

# Union Calendar No. 255

115TH CONGRESS  
1ST SESSION

# H. R. 1731

**[Report No. 115–351, Part I]**

To amend the Surface Mining Control and Reclamation Act of 1977 to provide funds to States and Indian tribes for the purpose of promoting economic revitalization, diversification, and development in economically distressed communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2017

Mr. ROGERS of Kentucky (for himself, Mr. GRIFFITH, Mr. JENKINS of West Virginia, Mr. THOMPSON of Pennsylvania, and Mr. CARTWRIGHT) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 19, 2017

Additional sponsors: Mr. MCKINLEY, Mr. STIVERS, Mr. SHUSTER, Mr. BARLETTA, Mr. FLEISCHMANN, Mr. LAHOOD, Mr. MOONEY of West Virginia, Mrs. RADEWAGEN, Mr. DENT, Mr. KELLY of Pennsylvania, Mr. BEYER, Mr. ROTHFUS, Mr. MURPHY of Pennsylvania, Mr. MARINO, Mr. GIBBS, Mr. BRADY of Pennsylvania, Mr. DUNCAN of Tennessee, Mr. POLIS, Mr. GUTHRIE, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. SEWELL of Alabama, Mr. RYAN of Ohio, Mr. JOHNSON of Ohio, Mr. YARMUTH, Mr. LOEBSACK, Mr. HUFFMAN, Mr. BEN RAY LUJÁN of New Mexico, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. ROE of Tennessee, Mr. LOWENTHAL, Mr. DELANEY, Mr. COSTELLO of Pennsylvania, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. RENACCI, Mrs. BUSTOS, and Mr. FOSTER

OCTOBER 19, 2017

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 19, 2017

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 27, 2017]

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## **A BILL**

To amend the Surface Mining Control and Reclamation Act of 1977 to provide funds to States and Indian tribes for the purpose of promoting economic revitalization, diversification, and development in economically distressed communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977, 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 “Revitalizing the Econ-*  
5 *omy of Coal Communities by Leveraging Local Activities*  
6 *and Investing More Act of 2017” or the “RECLAIM Act*  
7 *of 2017”.*

8 **SEC. 2. ECONOMIC REVITALIZATION FOR COAL COUNTRY.**

9 *(a) IN GENERAL.—Title IV of the Surface Mining*  
10 *Control and Reclamation Act of 1977 (30 U.S.C. 1231 et*  
11 *seq.) is amended by adding at the end the following:*

12 **“SEC. 416. ABANDONED MINE LAND ECONOMIC REVITALIZA-**  
13 **TION.**

14 *“(a) PURPOSE.—The purpose of this section is to pro-*  
15 *mote economic revitalization, diversification, and develop-*  
16 *ment in economically distressed mining communities*  
17 *through the reclamation and restoration of land and water*  
18 *resources adversely affected by coal mining carried out be-*  
19 *fore August 3, 1977.*

20 *“(b) IN GENERAL.—From amounts deposited into the*  
21 *fund under section 401(b) before October 1, 2007, and not*  
22 *otherwise appropriated to the extent such funds are avail-*  
23 *able, \$200,000,000 shall be made available to the Secretary,*  
24 *without further appropriation, for each of fiscal years 2017*  
25 *through 2021 for distribution to States and Indian tribes*

1 *in accordance with this section for reclamation and restora-*  
2 *tion projects at sites identified as priorities under section*  
3 *403(a): Provided, That if less than \$200,000,000 is avail-*  
4 *able in any fiscal year to the Secretary, such remaining*  
5 *amount shall be made available to the Secretary, without*  
6 *further appropriation, and such fiscal year shall end dis-*  
7 *tributions made available under this section.*

8       “(c) *USE OF FUNDS.—Funds distributed to a State*  
9 *or Indian tribe under subsection (d) shall be used only for*  
10 *projects classified under the priorities of section 403(a) that*  
11 *meet the following criteria:*

12               “(1) *CONTRIBUTION TO FUTURE ECONOMIC OR*  
13 *COMMUNITY DEVELOPMENT.—*

14                       “(A) *IN GENERAL.—The project, upon com-*  
15 *pletion of reclamation, is intended to create fa-*  
16 *vorable conditions for the economic development*  
17 *of the project site or create favorable conditions*  
18 *that promote the general welfare through eco-*  
19 *nomics and community development of the area*  
20 *in which the project is conducted.*

21                       “(B) *DEMONSTRATION OF CONDITIONS.—*  
22 *Such conditions are demonstrated by—*

23                               “(i) *documentation of the role of the*  
24 *project in such area’s economic development*

1           *strategy or other economic and community*  
2           *development planning process;*

3           “(ii) *any other documentation of the*  
4           *planned economic and community use of the*  
5           *project site after the primary reclamation*  
6           *activities are completed, which may include*  
7           *contracts, agreements in principle, or other*  
8           *evidence that, once reclaimed, the site is*  
9           *reasonably anticipated to be used for one or*  
10          *more industrial, commercial, residential,*  
11          *agricultural, or recreational purposes; or*

12          “(iii) *any other documentation agreed*  
13          *to by the State or Indian tribe that dem-*  
14          *onstrates the project will meet the criteria*  
15          *set forth in this subsection.*

16          “(2) *LOCATION IN ECONOMICALLY DISTRESSED*  
17          *COMMUNITY AFFECTED BY RECENT DECLINE IN MIN-*  
18          *ING.—*

19                 “(A) *IN GENERAL.—The project will be con-*  
20                 *ducted in a community—*

21                         “(i) *that has been adversely affected*  
22                         *economically by a recent reduction in coal*  
23                         *mining related activity, as demonstrated by*  
24                         *employment data, per capita income, or*  
25                         *other indicators of economic distress; or*

1           “(ii)(I) that has historically relied on  
2           coal mining for a substantial portion of its  
3           economy; and

4           “(II) in which the economic contribu-  
5           tion of coal mining has significantly de-  
6           clined.

7           “(B) *SUBMISSION AND PUBLICATION OF*  
8           *EVIDENCE OR ANALYSIS.*—Any evidence or anal-  
9           ysis relied upon in selecting the location of a  
10          project under this subparagraph shall be sub-  
11          mitted to the Secretary for publication. The Sec-  
12          retary shall publish such evidence or analysis in  
13          the *Federal Register* within 30 days after receiv-  
14          ing such submission.

15          “(3) *STAKEHOLDER COLLABORATION.*—

16                 “(A) *IN GENERAL.*—The project has been  
17                 the subject of project planning under subsection  
18                 (g) and has been the focus of collaboration, in-  
19                 cluding partnerships, as appropriate, with inter-  
20                 ested persons or local organizations.

21                 “(B) *PUBLIC NOTICE.*—As part of project  
22                 planning—

23                         “(i) the public has been notified of the  
24                         project and has been given an opportunity  
25                         to comment at a public meeting convened in

1           *a community near the proposed project site;*  
2           *and*

3           “(ii) *the State or Indian tribe pub-*  
4           *lished notice of such meetings in local news-*  
5           *papers of general circulation, on the Inter-*  
6           *net, and by any other means considered de-*  
7           *sirable by the Secretary.*

8           “(C) *ELECTRONIC NOTIFICATION.—The*  
9           *State or Indian tribe established a way for inter-*  
10           *ested persons to receive electronically all public*  
11           *notices issued under subparagraph (B) and any*  
12           *written declarations submitted to the Secretary*  
13           *under paragraph (5).*

14           “(4) *ELIGIBLE APPLICANTS.—The project has*  
15           *been proposed by entities of State, local, county, or*  
16           *tribal governments, or local organizations, and will be*  
17           *approved and executed by State or tribal programs,*  
18           *approved under section 405 or referred to in section*  
19           *402(g)(8)(B), which may include subcontracting*  
20           *project-related activities, as appropriate.*

21           “(5) *WAIVER.—If the State or Indian tribe—*

22           “(A) *cannot provide documentation de-*  
23           *scribed in paragraph (1)(B) for a project con-*  
24           *ducted under a priority stated in paragraph (1)*  
25           *or (2) of section 403(a), or*

1           “(B) is unable to meet the requirements  
2           under paragraph (2),  
3           the State or Indian tribe shall submit a written dec-  
4           laration to the Secretary requesting an exemption  
5           from the requirements of those subparagraphs. The  
6           declaration must explain why achieving favorable  
7           conditions for economic or community development at  
8           the project site is not practicable, or why the require-  
9           ments of paragraph (2) cannot be met, and that suffi-  
10          cient funds distributed annually under section 401  
11          are not available to implement the project. Such re-  
12          quest for an exemption is deemed to be approved, ex-  
13          cept the Secretary shall deny such request if the Sec-  
14          retary determines the declaration to be substantially  
15          inadequate. Any denial of such request shall be re-  
16          solved at the State’s or Indian tribe’s request through  
17          the procedures described in subsection (e).

18          “(d) DISTRIBUTION OF FUNDS.—

19                 “(1) UNCERTIFIED STATES.—

20                         “(A) IN GENERAL.—From the amount made  
21                         available in subsection (b), the Secretary shall  
22                         distribute \$195,000,000 annually for each of fis-  
23                         cal years 2017 through 2021 to States and In-  
24                         dian tribes that have a State or tribal program  
25                         approved under section 405 or are referred to in

1           *section 402(g)(8)(B), and have not made a cer-*  
2           *tification under section 411(a) in which the Sec-*  
3           *retary has concurred, as follows:*

4                     *“(i) Four-fifths of such amount shall be*  
5                     *distributed based on the proportion of the*  
6                     *amount of coal historically produced in*  
7                     *each State or from the lands of each Indian*  
8                     *tribe concerned before August 3, 1977.*

9                     *“(ii) One-fifth of such amount shall be*  
10                    *distributed based on the proportion of rec-*  
11                    *lamation fees paid during the period of fis-*  
12                    *cal years 2012 through 2016 for lands in*  
13                    *each State or lands of each Indian tribe*  
14                    *concerned.*

15                    *“(B) SUPPLEMENTAL FUNDS.—Funds dis-*  
16                    *tributed under this section—*

17                             *“(i) shall be in addition to, and shall*  
18                             *not affect, the amount of funds distrib-*  
19                             *uted—*

20                                     *“(I) to States and Indian tribes*  
21                                     *under section 401(f); and*

22                                     *“(II) to States and Indian tribes*  
23                                     *that have made a certification under*  
24                                     *section 411(a) in which the Secretary*

1           *has concurred, subject to the cap de-*  
2           *scribed in section 402(i)(3); and*

3           *“(ii) shall not reduce any funds dis-*  
4           *tributed to a State or Indian tribe by rea-*  
5           *son of the application of section 402(g)(8).*

6           “(2) *ADDITIONAL FUNDING TO CERTAIN STATES*  
7           *AND INDIAN TRIBES.—*

8           “(A) *ELIGIBILITY.—From the amount made*  
9           *available in subsection (b), the Secretary shall*  
10          *distribute \$5,000,000 annually for each of the*  
11          *five fiscal years beginning with fiscal year 2017*  
12          *to States and Indian tribes that have a State*  
13          *program approved under section 405 and have*  
14          *made a certification under section 411(a) in*  
15          *which the Secretary has concurred.*

16          “(B) *APPLICATION FOR FUNDS.—Using the*  
17          *process in section 405(f), any State or Indian*  
18          *tribe described in subparagraph (A) may submit*  
19          *a grant application to the Secretary for funds*  
20          *under this paragraph. The Secretary shall review*  
21          *each grant application to confirm that the*  
22          *projects identified in the application for funding*  
23          *are eligible under subsection (c).*

24          “(C) *DISTRIBUTION OF FUNDS.—The*  
25          *amount of funds distributed to each State or In-*

1            *dian tribe under this paragraph shall be deter-*  
2            *mined by the Secretary based on the dem-*  
3            *onstrated need for the funding to accomplish the*  
4            *purpose of this section.*

5            *“(3) REALLOCATION OF UNCOMMITTED FUNDS.—*

6                    *“(A) COMMITTED DEFINED.—For purposes*  
7            *of this paragraph the term ‘committed’—*

8                            *“(i) means that funds received by the*  
9            *State or Indian tribe—*

10                                    *“(I) have been exclusively applied*  
11            *to or reserved for a specific project and*  
12            *therefore are not available for any*  
13            *other purpose; or*

14                                    *“(II) have been expended or des-*  
15            *ignated by the State or Indian tribe*  
16            *for the completion of a project;*

17                            *“(ii) includes use of any amount for*  
18            *project planning under subsection (g); and*

19                            *“(iii) reflects an acknowledgment by*  
20            *Congress that, based on the documentation*  
21            *required under subsection (c)(2)(B), any*  
22            *unanticipated delays to commit such funds*  
23            *that are outside the control of the State or*  
24            *Indian tribe concerned shall not affect its*  
25            *allocations under this section.*

1           “(B) *FISCAL YEARS 2020 AND 2021.*—For  
2 each of fiscal years 2020 and 2021, the Secretary  
3 shall reallocate in accordance with subparagraph  
4 (D) any amount available for distribution under  
5 this subsection that has not been committed to el-  
6 igible projects in the preceding 2 fiscal years,  
7 among the States and Indian tribes that have  
8 committed to eligible projects the full amount of  
9 their annual allocation for the preceding fiscal  
10 year.

11           “(C) *FISCAL YEAR 2022.*—For fiscal year  
12 2022, the Secretary shall reallocate in accordance  
13 with subparagraph (D) any amount available  
14 for distribution under this subsection that has  
15 not been committed to eligible projects or distrib-  
16 uted under paragraph (1)(A), among the States  
17 and Indian tribes that have committed to eligible  
18 projects the full amount of their annual alloca-  
19 tion for the preceding fiscal years.

20           “(D) *AMOUNT OF REALLOCATION.*—The  
21 amount reallocated to each State or Indian tribe  
22 under each of subparagraphs (B) and (C) shall  
23 be determined by the Secretary to reflect, to the  
24 extent practicable—

1           “(i) the proportion of unreclaimed eli-  
2           gible lands and waters the State or Indian  
3           tribe has in the inventory maintained  
4           under section 403(c);

5           “(ii) the average of the proportion of  
6           reclamation fees paid for lands in each  
7           State or lands of each Indian tribe con-  
8           cerned; and

9           “(iii) the proportion of coal mining  
10          employment loss incurred in the State or on  
11          lands of the Indian tribe, respectively, as  
12          determined by the Mine Safety and Health  
13          Administration, over the 5-year period pre-  
14          ceding the fiscal year for which the realloca-  
15          tion is made.

16          “(e) *RESOLUTION OF SECRETARY’S CONCERNS; CON-*  
17          *GRESSIONAL NOTIFICATION.*—If the Secretary does not  
18          agree with a State or Indian tribe that a proposed project  
19          meets the criteria set forth in subsection (c)—

20                 “(1) the Secretary and the State or tribe shall  
21                 meet and confer for a period of not more than 45  
22                 days to resolve the Secretary’s concerns, except that  
23                 such period may be shortened by the Secretary if the  
24                 Secretary’s concerns are resolved;

1           “(2) during that period, at the State’s or Indian  
2           tribe’s request, the Secretary may consult with any  
3           appropriate Federal agency; and

4           “(3) at the end of that period, if the Secretary’s  
5           concerns are not resolved the Secretary shall provide  
6           to the Committee on Natural Resources of the House  
7           of Representatives and the Committee on Energy and  
8           Natural Resources of the Senate an explanation of the  
9           concerns and such project proposal shall not be eligi-  
10          ble for funds distributed under this section.

11          “(f) ACID MINE DRAINAGE TREATMENT.—

12           “(1) IN GENERAL.—Subject to paragraph (2), a  
13           State or Indian tribe that receives funds under this  
14           section may use up to 30 percent of such funds as  
15           necessary to supplement the State’s or tribe’s acid  
16           mine drainage abatement and treatment fund estab-  
17           lished under section 402(g)(6)(A), for future operation  
18           and maintenance costs for the treatment of acid mine  
19           drainage associated with the individual projects fund-  
20           ed under this section. A State or Indian tribe shall  
21           specify the total funds allotted for such costs in its  
22           application submitted under subsection (d)(2)(B).

23           “(2) CONDITION.—A State or Indian tribe may  
24           use funds under this subsection only if the State or  
25           tribe can demonstrate that the annual grant distrib-

1        *uted to the State or tribe pursuant to section 401(f),*  
2        *including any interest from the State’s or tribe’s acid*  
3        *mine drainage abatement and treatment fund that is*  
4        *not used for the operation or maintenance of pre-*  
5        *existing acid mine drainage treatment systems, is in-*  
6        *sufficient to fund the operation and maintenance of*  
7        *any acid mine drainage treatment system associated*  
8        *with an individual project funded under this section.*

9        *“(g) PROJECT PLANNING AND ADMINISTRATION.—*

10        *“(1) STATES AND INDIAN TRIBES.—*

11                *“(A) IN GENERAL.—A State or Indian tribe*  
12                *may use up to 10 percent of its annual distribu-*  
13                *tion under this section for project planning and*  
14                *the costs of administering this section.*

15                *“(B) PLANNING REQUIREMENTS.—Planning*  
16                *under this paragraph may include—*

17                        *“(i) identifying eligible projects;*

18                        *“(ii) updating the inventory referred to*  
19                        *in section 403(c);*

20                        *“(iii) developing project designs;*

21                        *“(iv) collaborating with stakeholders,*  
22                        *including public meetings;*

23                        *“(v) preparing cost estimates; or*

1                   “(vi) engaging in other similar activi-  
2                   ties necessary to facilitate reclamation ac-  
3                   tivities under this section.

4                   “(2) SECRETARY.—The Secretary may expend,  
5                   from amounts made available to the Secretary under  
6                   section 402(g)(3)(D), not more than \$3,000,000 dur-  
7                   ing the fiscal years for which distributions occur  
8                   under subsection (b) for staffing and other adminis-  
9                   trative expenses necessary to carry out this section.

10                  “(h) REPORT TO CONGRESS.—The Secretary shall pro-  
11                  vide to the Committee on Natural Resources of the House  
12                  of Representatives, the Committees on Appropriations of the  
13                  House of Representatives and the Senate, and the Com-  
14                  mittee on Energy and Natural Resources of the Senate at  
15                  the end of each fiscal year for which such funds are distrib-  
16                  uted a detailed report—

17                         “(1) on the various projects that have been un-  
18                         dertaken with such funds;

19                         “(2) the extent and degree of reclamation using  
20                         such funds that achieved the priorities described in  
21                         paragraph (1) or (2) of section 403(a);

22                         “(3) the community and economic benefits that  
23                         are resulting from, or are expected to result from, the  
24                         use of the funds that achieved the priorities described  
25                         in paragraph (3) of section 403(a); and

1           “(4) the reduction since the previous report in  
2           the inventory referred to in section 403(c).

3           “(i) *PROHIBITION ON CERTAIN USE OF FUNDS.—Any*  
4 *State or Indian tribe that uses the funds distributed under*  
5 *this section for purposes other than reclamation or drainage*  
6 *abatement expenditures, as made eligible by section 404,*  
7 *and for the purposes authorized under subsections (f) and*  
8 *(g), shall be barred from receiving any subsequent funding*  
9 *under this section.”.*

10          (b) *CLERICAL AMENDMENT.—The table of contents in*  
11 *the first section of the Surface Mining Control and Rec-*  
12 *lamation Act of 1977 is amended by adding at the end of*  
13 *the items relating to title IV the following:*

          “Sec. 416. *Abandoned mine land economic revitalization.*”.

14 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

15          *The Surface Mining Control and Reclamation Act of*  
16 *1977 is amended—*

17           (1) *in section 401(c) (30 U.S.C. 1231(c)), by*  
18 *striking “and” after the semicolon at the end of para-*  
19 *graph (10), by redesignating paragraph (11) as para-*  
20 *graph (12), and by inserting after paragraph (10) the*  
21 *following:*

22           “(11) *to implement section 416; and*”;

23           (2) *in section 401(d)(3) (30 U.S.C. 1231(d)(3)),*  
24 *by striking “subsection (f)” and inserting “subsection*  
25 *(f) and section 416(a)”;*

1           (3) in section 402(g) (30 U.S.C. 1232(g))—

2                   (A) in paragraph (1), by inserting “and  
3           section 416” after “subsection (h)”; and

4                   (B) by adding at the end of paragraph (3)  
5           the following:

6                   “(F) For the purpose of section  
7           416(d)(2)(A).”; and

8           (4) in section 403(c) (30 U.S.C. 1233(c)), by in-  
9           serting after the second sentence the following: “As  
10           practicable, States and Indian tribes shall offer such  
11           amendments based on the use of remote sensing, global  
12           positioning systems, and other advanced tech-  
13           nologies.”.

14   **SEC. 4. MINIMUM STATE PAYMENTS.**

15           Section 402(g)(8)(A) of the Surface Mining Control  
16           and Reclamation Act of 1977 (30 U.S.C. 1232(g)(8)) is  
17           amended by striking “\$3,000,000” and inserting  
18           “\$5,000,000”.

19   **SEC. 5. GAO STUDY OF USE OF FUNDS.**

20           Not later than two years after the date of the enact-  
21           ment of this Act, the Comptroller General of the United  
22           States shall study and report to the Congress on uses of  
23           funds authorized by this Act, including regarding—

24                   (1) the solvency of the Abandoned Mine Rec-  
25           lamation Fund; and

1           (2) *the impact of such use on payments and*  
2           *transfers under the Surface Mining Control and Rec-*  
3           *lamation Act of 1977 (30 U.S.C. 1201) to—*

4                   (A) *States for which a certification has been*  
5                   *made under section 411 of such Act (30 U.S.C.*  
6                   *1241);*

7                   (B) *States for which such a certification has*  
8                   *not been made; and*

9                   (C) *transfers to United Mine Workers of*  
10                  *America Combined Benefit Fund.*

11 **SEC. 6. ABANDONED MINE LAND RECLAMATION AND RES-**  
12                   **TORATION INITIATIVE.**

13           (a) *IN GENERAL.—Subchapter I of chapter 145 of title*  
14           *40, United States Code, is amended by adding at the end*  
15           *the following:*

16 **“§ 14510. Abandoned mine land reclamation and res-**  
17                   **toration initiative**

18           “(a) *IN GENERAL.—The Appalachian Regional Com-*  
19           *mission may provide technical assistance, make grants,*  
20           *enter into contracts, or otherwise provide amounts to indi-*  
21           *viduals or entities in the Appalachian region for projects*  
22           *and activities on lands, or on or in waters, that have been*  
23           *reclaimed or restored with amounts provided under title IV*  
24           *of the Surface Mining Control or Reclamation Act of 1977*

1 *(30 U.S.C. 1231 et seq.) or that are eligible for such rec-*  
2 *lamation or restoration.*

3 “(b) *LIMITATION ON AVAILABLE AMOUNTS.—Of the*  
4 *cost of any activity eligible for a grant under this section—*

5 “(1) *not more than 50 percent may be provided*  
6 *from amounts appropriated to carry out this section;*  
7 *and*

8 “(2) *notwithstanding paragraph (1)—*

9 “(A) *in the case of a project to be carried*  
10 *out in a county for which a distressed county*  
11 *designation is in effect under section 14526, not*  
12 *more than 80 percent may be provided from*  
13 *amounts appropriated to carry out this section;*  
14 *and*

15 “(B) *in the case of a project to be carried*  
16 *out in a county for which an at-risk designation*  
17 *is in effect under section 14526, not more than*  
18 *70 percent may be provided from amounts ap-*  
19 *propriated to carry out this section.*

20 “(c) *SOURCES OF ASSISTANCE.—Subject to subsection*  
21 *(b), a grant provided under this section may be provided*  
22 *from amounts made available to carry out this section in*  
23 *combination with amounts made available—*

24 “(1) *under any other Federal program; or*

25 “(2) *from any other source.*

1       “(d) *FEDERAL SHARE*.—Notwithstanding any provi-  
 2       sion of law limiting the Federal share under any other Fed-  
 3       eral program, amounts made available to carry out this sec-  
 4       tion may be used to increase that Federal share, as the Ap-  
 5       palachian Regional Commission determines to be appro-  
 6       priate.”.

7       (b) *CLERICAL AMENDMENT*.—The analysis for chapter  
 8       145 of title 40, United States Code, is amended by inserting  
 9       after the item relating to section 14509 the following:

      “14510. Abandoned mine land reclamation and restoration initiative.”.

10   **SEC. 7. HEADQUARTERS OF APPALACHIAN REGIONAL COM-**  
 11                                   **MISSION.**

12       (a) *FINDING*.—Congress finds that—

13               (1) *the Delta Regional Commission, the Denali*  
 14       *Commission, and the Northern Border Regional Com-*  
 15       *mission are each headquartered in their respective re-*  
 16       *gion; and*

17               (2) *the headquarters of the Appalachian Re-*  
 18       *gional Commission should be relocated from the Dis-*  
 19       *trict of Columbia to a more affordable location in the*  
 20       *Appalachian Region.*

21       (b) *LOCATION OF HEADQUARTERS*.—

22               (1) *IN GENERAL*.—Section 14301 of title 40,  
 23       *United States Code, is amended by adding at the end*  
 24       *the following:*

1           “(g) *HEADQUARTERS.*—*The headquarters of the Com-*  
2 *mission shall be located in the Appalachian Region.*”.

3           (2) *IMPLEMENTATION.*—*The Federal Cochairman*  
4 *of the Appalachian Regional Commission shall take*  
5 *such actions as may be necessary to carry out the*  
6 *amendment made by paragraph (1).*

7 **SEC. 8. PAYMENTS TO CERTIFIED STATES NOT AFFECTED.**

8           *Nothing in this Act shall be construed to reduce or oth-*  
9 *erwise affect payments under section 402(g) of the Surface*  
10 *Mining Reclamation and Control Act of 1977 (30 U.S.C.*  
11 *1232(g)) to States that have made a certification under sec-*  
12 *tion 411(a) of such Act (30 U.S.C. 1240a(a)) in which the*  
13 *Secretary of the Interior has concurred.*



Union Calendar No. 255

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1731**

[Report No. 115-351, Part I]

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## **A BILL**

To amend the Surface Mining Control and Reclamation Act of 1977 to provide funds to States and Indian tribes for the purpose of promoting economic revitalization, diversification, and development in economically distressed communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977, and for other purposes.

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OCTOBER 19, 2017

Reported from the Committee on Natural Resources with  
an amendment

OCTOBER 19, 2017

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed