

semicolon after “protection”, struck out “general welfare,” after “safety,” and added subpar. (B).

Subsec. (a)(2). Pub. L. 109-432, §203(1)(B), designated existing provisions as subpar. (A), substituted “health and safety” for “health, safety, and general welfare”, and added subpar. (B).

Subsec. (a)(3). Pub. L. 109-432, §203(1)(C), which directed that a period be substituted for the semicolon at end, could not be executed because a period already appeared at end.

Subsec. (a)(4), (5). Pub. L. 109-432, §203(1)(D), struck out pars. (4) and (5) which read as follows:

“(4) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

“(5) the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in this subchapter for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.”

Subsec. (b). Pub. L. 109-432, §203(2)(A), substituted “Water supply restoration” for “Utilities and other facilities” in heading.

Subsec. (b)(1). Pub. L. 109-432, §203(2)(B), struck out “up to 30 percent of the” before “funds”.

Subsec. (c). Pub. L. 109-432, §203(3), inserted “, subject to the approval of the Secretary,” after “amendments” in second sentence.

1992—Subsec. (a)(4) to (6). Pub. L. 102-486, §2504(c)(2), redesignated pars. (5) and (6) as (4) and (5), respectively, and struck out former par. (4) which read as follows: “research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques;”.

Subsec. (b)(2). Pub. L. 102-486, §2504(e), inserted “, or as the case may be, the dates (and under the criteria) set forth under section 1232(g)(4)(B) of this title” after “1977” in two places.

1990—Pub. L. 101-508 designated existing provisions as subsec. (a), inserted heading and “, except as provided for under section 1240a of this title,” after “subchapter”, and added subsecs. (b) and (c).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Oct. 1, 1991, see section 6014 of Pub. L. 101-508 set out as a note under section 1231 of this title.

#### § 1234. Eligible lands and water

Lands and water eligible for reclamation or drainage abatement expenditures under this subchapter are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, except as provided for under section 1240a of this title, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or other Federal laws. For other provisions relating to lands and waters eligible for such expenditures, see section 1232(g)(4) of this title, section 1233(b)(1) of this title, and section 1239 of this title. Surface coal mining operations on lands eligible for reclamation and restoration under this subchapter after the release of the bond or deposit for any such operation as provided under section 1269 of this title. In the event the bond or deposit for a surface coal mining operation on lands eligible for reclamation is forfeited, funds available under this subchapter may be used if the amount of such bond or de-

posit is not sufficient to provide for adequate reclamation or abatement, except that if conditions warrant the Secretary shall immediately exercise his authority under section 1240 of this title.

(Pub. L. 95-87, title IV, §404, Aug. 3, 1977, 91 Stat. 459; Pub. L. 101-508, title VI, §6006, Nov. 5, 1990, 104 Stat. 1388-295; Pub. L. 102-486, title XXV, §2503(d), Oct. 24, 1992, 106 Stat. 3103.)

#### Editorial Notes

##### AMENDMENTS

1992—Pub. L. 102-486 inserted at end “Surface coal mining operations on lands eligible for reclamation shall not affect the eligibility of such lands for reclamation and restoration under this subchapter after the release of the bond or deposit for any such operation as provided under section 1269 of this title. In the event the bond or deposit for a surface coal mining operation on lands eligible for reclamation is forfeited, funds available under this subchapter may be used if the amount of such bond or deposit is not sufficient to provide for adequate reclamation or abatement, except that if conditions warrant the Secretary shall immediately exercise his authority under section 1240 of this title.”

1990—Pub. L. 101-508 inserted “, except as provided for under section 1240a of this title” after “processes” and inserted at end “For other provisions relating to lands and waters eligible for such expenditures, see section 1232(g)(4) of this title, section 1233(b)(1) of this title, and section 1239 of this title.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Oct. 1, 1991, see section 6014 of Pub. L. 101-508 set out as a note under section 1231 of this title.

#### § 1235. State reclamation program

##### (a) Promulgation of regulations

Not later than the end of the one hundred and eighty-day period immediately following August 3, 1977, the Secretary shall promulgate and publish in the Federal Register regulations covering implementation of an abandoned mine reclamation program incorporating the provisions of this subchapter and establishing procedures and requirements for preparation, submission, and approval of State programs consisting of the plan and annual submissions of projects.

##### (b) Submission of State Reclamation Plan and annual projects

Each State having within its borders coal mined lands eligible for reclamation under this subchapter, may submit to the Secretary a State Reclamation Plan and annual projects to carry out the purposes of this subchapter.

##### (c) Restriction

The Secretary shall not approve, fund, or continue to fund a State abandoned mine reclamation program unless that State has an approved State regulatory program pursuant to section 1253 of this title.

##### (d) Approval of State program; withdrawal

If the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the