

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 Partnerships 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 subsec. (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

of 1977 (30 U.S.C. 1233(c)) to reflect the use of the amounts for—

- (I) acid mine drainage abatement and treatment;
- (II) subsidence prevention, abatement, and control; and
- (III) coal mine fire prevention, abatement, and control; and

(ii) include in the annual grant report of the recipient information on the status and balance of amounts in the long-term abandoned mine land reclamation fund.

(C) Term

Amounts retained under subparagraph (A) shall not be subject to—

- (i) subsection (d)(4)(B); or
- (ii) any other limitation on the length of the term of an annual grant under subsection (b)(1).

(d) Allocation

(1) In general

Subject to subsection (e), the Secretary of the Interior shall allocate and distribute amounts made available for grants under subsection (b)(1) to States and Indian Tribes on an equal annual basis over a 15-year period beginning on November 15, 2021, based on the number of tons of coal historically produced in the States or from the applicable Indian land before August 3, 1977, regardless of whether the State or Indian Tribe is certified under section 411(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(a)).

(2) Surface Mining Control and Reclamation Act exception

Section 401(f)(3)(B) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(f)(3)(B)) shall not apply to grant funds distributed under subsection (b)(1).

(3) Report to Congress on allocations

(A) In general

Not later than 6 years after the date on which the first allocation to States and Indian Tribes is made under paragraph (1), the Secretary of the Interior shall submit to Congress a report that describes any progress made under this section in addressing outstanding reclamation needs under subsection (a) or (b) of section 403 or section 410 of the Surface Mining Control and Reclamation and¹ Act of 1977 (30 U.S.C. 1233, 1240).

(B) Input

The Secretary of the Interior shall—

- (i) prior to submitting the report under subparagraph (A), solicit the input of the States and Indian Tribes regarding the progress referred to in that subparagraph; and
- (ii) include in the report submitted to Congress under that subparagraph a description of any input received under clause (i).

(4) Redistribution of funds

(A) Evaluation

Not later than 20 years after November 15, 2021, the Secretary of the Interior shall evaluate grant payments to States and Indian Tribes made under this section.

(B) Unused funds

On completion of the evaluation under subparagraph (A), States and Indian Tribes shall return any unused funds under this section to the Abandoned Mine Reclamation Fund.

(e) Total amount of grant

The total amount of grant funding provided under subsection (b)(1) to an eligible State or Indian Tribe shall be not less than \$20,000,000, to the extent that the amount needed for reclamation projects described in that subsection on the land of the State or Indian Tribe is not less than \$20,000,000.

(f) Priority

In addition to the priorities described in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), in providing grants under this section, priority may also be given to reclamation projects described in subsection (b)(1) that provide employment for current and former employees of the coal industry.

(g) Reservation

Of the funds made available under subsection (a), \$25,000,000 shall be made available to the Secretary of the Interior to provide States and Indian Tribes with the financial and technical assistance necessary for the purpose of making amendments to the inventory maintained under section 403(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(c)).

(Pub. L. 117–58, div. D, title VII, §40701, Nov. 15, 2021, 135 Stat. 1091; Pub. L. 117–328, div. DD, title VIII, §801, Dec. 29, 2022, 136 Stat. 5622.)

Editorial Notes

REFERENCES IN TEXT

The Surface Mining Control and Reclamation Act of 1977, referred to in subsec. (b)(1), is Pub. L. 95–87, Aug. 3, 1977, 91 Stat. 445, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of this title 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.

AMENDMENTS

2022—Subsec. (c). Pub. L. 117–328 designated existing provisions as par. (1), inserted heading, substituted “Except as provided in paragraph (2), grants under” for “Grants under”, and added par. (2).

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,

¹ So in original. The word “and” probably should not appear.

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.

§ 1232. Reclamation fee

(a) Payment; rate

All operators of coal mining operations subject to the provisions of this chapter shall pay to the Secretary of the Interior, for deposit in the fund, a reclamation fee of 22.4 cents per ton of coal produced by surface coal mining and 9.6 cents per ton of coal produced by underground mining or 10 per centum of the value of the coal at the mine, as determined by the Secretary, whichever is less, except that the reclamation fee for lignite coal shall be at a rate of 2 per centum of the value of the coal at the mine, or 6.4 cents per ton, whichever is less.

(b) Due date

Such fee shall be paid no later than thirty days after the end of each calendar quarter beginning with the first calendar quarter occurring after August 3, 1977, and ending September 30, 2034.

(c) Submission of statement

Together with such reclamation fee, all operators of coal mine operations shall submit a statement of the amount of coal produced during the calendar quarter, the method of coal removal and the type of coal, the accuracy of which shall be sworn to by the operator and notarized. Such statement shall include an identification of the permittee of the surface coal mining operation, any operator in addition to the permittee, the owner of the coal, the preparation plant, tripple,¹ or loading point for the coal, and the person purchasing the coal from the operator. The report shall also specify the number of the permit required under section 1256 of this title and the mine safety and health identification number. Each quarterly report shall contain a notification of any changes in the information required by this subsection since the date of the preceding quarterly report. The information contained in the quarterly reports under this subsection shall be maintained by the Secretary in a computerized database.

(d) Penalty

(1) Any person, corporate officer, agent or director, on behalf of a coal mine operator, who knowingly makes any false statement, representation or certification, or knowingly fails to make any statement, representation or certification required in this section shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than one year, or both.

(2) The Secretary shall conduct such audits of coal production and the payment of fees under this subchapter as may be necessary to ensure

full compliance with the provisions of this subchapter. For purposes of performing such audits the Secretary (or any duly designated officer, employee, or representative of the Secretary) shall, at all reasonable times, upon request, have access to, and may copy, all books, papers, and other documents of any person subject to the provisions of this subchapter. The Secretary may at any time conduct audits of any surface coal mining and reclamation operation, including without limitation, tipples and preparation plants, as may be necessary in the judgment of the Secretary to ensure full and complete payment of the fees under this subchapter.

(e) Civil action to recover fee

Any portion of the reclamation fee not properly or promptly paid pursuant to this section shall be recoverable, with statutory interest, from coal mine operators, in any court of competent jurisdiction in any action at law to compel payment of debts.

(f) Cooperation from other agencies

All Federal and State agencies shall fully cooperate with the Secretary of the Interior in the enforcement of this section. Whenever the Secretary believes that any person has not paid the full amount of the fee payable under subsection (a) the Secretary shall notify the Federal agency responsible for ensuring compliance with the provisions of section 4121 of title 26.

(g) Allocation of funds

(1) Except as provided in subsection (h), monies deposited into the fund shall be allocated by the Secretary to accomplish the purposes of this subchapter as follows:

(A) 50 percent of the reclamation fees collected annually in any State (other than fees collected with respect to Indian lands) shall be allocated annually by the Secretary to the State, subject to such State having each of the following:

(i) An approved abandoned mine reclamation program pursuant to section 1235 of this title.

(ii) Lands and waters which are eligible pursuant to section 1234 of this title (in the case of a State not certified under section 1240a(a) of this title) or pursuant to section 1240a(b) of this title (in the case of a State certified under section 1240a(a) of this title).

(B) 50 percent of the reclamation fees collected annually with respect to Indian lands shall be allocated annually by the Secretary to the Indian tribe having jurisdiction over such lands, subject to such tribe having each of the following:

(i) an² approved abandoned mine reclamation program pursuant to section 1235 of this title.

(ii) Lands and waters which are eligible pursuant to section 1234 of this title (in the case of an Indian tribe not certified under section 1240a(a) of this title) or pursuant to section 1240a(b) of this title (in the case of a tribe certified under section 1240a(a) of this title).

¹ So in original. Probably should be "trippel".

² So in original. Probably should be capitalized.