

114TH CONGRESS
2D SESSION

H. R. 1644

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 2016

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To amend the Surface Mining Control and Reclamation Act
of 1977 to ensure transparency in the development of
environmental regulations, 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 “Supporting Trans-
3 parent Regulatory and Environmental Actions in Mining
4 Act” or the “STREAM Act”.

5 **SEC. 2. PUBLICATION OF SCIENTIFIC PRODUCTS FOR**
6 **RULES AND RELATED ENVIRONMENTAL IM-**
7 **PACT STATEMENTS, ENVIRONMENTAL AS-**
8 **SESSMENTS, AND ECONOMIC ASSESSMENTS.**

9 (a) REQUIREMENT.—Title V of the Surface Mining
10 Control and Reclamation Act of 1977 (30 U.S.C. 1251
11 et seq.) is amended by adding at the end the following:

12 **“SEC. 530. PUBLICATION OF SCIENTIFIC PRODUCTS FOR**
13 **RULES AND RELATED ENVIRONMENTAL**
14 **ANALYSES, AND ECONOMIC ASSESSMENTS.**

15 “(a) REQUIREMENT.—

16 “(1) IN GENERAL.—The Secretary shall make
17 publicly available 90 days before the publication of
18 any draft, proposed, supplemental, final, or emer-
19 gency rule under this Act, or any related environ-
20 mental analysis, economic assessment, policy, or
21 guidance, each scientific product the Secretary relied
22 on in developing the rule, environmental analysis,
23 economic assessment, policy, or guidance.

24 “(2) FEDERALLY FUNDED SCIENTIFIC PROD-
25 UCTS.—For those scientific products receiving Fed-
26 eral funds in part, or in full, the Secretary shall also

1 make publicly available the raw data used for the
2 federally funded scientific product.

3 “(b) COMPLIANCE.—

4 “(1) IN GENERAL.—Failure to make publicly
5 available any scientific product 90 days before the
6 publication of—

7 “(A) any draft, proposed, or supplemental
8 rule, environmental analysis, economic assess-
9 ment, policy or guidance shall extend by one
10 day the comment period for each day such sci-
11 entific product is not made available; or

12 “(B) any final or emergency rule shall
13 delay the effective date of the final or emer-
14 gency rule by 60 days plus each day the sci-
15 entific product is withheld.

16 “(2) DELAY LONGER THAN 6 MONTHS.—If the
17 Secretary fails to make publicly available any sci-
18 entific product for longer than 6 months, the Sec-
19 retary shall withdraw the rule, environmental anal-
20 ysis, economic assessment, policy, or guidance.

21 “(3) EXCEPTION.—This subsection shall not
22 apply if a delay in the publication of a rule will pose
23 an imminent and severe threat to human life.

24 “(c) DEFINITIONS.—In this section:

1 “(1) PUBLICLY AVAILABLE.—The term ‘pub-
2 licly available’ means published on the Internet via
3 a publicly accessible website under the Secretary’s
4 control.

5 “(2) ENVIRONMENTAL ANALYSIS.—The term
6 ‘environmental analysis’ means environmental im-
7 pact statements and environmental assessments pre-
8 pared pursuant to the National Environmental Pol-
9 icy Act of 1969 (42 U.S.C. 4321 et seq.).

10 “(3) SCIENTIFIC PRODUCT.—The term ‘sci-
11 entific product’ means any product that—

12 “(A) employs the scientific method for
13 inventorying, monitoring, experimenting, study-
14 ing, researching, or modeling purposes;

15 “(B) is relied upon by the Secretary in the
16 development of any rule, environmental anal-
17 ysis, economic assessment, policy, or guidance;
18 and

19 “(C) is not protected under copyright laws.

20 “(4) RAW DATA.—The term ‘raw data’—

21 “(A) except as provided in subparagraph
22 (B), means any computational process, or quan-
23 titative or qualitative data, that is relied on in
24 a scientific product to support a finding or ob-
25 servation; and

1 “(B) does not include such data or proc-
2 esses—

3 “(i) that are protected by copyright;

4 “(ii) that contain personally identifi-
5 able information, sensitive intellectual
6 property, trade secrets, or business-sen-
7 sitive information; or

8 “(iii) to the extent that such data and
9 processes are covered by the provisions of
10 part C of title XI of the Social Security
11 Act (42 U.S.C. 1320d et seq.), regulations
12 promulgated pursuant to section 264(c) of
13 the Health Insurance Portability and Ac-
14 countability Act of 1996 (42 U.S.C.
15 1320d–2 note), and the provisions of sub-
16 title D of title XIII of the Health Informa-
17 tion Technology for Economic and Clinical
18 Health Act (42 U.S.C. 17921 et seq.).”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in the first section of such Act is amended by adding at
21 the end of the items relating to such title the following:

“Sec. 530. Publication of scientific products for rules and related environmental
analyses, and economic assessments.”.

1 **SEC. 3. STUDY OF THE EFFECTIVENESS OF CERTAIN RULE.**

2 (a) REQUIREMENT.—Title VII of the Surface Mining
3 Control and Reclamation Act of 1977 (30 U.S.C. 1291
4 et seq.) is amended by adding at the end the following:

5 **“SEC. 722. STUDY OF THE EFFECTIVENESS OF CERTAIN**
6 **RULE.**

7 “(a) STUDY.—No later than 90 days after the date
8 of the enactment of the STREAM Act, the Secretary of
9 the Interior, in consultation with the Interstate Mining
10 Compact Commission and its State members, shall enter
11 into an arrangement with the National Academy of
12 Sciences, for execution by the Board on Earth Sciences
13 and Resources, to conduct a comprehensive study on the
14 regulatory effectiveness of the ‘Surface Coal Mining and
15 Reclamation Operations Permanent Regulatory Program;
16 Stream Buffer Zones and Fish, Wildlife, and Related En-
17 vironmental Values’ Final Rule published June 30, 1983
18 (48 Fed. Reg. 30312), and amended September 30, 1983
19 (48 Fed. Reg. 44777), in protecting perennial and inter-
20 mittent streams through the use of stream buffer zones.
21 If the study determines the existence of regulatory ineffi-
22 ciencies, then the study shall include suggestions and rec-
23 ommendations for increasing the effectiveness of the rule.

24 “(b) RESULTS OF THE STUDY.—Not later than 2
25 years after execution of the arrangements under sub-
26 section (a), the Board on Earth Sciences and Resources

1 shall submit to the Committee on Natural Resources of
2 the House of Representatives and the Committee on En-
3 ergy and Natural Resources of the Senate, appropriate
4 Federal agencies, and the Governor of each of the States
5 represented on the Interstate Mining Compact Commis-
6 sion the results of the study conducted under subsection
7 (a).

8 “(c) FUNDING.—There is authorized to be appro-
9 priated to the Secretary of the Interior \$1,000,000 for fis-
10 cal year 2016 and \$1,000,000 for fiscal year 2017 for the
11 purposes of this section.

12 “(d) PROHIBITION ON NEW REGULATIONS.—The
13 Secretary shall not issue any final or other regulations
14 pertaining to the proposed rule entitled ‘Stream Protec-
15 tion Rule’ (80 Fed. Reg. 44436) or relating to stream
16 buffer zones, until 1 year after the Secretary has sub-
17 mitted the results of the study in accordance with sub-
18 section (b). If the Secretary proposes any such regulations
19 after such submission, the Secretary shall take into con-
20 sideration the findings of the study.”.

21 “(b) CLERICAL AMENDMENT.—The table of contents
22 in the first section of such Act is amended by adding at
23 the end of the items relating to such title the following:

“Sec. 720. Subsidence.

“Sec. 721. Research.

“Sec. 722. Study of the effectiveness of certain rule.”.

1 **SEC. 4. COMPLIANCE WITH OTHER FEDERAL LAWS.**

2 Section 702 of the Surface Mining Control and Rec-
3 lamation Act of 1977 (30 U.S.C. 1292) is amended—

4 (1) by redesignating subsections (c) and (d) as
5 subsection (d) and (e), respectively; and

6 (2) by inserting after subsection (b) the fol-
7 lowing:

8 “(c) COMPLIANCE WITH OTHER FEDERAL LAWS.—

9 Nothing in this Act authorizes the Secretary to take any
10 action by rule, regulation, notice, policy, guidance, or
11 order that duplicates, implements, interprets, enforces, or
12 determines any action taken under an Act referred to in
13 subsection (a) or any regulation or rule promulgated
14 thereunder.”.

Passed the House of Representatives January 12,
2016.

Attest:

KAREN L. HAAS,
Clerk.