

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2824) TO AMEND THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 TO STOP THE ONGOING WASTE BY THE DEPARTMENT OF THE INTERIOR OF TAX-PAYER RESOURCES AND IMPLEMENT THE FINAL RULE ON EXCESS SPOIL, MINING WASTE, AND BUFFERS FOR PERENNIAL AND INTERMITTENT STREAMS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2641) TO PROVIDE FOR IMPROVED COORDINATION OF AGENCY ACTIONS IN THE PREPARATION AND ADOPTION OF ENVIRONMENTAL DOCUMENTS FOR PERMITTING DETERMINATIONS, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

MARCH 5, 2014.—Referred to the House Calendar and ordered to be printed

Mr. WEBSTER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 501]

The Committee on Rules, having had under consideration House Resolution 501, by a record vote of 7 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2824, Preventing Government Waste and Protecting Coal Mining Jobs in America, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-41, modified by the amendment printed in part A of this report, and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments to H.R. 2824 printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not

be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The rule provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 2641, the Responsibly And Professionally Invigorating Development Act of 2013, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–39 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments to H.R. 2641 printed in part C of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part C of this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides that it shall be in order at any time on the legislative day of March 6, 2014, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing loan guarantees to Ukraine.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2824, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2824 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 2824 printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 2641, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2641 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 2641 printed in part C of this report, the

Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 114

Motion by Ms. Slaughter to report open rules for H.R. 2824 and H.R. 2641. Defeated: 4–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah		Mr. McGovern	Yea
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall		Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Webster	Nay		
Ms. Ros-Lehtinen	Nay		
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 115

Motion by Ms. Foxx to report the rule. Adopted: 7–4.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Bishop of Utah		Mr. McGovern	Nay
Mr. Cole	Yea	Mr. Hastings of Florida	Nay
Mr. Woodall		Mr. Polis	Nay
Mr. Nugent	Yea		
Mr. Webster	Yea		
Ms. Ros-Lehtinen	Yea		
Mr. Burgess	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 2824 IN PART A CONSIDERED AS ADOPTED

Hastings, Doc (WA): MANAGER'S Updates the legislation to reflect and address recent litigation.

SUMMARY OF THE AMENDMENTS TO H.R. 2824 IN PART B MADE IN ORDER

1. Lowenthal (CA): Requires States to implement the June 30, 1983 Office of Surface Mining Reclamation and Enforcement stream buffer zone rule, unless a State has a program with greater stream protection. (10 minutes)

2. Cartwright (PA), Van Hollen (MD), Lowenthal (CA): Ensures that states maintain the ability to issue their own stream buffer rules. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 2641 IN PART C MADE IN ORDER

1. Jackson Lee (TX): Strikes deemed approved language for any project for which an agency does not meet the deadlines contained in the bill. (10 minutes)

2. McKinley (WV): Does not allow agencies under this legislation to take into account the “social cost of carbon” from the “Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 from May 2013 or November 2013.” (10 minutes)

3. Webster (FL), Rigell (VA): Provides for projects that are under environmental review at the time of enactment to be completed within the deadlines that the underlying bill outlines. (10 minutes)

4. Nadler (NY): Exempts from the bill any construction project for a nuclear facility planned in an area designated as an earthquake fault zone. (10 minutes)

5. Johnson, Hank (GA): Clarifies that nothing in the bill will change or limit any law or regulation allowing for public comment or participation in an agency decision making process. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 2824 CONSIDERED AS ADOPTED

Page 1, line 17, before the last period insert “which complies with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in view of the 2006 discussions between the Director of the Office of Surface Mining and the Director of the United States Fish and Wildlife Service, and the Office of Surface Mining Reclamation and Enforcement’s consideration and review of comments submitted by the United States Fish and Wildlife Service during the rulemaking process in 2007”.

Page 2, strike “and” after the semicolon at line 12, and after line 12 insert the following (and redesignate the subsequent subparagraph accordingly):

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

PART B—TEXT OF AMENDMENTS TO H.R. 2824 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOWENTHAL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARTWRIGHT OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, line 17, before the last period insert “, except that this subsection shall not apply to a State if, upon request from the Governor of the State, the Secretary finds that the State’s existing program exceeds the standards established by such rule regarding ex-

cess spoil, coal mine waste, and buffers for perennial and intermittent streams”.

PART C—TEXT OF AMENDMENTS TO H.R. 2641 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 25, strike lines 1 through 19.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 27, insert after line 17 the following, and redesignate succeeding subsections accordingly:

“(k) LIMITATION ON USE OF SOCIAL COST OF CARBON .—

“(1) IN GENERAL.—In the case of any environmental review or environmental decisionmaking process, a lead agency may not use the social cost of carbon.

“(2) DEFINITION.—In this subsection, the term ‘social cost of carbon’ means the social cost of carbon as described in the technical support document entitled ‘Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866’, published by the Interagency Working Group on Social Cost of Carbon, United States Government, in May 2013, revised in November 2013, or any successor thereto or substantially related document, or any other estimate of the monetized damages associated with an incremental increase in carbon dioxide emissions in a given year.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WEBSTER OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 30, line 9, insert after “subchapter.” the following: “In the case of a project for which an environmental review or environmental decisionmaking process was initiated prior to the date of enactment of this subchapter, the provisions of subsection (i) shall apply, except that, notwithstanding any other provision of this section, in determining a deadline under such subsection, any applicable period of time shall be calculated as beginning from the date of enactment of this subchapter.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NADLER OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 30, line 23, insert after “(112-141).” the following:

“(q) EXCEPTION.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, the provisions of this section shall not apply in the case of a project described in paragraph (2), or an environmental document pertaining to such a project.

“(2) PROJECT DESCRIBED.—A project described in this paragraph is any project that pertains to a nuclear facility in an area designated as an earthquake fault zone.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON
OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 32, after line 2, insert the following:

(d) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall have the effect of changing or limiting any law or regulation that requires or provides for public comment or public participation in an agency decision making process.

