

TITLE 30 - MINERAL LANDS AND MINING
CHAPTER 25 - SURFACE MINING CONTROL AND RECLAMATION
SUBCHAPTER IV - ABANDONED MINE RECLAMATIONS

§ 1240a. Certification

(a) Certification of completion of coal reclamation

(1) The Governor of a State, or the head of a governing body of an Indian tribe, with an approved abandoned mine reclamation program under section 1235 of this title may certify to the Secretary that all of the priorities stated in section 1233 (a) of this title for eligible lands and waters pursuant to section 1234 of this title have been achieved. The Secretary, after notice in the Federal Register and opportunity for public comment, shall concur with such certification if the Secretary determines that such certification is correct.

(2) (A) The Secretary may, on the initiative of the Secretary, make the certification referred to in paragraph (1) on behalf of any State or Indian tribe referred to in paragraph (1) if on the basis of the inventory referred to in section 1233 (c) of this title all reclamation projects relating to the priorities described in section 1233 (a) of this title for eligible land and water pursuant to section 1234 of this title in the State or tribe have been completed.

(B) The Secretary shall only make the certification after notice in the Federal Register and opportunity for public comment.

(b) Eligible lands, waters, and facilities

If the Secretary has concurred in a State or tribal certification under subsection (a) of this section, for purposes of determining the eligibility of lands and waters for annual grants under section 1232 (g)(1) of this title, section 1234 of this title shall not apply, and eligible lands, waters, and facilities shall be those—

(1) which were mined or processed for minerals or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to August 3, 1977; and

(2) for which there is no continuing reclamation responsibility under State or other Federal laws. In determining the eligibility under this subsection of Federal lands, waters, and facilities under the jurisdiction of the Forest Service or Bureau of Land Management, in lieu of the August 3, 1977, date referred to in paragraph (1) the applicable date shall be August 28, 1974, and November 26, 1980, respectively.

(c) Priorities

Expenditures of moneys for lands, waters, and facilities referred to in subsection (b) of this section shall reflect the following objectives and priorities in the order stated (in lieu of the priorities set forth in section 1233 of this title):

(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of mineral mining and processing practices.

(2) The protection of public health, safety, and general welfare from adverse effects of mineral mining and processing practices.

(3) The restoration of land and water resources and the environment previously degraded by the adverse effects of mineral mining and processing practices.

(d) Specific sites and areas not eligible

Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

(e) Utilities and other facilities

Reclamation projects involving the protection, repair, replacement, construction, or enhancement of utilities, such as those relating to water supply, roads, and such other facilities serving the public adversely affected by mineral mining and processing practices, and the construction of public facilities in communities impacted by coal or other mineral mining and processing practices, shall be deemed part of the objectives set forth, and undertaken as they relate to, the priorities stated in subsection (c) of this section.

(f) Public facilities related to coal or minerals industry

Notwithstanding subsection (e) of this section, where the Secretary has concurred in the certification referenced in subsection (a) of this section and where the Governor of a State or the head of a governing body of an Indian tribe determines there is a need for activities or construction of specific public facilities related to the coal or minerals industry in States impacted by coal or minerals development and the Secretary concurs in such need, then the State or Indian tribe, as the case may be, may use annual grants made available under section 1232 (g)(1) of this title to carry out such activities or construction.

(g) Application of other provisions

The provisions of sections 1237 and 1238 of this title shall apply to subsections (a) through (e) of this section, except that for purposes of this section the references to coal in sections 1237 and 1238 of this title shall not apply.

(h) Payments to States and Indian tribes

(1) In general

(A) Payments

(i) In general

Notwithstanding section 1231 (f)(3)(B) of this title, from funds referred to in section 1232 (i)(2) of this title, the Secretary shall make payments to States or Indian tribes for the amount due for the aggregate unappropriated amount allocated to the State or Indian tribe under subparagraph (A) or (B) of section 1232 (g)(1) of this title.

(ii) Conversion as equivalent payments

Amounts allocated under subparagraph (A) or (B) of section 1232 (g)(1) of this title shall be reallocated to the allocation established in section 1232 (g)(5) of this title in amounts equivalent to payments made to States or Indian tribes under this paragraph.

(B) Amount due

In this paragraph, the term “amount due” means the unappropriated amount allocated to a State or Indian tribe before October 1, 2007, under subparagraph (A) or (B) of section 1232 (g)(1) of this title.

(C) Schedule

Payments under subparagraph (A) shall be made in 7 equal annual installments, beginning with fiscal year 2008.

(D) Use of funds

(i) Certified States and Indian tribes

A State or Indian tribe that makes a certification under subsection (a) in which the Secretary concurs shall use any amounts provided under this paragraph for the purposes established by the State legislature or tribal council of the Indian tribe, with priority given for addressing the impacts of mineral development.

(ii) Uncertified States and Indian tribes

A State or Indian tribe that has not made a certification under subsection (a) in which the Secretary has concurred shall use any amounts provided under this paragraph for the purposes described in section 1233 of this title.

(2) Subsequent State and Indian tribe share for certified States and Indian tribes**(A) In general**

Notwithstanding section 1231 (f)(3)(B) of this title, from funds referred to in section 1232 (i)(2) of this title, the Secretary shall pay to each certified State or Indian tribe an amount equal to the sum of the aggregate unappropriated amount allocated on or after October 1, 2007, to the certified State or Indian tribe under subparagraph (A) or (B) of section 1232 (g)(1) of this title.

(B) Certified State or Indian tribe defined

In this paragraph the term “certified State or Indian tribe” means a State or Indian tribe for which a certification is made under subsection (a) in which the Secretary concurs.

(3) Manner of payment**(A) In general**

Subject to subparagraph (B), payments to States or Indian tribes under this subsection shall be made without regard to any limitation in section 1231 (d) of this title and concurrently with payments to States under that section.

(B) Initial payments

The first 3 payments made to any State or Indian tribe shall be reduced to 25 percent, 50 percent, and 75 percent, respectively, of the amounts otherwise required under paragraph (2)(A).

(C) Installments

Amounts withheld from the first 3 annual installments as provided under subparagraph (B) shall be paid in 2 equal annual installments beginning with fiscal year 2018.

(4) Reallocation**(A) In general**

The amount allocated to any State or Indian tribe under subparagraph (A) or (B) of section 1232 (g)(1) of this title that is paid to the State or Indian tribe as a result of a payment under paragraph (1) or (2) shall be reallocated and available for grants under section 1232 (g)(5) of this title.

(B) Allocation

The grants shall be allocated based on the amount of coal historically produced before August 3, 1977, in the same manner as under section 1232 (g)(5) of this title.

(Pub. L. 95–87, title IV, § 411, as added Pub. L. 101–508, title VI, § 6010(2), Nov. 5, 1990, 104 Stat. 1388–296; amended Pub. L. 109–432, div. C, title II, § 206, Dec. 20, 2006, 120 Stat. 3016.)

References in Text

The Uranium Mill Tailings Radiation Control Act of 1978, referred to in subsec. (d), is Pub. L. 95–604, Nov. 8, 1978, 92 Stat. 3021, as amended, which is classified principally to chapter 88 (§ 7901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7901 of Title 42 and Tables.

The Comprehensive Environmental Response Compensation and Liability Act of 1980, referred to in subsec. (d), probably means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§ 9601 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

Prior Provisions

A prior section 411 of Pub. L. 95–87 was renumbered section 412 and was classified to section 1241 of this title, prior to being omitted from the Code.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

Amendments

2006—Subsec. (a). Pub. L. 109–432, § 206(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (h). Pub. L. 109–432, § 206(2), added subsec. (h).

Effective Date

Section effective Oct. 1, 1991, see section 6014 of Pub. L. 101–508 set out as an Effective Date of 1990 Amendment note under section 1231 of this title.