

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1644
OFFERED BY MR. MOONEY OF WEST VIRGINIA**

Strike all after the enacting clause and insert the following:

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-

1 agency rule under this Act, or any related environ-
2 mental analysis, economic assessment, policy, or
3 guidance, each scientific product the Secretary relied
4 on in developing the rule, environmental analysis,
5 economic assessment, policy, or guidance.

6 “(2) FEDERALLY FUNDED SCIENTIFIC PROD-
7 UCTS.—For those scientific products receiving Fed-
8 eral funds in part, or in full, the Secretary shall also
9 make publicly available the raw data used for the
10 federally funded scientific product.

11 “(b) COMPLIANCE.—

12 “(1) IN GENERAL.—Failure to make publicly
13 available any scientific product 90 days before the
14 publication of—

15 “(A) any draft, proposed, or supplemental
16 rule, environmental analysis, economic assess-
17 ment, policy or guidance shall, extend by one
18 day the comment period for each day such sci-
19 entific product is not made available; or

20 “(B) any final or emergency rule,
21 shall delay the effective date of the final or emer-
22 gency rule by 60 days plus each day the scientific
23 product is withheld.

24 “(2) DELAY LONGER THAN 6 MONTHS.—If the
25 Secretary fails to make publicly available any sci-

1 entific product for longer than 6 months, the Sec-
2 retary shall withdraw the rule, environmental anal-
3 ysis, economic assessment, policy, or guidance.

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

7 “(c) DEFINITIONS.—In this section:

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

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

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

19 “(A) employs the scientific method for
20 inventorying, monitoring, experimenting, study-
21 ing, researching, or modeling purposes; and

22 “(B) is relied upon by the Secretary in the
23 development of any rule, environmental anal-
24 ysis, economic assessment, policy, or guidance.

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

1 “(A) except as provided in subparagraph
2 (B), means any computational process, or quan-
3 titative or qualitative data, that is relied on in
4 a scientific product to support a finding or ob-
5 servation; and

6 “(B) does not include such data or proc-
7 esses—

8 “(i) that are protected by copyright;

9 “(ii) that contain personally identifi-
10 able information, sensitive intellectual
11 property, trade secrets, or business-sen-
12 sitive information; or

13 “(iii) to the extent that such data and
14 processes are covered by the provisions of
15 part C of title XI of the Social Security
16 Act (42 U.S.C. 1320d et seq.), regulations
17 promulgated pursuant to section 264(e) of
18 the Health Insurance Portability and Ac-
19 countability Act of 1996 (42 U.S.C.
20 1320d–2 note), and the provisions of sub-
21 title D of title XIII of the Health Informa-
22 tion Technology for Economic and Clinical
23 Health Act (42 U.S.C. 17921 et seq.).”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in the first section of such Act is amended by adding at
3 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.”.

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

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

8 **“SEC. 722. STUDY OF THE EFFECTIVENESS OF CERTAIN**
9 **RULE.**

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

1 ciencias, then the study shall include suggestions and rec-
2 ommendations for increasing the effectiveness of the rule.

3 “(b) RESULTS OF THE STUDY.—Not later than 2
4 years after execution of the arrangements under sub-
5 section (a), the Board on Earth Sciences and Resources
6 shall submit to the Committee on Natural Resources of
7 the House of Representatives and the Committee on En-
8 ergy and Natural Resources of the Senate, appropriate
9 Federal agencies, and the Governor of each of the States
10 represented on the Interstate Mining Compact Commis-
11 sion the results of the study conducted under subsection
12 (a).

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

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

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in the first section of such Act is amended by adding at
3 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.”.

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

5 Section 702 of the Surface Mining Control and Rec-
6 lamation Act of 1977 (30 U.S.C. 1291) is amended—

7 (1) by redesignating subsections (c) and (d) as
8 subsection (d) and (e), respectively; and

9 (2) by inserting after subsection (b) the fol-
10 lowing:

11 “(c) COMPLIANCE WITH OTHER FEDERAL LAWS.—
12 Nothing in this Act authorizes the Secretary to take any
13 action by rule, regulation, notice, policy, guidance, or
14 order that duplicates, implements, interprets, enforces, or
15 determines any action taken under an Act referred to in
16 subsection (a) or any regulation or rule promulgated
17 thereunder.”.

