(l) stimulate, sponsor, provide for and/or supplement present programs for the conduct of research investigations, experiments, and demonstrations, in the exploration, extraction, processing, development, and production of minerals and other mineral resources or regulating the attendance of witnesses and production of written or printed material as provided for in this chapter; issue cease-and-desist orders; review and vacate or modify or approve orders and decisions; and order the suspension, revocation, or withholding of any permit for failure to comply with any of the provisions of this chapter or any rules and regulations adopted pursuant thereto; (2) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this chapter; (3) administer the State grant-in-aid program for the development of State programs for surface and mining and reclamation operations provided for in subchapter V of this chapter; (4) administer the program for the purchase and reclamation of abandoned and unclaimed mined areas pursuant to subchapter IV of this chapter; (5) administer the surface mining and reclamation research and demonstration project authority provided for in this chapter; (6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations and assist States, local governments, and other eligible agencies in the coordination of such programs; (7) maintain a continuing study of surface mining and reclamation operations in the United States; (8) develop and maintain an Information and Data Center on Surface Coal Mining, Reclamation, and Surface Impacts of Underground Mining, which will make such data available to the public and the Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface and underground mining and reclamation operations; (9) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of this chapter, and at the same time, reflect local requirements and local environmental and agricultural conditions; (10) assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of surface coal mining pursuant to section 1272 of this title; (11) monitor all Federal and State research programs dealing with coal extraction and use and recommend to Congress the research and demonstration projects and necessary changes in public policy which are designated to (A) improve feasibility of underground coal mining, and (B) improve surface mining and reclamation techniques directed at eliminating adverse environmental and social impacts; (12) cooperate with other Federal agencies and State regulatory authorities to minimize
d) Restriction on use of Federal coal mine health and safety inspectors

The Director shall not use either permanently or temporarily any person charged with responsibility of inspecting coal mines under the Federal Coal Mine Health and Safety Act of 1969 [30 U.S.C. 801 et seq.], unless he finds and publishes such finding in the Federal Register, that such activities would not interfere with such inspections under the 1969 Act.


(f) Conflict of interest; penalties; rules and regulations; report to Congress

No employee of the Office or any other Federal employee performing any function or duty under this chapter shall have a direct or indirect financial interest in underground or surface coal mining operations. Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment for not more than one year, or both. The Director shall (1) within sixty days after August 3, 1977, publish regulations, in accordance with section 553 of title 5, to establish the methods by which the provisions of this subsection will be monitored and enforced, including appropriate provisions for the filing by such employees and the review of statements and supplements thereto concerning their financial interests which may be affected by this subsection, and (2) report to the Congress as part of the annual report (section 1296 of this title) on the actions taken and not taken during the preceding calendar year under this subsection.

(g) Petition for issuance, amendment, or repeal of rule; filing; hearing or investigation; notice of denial

(1) After the Secretary has adopted the regulations required by section 1251 of this title, any person may petition the Director to initiate a proceeding for the issuance, amendment, or repeal of a rule under this chapter.

(2) Such petitions shall be filed in the principal office of the Director and shall set forth the facts which it is claimed established that it is necessary to issue, amend, or repeal a rule under this chapter.

(3) The Director may hold a public hearing or may conduct such investigation or proceeding as the Director deems appropriate in order to determine whether or not such petition should be granted.

(4) Within ninety days after filing of a petition described in paragraph (1), the Director shall either grant or deny the petition. If the Director grants such petition, the Director shall promptly commence an appropriate proceeding in accordance with the provisions of this chapter. If the Director denies such petition, the Director shall so notify the petitioner in writing setting forth the reasons for such denial.


References in Text


Amendments

1980—Subsec. (e). Pub. L. 96–511 struck subsec. (e) which provided for consideration of Office of Surface Mining Reclamation and Enforcement as an independent Federal regulatory agency. See section 3502(t) of Title 44, Public Printing and Documents.

1978—Subsec. (b). Pub. L. 95–240 substituted "V" for "IV".

Effective Date of 1980 Amendment


Termination of Reporting Requirements

For termination, effective May 15, 2000, of provisions in subsec. (f) of this section relating to requirement to report to Congress on actions taken and not taken under subsec. (f), see section 3003 of Pub. L. 106–55, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 109 of House Document No. 103–7.

Transfer of Functions


References in Other Laws to GS–16, 17, or 18 Pay Rates

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 (title I, §101(c)(1)) of Pub. L. 101–509, set out in a note under section 5576 of Title 5.

Travel and Per Diem Expenses

Pub. L. 100–446, title I, Sept. 27, 1988, 102 Stat. 1793, provided: "That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may, hereafter, provide for the travel and per diem expenses of State and tribal personnel attending OSMRE sponsored training".

Similar provisions were contained in the following appropriations acts:


§ 1221. Authorization of State allotments to institutions

(a)(1) There are authorized to be appropriated to the Secretary of the Interior (hereafter in this subchapter referred to as the “Secretary”) funds adequate to provide for each participating State $400,000 for each of the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989 for the purpose of assisting the States in carrying on the work of a competent and qualified mining and mineral resources research institute or center (hereafter in this subchapter referred to as the “institute”) at one public college or university in the State which meets the eligibility criteria established in section 1230 of this title.

(2)(A) Funds appropriated under this section shall be made available for grants to be matched on a basis of no less than one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1985, and September 30, 1986, and no less than one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1987, and September 30, 1988, and no less than two non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1989, and September 30, 1990, and for a total of five years.

(B) If there is more than one such eligible college or university in a State, funds appropriated under this subchapter shall, in the absence of a designation to the contrary by act of the legislature of the State, be granted to one such college or university designated by the Governor of the State.

(C) Where a State does not have a public college or university eligible under section 1230 of this title, the Committee on Mining and Mineral Resources Research established in section 1229 of this title (hereafter in this subchapter referred to as the “Committee”) may allocate the State’s allotment to one private college or university which it determines to be eligible under such section.

(b) It shall be the duty of each institute to plan and conduct, or arrange for a component or components of the college or university with which it is affiliated to conduct research, investigations, demonstrations, and experiments of either, or both, a basic or practical nature in relation to mining and mineral resources, and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. The subject of such research, investigation, demonstration, experiment, and training may include exploration; extraction; processing; development; production of fuel and nonfuel mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation. Such research, investigation, demonstration, experiment and training shall consider the interrelationship with the natural environment, the varying conditions and needs of the respective States, and mining and mineral resources research projects being conducted by agencies of the Federal and State governments and other institutes.

§ 1222. Research funds to institutes

(a) Authorization of appropriations

There is authorized to be appropriated to the Secretary not more than $15,000,000 for each of the fiscal years ending September 30, 1990,