

Calendar No. 373

113TH CONGRESS
2^D SESSION

H. R. 2824

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2014

Received

MAY 7, 2014

Read the first time

MAY 8, 2014

Read the second time and placed on the calendar

AN ACT

To amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Govern-
3 ment Waste and Protecting Coal Mining Jobs in Amer-
4 ica”.

5 **SEC. 2. INCORPORATION OF SURFACE MINING STREAM**
6 **BUFFER ZONE RULE INTO STATE PROGRAMS.**

7 (a) IN GENERAL.—Section 503 of the Surface Min-
8 ing Control and Reclamation Act of 1977 (30 U.S.C.
9 1253) is amended by adding at the end the following:

10 “(e) STREAM BUFFER ZONE MANAGEMENT.—

11 “(1) IN GENERAL.—In addition to the require-
12 ments under subsection (a), each State program
13 shall incorporate the necessary rule regarding excess
14 spoil, coal mine waste, and buffers for perennial and
15 intermittent streams published by the Office of Sur-
16 face Mining Reclamation and Enforcement on De-
17 cember 12, 2008 (73 Fed. Reg. 75813 et seq.) which
18 complies with the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.) in view of the 2006 discus-
20 sions between the Director of the Office of Surface
21 Mining and the Director of the United States Fish
22 and Wildlife Service, and the Office of Surface Min-
23 ing Reclamation and Enforcement’s consideration
24 and review of comments submitted by the United
25 States Fish and Wildlife Service during the rule-
26 making process in 2007.

1 “(2) STUDY OF IMPLEMENTATION.—The Sec-
2 retary shall—

3 “(A) at such time as the Secretary deter-
4 mines all States referred to in subsection (a)
5 have fully incorporated the necessary rule re-
6 ferred to in paragraph (1) of this subsection
7 into their State programs, publish notice of
8 such determination;

9 “(B) during the 5-year period beginning on
10 the date of such publication, assess the effec-
11 tiveness of implementation of such rule by such
12 States;

13 “(C) carry out all required consultation on
14 the benefits and other impacts of the implemen-
15 tation of the rule to any threatened species or
16 endangered species, with the participation of
17 the United States Fish and Wildlife Service and
18 the United States Geological Survey; and

19 “(D) upon the conclusion of such period,
20 submit a comprehensive report on the impacts
21 of such rule to the Committee on Natural Re-
22 sources of the House of Representatives and the
23 Committee on Energy and Natural Resources of
24 the Senate, including—

1 “(i) an evaluation of the effectiveness
2 of such rule;

3 “(ii) an evaluation of any ways in
4 which the existing rule inhibits energy pro-
5 duction; and

6 “(iii) a description in detail of any
7 proposed changes that should be made to
8 the rule, the justification for such changes,
9 all comments on such changes received by
10 the Secretary from such States, and the
11 projected costs and benefits of such
12 changes.

13 “(3) LIMITATION ON NEW REGULATIONS.—The
14 Secretary may not issue any regulations under this
15 Act relating to stream buffer zones or stream protec-
16 tion before the date of the publication of the report
17 under paragraph (2), other than a rule necessary to
18 implement paragraph (1).”.

19 (b) DEADLINE FOR STATE IMPLEMENTATION.—Not
20 later than 2 years after the date of the enactment of this
21 Act, a State with a State program approved under section
22 503 of the Surface Mining Control and Reclamation Act
23 of 1977 (30 U.S.C. 1253) shall submit to the Secretary
24 of the Interior amendments to such program pursuant to
25 part 732 of title 30, Code of Federal Regulations, incor-

1 porating the necessary rule referred to in subsection (e)(1)
2 of such section, as amended by this section.

Passed the House of Representatives March 25,
2014.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 373

113TH CONGRESS
2^D SESSION

H. R. 2824

AN ACT

To amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes.

MAY 8, 2014

Read the second time and placed on the calendar