

**(2) Limitations****(A) Use**

A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

- (i) remove or reprocess abandoned coal mine waste; or
- (ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 1233(a) of this title.

**(B) Amount**

The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.

(Pub. L. 95–87, title IV, §415, as added Pub. L. 109–432, div. C, title II, §207, Dec. 20, 2006, 120 Stat. 3018.)

**§ 1245. Abandoned hardrock mine reclamation****(a) Establishment**

Not later than 90 days after November 15, 2021, the Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a program to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on conditions including need, public health and safety, potential environmental harm, and other land use priorities.

**(b) Award of grants**

Subject to the availability of funds, the Secretary shall provide grants on a competitive or formula basis to States and Indian Tribes that have jurisdiction over abandoned hardrock mine land to reclaim that land.

**(c) Eligibility**

Amounts made available under this section may only be used for Federal, State, Tribal, local, and private land that has been affected by past hardrock mining activities, and water resources that traverse or are contiguous to such land, including any of the following:

- (1) Land and water resources that were—
  - (A) used for, or affected by, hardrock mining activities; and
  - (B) abandoned or left in an inadequate reclamation status before November 15, 2021.
- (2) Land for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, liable party, operator, or other person that abandoned the site prior to completion of required reclamation under Federal or State law.

**(d) Eligible activities****(1) In general**

Amounts made available to carry out this section shall be used to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on the priorities described in subsection (a).

**(2) Exclusion**

Amounts made available to carry out this section may not be used to fulfill obligations

under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) agreed to in a legal settlement or imposed by a court, whether for payment of funds or for work to be performed.

**(e) Authorization of appropriations****(1) In general**

There is authorized to be appropriated to carry out this section \$3,000,000,000, to remain available until expended, of which—

(A) 50 percent shall be for grants to States and Indian Tribes under subsection (b) for eligible activities described in subsection (d)(1); and

(B) 50 percent shall be for available to the Secretary for eligible activities described in subsection (d)(1) on Federal land.

**(2) Transfer**

The Secretary may transfer amounts made available to the Secretary under paragraph (1)(B) to the Secretary of Agriculture for activities described in subsection (a) on National Forest System land.

(Pub. L. 117–58, div. D, title VII, §40704, Nov. 15, 2021, 135 Stat. 1093.)

**Editorial Notes**

## REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in subsec. (d)(2), is Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

## CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

## WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

## DEFINITIONS

For definition of “Indian Tribe” as used in this section, see section 5304 of Title 25, Indians, as made applicable by section 18701(2) of Title 42, The Public Health and Welfare.

**SUBCHAPTER V—CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING****§ 1251. Environmental protection standards**

(a) Not later than the end of the ninety-day period immediately following August 3, 1977, the Secretary shall promulgate and publish in the Federal Register regulations covering an interim regulatory procedure for surface coal mining and reclamation operations setting mining