

HR 6495

Robert C. Byrd Mine Safety Protection Act of 2010

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Dec 3, 2010

Current Status: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required)

Latest Action: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 214 - 193 (Roll no. 616). (text: CR H8131-8140) (Dec 8, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/6495>

Sponsor

Name: Rep. Miller, George [D-CA-7]

Party: Democratic • **State:** CA • **Chamber:** House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Dec 3, 2010

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred To	Dec 3, 2010

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
111 HR 5788	Related bill	Oct 13, 2010: Referred to the Subcommittee on Workforce Protections.
111 HR 5663	Related bill	Jul 29, 2010: Placed on the Union Calendar, Calendar No. 334.
111 S 3671	Related bill	Jul 29, 2010: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Summary (as of Dec 3, 2010)

Robert C. Byrd Mine Safety Protection Act of 2010 - Amends the Federal Mine Safety and Health Act of 1977 (this Act) to require the Secretary of Labor (Secretary), in conducting health and safety related accident investigations in coal or other mines, to: (1) determine why an accident occurred and whether there were violations of law, mandatory health and safety standards, or other requirements; (2) in cases involving violations of federal criminal law, refer them to the Attorney General; and (3) make recommendations to avoid any recurrence.

Requires an independent accident investigation by an independent panel appointed by the Secretary of Health and Human Services (HHS) for any accident: (1) involving three or more deaths; or (2) whose severity or scale merits an independent investigation.

Authorizes: (1) the Secretary's representatives and attorneys to question any individual privately during an inspection or investigation; and (2) any individual willing to speak with or provide a statement to such representatives or attorneys to do so without the presence, involvement, or knowledge of the mine operator or mine operator's agents or attorneys.

Allows the closest relative of a miner who is entrapped or otherwise prevented by an accident to designate a representative for the miner to participate in a mine inspection. Requires mine inspections to be conducted during various shifts and days of the week when miners are normally present.

Directs the Secretary, upon the request of the mine operator, to review with appropriate mine officials the Secretary's most recent evaluation for pattern (of violation) status during the course of a regular mine inspection, or at the Secretary's discretion, during the pre-inspection conference.

Prohibits an attorney from representing both a mine operator and miner during an inspection, investigation, or litigation, unless such miner knowingly waives all possible conflicts of interest.

Prescribes requirements for mine operators having a pattern of recurring citations, withdrawal orders, accidents, or injuries.

Requires the Secretary to assess and collect fees from mines in pattern status for the costs of additional inspections.

Requires the Secretary to: (1) revoke the approval of mine operator plans or programs based on certain criteria; and (2) order withdrawal of all persons from a mine or mine area, and prohibit them from entering it, until the operator submits and the Secretary approves a new plan.

Revises civil and criminal penalties and related administrative procedures.

Revises certain miner protections against discrimination. Prohibits discriminating against a miner or other employee of a mine operator for refusing to perform duties out of a good-faith and reasonable belief that performing such duties would pose a safety or health hazard.

Entitles a miner to full compensation by a mine operator at the regular rate of pay for the entire period (not to exceed 60 days) for which the miner is idled because of a Secretary's withdrawal order. (Under current law, miners are entitled to full compensation only for the time that they are idled, or for one week, whichever is the lesser, after all interested parties are given an opportunity for a public hearing and after such order is final.)

Prohibits an underground coal mine operator whose mine has been in pattern status for three years from discharging (or

constructively discharging) a miner paid on an hourly basis without reasonable job-related grounds based on certain failures to perform job duties satisfactorily if the miner has completed the employer's probationary period of up to six months. Allows a miner aggrieved by violation of this prohibition to file a complaint in federal district court for reinstatement and compensatory damages.

Requires each underground coal mine operator to implement a communication program to ensure that each miner is orally briefed on and made aware of current mine conditions before traveling to or arriving at the mine work area and commencing assigned tasks.

Prescribes additional requirements for the monitoring of coal dust in underground mines.

Requires the Director of the National Institute for Occupational Safety and Health (NIOSH), acting through the Office of Mine Safety and Health Research, to issue recommendations to the Secretary regarding the use of atmospheric monitoring systems in the underground coal mining industry.

Revises mine operator health and safety training program requirements. Increases from 8 to 9 the minimum number of hours of refresher training all miners must receive at least once every 12 months, including 1 hour of training on miners statutory rights and responsibilities. Requires such training programs to include distribution of miners' rights as well as a toll-free hotline telephone number.

Requires the Secretary to order a mine operator to provide additional training to miners if a serious or fatal accident has occurred at a mine or it has experienced above-average accident and injury rates, citations, or withdrawal orders.

Requires the Secretary to issue mandatory standards to establish certification requirements and procedures for persons authorized by a mine operator to perform duties or provide training under such Act.

Authorizes the Secretary to make grants to states to assist them in developing and implementing miner certification programs.

Amends the Black Lung Benefits Act to require a mine operator to deliver within 14 days a complete copy of the examining physician's report to any miner required to submit to a medical examination.

Actions Timeline

- **Dec 8, 2010:** Mr. Miller, George moved to suspend the rules and pass the bill, as amended.
- **Dec 8, 2010:** Considered under suspension of the rules. (consideration: CR H8131-8144)
- **Dec 8, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 6495.
- **Dec 8, 2010:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Dec 8, 2010:** Considered as unfinished business. (consideration: CR H8145)
- **Dec 8, 2010:** Failed of passage/not agreed to in House: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 214 - 193 (Roll no. 616). (text: CR H8131-8140)
- **Dec 8, 2010:** On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 214 - 193 (Roll no. 616). (text: CR H8131-8140)
- **Dec 3, 2010:** Introduced in House
- **Dec 3, 2010:** Referred to the House Committee on Education and Labor.