

## Calendar No. 373

113TH CONGRESS  
2D 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 Representatives 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**

113<sup>TH</sup> CONGRESS  
2D 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