

112TH CONGRESS
1ST SESSION

S. 1455

To amend the Surface Mining Control and Reclamation Act of 1977 to authorize certified States and tribes to use amounts made available from the Abandoned Mine Reclamation Fund for hard rock and coal mining reclamation projects and to extend liability protection to certified States and Indian tribes carrying out approved abandoned mine reclamation programs.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2011

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to authorize certified States and tribes to use amounts made available from the Abandoned Mine Reclamation Fund for hard rock and coal mining reclamation projects and to extend liability protection to certified States and Indian tribes carrying out approved abandoned mine reclamation programs.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Surface Mining Con-
3 trol and Reclamation Act Amendments Act of 2011”.

4 **SEC. 2. AMENDMENTS TO THE SURFACE MINING CONTROL**
5 **AND RECLAMATION ACT OF 1977.**

6 (a) STATE RECLAMATION PROGRAM.—Section 405 of
7 the Surface Mining Control and Reclamation Act of 1977
8 (30 U.S.C. 1235) is amended in subsection (h) by striking
9 “subsection 402(g)” and inserting “subsections (g) and
10 (i)(2) of section 402”.

11 (b) CERTIFICATION.—Section 411 of the Surface
12 Mining Control and Reclamation Act of 1977 (30 U.S.C.
13 1240a) is amended—

14 (1) by striking subsection (b) and inserting the
15 following—

16 “(b) ELIGIBLE LAND, WATER, AND FACILITIES.—

17 “(1) IN GENERAL.—If the Secretary has con-
18 curred in a State or tribal certification under sub-
19 section (a)—

20 “(A) section 404 shall not apply; and

21 “(B) any amounts received by the State or
22 Indian tribe under this title may be used for eli-
23 gible land, water, and facilities—

24 “(i) that were—

1 “(I) mined or processed for min-
2 erals or affected by such mining or
3 processing; and

4 “(II) abandoned or left in an in-
5 adequate reclamation status before
6 August 3, 1977; and

7 “(ii) for which no continuing reclama-
8 tion responsibility exists under State or
9 other Federal laws.

10 “(2) APPLICABLE DATE FOR FOREST SERVICE
11 AND BLM.—In determining the eligibility under this
12 subsection of Federal land, waters, and facilities
13 under the jurisdiction of the Forest Service or Bu-
14 reau of Land Management, instead of the date re-
15 ferred to in paragraph (1)(B)(i)(II) the applicable
16 date shall be August 28, 1974, and November 26,
17 1980, respectively.”;

18 (2) in subsection (f), by striking “annual grants
19 made available under section 402(g)(1)” and insert-
20 ing “amounts received under subsections (g) and
21 (i)(2) of section 402”; and

22 (3) in subsection (h), by adding at the end the
23 following:

24 “(5) APPROVED ABANDONED MINE RECLAMA-
25 TION PROGRAM.—

1 “(A) IN GENERAL.—Any State or Indian
2 tribe that makes a certification under sub-
3 section (a) in which the Secretary concurs may
4 use any amounts received under this title to
5 carry out an approved abandoned mine rec-
6 lamation program in accordance with sub-
7 sections (b) through (g).

8 “(B) LIABILITY.—Section 405(l) shall
9 apply to both uncertified and certified States or
10 Indian tribes in carrying out an abandoned
11 mine reclamation program approved under this
12 title.”.

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