

into what I think is a mighty fine, strong bill. And to then, of course, work with our counterparts in the Senate, whom we often bash here, but they actually stayed with us, and we were able to work in a very strong bipartisan way to get our two bills refined and done in order to bring up on the House floor this afternoon.

I want to compliment everyone—and certainly Mr. WAXMAN, who is back on the floor—our leadership, the team that we had on both sides of the aisle and, again, our hardworking staff that really worked so hard to get this done, which impacts millions of lives.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I support the passage of the Food and Drug Administration Reform Act, which reauthorizes vital programs that will ensure the FDA continues to study and approve life-saving drugs and medical devices and work to prevent drug shortages of much needed medications.

I am concerned, however, that the Congress is not doing more to fight prescription drug abuse. Members of the House were not permitted to offer amendments to address prescription drug addiction when this measure came before us last month, even though the FDA has a vital role in regulating the additive qualities of drugs that are manufactured and ensuring sufficient education and awareness for health care providers and the general public.

This conference report is a bittersweet pill to swallow. While it includes a provision that will ban the sale of dangerous synthetic drugs, which I support and the House of Representatives passed late last year, the FDA's programs could have been strengthened significantly to address substance abuse and its impact on our Nation's economic and security needs.

If one reads any newspaper in southern West Virginia, you will undoubtedly find downright scary stories of families, children and seniors devastated by prescription drug abuse, and the crime that it engenders. As many of my colleagues know, fighting back against this unending wave of abuse will take the action of all—local, state and federal governments. I have introduced legislation, as have a number of my colleagues who serve in the Prescription Drug Abuse Caucus, which would arm our law enforcement, physicians, and local communities in this fight—making it harder for pills to get into the wrong hands and be misused, and ensuring that all prescriptions are properly monitored.

Though this bill mentions the need to combat abuse of prescription drugs, it is not nearly strong enough, nor should we consider it sufficient, in addressing what has become a crisis in too many Appalachian communities. Our families and communities need more than recommendations—they need action, and they simply cannot wait any longer for help.

I urge House leadership to work with members of this body who are committed to fighting back against this plague and saving our communities to consider legislation that will stop this scourge.

Mr. DENT. Mr. Speaker, I rise in support of the Food and Drug Administration Safety and Innovation Act and particularly the provisions related to synthetic drugs.

I introduced H.R. 1254, the Synthetic Drug Control Act, after the issue of synthetic or designer drugs was first brought to my attention by a constituent whose son had been abusing legal substitutes for marijuana.

H.R. 1254 passed the House by a strong, bipartisan vote of 317 to 98 this past December.

After months of hard work, I am glad to see that similar language has been included in the House Amendment to the Senate-passed FDA reform bill. I would like to thank Chairmen UPTON and SMITH for their diligent efforts in advancing this legislation.

This legislation will finally add a long list of dangerous drugs to Schedule I of the Controlled Substances Act.

It covers synthetic cannabinoids, which affect the brain in a manner similar to marijuana but can actually be even more harmful, as well as many of the chemicals used in so-called "bath salts," which have properties similar to cocaine, methamphetamine, LSD, and other hard street drugs.

It will also double the amount of time that DEA may temporarily ban a new substance while working to prove that the drug in question should be banned permanently.

As we speak, the proliferators of these deadly chemicals are working on new formulas to circumvent Federal law.

This additional time will enhance DEA's ability to combat new and emerging substances.

This legislation is especially timely given the recent reports of inhuman and psychotic acts committed by individuals high on bath salts.

Last month, we all heard the horrifying story of a Miami man who stripped naked, assaulted another individual, and chewed his face off before being shot dead by the police.

Last year, a man in my district was arrested after injecting himself with bath salts and firing a gun out of his window in a university neighborhood. He later attributed his actions to a drug-induced state of paranoia.

Poison control centers nationwide have reported exponential increases in calls related to synthetic drugs, and far too many deaths have resulted both from overdoses and the Psychotic behavior that the drugs induce.

For the inclusion of this important public safety language and for the many ways this legislation will spur economic growth and medical innovation, I urge all of my colleagues to vote in favor of the underlying bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, S. 3187, as amended.

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

A motion to reconsider was laid on the table.

□ 1520

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. MCKINLEY. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. MCKINLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on the provisions contained in title V of the House bill (relating to coal combustion residuals).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from West Virginia (Mr. MCKINLEY) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Speaker, I yield myself 7 minutes.

Concrete is a fundamental element of roads, bridges, and infrastructure projects, and an important element of concrete is coal ash. This is now the fourth time the House has affirmed and reaffirmed its support for the beneficial use of recycling coal ash.

Currently, the conference committee on H.R. 4348 is deep in productive negotiations, and strong bipartisan compromises have occurred relative to the coal ash provision. My intent today is to urge the conferees to continue these bipartisan negotiations and retain this important, cost-saving provision in the final bill.

We're not here to rehash the same ideologically motivated arguments that we have heard from the extremists. Simply put, we are here to help put people back to work, to give American businesses certainty, and to protect the health and environment of our families and friends.

For those who say coal ash is irrelevant to roads and bridges, they couldn't be further from the truth. Concrete suppliers have been incorporating coal ash into concrete mixtures since the construction of the Hoover Dam over 80 years ago. Without coal ash, the cost of construction projects would increase by \$100 billion, according to the American Road and Transportation Builders Association, thereby reducing the amount of monies available for roads and bridges and infrastructure in America.

Keep in mind, less construction results in fewer jobs. By retaining this bipartisan section of the highway bill, Congress will be also protecting the 316,000 jobs that are at stake in the recycling of fly ash—jobs involving concrete block, brick, drywall, ceramic tile, bowling balls, and even in the cosmetics industry. For those who have been asking where the jobs bills are, this is a jobs bill.

Among the supporters of this language are the Chamber of Commerce, the National Association of Manufacturers, the International Brotherhood of Electrical Workers, the United Mine Workers, the United Transportation Union, the American Road and Transportation Builders Association, the International Brotherhood of Boiler-makers, and the AFL-CIO's building and construction trades.

Consider these quotes, Mr. Speaker: "Removing coal ash from the supply chain could increase the price of concrete by an average of 10 percent," according to the National Association of Homebuilders.

According to the National Association of Manufacturers:

"Coal ash contributes \$6-\$11 billion annually to the U.S. economy through revenues from sales for beneficial use, avoided cost of disposal, and savings from use as sustainable building materials."

Mr. Speaker, currently 60 million tons of coal ash is recycled annually. According to EPA's own data, coal ash replaces between 15 and 30 percent of the Portland cement used in concrete. The EPA has noted that the use of coal ash in concrete has resulted in saving as much as 25 million tons of greenhouse gas emissions annually and as much as 54 million barrels of oil. The EPA has indicated the annual financial benefits of using coal ash as a substitute for Portland cement contributes nearly \$5 billion in energy savings, \$41 billion in water savings, \$240 million in emission reductions, and nearly \$18 billion in nongreenhouse gas-related air pollution. The EPA itself states that coal ash leads to "better road performance."

Two studies, one in 1993 and another in 2000, both under the Clinton administration's EPA, found that coal ash did not warrant the regulations being pushed by the Obama administration. In 2005, the EPA, the Federal Highway Administration, and the Department of Energy collaborated with the private sector to craft guidance on the appropriate uses and benefits of coal ash in highway construction.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

Reauthorizing the surface transportation programs is important for communities across the country. It will help revitalize our transportation infrastructure and will create jobs. The Transportation Conference Committee must work together to finalize a conference report as soon as possible to get people back to work.

The Senate worked in a bipartisan manner to develop a strong bill that will create jobs and help the economy. They focused on the core issues, ignoring the temptation to attach side issues to this important legislation. Unfortunately, the transportation bill is now being jeopardized by extraneous and antienvironmental provisions being pushed by Republicans in the House.

Instead of working to come to agreement on important transportation policy provisions, House Republicans are holding the bill hostage for a legislative earmark for the Keystone XL tar sands pipeline, provisions that steamroll environmental review of projects, and the McKinley coal ash bill that eliminates existing authority to pro-

tect human health and the environment from the risks posed by unsafe disposal of coal ash.

This motion to instruct is the latest effort to push these positions. It would instruct the transportation conferees to insist on the McKinley coal ash bill in the transportation bill.

But the McKinley coal ash proposal is extraneous. If we do nothing on the transportation bill to address coal ash disposal, then coal ash will continue to be available for use in concrete for transportation projects just as it is today. Current Federal regulations do not restrict the use of coal ash in concrete. And counter to what you may hear today, EPA has not proposed to regulate such beneficial reuses.

Although some may suggest that recycling of coal ash will decrease because of stigma, experience has shown that when waste materials are regulated, as EPA has proposed to do for coal ash, the rates of recycling and reuse increase. This has happened with other regulated wastes, and it has happened with coal ash in Wisconsin, which has a robust regulatory scheme. There's a very simple reason for this: Disposal in unsafe pits is inexpensive but environmentally dangerous. When reasonable environmental safeguards are put in place, the cost of disposal will increase. That makes alternatives like using coal ash in concrete more attractive.

The coal ash legislation that this motion seeks to include will not ensure the safe disposal of coal ash. It will not prevent coal ash impoundments from catastrophically failing. It will not protect against significant environmental and economic damage. And it will not prevent contamination of public drinking water systems.

The McKinley coal ash bill will not stop another spill like we saw in Kingston, air pollution like we have seen in Gambrills, Maryland, or water pollution like we have seen nationwide.

□ 1530

What this coal ash proposal will do is stop the transportation conference from succeeding. This motion to instruct attempts to lock the House conferees into a position that the Senate will only reject, and it will doom the transportation conference committee to failure.

We can retreat to intractable positions on extraneous issues, making a transportation bill difficult, if not impossible, to pass, particularly in the time frame that we have set out for us; or, we can work together in the time we have to produce a transportation bill that will be signed by the President and will keep our economy on the mend.

A vote for this motion is a vote against completing the transportation conference. I urge all Members to say "yes" to transportation and vote "no" on this position motion.

I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes to my colleague from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, it is great to be down here.

This is why this provision of this bill is really pertinent to the highway bill. Here it is: Flex concrete, fly ash, lighter, more durable.

I have two documents I brought to the floor. The second one reads in the acknowledgments:

This document was prepared by the U.S. EPA in cooperation with the following agencies and associations: Department of Energy, Federal Highway Administration, American Coal Ash Association, and the Utility Solid Waste Activities Group.

What is interesting about these two books, one published in June 2003, the other one published in 2005, is they go through all of the great uses of fly ash in construction, and I would like to read just a few of those.

Here's one: "Fly ash improves workability for pavement of concrete."

Remember, a DOT book, EPA approved, DOE approved.

The next one has: "Fly ash concrete is used in severe exposure applications such as the decks and piers of Tampa Bay's Sunshine Skyway Bridge."

Nice photo here, beautiful bridge. So this is not new. This is reaffirming what the construction industry has been doing for decades. And actually in this other pamphlet, I'll talk about even greater use.

Here's another one: "Fly ash concrete finishing."

Again, this is a Federal Highway Administration book, Department of Energy book, sponsored by the U.S. EPA, all saying good things about fly ash in road construction.

"Full-depth reclamation of a bituminous road."

Another one: "Flowable fill used in a utility trench application," all dealing with fly ash.

"Fly Ash in Structural Fills and Embankments"; a nice photo of them using that in the construction sector.

Also, "Soil Stabilization to Improve Soil Strength," all using fly ash applications.

We have a highway bill, and that's why this provision is very, very important; because if the EPA has its way and they label fly ash as toxic, guess what, no more flex concrete, no more building of buildings that have fly ash applications.

This is one of my favorite ones: "Use of Ash in Construction Through the Ages. In ancient times, the Romans added volcanic ash to concrete to strengthen structures such as the Roman Pantheon and the Coliseum—both of which still stand today."

"The first major use of coal fly ash in concrete in the United States occurred in 1942 to repair a tunnel spillway at the Hoover Dam."

"One of the most impressive concrete structures in the country, the Hungry Horse Dam near Glacier National Park in Montana, was constructed from 1948

to 1952, with concrete containing"—you guessed it—"fly ash."

We're in Washington, D.C.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCKINLEY. I yield the gentleman an additional 30 seconds.

Mr. SHIMKUS. One of the great things we see here, "In Washington, D.C., both the metropolitan area subway system (Metro) and the new Ronald Reagan Building and International Trade Center were built with"—you guessed it—fly ash and concrete.

"Other significant structures utilizing coal fly ash in concrete include the 'Big Dig' in Boston and the decks and piers of Tampa Bay's Sunshine Skyway Bridge."

That's why this is applicable to the highway bill. I commend my colleague.

Mr. WAXMAN. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentleman from Illinois (Mr. RUSH), the ranking member of the Energy Subcommittee.

Mr. RUSH. Mr. Speaker, I want to thank the ranking member on the Energy and Commerce Committee and let him know how much I appreciate not only his leadership on other issues, but particularly his leadership on this issue here.

Mr. Speaker, I stand here astounded, amazed, and bemused at the remarks of the past speaker. You know, he wants the American people to be convinced that fly ash is as healthy to them as it can be and that they should, in fact, maybe go out and go to their local drugstore and ask for a bottle of fly ash so they can sprinkle it over their dinner meal as they would maybe a salad dressing. I don't think that the American people would be pleased with that.

Mr. Speaker, I stand in strong opposition to this motion to instruct. At a time when we are facing historic levels of joblessness in communities around the country, in the African American communities and other minority communities, Republicans are playing chicken with the transportation bill, which is intended to provide American jobs and repair our aging infrastructure. It is not to further the contamination of the water supplies, the air supplies in our most vulnerable communities, so why don't we stop the charade. Why don't we stop the asthmatic assault on the most vulnerable segments, the most vulnerable communities in our Nation.

This motion to instruct contains a deadly and dangerous provision that would only allow more poison, more disease, and more death from one of our Nation's biggest waste products—the deadly, cancerous coal ash that's under discussion today.

Coal ash, I want to remind you, is a waste leftover after thousands of tons of coal are burned at coal-fired power plants, and it is laden from top to bottom with toxins such as mercury, arsenic, cadmium, chromium, and lead. These are pollutants that cause cancer,

that cause organ disease, breathing problems, neurological damage, developmental problems, and even the final problem, which is death.

Mr. Speaker, title V of H.R. 4348 gives companies an unprecedented ability to pollute under the Resource Conservation and Recovery Act, even though the EPA, the Environmental Protection Agency, found some coal ash ponds pose a 1-in-50 risk of cancer related to residents drinking arsenic-contaminated water, a risk that is 2,000 times the EPA's regulatory goal.

Dangerous coal ash disposal affects thousands of U.S. communities, but research informs us that income and race remain strong predictors of the amount of pollution that Americans face. The majority of coal ash is disposed in grossly inadequate dumpsites, which are primarily located in low-income communities, disproportionately impacting those who are least equipped to respond to water contamination and the onslaught of toxic dust in the air.

□ 1540

Mr. Speaker, low-income citizens are more likely to rely on groundwater supplies and less likely to have access to medical insurance and health care.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional minute.

Mr. RUSH. Mr. Speaker, title V of H.R. 4348 fails to protect communities and their drinking water from toxic coal ash or from another messy spill like the disaster that occurred in Kingston, Tennessee, in 2008.

Mr. Speaker, let me conclude by saying that my State alone produces 4.4 million tons of coal ash annually, and at least 19 coal ash dumpsites have contaminated local water supplies. Additionally, each and every day a steam-fired steamship, the SS *Badger*, dumps 4 tons of coal ash into Lake Michigan, my beloved city of Chicago's primary water supply system.

I urge all of my colleagues to vote against the motion to instruct.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to my colleague from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the gentleman from West Virginia's motion to instruct conferees to resolve the coal ash provision in the highway bill.

There are more co-generation plants in my congressional district than any congressional district in the country. For more than 100 years, coal refuse piles created eyesores throughout northeastern Pennsylvania. These culm banks are now baseball fields and shopping centers.

Coal ash is not hazardous. EPA determined that fact in regulatory determinations in 1993 and in 2000. The fact that EPA continues to leave a hazardous waste designation for coal ash on the table—even though these three

decades of science and facts point the other way—is directly contributing to the loss of current and future recycling.

This designation would harm companies in the still emerging coal combustion byproduct markets that make everyday products like concrete, shingles, and wall board. It will also hinder State departments of transportation that use CCB in job-creating highway and infrastructure projects and overwhelm State budgets and employee resources by more than doubling the volume of waste subject to hazardous waste controls, and translate into increased energy rates for millions of American consumers.

As a member of the Transportation and Infrastructure Committee, I see no better way to create jobs than to pass the highway bill. During the last highway bill, Pennsylvania received over \$10 billion, which created over 400,000 jobs. The coal ash provision in the highway bill only strengthens job creation. Simply put, highway spending strengthens the fabric of our Nation's infrastructure while creating jobs for millions of Americans.

I urge passage of the gentleman's motion to instruct.

Mr. WAXMAN. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank the very distinguished gentleman, the ranking member on Energy and Commerce.

Mr. Speaker, I rise in opposition to this motion to instruct conferees to include the Coal Residuals and Reuse Management Act into any final conference agreement on the surface transportation authorization bill.

The bill my colleague seeks to include in the surface transportation bill is bad policy. It has nothing to do with transportation, and it would place communities living downstream from coal ash ponds in real danger.

When properly recycled, coal ash and other residuals from burning coal do have economic value—that's not the issue here, but managed improperly, they can be extremely hazardous. Coal ash shouldn't be dumped in unregulated ponds to contaminate water and spill into nearby streams and rivers.

In 2008, as Mr. RUSH pointed to, the Kingston fossil plant in Tennessee failed to properly maintain its coal ash impoundment pond. The pond collapsed, and it dumped 1.1 billion gallons of coal ash slurry into the Clinch River and inundated several houses with up to six feet of ash and mud. And then when they independently tested the Clinch River after the Tennessee Valley Authority impoundment collapse, it showed high levels of arsenic, copper, barium, cadmium, chromium, lead, mercury, nickel, and thallium all related to that spill. The spill contaminated the water, it killed the fish, and it destroyed property. The cleanup pricetag is still being assessed, but it's estimated to cost between \$700 million and \$1 billion. The motion my colleague from West Virginia is proposing

would prevent EPA from setting standards for this type of coal ash dump, allowing these problems to continue unchecked.

We need to preserve the Environmental Protection Agency's authority to advance regulations that discourage improper disposal of coal ash and to encourage recycling. Every year, coal-fired power plants and industrial boilers in the United States generate about 67 million tons of coal ash and slag and about 19 million tons of coal sludge.

While fly ash, bottom ash, flue gas desulfurization mineral, and boiler slag all have a number of beneficial reuses in concrete, road, wallboard, and roofing, they also contain heavy metals—including lead, arsenic, cadmium, and mercury, as well as radioactive elements. These hazardous components dictate that we must be careful in the handling use, reuse, and disposal of the material.

Contrary to much of the publicity surrounding the coal ash issue, EPA is not trying to ban the beneficial reuse of coal ash. In fact, EPA proposed two separate possible regulatory regimes to encourage recycling and reduce improper coal ash disposal. EPA wants to ensure that coal ash reuse is preserved while guaranteeing that any disposal is done safely and effectively.

EPA's proposed rules received extensive public involvement, including thousands of public comments and eight public hearings around the country. The Coal Residuals and Reuse Management Act is designed to deprive EPA of the ability to use the best available science in its decisions, and it would negate those thousands of public comments that were received after the rule's proposal. It would also give a free pass to power companies to pollute at taxpayer expense.

Coal ash is a national, interstate issue and should be subject to Federal regulation.

As Congress stated when passing the Resource Conservation and Recovery Act:

The problems of waste disposal have become a matter national in scope and in concern and necessitate Federal action. Disposal of solid waste and hazardous waste in or on the land without careful planning and management can present a danger to human health and the environment.

That was true in 1976, and 30 years later it's still true. In the years since, we have found that proper regulation of waste disposal encourages rather than discourages recycling. Implementing environmental and safety controls makes recycling far more attractive and far more likely to occur. Thirty years of data on solid and hazardous waste disposal and recycling have borne this out. Let's not revisit the Wild West past of hazardous waste disposal.

We need to stand up for the same principles Congress stated in the Resource Conservation and Recovery Act over 30 years ago. That's why I strongly urge my colleagues to oppose the

McKinley motion. Prevent more Kingston ash impoundment disasters; they will be replicated, and it will be our fault. We need to allow EPA to regulate responsibly and to allow the beneficial use of coal ash.

Mr. MCKINLEY. Mr. Speaker, I might suggest, with all due respect, I think that those who are opposing this amendment, Mr. Speaker, I would encourage them to read the bill.

Mr. Speaker, I yield 2 minutes to my friend and colleague from wild, wonderful West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I want to thank my colleague from West Virginia (Mr. MCKINLEY) for his solid work on this issue.

I want to say to my colleague from California, who said that this issue is going to hold the transportation conference bill hostage, it's absolutely not a fair statement. I'm on the transportation conference committee. We're working day and night, in a bicameral, bipartisan way, to reach a compromise on a jobs bill, and this coal ash provision is very important.

□ 1550

Many Americans are unfamiliar with this, but 40 percent is used as raw material to build our highways and our bridges.

I was just visiting the Sutton Dam in Braxton County in West Virginia. My colleague talks about the Hoover Dam. We celebrated its 50-year birthday of its construction. It's built with coal ash, and it's just as effective today as it was 50 years ago. It is an essential and safe material to be used in our infrastructure.

According to the American Road and Transportation Builders Association, if we don't use coal ash in bridge and road construction, the cost would increase over \$100 billion over 20 years. We simply can't afford this.

Let's be smart about this. We can find the way, and we've known the way, as the Sutton Dam and the Hoover Dam have shown us. I think we can find a way to safely reduce the costs of construction in our roads and bridges by using coal ash.

We have unemployment of over 8 percent for 30 consecutive months. We need a transportation bill. We need a smart transportation bill that's going to put America back to work and rebuild our infrastructure.

Mr. MCKINLEY's legislation, and this motion, takes the right approach by giving the States the authority to deal with this. I hope my fellow conferees will work to ensure that this important provision remains in the bill, that we pass the gentleman's motion to instruct. This will not be an obstruction to us passing the transportation bill, and I look forward to passing that bill on the floor in a bipartisan way.

Mr. WAXMAN. Mr. Speaker, I'm pleased at this time to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Today marks the summer solstice, the longest day of the year. Instead of spending the daylight hours passing a clean transportation bill that will help shore up real jobs for Americans, the Congress will be spending the day repealing public health protections and giving away nearly all of our public lands to oil and gas companies in the culmination of the Republican majority's Oil Above All agenda. It is really a "Midsummer's Nightmare" for the American people.

But before we get to voting on the Republican oil package, we get to debate whether another Republican bill, whose sole premise is to prevent EPA from following the scientific evidence, should be included in the Transportation bill.

This bill says that no matter what EPA learns about the sludge that comes out of coal-fired power plants, no matter how high the concentrations of poisonous arsenic, mercury or chromium, no matter what EPA learns about how these materials find their way into our drinking water, EPA is forbidden to classify or regulate it as hazardous waste. EPA is forbidden to require that this toxic material be disposed of carefully.

This bill turns a blind eye to evidence of known hazards and takes us back to the Dark Ages, to a time before science was valued and before advanced knowledge transformed society. It takes us back to an era when mercury and arsenic, major components of coal ash, were used to cure toothaches and clear up your complexion. It takes us back to an era where children were sent deep into the bowels of the Earth to rip coal from the mines and die early deaths.

Apparently, House Republicans not only wish to embrace the principal energy source of the 19th century; they also wish to return us to the 19th-century principles about public health and the environment regarding arsenic and mercury and their danger to the citizens of our country.

Now, there are good uses for coal ash, beneficial uses. It can be used to construct highways and shingles. That's good. It can be mixed into concrete and grout. That's good.

But what we don't want is for the industry to be able to use it to construct a golf course, like what they did in Battlefield, Virginia, because it can directly contaminate the groundwater. It can pollute and cause injury and cancers in the neighbors of that golf course.

We also don't want it to be disposed of in pits that aren't sealed to handle this special waste, like what happened in Tennessee when a TVA disposal pit collapsed, engulfing an entire small town in toxic sludge. We should have regulations to protect against that ever happening in our country again.

This is exactly what this bill, the Republican bill, will do. It will blast us back into the past and allow coal ash to be disposed of without proper construction or monitoring.

At the end of this month, transit and highway funding will expire, hundreds of thousands of jobs are at stake, and our transportation infrastructure will be in peril. Even Senate Republicans have recognized the dangers inherent in allowing this to occur and have joined with Senate Democrats to craft a bipartisan bill so we can put people back to work using coal ash in the highways of our country.

But in spite of this, the House Republicans are insisting that unrelated and unnecessary toxic provisions dangerous to the health and well-being of Americans be attached to this bill in order to protect Big Oil and Big Coal.

Instead of allowing the coal industry and Republicans to transport our country's environmental and public health standards back to the era of Charles Dickens, we should be holding them to higher expectations for the 21st century, for the public health and well-being of our people.

I urge a "no" vote on this preposterous Republican initiative.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes to my colleague from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I rise today in strong support of this motion to instruct the Surface Transportation bill conferees. The EPA's proposed rule to classify coal ash as a hazardous material is yet another example of this administration's continual attack on coal and the affordable domestic energy it generates.

The production and use of coal ash has grown into a multi-billion dollar industry supporting thousands of jobs in my home State of Ohio. Coal ash is used in more than 75 percent of the concrete primarily because of its cost effectiveness. Eliminating it would force concrete producers to use expensive alternatives, driving up the cost of building roads and bridges in America by more than \$5 billion a year. That means construction costs won't go as far at a time when our infrastructure is in dire need of repair.

In addition, classifying coal ash as a hazardous material will prove extremely costly for coal-fired power plants. Some energy companies may analyze the costs and find it simply too expensive to continue operating. Others may attempt to pass the new costs on to consumers in the form of higher utility costs. Either way, the outcome would be devastating for a State like Ohio that derives 80 percent of its electric power from coal. With our economy still struggling, that is the last thing Ohio businesses, construction companies, and families need right now.

Despite decades of research and studies concluding there is no reason to consider coal ash hazardous, many of which the EPA itself carried out, the Agency now appears willing to jeopardize thousands of jobs with this inaccurate ruling. It is critical that efforts are taken to prevent the implementation of this regulation. Instead, allow

each State to set up their own coal ash recycling programs following existing EPA health and environmental regulations. This approach will protect jobs and our economy in my home State and across America.

I applaud Representative MCKINLEY for his continued leadership on this issue, and I urge the conferees to keep the bipartisan House language in the final version of the Surface Transportation bill.

□ 1600

Mr. WAXMAN. Mr. Speaker, I now have the pleasure to yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, today the House will vote on yet another environmental ruinous bill. This motion would instruct surface transportation conferees to retain the language of H.R. 2273, which prohibits the EPA from regulating coal ash.

Coal ash is the toxic combination of mercury, boron, aluminum, thallium, sodium, and arsenic that is produced by burning coal. Shockingly, people living near unlined coal ash ponds have a risk of cancer that is 2,000 times greater than EPA's acceptable level.

This motion would disallow the EPA from doing its job. Allowing the EPA to enforce safeguards against coal ash pollution would help to avoid disasters like the 2008 spill in Tennessee, where a dam holding more than 1 billion gallons of toxic coal ash failed. That spill destroyed 300 acres and dozens of homes, devastated wildlife, poisoned two rivers—and apparently taught us nothing.

I urge my colleagues to oppose this latest attempt to bar the EPA from saving lives and preserving the environment.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes of my remaining time to the gentleman from Pennsylvania, Congressman DOYLE.

Mr. DOYLE. Mr. Speaker, I rise in support of the gentleman's motion to instruct.

Coal ash is a serious issue for this country and especially for Pennsylvania. Nearly all of my constituents get their power from coal, and with that power generation comes its by-product—coal ash. It's an unavoidable part of our power generation in southwestern Pennsylvania.

Though the Commonwealth of Pennsylvania has some of the toughest coal ash disposal standards in the country, I've been convinced that coal ash needs to be federally regulated under the Resource Conservation and Recovery Act. However, this motion to instruct does not fully encompass my position on the issue.

Although this motion to instruct calls on conferees to insist upon the House language on coal ash, that is not the whole story. In fact, I support the coal ash language that the bipartisan group of Senators is working on. I've seen much of the work they've been

doing, and I can tell you that I believe it to be an improvement on what we're doing here in the House. The question is: Will the conferees agree to a bill at all and will it include coal ash?

My vote in favor of this motion is meant to urge my colleagues to finish the process so that we can resolve the coal ash issue in a way that's good for the environment, our constituents, and the purposes of recycling these materials.

I want to make it clear that I do not believe that any coal ash or Keystone provisions should be used to hold up the transportation bill conference. Above all else, it is essential that this Congress does its job and completes the highway bill conference before the current program expires on June 30. I continue to support the Federal regulation of coal ash as a nonhazardous waste, and I encourage my colleagues to work quickly towards a bipartisan, bicameral resolution on this issue.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, another summer building season is well under way without a long-term transportation bill; and we are, quite frankly, down to the wire on the current funding authorization, which expires next Sunday. Yet here we are debating the addition of even more non-transportation-related measures.

Congressman MCKINLEY's motion to instruct on coal ash is another example of delay. The transportation conferees ought to be urgently completing their work on a long-term authorization, not being saddled with extraneous requirements which pose a threat to public health. With thousands of jobs on hold until Congress acts, this delay is unconscionable.

Our State Departments of Transportation gave us early warning that if Congress did not act on a long-term transportation bill by March 31 the summer building season would be compromised. The Senate recognized this concern, and it sent to the House bipartisan legislation known as MAP-21, which is a bill that passed the Senate with the strong bipartisan support of 74 Senators. Then, as we saw the March 31 deadline come and go, House leadership refused to take up the bipartisan Senate bill, knowing full well that carrying an extension through the summer building season would cost jobs. And it has.

Nowhere is our Nation's fragile recovery more apparent than in my home State of Rhode Island, which currently has an unemployment rate of 11 percent. According to RIDOT, millions of dollars in projects have already been delayed, including a \$6.4 million project to carry I-95 over Ten Rod Road in Exeter; a \$1.5 million project to provide traffic improvements on I-295

ramps along the borders of Cranston and Johnston; a \$3.5 million project to resurface State Street to Broad Street and Main Street to route 1A in Westerly, Rhode Island. These projects not only improve the infrastructure upon which our businesses and residents rely, but they mean real jobs, desperately needed jobs, for Rhode Islanders.

MAP-21 will help rebuild America's economy so it is on a stronger, more sustainable foundation. It will provide the financing for critical highway and transit projects and support almost 2 million jobs, 9,000 of them in my home State of Rhode Island.

The 90-day extension, Mr. Speaker, is almost up. It was reluctantly passed back in March with the promise of a long-term measure to follow, a bill which has yet to materialize. We must let the conferees finish their work, and we must let the EPA continue to do its job of protecting the public from the risks of coal ash, which include cancer, neurological disorders, birth defects, and asthma.

I urge my colleagues to vote against this industry-driven motion and to vote for moving forward on the path to rebuilding our roads, our communities, and our economy by bringing the American people a long-term transportation bill.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to my colleague from Texas (Mr. OLSON).

Mr. OLSON. I rise in support of my good friend Mr. MCKINLEY in his efforts to include the Coal Residuals Reuse and Management Act in the final transportation authorization bill.

EPA's goal of issuing new Federal rules to regulate coal combustion residuals would have far-reaching and negative impacts on our economy. These EPA rules would severely hamper American energy production, thereby risking our Nation's ability to meet the electricity generation we need to grow our economy and to get our country back on track working again.

President Obama wants to eliminate coal as a source of energy for America. This should come as no surprise to those who listened to President Obama's comments when he was a candidate for office. He spoke from his heart in San Francisco in 2008.

Here is a summary of what he said:

Let me sort of describe my overall policy. What I've said is that we would put a cap-and-trade system in place that is as aggressive, if not more aggressive, than anybody else's out there.

He later said:

So, if somebody wants to build a coal-powered plant, they can. It's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted.

We need common sense at the EPA, and we need a President who understands that an all-of-the-above strategy includes American coal. That is why I am supporting Mr. MCKINLEY's Coal Residuals Reuse and Management

Act in the final transportation authorization bill, and I urge my colleagues to vote for Mr. MCKINLEY's motion to instruct conferees.

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

Mr. MCKINLEY. Mr. Speaker, I yield the next 2 minutes of my time to my colleague from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentleman from West Virginia for yielding, my good friend, and I commend him for his dogged determination on this issue and for his patience and persistence. I certainly rise in support of this motion to instruct.

This gentleman from West Virginia was, after all, the Democratic floor manager of the House bill which got us into conference with the Senate. It accepted the amendment offered by Mr. MCKINLEY, which passed by a voice vote on April 18.

□ 1610

This amendment, known as the "coal ash provision," is an important provision; and I, like many others, do not want to see it derail the entire transportation bill in its entirety. But I think if this body were to follow the instructions of the House, both in this motion and in the previous motion adopted by Mr. WALZ of Minnesota, which instructed conferees to report back by June 22, then I believe we would have a transportation bill that this Nation would benefit from and our American workers would benefit.

Since 1980, the EPA has struggled to figure out whether coal ash should be regulated under the Resource Conservation and Recovery Act and, if so, in what fashion. As of this date, 32 years later, no EPA regulation is in place.

The Agency had its shot, and now it's time to move on. The provision by the House is aimed at the States bolstering their programs governing the regulation of coal ash and includes enforcement actions if they fail to do so.

Given the nexus between the use of coal ash and the manufacturing of cement and that product's use in our transportation system, it is an appropriate matter to be considered within the scope of the conference of the transportation bill.

Contrary to some remarks we've heard on the floor today, these motions to instruct do not delay the work of conferees. Being a conferee myself, I know that the conference continues to meet with proposals going back and forth.

We're currently playing ping-pong on a lot of these proposals, but that's good. It means that we're talking, and it means the process is going forward. I'm very optimistic and hopeful that we can reach agreement sooner rather than later so that America's economy can continue to recover and American workers can go back to work with certainty.

Mr. MARKEY. Mr. Speaker, I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Massachusetts has 5½ minutes remaining, and the gentleman from West Virginia has 9 minutes remaining.

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

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise today to support Mr. MCKINLEY's motion to instruct conferees to the highway transportation bill to stop the EPA from regulating coal ash as a hazardous material.

Since the formation of the EPA, the EPA has looked periodically at coal ash. Most recently, they did it in 1993 and 2000 under the Clinton administration and came to the conclusion that coal ash does not warrant being regulated as a hazardous waste.

The only difference between today and then is that this administration is determined to put the coal business out of business, yet America gets about 48 percent of its electricity from coal. We cannot expect to meet the demands of this Nation's electricity needs over the next 20 years without coal.

If the EPA is successful in treating coal ash as a hazardous waste, which is quite radical, we know that independent analyses have shown that the costs associated with road and bridge building in America will increase by more than \$100 billion over a 20-year period. And in America today, to stimulate our economy, to get our goods to market, we need to improve the infrastructure of this country.

At this time in our Nation's history, with the economic problems that we have, to try to increase the cost for construction to meet the vital needs of this country is really unconscionable, particularly when there's been no causal relationship found between coal ash and health problems.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes of the remaining time to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman from West Virginia for yielding.

Mr. Speaker, I rise today in support of the McKinley motion to instruct conferees, asking that the bipartisan-supported coal combustion residuals program language from H.R. 4348 be retained in the final transportation reauthorization bill.

Coal ash is of critical importance, as it is contained in the composition of the concrete used in our roads, bridges, and other infrastructure. The use of coal ash in transportation has allowed our country to maintain lower costs for infrastructure building.

Studies have shown that coal ash costs 20 to 50 percent less than other products on the market today. During a time when our roads are deficient and we need solutions that are cost efficient, coal ash serves as a reliable resource. We need to invest in materials



that will allow us the highest return on investment and stretch our highway dollars for needed improvements.

In addition to the cost savings that this will provide, including this language is also critical to support our environment and nearly 300,000 jobs that rely on coal ash use across the Nation.

In western Pennsylvania, I've witnessed the importance of coal ash to many communities in my district and surrounding areas. We have seen a transformation from orange skies and orange streams to an area whose beauty has been restored thanks to the safe use of coal ash for landfill, transportation use, and other purposes.

For these reasons, I strongly urge my colleagues to include in the final conference report the McKinley language so critical to our Nation's economic and infrastructure needs.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

The way I understand the argument on the other side is that, if the EPA regulates coal ash and calls it hazardous, that stigma will lead construction companies to avoid it as a building material.

If I could address the gentleman from West Virginia, Mr. MCKINLEY. Is that an accurate statement, that you're fearful of the designation and the stigma of that designation as hazardous?

I yield to the gentleman from West Virginia.

Mr. MCKINLEY. You say is there going to be a stigma?

Mr. WAXMAN. Is your fear that, if the EPA regulates coal ash and it's called hazardous, that that designation will be a stigma and will lead to the nonuse of coal ash by construction companies as a building material?

Mr. MCKINLEY. Mr. WAXMAN, I believe there is a stigma associated with that pending decision, yes.

Mr. WAXMAN. That is your fear?

Mr. MCKINLEY. There is a stigma associated with the misinformation that's been disseminated. That's correct.

Mr. WAXMAN. My colleagues, the thing that is so confusing to me is that coal ash is often used as a substitute for Portland cement in concrete to lower the costs; it reduces the waste, reduces the greenhouse gas emissions, and we don't need to pass legislation to have that happen.

But I want to point out that Portland cement is designated as hazardous. It's a hazardous chemical under the OSHA Hazard Communications rule. It's a hazardous substance under the Superfund amendments. It's a hazardous substance under Federal Hazardous Substances Act, and it's a hazardous material under the Canadian Hazardous Products Act. But Portland cement continues to be used extensively in concrete and transportation projects.

The EPA is not seeking to call coal ash "hazardous." They want to call it a "special waste." But even if they called it hazardous, why would it not be used the way Portland cement is now used,

even though that substance is designated as hazardous in all these other statutes?

Mr. MCKINLEY. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from West Virginia.

Mr. MCKINLEY. What we're trying to do is allow more time for the conference committee to work rather than to debate the pros and cons of the environmental aspects of it. We want the committee to continue to work, to reach a compromise. And I've been told there's been great progress being made on that, but don't stop at this 11th hour. They're close to making it happen. We want to stand beside them and make sure they finish their work on these negotiations.

□ 1620

Mr. WAXMAN. Reclaiming my time, I yield myself 1 additional minute.

The reason I ask for more time is, as I understand the McKinley bill, which was adopted by the House, it would prohibit EPA from regulating coal ash because it would be designated possibly as hazardous. And the argument has been that that would be a problem when it is to be used as a substance for concrete and building materials. But I don't believe that to be the case.

Now I think that the committee, with the Senate and the House, ought to complete its business. But I don't think your amendment is needed under any circumstances. That is why I urge Members to vote against this instruction because it is trying to interject in that highway bill something that's really not part of the highway bill and something that, on its own, should not be adopted in the form of the McKinley bill.

I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 5½ minutes remaining. The gentleman from California has 1½ minutes.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes of my time to my fellow engineering colleague from the State of Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the gentleman for yielding.

I wasn't planning on speaking on this bill. But I was listening in my office to the debate between the proponents and opponents of the bill and felt moved to come over and try to answer some of the questions that the opponents have asked of the bill.

EPA is supposed to be a fair referee. They're supposed to say: If it's a strike, it's a strike; if it's a ball, it's a ball; if he's out, he's out; if he's safe, he's safe. But the Obama EPA is not a fair referee. It's not a fair umpire. The Obama EPA has a preconceived—what I consider to be a radical environmental agenda, and they appear heck-bent to

impose it on the American people, whether there is a scientific rationale or not.

As Mr. OLSON of Texas just pointed out, the President, as a candidate, said that he basically wanted to try to make it impossible to build any more coal-fired power plants in America. When he became President, he appointed a regional administrator down in Texas, Dr. Armendariz, who said that he wanted to try to put hydraulic fracturing out of business and brought a case against Range Resources in Texas that was thrown out on its face because of the lack of evidence that there was any environmental damage caused by hydraulic fracturing, in this specific case in Parker County.

You had the civil servant at the EPA early in the Obama administration, when they were considering their endangerment finding, which they had to impose in order to say they could regulate greenhouse gases, they had a career civil servant who sent a detailed, I think 50- or 60-page analysis of the proposed endangerment finding and basically said it was hogwash. And he got back emails from within the White House and the higher rankings at political subdivisions of the EPA that said, Don't tell us the facts. We've already made up our minds.

The SPEAKER pro tempore. The time of the gentleman has expired.

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

Mr. BARTON of Texas. This same Dr. Armendariz made a comment not too many years ago that he wanted to crucify industry. He has since resigned because of those comments.

Those of us who support the McKinley motion to instruct do so because we don't think the current EPA is fair. Sometimes we have to tell the EPA what to do because they seem to be incapable of applying basic scientific methods, scientific principles. They want to impose a radical environmental agenda, apparently. And some of us don't think that's right, and we don't think it's good for the American people and the American economy.

So I strongly support what my good friend from West Virginia is doing because it at least makes it possible for a source that, for years and years and decades, has been used without any problem at all to continue to be used. And I think that's a good thing. So I rise in support. I thank the gentleman for the time, and I hope the House will adopt his motion to instruct conferees.

Mr. WAXMAN. Mr. Speaker, my colleagues, the gentleman from Texas told us that he was so moved to come here to correct the record. But he told us three things that are absolutely inaccurate:

The President has never said he doesn't want to build new power plants in this country. It is not true. The gentleman from Texas who worked for the EPA never said that this administration, or that he personally, was against hydraulic fracturing. It's just not true.

And the analysis of the endangerment finding by the Bush administration was signed off on not by just a career civil servant, but by the head of the EPA, appointed by President Bush.

So when you get these wrong statements in your head, you can dream up a reason to be paranoid about EPA. EPA wants to protect the public health and safety in regulating coal ash, but in doing so, they will not prevent coal ash from being used for other building purposes.

I urge that we defeat this motion to instruct, and I yield back the balance of my time.

Mr. MCKINLEY. Mr. Speaker, it's fairly obvious that a lot of the folks that have been speaking on the other side of this issue have not read the bill and don't understand what's included in the provision. But perhaps reading the bill, reading the amendment would have given them greater insight as to the role of the EPA. Because by virtue of this amendment, we are giving them great insight, great involvement in the proper disposal of the amount of fly ash that's not recycled.

So, Mr. Speaker, it really just comes down to an issue being very clear. Our opponents are just opposed to the coal industry. They're opposed to the men and women working in our coal industry. They're opposed to the 700-plus coal-fired electric utilities. They're opposed to keeping utility costs low. There is a war on coal, Mr. Speaker. And it's time that we stand up for the coal workers, the men and women working in the coalfields all across the United States, and for the men and women and the consumers that use electricity at low cost.

Now let's go to what the Departments of Interior and Transportation have said: The Department of Interior said that they concur that if fly ash is designated as hazardous waste, as is being considered, fully or in a hybrid classification, it would no longer be used in concrete. It also said, "Fly ash costs approximately 20 to 50 percent less than the cost of cement." The Department of Transportation: "Fly ash is a valuable byproduct used in highway construction. It is a vital component of concrete and a number of other infrastructure uses."

Mr. Speaker, I ask all of my colleagues to join me today in supporting this motion to instruct conferees to continue discussing this bipartisan negotiation on this part of the highway bill and to ask their Senators to do the same. Let's maximize the use of all the money that we have available to build more roads, rebuild more bridges, do more infrastructure, but most importantly, put America back to work.

So I encourage my colleagues to vote for this motion to instruct, and I yield back the balance of my time.

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

There was no objection.

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

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

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

The yeas and nays were ordered.

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

#### GENERAL LEAVE

Mr. MCKINLEY. 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 materials on my motion to instruct conferees on H.R. 4348.

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

There was no objection.

□ 1630

#### DOMESTIC ENERGY AND JOBS ACT

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 4480.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 691 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. 4480.

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

□ 1631

#### 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. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, with Mr. WOMACK 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.

General debate shall be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. WAXMAN), the gentleman from

Washington (Mr. HASTINGS), and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I yield myself such time as I may consume.

Mr. Chairman, the price of gas and the unemployment rate both remain way too high, and American families are struggling as a result. That's why I support H.R. 4480, the Domestic Energy and Jobs Act, and I urge my colleagues to do the same. This bill is truly a win-win for steps that it takes to expand supplies of domestic affordable energy that will create many jobs in the process.

It's no secret that I don't see eye-to-eye with President Obama on energy policy, but perhaps the most inexplicable energy policy move the administration has made was the June 2011 decision to withdraw 30 million barrels of oil from the Strategic Petroleum Reserve with no plan to replace it. It is hard to understand why the President would take oil from the Nation's emergency stockpile while at the same time keeping off limits the far greater amounts beneath federally controlled lands and offshore areas. It's like a couple pawning their wedding rings for cash while ignoring a major gold discovery in their own backyard.

The amount of untapped oil in areas kept out of reach by this administration is estimated to exceed the entire Strategic Petroleum Reserve dozens of times over. And these estimates are not mere speculation. Indeed, the recent increases in oil production on State and privately owned lands demonstrate the tremendous energy development on Federal lands. But that potential will only be realized if the administration's roadblocks are removed.

Title I of this bill does that. It requires that the next time the President withdraws oil from the Strategic Petroleum Reserve, he must also commit to more oil leasing on Federal lands in offshore areas. The result will be greater supplies of domestic oil and lower prices, not to mention thousands of new energy industry jobs.

Gaining access to untapped oil reserves is part of the equation; but before that oil can reach consumers at the pump, it has to be refined into gasoline and diesel fuel. Title II of this bill will help American refiners so they can keep fueling our economy and fueling the country, because what refiners really need is a little common sense, a little regulatory certainty. It would be an understatement to say that this administration's regulators have not been friendly to domestic oil production, and the truth is they have been no better to the refiners who produce the fuels that we use. In fact, EPA is moving ahead with a number of new regs affecting refineries and other facilities—regs that are likely to drive up the price at the pump and jeopardize refining sector jobs.