

107TH CONGRESS
1ST SESSION

H. R. 297

To foster the reclamation of abandoned coal mine sites in order to protect public health and safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2001

Mr. RAHALL introduced the following bill; which was referred to the Committee on Resources

A BILL

To foster the reclamation of abandoned coal mine sites in order to protect public health and safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Abandoned Mine
5 Lands Reclamation Reform Act of 2001”.

6 **SEC. 2. AMENDMENTS TO SURFACE MINING ACT.**

7 (a) Section 401 of the Surface Mining Control and
8 Reclamation Act of 1977 (30 U.S.C. 1231) is amended
9 as follows:

1 (1) In subsection (c) strike paragraphs (2) and
2 (6) and renumber the paragraphs accordingly.

3 (2) In subsection (e), insert before the period in
4 the third sentence the following: “for the purpose of
5 the transfer provided by section 402(h).”.

6 (b) Section 402 of the Surface Mining Control and
7 Reclamation Act of 1977 (30 U.S.C. 1232) is amended
8 as follows:

9 (1) In subsection (b) by striking “2004” and
10 inserting “2011”.

11 (2) In subsection (g)(1)(D) strike “(2), (3), (4),
12 or”.

13 (3) Subsection (g)(2) is amended to read as fol-
14 lows:

15 “(2) In making the grants referred to in para-
16 graph (1)(C) and the grants referred to in para-
17 graph (5), the Secretary shall insure strict compli-
18 ance by the States and Indian tribes with the prior-
19 ities set forth in section 403(a) until a certification
20 is made under section 411(a).”.

21 (4) In subsection (g)(3)—

22 (A) strike “paragraphs (2) and” and insert
23 “paragraph”; and

24 (B) strike “11” and insert “9”.

1 (5) Subsection (g)(4) is amended to read as fol-
2 lows:

3 “(4)(A) Amounts available in the fund to the
4 Secretary for the purposes set forth under para-
5 graph (3)(C) or to a State or an Indian tribe under
6 paragraphs (1) and (5) are authorized to be ex-
7 pended for the reclamation or drainage abatement of
8 lands and waters which were mined for coal or which
9 were affected by such mining, wastebanks, coal proc-
10 essing or other coal mining processes and left in an
11 inadequate reclamation status if the surface coal
12 mining operation occurred during the period begin-
13 ning on August 4, 1977, and ending on or before the
14 date on which the Secretary approved a State pro-
15 gram pursuant to section 503 for a State in which
16 the site is located, and that any funds for reclama-
17 tion or abatement which are available pursuant to a
18 bond or other form of financial guarantee or from
19 any other source are not sufficient to provide for
20 adequate reclamation or abatement at the site.

21 “(B) In determining which sites to reclaim pur-
22 suant to this paragraph, the Secretary, a State or
23 Indian tribe, as the case may be, shall follow the pri-
24 orities set forth under section 403(a). The Secretary,
25 the State or Indian tribe, as the case may be, shall

1 ensure that priority is given to those sites which are
2 in the immediate vicinity of a residential area or
3 which have an adverse economic impact upon a local
4 community.”.

5 (6) In subsection (g)(5)—

6 (A) strike “40” and insert “60”; and

7 (B) strike “Funds allocated or expended
8 by the Secretary under paragraphs (2), (3), or
9 (4),” and insert “Funds made available under
10 paragraph (3) or (4)”.

11 (7) Subsection (g)(6) is amended to read as fol-
12 lows:

13 “(6)(A) Any State with an approved abandoned
14 mine reclamation program pursuant to section 405
15 may retain, with regard to the 3-year limitation re-
16 ferred to in paragraph (1)(D), up to 10 percent of
17 the total of the grants made annually to such State
18 under paragraphs (1) and (5) if such amounts are
19 deposited into an acid mine drainage abatement and
20 treatment fund established under State law, from
21 which amounts (together with all interest earned on
22 such amounts) are expended by the State for the
23 abatement of the causes and the treatment of the
24 effects of acid mine drainage in a comprehensive

1 manner within qualified hydrologic units affected by
2 coal mining practices.

3 “(B) For the purposes of this paragraph, the
4 term ‘qualified hydrologic unit’ means a hydrologic
5 unit—

6 “(i) in which the water quality has been
7 significantly affected by acid mine drainage
8 from coal mining practices in a manner which
9 adversely impacts biological resources; and

10 “(ii) which contains lands and waters
11 which are—

12 “(I) eligible pursuant to section 404
13 and include any of the priorities set forth
14 in section 403(a), or notwithstanding the
15 certification referred to in section 411(a),
16 the priority set forth in section 411(c)(1);
17 and

18 “(II) the subject of expenditures by
19 the State from the forfeiture of bonds re-
20 quired under section 509 or from other
21 States sources to abate and treat acid
22 mine drainage.”.

23 (8) Subsection (g)(7) is amended to read as fol-
24 lows:

1 “(7) In complying with the priorities set forth
2 in section 403(a), any State or Indian tribe may use
3 amounts available in grants made annually to such
4 State or tribe under paragraphs (1) and (5) for the
5 reclamation of eligible lands and waters set forth in
6 section 411(c)(1), notwithstanding the certification
7 referred to in section 411(a), only if the expenditure
8 of funds for such reclamation is done in conjunction
9 with the expenditure of funds to address the prior-
10 ities set forth in section 403(a), or in association
11 with a surface coal mining operation on lands eligi-
12 ble for remining under this Act.”.

13 (9) In subsection (g)(8) insert “or for the rec-
14 lamation of eligible lands and waters set forth in
15 section 411(c)(1)” after “section 403(a)”.

16 (10) In subsection (h)(2)—

17 (A) strike “sum of—” and all that follows
18 through “\$70,000,000” and insert “sum of the
19 amount of interest which the Secretary esti-
20 mates will be earned and paid to the fund dur-
21 ing the fiscal year with such amount used, not-
22 withstanding any other provision of law, to pay
23 the amount of any deficit in net assets in the
24 Combined Fund”; and

25 (B) strike subparagraphs (A) and (B).

1 (11) Strike paragraphs (3) and (4) of sub-
2 section (h).

3 (c) Section 403 of the Surface Mining Control and
4 Reclamation Act of 1977 (30 U.S.C. 1233(a)) is amended
5 as follows:

6 (1) In subsection (a)—

7 (A) In paragraph (1) strike “general wel-
8 fare,” and insert “and” after the semicolon.

9 (B) In paragraph (2) strike “health, safe-
10 ty, and general welfare” and insert “health and
11 safety” and insert a period in lieu of the semi-
12 colon at the end.

13 (C) Strike paragraphs (3), (4) and (5).

14 (2) In subsection (b)—

15 (A) Strike “UTILITIES AND OTHER
16 FACILITIES” and insert “WATER SUPPLY
17 RESTORATION”.

18 (B) Strike “(B)” each place it appears in
19 paragraph (2).

20 (3) In subsection (c) insert “, subject to the ap-
21 proval of the Secretary,” after “amendments”.

22 (d) Section 404 of the Surface Mining Control and
23 Reclamation Act of 1977 (30 U.S.C. 1234) is amended
24 by striking “section 403(b)(1)” and inserting “section
25 403(b)”.

1 (e) Section 406(i) of the Surface Mining Control and
2 Reclamation Act of 1977 (30 U.S.C. 1236(i)) is amended
3 to read as follows:

4 “(i) There is authorized to be appro-
5 priated to the Secretary of Agriculture
6 such sums as may be necessary from
7 amounts other than those made available
8 under this title to carry out provisions of
9 this section.”.

10 (f) Section 408(a) of the Surface Mining Control and
11 Reclamation Act of 1977 (30 U.S.C. 1238) is amended
12 by striking “who owned the surface prior to May 2, 1977,
13 and”.

14 (g) Section 409 of the Surface Mining Control and
15 Reclamation Act of 1977 (30 U.S.C. 1239) is amended
16 as follows:

17 (1) In subsection (a) strike “at the request of
18 the Governor of any State, or the governing body of
19 an Indian tribe” and insert “a State or Indian tribe,
20 as the case may be”.

21 (2) In subsection (b) strike “paragraphs (1)
22 and (5) of section 402(g)” and insert “section
23 402(g)(1)”.

24 (3) Subsection (c) is amended to read as fol-
25 lows:

1 “(c)(1) In the case of a State or Indian tribe, expend-
2 itures to carry out the purposes of this section may only
3 be made after making a request to, and receiving approval
4 from, the Secretary. Only those reclamation projects which
5 meet the priorities set forth in section 403(a)(1) for lands
6 and waters referenced under section 404 shall be eligible
7 under this section, except that for the purposes of this
8 section the references to coal in section 403(a)(1) and sec-
9 tion 404 shall not apply.

10 “(2) No expenditures shall be made under this sec-
11 tion in those States and tribes certified under section
12 411(a) except in those States and tribes which have not
13 completed the reclamation of eligible lands and waters set
14 forth in section 411(c)(1).”.

15 (h) Section 411 of the Surface Mining Control and
16 Reclamation Act of 1977 (30 U.S.C. 1240a) is amended
17 to read as follows:

18 **“SEC. 411. CERTIFICATION.**

19 “(a) CERTIFICATION OF COMPLETION OF HIGH PRI-
20 ORITY COAL RECLAMATION PROJECTS.—(1) Pursuant to
21 the procedures set forth in this subsection, the Governor
22 of a State or the head of a governing body of an Indian
23 tribe with an approved abandoned mine reclamation
24 project under section 405, the Secretary, or the person
25 referred to in paragraph (4) may seek to certify the com-

1 pletion of all reclamation projects relating to the priorities
2 set forth in section 403(a) for eligible lands and water pur-
3 suant to section 404 in such State or tribe.

4 “(2) In the case of a Governor of a State or the head
5 of a governing body of an Indian tribe referred to in para-
6 graph (1), the certification shall be made to the Secretary
7 who, after notice in the Federal Register and opportunity
8 for public comment, shall concur with such certification
9 if the Secretary determines that such certification is cor-
10 rect.

11 “(3) The Secretary may, on his or her own volition,
12 cause the certification referred to in paragraph (1) to be
13 made in any State or tribe referred to in such paragraph
14 if on the basis of the inventory referred to in section
15 403(c) all reclamation projects relating to the priorities
16 set forth in section 403(a) for eligible lands and water pur-
17 suant to section 404 in such State or tribe have been com-
18 pleted. The Secretary shall only make such certification
19 after notice in the Federal Register and opportunity for
20 public comment.

21 “(4) Any person who resides in a State or tribe re-
22 ferred to in paragraph (1) may petition the Secretary to
23 make the certification referred to in paragraph (1). In fil-
24 ing such a petition, such person shall at a minimum pro-
25 vide evidence that all reclamation projects relating to the

1 priorities set forth in section 403(a) for eligible lands and
2 waters pursuant to section 404 have been completed.
3 Upon receipt of a petition under this paragraph, the Sec-
4 retary shall publish a notice in the Federal Register de-
5 scribing the nature of the petition and if, after notice and
6 opportunity for public comment, the Secretary determines
7 there is sufficient reason to make the certification referred
8 to in paragraph (1) the Secretary shall make such certifi-
9 cation.

10 “(b) ELIGIBLE LANDS, WATERS, AND FACILITIES.—
11 After a certification has been made under subsection (a),
12 for the purposes of determining the eligibility of lands and
13 waters for annual grants under section 402(g)(1), eligible
14 lands and waters shall be—

15 “(1) those eligible under section 404 but not
16 otherwise eligible under the priorities set forth in
17 section 403(a); and

18 “(2) upon the completion of all projects eligible
19 under paragraph (1), notwithstanding section 404,
20 eligible lands and waters which were mined or proc-
21 essed for minerals or which were affected by such
22 mining or processing, and abandoned or left in an
23 inadequate reclamation status prior to August 3,
24 1977, and for which there is no continuing reclama-
25 tion responsibility under State or other Federal

1 laws, except that in determining the eligibility under
2 this paragraph of lands and waters under the ad-
3 ministrative jurisdiction of the Forest Service or Bu-
4 reau of Land Management, in lieu of August 3,
5 1977, the applicable date shall be August 28, 1974,
6 and November 26, 1980, respectively.”.

7 “(c) PRIORITIES.—Expenditures of moneys for lands
8 and waters referred to in subsection (b) shall reflect the
9 following objectives and priorities in the order stated—

10 “(1) For the purpose of subsection (b)(1), the
11 restoration of land and water resources and the envi-
12 ronment previously degraded by adverse effects of
13 coal mining practices.

14 “(2) For the purpose of subsection (b)(2)—

15 “(A) the protection of public health, safety,
16 and property from extreme danger of adverse
17 effects of mineral mining and processing prac-
18 tices;

19 “(B) the protection of public health and
20 safety from adverse effects of mineral mining
21 and processing practices; and

22 “(C) the restoration of land and water re-
23 sources and the environment previously de-
24 graded by the adverse effects of mineral mining
25 and processing practices.

1 “(d) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—
2 Sites and areas designated for remedial action pursuant
3 to the Uranium Mill Tailings Radiation Control Act of
4 1978 (42 U.S.C. 7901 and following) or which have been
5 listed for remedial action pursuant to the Comprehensive
6 Environmental Response Compensation and Liability Act
7 of 1980 (42 U.S.C. 9601 and following) shall not be eligi-
8 ble for expenditures from the Fund under this section.

9 “(e) WATER SUPPLY RESTORATION.—Reclamation
10 projects involving the protection, repair, replacement, con-
11 struction, or enhancement of facilities relating to water
12 supply, including water distribution facilities and treat-
13 ment plants, to replace water supplies adversely affected
14 by past mineral mining and processing practices, may be
15 undertaken as they relate to eligible lands and waters
16 under subsection (b)(2).

17 “(f) PUBLIC FACILITIES.—Notwithstanding sub-
18 sections (c) and (e), where the Governor of a State or the
19 head of a governing body of an Indian tribe certified under
20 subsection (a) determines there is a need for the: (1) con-
21 struction of public facilities related to the coal or minerals
22 industry in States or tribe impacted by coal or minerals
23 development, or (2) the protection, repair, replacement,
24 construction, or enhancement of public facilities such as
25 recreation and conservation facilities adversely affected by

1 past coal or minerals mining and processing practices, and
2 the Secretary concurs with such need, then the State or
3 tribe, as the case may be, may use annual grants made
4 available under section 402(g)(1) to carry out such activi-
5 ties or construction.

6 “(g) APPLICATION OF OTHER PROVISIONS.—All pro-
7 visions of this title shall apply to this section, as they may
8 be applicable, except that for purposes of subsection
9 (b)(2), subsection (c) and subsection (e) the references to
10 ‘coal’ in this title shall be deemed to be references to ‘min-
11 erals’ or ‘mineral’.”

12 (i) Section 413 of the Surface Mining
13 Control and Reclamation Act of 1977 (30
14 U.S.C. 1242) is amended by striking sub-
15 section (d) and redesignating subsection
16 (e) as subsection (d).

17 **SEC. 3. PROVISIONS RELATING TO THE IMPLEMENTATION**
18 **OF THIS ACT.**

19 (a) REALLOCATIONS.—(1) Amounts allocated under
20 section 401(g)(2) of the Surface Mining Control and Rec-
21 lamation Act of 1977 (30 U.S.C. 1232(g)(2)) (excluding
22 interest) but not appropriated prior to the date of enact-
23 ment of this Act for the program set forth under section
24 406 shall be available for the purpose described in section
25 402(g)(5) of such Act.

1 (2) Notwithstanding any other provision of law, inter-
2 est credited to the fund established by section 401 of the
3 Surface Mining Control and Reclamation Act of 1977 (30
4 U.S.C. 1231) not transferred to the Combined Fund iden-
5 tified in section 402(h)(2) of such Act prior to the date
6 of enactment of this Act shall be transferred to such Com-
7 bined Fund within 30 days after the enactment of this
8 Act for the purpose set forth in section 402(h)(2) of the
9 Surface Mining Control and Reclamation Act of 1977 (30
10 U.S.C. 1232(h)(2)) as amended by this Act.

11 (b) INVENTORY.—(1) Within one year after the date
12 of enactment of this Act, the Secretary shall complete a
13 review of all amendments made by States and Indians
14 tribes since December 31, 1998, to the inventory referred
15 to in section 403(c) of the Surface Mining Control and
16 Reclamation Act of 1977 (30 U.S.C. 1233(c)) to insure
17 that such additions reflect eligible lands and waters pursu-
18 ant to section 404 of such Act meeting the priorities set
19 forth in section 403(a) of such Act, and are correctly iden-
20 tified pursuant to such priorities. In conducting such re-
21 view, any projects found to be included in the inventory
22 pursuant to the general welfare standard set forth in sec-
23 tion 403(a) of such Act prior to the date of enactment
24 of this Act shall be deemed as no longer being eligible
25 under section 403(a) of such Act as amended by this Act

1 and may only be carried out under section 411(c)(1) of
2 such Act.

3 (2) The Inspector General of the Department of the
4 Interior shall evaluate the review undertaken by the Sec-
5 retary under paragraph (1), and together with the Sec-
6 retary, report the results of the review to the Committee
7 on Energy and Natural Resources of the United States
8 Senate and the Committee on Resources of the United
9 States House of Representatives within 60 days after the
10 completion of the review.

11 (3) On an annual basis, the Inspector General of the
12 Department of the Interior shall review any amendments
13 made to the inventory referred to in section 403(c) of the
14 Surface Mining Control and Reclamation Act of 1977 (30
15 U.S.C. 1233(c)) to insure such amendments meet the pri-
16 orities set forth in section 403(a) of such Act.

17 (c) SAVINGS CLAUSE.—Nothing in this Act shall be
18 deemed as superseding, amending, modifying or repealing
19 any certification made pursuant to section 411 of the Sur-
20 face Mining Control and Reclamation Act of 1977 (30
21 U.S.C. 1240a) prior to the date of enactment of this Act.

○