

111TH CONGRESS
2D SESSION

S. 3450

To require publicly traded coal companies to include certain safety records in their reports to the Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, MAY 26), 2010

Mr. ROCKEFELLER (for himself and Mr. BYRD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require publicly traded coal companies to include certain safety records in their reports to the Commission, 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,*

3 **SECTION 1. REPORTING REQUIREMENTS REGARDING COAL**
4 **OR OTHER MINE SAFETY.**

5 (a) REPORTING MINE SAFETY INFORMATION.—Each
6 issuer that is required to file reports pursuant to section
7 13(a) or 15(d) of the Securities Exchange Act of 1934
8 (15 U.S.C. 78m, 78o) and that is an operator, or that
9 has a subsidiary that is an operator, of a coal or other

1 mine shall include, in each periodic report filed with the
2 Securities and Exchange Commission under the securities
3 laws on or after the date of enactment of this Act, the
4 following information for the time period covered by such
5 report:

6 (1) For each coal or other mine of which the
7 issuer or a subsidiary of the issuer is an operator—

8 (A) the total number of violations of man-
9 datory health or safety standards that could
10 significantly and substantially contribute to the
11 cause and effect of a coal or other mine safety
12 or health hazard under section 104 of the Fed-
13 eral Mine Safety and Health Act of 1977 (30
14 U.S.C. 814) for which the operator received a
15 citation from the Mine Safety and Health Ad-
16 ministration;

17 (B) the total number of orders issued
18 under section 104(b) of such Act (30 U.S.C.
19 814(b));

20 (C) the total number of citations and or-
21 ders for unwarrantable failure of the mine oper-
22 ator to comply with mandatory health or safety
23 standards under section 104(d) of such Act (30
24 U.S.C. 814(d));

1 (D) the total number of flagrant violations
2 under section 110(b)(2) of such Act (30 U.S.C.
3 820(b)(2));

4 (E) the total number of imminent danger
5 orders issued under section 107(a) of such Act
6 (30 U.S.C. 817(a));

7 (F) the total dollar value of proposed as-
8 sessments from the Mine Safety and Health
9 Administration under such Act (30 U.S.C. 801
10 et seq.); and

11 (G) the total number of mining-related fa-
12 talities.

13 (2) A list of such coal or other mines, of which
14 the issuer or a subsidiary of the issuer is an oper-
15 ator, that receive written notice from the Mine Safe-
16 ty and Health Administration of—

17 (A) a pattern of violations of mandatory
18 health or safety standards that are of such na-
19 ture as could have significantly and substan-
20 tially contributed to the cause and effect of coal
21 or other mine health or safety hazards under
22 section 104(e) of such Act (30 U.S.C. 814(e));
23 or

24 (B) the potential to have such a pattern.

1 (3) Any pending legal action before the Federal
 2 Mine Safety and Health Review Commission involv-
 3 ing such coal or other mine.

4 (b) REPORTING SHUTDOWNS AND PATTERNS OF
 5 VIOLATIONS.—Beginning on and after the date of enact-
 6 ment of this Act, each issuer that is an operator, or that
 7 has a subsidiary that is an operator, of a coal or other
 8 mine shall file a current report with the Securities and
 9 Exchange Commission on Form 8-K (or any successor
 10 form) disclosing the following regarding each coal or other
 11 mine of which the issuer or subsidiary is an operator:

12 (1) The receipt of an imminent danger order
 13 issued under section 107(a) of the Federal Mine
 14 Safety and Health Act of 1977 (30 U.S.C. 817(a)).

15 (2) The receipt of written notice from the Mine
 16 Safety and Health Administration that the coal or
 17 other mine has—

18 (A) a pattern of violations of mandatory
 19 health or safety standards that are of such na-
 20 ture as could have significantly and substan-
 21 tially contributed to the cause and effect of coal
 22 or other mine health or safety hazards under
 23 section 104(e) of such Act (30 U.S.C. 814(e));
 24 or

25 (B) the potential to have such a pattern.

1 (c) RULE OF CONSTRUCTION.—Nothing in this Act
2 shall be construed to affect any obligation of a person to
3 make a disclosure under any other applicable law in effect
4 before, on, or after the date of enactment of this Act.

5 (d) COMMISSION AUTHORITY.—

6 (1) ENFORCEMENT.—A violation by any person
7 of this Act, or any rule or regulation of the Securi-
8 ties and Exchange Commission issued under this
9 Act, shall be treated for all purposes in the same
10 manner as a violation of the Securities Exchange
11 Act of 1934 (15 U.S.C. 78a et seq.) or the rules and
12 regulations issued thereunder, consistent with the
13 provisions of this Act, and any such person shall be
14 subject to the same penalties, and to the same ex-
15 tent, as for a violation of the Securities Exchange
16 Act of 1934 or the rules or regulations issued there-
17 under.

18 (2) RULES AND REGULATIONS.—The Securities
19 and Exchange Commission is authorized to issue
20 such rules or regulations as are necessary or appro-
21 priate for the protection of investors and to carry
22 out the purposes of this Act.

23 (e) DEFINITIONS.—In this Act—

1 (1) the terms “issuer” and “securities laws”
2 have the meaning given the terms in section 3 of the
3 Securities Exchange Act of 1934 (15 U.S.C. 78c);

4 (2) the term “coal or other mine” means a coal
5 or other mine, as defined in section 3 of the Federal
6 Mine Safety and Health Act of 1977 (30 U.S.C.
7 802), that is subject to the provisions of such Act
8 (30 U.S.C. 801 et seq.); and

9 (3) the term “operator” has the meaning given
10 the term in section 3 of the Federal Mine Safety and
11 Health Act of 1977 (30 U.S.C. 802).

12 (f) EFFECTIVE DATE.—This Act shall take effect on
13 the day that is 30 days after the date of enactment of
14 this Act.

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