the same manner as orders and decisions of the Secretary are subject to judicial review under this chapter.

(c) Costs

Whenever an order is issued under this section to abate any violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees) to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

(Pub. L. 95–87, title VII, § 703, Aug. 3, 1977, 91 Stat. 520.)

§ 1294. Penalty

Any person who shall, except as permitted by law, willfully resist, prevent, impede, or interfere with the Secretary or any of his agents in the performance of duties pursuant to this chapter shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

(Pub. L. 95–87, title VII, § 704, Aug. 3, 1977, 91 Stat. 520.)

Editorial Notes

CODIFICATION

Section 704 of Pub. L. 95–87 also amended section 1114 of Title 18, Crimes and Criminal Procedure.

§ 1295. Grants to States

(a) Assisting any State in development, administration, and enforcement of State programs under this chapter

The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this chapter. Except as provided in subsection (c) of this section, such grants shall not exceed 80 per centum of the total costs incurred during the first year, 60 per centum of total costs incurred during the second year, and 50 per centum of the total costs incurred during each year thereafter.

(b) Assisting any State in development, administration, and enforcement of its State programs

The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

(c) Increases in annual grants

If, in accordance with section 1273(d) of this title, a State elects to regulate surface coal mining and reclamation operations on Federal lands, the Secretary may increase the amount of the annual grants under subsection (a) of this section by an amount which he determines is approximately equal to the amount the Federal Government would have expended for such regulation if the State had not made such election.

(Pub. L. 95–87, title VII, § 705, Aug. 3, 1977, 91 Stat. 520.)

§ 1296. Annual report to President and Congress

The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this chapter. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this chapter.

(Pub. L. 95–87, title VII, § 706, Aug. 3, 1977, 91 Stat. 521.)

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to requirement to submit a report annually to Congress, see section 3003 of Pub. L. 104–66, 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.

§ 1297. Separability

If any provision of this chapter or the applicability thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Pub. L. 95–87, title VII, § 707, Aug. 3, 1977, 91 Stat. 521.)

§ 1298. Alaskan surface coal mine study

(a) Contract with National Academy of Sciences-National Academy of Engineering

The Secretary is directed to contract to such extent or in such amounts as are provided in advance in appropriation Acts with the National Academy of Sciences-National Academy of Engineering for an in-depth study of surface coal mining conditions in the State of Alaska in order to determine which, if any, of the provisions of this chapter should be modified with respect to surface coal mining operations in Alaska.

(b) Report to President and Congress

The Secretary shall report on the findings of the study to the President and Congress no later than two years after August 3, 1977.

(c) Draft of legislation

The Secretary shall include in his report a draft of legislation to implement any changes recommended to this chapter.