

113TH 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.

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. SHORT TITLE.**

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

7 **SEC. 2. INCORPORATION OF SURFACE MINING STREAM**
8 **BUFFER ZONE RULE INTO STATE PROGRAMS.**

9 (a) IN GENERAL.—Section 503 of the Surface Min-
10 ing Control and Reclamation Act of 1977 (30 U.S.C.
11 1253) is amended by adding at the end the following:

12 “(e) STREAM BUFFER ZONE MANAGEMENT.—

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

1 and review of comments submitted by the United
2 States Fish and Wildlife Service during the rule-
3 making process in 2007.

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

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

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

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

22 “(D) upon the conclusion of such period,
23 submit a comprehensive report on the impacts
24 of such rule to the Committee on Natural Re-
25 sources of the House of Representatives and the

Committee on Energy and Natural Resources of
the Senate, including—

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

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

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

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

(b) DEADLINE FOR STATE IMPLEMENTATION.—Not
later than 2 years after the date of the enactment of this
Act, a State with a State program approved under section
503 of the Surface Mining Control and Reclamation Act
of 1977 (30 U.S.C. 1253) shall submit to the Secretary

1 of the Interior amendments to such program pursuant to
2 part 732 of title 30, Code of Federal Regulations, incor-
3 porating the necessary rule referred to in subsection (e)(1)
4 of such section, as amended by this section.

Passed the House of Representatives March 25,
2014.

Attest:

Clerk.

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