



Legislative Bulletin..... June 20, 2012

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McKinley Motion to Instruct Conferees on H.R. 4348 – Surface Transportation Extension Act of 2012, Part II

Motion to Instruct Conferees on H.R. 4348 - Surface Transportation Extension Act of 2012, Part II (McKinley, R-WV)

Order of Business: Rep. McKinley’s announced his intention to offer a motion to instruct conferees on H.R. 4348 on June 19, 2012. The Motion to Instruct is allowed before conferees are appointed, or the House can instruct its conferees if they do not report within 20 calendar days and 10 legislative days after being appointed (or 36 hours after being appointed during the last 6 days of the session).

Summary: Rep. McKinley’s motion would move 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).

Title V of H.R. 4348 would allow individual states to create their own oversight requirements as it relates to coal waste storage facilities. Currently, the Environmental Protection Agency (EPA) has the authority to regulate coal waste storage facilities, and the Title V provision of H.R. 4348 permits individual states to supersede the EPA’s authority by giving them the ability to adopt and implement a coal combustion residuals permit program.

NOTE: Motions to instruct are never binding upon conferees.

Additional Background: The last long-term authorization for highway, transit and safety programs was passed in 2005 and is known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The legislation expired Sept. 30, 2009. The federal highway programs and certain transit programs are directly funded through contract authority provided in authorizing legislation, unlike other federal programs, to which new federal funding can be provided through appropriations measures without prior authorization. The current surface transportation authorities expire June 30, 2012, and were last extended in September 2011.

To read the RSC Legislative Bulletin on H.R. 4348 as it came to the House floor, which extends programs under the Highway Trust Fund by three months (through September 30, 2012): http://rsc.jordan.house.gov/UploadedFiles/LB_041712_HR_4348.pdf.

Committee Action: A motion to instruct does not get referred to a committee.

Cost to Taxpayers: The motion itself would yield no new costs to taxpayers.

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