

107TH CONGRESS
2^D SESSION

H. R. 4802

To amend the Surface Mining Control and Reclamation Act of 1977 to increase the incentives for States and Indian tribes to achieve reclamation priorities under that Act with respect to coal mining, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2002

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to increase the incentives for States and Indian tribes to achieve reclamation priorities under that Act with respect to coal mining, 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 “State and Tribal Min-
5 ing Reclamation Fairness Act of 2002”.

1 **SEC. 2. INCREASED INCENTIVES FOR STATES TO ACHIEVE**
2 **COAL MINING RECLAMATION PRIORITIES.**

3 (a) IN GENERAL.—Section 411 of the Surface Min-
4 ing Control and Reclamation Act of 1977 (30 U.S.C.
5 1240a) is amended by redesignating subsections (c)
6 through (g) in order as subsections (d) through (h), and
7 inserting after subsection (b) the following:

8 “(c) INCENTIVES FOR CERTIFICATION.—

9 “(1) IN GENERAL.—Effective beginning on the
10 date on which this subsection applies to a State or
11 Indian tribe under paragraph (2)—

12 “(A) the Secretary shall pay to the State
13 or tribe, without further Act of appropriation,
14 the allocated but unappropriated reclamation
15 fee balance of the State or tribe, respectively;

16 “(B) the amount of the reclamation fee re-
17 quired to be paid under section 402(a) with re-
18 spect to coal mined in the State or on lands
19 over which that tribe has jurisdiction, respec-
20 tively, shall be $\frac{1}{2}$ of the amount that would
21 otherwise apply under that section; and

22 “(C) the State or tribe, respectively, shall
23 not be eligible for any subsequent allocation
24 under section 402(g)(1).

1 “(2) DATE OF APPLICATION.—Paragraph (1)
2 shall apply to a State or Indian tribe effective on the
3 earlier of—

4 “(A) the date of the enactment of the
5 State and Tribal Mining Reclamation Fairness
6 Act of 2002, in the case of a State or tribe with
7 respect to which the Secretary concurred in a
8 State or tribal certification under subsection (a)
9 before that date;

10 “(B) the date on which the Secretary con-
11 curs in a certification by the State or tribe
12 under subsection (a); or

13 “(C) December 31, 2014.

14 “(3) USE OF PAYMENT.—A State or Indian
15 tribe shall use any payment under paragraph (1)(A)
16 to make grants to achieve any of the priorities set
17 forth in section 403(a) or subsection (d) of this sub-
18 section that remain unmet in the State or on lands
19 under the jurisdiction of the tribe, respectively. Such
20 grants shall be subject to requirements and restric-
21 tions that are substantially similar to the require-
22 ments and restrictions that apply with respect to
23 grants by the Secretary under section 402(g)(1).

24 “(4) ALLOCATED BUT UNAPPROPRIATED REC-
25 LAMATION FEE DEFINED.—In this subsection, the

1 term ‘allocated but unappropriated reclamation fee’
2 means, with respect to a State or Indian tribe, the
3 difference determined by subtracting—

4 “(A) the total amount of funds the State
5 or tribe has been allocated annually under sec-
6 tion 402(g)(1); from

7 “(B) the total amount of appropriated
8 funds that has been provided to the State or
9 tribe as grants under section 402(g)(1).”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 411 of the Surface Mining Control
12 and Reclamation Act of 1977 (30 U.S.C. 1241) is
13 further amended—

14 (A) in subsection (f) (as redesignated by
15 subsection (a) of this section) by striking “sub-
16 section (c)” and inserting “subsection (d)”;

17 (B) in subsection (g) (as so redesignated)
18 by striking “subsection (e)” and inserting “sub-
19 section (f)”;

20 (C) in subsection (h) (as so redesignated)
21 by striking “through (e)” and inserting
22 “through (f)”.

23 (2) Section 402(a) of such Act (30 U.S.C.
24 1232(a)) is amended—

1 (A) by striking “All operators” and insert-
2 ing “Subject to section 411(c)(1)(B), all opera-
3 tors”; and

4 (B) by inserting “before December 31,
5 2014,” after “produced” each place it appears.

6 (3) Section 402(g)(1) of such Act (30 U.S.C.
7 1232(g)(1)) is amended in the matter preceding sub-
8 paragraph (A) by inserting “of this section and sec-
9 tion 411(c)(1)(C)” after “Except as provided in sub-
10 section (h)”.

11 **SEC. 3. AVAILABILITY OF RECLAMATION FEES ALLOCATED**
12 **TO STATE AND TRIBES.**

13 Section 401(d) of the Surface Mining Control and
14 Reclamation Act of 1977 (30 U.S.C. 1231(d)) is
15 amended—

16 (1) by striking “Moneys” and inserting “AVAIL-
17 ABILITY.—(1) Except as provided in paragraph (2),
18 moneys”; and

19 (2) by adding at the end the following:

20 “(2) There shall be available, without further Act of
21 appropriation—

22 “(A) amounts collected after the date of enact-
23 ment of the State and Tribal Mining Reclamation
24 Fairness Act of 2002 that are allocated under sub-
25 section (g)(1); and

1 “(B) amounts required to be paid under section
2 411(c)(1)(A).”.

○