alan Grayson (D-FL) offered an amendment stating that the legislation does not affect the right of any state to prohibit the management, leasing, developing, and use of lands (including offshore oil drilling) beneath navigable waters within its boundaries. Similarly, Rep. Lois Capps (D-CA) offered an amendment striking language in the bill that requires new drilling off the coast of Southern California. House Republicans defeated both amendments. House Republicans also defeated an amendment by Rep. Alcee Hastings (D-FL) to ensure that new offshore drilling activities have to undergo thorough environmental review.

The bill passed on June 29, 2013, with only six Republicans voting in opposition. ²⁰

The House also considered H.R. 1613, Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, a bill to govern how to explore, develop, and share revenue from oil and natural gas resources along the maritime border in the Gulf of Mexico.

During the debate on H.R. 1613, Rep. Grayson offered an amendment similar to the one he offered on H.R. 2231, reiterating that the bill does not impinge on any state's right to prohibit offshore drilling beneath navigable waters within its boundaries. House Republicans defeated this amendment.²¹ They also defeated a motion offered by Rep. Joe Garcia (D-FL) requiring the Secretary of the Interior to ensure that oil and gas companies meet well safety, blowout protection, and risk assessment requirements prior to the commencement of drilling operations authorized under this bill.²²

¹⁸ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.243, Grayson Amendment to H.R. 2231 (June 28, 2013) (Roll Call No. 301); Roll Call Vote on Agreeing to H.Amdt.244, Capps Amendment to H.R. 2231 (June 28, 2013) (Roll Call No. 302).

¹⁹ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.235, Hastings Amendment to H.R. 2231 (June 28, 2013) (Roll Call No. 295).

²⁰ U.S. House of Representatives, Roll Call Vote on Final Passage of H.R. 2231 (June 28, 2013) (Roll Call No. 304).

²¹ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.232, Grayson Amendment to H.R. 1613 (June 27, 2013) (Roll Call No. 291).

²² U.S. House of Representatives, Roll Call Vote on Agreeing to the Motion to Recommit H.R. 1613 (June 27, 2013) (Roll Call No. 292).

Votes to Expedite Onshore Oil and Gas Drilling

In addition to working to expedite offshore oil and gas drilling, House Republicans also pushed legislation to increase oil and gas drilling onshore.

In November 2013, the House considered H.R. 1965, the co-called Federal Lands Jobs and Energy Security Act, to open up new public lands to oil and gas drilling with less environmental review and public participation in the leasing process. The bill mandates that oil and gas leasing occur on 25% of public lands nominated by the oil and gas industry every year, whether or not those lands are appropriate for development. In addition, the bill establishes a \$5,000 filing fee to protest a proposed drilling operation, placing constitutionally questionable limits on citizens' rights to petition for redress of grievances. The bill also eliminates the authority of the Department of the Interior to review certain proposed oil and gas drilling operations to determine if they would have significant impacts on sacred Indian sites, human health, or the environment.

Rep. Alan Lowenthal (D-CA) offered an amendment to restore the authority of the Department to conduct environmental reviews. House Republicans voted unanimously to defeat it. ²³ To make the bill deficit neutral, the House also voted to support an amendment offered by Rep. Doc Hastings (R-WA) to cut funding for wind and solar energy permitting on public lands. ²⁴

The bill passed on November 20, 2013, with unanimous Republican support. 25

The House also considered H.R. 2728, the so-called Protecting States' Rights to Promote American Energy Security Act. This bill precludes the Department of the Interior from exercising oversight and enforcement authority over all activities related to hydraulic fracturing on public lands in a state, whether or not that state's regulations are adequate to protect the environment and human health. This bill blocks the Department's pending rules for hydraulic fracturing on Indian and public lands, which were first proposed in 2012 and have undergone extensive public comment, review, and revision.

Rep. Alan Lowenthal (D-CA) offered a motion to preserve the authority of the Department of the Interior to require public disclosure of chemicals used in hydraulic fracturing fluid and the ultimate disposition of this fluid as wastewater. Only one Republican voted in support of this measure. The bill passed on November 20, 2013, with only two Republicans voting in opposition. The bill passed on November 20, 2013, with only two Republicans voting in opposition.

²³ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.499, Lowenthal Amendment to H.R. 1965 (Nov. 20, 2013) (Roll Call No. 595).

²⁴ The Hastings amendment (H.Amdt.497) to H.R. 1965 passed by voice vote on November 19, 2013.

²⁵ U.S. House of Representatives, Roll Call Vote on Final Passage of H.R. 1965 (Nov. 20, 2013) (Roll Call No. 600).

²⁶ U.S. House of Representatives, Roll Call Vote on Agreeing to the Motion to Recommit H.R. 2728 (Nov. 20, 2013) (Roll Call No. 603).

²⁷ U.S. House of Representatives, Roll Call Vote on Final Passage of H.R. 2728 (Nov. 20, 2013) (Roll Call No. 604).

Votes to Discourage Use and Development of Cleaner Alternatives to Oil

During the 113th Congress, the House voted twice to block implementation of a provision in the Energy Independence and Security Act (EISA) that prohibits the government from entering into long-term contracts for the procurement of alternative fuels that are more polluting than conventional fuels.²⁸ The House also voted to prohibit the Department of Defense from entering into any contract for the purchase of non-petroleum based fuels.²⁹

WATER QUALITY

During the first half of the 113th Congress, House Republicans voted 37 times to weaken the Clean Water Act and block efforts to improve the health of America's rivers, lakes, streams, and oceans.

Votes to Weaken the Clean Water Act

The Clean Water Act prohibits the discharge of any pollutant into "navigable waters" without a permit. A series of court decisions have called into question whether small streams, wetlands, tributaries, and other water bodies that may not be navigable year-round are protected by this Clean Water Act prohibition. These smaller water bodies can be drinking water sources, provide habitat for birds and other wildlife, and serve other important functions.

On April 27, 2011, EPA and the Army Corps of Engineers issued draft guidance for determining whether a water body or wetland qualifies for protection under the Clean Water Act. This draft guidance proposed that tributaries, wetlands, and other waters with a "significant nexus" or "chemical, physical, or biological" connection to navigable and interstate waters qualify for protection under the law.³⁰ To stop implementation, the FY2014 Energy and Water Development Appropriations bill included language blocking the Army Corps of Engineers from using funds to finalize or enforce the guidance or issue regulations to clarify which waters are protected.³¹ When Reps. Jim Moran (D-VA) and John Dingell (D-MI) offered an amendment to allow EPA and the Army Corps of Engineers to proceed with their plans to protect tributaries, wetlands, and other

²⁸ The Flores amendment (H.Amdt.316) to H.R. 2609, the Energy and Water Development and Related Agencies Appropriations Act, passed by voice vote on July 10, 2013; U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.380, Flores Amendment to H.R. 2397 (July 23, 2013) (Roll Call No. 394).

²⁹ The Scalise amendment (H.Amdt.377) to H.R. 2397, Department of Defense Appropriations Act, passed by voice vote on July 23, 2013.

³⁰ U.S. EPA, Draft Guidance on Identifying Waters Protected by the Clean Water Act (Apr. 27, 2011).

³¹ Section 107, H.R. 2609, Energy and Water Development and Related Agencies Appropriations Act, 2014.

smaller waterways, House Republicans defeated the amendment with only one Republican supporting it.³²

The FY2014 Energy and Water Development Appropriations bill also included language precluding the Army Corps of Engineers from updating the definitions of "fill material" and "discharge of fill material" for purposes of the Clean Water Act.³³ In 2002, EPA under the Bush Administration modified these definitions to allow for the disposal of mining waste into waterways. House Republicans defeated an amendment offered by Reps. Jim Moran (D-VA) and John Dingell (D-MI) to preserve the authority of the Army Corps of Engineers to modify the definitions to limit the dumping of mining waste, which can cause irreparable damage to the environment.³⁴

In addition, the House approved an amendment offered by Rep. Doug LaMalfa (R-CA) to block the Army Corps of Engineers from requiring certain agricultural activities to obtain a permit under the Clean Water Act before discharging into waterways.³⁵

The Energy and Water Development Appropriations bill passed the House with Republicans voting 219-9 in favor.³⁶

Votes to Hinder Improvements in Water Quality

On July 19, 2010, the President signed Executive Order 13547, Stewardship of the Ocean, Our Coasts, and the Great Lakes. This executive order established a National Ocean Policy to protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources; improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies; and otherwise improve the country's stewardship of the oceans and Great Lakes.³⁷ In 2013, the House voted three times to block federal agencies from using funds to implement the National Ocean Policy.³⁸ The House also voted to cut \$150 million from the

³² U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.246, Moran Amendment to H.R. 2609 (July 9, 2013) (Roll Call No. 311).

³³ Section 112, H.R. 2609, Energy and Water Development and Related Agencies Appropriations Act, 2014.

³⁴ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.247, Moran Amendment to H.R. 2609 (July 9, 2013) (Roll Call No. 312).

³⁵ The LaMalfa amendment (H.Amdt.313) to H.R. 2609, Energy and Water Development and Related Agencies Appropriations Act, was passed by voice vote on July 10, 2013.

³⁶ U.S. House of Representatives, Roll Call Vote on Final Passage of H.R. 2609 (July 10, 2013) (Roll Call No. 345).

³⁷ Office of the President, Executive Order 13547, Stewardship of the Ocean, Our Coasts, and the Great Lakes (July 10, 2010).

³⁸ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.237, Flores Amendment to H.R. 2231 (June 27, 2013) (Roll Call No. 296); Roll Call Vote on Agreeing to H.Amdt.483, Flores Amendment to H.R. 3080 (Oct. 23, 2013) (Roll Call No. 557). The Flores amendment (H.Amdt.315) to H.R. 2609, Energy and Water Development and Related Agencies Appropriations Act, passed by voice vote on July 10, 2013.

Regional Ocean Partnerships grant program, developed to advance effective coastal and ocean management though regional ocean governance.³⁹

During the debate on H.R. 1965, the bill to expedite oil and gas drilling on onshore public lands, Rep. Jared Polis (D-CO) offered an amendment to require the National Academy of Sciences to study the impact of flooding on oil and gas facilities and the potential for leaks and spills from tanks, wells, and pipelines during flooding events. Rep. Polis offered this amendment because many parts of Colorado suffered significant floods in 2013, raising concerns about whether damage to the state's oil and gas drilling infrastructure had caused leaks of oil and drilling chemicals into the floodwaters. The House defeated this amendment, with only eight Republicans voting in support.⁴⁰

CLEAN ENERGY AND ENERGY EFFICIENCY

During the first half of the 113th Congress, House Republicans cast 27 votes to cut funding for clean energy and energy efficiency and to block implementation of policies to cut energy use and switch to cleaner energy sources.

For fiscal year 2014, the Department of Energy requested \$2.78 billion for its energy efficiency and renewable energy programs, a 50% increase over FY2013 levels. House Republicans, however, voted to slash funding for these programs in the annual appropriations bill for DOE. H.R. 2609, the Energy and Water Development and Related Agencies Appropriations Act, authorizes only \$958 million for DOE's energy efficiency and renewable energy programs, a 47% decrease over the previous year and 65% below the President's request. In particular, House Republicans proposed cutting funding for solar energy by 77% and wind energy by 74% over the previous year's levels.

In addition, H.R. 2609 slashes funding for the Advanced Research Projects Agency–Energy (ARPA-E), which focuses on developing cutting edge energy technologies. DOE requested \$379 million for ARPA-E in FY2014. H.R. 2609, as passed, provides only \$70 million for ARPA-E in FY2014.⁴³

During debate on H.R. 2609, House Democrats offered several amendments to increase funding for energy efficiency, renewable energy, and advanced energy technologies. Most were defeated. For example, Rep. G.K. Butterfield (D-NC) offered an amendment to increase funding for ARPA-E by \$127 million by cutting funding for fossil fuels and nuclear weapons activities. Only

³⁹ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.6, Flores Amendment to H.R. 152 (Jan. 15, 2013) (Roll Call No. 16).

⁴⁰ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.503, Polis Amendment to H.R. 1965 (Nov. 20, 2013) (Roll Call No. 597).

⁴¹ Congressional Research Service, Energy and Water Development: FY2014 Appropriations at 15 (Nov. 1, 2013).

⁴² *Id.* at 17.

⁴³ Id. at 37.

two Republicans supported this amendment.⁴⁴ Rep. Mark Takano (D-CA) offered an amendment to increase funding for renewable energy and energy efficiency by \$245 million by cutting funding for nuclear weapons activities. Again, only two Republicans supported that amendment.⁴⁵

House Republicans did vote to accept several amendments to block energy efficiency standards. Rep. Michael Burgess (R-TX) offered an amendment to block implementation and enforcement of industry-supported light bulb efficiency standards. Similarly, Rep. Marsha Blackburn (R-TN) offered an amendment to block DOE from finalizing, implementing, or enforcing a proposed ceiling fan efficiency rule. Both amendments passed.⁴⁶

On July 10, 2013, H.R. 2609 passed with House Republicans voting 219-9.47

OTHER ANTI-ENVIRONMENT VOTES

On September 2013, House Republicans passed H.R. 761, the National Strategic and Critical Minerals Production Act. This bill truncates environmental review under the National Environmental Policy Act for mining of "strategic and critical minerals" on federal lands and limits public participation in mine permitting decisions. The bill defines "strategic and critical minerals" so broadly as to cover large-scale mining for gold, silver, uranium, and other hardrock minerals on public lands and minerals that are not actually critical or strategic, such as sand, gravel, and clay.

Rep. Alan Lowenthal (D-CA) offered an amendment to narrow this definition to cover truly strategic and critical minerals, but House Republicans voted unanimously to defeat it.⁴⁸ House Republicans defeated an amendment offered by Rep. Gerry Connolly (D-VA) to require thorough environmental review of mining projects before their approval and to eliminate the bill's arbitrary deadlines for this environmental review.⁴⁹ They even voted against an amendment to require mining permit applicants to ensure funding for cleanup of any pollution left behind from the mining activities.⁵⁰

⁴⁴ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.267, Butterfield Amendment to H.R. 2609 (July 9, 2013) Roll Call No. 326).

⁴⁵ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.251, Takano Amendment to H.R. 2609 (July 9, 2013) Roll Call No. 313).

⁴⁶ The Burgess amendment (H.Amdt.285) and Blackburn amendment (H.Amdt.290) passed by voice vote on July 10, 2013.

⁴⁷ U.S. House of Representatives, Roll Call Vote on Final Passage of H.R. 2609 (July 10, 2013) (Roll Call No. 345).

⁴⁸ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.463, Lowenthal Amendment to H.R. 761 (Sept. 18, 2013) (Roll Call No. 466).

⁴⁹ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.465, Connolly Amendment to H.R. 761 (Sept. 18, 2013) (Roll Call No. 468).

⁵⁰ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.466, Hastings Amendment to H.R. 761 (Sept. 18, 2013) (Roll Call No. 469).

The bill passed on September 18, 2013, with all Republicans voting in support.⁵¹

In September, the House also considered H.R. 1526, the Restoring Healthy Forests for Healthy Communities Act. This bill contains numerous provisions to increase commercial grazing and timber production in national forests while undermining environmental laws designed to protect endangered species and other wildlife. The bill also limits public participation in timber management decisions. During the debate on the bill, Rep. Steve Daines (R-MT) and Rep. Tom McClintock (R-CO) each offered amendments to limit judicial review of timber sales. The House voted to accept these amendments and passed the bill with only one Republican voting in opposition. ⁵²

Other anti-environmental votes involved the disposal of potentially toxic combustion wastes produced by coal-burning electric utilities. EPA considers 45 coal ash impoundments in 10 states as having "high hazard potential," which means that a failure in the impoundment is likely to cause loss of human life. ⁵³ Despite these significant risks, House Republicans in the first half of the 113th Congress voted four times to allow unsafe disposal of toxic coal ash.

Rep. David McKinley (R-WV) introduced H.R. 2218, the Coal Residuals Reuse and Management Act. The bill does not establish a federal standard of protection for coal ash disposal programs, which means that the state programs do not have to meet a minimum standard of performance for protection of the environment and human health. The bill weakens current law by blocking EPA from requiring existing coal ash disposal sites to use liners to prevent groundwater contamination. The bill also blocks EPA from requiring cleanup of contaminated coal ash disposal sites.⁵⁴

House Democrats offered amendments to address the bill's shortcomings, all of which were defeated. Rep. Henry Waxman (D-CA) offered an amendment to require state coal ash disposal programs to protect human health and the environment. The amendment failed, with only two Republicans voting in support.⁵⁵ Rep. Paul Tonko (D-NY) offered an amendment requiring EPA to

⁵¹ U.S. House of Representatives, Roll Call Vote on Passage of H.R. 761 (Sept. 18, 2013) (Roll Call No. 471).

⁵² U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.468, Daines Amendment to H.R. 1526 (Sept. 20, 2013) (Roll Call No. 479); Roll Call Vote on Agreeing to H.Amdt.470, McClintock Amendment to H.R. 1526 (Sept. 20, 2013) (Roll Call No. 480); Roll Call Vote on Passage of H.R. 1526 (Sept. 20, 2013) (Roll Call No. 483).

⁵³ U.S. EPA, Coal Combustion Residues (CCR)—Surface Impoundments with High Hazard Potential Ratings (Aug. 2009) (online at www.epa.gov/osw/nonhaz/industrial/special/fossil/ccrs-fs/) (accessed Sept. 26, 2013).

⁵⁴ See Dissenting Minority Views on H.R. 2218, the Coal Residuals Reuse and Management Act (July 19, 2013) (online at http://democrats.energycommerce.house.gov/sites/default/files/documents/HR-2218-Dissenting-Views-2013-7-19.pdf).

⁵⁵ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.415, Waxman Amendment to H.R. 2218 (July 25, 2013) (Roll Call No. 415).

find a state coal ash permit program deficient if the implementation of the program threatens human health or the environment in any other state. Only one House Republican supported this proposal. ⁵⁶ Rep. Betty McCollum (D-MN) offered a motion to require state agencies to ensure that coal ash disposal impoundments meet criteria for design, construction, operation, and maintenance sufficient to prevent contamination of groundwater and sources of drinking water. House Republicans voted unanimously to defeat this motion. ⁵⁷

H.R. 2218 passed on July 25, 2013, with Republicans voting in favor 226-2.58

⁵⁶ U.S. House of Representatives, Roll Call Vote on Agreeing to H.Amdt.416, Tonko Amendment to H.R. 2218 (July 25, 2013) (Roll Call No. 416).

⁵⁷ U.S. House of Representatives, Roll Call Vote on Agreeing to Motion to Recommit H.R. 2218 (July 25, 2013) (Roll Call No. 417).

⁵⁸ U.S. House of Representatives, Roll Call Vote on Passage of H.R. 2218 (July 25, 2013) (Roll Call No. 418).