



Legislative Bulletin.....March 25, 2014

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H.R. 2824 – Preventing Government Waste and Protecting Coal Mining Jobs in America

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Order of Business: The bill is scheduled to be considered on March 25, 2014, under a rule, H.Res 501. The rule passed the House on March 6, 2014, by a [roll call vote of 225-190](#).

The rule provides for the consideration of the bill in the Committee of the Whole House on the state of the Union. The rule waives all points of order against the legislation and provides for one hour of general debate. After general debate, the legislation shall be considered for amendment under the five-minute rule. The rule makes in order two amendments that are summarized below in this document. After amendment debate the Committee shall rise and report the legislation to the House. At that time, any Member may demand a separate vote on any amendment that was adopted in the Committee of the Whole. The rule allows for one motion to recommit with or without instructions. The rule can be [viewed here](#).

Background: The purpose of this bill is to amend the Surface Mining Control and Reclamation Act of 1977 and stop an ongoing review by the Department of Interior to rewrite the Stream Buffer Zone rule.

On December 12, 2008, after a five-year review process, the Office of Surface Mining published a final rule on “Excess Spoil, Coal Mine Waste, and Buffers for Perennial and Intermittent Streams,”¹ commonly referred to as the Stream Buffer Zone Rule. The rule was to take effect in January of 2009. However, environmentalists filed suit with regards to endangered species, and the Obama Administration did not implement the rule. Instead, they started another rewrite of the original 1977 act.

Summary: Specially, the legislation amends the underlying 1977 law and requires states to adopt the proposed 2008 rule in their state programs that manage coal waste and stream buffers.

The legislation also directs the Secretary to submit a report to Congress regarding the impacts of the rule. Specifically, the report shall include an evaluation of the effectiveness of the rule, an evaluation of any ways in which the rule inhibits energy production, and a description of any

¹ <https://www.federalregister.gov/articles/2008/12/12/E8-29150/excess-spoil-coal-mine-waste-and-buffers-for-perennial-and-intermittent-streams>

proposed changes that should be made to the rule. The legislation includes a prohibition against any regulations relating to stream buffer zones or stream protection before the date that the report mentioned is published.

Amendments Made In Order:

Cartwright (D-PA): The amendment causes the legislation to have no effect in cases in states where, at the request of the Governor, the Secretary finds that the state has more stringent requirements than those of the December 12, 2008, rule. The text of the amendment can be [viewed here](#).

Lowenthal (D-CA): The amendment requires states to implement the Office of Surface Mining’s rule that was published on June 30, 1983, unless the Governor notifies the Secretary that the state has current policies in place that are greater than those of the 1983 rule. The text of the amendment can be [viewed here](#).

Committee Action: H.R. 2824 was introduced on July 25, 2013, and was referred to the House Natural Resources Subcommittee on Energy and Mineral Resources. A full committee markup was held on November 14, 2013, and the legislation was favorably reported by a [roll call vote of 24-15](#).

Cost to Taxpayers: CBO estimates that implementing the bill would have no significant impact on the federal budget. CBO’s report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 2824 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would impose additional requirements on states and tribal governments that choose to apply for exclusive jurisdiction—or “primacy”—in regulating surface mining operations within their jurisdiction. However, those requirements would be conditions of participating in a voluntary federal program and thus not mandates as defined in UMRA

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Johnson states “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, clause 18.” The statement can be [found here](#).

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