

refining processes, product substitution and conservation of mineral resources through recycling and advanced processing and fabrication methods;

(2) identify new deposits of strategic and critical mineral resources; and

(3) facilitate the transfer of information, studies, and technologies developed by the center to the private sector.

(c) Criteria

The Secretary shall establish the center referred to in subsection (a) at a university that—

(1) does not currently host a generic mineral technology center;

(2) has established advanced degree programs in geology and geological engineering, and metallurgical and mining engineering;

(3) has expertise in materials and advanced processing research; and

(4) is located west of the 100th meridian.

(d) Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 98-409, §12, as added Pub. L. 101-498, §2, Nov. 2, 1990, 104 Stat. 1207.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

SUBCHAPTER IV—ABANDONED MINE RECLAMATIONS

§ 1231. Abandoned Mine Reclamation Fund

(a) Establishment; administration; State funds

There is created on the books of the Treasury of the United States a trust fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the “fund”) which shall be administered by the Secretary of the Interior. State abandoned mine reclamation funds (State funds) generated by grants from this subchapter shall be established by each State pursuant to an approved State program.

(b) Sources of deposits to fund

The fund shall consist of amounts deposited in the fund, from time to time derived from—

(1) the reclamation fees levied under section 1232 of this title;

(2) any user charge imposed on or for land reclaimed pursuant to this subchapter after expenditures for maintenance have been deducted;

(3) donations by persons, corporations, associations, and foundations for the purposes of this subchapter;

(4) recovered moneys as provided for in this subchapter; and

(5) interest credited to the fund under subsection (e).

(c) Use of moneys

Moneys in the fund may be used for the following purposes:

(1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; prevention, abatement, and control of coal mine subsidence; and establishment of self-sustaining, individual State administered programs to insure private property against damages caused by land subsidence resulting from underground coal mining in those States which have reclamation plans approved in accordance with section 1253 of this title: *Provided*, That funds used for this purpose shall not exceed \$3,000,000 of the funds made available to any State under section 1232(g)(1) of this title;

(2) acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 1239 of this title;

(3) acquisition of land as provided for in this subchapter;

(4) enforcement and collection of the reclamation fee provided for in section 1232 of this title;

(5) restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining which constitutes an emergency as provided for in this subchapter;

(6) grants to the States to accomplish the purposes of this subchapter;

(7) administrative expenses of the United States and each State to accomplish the purposes of this subchapter;

(8) for use under section 1240a of this title;

(9) for the purpose of section 1257(c) of this title, except that not more than \$10,000,000 shall annually be available for such purpose;

(10) for the purpose described in section 1232(h) of this title; and

(11) all other necessary expenses to accomplish the purposes of this subchapter.

(d) Availability of moneys; no fiscal year limitation

(1) In general

Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 1232(g)(3) of this title shall be available only when appropriated for those subparagraphs.

(2) No fiscal year limitation

Appropriations described in paragraph (1) shall be made without fiscal year limitation.

(3) Other purposes

Moneys from the fund shall be available for all other purposes of this subchapter without prior appropriation as provided in subsection (f).

(e) Interest

The Secretary of the Interior shall notify the Secretary of the Treasury as to what portion of the fund is not, in his judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the fund in public debt securities with maturities suitable for achieving the purposes of the transfers under section 1232(h) of this title and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the fund for the purpose of the transfers under section 1232(h) of this title.

(f) General limitation on obligation authority**(1) In general**

From amounts deposited into the fund under subsection (b), the Secretary shall distribute during each fiscal year beginning after September 30, 2007, an amount determined under paragraph (2).

(2) Amounts**(A) For fiscal years 2008 through 2035**

For each of fiscal years 2008 through 2035, the amount distributed by the Secretary under this subsection shall be equal to—

- (i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 1232(g) of this title; plus
- (ii) the amount needed for the adjustment under section 1232(g)(8) of this title for the current fiscal year.

(B) Fiscal years 2036 and thereafter

For fiscal year 2036 and each fiscal year thereafter, to the extent that funds are available, the Secretary shall distribute an amount equal to the amount distributed under subparagraph (A) during fiscal year 2035.

(3) Distribution**(A) In general**

Except as provided in subparagraph (B), for each fiscal year, of the amount to be distributed to States and Indian tribes pursuant to paragraph (2), the Secretary shall distribute—

- (i) the amounts allocated under paragraph (1) of section 1232(g) of this title, the amounts allocated under paragraph (5) of section 1232(g) of this title, and any amount reallocated under section 1240a(h)(3) of this title in accordance with section 1240a(h)(2) of this title, for grants to States and Indian tribes under section 1232(g)(5) of this title; and
- (ii) the amounts allocated under section 1232(g)(8) of this title.

(B) Exclusion

Beginning on October 1, 2007, certified States shall be ineligible to receive amounts under section 1232(g)(1) of this title.

(4) Availability

Amounts in the fund available to the Secretary for obligation under this subsection shall be available until expended.

(5) Addition**(A) In general**

Subject to subparagraph (B), the amount distributed under this subsection for each fiscal year shall be in addition to the amount appropriated from the fund during the fiscal year.

(B) Exceptions

Notwithstanding paragraph (3), the amount distributed under this subsection for the first 4 fiscal years beginning on and after October 1, 2007, shall be equal to the following percentage of the amount otherwise required to be distributed:

- (i) 50 percent in fiscal year 2008.
- (ii) 50 percent in fiscal year 2009.
- (iii) 75 percent in fiscal year 2010.
- (iv) 75 percent in fiscal year 2011.

(Pub. L. 95-87, title IV, § 401, Aug. 3, 1977, 91 Stat. 456; Pub. L. 98-473, title I, § 101(c) [title III, § 324], Oct. 12, 1984, 98 Stat. 1837, 1875; Pub. L. 101-508, title VI, § 6002, Nov. 5, 1990, 104 Stat. 1388-289; Pub. L. 102-486, title XIX, § 19143(b)(3)(A), title XXV, § 2504(c)(1), Oct. 24, 1992, 106 Stat. 3056, 3105; Pub. L. 109-432, div. C, title II, § 201(a), Dec. 20, 2006, 120 Stat. 3006; Pub. L. 117-58, div. D, title VII, § 40703, Nov. 15, 2021, 135 Stat. 1093.)

Editorial Notes**AMENDMENTS**

2021—Subsec. (f)(2)(A). Pub. L. 117-58, § 40703(1), substituted “2035” for “2022” in heading and in introductory provisions.

Subsec. (f)(2)(B). Pub. L. 117-58, § 40703(2), substituted “2036” for “2023” in heading and “2036” for “2023” and “2035” for “2022” in text.

2006—Subsec. (c)(2) to (13). Pub. L. 109-432, § 201(a)(1), redesignated pars. (3) to (5) and (7) to (13) as (2) to (4) and (5) to (11), respectively, and struck out former pars. (2) and (6) which read as follows:

“(2) for transfer on an annual basis to the Secretary of Agriculture for use under section 1236 of this title;” and

“(6) studies, research, and demonstration projects by the Department of the Interior to such extent or in such amounts as are provided in appropriation Acts with public and private organizations conducted in accordance with section 3501 of the Omnibus Budget Reconciliation Act of 1986, conducted for the purposes of this subchapter;”.

Subsec. (d). Pub. L. 109-432, § 201(a)(2), added subsec. (d) and struck out former subsec. (d) which read as follows: “Moneys from the fund shall be available for the purposes of this subchapter, only when appropriated therefor, and such appropriations shall be made without fiscal year limitations.”

Subsec. (e). Pub. L. 109-432, § 201(a)(3), in second sentence, substituted “achieving the purposes of the transfers under section 1232(h) of this title” for “the needs of such fund” and, in third sentence, inserted “for the purpose of the transfers under section 1232(h) of this title” before period at end.

Subsec. (f). Pub. L. 109-432, § 201(a)(4), added subsec. (f).

1992—Subsec. (c)(6). Pub. L. 102-486, § 2504(c)(1), substituted “studies, research, and demonstration projects” for “studies” and struck out “to provide information, advice, and technical assistance, including

research and demonstration projects" after "private organizations".

Subsec. (c)(12), (13). Pub. L. 102-486, §19143(b)(3)(A), added par. (12) and redesignated former par. (12) as (13).

1990—Subsec. (b)(1). Pub. L. 101-508, §6002(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "the reclamation fees levied under section 1232 of this title: *Provided*, That an amount not to exceed 10 per centum of such reclamation fees collected for any calendar quarter shall be reserved beginning in the first calendar year in which the fee is imposed and continuing for the remainder of that fiscal year and for the period in which such fee is imposed by law, for the purpose of section 1257(c) of this title, subject to appropriation pursuant to authorization under section 1302 of this title: *Provided further*, That not more than \$10,000,000 shall be available for such purposes;".

Subsec. (b)(5). Pub. L. 101-508, §6002(a)(2), added par. (5).

Subsec. (c)(1). Pub. L. 101-508, §6002(b)(1), substituted "section 1232(g)(1)" for "section 1232(g)(2)".

Subsec. (c)(2). Pub. L. 101-508, §6002(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "for use under section 1236 of this title, by the Secretary of Agriculture, of up to one-fifth of the money deposited in the funds annually and transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes;".

Subsec. (c)(6). Pub. L. 101-508, §6002(b)(3), struck out "by contract" after "Department of the Interior" and inserted "conducted in accordance with section 3501 of the Omnibus Budget Reconciliation Act of 1986" after "projects".

Subsec. (c)(10) to (12). Pub. L. 101-508, §6002(b)(5), added pars. (10) and (11) and redesignated former par. (10) as (12).

Subsec. (e). Pub. L. 101-508, §6002(c), added subsec. (e).

1984—Subsec. (c)(1). Pub. L. 98-473 inserted at end "and establishment of self-sustaining, individual State administered programs to insure private property against damages caused by land subsidence resulting from underground coal mining in those States which have reclamation plans approved in accordance with section 1253 of this title: *Provided*, That funds used for this purpose shall not exceed \$3,000,000 of the funds made available to any State under section 1232(g)(2) of this title;".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-508, title VI, §6014, Nov. 5, 1990, 104 Stat. 1388-298, provided that: "The amendments made by this subtitle [subtitle A (§§6001-6014) of title VI of Pub. L. 101-508, enacting section 1240a of this title and amending this section and sections 1232 to 1237, 1239, 1257, and 1302 of this title] shall take effect at the beginning of the first fiscal year [Oct. 1, 1991] immediately following the fiscal year in which this subtitle is enacted."

SAVINGS PROVISION

Pub. L. 101-508, title VI, §6013, Nov. 5, 1990, 104 Stat. 1388-298, provided that: "Nothing in this subtitle [subtitle A (§§6001-6014) of title VI of Pub. L. 101-508, see Short Title of 1990 Amendment note set out under section 1201 of this title] shall be construed to affect the certifications made by the State of Wyoming, the State of Montana, and the State of Louisiana to the Secretary of the Interior prior to the date of enactment of this subtitle [Nov. 5, 1990] that such State has completed the reclamation of eligible abandoned coal mine lands."

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 au-

thority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

ABANDONED MINE DRAINAGE IN OHIO, PENNSYLVANIA, AND WEST VIRGINIA

Pub. L. 118-272, div. A, title III, §1345, Jan. 4, 2025, 138 Stat. 3155, provided that:

"(a) DEFINITIONS.—In this section:

"(1) ABANDONED MINE DRAINAGE.—

"(A) IN GENERAL.—The term 'abandoned mine drainage' means discharge from land subject to title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

"(B) INCLUSIONS.—The term 'abandoned mine drainage' includes discharges from an area where reclamation bonds have been forfeited under section 509 of the Surface Mining Control [and Reclamation] Act of 1977 (30 U.S.C. 1259), for which funds are applied to complete the reclamation obligations initially required of the mining operator.

"(2) TREATMENT TECHNOLOGIES.—The term 'treatment technologies' means technologies that either change the composition of the abandoned mine drainage to form other compounds that are less dangerous to human health or the environment, or limit contaminant mobility by physical or chemical means.

"(3) TREATMENT WORKS FOR ABANDONED MINE DRAINAGE.—The term 'treatment works for abandoned mine drainage' means a facility or system designed to collect, aggregate, and treat abandoned mine drainage from sources or sites within a designated watershed or area using treatment technologies.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary [of the Army] may establish a pilot program to provide financial assistance to non-Federal interests for the establishment of treatment works for abandoned mine drainage in Ohio, Pennsylvania, and West Virginia. Such assistance shall be in the form of the reimbursement of costs for the design and construction of the treatment works for abandoned mine drainage.

"(c) GOAL.—The goal of this pilot program is to initiate the cleanup process by implementing activities to reduce or treat acid mine drainage from abandoned and forfeited mine drainage and bond forfeiture sites, as defined under the Surface Mining Control and Reclamation Act of 1977 [30 U.S.C. 1201 et seq.]. This cleanup supports water treatment and infrastructure improvements aimed at practical uses, including but not limited to agricultural, industrial or recreational applications.

"(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance under this section only if the treatment works for abandoned mine drainage is publicly owned.

"(e) PRIORITIZATION.—The Secretary shall prioritize assistance under this section to efforts that—

"(1) reduce abandoned mine drainage from multiple sources; or

"(2) include a centralized water treatment system to reduce the abandoned mine drainage from multiple sources or sites within a designated watershed area over the greatest number of stream miles.

"(f) AGREEMENTS.—

"(1) IN GENERAL.—Before providing financial assistance under this section, the Secretary shall enter into an agreement with the non-Federal interest.

"(2) REQUIREMENTS.—Each agreement entered under this subsection shall provide for the following:

"(A) PLAN.—The non-Federal interest shall develop the design and construction of the treatments [sic] works for abandoned mine drainage, in consultation with the appropriate regulatory agencies addressing restoration of the impaired waters, which shall include the total cost of the restoration work to be funded under the agreement.

"(B) PERMITS.—The non-Federal interest shall be responsible for obtaining all permits and licenses necessary for the design and construction of the treatment works for abandoned mine drainage and for ensuring compliance with all requirements of

such permits and licenses. The Secretary to the maximum extent possible shall expedite processing of any permits, variances, or approvals necessary to facilitate the completion of projects receiving assistance under this section.

“(C) COSTS.—The non-Federal interest shall be responsible for all costs in excess of the total cost of design and construction, as determined under subparagraph (A), including any and all costs associated with any liability that might arise in connection with the treatment works for abandoned mine drainage.

“(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs are a non-Federal responsibility. Such costs shall not be included in the total cost of the treatment works for abandoned mine drainage in subsection (A) [probably should be “subparagraph (A)’’].

“(3) FEDERAL ASSISTANCE.—Federal assistance shall be 75 percent of the total cost of the treatment works for abandoned mine drainage as determined in the agreement under subsection 2(A) [probably should be “paragraph (2)(A)’’].

“(g) PROVISION OF FEDERAL ASSISTANCE.—Providing of Federal assistance under this section shall in no way establish any liability for the Secretary associated with any treatment technologies associated with the treatment works for abandoned mine drainage. This includes the applicability of any provision of Federal or State law.

“(h) EXCLUSIONS.—None of the funds authorized by this section shall be used in relation to abandoned mine drainage associated with a facility for which a party identified is responsible for response, removal or remediation activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000, to remain available until expended.”

ABANDONED MINE RECLAMATION FUND; DEPOSIT AND EXPENDITURE OF CERTAIN DONATIONS

Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-245, provided in part: “That hereafter, donations received to support projects under the Appalachian Clean Streams Initiative and under the Western Mine Lands Restoration Partnership Initiative, pursuant to 30 U.S.C. 1231, shall be credited to this account and remain available until expended without further appropriation for projects sponsored under these initiatives, directly through agreements with other Federal agencies, or through grants to States, and funding to local governments, or tax exempt private entities.”

ABANDONED MINE RECLAMATION RESEARCH AND DEVELOPMENT

Pub. L. 99-509, title III, §3501, Oct. 21, 1986, 100 Stat. 1891, as amended by Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172, provided that after enactment of Pub. L. 99-509, the research and demonstration authorities of the Department of the Interior under former subsection (c)(6) of this section were to be transferred to, and carried out by, the Director of the United States Bureau of Mines.

§ 1231a. Abandoned mine reclamation fund authorization of appropriations

(a) In general

There is authorized to be appropriated, for deposit into the Abandoned Mine Reclamation Fund established by section 401(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(a)) \$11,293,000,000 for fiscal year 2022, to remain available until expended.

(b) Use of funds

(1) In general

Subject to subsection (g), amounts made available under subsection (a) shall be used to provide, as expeditiously as practicable, to States and Indian Tribes described in paragraph (2) annual grants for abandoned mine land and water reclamation projects under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

(2) Eligible grant recipients

Grants may be made under paragraph (1) to—

(A) States and Indian Tribes that have a State or Tribal program approved under section 405 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1235);

(B) States and Indian Tribes that are certified under section 411(a) of that Act (30 U.S.C. 1240a(a)); and

(C) States and Indian Tribes that are referred to in section 402(g)(8)(B) of that Act (30 U.S.C. 1232(g)(8)(B)).

(3) Contract aggregation

In applying for grants under paragraph (1), States and Indian Tribes may aggregate bids into larger statewide or regional contracts.

(c) Covered activities

(1) In general

Except as provided in paragraph (2), grants under subsection (b)(1) shall only be used for activities described in subsections (a) and (b) of section 403 and section 410 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233, 1240).

(2) Long-term abandoned mine land reclamation

(A) In general

Not more than 30 percent of the total amount of a grant made annually under subsection (b)(1) may be retained by the recipient of the grant if those amounts are deposited into a long-term abandoned mine land reclamation fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State or Indian Tribe, as applicable, for—

(i) the abatement of the causes and the treatment of the effects of acid mine drainage resulting from coal mining practices, including for the costs of building, operating, maintaining, and rehabilitating acid mine drainage treatment systems;

(ii) the prevention, abatement, and control of subsidence; or

(iii) the prevention, abatement, and control of coal mine fires.

(B) Reporting requirements

Each recipient of a grant under subsection (b)(1) that deposits grant amounts into a long-term abandoned mine land reclamation fund under subparagraph (A) shall—

(i) offer amendments to the inventory maintained under section 403(c) of the Surface Mining Control and Reclamation Act